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Sequence Number: 10-22-17
 Rule ID(s): 6628
 File Date: 10-24-17
 Effective Date: 1-22-18

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

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

Agency/Board/Commission:	Department of Commerce and Insurance
Division:	Tennessee Corrections Institute
Contact Person:	Joseph Underwood
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1400-01	Minimum Standards for Local Correctional Facilities
Rule Number	Rule Title
1400-01-.06	Personnel
1400-01-.07	Security
1400-01-.11	Mail and Visiting
1400-01-.15	Hygiene

(Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to http://sos.tn.gov/sites/default/files/forms/Rulemaking_Guidelines_August2014.pdf)

Amendments
Chapter 1400-01

Paragraph (2) of rule 1400-01-.06 Personnel shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that paragraph (2) shall read as follows:

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

This requirement applies only to Type I, II, and III Facilities.

Authority: T.C.A. § 41-4-140.

Subparagraph (g) of paragraph (23) of rule 1400-01-.07 Security shall be amended by deleting the existing subparagraph in its entirety and substituting the following, so that subparagraph (g) shall read as follows:

- (g) Facility employees are instructed to use deadly force on inmates only after other actions have been tried and found ineffective, unless the employee believes that a person's life is immediately threatened;

Authority: T.C.A. § 41-4-140.

Paragraph (6) of rule 1400-01-.11 Mail and Visiting shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that paragraph (6) shall read as follows:

- (6) An inmate and his/her correspondent shall be notified if either person's letter is rejected and given a reasonable opportunity to protest the rejection to an impartial official prior to the facility returning the letter to its sender.

This requirement applies only to Type I Facilities.

Authority: T.C.A. § 41-4-140.

Paragraph (5) of rule 1400-01-.15 Hygiene shall be amended by deleting the existing paragraph in its entirety and substituting the following, so that paragraph (5) shall read as follows:

- (5) Inmates shall be allowed freedom in personal grooming except when a valid governmental interest justifies otherwise. However, in no event shall a substantial burden be imposed on an inmate's exercise of a sincerely held religious belief, unless it is: (1) in furtherance of a compelling governmental interest; and, (2) the least restrictive means of furthering that compelling governmental interest. Arrangements for haircuts shall be made available, at the inmate's expense, on a regular basis. If an inmate cannot afford this service, it shall be provided free of charge.

This requirement applies only to Type I Facilities.

Authority: T.C.A. § 41-4-140.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Mayor Dan Hughes	X				
Chief Buddy Lewis	X				
Sheriff Armando Fontes	X				
Dr. Elizabeth Lewis	X				
Commissioner Tony Parker	X				
Don Johnson	X				
Sheriff William Oldham	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on 09/06/2017 (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 9/28/2017

Signature: [Handwritten Signature]

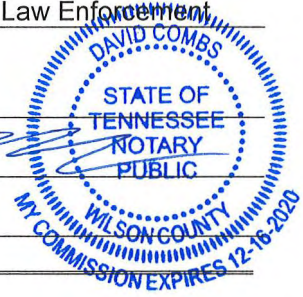
Name of Officer: Joseph M. Underwood

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

Subscribed and sworn to before me on: 9/28/17

Notary Public Signature: [Handwritten Signature]

My commission expires on: 12/16/20



Agency/Board/Commission: _____

Rule Chapter Number(s): _____

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

[Handwritten Signature]
Herbert H. Slatery III
Attorney General and Reporter

10/12/2017 Date

Department of State Use Only

Filed with the Department of State on: 10-24-17

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PUBLICATIONS

Effective on:

1-22-18



Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

Economic Impact Statement:

1. Types and estimated number of small businesses directly affected:

Only small businesses that operate correctional facilities, including jails and workhouses, for a municipal or county government will be affected by the promulgation of these rules.

2. Projected reporting, recordkeeping, and other administrative costs:

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

3. Probable effect on small businesses:

Only small businesses that operate correctional facilities, including jails and workhouses, for a municipal or county government will be affected by the promulgation of these rules.

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

No recommendations for less burdensome, intrusive or costly alternative methods have been offered, identified or recommended for use.

5. Comparison with federal and state counterparts:

These rules will amend existing Chapter 1400-01, and are required to comply with federal and state law including the following court decisions: *Procurier v. Martinez*, 94 S.Ct. 1800 (1974); *Martin v. Kelley*, 803 F.2d 236 (6th Cir. 1986); *Holt v. Hobbs*, 135 S.Ct. 853 (2015); and, the Religious Land Use and Institutionalized Persons Act.

6. Effect of possible exemption of small businesses:

There are no exemptions to the requirements contained in these rules for small businesses.

Impact on Local Governments

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

These rules will impact local municipal or county governments that operate correctional facilities, including jails and workhouses.

Additional Information Required by Joint Government Operations Committee

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

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

Rule 1400-01-.06 Personnel is amended to provide that notice shall be provided to and consent obtained in writing prior to an agency conducting criminal history checks on specified persons. Amendments to rule 1400-01-.07 Security on the use of deadly force will clarify that the scope of the rule is limited to inmates and does not include civilians so as not to violate the 4th Amendment. Rule 1400-01-.11 Mail and Visiting is amended to comply with federal law, *Procunier v. Martinez*, 94 S.Ct. 1800 (1974) and *Martin v. Kelley*, 803 F.2d 236 (6th Cir. 1986), in regards to providing notice of and an opportunity to protest the restriction on the delivery of mail. Rule 1400-01-.15 Hygiene is amended to comply with federal law (e.g. *Holt v. Hobbs*, 135 S.Ct. 853 (2015) and the Religious Land Use and Institutionalized Persons Act).

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

T.C.A. § 41-4-140(a) provides that the Tennessee Corrections Institute has the power and duty: to establish minimum standards for local jails, lock-ups and workhouses, including, but not limited to, standards for physical facilities and standards for correctional programs of treatment, education and rehabilitation of inmates and standards for the safekeeping, health and welfare of inmates; to establish guidelines for the security of local jails, lock-ups and workhouses for the purpose of protecting the public from criminals and suspected criminals by making the facilities more secure and thereby reducing the chances that a member of the public or a facility employee will be killed or injured during an escape attempt or while an inmate is fleeing from law enforcement officials following an escape; to inspect all local jails, lock-ups, workhouses and detention facilities at least once a year and publish the results of the inspections; and, to establish and enforce procedures to ensure compliance with the adopted minimum standards so as to ensure the welfare of all persons committed to the institutions. T.C.A. § 41-7-106(c) authorizes the Tennessee Corrections Institute Board of Control to promulgate rules and regulations for the implementation and the effective operation of the agency's responsibilities. Pursuant to *Procunier v. Martinez*, 94 S.Ct. 1800 (1974) and *Martin v. Kelley*, 803 F.2d 236 (6th Cir. 1986), both sender and receiver of letters must receive notice and an opportunity to protest to a neutral officer if the mail is rejected. Pursuant to *Holt v. Hobbs*, 135 S.Ct. 853 (2015), grooming rules need to comply with federal law, specifically the Religious Land Use and Institutionalized Persons Act.

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

Any entity that operates correctional facilities, including jails and workhouses, for a municipal or county government will be affected by these rules.

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

OAG 03-101 (8/19/03), OAG 04-026 (2/12/04), and OAG 11-063 (8/26/11). *Procunier v. Martinez*, 94 S.Ct. 1800 (1974), *Martin v. Kelley*, 803 F.2d 236 (6th Cir. 1986), and *Holt v. Hobbs*, 135 S.Ct. 853 (2015).

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

Minimal

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

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

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

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

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

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

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

None.

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

**CHAPTER 1400-01
MINIMUM STANDARDS FOR LOCAL CORRECTIONAL FACILITIES**

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1400-01-.06 PERSONNEL.

- (1) Type I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) After providing notice and obtaining consent in writing, a criminal history check shall be conducted on all new facility employees, service providers with continuous access to restricted areas, contractors, and volunteers prior to their assuming duties to identify if there are criminal convictions that have a specific relationship to job performance. This criminal history check includes comprehensive identifier information to be collected and run against law enforcement indices. If suspect information on matter with potential terrorism connections is returned on the person, this information shall be forwarded to the local Joint Terrorism Task Force (JTTF) or other similar agency.

This requirement applies only to Type I, II, and III Facilities.

- (3) Facilities shall develop a personnel policy manual made available to each employee, and which provides information on the following subjects:
 - (a) Description of organizational structure;
 - (b) Position descriptions;
 - (c) Personnel rules and regulations;
 - (d) Recruitment procedures;
 - (e) Equal employment opportunity provisions;
 - (f) Work hours;
 - (g) Personnel records;
 - (h) Employee evaluation;
 - (i) In-Service training;
 - (j) Hostage policy; and
 - (k) Use of force.

These requirements apply only to Type I Facilities.

- (4) Prior to assuming duties, all detention facility employees, support employees and non-facility support staff shall receive orientation training regarding the functions and mission of the facility under the supervision of a qualified detention officer. This training may be accomplished through classroom instruction, supervised on-the-job training, an individual review of policies and procedures, or any combination of the three and shall include:
- (a) Facility policies and procedures;
 - (b) Suicide prevention;
 - (c) Use-of-force;
 - (d) Report writing;
 - (e) Inmate rules and regulations;
 - (f) Key control;
 - (g) Emergency plans and procedures;
 - (h) Cultural diversity;
 - (i) Communication skills; and
 - (j) Sexual misconduct.

These requirements apply only to Type I, II, and III Facilities.

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

This requirement applies only to Type I, II, and III Facilities.

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

This requirement applies only to Type I, II, and III Facilities.

- (7) All non-facility support staff who have regular or daily inmate contact, shall receive a minimum of four (4) hours continuing annual training, which may include:
- (a) Security procedures and regulations;
 - (b) Supervision of inmates;
 - (c) Signs of suicide risk;
 - (d) Suicide precautions;
 - (e) Use-of-force regulations and tactics;
 - (f) Report writing;
 - (g) Inmate rules and regulations;

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

These requirements apply only to Type I, II, and III Facilities.

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

This requirement applies only to Type I, II, and III Facilities.

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

This requirement applies only to Type I, II, and III Facilities.

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

This requirement applies only to Type I, II, and III Facilities.

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

This requirement applies only to Type I and II Facilities.

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

This requirement applies only to Type I, II, and III Facilities.

- (13) Tennessee P.O.S.T. certified officers may perform the basic functions outlined within the standards, if the correctional facility has been approved as a Type IV facility by the Tennessee Corrections Institute Board of Control. Any employee who does not possess or maintain a P.O.S.T. Certification as specified in this rule, shall be required to comply with all training and reporting standards outlined within the minimum jail standards and policy contained in Tenn. Comp R. & Regs. 1400-06. Under no circumstances shall any employee of a correctional facility be allowed to perform correctional functions without possessing a valid Tennessee P.O.S.T. Certification (for Type IV Facility) or certification from the Tennessee Corrections Institute (All Facilities) as it relates to the duties of a correctional employee.

This requirement applies only to Type IV Facilities.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new chapter filed June 29, 1984; effective September 11, 1984. Repeal and new rule filed October 29, 2014; effective January 27, 2015.

1400-01-.07 SECURITY.

- (1) Types I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) Each newly admitted inmate shall be thoroughly searched for weapons and other contraband immediately upon arrival in the facility, regardless of whether the arresting officer previously conducted a search.
- (3) A record shall be maintained on a search administered to a newly admitted inmate.
- (4) Facilities shall maintain policy and procedures to require that all inmates, including trustees, shall be searched thoroughly by detention officers when the inmates enter and leave the security area.

This requirement applies only to Type I Facilities.

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

This requirement applies only to Type I Facilities.

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

This requirement applies only to Type I, II, and III Facilities.

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

This requirement applies only to Type I Facilities.

- (8) There shall be one (1) full set of well-identified keys, other than those in use, secured in a place accessible only to facility personnel for use in the event of an emergency. These keys shall be easily identifiable by sight and touch under adverse conditions.
- (9) Written policy and procedures shall govern the availability, control, inventory, storage, and use of firearms, less-lethal weapons, and related security devices, and specify the level of authority required for their access and use. Chemical agents and electrical disablers shall be used only with the authorization of the facility administrator or designee. Access to storage areas shall be restricted to authorized facility employees and the storage space shall be located in an area separate from and apart from inmate housing or activity areas. A written report shall be submitted to the facility administrator when such weapons are used.

This requirement applies only to Type I, II, and III Facilities.

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

This requirement applies only to Type I, II, and III Facilities.

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

This requirement applies only to Type I and II Facilities.

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

This requirement applies only to Type I and II Facilities.

- (13) Facilities shall develop a written policy and procedure to provide for continuous inspection, inventory, and maintenance of all locks, tools, kitchen utensils, toxic, corrosive, and flammable substances and other potentially dangerous supplies and equipment.

This requirement applies only to Type I Facilities.

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

This requirement applies only to Type I Facilities.

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

This requirement applies only to Type I, II, and III Facilities.

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

This requirement applies only to Type I, II, and III Facilities.

- (17) The security perimeter shall ensure that inmates are secured and that access by the general public without proper authorization is denied.
- (18) All inmate movement from one area to another shall be controlled by facility employees.
- (19) Facility employees shall maintain a permanent log and prepare shift reports that record routine information, emergency situations, and unusual incidents.

This requirement applies only to Type I, II, and III Facilities.

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

This requirement applies only to Type I, II, and III Facilities.

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

This requirement applies only to Type I, II, and III Facilities.

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

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

These requirements apply only to Type I, II, and III Facilities.

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

- (a) A written policy and procedure that governs the availability, control, and use of chemical agents and firearms;
- (b) Firearms, chemical agents, and related security and emergency equipment are inventoried and tested at least quarterly;
- (c) Weapons are subjected to stringent safety regulations and inspections;

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

These requirements apply only to Types I, II, and III Facilities.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Amendment filed July 2, 1985; effective October 14, 1985. Repeal and new rule filed October 29, 2014; effective January 27, 2015.

1400-01-.11 MAIL AND VISITING.

- (1) Type I, II, III, and IV facilities shall meet the following requirements unless otherwise specified.
- (2) Facilities shall maintain a written policy outlining the facility's procedures governing inmate mail.

This requirement applies only to Type I Facilities.

- (3) Facilities shall develop a written policy governing the censoring of mail. Any regulation for censorship must meet the following criteria:
 - (a) The regulation must further an important and substantial governmental interest unrelated to the suppression of expression (e.g., detecting escape plans which constitute a threat to facility security and/or the well-being of employees and/or inmates); and,
 - (b) The limitation must be no greater than is necessary for the protection of the particular governmental interest involved.

These requirements apply only to Type I Facilities.

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

This requirement applies only to Type I Facilities.

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

This requirement applies only to Type I Facilities.

- (6) An inmate and his/her correspondent shall be notified if either person's letter addressed to the inmate or written by the inmate is rejected and, if the inmate wrote the rejected letter, the inmate must be given a reasonable opportunity to protest the rejection to an impartial officer prior to the facility returning the letter to its sender.

This requirement applies only to Type I Facilities.

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

This requirement applies only to Type I Facilities.

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

- (a) One (1) hour of visitation each week for each inmate;
- (b) A list of possible visitors;
- (c) Children shall be allowed to visit their parents;
- (d) Visitors shall register before admission and may be denied admission for refusal to register, for refusal to consent to search, or for any violation of posted institutional rules; and
- (e) Probable cause shall be established in order to perform a strip or body cavity search of a visitor. When probable cause exists, the search shall be documented and performed by the proper authority and by authorized personnel.

These requirements apply only to Type I Facilities.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new chapter filed June 29, 1984; effective September 11, 1984. Repeal and new rule filed October 29, 2014; effective January 27, 2015.

1400-01-.15 HYGIENE.

- (1) Type I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) Inmates shall be issued clothing within a reasonable time frame that is properly fitted and suitable for the climate and shall include the following:
 - (a) Clean socks;
 - (b) Clean undergarments;
 - (c) Clean outer garments; and,
 - (d) Footwear.
 - (e) Inmates' personal clothing (if available and clean) may be substituted for institutional clothing at the discretion of the facility administrator.

These requirements apply only to Type I and II Facilities.

- (3) Provisions shall be made so that inmates can regularly obtain the following minimum hygiene items:
- (a) Soap;
 - (b) Toothbrush;
 - (c) Toothpaste or toothpowder;
 - (d) Comb;
 - (e) Toilet paper;
 - (f) Hygiene materials for women; and
 - (g) Shaving equipment.
- (h) These items or services shall be made available at the inmate's expense unless the inmate cannot afford to pay, in which case the inmate shall be provided the item or services free of charge.

These requirements apply only to Type I and II Facilities.

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

This requirement applies only to Type I and II Facilities.

- (5) Inmates shall be allowed freedom in personal grooming except when a valid governmental interest justifies otherwise. However, in no event shall a substantial burden be imposed on an inmate's exercise of a sincerely held religious belief, unless it is: (1) in furtherance of a compelling governmental interest; and, (2) the least restrictive means of furthering that compelling governmental interest. Arrangements for haircuts shall be made available, at the inmate's expense, on a regular basis. If an inmate cannot afford this service, it shall be provided free of charge.

This requirement applies only to Type I Facilities.

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

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

These requirements apply only to Types I and II Facilities.

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

- (a) Sheets, pillowcases, mattress covers, and towels shall be changed and washed at least once a week;

- (b) All mattresses shall be disinfected quarterly and documented; and
- (c) Blankets shall be laundered monthly and sterilized before re-issue.

These requirements apply only to Type I Facilities.

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

This requirement applies to Type I Facilities.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Amendment filed July 31, 2000; effective November 28, 2000. Repeal and new rule Filed October 29, 2014; effective January 27, 2015.