

**RULES
OF
THE TENNESSEE CORRECTIONS INSTITUTE
BOARD OF CONTROL**

**CHAPTER 1400-05
VOLUNTARY ACCREDITATION STANDARDS FOR LOCAL CORRECTIONAL FACILITIES**

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1400-05-.01 PREFACE.

- (1) Pursuant to T.C.A. § 41-4-140, the TCI is required to inspect local jails, lock-ups, and workhouses to determine whether a county merits Tier 1 or Tier 2 accreditation by the TCI pursuant to T.C.A. § 41-8-106(i).
- (2) These Tier 1 and Tier 2 accreditation standards apply to local correctional facilities that voluntarily adopt accreditation for the purposes of improving access to evidence-based inmate programming to help ensure inmates' successful reentry into society, reducing recidivism within the agency's jurisdiction, improved rehabilitation services, and increased reimbursement for state-sentenced inmates.
- (3) Nothing contained in these standards shall be construed to prohibit a city, county, or city and county agency operating a local correctional agency from adopting its own accreditation standards governing its personnel and facility.
- (4) These standards shall not be construed as authority to violate any state mandated local adult detention facility standards, fire safety standards, building standards, or health and safety codes.

Authority: T.C.A. §§ 4-5-201, et seq. and 41-8-106(i)(3)(B). **Administrative History:** Emergency rules filed September 30, 2021; effective through March 29, 2021.

1400-05-.02 DEFINITIONS.

The following definitions apply throughout this chapter:

- (1) "Applicant" means the local correctional facility that is applying for tier accreditation.
- (2) "Evidence-based program" means a program or programs shown by scientific research to effectively reduce recidivism rates and increase an offender's likelihood of success following release from incarceration, including programs focused on education, vocational training, mental health, substance abuse rehabilitation, or building healthy relationships.
- (3) For the purposes of these rules, "recidivism rate" means the number of unique offenders released from incarceration and the number of those unique offenders who subsequently return to incarceration within three years of release. For tracking purposes, offender release cohorts shall be categorized indicating whether the offender participant was a felon, misdemeanor, or pre-conviction program participant at the time of release. For the purposes of this definition, unique offender refers to a single person and measures recidivism for the three-year period following the unique offender's release from incarceration. A unique offender is considered a recidivist upon their first reincarceration after release. Multiple reincarcerations during the

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three-year period following release would not create a new unique offender or create a different recidivism outcome.

- (4) “TCI” means the Tennessee Corrections Institute.

Authority: T.C.A. §§ 4-5-201, et seq. and 41-8-106(i)(3)(B). **Administrative History:** Emergency rules filed September 30, 2021; effective through March 29, 2021.

1400-05-.03 GENERAL REQUIREMENTS.

- (1) An applicant must apply for accreditation by following the application instructions available on the TCI website, which may be amended from time to time.
- (2) An applicant must identify the accreditation tier for which the applicant is applying.
- (3) For each tier, there are 25 corresponding standards, comprised of five mandatory standards and 20 optional standards. The TCI inspection staff shall evaluate an applicant’s attainment of the standards that correspond to the tier that the applicant identifies. An applicant must meet all five mandatory standards and at least 17 of the 20 optional standards to achieve the corresponding level of accreditation. Once an applicant has met these standards, then the Board of Control must certify the applicant’s accreditation during the Board of Control’s next regularly scheduled meeting.

Authority: T.C.A. §§ 4-5-201, et seq. and 41-8-106(i)(3)(B). **Administrative History:** Emergency rules filed September 30, 2021; effective through March 29, 2021.

1400-05-.04 TIER 1 STANDARDS.

When both males and females are housed in the same facility, available services and programs should be comparable for those groups.

- (1) The Tier 1 mandatory standards are:
 - (a) The applicant offers at least one evidence-based program focusing on life skills or behavioral health. Programs may be conducted in-person or virtually.
 - (b) The applicant offers at least one program focusing on education or life skills. Programs may be conducted in-person or virtually. This requirement may be met in conjunction with the evidence-based requirement in subparagraph (a) of this paragraph.
 - (c) The applicant must be certified by TCI for at least two continuous years immediately preceding application, which may include certification pursuant to a TCI Board of Control Plan of Action.
 - (d) The applicant has a training plan that is reviewed and approved at least annually by the applicant’s administration. The plan includes:
 1. Provisions regarding leadership development and succession planning; and
 2. A requirement of at least 40 total hours of training—consisting of both classroom hours and on-the-job training—for newly hired correctional employees prior to being independently assigned to any post. The required 40 hours of training may be completed in conjunction with the orientation requirement required under T.C.A. § 41-4-140 and TCI Minimum Standards for Adult Local Correctional Facilities in paragraph (4) of Rule 1400-01-.06, and includes training on the following topics:

(Rule 1400-05-.04, continued)

- (i) Inmate supervision;
 - (ii) Verbal de-escalation;
 - (iii) Use-of-force regulations and tactics;
 - (iv) Medical and mental health awareness;
 - (v) Inmate program goals and qualifications; and
 - (vi) Responsibilities related to sexual abuse and sexual harassment prevention, detection, and reporting.
 - (e) The applicant has a written policy establishing zero tolerance of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment. The policy requires that when an employee of one sex enters an inmate unit occupied by inmates of the opposite sex, then the employee must announce the employee's presence in the unit. The applicant designates a senior-level, agency-wide coordinator with the authority to develop and effectuate the policy and investigate claims of sexual impropriety.
- (2) The Tier 1 optional standards are:
- (a) The applicant and county legislative body have established a County Corrections Partnership Committee or Criminal Justice Coordinating Committee by local resolution that addresses local facility programmatic needs, construction needs, overcrowding, recidivism rates, inmate needs, criminal justice system challenges, and other needs specifically related to the overall improvement of resources available for local correctional facilities. The Committee includes stakeholders from the local criminal justice system, local elected or appointed officials, and representatives from the community who have expertise in one or more of these topics. The Committee meets at least quarterly.
 - (b) The applicant has a policy outlining inmate program implementation, qualifications, participation, timelines, and statistics. The applicant tracks data on inmate programs, inmate populations, evidence-based data, work accomplished, number of active/past participants, local recidivism rates, and budget numbers, and reports this data quarterly and annually.
 - (c) The applicant trains all volunteers and contractors who have contact with inmates regarding sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
 - (d) The applicant has at least one staff member assigned to oversee rehabilitative, work, behavioral, and counseling programs for inmates. This assignment may be the staff member's primary duty or a non-primary duty.
 - (e) The applicant has adequate programming space, equipment, and technology to support the number of inmates and the types of programming opportunities offered.
 - (f) The applicant does not use or authorize the use of inmate housing that does not have adequate access to drinking water or toilets.

(Rule 1400-05-.04, continued)

- (g) The applicant offers inmate programs, services, and counseling and uses community resources to supplement these offerings.
- (h) The applicant has a detailed inmate classification policy that includes:
 - 1. The process for identifying the specific risks and needs of each inmate;
 - 2. A housing plan for separation of offenders; and
 - 3. A classification review process. The review process considers factors including security level, sentencing information, criminal and disciplinary history, program eligibility, significant incidents, and significant incident involvement. A classification review occurs, at a minimum, following each court action, following disciplinary action, and every 180 days of incarceration following the prior review.
- (i) The applicant has at least one staff member assigned to conduct formal inmate classification interviews. This assignment may be the staff member's primary duty or a non-primary duty.
- (j) The applicant has a staffing plan that has been reviewed by the Sheriff, County Mayor, and Facility Administrator, or by other appointing authorities as applicable under state law. The staffing plan includes scheduling plan, relief plans, minimum coverage and ideal coverage levels, and supervisory plans for work, education, and rehabilitative programs.
- (k) The applicant provides at least 12 hours of onsite medical coverage per week and on-call medical coverage seven days per week. Onsite medical coverage is conducted by a licensed practical nurse, registered nurse, advanced practice nurse, physician assistant, or physician.
- (l) The applicant has at least one staff member assigned to review the inmate population needs and sentencing management. This staff member is responsible for tracking who is in custody, how long each inmate has been in custody, the confinement and court status of each inmate, each inmate's needs and services required while in custody, and each inmate's needs and the services each inmate should be connected to upon release. This assignment may be the staff member's primary duty or a non-primary duty.
- (m) The applicant has a pretrial diversion program that assesses an inmate's eligibility for pretrial diversion options, based in part on the inmate's risk assessment outcomes.
- (n) The applicant uses a validated screening tool for mental illness and substance abuse disorders to determine inmate mental health and substance abuse needs. The applicant communicates the screening results to the appropriate treatment providers and judicial officers on a need-to-know basis subject to and in compliance with applicable privacy/confidentiality laws.
- (o) The applicant's correctional staff complete annual in-service training including the following topics:
 - 1. Use of force and verbal de-escalation protocols;
 - 2. Inmate programming goals;
 - 3. Inmate classification procedures;
 - 4. Mental health awareness; and

(Rule 1400-05-.04, continued)

5. Responsibilities related to sexual abuse and sexual harassment prevention, detection, and reporting.
 - (p) The applicant annually reports the probation and parole violators processed through the facility including the nature of each violation (technical violation or new crime), the classification of each violation as a felony or misdemeanor, whether each violator is male or female, and whether each violation is state or local.
 - (q) The applicant has at least one staff member assigned to oversee the applicant's compliance with TCI minimum standards and these accreditation standards. This assignment may be the staff member's primary duty or a non-primary duty.
 - (r) The applicant conducts and evaluates individual health emergency drills (also known as "man down" drills) at least once per year per shift where health staff are assigned.
 - (s) The applicant has correctional personnel who have completed a certified course in critical incident response or crisis intervention to address incidents requiring these specialized services for both officers and inmates.
 - (t) The applicant has at least one staff member assigned to monitor and review contracts related to medical, mental health, food service, commissary, maintenance, phone, or other services that the applicant contracts out to a third party. This assignment may be the staff member's primary duty or a non-primary duty.

Authority: T.C.A. §§ 4-5-201, et seq. and 41-8-106(i)(3)(B). **Administrative History:** Emergency rules filed September 30, 2021; effective through March 29, 2021.

1400-05-.05 TIER 2 STANDARDS.

When both males and females are housed in the same facility, available services and programs should be comparable for those groups.

- (1) The Tier 2 mandatory standards are:
 - (a) The applicant qualifies for Tier 1 accreditation.
 - (b) The applicant has at least one staff member whose primary assignment is to oversee the applicant's compliance with these accreditation standards. This assignment must be the staff member's primary duty.
 - (c) The applicant offers at least two evidence-based programs focusing on life skills or behavioral health. Programs may be conducted in-person or virtually.
 - (d) The applicant offers at least one program focusing on education or life skills. Programs may be conducted in-person or virtually. This requirement may be met in conjunction with the evidence-based requirement in subparagraph (c) of this paragraph.
 - (e) The applicant screens inmates for risks of victimization and abusiveness. An inmate is screened during the inmate's intake and upon the inmate's transfer to another facility for the inmate's risk of being sexually abused by other inmates or sexually abusive toward other inmates. The intake screening takes place within 72 hours of the inmate's arrival at the facility.
- (2) The Tier 2 optional standards are:

(Rule 1400-05-.05, continued)

- (a) The applicant provides sufficient medical staff to provide inmates with medical treatment that is consistent with the standards of care. The applicant has a staffing plan that is based on an independent assessment conducted by a qualified third party that evaluated the applicant's ability to meeting the health needs of the inmate population. The assessment and plan must be reevaluated at least every four years.
- (b) The applicant either provides at least 16 hours of onsite medical coverage per day or otherwise provides medical staffing consistent with the National Commission on Correctional Health Care guidelines. Onsite medical coverage is conducted by a licensed practical nurse, registered nurse, advanced practice nurse, physician assistant, or physician.
- (c) The applicant provides on-call mental health services seven days per week. The applicant also provides either onsite mental health services five days per week or telehealth mental health services 40 hours per week.
- (d) The applicant is located in a county that has adopted the Stepping Up initiative.
- (e) The applicant requires that prescription medication is administered to inmates by qualified medical personnel only.
- (f) The applicant provides inmate counseling services, either onsite or online, at least three days per week to address inmates' specific needs related to addiction, anger management, rehabilitation, education, and other factors identified by the facility administration.
- (g) The applicant meets or exceeds all physical plant standards outlined in T.C.A. § 41-4-140, regardless of the age of the facility.
- (h) The applicant shall employ or have access to personnel designated to apply for grants that would enable enhanced inmate programs, staffing, facility improvements, rehabilitation, officer services, or other operational improvements.
- (i) The applicant has a training plan that requires least 120 total hours of training—consisting of both classroom hours and on-the-job training—for newly hired correctional employees prior to being independently assigned to any post. The required 120 hours of training may be completed in conjunction with the orientation requirement required under T.C.A. § 41-4-140 and TCI Minimum Standards for Adult Local Correctional Facilities in paragraph (4) of Rule 1400-01-.06.
- (j) The applicant requires that correctional employees in mid-level management positions complete at least 10 total hours of leadership and professional development training annually. The applicant requires that correctional employees in senior-level management positions complete at least 20 total hours of leadership and professional development training annually.
- (k) The applicant has a quality control plan that requires an annual review of facility operations to ensure compliance with facility policies and procedures. Any required corrective measures are identified and completed. At a minimum, the internal quality control plan addresses the following areas:
 - 1. Inmate program effectiveness;
 - 2. Inmate health care;

(Rule 1400-05-.05, continued)

3. Security and control;
 4. Use-of-force statistics;
 5. Safety and sanitation;
 6. Food services;
 7. Inmate grievance program;
 8. Staff training and professional certifications; and
 9. Employee retention.
- (l) The applicant has at least one partnership with a provider of post-incarceration re-entry services that provides housing or job placement for inmates upon release.
- (m) The applicant has at least one job certification or apprenticeship program to enhance employment opportunities for the inmate upon release. The program has a detailed description certification or apprenticeship requirements, instructor credentials, and description of the work opportunities created.
- (n) The applicant provides inmate screening upon intake to determine whether an inmate has experienced prior sexual victimization and whether the victimization occurred in an institutional setting or in the community. If the inmate did experience sexual victimization, then the applicant offers a follow-up meeting for the inmate with a medical or mental health professional within 14 days of the intake screening.
- (o) The applicant regularly conducts root-cause analysis reviews in response to critical or significant events, as defined by facility policy. Examples of such events may include suicide attempts, fights, sexual assault, and major maintenance problems.
- (p) The applicant provides inmates with an orientation program within 10 days of intake. The orientation program outlines all facility programs, the qualifications for participation in the various program, services offered at the facility, facility rules and regulations, information about court process, notification of the zero-tolerance sexual assault and sexual harassment policy, and healthcare screening availability.
- (q) The applicant has a work release program in accordance with T.C.A. § 41-4-140 and the Standards for Adult Local Correctional Facilities described in paragraph (6) of Rule 1400-01-.12. The applicant follows stringent guidelines to ensure the safety of the local community and follows all applicable fee schedules required by state law. The applicant generates an annual report to provide statistical analysis of the following: inmate participation; recidivism rates; program attrition; inmate satisfaction of fines, fees, and child support obligations; and inmate savings. The applicant shall submit the annual report to the facility administration, the county legislative body, and the work-release commission.
- (r) The applicant completes a staffing analysis within 12 months of applying for accreditation. The completed staffing analysis must be presented to the County Commission and either the County Corrections Partnership Committee or the Criminal Justice Coordinating Committee for review. The staffing analysis must be completed by a reputable entity familiar with and specialized in correctional facility operations. The analysis is valid for four years following its completion date. The applicant and either the

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County Corrections Partnership Committee or the Criminal Justice Coordinating Committee shall perform and document an annual review and update of the plan coincident with the annual budget preparation.

- (s) The applicant has a documented succession plan for identifying and developing new leaders to increase the availability of experienced and capable employees who are prepared to assume leadership roles. The applicant provides access to leadership development training through correctional leadership programs, state or national corrections-based conference attendance, or other public safety-based leadership initiatives.
- (t) The applicant has established measurable goals and objectives that are reviewed at least annually and updated as needed, as well as an internal system for assessing achievement of goals and objectives through documents findings. As necessary, program changes are implemented in response to findings. The applicant generates an annual report that includes goals, objectives, inmate programming, and all aspects of contributing factors to the inmate population—such as arrest data, probation and parole data, sentencing, arraignment time, bonding, citations in lieu of arrest, budget, and staffing.

Authority: T.C.A. §§ 4-5-201, et seq. and 41-8-106(i)(3)(B). **Administrative History:** Emergency rules filed September 30, 2021; effective through March 29, 2021.