

# Coeur d'Alene

## CITY COUNCIL MEETING

*October 1, 2013*

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**MEMBERS OF THE CITY COUNCIL:**

**Sandi Bloem, Mayor**

**Councilmen Edinger, Goodlander, McEvers, Kennedy, Gookin, Adams**

# CONSENT CALENDAR

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL  
September 17, 2013**

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene Library Community Room, September 17, 2013, at 6:00 p.m., there being present upon roll call the following members:

Dan Gookin	)	Members of Council Present
Steve Adams	)	
Loren Ron Edinger	)	
Deanna Goodlander	)	(Via Telephone)
Woody McEvers	)	
Mike Kennedy, Mayor Pro Tem	)	

**ABSENT:** Mayor Bloem

**CALL TO ORDER:** The meeting was called to order by Mayor Pro Tem Kennedy.

**PLEDGE OF ALLEGIANCE:** The pledge of allegiance was led by Councilman Edinger.

**INVOCATION** was led by Robert Feitveit, Elijah House.

**PUBLIC HEARING – AMENDMENTS TO ANNUAL APPROPRIATIONS FOR FY 2012-2013:** Mayor Pro Tem Kennedy read the rules of order for this legislative public hearing. Troy Tymesen, Finance Director, gave the staff report reviewed the revenue line items that offset the expenses pursuant to Idaho Code 50-1003. He further said that there is no increase in property taxes and noted that the city had a very strong very good strong year including an increase of \$435,000 in building fees and licenses, a \$233,000 increase in Intergovernment funds above what was anticipated, and a slight increase in the services, and fines and forfeitures line items. Mr. Tymesen said that interest income is less than anticipated by \$31,000. Miscellaneous income includes surplus items that were sold, for a total increase of \$729,225. The total budget increased by \$1,172,435 and Mr. Tymesen reviewed the added expenses that weren't anticipated at the beginning of the fiscal year. The costs are offset by revenues in the General Fund. Mr. Tymesen also reviewed other added expenses out of the General Fund, including impact fees, capital projects, sanitation fund, LID 146, and the insurance fund.

**PUBLIC COMMENTS:**

There were no public comments.

**ORDINANCE NO. 3470  
COUNCIL BILL NO. 13-1015**

AN ORDINANCE AMENDING ORDINANCE NO. 3462, THE AMENDED ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, APPROPRIATING THE SUM OF ~~\$77,176,229~~, 78,348,664 WHICH SUM INCLUDES ADDITIONAL MONIES RECEIVED BY THE CITY OF COEUR D'ALENE IN THE SUM OF \$1,172,435; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene, Kootenai County, Idaho:

Section 1

That Section 1 of Ordinance 3462, is hereby amended to read as follows:

That the sum of ~~\$77,176,229~~, \$78,348,664 be and the same is hereby appropriated to defray the necessary expenses and liabilities of the City of Coeur d'Alene, Kootenai County, Idaho, for the fiscal year beginning October 1, 2012.

Section 2

That Section 2 of Ordinance 3462; is hereby amended to read as follows:

That the objects and purposes for which such appropriations are made are as follows:

\* \* \* \* \*

\* \* \* \* \*

<b>GENERAL FUND EXPENDITURES:</b>			
Mayor and Council	\$ 220,014		
Administration	399,866		
Finance Department	676,928		
Municipal Services	1,369,649		1,395,149
Human Resources	241,663	243,963	
Legal Department	1,428,897		1,439,897
Planning Department	475,512		502,512
Building Maintenance	398,419		
Police Department	9,969,692		10,203,682
Drug Task Force	36,700		71,700
ADA Sidewalks	220,785		
Byrne Grants	149,077		336,077
COPS Grant	69,819		79,819
Fire Department	7,627,429	7,729,672	7,869,087
General Government	192,635	942,635	
Engineering Services	1,238,436	3,203,536	3,213,036
Streets/Garage	2,390,303		
Parks Department	1,665,888		1,694,888
Recreation Department	764,454		775,774
Building Inspection	721,439		731,939
<b>TOTAL GENERAL FUND EXPENDITURES:</b>	<b>\$ 30,257,605</b>	<b>33,077,248</b>	<b>33,806,473</b>
<b>SPECIAL REVENUE FUND EXPENDITURES:</b>			
Library Fund	\$ 1,278,960		
Community Development Block Grant	267,325		
Impact Fee Fund	613,133	913,133	1,063,133
Parks Capital Improvements	881,215	1,870,524	
Annexation Fee Fund	70,000		
Insurance / Risk Management	264,000		269,000
Cemetery Fund	239,300		
Cemetery Perpetual Care Fund	98,000		
Jewett House	42,000		
Reforestation / Street Trees / Community	68,000		
Arts Commission	7,000		
Public Art Funds	245,000		
<b>TOTAL SPECIAL FUNDS:</b>	<b>\$ 4,073,933</b>	<b>\$ 5,363,242</b>	<b>5,518,242</b>

<b>ENTERPRISE FUND EXPENDITURES:</b>			
Street Lighting Fund	\$ 570,050		
Water Fund	7,602,289		
Wastewater Fund	18,996,924	19,326,924	
Water Cap Fee Fund	850,000		
WWTP Cap Fees Fund	879,336		
Sanitation Fund	3,285,480		3,415,480
City Parking Fund	575,957	607,728	
Stormwater Management	923,967		
<b>TOTAL ENTERPRISE EXPENDITURES:</b>	<b>\$ 33,684,003</b>	<b>\$ 34,045,774</b>	<b>34,175,774</b>
FIDUCIARY FUNDS:	\$ 2,538,100		
STREET CAPITAL PROJECTS FUNDS:	770,000		920,000
DEBT SERVICE FUNDS:	1,381,865		1,390,075
<b>GRAND TOTAL OF ALL EXPENDITURES:</b>	<b>\$72,705,506</b>	<b>\$77,176,229</b>	<b>\$ 78,348,664</b>

### Section 3

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

### Section 4

This ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation published within the City of Coeur d'Alene and the official newspaper thereof.

**MOTION by McEvers, seconded by Edinger, to pass the first reading of Council Bill No. 13-1015.**

**ROLL CALL: Gookin, No ; Edinger, Yes; Adams, No; McEvers; Yes; Goodlander, Yes; Kennedy, Yes. Motion carried.**

**MOTION by Edinger, seconded by McEvers, to suspend the rules and to adopt Council Bill No. 13-1015 by its having had one reading by title only.**

**ROLL CALL: Gookin, Yes; Edinger, Yes; Adams, Yes; McEvers, Yes; Goodlander, Yes; Kennedy, Yes. Motion carried.**

## **PUBLIC COMMENTS:**

Charles Buck, University of Idaho, gave a brief update on the CDA 2030 Vision project. The project is making significant progress and they are now preparing for an intensive launch week the week of October 7<sup>th</sup>. There will be a launch event on the 7<sup>th</sup>, and then a series of public input events that will be spread across the city on the north, south, and west sides of the city. There is also a brown bag lunch on Tuesday, October 8<sup>th</sup>, that will be a seminar presented by the survey unit that has conducted a scientifically valid survey of the community with about 75 questions for citizens to relate their ideas for the vision of the community as well as key demographic information from respondents to that survey.

Dr. Buck noted that scores of volunteers from across the community have joined to gather this input for the vision and many hundreds of people have responded with their comments of what they want to see in the community in 2030 and their interest in pursuing this vision.

The project is currently in the phase of collecting information and raising awareness and understanding among the community of this project. With the launch event in October, they will begin to formulate the formalized vision which will occur over the next couple of months. Early next year they will form a team to create an implementation plan. There is a timeline in place and the project manager, Nicole Kahler, has been working very hard to raise awareness and carry them through this phase of the project. A schedule of events is available on [www.cda2030.org](http://www.cda2030.org).

Councilman Gookin commented that he was interviewed by Mr. Gridley and enjoyed it. He asked what kind of a survey was being presented. Dr. Buck said that it was a telephone survey, which has been completed, and included both mobile and land lines. They targeted calling in the neighborhood of 2,500 people with a completed goal of 400. They reached their target calls, with about 425 surveys completed. The survey was about 15 minutes long.

Councilman Gookin said that he is eager to see the results of the survey and noted that the city has never really conducted any kind of survey or demographics to get raw information about where people are. It was his understanding when council hired the communications consultant that some of the money might be used to conduct surveys and he thinks it should be done more often.

Dr. Buck said that the feedback is very interesting and it will be compiled and made available on the website. Councilman Gookin said that he would still like to see a budget and know who is on the executive team. Dr. Buck said that the project management team includes Nicole Kahler, Dr. Buck, Steve Wilson (CDA Chamber President), and Mike Gridley (City of CDA).

Mayor Pro Tem Kennedy said that he has noted that the Vision 2030 group has been present at a lot of the recent events and the amount of people that they are trying to touch

is compelling. He thanked Dr. Buck for his efforts.

**CONSENT CALENDAR:** Motion by Edinger, seconded by McEvers, to approve the Consent Calendar as presented.

1. Approval of Council Minutes for September 3, 2013.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for September 23, 2013 at 12:00 noon and 4:00 p.m. respectively.
4. Approval of an Outdoor Eating Facility Encroachment Permit for The Country Club, 216 E. Coeur d'Alene Avenue
5. Approval of SS-4-13 – Whitehawk Addition Final Plat
6. Setting of a Public Hearing for October 15, 2013 for O-1-13 – Amending M.C. Section 17.03.040 “Criminal Transitional Facility”
7. **RESOLUTION NO. 13-050**
  - a. Approval of Benefit Plan Changes and Renewal Rates
  - b. Agreement with T. Lariviere Equipment and Excavation, Inc. for the Third and Harrison Intersection Reconstruction
  - c. Rejection of the Tubbs Hill East Side Trail Project Bid from Trio Construction
  - d. Coeur d'Alene Place 20<sup>th</sup> Addition, Acceptance of installed public improvements and approval of the Maintenance/Warranty Agreement and Security

**ROLL CALL:** Edinger, Yes; Adams, Yes; McEvers, Yes; Goodlander, Yes; Gookin, Yes; Kennedy, Yes. **Motion carried.**

**COUNCIL ANNOUNCEMENTS:**

There were no council announcements.

**APPOINTMENT:** Motion by McEvers, seconded by Edinger, to approve the appointment of Kay Nelson to the Jewett House Advisory Board.

**Motion carried with Councilman Gookin voting No.**

**ADMINISTRATOR'S REPORT:**

The Seventh Street and Front Avenue intersection is temporarily closed for construction related to McEuen Park and Front Avenue. There will be no access to the library through the north entrance. There is local access for businesses in both the McEuen and Parkside Towers. Traffic can enter the library parking lot from the Eighth Street entrance only. The intersection will re-open tentatively in two weeks, but it could be three weeks. Detour signs are posted to help drivers navigate the area.

The Parks and Recreation Commission is continuing to meet with interested stakeholders adjacent to the BLM property, commonly referred to as the Four Corners. They have met with about 18 different stakeholders and will make a recommendation to city council probably in about mid-October.

They will be setting up a meeting, hopefully next week, with the Boys & Girls Club to start the discussion about potentially locating the club at Cherry Hill. One hurdle in regard to the Cherry Hill location is that a portion of it is in the flood plain. Councilman Adams asked about the flood plain and Ms. Gabriel said that she thinks they can accommodate the building and that it is her understanding that they would like to have all of the amenities in the Coeur d'Alene building that they have in the Post Falls building. Ms. Gabriel will continue to bring updates to the council as it moves forward.

The city's Communications Consultant, Kristina Lyman, will deliver a presentation to the Council at the October 1<sup>st</sup> council meeting, which will consist of a review of progress during the last year, and proposed plans and strategies for the upcoming fiscal year.

There will be an Open house for the general public Saturday, October 12<sup>th</sup>, 2:00 to 6:00 p.m. at McEuen Park. Park designers, architects, city officials, and engineers will be on hand to answer questions and show off the amenities. McEuen Park upgrades include new public art, a re-designed Veteran's Memorial, an amazing interactive playground for kids of all ages, a new dog park, more user-friendly and efficient public parking, a new Front Avenue promenade with community gathering areas, a natural amphitheater, a new pavilion, a new grant plaza and water promenade, scenic paved trails, and an interactive splash pad with more than a dozen colorful water features. The official grand opening is slated for next spring and most of the landscaping will be installed at that time.

Public Access to the West Tubbs Hill Entrance will be from the parking lot next to City Hall. Pedestrians will have to follow the trail along the base of Tubbs Hill to access the West entrance. The access from 3<sup>rd</sup> Street along the boat launch will be closed while the contractor is constructing the Seawall overlook in front of the Harbor House. Access from the Boat Mooring Docks near the Third Street Boat Launch does not have access to Tubbs Hill. There is no access to the Resort, Boardwalk, and the City Boat Mooring Docks from the City Hall parking lot due to the Seawall Overlook construction. Contact the city or watch the city's Facebook page or blog for any additional closings.

The city's Executive Team participated last week in the United Way Day of Caring working to sort nearly 2 tons of donated food that will go to area food banks. Due to great teamwork they completed the task in under two hours. Soon the city will launch a giving campaign with the hope of bettering last year's contributions. Last year the city was recognized with an Outstanding Employee Giving Campaign award with donations of nearly \$6,000.

The City received an anonymous donation in the amount of \$62,000 to be used for needed maintenance items at the Jewett House. In the next 14 months the house will be getting a new heating system, interior structural repairs, restored wood floors, the south

side of the house will be painted, painting of the 1<sup>st</sup> floor interior, roof replacement, and new fencing across the front of the house. An additional \$1,000 was donated for landscaping and plantings.

The city is on track to reopen the boat ramp by October 1<sup>st</sup> with a gravel access from Front Street to the launch ramps. There could be some possible temporary closures of a day or two for some work and paving later in the month.

Congratulations to Sid Fredrickson, Wastewater Superintendent, who was recently presented the William D. Hatfield Award from the Pacific Northwest Clean Water Association. This award is richly deserved. Sid's personal journey and challenge to meet some of the most stringent wastewater discharge standards in the country is clear evidence of the city's impressive contributions to improve the field of treatment.

Congratulations to Coeur d'Alene Fire. The Coeur d'Alene Fire Department has been presented with a Life Safety Achievement Award for the year 2012 by the National Association of State Fire Marshals Fire and Research Foundation. The award was announced recently by J. William Degan, President of the NASFM Foundation. Since 1994, the Life Safety Achievement Award has recognized local fire prevention efforts that have contributed to reducing the number of lives lost in residential fires. The Coeur d'Alene Fire Department qualified for this award in year 2012 because it recorded zero fire deaths in structures during that year. In addition, the department was able to demonstrate the existence of an active and effective fire prevention program and a clear commitment to reducing the number of fires in the homes in the community.

The city is looking for the flood works wall, otherwise known as the dike wall and levy wall. Part of the wall is underground and has been covered over. The top of the wall was discovered near the museum. Ms. Gabriel explained the purpose of the wall for flood protection. By September 30<sup>th</sup>, all of the flood wall beams and walls will be in place so that they can demonstrate to FEMA that the city has all the parts to the wall, and it works, and everything fits.

Mayor Pro Tem Kennedy welcomed Jeff Selle, who is the new "City Beat" reporter for the Coeur d'Alene Press.

**APPROVAL OF iROBOT SWAT EQUIPMENT PURCHASE:** Captain Steve Childers and Sergeant Dan O'Dell presented a request for authorization to purchase the iRobot 110 FirstLook. Captain Childers said that the purchase was budgeted this year in the amount of \$9,000, but after the budget was approved and after looking more closely at the robot the SWAT team felt that it was not a usable robot for them. After more research they decided on an upgraded iRobot model with a cost of over \$20,000 with a rebuild kit so that when you are out in the field, you are able to quickly interchange the parts. Captain Childers explained that the robot can be deployed into a SWAT/search warrant environment where officers need to go in and take someone into custody who has committed a crime. It is actually four cameras with a remote control apparatus and can be inserted in a number of ways – it can crawl up or down stairs, and can be thrown

through a window and automatically upright itself. It will provide video and audio communication with the suspect and the PD. The PD is requesting to use some asset forfeiture money to purchase the iRobot. Captain Childers noted that \$11,500 of the cost would come from asset forfeiture funds, and the remaining \$9,000 would come out of the budgeted SWAT fund.

Captain Childers explained that the SWAT team is a multi-agency team and the host team is the Kootenai County Sheriff's Department. In the last seven years they have been involved with about 36 SWAT call outs, and about 8 to 10 of those have been called back. They have also done some other details involving the Western Governor's Conference, Aryan Trials, special events, the vice-president's visit, and some recent events downtown. Because it is a joint team, the team deploys throughout the county. When the SWAT team is called, it is a reactive situation.

Mayor Pro Tem asked a question about funding, and the benefit to the county and asked Captain Childers to explain the mutual aid component. Captain Childers said that each department outfits their own officers. The county purchased new sniper rifles that they own, although the city has officers that are being trained in that specialty. The county also has ballistic shields, pole cameras, and other hand tools and vehicles, and the vehicles that the SWAT team uses are county vehicles. There are different types of devices that are deployed in a SWAT incident, all purchased by the county. Each agency comes to the table with different items, but the officers are all outfitted alike and deploy as a unit. The equipment they have is that is jointly used comes from both agencies.

Captain Childers noted that this past week the City of Post Falls was able to acquire a surplus armored vehicle, which is something that will be jointly used throughout the county.

Captain Childers presented a brief "first look" video of the iRobot. He noted that the city has used a robot over the past 18 to 24 months two different times. Both times, the robots came from Spokane. One robot is a larger scale robot and is very expensive, which also has a lot of resources that need to be brought with it. The other robot is a small portable robot. That robot, along with the larger one, was just deployed on the recent 7<sup>th</sup> Street call. There are no other robots in the area but because the city is a joint agency with Kootenai County, they and Post Falls have access to the robots. Captain Childers explained that there has been no cost to use the robot from Spokane and they are more than willing to come over and assist, however there is more than an hour delay and usage would depend upon availability.

Captain Childers explained that there is a six month warranty on the iRobot, but from what he has researched, there is virtually no maintenance. They would buy the repair kit that comes with the robot, so that they would be able to take care of anything that needed to be done with the machine.

Councilman McEvers asked if this size of a machine would have worked on the Ramsey and 7<sup>th</sup> Street calls. Sergeant O'Dell said that it would have worked to some extent in

that the robot could have been deployed inside the apartment and located the suspect, but it could not have opened the door, etc.

Councilman McEvers asked if multiple people could operate the robot. Sergeant O'Dell said that they will probably all be trained on the operation of the robot, but it is a relatively simple remote control. Captain Childers said that the reviews he read said that the robot was rugged and easy to operate. It has a joy stick remote control and is very user friendly, especially to some of the younger officers.

**MOTION by Edinger, seconded by McEvers, to authorize a budget line adjustment to purchase the iRobot SWAT Equipment as presented.**

**DISCUSSION:**

Councilman Gookin said that he would be voting against this as he sees it as more of a want than a need. He feels that if it was a really crucial item, other agencies would have it. He mentioned that a paint ball set was purchased a few years ago by the PD for tactical training for officers and he hasn't seen it used yet.

Captain Childers said that the paintball set is not "paintball" but is actually rubber ammunition and reusable. It is used a couple of times a year for inservice training at the Police Training Center.

Mayor Pro Tem Kennedy said that the General Services Committee recommended approval of the request by 3 to 0. He noted that he would rather put police officers' safety before everything else and thinks that we need to be careful that we not suggest that the police department is spending money on paintball guns when there is a lot more to it. He further said that he has a lot of confidence in the police department and their expenditures.

Councilman Edinger expressed disappointment that there was not a demonstration of the iRobot at the meeting and asked if they would come to a future council meeting and give a demonstration. Captain Childers said that they looked into the possibility of bringing the robot to the council meeting but that the shipping and insurance for the demonstrative is expensive.

**Motion carried with Councilman Gookin voting No.**

**CREATION OF AN AD HOC COMMITTEE TO REVIEW OPTIONS FOR THE LONG RANGE PLANNING OF THE SPOKANE RIVER CORRIDOR INCLUDING THE OLD ATLAS MILL SITE:**

Mike Gridley, City Attorney noted that one of the priorities of people who live here is access to the water. The Spokane River Corridor property, including the Old Atlas Mill Site is some of the last area in Coeur d'Alene that will be developed. The thinking is that as the properties develop and the railroad corridor gets acquired, they will need to decide how they want to use it. The goal of the committee would be to look at the

corridor and then make recommendations to the council regarding pros and cons, ideas, and options that might be developed on the property.

Councilman Gookin asked if the committee would just be concentrating on the one area or would it cover the entire “coast.” Mr. Gridley said that they would be looking at the Atlas Mill Site, and the railroad property that runs through the mill site to the Washington Trust site, and then back to the Mill River area and on to Huetter. One idea they have been working on for several years is creating a River Trail (ped/bike path) that would follow the railroad. There have been other concepts that have been proposed, including fishing piers, and canoe and kayak launching, etc.

Mr. Gridley confirmed that the city has the authority to annex halfway across the river, as was done in Mill River. As to the other side of the river, there are no proposals or plans to annex.

Mr. Gridley explained that the railroad property varies between 60 and 120 feet wide running parallel to the Spokane River. The best way would be to figure out a way to acquire the property. There are different angles to work with exchanges and things, but somebody is going to have to buy it. One of the things that will probably come up for discussion is the vacant property that has been sitting for a number of years. The thing that has prevented development is the railroad running through it. If the railroad property is acquired, then they could deal with the owners of the property who own the actual waterfront. There have been discussions with the Lake City Development Corporation regarding assisting the city to acquire some of the property and then expanding the Mill River park, which is heavily used in the summer.

Councilman Edinger asked if the property could be condemned. Mr. Gridley said that it could be condemned, but the city would still have to pay for it. He noted that the railroad is working on updating an appraisal on the property using more current property values and he should have that in another month or so.

**MOTION by McEvers, seconded by Kennedy, to direct staff to establish an Ad Hoc Advisory Committee for the purpose of reviewing and recommending options for community use and access in the Spokane River corridor from Huetter Road to the BLM property in Riverstone.**

**DISCUSSION:**

Councilman Adams asked about Roger Smith Mr. Gridley said that he has not heard directly from Mr. Smith but he has heard from a few interested people. He asked the council if they had any guidance for him on the composition of the committee and noted that he is not sure if Mr. Smith is here year round, but he can certainly see if he is available.

Councilman Gookin said that he would like to modify the motion to recommend that the committee include an offer to Mr. Smith, and also ensure that KEA (Kootenai Environmental Alliance) is a member of the committee. Mayor Pro Tem Kennedy said

that he didn't think it was necessary to modify the motion but if the council had ideas for the committee composition, to let staff know.

Councilman Gookin withdrew his request to amend the motion but said that he thinks that Kootenai Environmental Alliance should definitely be on the committee and an offer to should be made to Mr. Smith and that Mr. Smith should be kept apprised and receive minutes from the meetings, etc.

Mr. Gridley suggested that the Mill River Homeowners Association might also be interested. Mayor Pro Tem Kennedy suggested that the BLM would be a good group to involve as well. Janna Paronto was suggested and railroad personnel. Mr. Gridley said that there are no local railroad personnel, but he will keep them advised. The US Bank Call Center and the Kootenai County Waterways Association were also suggested.

Councilman Gookin asked what kind of influence this committee would have on the annexation agreement. Mr. Gridley said that it would be an advisory committee so the council could look to them for advice.

**Motion carried.**

**ADJOURNMENT:** Motion by Edinger, seconded by McEvers, that there being no further business, this meeting adjourn. Motion carried.

The meeting adjourned at 7:15 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Amy C. Ferguson, Deputy City Clerk

RESOLUTION NO. 13-051

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE APPROVAL OF AN AGREEMENT WITH MAGNUSON, MCHUGH AND COMPANY FOR THE ANNUAL CITY AUDIT.

WHEREAS, the General Services Committee of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene enter into an Agreement, pursuant to terms and conditions set forth in said agreement, a copy of which is attached hereto as Exhibit "A" and by reference made a part hereof; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreement; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into an Agreement with Magnuson, McHugh and Company, in substantially the form attached hereto as Exhibit "A" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreement to the extent the substantive provisions of the agreement remain intact.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and they are hereby authorized to execute such agreement on behalf of the City.

DATED this 1<sup>st</sup> day of October, 2013.

\_\_\_\_\_  
Sandi Bloem, Mayor

ATTEST:

\_\_\_\_\_  
Renata McLeod, City Clerk

Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER GOOKIN Voted \_\_\_\_\_

COUNCIL MEMBER MCEVERS Voted \_\_\_\_\_

COUNCIL MEMBER GOODLANDER Voted \_\_\_\_\_

COUNCIL MEMBER KENNEDY Voted \_\_\_\_\_

COUNCIL MEMBER ADAMS Voted \_\_\_\_\_

COUNCIL MEMBER EDINGER Voted \_\_\_\_\_

\_\_\_\_\_ was absent. Motion \_\_\_\_\_.

CITY COUNCIL  
STAFF REPORT

**Date:** September 23, 2013  
**From:** Troy Tymesen, Finance Director  
**Subject:** Annual agreement for the City audit

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**Decision Point:** To enter into the annual engagement agreement with Magnuson, McHugh & Company, PA accounting firm to conduct the 2012-2013 Fiscal Year audit.

**History:** The City conducts an annual audit to comply with the state statues and the National Recognized Municipal Securities Information Repositories (NRMSIRs).

**Financial Analysis:** Two years ago the City solicited quotes for audit services from two other qualified municipal audit firms. One quote was received from Eide Bailey and one was received from LarsonAllen CPA firm in Spokane. Both of the quotes were over 22% higher than the proposal from Magnuson, McHugh. This past year the City contacted Tompkins and Peter, CPA, P.C. from Missoula and they declined to quote because of the reasonable fee currently being charged. The cost for this service is in the Fiscal Year 2013-2014 financial plan in the Finance Department under GL #001-003-4151-4202. Magnuson McHugh has quoted the cost at \$30,350.00, including the single audit. Kootenai County anticipates their audit expense to be \$45,000.00 this year.

**Performance Analysis:** Magnuson, McHugh & Company has provided audit services for the City and its bond holders in the past and it is being done at a reasonable cost when comparing it to other firms.

**Decision Point:** To enter into the annual engagement agreement with Magnuson, McHugh & Company, PA accounting firm to conduct the 2012-2013 Fiscal Year audit.

August 5, 2013

To the Management,  
Honorable Mayor and City Council  
City of Coeur d'Alene  
710 Mullan Avenue  
Coeur d'Alene, ID 83814

You have requested that we audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of City of Coeur d'Alene, as of September 30, 2013, and for the year then ended, and the related notes to the financial statements, which collectively comprise City of Coeur d'Alene's basic financial statements as listed in the table of contents.

In addition, we will audit the entity's compliance over major federal award programs for the period ended September 30, 2013. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audit will be conducted with the objective of our expressing an opinion on each opinion unit.

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

1. Management's Discussion and Analysis.
2. Schedule of Revenues, Expenditures and Changes in Fund Balances – Budget & Actual – General Fund.
3. Schedule of Revenues, Expenditures and Changes in Fund Balances – Budget & Actual – Insurance Fund.
4. Police Retirement Trust Fund: Schedule of Employer Contributions, Schedule of Funding Progress, Five Year Trend Information and Annual Development of Pension Cost.
5. Schedule of Funding Progress for Postemployment Benefit Plans.

Supplementary information other than RSI will accompany City of Coeur d'Alene's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

1. Combining and Individual Fund Financial Statements.
2. Schedule of Expenditures of Federal Awards.

### **Schedule of Expenditures of Federal Awards**

We will subject the schedule of expenditures of federal awards to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on whether the schedule of expenditures of federal awards is presented fairly in all material respects in relation to the financial statements as a whole.

### **Audit of the Financial Statements**

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS) and *Government Auditing Standards* of the Comptroller General of the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America.

In making our risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.

We will issue a written report upon completion of our audit of City of Coeur d'Alene's basic financial statements. Our report will be addressed to the governing body of City of Coeur d'Alene. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

## **Audit of Major Program Compliance**

Our audit of City of Coeur d'Alene's major federal award program(s) compliance will be made in accordance with the requirements of the Single Audit Act, as amended; and the provisions of U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*; and will include tests of accounting records, a determination of major programs in accordance with Circular A-133, and other procedures we consider necessary to enable us to express such an opinion on major federal award program compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the entity has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major federal award programs. Our procedures will consist of determining major federal programs and performing the applicable procedures described in the U.S. Office of Management and Budget Circular A-133 *Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the entity's major programs. The purpose of those procedures will be to express an opinion on the entity's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to Circular A-133.

Also, as required by Circular A-133, we will perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the entity's major federal award programs. However, our tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the entity's major federal award programs, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

## **Management's Responsibilities**

Our audit will be conducted on the basis that Management, the Honorable Mayor and City Council acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements;
3. For safeguarding assets;
4. For identifying all federal awards expended during the period;
5. For identifying and ensuring that the entity complies with laws, regulations, grants, and contracts applicable to its activities and its federal award programs; and
6. To provide us with:
  - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters;
  - b. Additional information that we may request from management for the purpose of the audit; and
  - c. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria, (b) to provide us with the appropriate written representations regarding supplementary information, (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information, and (d) to present the supplementary information with the audited financial statements, or if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

In addition, as required by Circular A-133, it is management's responsibility to prepare the schedule of expenditures of federal awards in accordance with Circular A-133 requirements, follow up and take corrective action on reported audit findings from prior periods and to prepare a summary schedule of prior audit findings, and follow up on current year audit findings and prepare a corrective action plan for such findings. Management is also responsible for submitting the reporting package and data collection form to the appropriate parties. Management will also make the auditor aware of any significant vendor relationships where the vendor is responsible for program compliance. You agree that you will confirm your understanding of your responsibilities as defined in this letter to us in your management representation letter.

As part of our audit process, we will request from Management, the Honorable Mayor, and City Council written confirmation concerning representations made to us in connection with the audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

### **Fees and Timing**

We expect to begin our audit in December 2013 and to issue our reports in March 2014.

Toni Hackwith is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising Magnuson, McHugh & Company's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fees are based on the amount of time required at various levels of responsibility, plus actual out-of-pocket expenses. Invoices will be rendered once a month and are payable upon presentation. We estimate that our fee for the audit will not exceed \$30,350 with a single audit or \$27,700 without a single audit. We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. Whenever possible, we will attempt to use City of Coeur d'Alene's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit.

### **Other Matters**

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

The audit documentation for this engagement is the property of Magnuson, McHugh & Company and constitutes confidential information. However, we may be requested to make certain audit documentation available to the regulator and federal agencies and the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Magnuson, McHugh & Company's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies. We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

With respect to any nonattest services we perform, City of Coeur d'Alene's management is responsible for: (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities. We will perform the following nonattest service:

1. With regard to our provision of health benefits administration, the City of Coeur d'Alene is the legal administrator and has assigned a competent individual who is familiar with the operation of the plan, oversees our work and internal controls and makes policy decisions regarding it. The service we provide is not complex and is reviewed by this individual on an ongoing basis.

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

It is our policy to keep records related to this engagement for five years. However, Magnuson, McHugh & Company, P.A. does not keep any original client records, so we will return those to you at the completion of the services rendered under this engagement. When records are returned to you, it is your responsibility to retain and protect your records for possible future use, including potential examination by any government or regulatory agencies.

By your signature below, you acknowledge and agree that upon the expiration of the five year period, Magnuson, McHugh & Company, P.A. shall be free to destroy our records related to this engagement.

At the conclusion of our audit engagement, we will communicate to Management, the Honorable Mayor and City Council the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of our latest external peer review report of our firm for your consideration and files.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements compliance over major federal award programs including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Sincerely,



Magnuson, McHugh & Company, P.A.

\*\*\*\*\*

RESPONSE:

This letter correctly sets forth our understanding.

City of Coeur d'Alene

Acknowledged and agreed on behalf of City of Coeur d'Alene by:

\_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**Certified Public Accountants**

Members of the American Institute of CPA's  
and the Idaho Society of CPA's  
**Edward G. Evans, CPA**  
**Jeffrey D. Poulsen, CPA**

System Review Report

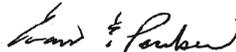
November 5, 2010

To the Owners of  
Magnuson, McHugh & Company, P.A.  
and the Peer Review Committee of the Idaho Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Magnuson, McHugh & Company, P.A. (the firm) in effect for the year ended July 31, 2010. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Magnuson, McHugh & Company, P.A. in effect for the year ended July 31, 2010, has been suitably designed and complied with to provided the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Magnuson, McHugh & Company, P.A. has received a peer review rating of *pass*.

  
Evans & Poulsen, P.A.

1360 Albion Avenue • Burley, Idaho 83318 • (208) 678-1300 • Fax (208) 678-1301 • [evanscpa@pmt.org](mailto:evanscpa@pmt.org)

**CITY COUNCIL  
MEMORANDUM**

DATE:           SEPTEMBER 26, 2013

FROM:           RENATA MCLEOD, CITY CLERK

RE:             REQUEST FOR PUBLIC HEARING

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I am requesting the City Council set a public hearing for the Council meeting scheduled November 19, 2013, to hear public testimony regarding a substantial amendment to the Community Development Block Grant Plan Year 2013 Action Plan. This amendment will allocate funding to specific Community Grants.

## GENERAL SERVICES COMMITTEE

Date: September 19, 2013

From: Kenny Gabriel, Fire Chief

Re: Information on Agreement with Idaho Disaster Dogs (IDD)

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**DECISION POINT:** Does Council approve the concept of an agreement between the City of Coeur d'Alene Fire Department and IDD?

**HISTORY:** On September 13, 2001 a letter was written to then Director of the State Department of Homeland Security John Kline to establish Search and Rescue capabilities in the State of Idaho. With the events of 9-11 fresh in our minds the concept was embraced and eventually became a reality in 2003 for the Coeur d'Alene Fire Department, the Boise Fire Department and Idaho Falls/Pocatello Fire Departments. All the initial training and equipment was purchased with grant money from Idaho Department of Homeland Security. K-9 teams have become an important part of Urban Search and Rescue throughout the Country. In 2009 a group of our personnel within the CDAFD started a K-9 team. In order for the K-9 team to function as members of Idaho Technical Rescue Team (ITRT) and the Washington Federal Urban Search and Rescue Team, City staff has determined that an agreement between IDD and the CDAFD is the most efficient way to manage the group.

**FINANCIAL ANALYSIS:** We will budget \$4,000 annually for support of IDD. They will then be required to provide their own liability insurance, medical care for the dogs and the actual dogs themselves. The animals and their associated costs will be the responsibility of IDD.

**PERFORMANCE ANALYSIS:** By entering into this agreement we add a valuable component to our Technical Rescue Team. We also assist in providing that service to our entire region. IDD will maintain their non-profit status which allows them to continue and receive donations for the team and care for the animals.

**DECISION POINT/RECOMMENDATION:** For Council to approve the concept of an agreement with Idaho Disaster Dogs.

# ANNOUNCEMENTS

OTHER COMMITTEE MINUTES  
(Requiring Council Action)

September 23, 2013  
**GENERAL SERVICES COMMITTEE**  
**MINUTES**  
**12:00 p.m., Library Community Room**

**COMMITTEE MEMBERS PRESENT**

Mike Kennedy, Chairperson  
Ron Edinger  
Steve Adams

**STAFF PRESENT**

Mike Gridley, City Attorney  
Renata McLeod, City Clerk  
Kenny Gabriel, Fire Chief  
Troy Tymesen, Finance Director  
Jon Ingalls, Deputy City Administrator  
Juanita Knight, Senior Legal Assistant

**Item 1.           Compression Brake Ordinance.**  
**(Agenda)**

Mike Gridley, City Attorney, is requesting Council approve the addition of Chapter 10.80 entitled “Air Compression Brakes” to the Municipal Code. Mr. Gridley said many cities have adopted an ordinance of this type. We have replicated the ordinance the City of Rathdrum adopted prohibiting the use of air compression brakes within the city limits. After talking with Chief Gabriel, staff will include the word *unmuffled* compression brakes to our ordinance and signage.

Councilman Kennedy questioned ‘*unmuffled*’ as he doesn’t recall seeing that before. Mr. Gridley said more and more cities use signage *UNMUFFLED COMPRESSION BRAKES PROHIBITED* since most trucks now use mufflers on their compression brakes.

Councilman Edinger asked if they’ve heard from any truck drivers. Mr. Gridley said only from Juanita Knight’s dad who said he’s driven that hill hundreds of times and doesn’t believe the use of compression brakes is needed except under emergency situations.

**MOTION: by Councilman Adams, seconded by Councilman Edinger, to recommend that Council approve the addition of Chapter 10.80 entitled “Air Compression Brakes” to the Municipal Code and direct staff to finalize an ordinance for adoption.**

**Item 2.           Approval of CDBG Grant Awards recommendation for Action Plan Year 2013.**  
**(Agenda Item)**

Renata McLeod, City Clerk, reported that the City advertised for Request for Proposals for Projects. They allocated \$70,000 in the CDBG budget this year to do community projects. This was an opportunity for local non-profits to apply for these grant dollars. Four requests were received. The top two scorers were:

- St. Vincent de Paul in the amount of \$36,000.00 for expansion and rehabilitation of the Community Kitchen.
- Trinity Group Homes in the amount of \$30,111.64 for rehabilitation to their Low to Moderate Income Rentals.
- The remaining \$3,888.36 to be reallocated to the City’s EMRAP (Emergency Minor Home Repair Program).

Councilman Adams said he noticed the EMRAP allocation is less than last year. Mrs. McLeod clarified that the annual budgeted amount was \$40,000 for the EMRAP program, which is more than they did the year before. This action will allow the additional \$3,888.36 to be added to that line item.

Councilman Edinger questioned if the Senior Center ask for any money. Mrs. McLeod said they did not. Last year the City helped them with improvements to their kitchen for their meals on wheels program.

**MOTION: by Councilman Adams seconded by Councilman Edinger to recommend that Council approve the grant awards as recommended by the CDBG Ad Hoc Committee for the 2013 Annual Action Plan.**

**Item 3. K-9 Rescue Team.  
(Consent Calendar)**

Chief Gabriel is requesting Council approve the concept of an agreement between the City of Coeur d'Alene Fire Department and Idaho Disaster Dogs. Chief Gabriel noted in his staff report that on September 13, 2001 a letter was written to the State Department of Homeland Security to establish Search and Rescue capabilities in the State of Idaho. With the events of 9-11 fresh in our minds the concept was embraced and eventually became a reality in 2003 for the Coeur d'Alene Fire Department, the Boise Fire Department, and a team in Eastern Idaho. All the initial training and equipment purchased was with grant money from the Idaho Department of Homeland Security. K-9 teams have become an important part of urban Search and Rescue throughout the country. In 2009 a group of our personnel within CDAFD started a K-9 team. In order for the k-( team to function as members of Idaho Technical Rescue Team (ITRT( and the Washington Federal Urban Search and Rescue Team, City staff has determined that an agreement between IDD and the CDAFD is the most efficient way to manage the group. We will budget \$4,000 annually for support of IDD. They will then be required to provide their own liability insurance, medical care for the dogs, and the actual dogs themselves. The animals and their associated costs will be the responsibility of IDD. By entering into this agreement, we add a valuable component to our Technical Rescue Team. We also assist in providing that service to our entire region. IDD will maintain their non-profit status which allows them to continue to receive donations for the team and care for the animals.

Councilman Adams asked if the dogs would be local. Chief Gabriel said yes. Two Coeur d'Alene Firefighters will each have one and one Northern Lakes firefighter will have one. Councilman Adams asked Chief Gabriel to describe the value of these dogs in most recent calls. Chief Gabriel said the search for a missing person on Tubbs Hill and the cadaver dog was used at Metaline Falls. He noted that the biggest training is in collapse. If there is a collapse of any kind the dogs can go in and search for live victims. He said a majority of the training is for that. As with most of the technical rescue team, it's not used a lot, but it's highly valuable when it is.

Councilman Kennedy said it's not unlike the robot scenario, we will work with other agencies that need them and then the City will get expenses covered. Chief Gabriel said the team is also part of the Federal Washington Taskforce and they get reimbursed dollar for dollar for use of the dogs.

**MOTION: by Councilman Adams seconded by Councilman Edinger to recommend that Council approve the concept of an agreement with Idaho Disaster Dogs.**

**Item 4. Annual Agreement for City Audit.  
(Consent Cal Resolution No. 13-051)**

Troy Tymesen, Finance Director, is requesting Council approve staff to enter into the annual engagement agreement with Magnuson, McHugh & Company, PA accounting firm to conduct the 2012-2013 Fiscal Year audit. Mr. Tymesen noted in his staff report that the City conducts an annual audit to comply with the state statues and the National Recognized Municipal Securities Information Repositories (NRMSIRs). Two years ago

the City solicited quotes for audit services from two other qualified municipal audit firms. One quote was received from Eide Bailey and one was received from LarsonAllen CPA firm in Spokane. Both of the quotes were over 22% higher than the proposal from Magnuson, McHugh. This past year the City contacted Tompkins and Peter, CPA, P.C. from Missoula and they declined to quote because of the reasonable fee currently being charged. The cost for this service is in the Fiscal Year 2013-2014 financial plan in the Finance Department. Magnuson McHugh has quoted the cost at \$30,350.00, including the single audit. Kootenai County anticipates their audit expense to be \$45,000.00 this year. Magnuson, McHugh & Company has provided audit services for the City and its bond holders in the past and it is being done at a reasonable cost when comparing it to other firms.

Councilman Edinger asked what CPA firm the County uses. Mr. Tymesen said CliftonLarsonAllen CPA firm out of Spokane. The same firm they've used in the last few years. Mr. Tymesen further noted that Magnuson, McHugh did not respond to the County's request for proposals because these firms are unable to grow the amount of staff they need to get all the work done for an additional municipality and make economical.

Councilman Adams said he recalls Magnuson McHugh billing us less last year than the previous year. Mr. Tymesen said they kept it pretty much the same amount. Councilman Adams said this year they've increased the cost by and asked if that includes or excludes anything different from last year. Mr. Tymesen said no, it is exactly the same audit. Councilman Kennedy noted that, however, they will choose different areas in which to audit. Mr. Tymesen that is correct.

Councilman Edinger noted that in the past Magnuson, McHugh will make recommendations to the City and asked if we follow up on those recommendation. Mr. Tymesen said we do. They give us a management letter on areas of concerns and recommendations and they will follow up on that from the last audit as well.

**MOTION: by Councilman Edinger seconded by Councilman Adams to recommend that Council approve staff to enter into the annual engagement agreement with Magnuson, McHugh & Company, PA accounting firm to conduct the 2012.2013 Fiscal Year Audit.**

The meeting adjourned at 12:27 p.m.

Respectfully submitted,

*Juanita Knight*  
Recording Secretary

GENERAL SERVICES COMMITTEE  
STAFF REPORT

DATE: September 16, 2013

FROM: Mike Gridley, City Attorney

SUBJECT: Ordinance approving a new chapter to the Municipal Code “10.80 Air Compression Brakes.”

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**Decision Point:** To approve the addition of Chapter 10.80 entitled “Air Compression Brakes” to the Municipal Code.

**History:** At the previous General Services meeting, Mr. Flagan requested the City adopt an ordinance prohibiting the use of compression brakes. The General Services Committee requested that staff draft an Ordinance for consideration. Attached is the draft ordinance that would prohibit the use of unmuffled air compression brakes within the city limits of Coeur d’Alene.

**Financial Analysis:** There will be a minimal cost for the codification and publication of the code change.

**Quality of Life Analysis:** Mr. Flagan has expressed a need for this Ordinance to assist with the abatement of noise in his neighborhood.

**Decision Point:** To approve the addition of Chapter 10.80 entitled “Air Compression Brakes” to the Municipal Code.

ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 13-1016

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING A NEW CHAPTER 10.80 PROHIBITING THE USE OF UNMUFFLED AIR COMPRESSION BRAKES WITHIN THE CITY EXCEPT DURING EMERGENCIES AND PROVIDING THAT A VIOLATION IS AN INFRACTION PUNISHABLE BY A \$100 FINE; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after recommendation by the General Services Committee, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendments be adopted; NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

**SECTION 1.** *That a new Chapter 10.80, entitled **AIR COMPRESSION BRAKES**, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**Chapter 10.80**  
**AIR COMPRESSION BRAKES**

**10.80.010: USE OF AIR COMPRESSION BRAKES PROHIBITED:**

Use Of Unmuffled Air Compression Brakes Prohibited: The use of unmuffled air compression brakes by vehicles or trucks, as defined in Idaho Code title 49, chapter 1, within city limits is hereby prohibited and shall be unlawful, except under emergency circumstances where the use of air compression brakes is necessary to prevent an accident or injury to persons or property.

**10.80.020: PENALTY:**

Any person who violates any provision of this section shall be deemed guilty of an infraction punishable by a fine of one hundred dollars (\$100.00).

**SECTION 2.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 3.** Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the

City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

**SECTION 4.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

**SECTION 5.** After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

APPROVED, ADOPTED and SIGNED this 1<sup>st</sup> day of October, 2013.

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Sandi Bloem, Mayor

ATTEST:

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Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_  
NEW CHAPTER 10.80 PROHIBITING THE USE OF AIR COMPRESSION BRAKES  
WITHIN THE CITY

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING A NEW CHAPTER 10.80 PROHIBITING THE USE OF UNMUFFLED AIR COMPRESSION BRAKES WITHIN THE CITY EXCEPT DURING EMERGENCIES AND PROVIDING THAT A VIOLATION IS AN INFRACTION PUNISHABLE BY A \$100 FINE; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. \_\_\_\_\_ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

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Renata McLeod, City Clerk

## **STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, NEW CHAPTER 10.80 PROHIBITING THE USE OF UNMUFFLED AIR COMPRESSION BRAKES WITHIN THE CITY LIMITS, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 1<sup>st</sup> day of October, 2013.

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Warren J. Wilson, Chief Deputy City Attorney

## GENERAL SERVICES COMMITTEE M E M O R A N D U M

DATE: SEPTEMBER 17, 2013

FROM: RENATA MCLEOD, CITY CLERK

RE: APPROVAL OF CDBG AD HOC COMMITTEE GRANT AWARD  
RECOMMENDATIONS FOR ACTION PLAN YEAR 2013

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### **DECISION POINT:**

To authorize the recommendations of the CDBG Ad Hoc Committee for the 2013 Annual Action Plan including the following:

- Community grant award recommendation to St. Vincent de Paul in the amount of \$36,000.00 for expansion and rehabilitation of the Community Kitchen area.
- Community grant award recommendation to Trinity Group Homes in the amount of \$30,111.64 for rehabilitation to LMI Rentals.
- Remaining \$3,888.36 to be reallocated to the City's EMRAP Program.

**HISTORY:** On August 23, 2013, the City advertised the request for proposals for projects benefiting low to moderate people or neighborhoods, and/or promoting job creation/economic development. Additionally, the notice was posted to the City webpage and emailed directly to many service organizations and interested parties. On August 29, 2013, a training/technical assistance workshop was held in the Old City Council Chambers Room. Four applications were received for Plan Year 2013 funding. The committee members met on September 17, 2013 to review and rate the applications. Based on the grant criteria the committee has made the following recommendation.

### **Plan Year 2013 - \$70,000 available to the Community Grant Program**

- Grant award to St. Vincent de Paul in the amount of \$36,000.00 for expansion and rehabilitation of the Community Kitchen area.
- Grant award to Trinity Group Homes in the amount of \$30,111.64 for rehabilitation to their LMI Rentals.
- Remaining \$3,888.36 to be reallocated to the City's EMRAP Program.

The two projects have been recommended to the City Council for approval and funding in Plan Year 2013 are more fully described below.

### **St. Vincent de Paul North Idaho Community Kitchen**

St. Vincent de Paul will utilize \$36,000.00 from the City's CDBG Entitlement program for expansion and rehabilitation of the Community Kitchen under the City's Community Grant program. St. Vincent currently serves about 1,200 meals a month to people in need. With the expansion of the Community Kitchen they will be able to increase the number of meals they serve every week night to an estimated 2,000 meals per month. The expansion of the Community Kitchen area will also allow for the additional use as a warming center, which over

the last several years has moved around. The estimated total budget for the project is \$75,000. The project will meet HUD's National Objective of benefitting low-to-moderate income persons.

### **Trinity Group Homes, Inc. LMI Rentals Rehabilitation**

Trinity Group Homes will utilize \$30,111.64 through the Community Grant program to complete rehabilitation of two semi-independent group homes used to house individuals with severe and persistent mental illnesses located in Coeur d'Alene. These improvements include replacement of one furnace in one half of one duplex, located on Gilbert Avenue, and installation of A/C in all four duplex units to improve the quality of life for these residents. In one home, located on 9<sup>th</sup> Street, flooring will be replaced in the kitchen, laundry area, living room, halls, five bedrooms and two bathrooms on each half of the duplex. The 9<sup>th</sup> Street location will also replace two under counter dishwashers and stoves in the kitchens as these units have very old appliances which are not fully functional. The next portion of this project will take place at the Gilbert Avenue location and includes demolition of an existing storage shed, installation of a new concrete pad, and purchase and installation of a new 8' x 12' wood shed for storage of lawn maintenance equipment, and surplus household items for their residences. The final aspect of this project will remove an existing non-functional rear fence and install a new 200 foot long privacy fence to provide separation for their residents from existing side yard apartments and a new rear yard private apartment unit. The estimated total budget for this project is \$34,111.64. The project will meet HUD's National Objective of benefitting low-to-moderate income persons.

Since the Plan Year 2013 Action Plan has previously been approved by HUD, a substantial amendment process is required, and will include a thirty-day public comment period.

**FINANCIAL:** Plan Year 2013 will be amended to specifically include the community grant awards of \$36,000.00 to St. Vincent de Paul for the Community Kitchen project, and \$30,111.64 to Trinity Group Homes for rehabilitation to two LMI Rentals located on 9<sup>th</sup> Street and Gilbert Avenue in Coeur d'Alene. The remaining \$3,888.36 available for the Community Grant program will be reallocated to the City's EMRAP Program.

**PERFORMANCE ANALYSIS:** Authorizing this recommendation will allow these organizations to plan their programs and projects, and allow the City to move forward with the HUD substantial amendment process.

### **DECISION POINT/RECOMMENDATION:**

To authorize the recommendations of the CDBG Ad Hoc Committee for the 2013 Annual Action Plan including the following:

- Grant award to St. Vincent de Paul in the amount of \$36,000.00 for expansion and rehabilitation of the Community Kitchen area.
- Grant award to Trinity Group Homes in the amount of \$30,111.64 for rehabilitation to their LMI Rentals.
- Remaining \$3,888.36 to be reallocated to the City's EMRAP Program.

# PUBLIC HEARINGS

**CITY COUNCIL  
STAFF REPORT**

FROM: WARREN WILSON, DEPUTY CITY ATTORNEY  
DATE: OCTOBER 1ST, 2013 (APPEALED)  
SUBJECT: SP-3-13 – SPECIAL USE PERMIT REQUEST FOR PORT OF HOPE TO  
ALLOW THE OPERATION OF A CRIMINAL TRANSITION FACILITY.  
LOCATION: 218 N. 23RD STREET – APPROX 0.842 OF AN ACRE

**DECISION POINT:**

Port of Hope Centers, Inc. is requesting a Special Use Permit allowing a criminal transition facility in the C-17 (Commercial) zoning district to operate a residential re-entry service for federal offenders.

Applicant: Port of Hope Centers, Inc.  
218 N. 23<sup>rd</sup> St.  
Coeur d'Alene, ID 83814

**GENERAL INFORMATION:**

Planning Commission denied the special use permit request petitioned by Port of Hope at the August 13<sup>th</sup>, 2013, public hearing. The decision was appealed by the applicant to City Council on August 21<sup>st</sup>, 2013, for a new hearing.

Port of Hope has been providing drug and alcohol treatment at their current location since April of 1991 and transitional housing for their clients since 1998. Currently in process of re-bidding a third 5-year term contract for services, the city was made aware of the level of service provided by the applicant and required special use permit approval to comply with city code.

**17.05.520: PERMITTED USES; SPECIAL USE PERMIT:**

Permitted uses by special use permit in a C-17 district shall be as follows:

- Adult entertainment sales and service
- Auto camp
- Criminal transitional facility
- Custom manufacturing
- Extensive impact
- Residential density of the R-34 district as specified
- Underground bulk liquid fuel storage - wholesale
- Veterinary hospital
- Warehouse/storage
- Wireless communication facility

**17.03.040: GENERAL DESCRIPTION OF CIVIC ACTIVITIES:**

F. Criminal transitional facility: Providing transitional living accommodations for three (3) or more residents who are on probation or parole for a felony.

The four parameters that the City Council is required by M.C. 17.03.040(f) to address when issuing a special use permit for a Criminal Transitional Facility are:

- A. The maximum number of offenders;
- B. The types of offenders to be allowed, based on offenses committed;
- C. The extent of supervision required; and
- D. The length of allowable transition period.

Attached to this staff report is the information staff has received from the Police Department, the Fire Department and Port of Hope concerning:

### **1. AREA CRIME STATISTICS RELATED TO PORT OF HOPE/ ISSUES WITH PORT OF HOPE TRANSITIONAL RESIDENTS:**

The Police Department reviewed all calls for service within a 1/3 mile radius around Port of Hope from 2008 to 2013. In that 5.5 year period, the total number of calls for service was 35 (44 when issues with transients were included).

Port of Hope reported that they have not received any complaints regarding its residents.

Port of Hope also reported that of the 102 offenders completing the program in 2012, 5 were returned to prison (2 for lying to staff, 2 for deviating and 1 for absconding). During 2013, no offenders (out of 52) have been returned to prison.

### **2. THE MAXIMUM NUMBER OF OFFENDERS:**

In its July 17, 2013 response, Port of Hope indicated that it is required to provide 43 beds for the criminal transitional facility. The Fire Department, reviewed the facility and determined that a maximum residential occupancy, based on the Fire Code, would be 49.

### **3. THE TYPES OF OFFENDERS TO BE ALLOWED (BASED ON OFFENSES COMMITTED):**

In its July 17, 2013 response, Port of Hope provided a list of the types of offenders that they take. Port of Hope indicated that they do not take offenders with "a criminal history of repeated sexual offenses/acts \* \* \*; offenders that have not completed a treatment program; Those assessed to meet violent sexual predator criteria; Offender expresses a desire to continue committing sexual offenses."

Further, Staff reviewed the applicability of I.C. Sections 18-8329 and 18-8331 to Port of Hope. I.C. 18-8331 prohibits registered sex offenders for residing in a "residential dwelling unit" with more than 1 other registered sex offender. I.C. 18-8331 further prohibits operating a "residence house" for registered sex offenders that houses more than two registered sex offenders. Port of Hope does not meet the definition of a "residential dwelling unit". As such, I.C. 18-8331, does not apply to Port of Hope.

I.C. 18-8329 makes it a misdemeanor for a registered sex offender to loiter on or near school grounds when children are present, be on a school bus when children are present, or reside within 500 feet of a school property. It appears that when this statute was adopted in 2006, it was the intent of the legislature to exempt offenders residing "at a state licensed or certified facility for incarceration, health or convalescent care" from the statute. However, the statute, as drafted, prohibits sex offenders from residing within 500 feet of school property without exception. Port of Hope is approximately 175 feet from Fernan Elementary.

#### **4. THE EXTENT OF SUPERVISION REQUIRED:**

In its July 17, 2013 response, Port of Hope describes the type of supervision it provides for its offender residents. Also, staff has attached the February 2012 Revision of the Statement of Work that governs Residential Reentry Centers for the Federal Bureau of Prisons. Chapters 11 and 12 regulate security and discipline.

Additionally, on July 30, 2013, Port of Hope indicated that they were willing to implement 3 additional security measures to answer concerns from SD 271. From the letter, those measures are:

*1. Port of Hope will create an exclusion zone within our GPS (Veritraks) system of the school and surrounding area. This system will then alert us within one minute of an offender entering that zone. Port of Hope is willing to allow Fernan Elementary's Principal or designee access to the exclusion zone reports generated by Veritraks (with the names redacted for Federal Confidentiality purposes) at any time they request.*

*2. Port of Hope is willing to place GPS units on all Pre-Release offenders, in the facility and on Home Confinement that would be considered to have a VCCLEA status. This status includes assault charges, drug charges, sex offenses, etc. Port of Hope will continue to place GPS units on anyone whose behavior warrants it despite their charge.*

*3. Mr. Wardell voiced concerns regarding two peak times that children arrive and release from school. Although we have not seen a flow of children walking in front of our facility, Port of Hope, agreed that during the hours of 7:00 - 8:00 a.m. and 2:30 - 3:30 p.m. we would not allow offenders to travel to the bus stop on Sherman Avenue without staff escort or transport.*

#### **5. THE LENGTH OF ALLOWABLE TRANSITION PERIOD:**

In its July, 17, 2013 response, Port of Hope indicated that it needs a maximum transition period of 1 year. Earlier, Port of Hope indicated that the "typical" stay is 90-180 days.



Port of Hope  
218 N 23rd  
CDA, ID 83814

Dear Mr Holm,

Per our conversation, the following is Port of Hope's response to your questions.

-The maximum number of offenders and types of offenders: The current Request for Proposal is for a projected minimum of 21 beds and a maximum of 43 beds. Out of those 43, approximately 55% will be in house and 45% will be monitored in their homes under home confinement. Our current in house population is 25 beds and 7 on home confinement. Our current population consists of approximately 85% drug related crimes (manufacturing, possession and distribution), the remaining 15% consists of theft, mail fraud, pornography, robbery, crimes on an Indian Reservation and assault type charges.

-Extent of Supervision: Port of Hope supervises the offenders 24 hours a day, seven days a week. The Port of Hope RRC has an accountability program in place that enables the RRC Staff to know the whereabouts of offenders at all times. The RRC Promotes honesty, integrity, and professionalism of all facility employees in order to ensure a safe and secure facility and maintain public confidence in our program. Port of Hope has a camera surveillance system with camera's in all the common areas inside the facility and the surrounding outside parameter. The RRC has camera monitors mounted in key areas to assist in accountability and to help maintain the integrity of our program. The RRC also has a secured entry where all offenders must be buzzed in/out by staff as well as outside visitors. The RRC is equipped with an alarm system which monitors building exits and windows. Port of Hope utilizes a computerized software program (Safe Keep) to track offender movement, head counts, medication, employment, etc. The system alerts staff when an offender is one (1) minute late and continues to alert staff until the offender returns or key staff locate the offender. Port of Hope has implemented GPS (Veritracks) on all offenders placed in the Home Confinement component as well as offenders that are found to be at risk for non-compliance with accountability. All offenders are breathalyzed every time they return to the facility and randomly within the facility. All offenders receive urinalysis testing randomly at a five percent ratio and a minimum of four (4) times monthly if they have a drug and alcohol component. Weekly, each offender is required to submit an Itinerary which outlines their schedule for the coming week. Included on the itinerary are employment schedules, recreation, worship services, aftercare plans and other program needs. The RRC Director reviews each itinerary for completeness and authorization. Offenders are not allowed to deviate from the Itinerary unless they receive pre-authorization. Offenders are given a RRC contact number and required to call in their movement. The telephone is monitored by RRC staff and has Caller Identification. Offenders are required to call in while seeking employment, or attending program needs. RRC staff randomly return calls to offenders and inspect all sites to verify their location. A list of pre-approved locations is then placed in each offenders file. Each offender signs in and

out of the facility utilizing a signature pad linked to Safe Keep that is controlled by the RRC Staff. Each time the offender leaves the facility the RRC Staff records the time out, destination, purpose and authorized return time. Port of Hope strives at maintaining a link between the RRC and the surrounding community. Port of Hope makes a conscious effort to stay in continuous communication with local businesses and areas that the offenders frequent. We stand behind our accountability program and our mission to help offenders reentry to the community.

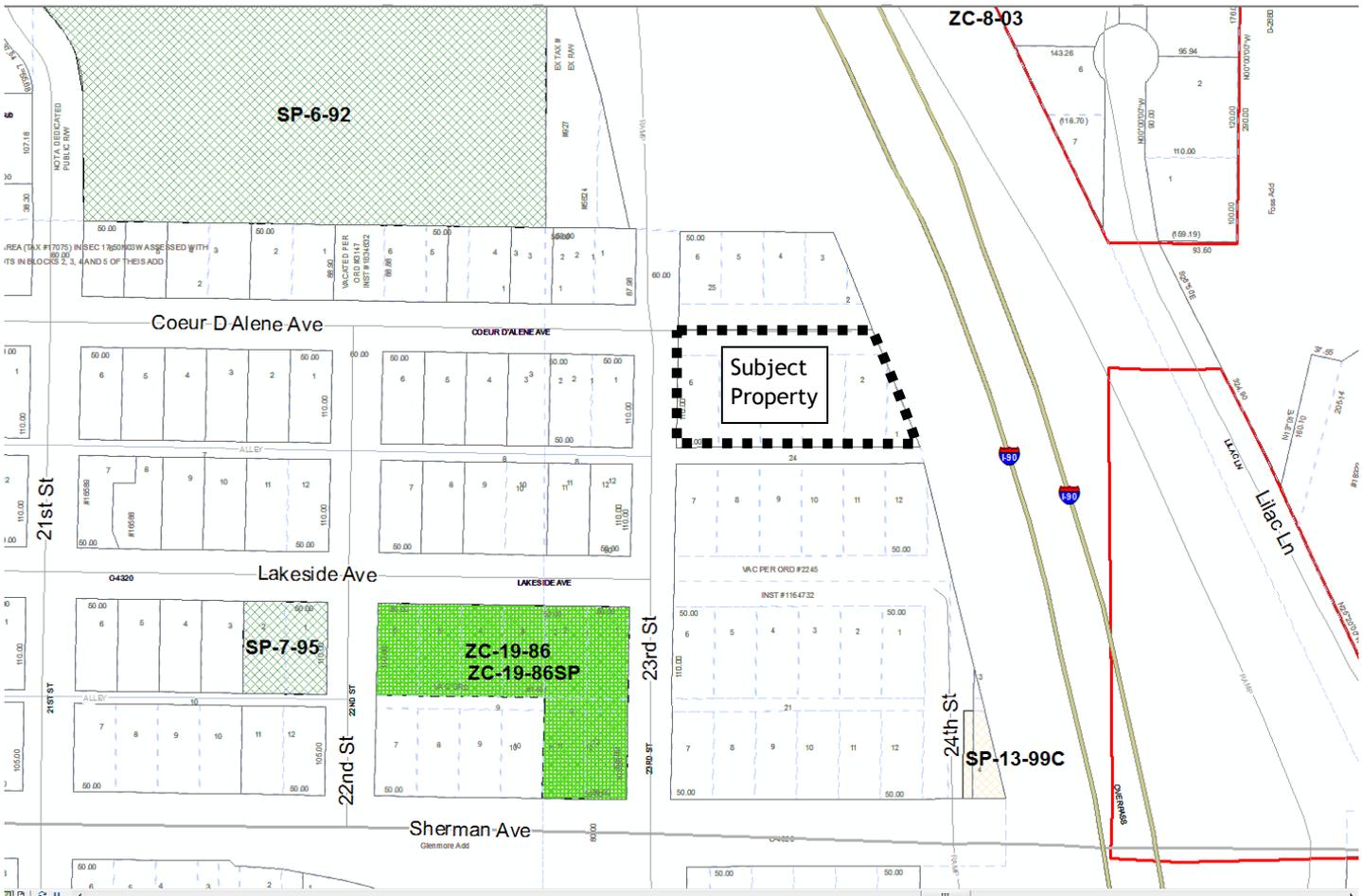
Maximum length of Stay: The typical offender resides at the Port of Hope for 90-180 days. During the initial 60-90 days, the offender is required to obtain employment, attend treatment and develop a residence. After approximately 90 days, if appropriate, the offender is placed on home confinement for the remainder of their stay.

Sincerely,



Tamara Chamberlain  
Executive RRC Director

Prior Land Use Actions in Area:

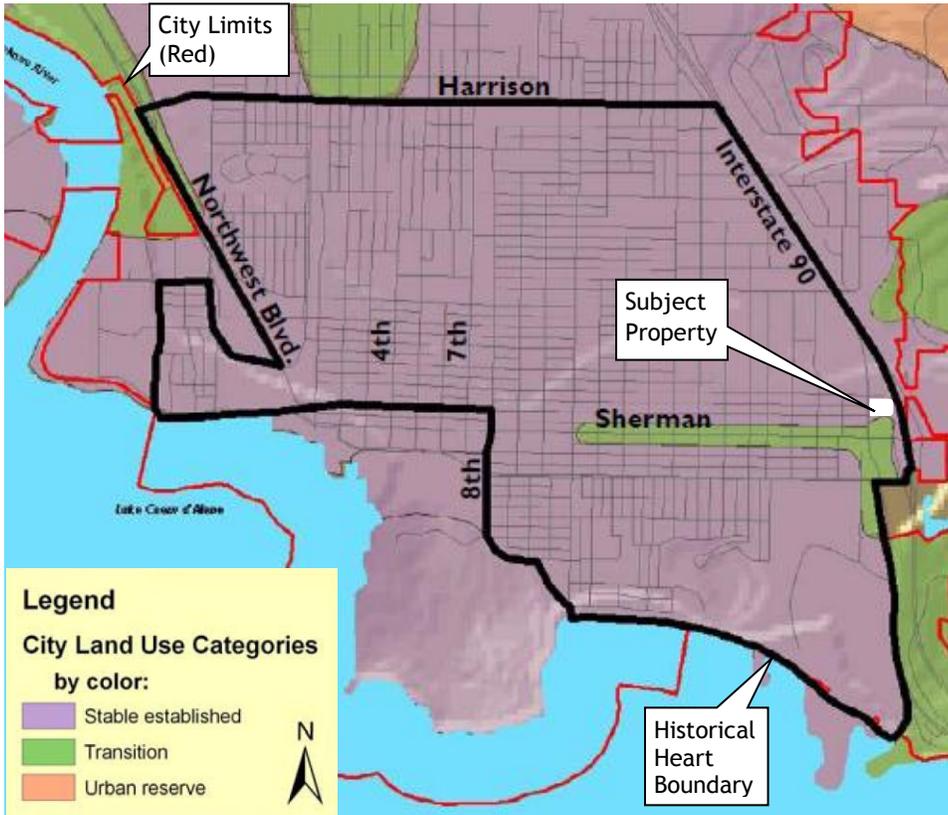


- Zone Changes/Special Use Permit:  
     ZC-19-86SP    R-17 to C-17 and Auto camp SUP    10.7.86 Approved
  
- Special Use Permits:  
     SP-6-92        Community Education (SD#271)    7.14.92 Approved  
     SP-7-95        Parking Lot    7.11.95 Approved  
     SP-13-99C     Wireless Tower    N/A    Withdrawn
  
- Zone Changes/Special Use Permit:  
     ZC-8-03        R-3 to R-12    11.12.03 Denied

**PERFORMANCE ANALYSIS:**

**A. Finding #B8A: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.**

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates this area as stable established:



**Stable Established:**  
*These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots, and general land use are not expected to change greatly within the planning period.*

**Land Use: Historical Heart**

**Historical Heart Today:**

The historical heart of Coeur d'Alene contains a mix of uses with an array of historic residential, commercial, recreational, and mixed uses. A traditional, tree-lined, small block, grid style street system with alleys is the norm in this area. Neighborhood schools and parks exist in this location and residents have shown support for the long term viability of these amenities. Focusing on multimodal transportation within this area has made pedestrian travel enjoyable and efficient.

Widely governed by traditional zoning, there are pockets of infill overlay zones that allow development, based on Floor Area Ratio (FAR). Many other entities and ordinances serve this area to ensure quality development for generations to come. Numerous residential homes in this area are vintage and residents are very active in local policy-making to ensure development is in scale with neighborhoods.

**Historical Heart Tomorrow**

Increased property values near Lake Coeur d'Alene have intensified pressure for infill, redevelopment, and reuse in the areas surrounding the downtown core. Stakeholders must work together to find a balance between commercial, residential, and mixed use development in the Historic Heart that allows for increased density in harmony with long established neighborhoods and

uses. Sherman Avenue, Northwest Boulevard, and I-90 are gateways to our community and should reflect a welcoming atmosphere. Neighborhoods in this area, Government Way, Foster, Garden, Sanders Beach, and others, are encouraged to form localized groups designed to retain and increase the qualities that make this area distinct.

**The characteristics of Historical Heart neighborhoods will be:**

- That infill regulations providing opportunities and incentives for redevelopment and mixed use development will reflect the scale of existing neighborhoods while allowing for an increase in density.
- Encouraging growth that complements and strengthens existing neighborhoods, public open spaces, parks, and schools while providing pedestrian connectivity.
- Increasing numbers of, and retaining existing street trees.
- That commercial building sizes will remain lower in scale than in the downtown core.

**Significant Comprehensive Plan Goals and Objectives for Consideration:**

**Objective 1.06**

**Urban Forests:**

Enforce minimal tree removal, substantial tree replacement, and suppress topping trees for new and existing development.

**Objective 1.14**

**Efficiency:**

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

**Objective 1.16**

**Connectivity:**

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trail systems.

**Objective 2.01**

**Business Image & Diversity:**

Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.

**Objective 2.02**

**Economic & Workforce**

**Development:**

Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.

**Objective 2.05**

**Pedestrian & Bicycle**

**Environment:**

Plan for multiple choices to live, work, and

recreate within comfortable walking/biking distances.

**Objective 3.01**

**Managed Growth:**

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

**Objective 3.05**

**Neighborhoods:**

Protect and preserve existing neighborhoods from incompatible land uses and developments.

**Objective 3.06**

**Neighborhoods:**

Protect the residential character of neighborhoods by allowing residential/ commercial/ industrial transition boundaries at alleyways or along back lot lines if possible.

**Objective 3.07**

**Neighborhoods:**

Emphasize a pedestrian orientation when planning neighborhood preservation and revitalization.

**Objective 4.01**

**City Services:**

Make decisions based on the needs and desires of the citizenry.

**Objective 4.06**

**Public Participation:**

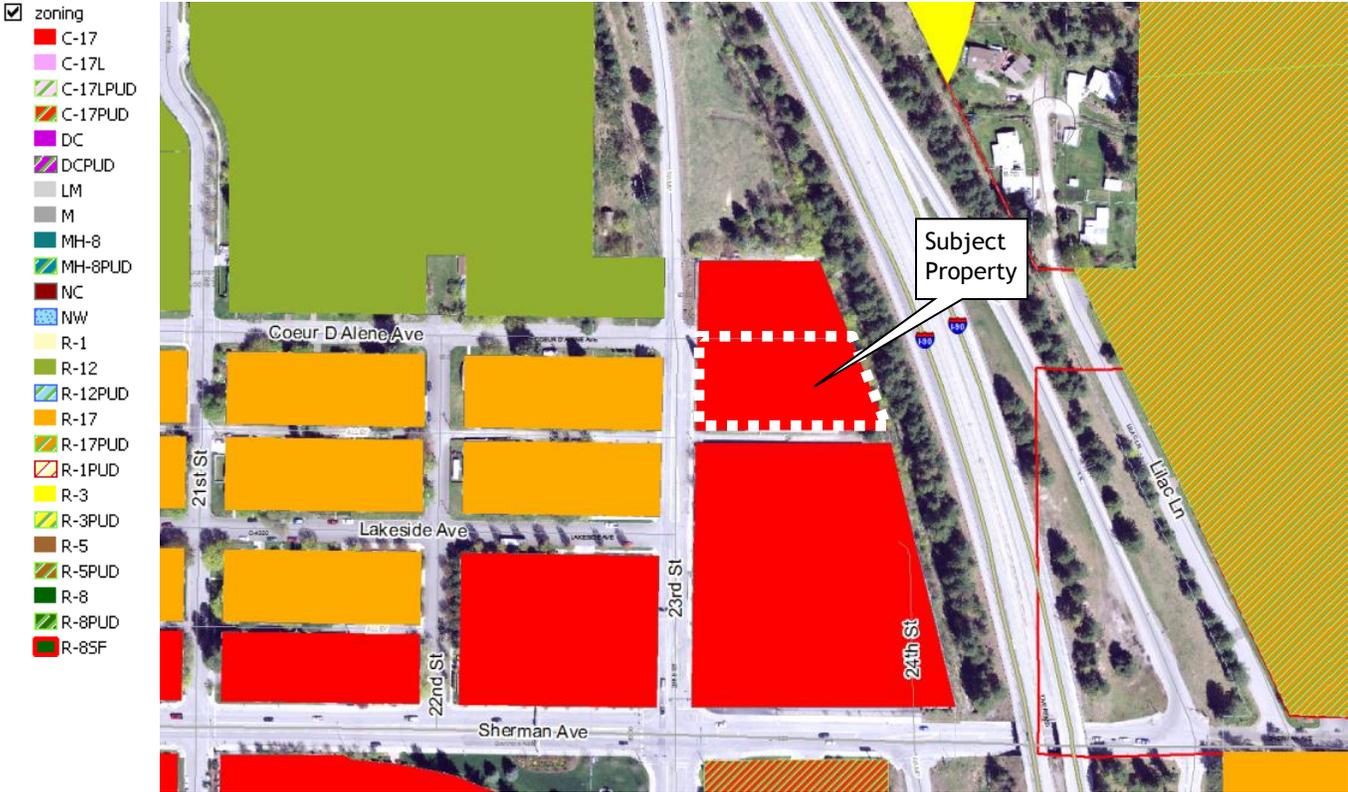
Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

*Evaluation: The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

**B. Finding #B8B: The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.**

**Zoning:**

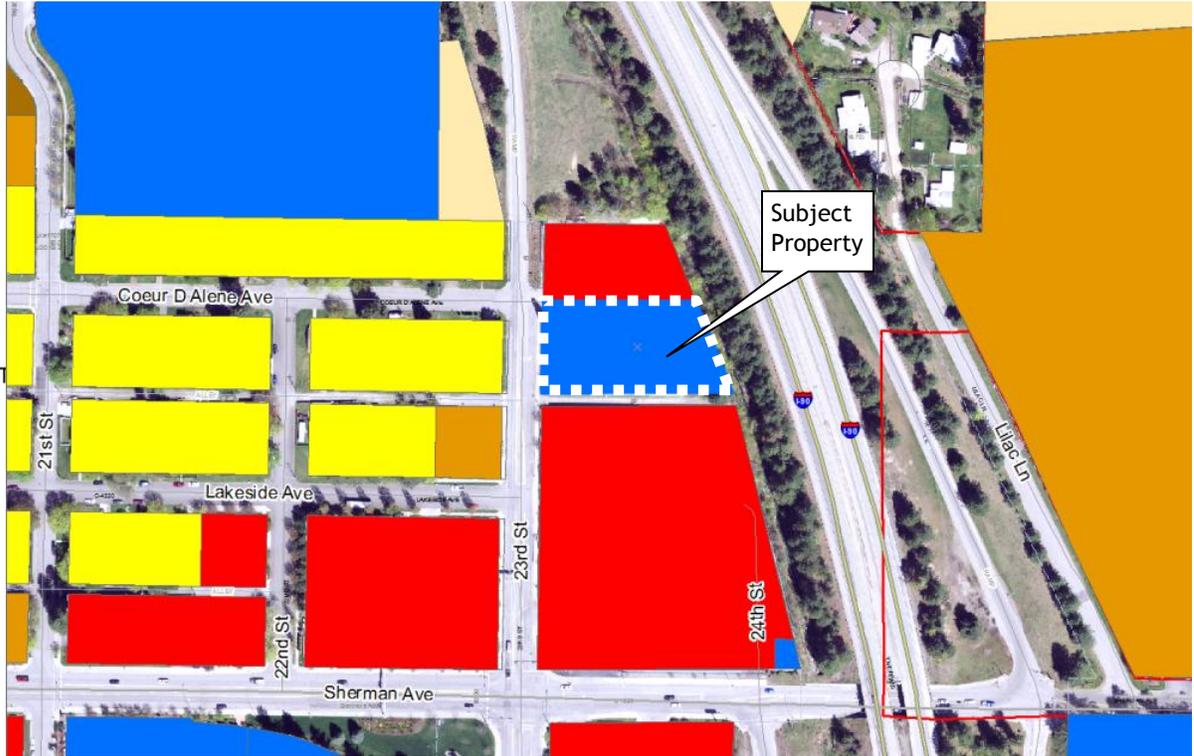
- Subject Property is Zoned C-17.



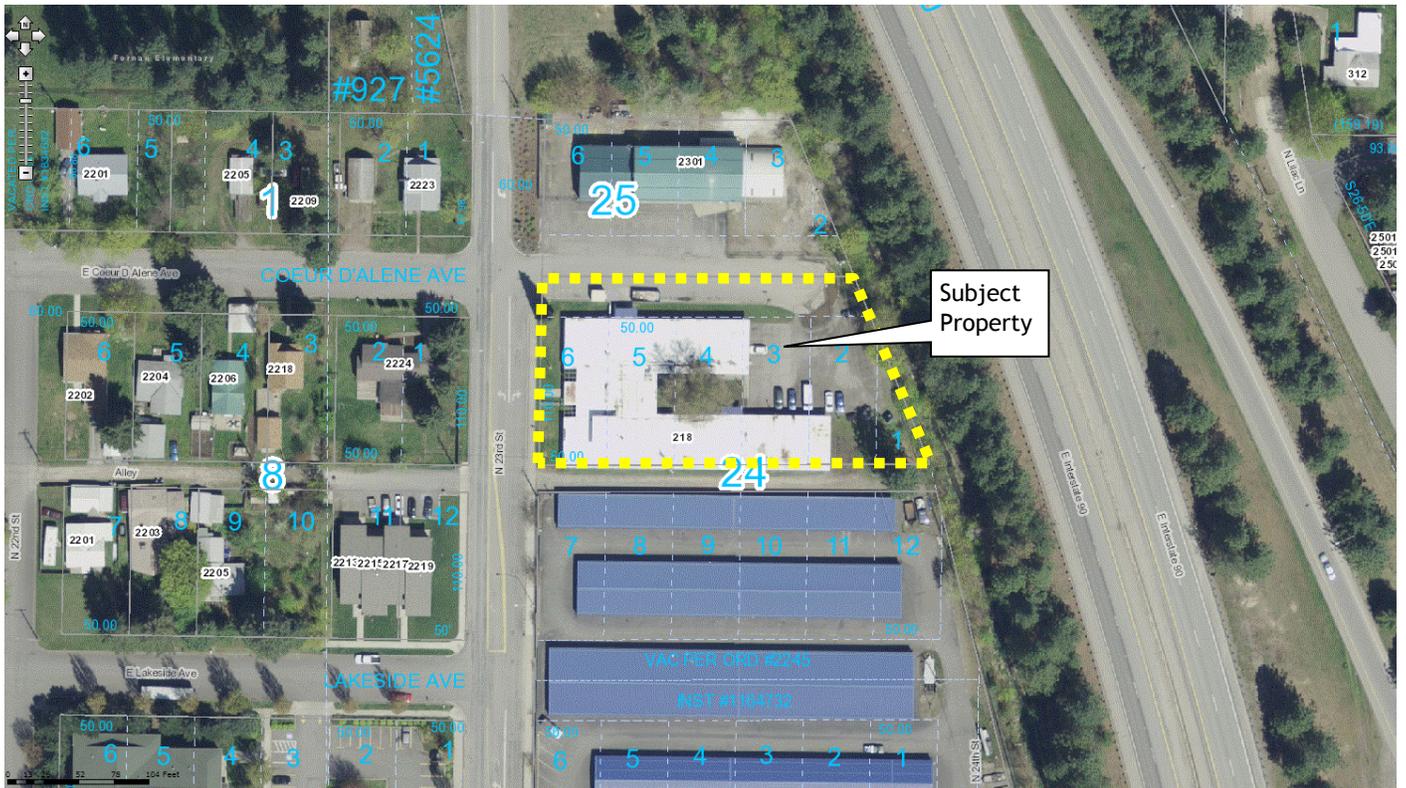
**Generalized land use pattern:**

- Existing land uses in the area include: Civic (Elementary school), single family (Attached & detached), duplex, multi-family, commercial, and vacant land.

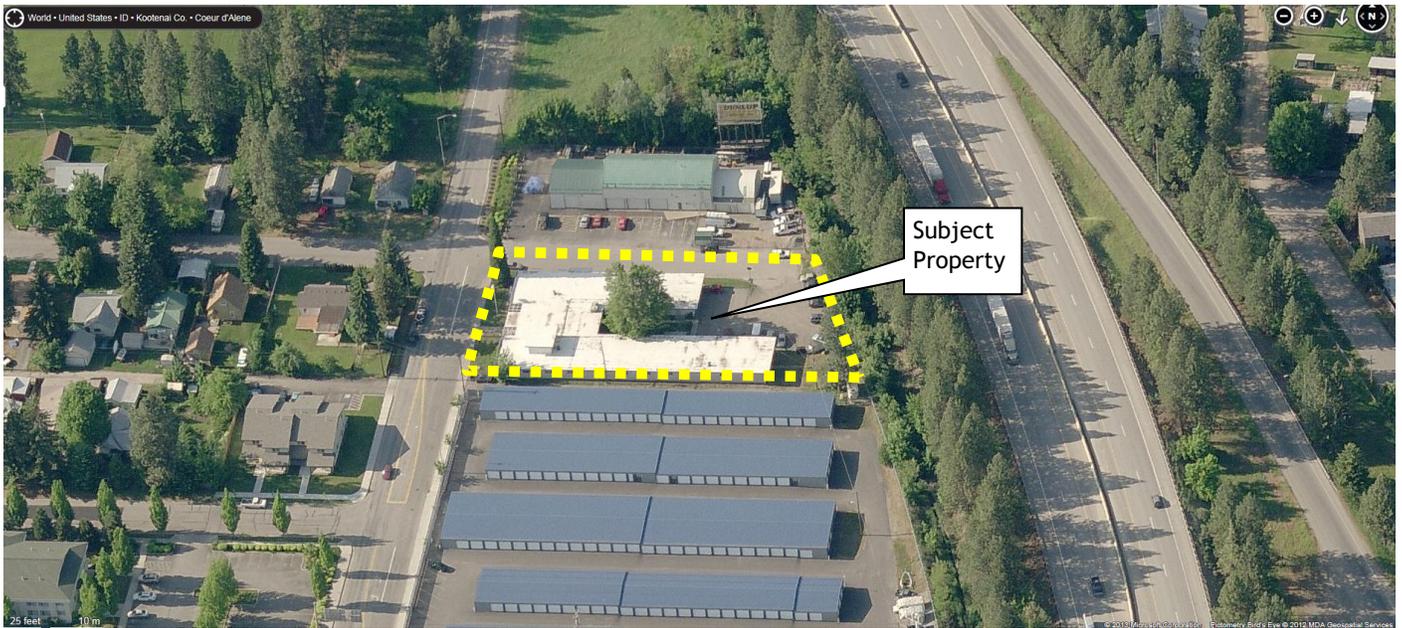
- Land Use
- SFA
- SFD
- DUPLEX
- MH
- MHP
- MFD
- CIVIC
- COMM
- MFGR
- AGRICULT
- VACANT



**Aerial view:**



**Oblique view:**



**Site Pictures:**  
*Port of Hope from Coeur d'Alene Ave & 23<sup>rd</sup> St. (Looking SE)*



*Entrance for Port of Hope along 23<sup>rd</sup> St.*



*Mini storage located south of subject property separated by alley*



*4-plex along 23<sup>rd</sup> St. (looking SW from Port of Hope)*



*Single family homes across the street from subject property (West)*



*Another view of single family home from Coeur d'Alene Ave & 23<sup>rd</sup> St (Looking South)*



*Another view of single family home from Coeur d'Alene Ave & 23<sup>rd</sup> St (Looking NW)*



*"Shannon Industrial: Plumbing & Heating" a commercial use north of subject property*



*North side of Port of Hope along vacated portion of Coeur d'Alene Ave. (Looking East)*



*View of north side of subject property along vacated ROW (Looking West)*



*View of subject property along vacated ROW (Looking Southwest)*



Looking north from Sherman Avenue up 23<sup>rd</sup> St. toward subject property (I-90 exit)



*Evaluation: The Planning Commission must determine, based on the information before them, whether the design and planning of the site is compatible with the location, setting, and existing uses on adjacent properties.*

**C. Finding #B8C: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities and services.**

**WATER:** No comment/objection for the special use permit.  
*- Submitted by Terry Pickel, Assistant Water Superintendent*

**SEWER:** No comment/objection for the special use permit.  
*- Submitted by James (Jim) Remitz, Utility Project Manager*

**STREETS:** The ITE Trip Generation Manual does not have a categorization for this type of use; therefore, an estimate of potential daily traffic generation cannot be arrived at. Due to the fact that the facility has been operating in its current capacity since 1991, and there have not been traffic related problems, it is a logical extension to presume that the situation will continue without any due impact on the surrounding neighborhood. Also, the fact that the facility is situated on a street that has signal controlled access, and, is adjacent to the City's main east/west arterial roadway, rapid dispersion of vehicles to be expected.  
*- Submitted by Chris Bates, Engineering Project Manager*

**FIRE:** No comment/objection for the special use permit.  
*- Submitted by Bobby Gonder- Fire Inspector/Investigator*

*Evaluation: The Planning Commission must determine, based on the information before them, whether the location, design, and size of the proposal are such that the development will be adequately served by existing streets, public facilities and services.*

**D. Proposed Conditions:**

The following conditions are proposed for City Council consideration.

1. The maximum number of offenders is 43.
2. No offenders required by Idaho law to register as a sex offender may be housed at the facility.
3. No offender will be allowed to reside at the facility for more than 365 calendar days.
4. The facility must at all times comply with requirements of the Federal Bureau of Prisons Residential Reentry Center Statement of Work regarding security and discipline (currently Chapters 11 & 12).
5. Create an exclusion zone within the facility's GPS (Veritraks) system around the Fernan Elementary School property. The system must alert the facility within one minute if an offender enters the exclusion zone. Exclusion zone reports (with names redacted) must be made available to School District 271 and the City upon request.
6. Place GPS units on all pre-release offenders, in the facility and on home confinement with a VCCLEA status. This status includes assault charges, drug charges, etc.
7. The facility will not allow offenders to travel to bus stops without staff supervision during the peak hours when school children are arriving and leaving school (currently 7:00 - 8:00 a.m. and 2:30 - 3:30 p.m.).

**E. Ordinances and Standards Used In Evaluation:**

- 2007 Comprehensive Plan
- Municipal Code
- Idaho Code
- Wastewater Treatment Facility Plan
- Water and Sewer Service Policies
- Urban Forestry Standards
- Transportation and Traffic Engineering Handbook, I.T.E.
- Manual on Uniform Traffic Control Devices

**ACTION ALTERNATIVES:**

The Planning Commission must consider this special use permit request and make appropriate findings to approve, deny, or deny without prejudice. The findings worksheet is attached.

Applicant: Port of Hope Centers  
Location: 218 N. 23rd  
Request: A proposed Criminal Transitional Facility special use permit  
In the C-17 zoning district.  
QUASI-JUDICIAL (SP-3-13)

Planner Holm presented the staff report and answered questions from the Commission.

Commissioner Luttrupp inquired if the applicant is changing the use that triggered a special use permit.

Planner Holm presented a brief history on the Port of Hope and explained that a letter submitted by the Port of Hope requesting recertification triggered staff to do some research and discovered that a special use permit was needed.

Commissioner Haneline questioned if the letter detailed the type of activity the Port of Hope was proposing.

Planner Holm explained that he became aware of a letter submitted to the city from the Port of Hope from a conversation with the applicant before the hearing started.

Deputy City Attorney Wilson explained since the city does not have a copy of that letter, it won't be relevant to this hearing.

Commissioner Luttrupp inquired if the police have a record of the number of complaints reported at this facility for the past year.

Planner Holm stated he spoke to a staff member at the police department and was told that when a 911 call happens, those calls are not descriptive. He commented that there is a link on the police department web page that when an address is provided, a map showing the area and the types of offenders who live in that area.

Commissioner Messina stated if three notices were sent from the Port of Hope, it's strange that the city did not have copies.

Commissioner Evans inquired if this special use permit is denied what will happen to the Port of Hope.

Deputy City Attorney explained if the special use permit is denied, the use would go back to what is allowed in the current zone, which is a drug and alcohol treatment facility.

**Public testimony open:**

Jake Danible, 2279 W. Anatole Street, applicant, gave a brief history of the Port of Hope and the services it provides for the community. He commented that there is some confusion about who was here first Port of Hope or Fernan School and for clarification. Port of Hope started in 1991 as a drug and alcohol facility and Fernan School was built in 1993. He stated that the Port of Hope is in the process of re-bidding a third five year term contract for services. He added that in the past when it was time to re-bid for another contract registered letters and was surprised when Deputy City Administrator, Jon Ingalls sent a letter stating that the Port of Hope could not continue, until they had a special use permit.

He stated that he understands the concern of the school to provide a safe place for kids to attend and in the future is willing to work with the school district to better educate them on how the Port of Hope operates so they can share that information with the parents whose children attend the

school.

He explained that the offenders are supervised 24 hours a day, seven days a week. Port of Hope has a surveillance system with cameras in all the common areas inside and outside the facility. The facility also has an alarm system that detects if anyone exits windows or the main entry to the facility. He added that the Port of Hope also uses a computerized software program (Safe Keep) to track offender movement, head counts, medication, employment, etc. The system also alerts staff if the offender is (1) minute late and continues to alert staff until the offender returns or key staff locate the offender. He explained that they have a few offenders who are on home confinement who are tracked using a GPS system and that each offender has to submit an itinerary that outlines their schedule for the week and if violated would be sent back to the prison.

Commissioner Bowlby inquired how many offenders are at the facility today.

Mr. Danible stated there are 25 at the facility and 7 on home confinement.

Commissioner Bowlby commented that she drives by the facility sometimes in the evening and has noticed a lot of people standing outside the facility.

Mr. Danible explained the facility has an outpatient group who meets twice a week.

Commissioner Messina inquired if they predict an increase in up-coming years

Ms. Chamberlain stated that 25 beds are adequate right now based on how many referrals and the amount of beds will decrease once offenders "graduate" from the facility.

Commissioner Bowlby inquired how many staff are employed during the day at the Port of Hope.

Mr. Danible stated that during the day there are many and (3) three or (4) in the evening.

Commissioner Haneline inquired the type of software used to track offenders.

Ms. Chamberlain explained that the software the facility uses is called "Safe Keep" to track offender movement, head counts medication, employment. If the offender is one (1) minute late alerts staff until the offender returns or staff locates the offender.

Commissioner Haneline inquired about the number of staff the facility employs.

Mr. Danible answered that there are 35 staff total with six (6) or (7) who have masters. He explained that there are a few administrative techs and that some of the inmates also are used for various chores.

Commissioner Haneline questioned if the special use permit is denied, what will happen to the facility.

Mr. Danible stated that the facility has been rewarded (4) four times and has always earned great ratings for the programs and if denied, the facility would only be allowed to be a drug and alcohol facility, hopefully that won't happen because this is a service the city needs.

Commissioner Luttrupp inquired if there are other facilities like this in Idaho.

Mr. Danible answered that there is another Port of Hope located in Nampa Idaho.

Commissioner Messina inquired if the School District received the letter from the Port of Hope regarding the rebidding for this year.

Mr. Danible stated that a letter was sent to the School District and was confused by the letter submitted by the School District stating that they were not informed that this type of activity was happening.

Commissioner Bowlby stated that she has mixed feelings regarding this facility close to a school and a residential neighborhood. She questioned if the Port of Hope has outgrown their current location.

Mr. Danible feels that people who live in the city have the wrong perspective regarding the activities at the Port of Hope and many times confuse our facility with the other transients in this area.

Commissioner Evans inquired how many sex-offenders are currently located at the facility.

Mr. Danible stated there are four.

Sue Bowser, 2203 E. Lakeside stated that she has lived in the area for 10 years and is concerned with the safety of the children who live in the area.

John Canrow, 2013 Syringa Avenue, stated that he is an ex-employee of the Port of Hope and worked there for 10 years. He feels that the Port of Hope only cares about the money. He stated the prisons are full and having the choice to go to a half-way house for six months is a better choice and cheaper.

Glen Anderson, 1630 E. Ely, stated this facility is too close to the school and needs to be moved.

Bill Rutherford, 3704 N. Bitterroot Drive, principal for Fernan Elementary School, stated that the school district supports the facility, but not the location. He commented that Fernan Elementary was built in 1993 and under the assumption that the Port of Hope was only a drug and Alcohol Rehabilitation facility. He stated that he would like the Port of Hope relocated to another place, so parents can be assured that their children who attend the school are safe.

Susan Snedaker, 814 Hastings, stated that she has been involved with transitional housing issues in the city for years and feels that sex offenders need to be a distance from the school. She commented that she is neutral on this subject and feels that the Port of Hope is needed in the community, but not next to a school.

***REBUTTAL:***

Mr. Danible stated that the commission has a hard job and feels if the application is not approved a lot of jobs will be on the line. He stated that the goal of the Port of Hope is to give the tools to these offenders so they can transition back into their communities. He commented that they would love to move to a new location or facility and if anybody has any suggestions let them know. He added that they are trying to be a good neighbor and unfortunately the attitude is that they don't want this in their back yard.

Commissioner Jordan inquired when the offenders are done with their treatment allowed to go into the community.

Ms. Chamberlain explained if the offenders do not have a good family support system in place they can stay in Coeur d'Alene, if not they are sent back to the city where their prison is located.

Commissioner Messina inquired if this application is denied what will happen to the facility.

Ms. Chamberlain stated the State legally has to have this type of facility.

Commissioner Evens stated after reading the letter submitted from the School District feels that they have legitimate concerns regarding the protection of their students who attend the school. She questioned how to make a decision that works for both parties and not leave something out.

Deputy City Attorney Wilson stated that a decision is made from the testimony and evidence presented at the meeting tonight.

Commissioner Haneline inquired how close the Port of Hope is to getting the contract.

Ms. Chamberlain stated that they are in the process right now and explained normally the re-bidding process is started a year before the contract expires which is 2014.

Commissioner Bowlby stated that she does not have enough information about this application to make a decision tonight. She explained that East of Sherman Avenue, where this facility is located has had many similar uses such as Fresh Start etc. and suggested a workshop be held as mentioned in the past to get a feel for the vision in this part of town. She added that she is uncomfortable with this facility next to the school.

Deputy City Attorney Wilson stated that if the commission feels there is not enough evidence to make a decision on this tonight they could continue the hearing so staff can get the information needed to make a decision.

Commissioner Messina stated that he is not an expert and concurs with Commissioner Bowlby to continue this hearing to acquire more information.

Commissioner Evans inquired if there is any Federal regulation regarding distance from this type of facility to a school.

Deputy City Attorney stated that he is unaware how many feet a criminal transition facility needs to be from a school and added if this item is continued, staff can bring that information back.

Chairman Jordan inquired if the commission would like to continue this hearing to the next Planning Commission meeting on Tuesday, August 13, 2013.

The commission concurred and would like staff to provide the following information: A report from the police department regarding the number of complaints for this facility and the distance required from a school.

***Motion by Messina, seconded by Bowlby, to continue Item SP-3-13 to the next Planning Commission meeting scheduled on, Tuesday, August 13, 2013. Motion approved.***

Applicant: Port of Hope Centers  
Location: 218 N. 23rd  
Request: A proposed Criminal Transitional Facility special use permit  
In the C-17 zoning district.  
QUASI-JUDICIAL (SP-3-13)

Deputy City Attorney Wilson stated at the conclusion of the July 9<sup>th</sup>, 2013, public hearing the Planning Commission left the record open solely for receipt of a additional information to address area crime statistics related to the Port of Hope/issues with Port of Hope's transitional residents and the four parameters that the Planning Commission is required by M.C. 17.03.040(f) to address when issuing a special use permit for a Criminal Transitional Facility. Those four parameters are:

- A. The maximum number of offenders;
- B. The types of offenders to be allowed, based on offenses committed;
- C. The extent of supervision required; and
- D. The length of allowable transition period.

He concluded by adding seven proposed conditions for the Planning Commission to consider when making their decision:

1. The maximum number of offenders is 43.
2. No offenders required by Idaho Law to register as a sex offender may be housed at the facility.
3. No offender will be allowed to reside at the facility for more than 365 calendar days.
4. The facility must at all times comply with requirements of the Federal Bureau of Prisons Residential Reentry Center Statement of Work regarding security and discipline (currently Chapters 11 & 12).
5. Create an exclusion zone within the facility's GPS (Veritraks) system around the Fernan Elementary School property. The system must alert the facility within one minute if an offender enters the exclusion zone. Exclusion zone reports (with names redacted) must be made available to School District 271 and the City upon request.
6. Place GPS units on all pre-release offenders in the facility and on home confinement with a VCCLEA status. This status includes assault charges, drug charges, sex offenses, etc.
7. The facility will not allow offenders to travel to bus stops without staff supervision during the peak hours when school children are arriving and leaving school (currently 7:00 – 8:00 a.m. and 2:30 – 3:30 p.m.).

Commissioner Haneline inquired if Section 18-8329 pertains to the Port of Hope and questioned how far Fernan Elementary School is from the Port of Hope.

Deputy City Attorney Wilson stated that number two on the list of the conditions for the Commission to consider states "No registered sex offenders will be allowed at Port of Hope". Port of Hope is approximately 175 feet from Fernan Elementary School.

**Public testimony open:**

Deputy City Attorney Wilson stated that before public testimony is open the commission must decide if this is just for new testimony or all testimony. He stated if the commission decides to open testimony a motion is needed.

**Motion by Evans, seconded by Luttropp to open public testimony. Motion approved.**

Jake Danible, 2279 W. Anatole Street, applicant, presented copies of the letters they sent in 2003 and 2008 to notify various agencies of their offer for Residential Re-entry (RRC) Services, or "halfway house" He explained the need for 43 beds and stated that the number does not reflect the actual amount they have in-house, but what is required of us. He added that the extra beds must be contractually available in the event that we needed to return someone from Home Confinement to the facility, overlap of incoming and outgoing offenders, environmental issues (power outages, etc), high risk holidays like Halloween or News Years Eve or financially, they are unable to pay rent due to loss of job, for example.

Commissioner Haneline inquired the average time an offender stays at the Port of Hope.

Tamera Chamberlain, 13412 E. 5<sup>th</sup> Avenue, Executive RRC Director for the Port of Hope, stated that the average offender stays at the Port of Hope between 60 to 90 days. She explained that although it is rare, the maximum stay could be one year because of offenders with disabilities that require longer time to obtain employment or a suitable place to live.

Commissioner Evans inquired how the length of time is calculated for each offender admitted at the Port of Hope.

Ms. Chamberlain explained that once an offender is admitted, they are given so many points for the type of offense they committed, which is determined by the legal system. They also earn or loose Good Conduct while incarcerated based on discipline or behavior in the institution.

Commissioner Haneline inquired what type of GPS is used for admitted offenders.

Mr. Danible explained that the Port of Hope has implemented GPS (Veritracks) on all offenders placed in the Home Confinement component as well as offenders that are found to be in non-compliance with accountability or whose history indicates the potential. He added that staff is alerted anytime the offender leaves the designated location or enters an unauthorized area.

Ms. Chamberlain stated that everyone who enters the Port Of Hope does not wear a GPS; only those offenders who have not committed violent crimes. She explained that their goal is to try and incorporate these people back into society so we track those offenders not using a GPS by calling their employers for input.

Commissioner Evans referenced a letter submitted by School District 271 on August 13, 2013, which states "Port of Hope is unable to track all of its residents on GPS tracking devices" and questioned why not put them on everybody.

Ms. Chamberlain stated in a letter submitted on July 30, 2013, that they would require all offenders to have GPS units in order to promote safety.

Mr. Danible stated that there are people who will deviate from the rules and be reprimanded and in this community there are other offenders that are not part of the Port of Hope.

Wendell Wardell, 2623 East Hayden View Drive, Chief Operations officer for School District 271, stated that the school district supports the mission of the Port of Hope, but cannot support this because of the proximity to the school. He stated that the school district was not aware of the letter submitted by the Port of Hope on July 30, 2013, indicating that all offenders would be tracked. He added that the Port of Hope has been a good neighbor throughout the years and is grateful that nothing has happened in the years they have been open.

Commissioner Evans inquired regarding the estimated length of time for a response call to the

Port of hope.

Wayne Longo, Chief of Police, stated response time is determined by the type of call and where the officer is at the time the call comes in. He added if it is for the Port of Hope, it would be quicker depending on the number of police on duty and where they are when the call comes in.

Shawna Henman, P.O. Box 3014, stated that she is in favor of the Port of Hope and what they are trying to do for the offenders. She added that not all offenders are at the Port of Hope but living among this community in either homeless shelters or hotels. She feels that most people can change and stated that a few years ago her son was molested by a teacher in one of the schools.

Moira Ducoeur, 1311 Coeur d'Alene Avenue, stated she lives downtown by Port of Hope, has four kids and teaches at Sorenson Elementary. She feels that the east part of Sherman has changed throughout the years with the addition of more transients living in this area. She questioned if the Port of Hope has any connections with the area hotels that have been known to house any of their offenders.

Colleen Krajack, 935 E. Front Avenue, commented from looking at the police website that lists where sex offenders reside in the city, discovered that Port of Hope has six offenders listed and concerned they are lying. She added that when looking at the names of the offenders, she noticed that not all of them were from Idaho and questioned if Port of Hope is doing this solely for the money.

Scott Krajack, 935 E. Front Avenue, stated that the offenders who don't live in Idaho should not have a choice, but to stay in prison.

Julie Menedit, 991 Veranda Drive, stated she is part of a "moms' group whose kids attend Fernan Elementary. She understands the Port of Hope mission but feels the facility is in the wrong location.

Sylvia Lampard, 31545 S. Highway 97, stated her son is planning to relocate with his family including his 8 year old son and feels that unless something changes, this area is not a safe place to raise children.

Cindy Merk, 1416 E. Coeur d'Alene Avenue, stated that they built their home 5 years ago and has slowly watched the area deteriorate and would like to see the east side of town cleaned up. She added that her grandchildren come over and play at her house and is concerned for their safety. She reminded the Planning Commission of their goals listed on the website and feels they are not doing their job by approving this request.

**Public testimony closed:**

**Rebuttal:**

Jake Danible explained that this area is unique being bordered by other states and because of that we get offenders from different areas He added that once an offender has finished his time at Port of Hope and they're not from Idaho, they don't stay.

Commissioner Haneline stated a question came up from previous testimony that a lot of the offenders have different names.

Ms. Chamberlain explained that the sheriff's department registers the offenders and not the Port of Hope.

Mr. Danible explained that the websites that list offenders are slow to update their information and

that some offenders do have other names they go by.

Commissioner Haneline inquired about the exclusion zone around the Fernan Elementary School and questioned how that works if an offender enters that zone.

Ms. Chamberlain explained that the system will alert the facility within one minute if an offender enters the exclusion zone.

Commissioner Haneline inquired who gets the call once an offender enters the exclusion zone.

Ms. Chamberlain explained that the call is received by someone on duty at the Port of Hope and the alarm is not turned off until the offender returns or key staff locates the offender.

Commissioner Bowlby inquired what is the maximum number of offenders housed at the Port of Hope.

Ms. Chamberlain explained that the maximum number of beds dedicated to the criminal portion is 43 beds, and the average number of offenders is 25-30.

Mr. Danible explained that the number fluctuates because of graduating offenders and stated during the slow time the amount of offenders has been nine.

Commissioner Evans inquired if any of the Port of Hope graduates are living in the hotels when they are released.

Ms. Chamberlain explained that the offenders leaving Port of Hope are required to have a place to go to when released. She feels that the community is confused assuming that offenders leaving the facility are staying in the area hotels, which is wrong.

Commissioner Evans inquired if there are six sex offenders at the Port of Hope.

Mr. Danible stated that number is not correct and explained that the websites are not updated on a regular basis.

Commissioner Haneline questioned if Port of Hope has considered relocating in the future.

Mr. Danible stated if in the future we require additional beds we would move. He added that if anybody in the community is aware of another location please notify them. He commented that he understands the community's concerns.

Commissioner Evans appreciates what the Port of Hope does for this community, but feels being located near a school is putting children at risk.

Ms. Chamberlain stated there are a lot of sex offenders that aren't supervised compared to the offenders who are at Port of Hope who are monitored 24/7.

Commissioner Luttrupp inquired what the difference is between a halfway house and the Port of Hope.

Mr. Danible explained that a halfway house was changed to transition house because the Port of Hope takes these offenders and teaches them the skills to transition back into the community. He added that this is a strict program and if the rules are not obeyed the offender is sent back to the federal prison.

**Public testimony closed.**

**Discussion:**

Commissioner Haneline stated that he respects the program, but feels that the location is not appropriate.

Commissioner Evans stated that she supports the Port of Hope's vision and how they have educated the community on their services but is struggling with the location.

Commissioner Luttrupp stated that if there was a criterion for the distance between the school and the Port of Hope, he does not have a problem with this request. He feels this type of service is needed in the community.

Commissioner Evans stated that from listening to the testimony, people do not want this in this community. She added that her concern is to protect the children who attend Fernan Elementary.

Commissioner Luttrupp stated he would support this request if we had a time limit to try and come up with criteria that meets the emotion of the community and is acceptable to each of us.

Commissioner Evans feels if this is approved and something happens to one of the children, it would not be acceptable.

***Motion by Evans, seconded by Haneline, to deny Item SP-3-13. Motion approved.***

ROLL CALL:

Commissioner Evans	Voted	Aye
Commissioner Haneline	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to deny carried by a 3 to 0 vote.

**JUSTIFICATION:**

Proposed Activity Group: Transitional and Drug + Alcohol Rehabilitation

Prior to approving a special use permit, the Planning Commission is required to make Findings of Fact. Findings of Fact represent the official decision of the Planning Commission and specify why the special use permit is granted. The **BURDEN OF PROOF** for why the special use permit is necessary rests on the applicant. Your narrative should address the following points (attach additional pages if necessary):

A. A description of your request; Port of Hope has been providing Drug + Alcohol Treatment at our current location since April of 1991 and Transitional housing since 1998. We ARE IN  
(cont)

B. Explain how your request conforms to the 2007 Comprehensive Plan;  
Port of Hope has been an active member of this Community since 1984 and in our current location since 1991. We believe our programs have and will  
(cont)

C. Explain how the design and planning of the site is compatible with the location, setting and existing uses on adjacent properties;  
Since Port of Hope has been in its current location since 1991, we have an established relationship with our current adjacent properties (Shannon Plumbing,  
(cont)

D. Explain how the location, design, and size of the proposal will be adequately served by existing streets, public facilities and services;  
Port of Hope has been operating at its current location. No expansion or changes are being requested.

E. Any other information that you feel is important and should be considered by the Planning Commission in making their decision.  
Port of Hope has been at this location since April 1991 as a Drug + Alcohol Treatment Center. We have been a Transitional Center for The Bureau  
(cont)

Port of Hope Centers, Inc  
Special Use Permit (Con't)

Justification (Continued):

- A. The process of rebidding a third 5-year term with the transitional housing program and was informed that we would now need a special use permit. Port of Hope will not be making any changes to our current building, site or program. We are requesting the Special Use Permit based on our existing building and programs.
  
- B. Continue to build our communities economy, protect our existing neighborhoods and contribute to protecting our natural environment. Port of Hope has provided stable, year-round employment for residents of this community and encouraged their involvement in community activities. Port of Hope will not be making any changes to our lot or building structure in order to continue services. Port of Hope meets the following goals and objectives of the 2007 Comprehensive Plan:

**GOAL #1-Natural Environment**

Objective 1.06

Urban Forests:

Port of Hope is currently occupying the old Forest Service building and has continued to preserve the trees surrounding the property that were planted by the Forest Service. The property is backed by a natural tree barrier leading up to the interstate and is protected by a fence. Port of Hope continues to enhance the existing landscaping and planting of native species.

Objective 1.12

Community Design:

Port of Hope has been located in this facility providing treatment and transitional services for 22 plus years and are well established within this community at it's current location. Should we have to relocate our facility to another area, it would greatly impact the land use of another urban area and add to sprawling.

Objective 1.14

Efficiency:

In our 22 years at this facility, Port of Hope has continually renovated or remodeled to make the most efficient use of this infrastructure within it's existing land use without impact on the environment or natural terrain. Relocating would add to the impacts of use of undeveloped areas.

Objective 1.16

Connectivity:

Port of Hope has a sidewalk on N. 23<sup>rd</sup> street that connects with our neighbors (Sherman Self Storage), as well as sidewalks on the other side of the street. With

sidewalks on the connecting streets in the neighborhood there is easy access to public transportation. Our residents are required to utilize the sidewalks and remain on the main arterial. We promote bicycle transportation and provide bicycles for many of our occupants. Our staff are dedicated to keeping the sidewalks clear in the winter months and in good repair for easy access by all residents of the neighborhood.

## **GOAL #2-Economic Environment**

### Objective 2.01

#### Business Image & Diversity:

As a Drug & Alcohol Treatment Center and a Residential Re-entry Center for the Bureau of Prisons, we are a service industry that is important to the community. The services Port of Hope provides are both complementary and supportive to health care and educational activities while preserving this communities quality of life. Port of Hope is a diverse business that strives to maintain a positive image in this community and continues to provide services that are compatible with the neighborhood at it's current location.

### Objective 2.02

#### Economic & Workforce Development:

Port of Hope provides year-round stable jobs with livable wages to many residents of this community which contributes to the overall economic health of Coeur d' Alene. As our resident population grows, our need for more staff increases, which further supports the local workforce. As part of their contracts, RRC residents are required to obtain and maintain gainful employment. Many of our residents gain employment with businesses on Sherman Avenue as well as elsewhere in Coeur d' Alene which gives support to the diverse mix of businesses in our area. Staff work with all residents on development employment skills, life skills and financial management skills. Port of Hope provides needed housing to residents until they are self sufficient, productive members of society.

## **GOAL #3-Home Environment**

### Objective 3.01

#### Managed Growth:

Port of Hope currently provides suitable housing for both drug & alcohol rehabilitation residents and residential re-entry residents to assist them in their life changes and to match the needs of a changing population.

### Objective 3.05

#### Neighborhoods:

Many of our neighbors have resided in their homes for as long or longer than we have resided in our current facility (22 years plus). Port of Hope has coexisted with our neighbors, without any problems, for over 22 years at this location. Our

well established existence in this facility has preserved this neighborhood from incompatible land use or development.

Objective 3.06

Neighborhoods:

Port of Hope's facility is located within the neighborhood in a way that protects the residential character by providing transition boundaries. Our current property is bordered by businesses on both sides, interstate along the back portion of the lot, and a main street in front. Many of our neighbors feel safer with our presence because we operate 24 hours a day, seven days a week so there are always staff here. We have 28 interior and exterior surveillance cameras and add these to the Sherman Self Storage surveillance cameras and we provide a safer neighborhood.

Objective 3.07

Neighborhoods:

Our Sidewalk connects with our neighbors on both sides of the street making it easier and safer for our residents and the residents of the neighborhood to get to and from the Sherman Avenue corridor and public transportation.

Objective 3.08

Housing:

Port of Hope currently provides quality housing for all income and family status categories. Without Port of Hope's presence, many residents would be homeless and on the streets of this community.

Objective 3.11

Historic Preservation:

Our facility was originally owned by the Department of Forestry. Our presence here for over the past 22 years has preserved the large one-of-a-kind tree that the Forestry Department grafted back in the 1960's.

**GOAL #4-Administrative Environment**

Objective 4.01

City Services:

Port of Hope, as a drug & alcohol rehabilitation center and a residential re-entry center, has provided a much needed service that meets the needs and desires of the citizenry. Our mission statement includes "to protect and serve the people and needs of our community" and Port of Hope has served over 60,000 residents of this and neighboring communities.

Objective 4.06

Public Participation:

Informing the community about our programs and their importance is achieved through mailings, the internet, and most importantly, with regular meetings with

various community based groups where public involvement in decision-making processes is promoted.

**Land Use: Historical Heart**

Our present facility location meets the Historical Heart neighborhood characteristics by encouraging growth that compliments and strengthens our existing neighborhood while providing pedestrian connectivity. Our commercial building size will remain lower in scale than in the downtown core which also fulfills the needs of the Historic Heart neighborhood.

- C. Sherman Self Storage and LaQuinta who employs some of our residents). Our building is set on the property in a manner that allows for a privacy screening from the street view. Our residents and employees park in the back and on the dead end street. The main entrance and courtyard are in the back of the building. The trees provide a screen from the freeway to our backyard.
  
- E. Since 1998. We have been performing these services without any issues or concerns from our community and remain dedicated to providing these services without impacting our neighbors. We believe that Port of Hope has and will continue to be an asset to the community and the overall growth and protection of this community. We have always made sure that we had the proper zoning and made notifications to local officials of our programs. Port of Hope only recently learned of the need for a Special Use Permit and that is why we are requesting your consideration.



**Port of Hope**

The Place of New Beginnings Since 1971

July 30, 2013

Planning Commission  
City of Coeur d' Alene  
702 E Front St  
Coeur d' Alene, ID 83814

RE: Port of Hope School Board Meeting

Dear Mr. Holm,

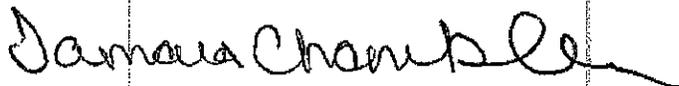
On 07/29/13, Ms Cherney (Port of Hope Residential Reentry Center Director) and I met with Mr Wardell from the School District as well as the School District Attorneys, Ms O'Dowd and Mr Lyons as the council suggested. I would like to share with you the possible solutions Port of Hope presented to the School District to help ease their fears. Port of Hope assured them that we will continue to maintain all possible security measures that we have had in place for the last fifteen years which has kept us incident free and proven that we can co-exist with the school with the types and numbers of offenders we have been taking. Port of Hope is willing to offer them to the council as well.

1. Port of Hope will create an exclusion zone within our GPS (Veritraks) system of the school and surrounding area. This system will then alert us within one minute of an offender entering that zone. Port of Hope is willing to allow Fernan Elementary's Principal or designee access to the exclusion zone reports generated by Veritraks (with the names redacted for Federal Confidentiality purposes) at anytime they request. A printout of this proposed zone was presented at the meeting.
2. Port of Hope is willing to place GPS units on all Pre-Release offenders, in the facility and on Home Confinement, that would be considered to have a VCCLEA status. This status includes assault charges, drug charges, sex offenses, etc. Port of Hope will continue to place GPS units on anyone whose behavior warrants it despite their charge.
3. Mr. Wardell voiced concerns regarding two peak times that children arrive and release from school. Although we have not seen a flow of children walking in front of our facility, Port of Hope agreed that during the hours of 7:00 - 8:00 a.m. and 2:30 - 3:30 p.m. we would not allow offenders to travel to the bus stop on Sherman Avenue without staff escort or transport.
4. Port of Hope also offered tours of the facility to meet the staff, see the security measures in

218 N. 23rd  
Coeur d' Alene, ID 83814  
(208) 664-3300

place and to observe the atmosphere to help reduce fears that it is not a prison nor flop house type setting . These are well dressed, employed, and well mannered individuals who have addictions and a criminal history.

Sincerely,

A handwritten signature in black ink, appearing to read "Tamara Chamberlain". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tamara Chamberlain, Exec RRC Director

cc: Warren Wilson, Deputy City Attorney

Port of Hope  
Maximum Occupant Load  
Sleeping Areas Only

<u>Bedroom #:</u>	<u>Square Footage:</u>	<u>Max Occ. Load:</u>
1.	522 sq'	4
2.	440 sq'	4
3.	210 sq'	2
4.	384 sq'	3
5.	312 sq'	3
6.	240 sq'	2
7.	260 sq'	2
8.	260 sq'	2
9.	400 sq'	4
10.	320 sq'	3
11.	460 sq'	<u>4</u>

Total – 33

Additional rooms TBD.

B103	420 sq'	4
B102	240 sq'	2
B101	743 sq'	6
A105	162 sq'	1
A106	162 sq'	1
A107	149 sq'	1
Storage room	155 sq'	<u>1</u>

Total – 16

Max Total Occupancy (Bedrooms) 49

These calculations and definitions were derived from the 2009 Edition of the International Fire Code. The occupancy classifications for the Port of Hope are as follows:

## **CHAPTER 2 (DEFINITIONS)**

### **SECTION 202**

**Group I-1.** This occupancy shall include buildings, structures or parts thereof housing more than *16 persons*, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

**Alcohol and drug centers**

Assisted living facilities  
Congregate care facilities  
Convalescent facilities  
Group homes  
Half-way houses  
Residential board and care facilities  
Social rehabilitation facilities

**Group I-3.** This occupancy shall include buildings and structures which are inhabited by more than five *persons* who are under restraint or security. An I-3 facility is occupied by *persons* who are generally incapable of self-preservation due to security measures not under the occupants' control. This group shall include, but not be limited to, the following:

Correctional centers  
Detention centers  
Jails

**Prerelease centers**

Prisons  
Reformatories

Buildings of Group I-3 shall be classified as one of the occupancy conditions indicated below:

**Condition 1.** This occupancy condition shall include buildings in which free movement is allowed from sleeping areas and other spaces where access or occupancy is permitted, to the exterior via *means of egress* without restraint. A Condition 1 facility is permitted to be constructed as Group R.

**Condition 2.** Does not apply

**Condition 3.** Does not apply

**Condition 4.** Does not apply

**Condition 5.** Does not apply

The calculated square footage of each bedroom is an estimate at best. The measurements were obtained from a set of plans that were submitted to the CITY OF COEUR D ALENE April 2012 permit #119885. To obtain factual and true maximum occupancy numbers, exact square footage of each bedroom must be submitted to the Fire Department so it can be plugged into the formula from the IFC **TABLE 1004.1.1 MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT.**

**Bureau of Prisons Inmate DNA Sample Collection  
Fact Sheet**

The Bureau of Prisons' (Bureau) current authorities to collect DNA samples from persons are as follows:

- Title 42 U.S.C. Sec. 14135a, Collection and use of DNA identification information from certain Federal offenders;
- Title 42 U.S.C. Sec. 14135b, Collection and use of DNA identification information from certain District of Columbia offenders; and
- Title 28 C.F.R. Part 28.12.

Pursuant to these authorities, the Bureau will collect DNA samples from persons who are:

- Convicted of any federal offense (felony or misdemeanor);
- Convicted of any Uniform Code of Military Justice (military) offense (felony or misdemeanor);
- Convicted of a qualifying D.C. Code offense (as provided at D.C. Code Sec. 22-4151);
- Arrested or facing charges (pretrial inmates); and
- Non-United States persons who are detained under the authority of the United States (including the Bureau) (persons who are not United States citizens and who are not lawfully admitted for permanent residence as defined by 8 C.F.R. Sec. 1.1 (b)).

Bureau Program Statement 5311.01, *Inmate DNA Sample Collection Procedures* (effective date Feb. 1, 2011), provides the following:

- Collection of DNA via buccal swab has been incorporated into the collection method.
- Collection of DNA from juveniles is permitted.
- Consequences for refusing to provide a DNA sample include an incident report(s), progressive administrative sanctions, and possible criminal prosecution.
- If efforts to obtain a DNA sample fail, or the inmate is approaching his/her release date, standard Use of force protocols (including standard confrontation avoidance procedures) must be invoked, using only the amount of force necessary to obtain a DNA sample. In instances where calculated use of force is necessary, it is recommended that a blood sample be obtained.

## 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 case of an emergency or my death, I direct that my _____, be notified via information provided below. (relationship)				
_____	_____	_____	_____	_____
(Name)	(Address)	(City)	(State)	
_____				
(Telephone Number)				
Name and Telephone Number of Personal Physician:				
2. Status (Contract staff completes)				
Component Assigned: Community      Pre-Release      Home Detention (circle one)                      Corrections				
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/Time		

Record Copy - Facility Director; Copy - RRM (This form may be replicated via computer)

**COEUR D'ALENE PLANNING COMMISSION  
FINDINGS AND ORDER**

**A. INTRODUCTION**

This matter having come before the Planning Commission on July 9, 2013 and continued to August 13, 2013, there being present a person requesting approval of ITEM: SP-3-13, a Special Use Permit allowing a criminal transition facility in the C-17 (Commercial) zoning district to operate a residential re-entry service for federal offenders

**APPLICANT:** PORT OF HOPE CENTERS INC.

**LOCATION:** 218 N. 23RD STREET – APPROX 0.842 OF AN ACRE

**B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON**

**(The Planning Commission may adopt Items B1 to B7.)**

- B1. That the existing land uses are Civic (Elementary school), single family (Attached & detached), duplex, multi-family, commercial, and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is C-17.
- B4. That the notice of public hearing was published on, June 22, 2013, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on June 26, 2013, which fulfills the proper legal requirement.
- B6. That 29 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on June 21, 2013.
- B7. That public testimony was heard on August 13, 2013.

B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal is not in conformance with the comprehensive plan, as follows:

2007 Comprehensive Plan pg. 42:

*...The historical heart of Coeur d'Alene contains a mix of uses with an array of historic residential, commercial, recreational, and mixed uses. A traditional, tree-lined, small block, grid style street system with alleys is the norm in this area. Neighborhood schools and parks exist in this location and residents have shown support for the long term viability of these amenities. Focusing on multimodal transportation within this area has made pedestrian travel enjoyable and efficient...*

Continued on pg. 43:

*The characteristics of Historical Heart neighborhoods will be:*

- *Encouraging growth that complements and strengthens existing neighborhoods, public open spaces, parks, and schools while providing pedestrian connectivity.*

Based on the description of the Historical Heart Today land use area, the special use permit request does not meet the above excerpt from the 2007 Comprehensive Plan, which includes support for the long term viability of neighborhoods and schools in the area.

Also, the request is deficient in the following goal and objectives of the plan;

**Objective 3.05**

**Neighborhoods:**

Protect and preserve existing neighborhoods from incompatible land uses and developments.

B8B. The design and planning of the site is not compatible with the location, setting, and existing uses on adjacent properties. This is based on the proximity to civic uses in the Historical Heart area, specifically, Fernan Elementary.

B8C. The location, design, and size of the proposal are such that the development will be adequately served by existing streets, public facilities and services. This is based on the information provided in the staff report which includes comments by various departments including but not limited to: Water, Sewer, Streets and Fire.

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of **PORT OF HOPE CENTERS, LLC** for a special use permit, as described in the application should be **denied**.

Motion by Evans, seconded by Haneline, to adopt the foregoing Findings and Order.

**ROLL CALL:**

Commissioner Evans	Voted Yes
Commissioner Luttrupp	Voted Yes
Commissioner Haneline	Voted Yes

Commissioners Jordon, Soumas and Messina were absent.

Motion to deny carried by a 3 to 0 vote.

  
Vice-Chair Bowlby

City of Coeur d'Alene  
Planning Dept.  
City Hall  
710 E. Mullan Ave.  
CdA, Idaho 83814

September 23, 2013

Dear Planning Dept,

We submit this letter in support of our good neighbors, The Port of Hope Treatment Facility. They have been adjacent to our construction business for the past twenty years. In those years they have been exemplary neighbors, with no issues, concerns or problems. With cameras on every corner of their property they have called us when there is suspicious activity near our building, unrelated to their residents.

They have provided a much needed service in society and our community and should be receiving positive recognition, not thrown out of town. More worrisome than their residents are the many transients camped out on state property behind our building directly across from Fernan Elementary. (On the I-90 East bound off ramp to Sherman Ave)

We express our support, understanding the fears of close by residents. However, Port of Hope has a 20 year history of good stewards of trust in our neighborhood. We believe they should be allowed to continue their important work.

Sincerely,



Tim Shannon

Shannon Properties LLC

# RAMSDEN & LYONS, LLP

ATTORNEYS AT LAW

MICHAEL E. RAMSDEN\*  
MARC A. LYONS\*  
DOUGLAS S. MARFICE\*  
MICHAEL A. EALY\*  
TERRANCE R. HARRIS\*  
CHRISTOPHER D. GABBERT  
THERON J. DE SMET  
MEGAN S. O'DOWD  
  
WILLIAM F. BOYD, OF COUNSEL

P.O. BOX 1336  
COEUR D'ALENE, ID 83816-1336

TELEPHONE: (208) 664-5818  
FACSIMILE: (208) 664-5884  
E-MAIL: firm@ramsdentlyons.com  
WEBSITE: www.ramsdentlyons.com

STREET ADDRESS:  
700 NORTHWEST BLVD  
COEUR D'ALENE, ID 83814

ALL ATTORNEYS LICENSED IN IDAHO  
\* LICENSED IN WASHINGTON

RECEIVED

SEP 25 2013

CITY CLERK

September 17, 2013

Coeur d'Alene City Council  
710 E. Mullan Avenue  
Coeur d'Alene, ID 83814

Re: Appeal of Port of Hope Center, Inc.'s Denial of Special Use Permit 3-13

Dear Coeur d'Alene City Council:

Enclosed herewith, please find the following correspondence from Matthew Handleman, Superintendent of Coeur d'Alene Public Schools, with regard to the above-referenced matter:

1. Correspondence addressed to Coeur d'Alene City Council dated September 16, 2013;
2. Correspondence addressed to City of Coeur d'Alene Planning Commission dated July 1, 2013; and
3. Correspondence addressed to City of Coeur d'Alene Planning Commissions dated August 13, 2013.

Please feel free to call our office with any questions or concerns.

Thank you,



Megan S. O'Dowd  
Attorney for Coeur d'Alene School District #271

MSO/sv  
enclosures



## Coeur d'Alene Public Schools

DISTRICT ADMINISTRATIVE CENTER  
1400 N. Northwood Center Court, Coeur d'Alene, ID 83814

OFFICE 208.664.8241  
FAX 208.664.1748  
www.cdaschools.org

September 16, 2013

Coeur d'Alene City Council  
710 E. Mullan Avenue  
Coeur d'Alene, ID 83814

*Re: Appeal of Port of Hope Center, Inc.'s Denial of Special Use Permit 3-13*

Dear Coeur d'Alene City Council:

The Coeur d'Alene School District submits this letter to reiterate its opposition to Port of Hope, Inc.'s application for Special Use Permit No. 3-13 at 218 N. 23d Street in Coeur d'Alene. We incorporate by reference our previous letters of opposition submitted to the City on July 1 and August 13 (copies attached).

The District's primary concern with this application is the safety of our students. Fernan Elementary is located just blocks away, and Sorensen Elementary a short distance further, from the Port of Hope location. Many of the residents at Port of Hope are registered sex offenders with sex abuse crimes relating to minors. The risks associated with having these individuals in such close proximity to school children are obvious. The District has a duty to reasonably safeguard its students and the City of Coeur d'Alene has a duty to adequately protect the safety of its citizens. Sex offenders attempting to transition to civilian life simply should not be residing within walking distance of elementary school children.

Additionally, the mitigation measures offered Port of Hope are insufficient. Altering travel times and using GPS tracking devices will not keep residents from "deviating" from the control and supervision of Port of Hope. A tracking device is only useful as a corrective tool to assist in locating an individual *after* a resident has deviated, it does nothing to prevent the deviation altogether. Ultimately, convicted sex offenders who have previously abused minors should not be given such a flagrant opportunity to recommit.

The District cannot support this application. Port of Hope has a useful mission but one that should not be fulfilled at the expense of children. The District thanks the City for its thoughtful review of this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Handelman".

Matthew Handelman  
Superintendent



## *School District 271*

DISTRICT ADMINISTRATIVE CENTER  
311 North 10<sup>th</sup> Street, Coeur d'Alene, ID 83814

OFFICE (208) 664-8241  
FAX (208) 676-1011  
www.cdaschools.org

July 1, 2013

*Via Personal Delivery*

City of Coeur d'Alene Planning Commission  
710 E. Mullan Avenue  
Coeur d'Alene, ID 83814

Re: Port of Hope Centers, Inc.'s Request for Special Use Permit 3-13.

To Whom It May Concern:

The Coeur d'Alene School District #271 recently obtained notice regarding the consideration of Special Use Permit 3-13. The Port of Hope Centers, Inc. applied for this permit for the purpose of operating a residential re-entry service for federal offenders at 218 N. 23d Street. The District understands that this facility would offer drug detoxification and recovery services to its live-in residents.

As a part of the statutory duties imposed on a school district in the State of Idaho, District #271 is required to "protect the morals and health of the pupils" of the District and "maintain a safe environment for [its] students." Idaho Code § 33-512. Fernan Elementary is located at 520 N. 21<sup>st</sup> Street in Coeur d'Alene, Idaho. This school serves several hundred elementary-aged students, ranging in age from five to ten years old. It is the District's opinion that the proposed rehabilitation facility is located too close to Fernan Elementary and that such a facility creates a potential risk to the safety and well-being of the children.

When considering this permit, the Planning Commission must ensure that the proposed use is "compatible with the location, setting and existing uses on adjacent properties." *City Code*, 7.09.220. The Planning Commission must also ensure that the proposed use comports with the City's Comprehensive Plan. *See City Code*, 7.09.220. Objective 4.05 of the Comprehensive Plan requires that the Commission make land use decisions that adequately protect the safety of the City's citizens and visitors.

The federal offender re-entry program offered by the Port of Hope Centers does not comport with the existing *elementary school* located just a few blocks away. Many young children live near this location and walk this shared corridor on a daily basis. The District and the City have a shared duty to protect these children from the unnecessary risks and exposures that would be attendant to the services being offered by the Port of Hope Centers. These young children are incredibly vulnerable and impressionable, and the proximity of the facility creates too severe a risk to warrant approval of the proposed use.

It is the District's hope that the Planning Commission denies the Port of Hope Centers' application for a special use permit. The District recognizes that this facility is appropriate in some areas, but the proposed location is not compatible with the safety concerns of the young children living and traveling in the area.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Handelman", with a long, sweeping underline.

Matthew Handelman  
District Superintendent



# PUBLIC HEARING

*City of Coeur d'Alene*

Coeur d'Alene  
Planning Commission

**Time:** 5:30 p.m.

**Location:**

Coeur d'Alene Public  
Library Community  
Room (lower level)

702 E. Front

**When:**

Tuesday  
July 9, 2013

## We invite your participation!

*Join friends and neighbors to provide your comments about the following request:*

---

### **What is the request?**

Port of Hope Centers, Inc. is requesting a Special Use Permit allowing a criminal transition facility in the C-17 (Commercial) zoning district to operate a residential re-entry service for federal offenders.

---

### **Where is the request located?**

Commonly described as:

RECEIVED

**218 N. 23rd Street**

JUN 24 2013

Legally described as:

Accounts Payable

Glenmore Add to CDA, Lot 1 except RW, Lot 2 through 6 Block 24 & South ½ vacated portion of Coeur d'Alene Ave., measuring approximately 0.842 acres.

*Please see additional information on back*



Please cut here

1. If you would like to send in a comment, please use this portion of the notice and return to the Planning Department office before July 8, 2013 at 5:00pm

&/or 2. Phone or visit our office (769-2240) with your concerns or questions.

&/or 3. Fax your comments to (769-2284).

&/or 4. Email your comments to shana@cdaid.org

&/or 5. Come to the public hearing.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ITEM SP-3-13



## *School District 271*

DISTRICT ADMINISTRATIVE CENTER  
311 North 10<sup>th</sup> Street, Coeur d'Alene, ID 83814

OFFICE (208) 664-8241  
FAX (208) 676-1011  
www.cdaschools.org

August 13, 2013

*Via Personal Delivery*

City of Coeur d'Alene Planning Commission  
710 E. Mullan Avenue  
Coeur d'Alene, ID 83814

Re: Port of Hope Centers, Inc.'s Request for Special Use Permit 3-13.

Dear Commissioners:

At the recommendation of the Planning Commission, the Coeur d'Alene School District recently met with Port of Hope representatives regarding their application for a special use permit. The meeting provided a meaningful opportunity for the District to learn about the Center's operations and facilities, as well as their safety protocols for residents. While the District supports Port of Hope's mission, it simply cannot support this application. There are simply insufficient precautions that the Center can offer to adequately safeguard the District's children, particularly the children of Fernan Elementary.

In particular, Port of Hope is unable to track *all* of its residents on GPS tracking devices. The Center informed the District that Port of Hope could not require GPS devices on certain classifications of offenders without a Court order. The category of offenders that cannot be tracked by GPS without a court order can include sexual offenders. This creates obvious uncertainty for the District. Additionally, the Center cannot eliminate the unsupervised travels of the residents. Although that part of the Port of Hope program that encourages residents to actively seek and gain employment is of value, the residents are unsupervised in these outings and have the potential to deviate from their preapproved schedule.

Ultimately, not every offender will successfully complete the Port of Hope program. We are unbelievably grateful that there has never been an incident, but it only takes one, and we simply cannot afford to take that risk. The District cannot support Port of Hope's application for a special use permit and asks the Planning Commission to similarly deny this application because of its incompatibility with the existing uses on adjoining properties.

Thank you for your consideration.

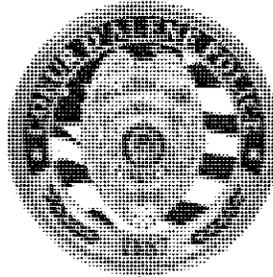
Sincerely,

Matthew Handelman  
District Superintendent

CITY OF COEUR D'ALENE  
710 MULLAN AVE  
COEUR D'ALENE, ID 83814

*Done*  
*8-12-12*

**Coeur d'Alene Police Department**  
**Port of Hope Calls for Service (1/3 mile radius)**  
**2008-2013**



	2008	2009	2010	2011	2012	2013	TOTAL
BURG IN PROGRESS			1				
CITIZEN ASSIST	1		1	2		1	
DISORDERLY		2			1		
DUI	1		2	1			
K9 USAGE					1		
PSYCHOLOGICAL	1						
SUICIDE THREAT		1					
SUSPICIOUS					1		
THEFT						1	
THEFT VEHICLE	1						
UNCONSCIOUS			1				
UNKNOWN MEDICAL			1				
UNLAWFUL ENTRY					1		
UNWANTED PERSON	1						
WANTED PERSON	1	2		2	2	1	
WARRANT SERVICE		2					
WELFARE CHECK			1		1		
TOTAL WITHOUT TRANSIENT ISSUES	6	7	7	5	7	3	35
TRANSIENT ISSUES		2		7			9
TOTAL WITH TRANSIENT ISSUES							44



Port of Hope  
218 N 23rd  
CDA, ID 83814

July 17, 2013

Dear Mr Holm,

Per your email, the following is Port of Hope's response to the seven questions you asked of us.

1. Any information related to issues caused by offenders while in POH custodial care within the community.

Response: Port of Hope has not had any issues with our offenders within the community. We have not received any complaints from residents of the community, concerns from local law enforcement or reports of any kind identifying issues caused by offenders while in our custodial care.

2. Records regarding offenders that were sent back to jail type facilities due to non-compliance (deviations?) at POH.

Response: For 2013, Port of Hope has had fifty-two (52) offenders that completed their program at the Residential Reentry Center (RRC). Of that fifty-two (52), zero (0) offenders have been removed for non-compliance. In 2012, Port of Hope had 102 offenders that completed their program. Of those 102 offenders, two (2) were removed for deviating and two (2) for lying to staff in regards to unauthorized use of a cell phone. Also in 2012, a Public Law offender absconded after testing positive for Marijuana. (A Public Law offender is one that had been released from prison to the community and is currently on Federal Probation. The offender then violates his probation within the community or has a need for a RRC placement due to being homeless for example so is referred to us by his United States Probation Officer through the Bureau of Prisons program. An Absconde is when the Public Law offender leaves the facility without authorization.)

3 Greater detail into types of offenders and how the "point system" works and how "graduation" is achieved.

Response: Port of Hope reviewed our current and incoming roster and these are a summary of the types of crimes:

Manufacture of Counterfeit Currency; Conspiracy to Possess With Intent to Distribute Methamphetamine; Conspiracy to Possess Methamphetamine; Conspiracy to Commit Mail Fraud; Insurance Fraud; Possession of Explicit Images; Theft From A Federal Funded Agency; Conspiracy to Commit Bank Fraud; Felon In Possession Of A Firearm; Possession of Pornography; Sexual Abuse of a Minor; Conspiracy to Import Marijuana; Bank Robbery; Wire Fraud, Conspiracy to Distribute Controlled Substances; Bank Fraud/Mail Fraud; Assault

Committed on an Indian Reservation; Theft Committed on an Indian Reservation; Resisting an Officer; Unlawful Possession of a Firearm; Misprison of a Felony; Conspiracy to Distribute Cocaine; Manufacturing with Intent to Distribute Marijuana.

As you can see, this is only a sample of the types of offenders that we take there are hundreds of Federal offenses. I can tell you what types of offenders that we do not take and will continue to not take at the Port of Hope: Those that include a criminal history of repeated sexual offenses/acts may or may not include violence; offenders that have not completed a treatment program; Those assessed to meet violent sexual predator criteria; Offender expresses desire to continue committing sexual offenses.

The point system is difficult to explain as it is determined by the Legal system. Offenders are basically assigned points based on the crime itself, prior criminal history, acceptance of responsibility, etc. They also earn or loose Good Conduct Time while incarcerated based on discipline or behavior in the institution. A criminal attorney, Bureau of Prisons Representative or Federal Probation Officer could probably explain this better than Port of Hope. Some offenders with drug crimes also participate in a comprehensive 500-hr drug program while incarcerated. Once they graduate in the institution they continue that in the RRC with us. This program has stringent requirements to qualify for the program and strict behavior expectations while in the RRC.

#### 4. The extent of supervision required by contract (What do the issuers of the offender require?)

Response: The requirements of the contract are based on a Statement of Work (which is available to the public at [www.bop.gov](http://www.bop.gov), we currently operate under the 2007 Statement of Work) This book guides everything from our requirements for Personnel (Education, background checks, staffing patterns, Standards of Conduct, training, etc); Life Safety/Facility (everything from candlefoot lighting required, unencumbered space per offender, City State and Local inspections required, to the temperature of our water) Sanitation; Food; Medical; Discipline, etc.

Supervision is covered in several chapters of the Statement of Work: The basic philosophy of the requirement is that we must know the offenders whereabouts at all times. That we have a comprehensive offender accountability program that ensures every offender is accounted for while in the facility, on home confinement or in the community.

It consists of things like offenders must complete a weekly itinerary telling us in advance where they are planning to go for the next week, we then verify and approve or deny locations. When they go job searching, for example, they fill out a daily itinerary telling us which businesses that they are going to apply at, we verify that they are appropriate then require the offender to return with a verification sheet that each business they apply at signs and puts times that they were there. We then make random phone calls to verify with that employer. They are not allowed to go anywhere that is not on their approved daily or itinerary. Once they gain employment (which every offender is required to do unless medically unable), we go to the job site, speak with the Employer and have them sign a verification sheet that discloses the offenders crime and that they are at the Residential Reentry Center. The employer identifies for us the work schedule, route of travel, needed travel time, and pay information. Employers are encouraged to contact the RRC with any issues regarding performance, absences or unusual events. RRC Staff verify employer requests for overtime and discuss any areas of concern. We then conduct weekly and monthly site visits with the employer on how they are doing. The offender is required to pay 25% of his gross income for being in a RRC. Random facility head counts are conducted at various intervals,

several times per shift, to confirm offender locations and the findings are recorded in the individual offenders file in the computerized Safe Keep program.

Offenders are given a RRC contact number for a telephone dedicated only to the program. The telephone is monitored by RRC staff and has Caller ID. Offenders are required to call in as requested by RRC Staff, while seeking/maintaining employment, attending program needs or on home confinement. RRC staff randomly return calls to offenders and inspect all sites to verify their location. A list of pre-approved locations is then placed in each offenders file.

Each offender Signs in and out of the RRC utilizing a signature pad linked to Safe Keep that is controlled by the RRC Staff, listing full name, register number, and present legal status. Each time the offender leaves the facility the RRC Staff records the time out, destination, purpose and authorized return time, staff initial the entries and the offender is required to sign. Upon return, the RRC Staff lists the actual time and uses the comment section to note any schedule variance or observation. RRC Staff contacts offenders either telephonically or in person at random times throughout the sign out period. RRC Staff verifies church / spiritual attendance with dated programs, contact with clergy and onsite visits.

In order for an offender to have driving privileges, RRC Staff verify that they have a valid drivers license, registration and proof of insurance. The vehicle is inspected for safety and randomly searched. The facility is searched several times a month and the offender is searched each time they return to the facility from the community. Offenders are only allowed outside in the courtyard which is in the back of the facility and only one at a time unless they are job seeking, going to work, religious, or programming needs (treatment, medical, etc). Curfew remains 9:00pm – 6:00am, any exceptions (Employment) require pre-approval from the RRC Director.

Although not specifically required by the contract, Port of Hope has a camera system with camera's in all the common areas inside the facility and the surrounding outside parameter. Port of Hope utilizes a computerized software program (Safe Keep) to track offender movement, head counts, medication, employment, etc. The system alerts staff when an offender is one (1) minute late and continues to alert staff until the offender returns or key staff override the system. Medication is monitored in Safe Keep and staff are alerted when an offender is getting low on medication or has missed a dose. This program has increased Port of Hope's ability to maintain accountability, program compliance with reentry needs and staff integrity. Port of Hope has implemented GPS (Veritracks) on all offenders placed in the Home Confinement component as well as offenders that are found to be in non-compliance with accountability or who's history indicates the potential. GPS has allowed Port of Hope to view all movement of the offender while in the facility or in the community. Staff are alerted anytime the offender leaves his designated location or enters an unauthorized area.

All offenders are breathalyzed every time they return to the facility and randomly within the facility. All offenders receive urinalysis testing randomly at a five percent ratio and a minimum of four (4) times monthly if they have a drug and alcohol component. The RRC also has a secured entry where all offenders must be buzzed in by staff as well as outside visitors. The RRC is equipped with an alarm system which monitors the facility windows.

##### 5. Modes of transportation and approved routes for offenders.

Response: RRC staff transport a majority of the offenders to and from work, medical and programming requirements. Offenders can obtain driving privileges as earlier stated, they can

have a family member transport (A background is ran on the family member, and proof that they are a legal driver is obtained), Citilink is utilized, Bicycles and walking as well. Approved routes are based on mode of transport but in general they are required to use a main arterial. They go 23<sup>rd</sup> to Sherman for example. They are strictly forbidden to travel on Coeur d' Alene street or in the alleys. We have had that rule in place for over ten years because of the school and residents.

6. The maximum length of stay for offenders. The letter submitted stated "typical". We need maximum, please.

Response: Although rare, the maximum length of stay would be one (1) year. This is mainly due to people with disabilities that require longer time to obtain employment, find suitable housing and transition due to their limitations. If Port of Hope is limited to shorten stays, many of these offenders would end up in temporary living situations like the shelters and transitional housing on Sherman. These facilities do not have the stringent requirements for supervision in place that we do nor the ability to case manage the issues offenders with physical and mental disabilities face. This length of stay is needed to help keep offenders off the streets and assure that they receive all the transitional programming that is available and needed. They need to not only obtain employment but receive several paychecks to obtain a place to live, secure transportation and maintain their medications.

7. A maximum defined number of beds onsite specifically for the criminal portion of POH services.

Response: The maximum number of beds dedicated to the criminal portion is 43 beds. This number does not reflect the actual amount we would have inhouse but what is required of us. As we have stated before, many of these offenders are placed on Home Confinement in their homes. The beds must be contractually available in the event that we needed to return someone from Home Confinement to the facility, overlap of incoming and outgoing offenders, environmental issues (power outages, etc), high risk holidays like Halloween or New Years Eve or financially they are unable to pay rent due to loss of job, for example.

Although 43 beds might seem high, the average number of offenders in the facility is 25-30. We have the building space to provide more than 43 beds and have been dealing with fluctuating numbers for years, successfully. Port of Hope acknowledges that as crime increases so may the need for higher numbers, and is willing to look at relocation if the demand for more than 43 beds arises.

Sincerely,



Tamara Chamberlain

Executive RRC Director

STATEMENT OF WORK

(SOW)

RESIDENTIAL REENTRY CENTER  
August 2007

Revision 01, December 2007, CCB  
Revision 02, December 2008, CCB  
Revision 03, February 2010, CCB  
Revision 04, May 2010, CCB  
Revision 05, May 2011, CCB  
Revision 06, January 2012, RRMB  
Revision 07, February 2012, RRMB

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FURLOUGH QUESTIONNAIRE - OUT OF SENTENCING DISTRICT

INCIDENT REPORT (RRCs)

INMATE RIGHTS AT CENTER DISCIPLINE COMMITTEE HEARING

NOTICE OF CENTER DISCIPLINE COMMITTEE HEARING (RRCs)

PASS REQUEST AND APPROVAL

QUESTIONNAIRE - SENTENCING DISTRICT

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PS 1330	Administrative Remedy Program
PS 1351	Release of Information
PS 1415	Community Relations Board
PS 1480	News Media Contacts
PS 3735	Drug Free Workplace
PS 5270	Inmate Discipline & Special Housing Units
PS 5280	Furloughs
PS 5321	Unit Management
PS 5324	Sexually Abusive Behavior Prevention and Intervention Program
PS 5380	Cost of Incarceration Fee (COIF)
PS 5800.15	Correctional Systems Manual
PS 6060	Urine Surveillance and Narcotic Identification
PS 6590	Alcohol Surveillance and Testing Program
PS 7310	Community Corrections Center (CCC) Utilization and Transfer Procedures
PS 7570	Contract Staff Integrity for Privately Operated Community Corrections Residential Facilities

Program Statements may be found on the Bureau of Prisons Internet Home Page, [www.BOP.gov](http://www.BOP.gov). It is the Bureau's expectation that the contractor maintains and implements subsequent policy updates as they occur. This will require the contractor to routinely review policy statements to ensure they are utilizing the most current version.

**CONTRACTOR REQUIRED TRAINING**

(Referenced in the Statement of Work)

<u>Training</u>	<u>Chapter Referenced</u>
Staff annually review (with documentation) contractor's operations manual.	1
20 hours of staff annual training with required topics is provided.	2
Staff must receive training on duties and responsibilities prior to working with federal inmates.	2
A minimum of one key staff will attend BOP Regional training as offered.	2
Staff acknowledge receipt and understanding of contractor's Employee Standards of Conduct.	2
The contractor will develop and implement a Comprehensive staff training program addressing the facility's sexual abuse/assault/misconduct prevention and intervention program.	2
The contractor will provide a brief orientation program for all volunteers and provide specific written guidance in the format of a "Volunteer Manual."	2
The contractor will train all staff in emergency Procedures within one week of their initial employment. In addition, the contractor will include emergency training in annual refresher training.	4
The contractor will train all staff in the proper Handling and use of all hazardous, toxic, caustic, and flammable materials within two weeks of their initial employment or whenever a new hazard is introduced into their work area and annually thereafter.	7
The contractor will train staff on the proper techniques for offender pat, room, vehicle, and common area searches. This training will be conducted within the first week of employment and annually thereafter.	11

The rules of conduct and sanctions for resident discipline infractions will be defined in writing and communicated to all staff.	12
Staff must be familiar with the Administrative Remedy Program Statement.	13

## INTRODUCTION

The Bureau of Prisons (BOP) provides community-based residential and nonresidential correctional services through contractual agreements with state, county, and city governments, and private corrections contractors. These contractors provide services which include employment and residence development and other self-improvement opportunities to assist federal offenders during the transition from prison to the community.

1. OBJECTIVE - The objective is to establish a Residential Reentry Center (RRC) that provides comprehensive community-based services for offenders, who are in the custody of the BOP, United States Attorney General, or under the supervision of the United States Probation Office (USPO).

2. STATEMENT OF WORK (SOW) - The SOW sets forth the contract performance requirements for the management and operation of a RRC for federal offenders. The contractor will ensure that the RRC operates in a manner consistent with the mission of the BOP. The mission is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost efficient, appropriately secure, and provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

3. PLACEMENT OF OFFENDERS - only the Regional Reentry Manager (RRM) or their designee can approve a federal offender's placement at a RRC.

4. CONTRACTOR'S RESPONSIBILITY - the contractor will furnish all personnel, management, equipment, supplies, and services necessary for performance of all aspects of the contract. Unless explicitly stated otherwise, the contractor is responsible for all costs associated with and incurred as part of providing the services outlined in this contract.

5. BOP'S PHILOSOPHICAL BASE - the BOP can successfully carry out its mission because its operations are firmly grounded in a set of common values and functional goals. A clear vision of the BOP's organizational and individualized responsibilities exists among its employees. The BOP, as an organization, has a set of values and shared attitudes that guide staff's actions. These values are a source of pride and professionalism to all

employees, as they see them reflected in safe, humane and cost effective operations, and in the fair treatment of offenders. The following values are important for contract employees to understand, because they describe some of the major portions of the BOP's core values.

These are important guiding principles for contract employees. They provide direction for decisions that carry out the BOP's mission. They also are the foundation of many expectations that the BOP will place on contract employees throughout performance of the contract.

- Sound Correctional Management – the BOP maintains effective security and control of its offenders in RRC facilities utilizing the least restrictive means necessary. This approach is the essential foundation of all sound correctional management programs.
- Correctional Workers First – all BOP employees share with contract employees a common role as correctional workers and a mutual responsibility for maintaining safe and secure facilities and for modeling society's mainstream values and norms to offenders.
- Promotes Integrity – the BOP firmly adheres to a set of values that promotes honesty, integrity, and professionalism in order to ensure public confidence in its programs. These values also include the agency's prudent use of its allocated resources.
- Recognizes the Dignity of All – recognizing the inherent dignity of all human beings and their potential for change, the BOP treats offenders fairly, is responsive to their needs, and affords them opportunities for self-improvement to facilitate successful reentry into the community. The BOP recognizes that offenders are incarcerated as punishment, not for punishment.
- Community Relations – the BOP recognizes and facilitates the integral role of the community in accomplishing the BOP's mission. The BOP also works cooperatively with other law enforcement agencies, the courts, and other components of the government. BOP staff visit regularly with RRC contract employees to exchange information on areas of mutual concern. RRCs have proven to be invaluable in maintaining a productive link between the institution and the community in which it is located.
- High Standards – the BOP requires high standards of staff integrity, safety, security, sanitation, and discipline

that promote a physically and emotionally sound environment for both staff and offenders.

Contract employees need to be firm but fair and humane but careful, in their interactions with offenders.

The RRC has an obligation to provide offenders with an opportunity to acquire the necessary skills for self-improvement, and practice law-abiding behavior upon release. Offenders are encouraged to maintain family and community ties, through correspondence, visitation and planning for eventual release, through participation in pre-release classes and other programs. They have the obligation to honor their debts and begin payment while confined. Each offender is personally responsible for taking advantage of available RRC programs.

6. CONTRACT PERFORMANCE - all services and programs will comply with the SOW; the U.S. Constitution; all applicable federal, state and local laws and regulations; applicable Presidential Executive Orders (E.O.); all applicable case law; and court orders. Should a conflict exist between any of the aforementioned standards, the most stringent will apply. When a conflict exists and a conclusion cannot be made as to which standard is more stringent, the BOP will determine the appropriate standard. The contractor will comply with and implement any applicable changes to BOP policy, Department of Justice (DOJ) regulation, Congressional mandate, federal law or Presidential Executive Orders.

The BOP reserves the right to enter into negotiations with the contractor to change the conditions or procedures in this SOW and contract. Should the BOP invoke such changes, the contractor retains rights and remedies to equitable adjustment under the terms and conditions of the contract.

The BOP reserves the right to have various staff monitor contract performance. The BOP reserves the right to conduct announced and unannounced inspections of any part of the facility at any time and by any method to assess contract compliance.

The BOP may investigate any incident pertaining to the performance of this contract. The contractor will comply and cooperate with the BOP on all investigations, monitoring visits, inspections, and inquiries.

The contractor will report all criminal activity related to the performance of this contract to the appropriate law enforcement investigative agency, e.g., Federal Bureau of Investigation, United States Marshals Service, state and local authorities, and immediately notify the RRM of the report. The contractor will immediately report to the RRM any person or agency requesting to use an offender in any investigation.

The contractor will submit any requests for contract changes through the RRM to the Contracting Officer (CO) for approval.

When electronic media; e.g., the Internet, is used by the contractor, the contractor will manage the information in accordance with federal law. The electronic submission of reports may be required at the discretion of the COTR.

7. SCOPE OF WORK - The contractor will comply with all requirements in this SOW and other reference documents as indicated. The technical proposal is incorporated into the contract unless otherwise stated in the contract or defined by the RRM.

The contractor will develop operational policies and procedures that follow the requirements contained in this SOW and of generally accepted correctional practice as defined by the COTR.

All federal offenders will receive the same treatment and services except as otherwise provided for in this SOW.

The contractor has the responsibility to ensure proper management and oversight of their program. Absentee ownership will not mitigate program integrity, responsiveness, or responsibility.

The contractor will protect, defend, indemnify, save, and hold harmless the United States Government, the BOP and its employees or agents, from and against any and all claims, demands, expenses, causes of action, judgments and liability arising out of, or in connection with, any negligent acts or omissions of the contractor, its agents, subcontractors, employees, assignees or anyone for whom the contractor may be responsible.

The contractor will also be liable for any and all costs, expenses and attorney's fees incurred as a result of any such claim, demand, cause of action, judgment or liability, including those costs, expenses and attorney's fees incurred by the United

States Government, the BOP and its employees or agents. The contractor's liability will not be limited by any provision or limits of insurance set forth in the resulting contract.

The contractor will be responsible for all litigation, including the cost of litigation, brought against it, its employees or agents for alleged acts or omissions. The CO will be notified in writing of all litigation pertaining to this contract and provided copies of said litigation or any pleadings filed within five working days of the filing. The contractor will cooperate with the government legal staff and/or the United States

Attorney regarding any requests pertaining to federal or contractor litigation.

In awarding the contract, the government does not assume any liability to third parties, nor will the government reimburse the contractor for its liabilities to third parties, with respect to loss due to death, bodily injury, or damage to property resulting in any way from the performance of the contract or any subcontract under this contract.

## CHAPTER 1 - Administration and Organization

The contractor will maintain a current written operations manual that is available to all staff. It will describe the purpose, philosophy, programs, services, policies and procedures of the facility, and be updated on an as-needed basis. It will describe the daily operational procedures for the respective facility and should not be used as a universal operational manual for other facilities. Staff will have a thorough working knowledge of the operations manual. The contractor must operate in accordance with the operations manual. The operations manual will not circumvent the SOW requirements. The operations manual is a separate manual from the technical proposal. At least annually, staff shall review the operations manual and document the review. The operations manual will be available for review by the BOP during inspections of the facility.

The contractor will report, through the RRM, to the CO any deviation from the requirements of this SOW. The RRM will interpret the requirements of this SOW.

Any disagreement regarding contract performance should first be disputed, or addressed, with the Contracting Officer's Technical Representative (COTR). If the conflict cannot be resolved with the COTR, then the issue should be elevated to the Regional Reentry Management Center Administrator or the Regional Reentry Management Administrator. If an agreement still cannot be reached then the contractor should address the Contracting Officer, in writing.

The contractor will develop a written mission statement, long-range goals, and objectives, which will be available for review by the BOP during inspection of the facility.

1. AMERICAN CORRECTIONAL ASSOCIATION (ACA) - The BOP encourages the contractor to acquire certification in accordance with the most current edition(s) of the ACA Standards for Adult Community Residential Services.

If the facility is not ACA accredited, the contractor will use the most recent edition(s) of the ACA Standards for Adult Community Residential Services as a guide in developing the operations manual.

The contractor will advise the RRM in writing of their intent to seek ACA accreditation.

2. PERFORMANCE - The contractor will maintain a current contingency plan to ensure continuity of service should unforeseen circumstances occur, such as employee work actions or strikes; natural disasters; or terrorist activities, etc. The plan must be available to the BOP for inspection upon request.

The contractor will provide at least 70 percent of the contract requirements by using employees compensated directly by the contractor. This means the contractor cannot subcontract more than 30 percent of the contract requirements. The intent is to create a uniform composition of services under the control and supervision of the facility director. The contractor will submit all proposed subcontracts to the BOP for approval when the contractor intends to seek the services of a subcontractor; i.e., food service or facility maintenance.

3. INFORMATION - The contractor will comply with the requirements of the Freedom of Information Act 5 U.S.C. §552, Privacy Act, 5 U.S.C. §552a and 28 CFR part 16, Production or Disclosure of Material or Information and P.S. 1351, Release of Information. The contractor will have written policy and procedures for staff managing information. The contractor will seek the RRM's approval before releasing BOP records in response to a request for information.

A. Government Contacts - The contractor will post and display in a conspicuous location a listing of the names, addresses, and telephone numbers of the responsible Regional Reentry Management Administrator (RRMA), Assistant Regional Reentry Management Administrator and/or Management Center Administrator (MCA), Transition Drug Abuse Treatment Coordinator (TDAT-C), RRM, Regional Director, and Chief USPO.

B. Congress - The contractor will immediately notify the RRM when a request, e.g., information or tour of the facility, is made by a member of the United States Congress to the contractor.

C. News Media - The contractor will notify the RRM when a request or contact is made by any media representative; i.e., a person whose principal employment is to gather or report news for a newspaper, magazine, national or international news service, radio or television news program. These requests or contacts may include, but are not limited to, interviews, visits

or impromptu questions with staff or offenders. Contractors should reference the P.S. 1480, News Media Contacts. The contractor is encouraged, but not required, to clear in advance all public information issues with the RRM, including, all press statements and releases.

The contractor will ensure employees agree to use appropriate disclaimers clearly stating that the employees' opinions do not necessarily reflect the position of the BOP or DOJ in any public presentations they make or articles they may write that relate to any aspect of the contractor's performance in this contract.

D. Documentation - The contractor will document that all requirements of this SOW are being met. The contractor has the affirmative responsibility to prove the requirements are being met. The contractor will maintain documentation of:

- Their standing as a legal entity, or part of a legal entity, and will maintain documentation indicating legal measures have been taken to provide continuity of service in case of incapacitation, retirement, or death of the contractor;
- Their tax exempt status, if applicable;
- Valid liability and property insurance for the facility and equipment, with documentation available for review at the facility.

E. Meetings - The facility director will conduct staff meetings at least monthly to foster open communication, establish policy, discuss problems, ensure compliance with SOW requirements, and accomplish program objectives. The contractor will distribute new or revised policy and procedure to staff, volunteers, and if appropriate, offenders. The contractor will document these meetings with written minutes to include staff attendance. This documentation will be made available to the BOP for inspection upon request.

F. Equipment - The contractor will have a working facsimile machine, computer, and telephone capabilities. Additionally, the contractor will have a computer with Internet capabilities to include Internet Explorer browser for communicating with the RRM office.

G. Translation - The contractor will provide for the translation of facility rules, emergency diagrams, and other

related documents into a foreign language, as required by the composition of the offender population.

4. COMMUNITY OUTREACH - The BOP believes it is extremely important and vital to develop and maintain positive community relations. This may be accomplished through development of a community relations board OR development of an outreach program.

If the contractor chooses to develop an outreach program, they must provide written policy and procedures that offers ongoing, positive communication between the facility, local community, elected officials, law enforcement and citizens. The program must describe the approach to educating the local community about the goals and mission of the RRC and maintaining the support of the community. The program must also include specific activities that will be conducted on a quarterly basis.

If the contractor chooses to develop a community relations board, they must follow the standards set forth in the P.S. 1415, Community Relations Board.

5. FISCAL RESPONSIBILITIES - The contractor will operate according to an annual written budget of anticipated revenues and expenditures. The contractor will have policy and procedures for the receipt, safeguarding, disbursement, and recording of funds that comply with generally accepted accounting practices.

## CHAPTER 2 - Personnel

1. ORGANIZATIONAL CHART - The contractor will maintain a narrative description and diagramed organizational chart outlining the structure of authority, responsibility, and accountability of both the facility and the company. The intent is to gain an understanding of the "chain-of-command" within the organization.

2. STAFF COVERAGE - The contractor will have trained, paid staff, dressed and awake, on the premises to provide 24 hour coverage, seven days a week. This staff coverage shall provide for the safe and secure supervision of all federal offenders.

A. Position Requirements - The minimum education and experience qualifications for the position of facility director (facility manager, RRC supervisor, center director and all other similar titles) will be a four year degree in a social or behavioral science program from an accredited college or university, two years of work experience in a related field, and a minimum of two years in a supervisory position. Work experience may be substituted for academic studies exchanging one year of work experience in a related field for one year of academic education. Total work experience needed in lieu of the combination of education and work experience is six years, with two of the years in a supervisory position.

The education and experience qualifications for the position of social services coordinator (SSC) will be a four year degree in a social or behavioral science program from an accredited college or university. At a minimum, one year of experience must be working in the social services field in a relevant position. For description of services provided by the SSC see Chapter 10.

B. Staffing Pattern - The contractor will concentrate staff when most offenders are available for program activities, normally during the evening hours. A key staff member will be available on site Monday-Friday 8:00 a.m. to 4:00 p.m.

The contractor will staff at least two positions (one male and one female if the facility is co-ed), 7-day post, 24 hours a day, dedicated only to the supervision of federal offenders. This requirement is not mandated for minor use facilities (15 or less federal offender's contracts). Ordinarily, these seven day posts cannot be covered by other positions such as case managers

or facility directors unless documentation requesting such is submitted to and approved by the RRM. The intent is that these posts will devote 100 percent of their time supervising offenders. The contractor will also provide key personnel in accordance with the number of offenders residing in a facility (see Key Personnel).

C. Key Personnel - Includes the facility director (facility manager, RRC supervisor, center director and all other similar titles) case manager or equivalent, and social services coordinator (SSC). All key personnel are full-time employees. The contractor will identify to the RRM the key personnel employed at the facility.

1) All major use contracts (31 and over) will staff at least three key personnel positions. The positions will be the facility director, case manager, and social services coordinator (SSC). These positions will be 100% devoted to the federal contract.

2) All moderate use contracts (16 - 30) will staff at least three key personnel positions. The positions will be the facility director, case manager, and social services coordinator. These positions will be 100% devoted to the federal contract.

3) All minor use contracts will staff at least two key personnel positions. The positions will be the facility director and a case manager. These positions do not have to be 100% devoted to the federal contract. However, in cases where these positions will be shared, the contractor must receive approval by the CO.

The RRM must approve changes of key personnel before they are employed in a key personnel position.

The contractor will staff all key personnel positions throughout the performance of the contract. The contractor will notify the RRM in writing if any personnel vacate a position permanently and indicate when a replacement will be made. The notification will occur within five working days after the vacancy. The number of case manager positions may be determined by the contractor. The number must be adequate to perform the tasks associated with the position and commensurate with the inmate workload of the population without being pulled to perform

duties assigned to other positions. Failure to maintain negotiated staffing patterns will result in adverse action.

D. Staff/Offender Ratio - The contractor is always responsible for the appropriate supervision of federal offenders and the orderly running of the RRC. The staff/offender ratio established in the contract contributes to the contractor's ability to safely and securely operate the RRC. Housing configurations must also be taken into consideration; i.e., several buildings would require the contractor to determine the number of staff needed to safely and securely supervise the federal offenders. The contractor will notify the RRM of any unforeseen circumstances which may affect the safety, security or orderly running of the RRC.

E. Population Changes - If the average monthly population (AMP) changes from the BOP's original projection for three consecutive months, the staff/offender ratio may be changed in accordance to the following:

1) If the AMP exceeds the original estimate by 25 percent for three consecutive months, the contractor will add qualified staff consistent with the original staff/offender ratio.

2) If the AMP is 25 percent below the original estimate for three consecutive months, the contractor may reduce staff consistent with the original staff/offender ratio, as long as the contractor continues to provide safe and secure supervision of federal offenders.

The CO is the deciding authority for any adjustments to the staff/offender ratio. The contractor will comply with any change(s) to the ratio as directed by the CO.

3. PERSONNEL RECORDS - The contractor will maintain a complete and current personnel file for each employee. All personnel files must be stored in a locked compartment accessible to senior management staff only. The contractor will ensure the files are readily available for BOP review upon request.

The contractor will have a written personnel manual specifically for the respective facility. The personnel manual is a separate manual from the operations manual. The policies and procedures will cover at a minimum the following areas:

Staff coverage	Personnel records
Staff training	Recruitment
Staff discipline	Separation from work
Staff retention	Performance evaluation
Organizational chart	Standards of Conduct
Staff orientation	Volunteers
Staff development	Resignation

A. Employee Evaluation - The contractor will develop written policies and procedures for an annual written performance review of each employee based on defined criteria. The results are discussed with the employee, and the review is signed by the employee and evaluator and maintained in the employee's personnel file.

B. Affirmative Action - The contractor will have a written policy specifying that equal employment opportunities exist for all positions. Full consideration will be given to the recruitment, hiring, placement, retention, training, and advancement of women, members of minority groups, disabled veterans, and qualified individuals with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job in question. The contractor will not discriminate against individuals based on race, color, religion, sex, national origin, physical or mental disability, age, retaliation, or sexual orientation. In addition, the contractor will not prevent women from working in male offender programs or men from working in female offender programs.

C. Newly Hired Employees - The contractor will have written policy providing for a probationary term followed by permanent status for newly hired or newly promoted employees.

D. Social Security Card - The contractor will ensure each employee and any subcontractor has a social security card issued by the U.S. Social Security Administration and is a United States citizen, permanent resident or other person lawfully admitted into the United States, meeting the DOJ residency requirements set forth in Section I of the solicitation.

E. Training - The contractor will develop an employee training program in addition to any BOP provided training.

1) Staff Training - Prior to working with federal inmates all staff must receive training on their respective duties and responsibilities. The contractor will document the

employees' understanding and participation, to include time and date of completion. A copy will be maintained in the employee's personnel file.

2) Annual Refresher Training - The contractor will provide staff with at least 20 hours of annual refresher training relating to the operation of the RRC. The contractor will document the training topics, date, time, and participants. The training must cover the following:

- Discipline procedures for offenders;
- Demonstrate working knowledge and competency of the discipline procedures by passing the standardized test administered by the COTR;
- Emergency plans;
- Staff integrity and ethics;
- Accountability and security procedures;
- Life, safety and emergency procedures;
- Offender searches;
- Signs of suicide and suicide precautions;
- Use of force regulations and tactics;
- CDC report writing;
- Universal precautions;
- Interpersonal relations and communication skills;
- Social and cultural life styles of the offender population;
- Prevention, identification, and handling of sexual abuse/assault incidents; and
- Basic first aid.

3) BOP Training - At least one key personnel staff member will attend and participate in the BOP regional training meeting, which is ordinarily scheduled every two years. The contractor is responsible for all costs associated with attending this training.

4) Staff Retention - The contractor will develop a retention program designed to minimize employee turnover. If there are breakdowns in accountability or programming as a result of the contractor's failure to implement a successful retention program, adverse contracting action may be taken by the Bureau.

4. BACKGROUND INFORMATION - Contract employees must be approved by the RRM before they may work with federal offenders.

The contractor will secure a completed and signed REQUEST FOR CONTRACT STAFF BACKGROUND INVESTIGATION form, Attachment A, for all individuals the contractor has determined are appropriate for employment and any person who will work with federal offenders. The contractor will then submit this form to the RRM. The RRM will begin the fingerprint and background checks. The contractor will only request the BOP conduct background checks on persons they have offered conditional employment. The contractor will notify this person that a National Crime Information Center/National Law Enforcement Telecommunication System (NCIC/NLETS), fingerprint, criminal records, and other appropriate background checks will be processed by the BOP to verify this information. The intent is to screen applicants to determine their acceptability to work with federal offenders. The contractor will not submit the name of any person the contractor does not employ or intend to employ.

This person will not begin working with federal offenders before clearance is obtained from the RRM. The RRM may grant the person temporary clearance to work with federal offenders after the NCIC/NLETS check is conducted if the results of the check are appropriate. The contractor will understand that the granting of final approval will not occur until after the RRM receives a response(s) from the fingerprint or other background checks and these checks prove to be appropriate.

The RRM will ordinarily approve a person to work with federal offenders in accordance with guidelines established in the current version of the P.S. 7570, Contract Staff Integrity for Privately Operated Community Corrections Residential Facilities.

This action does not prevent, preclude, or bar the withdrawal or termination of any prior clearance or approval by the RRM at any time during the term of the contract.

The contractor will vouch potential employees through reference and employment checks. The contractor will document information regarding reference and employment checks in the employee's personnel file. The contractor will verify training and experience of all staff. This includes credentials for all professional staff. The contractor will document the verification in the personnel file and make it available during inspections.

The facility director may be required to fingerprint proposed staff as directed by the COTR. The completed fingerprint cards will be mailed to the RRM for processing.

5. CONTRACTOR'S EMPLOYEE STANDARDS OF CONDUCT - the contractor will develop and use written policy, procedures, and practice, herein called Contractor's Employee Standards of Conduct, for employee conduct, ethics, and responsibility. The contractor will notify its employees of the Contractor's Employee Standards of Conduct.

A. At a minimum, the Contractor's Employee Standards of Conduct will require employees to conduct themselves in accordance with the following standards:

- The contractor will require its employees to conduct themselves professionally and in a manner that creates and maintains respect for the RRC, BOP, DOJ, and the U.S. Government.
- The contractor will require its employees to avoid any action that might result in, or create the appearance of, adversely affecting the confidence of the public in the integrity of the RRC, BOP, DOJ and U.S. Government.
- The contractor will require its employees to uphold all ethical rules governing their professions, including compliance with applicable licensing authority rules, unless they conflict with legal laws.
- The contractor will prohibit its employees from using or possessing illegal drugs or narcotics. The contractor will prohibit its employees from abusing any drugs or narcotics. The contractor will prohibit its employees from using alcoholic beverages and being under the influence of alcohol while on duty, present in the facility, or immediately before reporting for duty. The contractor will indicate to contractor's employees that when a contractor's employee's blood alcohol content level is 0.02 percent or greater he or she will be considered to be under the influence of alcohol.
- The contractor will prohibit its employees from showing partiality toward, or become emotionally, physically, sexually, or financially involved with offenders, former offenders, or the families of offenders or former offenders. Chaplains, psychologists, and psychiatrists may continue a previously established therapeutic relationship

with a former offender in accordance with their respective codes of professional conduct and responsibility.

- The contractor will prohibit its employees from engaging in sexual behavior with an offender. The contractor will indicate to its employees that regardless of whether force is used or threatened, there can be no "consensual sex" between contractor's employees and offenders. Sexual misconduct is illegal and a violation of federal law.
- The contractor will prohibit its employees from offering or giving an offender or a former offender or any member of an offender's family, or to any person known to be associated with an offender or former offender, any article, favor, or service, which is not authorized in the performance of the contractor's employee's duties. The contractor will prohibit its employees from accepting any gift, personal service, or favor from an offender or former offender or from anyone known to be associated with or related to an offender or former offender. The Contractor's Employee Standards of Conduct, will clearly state that this staff prohibition includes any involvement with an offender's family members or any known associates of an offender.
- The contractor will prohibit its employees from showing favoritism or give preferential treatment to one offender, or a group of offenders, over another offender.
- The contractor will prohibit its employees from using profane, obscene, or otherwise abusive language when communicating with offenders, fellow employees, or others. The contractor will require its employees to conduct themselves in a manner that is not demeaning to offenders, fellow employees, or others.
- The contractor will prohibit its employees from having any outside contact with an offender, ex-offender, offender's family or close associates, for a period of one year from the last day of the offender's sentence or supervision, whichever is later, except those activities that are an approved, integral part of the RRC program and a part of the employee's job description.
- The contractor will prohibit its employees from engaging in any conduct that is criminal in nature or which would bring discredit upon the RRC, BOP, DOJ or U.S. Government. The contractor will require its employees to conduct themselves in a manner that is above reproach. The contractor will require its employees to obey, not only the letter of the law, but also the spirit of the law while engaged in personal or official activities. The contractor will

require its employees charged with, arrested for, or convicted of any felony or misdemeanor, to immediately

- Inform and provide a written report to the facility director. The facility director will immediately report the incident to the COTR. Traffic violations resulting in fines less than \$150 are exempt from this reporting requirement.
- The contractor will prohibit its employees from using brutality, physical violence, or intimidation toward offenders, or use any unauthorized or inappropriate force.
- The contractor will prohibit its employees from engaging in inappropriate supervisor/subordinate relationships, to include but not limited to, emotional, sexual, financial or physical.
- The contractor will prohibit its employees from possessing lethal weapons or weapons which may inflict personal injury, to include pepper spray or other self-defense type of chemical agents, in the facility or while on duty. The contractor will also prohibit contractor's employees from storing lethal weapons or weapons which may inflict personal injury, to include pepper spray or other self-defense type of chemical agents, in vehicles under their control parked on or adjacent to the facility. Offenders will not possess or use any of these items at any time.
- The contractor will prohibit any of its employees who are suspected of violating the contractor's Employee Standard of Conduct from contact with federal offenders until a disposition is made by the COTR.

The contractor will require all employees to sign an acknowledgment that they have received and understand the contractor's Employee Standards of Conduct. The acknowledgment will indicate that the contractor will require all employees to cooperate fully by providing all pertinent information which they may have to any investigative authority. Full cooperation includes truthfully responding to all questions and providing a signed affidavit, if requested. The contractor will retain a signed copy of this acknowledgment in each of its employee's personnel files.

B. The contractor will not conduct an investigation of any misconduct allegation without the COTR's approval. This includes questioning the subject of a misconduct allegation. The contractor will advise all employees that they are subject

to government investigation if an allegation is made concerning any matter affecting the interests of the Government.

Attorneys may not be present or involved in administrative investigations. Attorney involvement includes, but is not limited to; presence during interviews, review of employee affidavits, and receipt of investigative summaries or documents from the investigative authority. If at any time an investigation uncovers evidence of criminal behavior, the investigation process will immediately stop and appropriate law enforcement officials will be notified.

Investigative authorities include, but are not limited to, investigations conducted by the Department of Justice, (e.g., the Federal Bureau of Investigation, U.S. Marshals Service, Office of the Inspector General, Office of Professional Responsibility, BOP Office of Internal Affairs, BOP Special Investigative Agent, BOP Special Investigative Supervisor, Equal Employment Opportunity Investigator) and others (e.g., Department of Labor, Office of Personnel Management, U.S. General Accounting Office), or any other agent or agency the COTR authorizes or directs to conduct an investigation.

C. The contractor will report any allegation, violation or attempted violation of the contractor's Employee Standards of Conduct immediately by telephone to the COTR. The contractor will subsequently report in writing to the COTR, within one business day after becoming aware of the incident. The contractor will not restrict any contractor's employee or offender from reporting misconduct directly to the BOP. The contractor will not retaliate against any contractor's employee or offender who reports misconduct.

Following the investigation(s), and if allegations are sustained, the contractor will indicate, in writing, to the COTR the contractor's proposed plan of corrective action for the COTR's approval. The COTR has the right to determine if the contractor's employee may continue to work with federal offenders. A summary of the investigative findings may be disclosed by the Bureau to the contractor's authorized negotiator.

Failure to report a violation of the contractor's Employee Standards of Conduct or to take appropriate action against a contractor's employee may subject the contractor to appropriate action, up to and including termination of the contract.

D. The contractor will not employ any individual who is under the supervision or jurisdiction of any parole, probation or correctional authority. Persons with previous criminal convictions who are not under supervision may be considered for employment. However, the COTR reserves the right of approval in such cases.

E. The contractor will have a written policy to prevent conflicts of interest that specifically states that no contractor's employee may use his or her official position working with federal offenders to secure privileges or advantages in the facility or in the community.

F. The contractor will operate a facility which provides the highest degree of safety for offenders and contractor's employees. The contractor will specifically define when contractor's employees may use force against offenders. The contractor will prohibit contractor's employees from using excessive force to control a situation. The contractor will immediately report any instance of the use of force to the COTR, by the most expeditious means available, e.g. telephone. The contractor will submit in writing, within one calendar day after the incident, a written report to the COTR.

6. SEXUAL ABUSE INFORMATION - The contractor has the responsibility to provide a working environment that is free from sexual harassment and intimidation in accordance with Title VII of the Civil Rights Act of 1964, as amended. Sexual abuse/assault/misconduct is verbal or physical conduct of a sexual nature directed toward an offender or employee by another offender, employee, or volunteer of the facility. The contractor will ensure that policy prohibits sexual abuse/assault/misconduct by employees against federal offenders or other employees.

The contractor will meet all requirements, elements and protocols of the P.S. 5324, Sexually Abusive Behavior Prevention and Intervention Program. Written policy, procedure, and practice will provide that all staff receive the facility's sexual abuse/assault/misconduct prevention and intervention program training during employee orientation and on an annual basis as part of the facility's in-service training plan.

7. DRUG FREE WORKPLACE - The contractor will implement and follow P.S. 3735, Drug Free Workplace. This program provides a

mechanism for employee assistance and employee education regarding the dangers of drug abuse.

8. VOLUNTEERS - The BOP encourages the use of volunteers. Contractors may use volunteers to provide a variety of programs, such as marriage and family enrichment, substance abuse education, literacy, spiritual growth, recreation, health education, fitness, vocational training and many others. While providing these valuable services, volunteers reinforce the societal values conveyed daily by staff. Direct volunteer assistance is useful to an offender's successful community reintegration.

Volunteers are private citizens or students, age 18 or older, who provide a variety of unpaid services that would not otherwise be performed by a paid employee. The contractor will have all volunteers complete the BOP form entitled APPLICATION FOR VOLUNTEER SERVICE and send to the RRM. The contractor will provide a brief orientation program for all volunteers and provide specific written guidance in the format of a "Volunteers Manual."

All volunteers who provide services in the RRC, at a minimum, must undergo a criminal history check (NCIC) prior to working with federal offenders. For a volunteer to provide one-on-one counseling or work with small groups of offenders (3 or less), the volunteer must undergo a full criminal history check (NCIC and fingerprinting).

Paid contracting staff will provide intermittent supervision of the volunteers, who have not had a full criminal history check, while they are providing services in the facility. Supervision is direct observation by a staff member, at a minimum every 30 minutes.

9. STAFF AND VOLUNTEER ROSTERS - The contractor will submit a typed, alphabetical staff roster each month, to be included with the monthly billing. This roster must include the employee's complete name, title, full or part-time status, and date of hire. Volunteers should be listed separately, indicating the type of volunteer work being done; i.e., AA, NA, or religious.

### CHAPTER 3 - Facility

1. COMPLIANCE - The facility will comply with applicable local, state, and national health, safety, environmental laws, regulations, Executive Orders, and building codes. In the event local, state, and national codes conflict, the most stringent will apply. The contractor will adhere to the requirements of: the Architectural Barriers Act of 1968 as amended (an alternative location off site may be proposed for housing offenders with disabilities if it meets this act); Rehabilitation Act of 1973 as amended and sections 502 and 504; Uniform Federal Accessibility Standards (UFAS); the National Fire Codes published by the National Fire Protection Association with special emphasis on the 101 Life Safety Code; Occupational Safety and Health Act of 1970 as amended; U.S. Food and Drug Administration, U.S. Public Health Service, Food Code; Occupational Safety and Health Administration's (OSHA) General Industry Standards; American National Standards Institute (ANSI) A-117.1, as determined by the local building inspector general; Building Official Code Administrators (BOCA) section 404.1 entitled Minimum Plumbing Facilities; American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Published Standards & Guidelines; American Society of Sanitary Engineering Standards; Uniform Plumbing Code; 16 CFR §1632, Standard for the Flammability of Mattresses and Mattress Pads (FF 4-72, Amended); Current Edition; Flammability Standard DOC-FF-472; California State Technical Bulletin 106; NFPA Codes 1, 10, 13, 13R, 25, 70, 96, and 101; and any other codes or regulations indicated in the SOW.

The contractor will maintain copies of all required environmental permits and registrations or letters from permitting authorities indicating that the facility is in compliance or is specifically exempt from the standard in question. The contractor will make these documents available on-site and to the BOP upon request.

2. FLOOR PLANS - The contractor will submit to the RRM for approval any request to change the floor plan from what was approved in the contract. The contractor will maintain and make available an accurate floor plan on-site at all times for the inspection of the BOP.

3. LOCATION - The facility will not be part of a building in which other business(s) share space which could be construed as a conflict of interest to the mission of a community based

correctional facility. For example, it would be inappropriate to share space with a business which serves alcohol. If the facility is of joint use, the provider will describe the nature of the business occupying all contiguous space. The Bureau reserves the right to have the final decision in determining potential conflict of interest. The BOP strictly prohibits the use or possession of alcohol in the contract facility. The contractor will ensure the building is appropriately zoned. The contractor will maintain a permit from the local or state enforcement body or authorized representative having jurisdiction to operate. The contractor will make these documents available on-site and to the BOP upon request.

The contractor will locate the facility within one mile of public transportation. In the event the facility is not located within one mile of public transportation, the contractor will provide transportation for offenders to seek employment, work, and participate in program and or treatment activities at no cost to the offender. Transportation will be made available 7 days a week. Transporting of offenders in a staff member's private vehicle should only be done in unusual circumstances. The staff member must be licensed and insured in accordance with state laws.

#### 4. PLANT REQUIREMENTS

A. Air Circulation - The facility's sleeping rooms will have adequate ventilation of outside or re-circulated filtered air. The contractor will provide the BOP with third party documentation determining if adequate natural or mechanical ventilation is present.

B. Lighting - All personal living and sleeping areas in the facility will meet the lighting requirements as set forth in the most current and subsequent issues of the ACA Standards for Adult Community Residential Services.

C. Space - A minimum of 25 continuous square feet of unencumbered space per occupant in the sleeping rooms will be provided. The contractor will ensure the square footage area is not obstructed by any object, e.g., bed, furniture, or fixed building structure, and allows a reasonable person enough space to freely move about. The sleeping room area will provide reasonable privacy to the offender; however, it will be accessible to staff at all times. Areas such as day rooms,

closets, bathrooms, TV rooms, dining rooms, or halls will not be considered as sleeping rooms.

The contractor will provide each offender with a bed and one closet or locker which provides for adequate space and is adjacent to or located in their sleeping area for the storage of personal items. Adequate space means an area which provides a reasonable person enough room to store personal clothes and hygiene articles. The contractor will provide offenders with a means; i.e., padlock, to secure their property. The contractor will always have instant access to all closets and lockers for reasons of security and safety.

Co-correctional facilities will provide for separate sleeping, bathing, and toilet areas by gender. If the facility is co-correctional, the contractor will indicate separate sleeping, bathing, and toilet areas by gender on the architectural floor plans and will have a written plan outlining procedures to maintain separation by gender.

The contractor will provide appropriate space and furnishings inside the facility that affords a reasonable amount of privacy, as well as, adequate staff supervision for counseling sessions, group meetings, and visitation.

All contracts providing services to the Federal Government must meet the Architectural Barriers Act of 1968, which requires that certain buildings owned, occupied, (leased) or financed by the Federal Government be designed, constructed or renovated so as to be accessible to and useable by physically disabled people. The Uniform Federal Accessible Standards (UFAS) are the technical guidelines to comply with the ABA. The Rehabilitation Act of 1973 prohibits federal agencies and their grantees and contractors from discriminating against people based on disability in employment, programs, and activities. Under this Act are two applicable Sections, 502 and 504. Section 502 established the Architectural and Transportation Barriers Compliance Board (ATBCB) to ensure enforcement of the Architectural Barriers Act of 1968, and accessibility standards for federally owned, occupied, or leased buildings or facilities. Section 504 prohibits discrimination against qualified individuals with disabilities in federally funded programs and activities. The Justice Department's Civil Rights Division is responsible for ensuring compliance with this Section.

D. Lavatory - A male facility will have at least one operable toilet for every ten offenders (urinals may be substituted for up to one-half of the toilets), one shower (or bathing area) for every eight offenders, and one wash basin for every six offenders. If the facility is a co-correctional or all-female facility, the contractor will provide at least one operable toilet, one shower (or bathing area) for every eight offenders and one wash basin for every six offenders. The lavatory accommodations for the females will be separate from the males.

Showers and wash basins will have hot and cold water. Hot water temperature will be thermostatically controlled so the water does not exceed 120 degrees Fahrenheit (49 degrees Celsius), except for food service equipment. Temperature control devices will be inaccessible to offenders and unauthorized personnel.

E. Laundry - Laundry facilities will be available to all offenders. The contractor will provide one operable washer and dryer for every 16 offenders in the facility or through a community establishment within one mile of the facility. Residents are responsible for the cost of laundering their personal clothing items. The contractor will provide indigent residents with laundry tokens (or equivalent) and detergent until they receive their first paycheck. The contractor will provide laundering services for facility provided linens at no cost to federal offenders.

F. Telephone - The contractor will provide the offenders telephone service which is accessible on the facility's premises. The use of pay telephones is acceptable. The contractor will provide at least one telephone for every 10 offenders.

G. Room Temperature - The contractor will maintain the facility temperature at a level appropriate for the season in accordance with 41 CFR 101-20.107 Federal Property Management Regulations and ASHRAE Standard 62 (American Society of Heating and Air Conditioning Engineers).

H. General - The site performance will not operate as a hotel or motel. Living quarters should be geared toward reentry and independent living.

The interior of the contract facility will be a non-smoking area and signs will be conspicuously posted indicating this

requirement. The contractor may designate smoking areas outside the contract facility 10 to 25 feet away from all entrances and exits or that comply with local restrictions, whichever is more stringent.

I. Drinking Fountains - The contractor will ensure all drinking fountains are maintained in accordance with BOCA, ADA, and the Clean Water Act.

## CHAPTER 4 - Life Safety

Any structure used to house federal offenders must meet specific fire and safety standards before it can be approved by the BOP. In applying these standards, the safety and welfare of both staff and offenders must be considered. The contractor will maintain an acceptable level of fire and life safety by complying with the most current edition of applicable fire safety codes, standards and regulations of the National Fire Protection Association (NFPA).

The contractor will provide documentation indicating they are in compliance with the most current version of the NFPA codes and standards. The contractor will also comply with the most current version of the following California State Technical Information Bulletins, published by the California Bureau of Home Furnishings and Thermal Insulation: Bulletins: 106, 116, 117, 121 and 133. The BOP reserves the right to act as the AHJ with respect to the interpretation, enforcement, and waivers of these requirements.

1. INSPECTION - The contractor will maintain a current independent third party certification that all buildings used to house federal offenders are in compliance with NFPA 101. In addition, the contractor will have each building inspected annually by a local or state AHJ. These annual inspections will be conducted on or about the option year dates of the contract. Inspection reports will be retained and made available to the BOP to indicate the inspections were completed in a timely and appropriate manner.

BOP reserves the right to conduct inspections to verify compliance to annual certifications and local/federal codes.

2. FIRE EVACUATION AND EMERGENCY PLANS - The contractor will maintain current written emergency plans. The contractor will train all staff in emergency procedures within one week of their initial employment. In addition, the contractor will include emergency training in annual refresher training for all staff. The contractor will document all training by having staff sign a training log.

The plans will describe the procedures to follow in emergency situations, and be updated on an as-needed basis. The contractor will submit to the RRM a current copy of the emergency plans after contract award and before the notice to

proceed is given by the CO. The contractor will forward any subsequent changes or updates to the emergency plans to the RRM. The intent is that both the RRM and the contractor will have a set of current procedures to use if an emergency occurs.

The contractor will ensure all emergency contact telephone numbers and addresses are up-to-date and valid. The plans will identify potential emergency situations such as a fire or major emergency (including man-made and natural disasters) and outline appropriate action which ensures offender accountability and safety. At a minimum, the plans will include instructions for the following:

- Immediate notification to the fire department;
- Facility and community search for missing offenders;
- Automated information backup procedures (if needed);
- Utility services interruption; i.e., water, gas, power;
- Evacuation in case of fire;
- Procedures in the event of man-made or natural disasters;
- Evacuation routes and procedures;
- Immediate notification of community emergency response teams;
- Notification of authorities, including internal and external; and
- Control or extinguishment of a small fire.

A. Diagramed Evacuation Routes and Drills - The contractor will post diagramed evacuation routes at a conspicuous location on every floor or level of the facility. The contractor will not use the site and floor plan for this requirement. The diagram will meet NFPA requirements.

A diagramed emergency evacuation route will identify "You Are Here" location and be compatible with the floor plan. This diagram will also show the exterior areas around the facility and indicate outside areas of the facility used as assembly points or other areas of safe refuge during an emergency evacuation or drill.

The diagram will include the location of building exits, fire extinguishers, pull-stations, and first aid supplies. It will also show areas of safe refuge.

The contractor will review all emergency and evacuation procedures, including diagramed evacuation routes, with each new offender upon arrival.

The contractor will conduct an evacuation drill at a minimum of one drill during each shift each quarter (a minimum of 3 drills). The contractor will document each drill which will include how the evacuation alarms were activated, date and time of the drill, amount of time taken to evacuate the building, evacuation path used number of staff and offenders participating, and comments.

B. Fire Alarm Systems - All buildings used to house federal offenders must be equipped with an automatic fire detection and alarm system designed, installed, tested, and maintained in accordance with NFPA. The system design must incorporate hard wired smoke detectors in all sleeping rooms, corridors, and common areas. The alarm system must be hard wired into an enunciator panel, located at a central control point under 24-hour staff supervision. Facility staff as designated by the facility director will be trained and knowledgeable in the operation of the fire alarm system. A trained staff member will be on duty at all times.

C. Fire Extinguishers - Buildings used to house federal offenders must be equipped with an adequate number of portable fire extinguishers that are sized, located, installed, tested, and maintained in accordance with NFPA. At least one extinguisher must be provided on each level of the building.

3. FURNISHINGS - Combustible and flammable fuel load sources will be kept to a minimum to prevent the possible spread of fire. The contractor's furnishings will meet the standard test requirements in the California State Technical Information Bulletins.

All mattresses, mattress pads, and pillows throughout the facility will meet the Flammability Standard DOC-FF-472 or Federal Flammability Standard 16 CFR §1632. The contractor will maintain documented compliance of this requirement.

Interior furnishings such as window covers, curtains, sofas, chairs, etc., will meet the requirement of all NFPA standards. These are to be considered minimum requirements.

The contractor will maintain documentation of compliance with NFPA standards.

NOTE: These requirements apply to the entire structure, even when federal offenders occupy only a portion of the facility. An exception is when the area housing federal offenders is separated from other areas of the building by a two-hour fire wall which meets the approval of the AHJ.

## CHAPTER 5 - Sanitation & Environment

1. SANITATION - A well-defined sanitation and housekeeping plan is of utmost importance for the protection of health and well-being. In addition, proper sanitation throughout the facility complements fire and pest control efforts. Failure to maintain an aggressive program results in preventable accidents, injuries, and personal liability.

The contractor will maintain a written sanitation and housekeeping plan which provides for the upkeep of the facility. The plan will be made available to the BOP upon inspection.

The housekeeping plan will assign specific duties and responsibilities to staff and offenders. The plan will address the following:

- The facility and surrounding area are kept clean and in good repair at all times.
- Sidewalks leading from the exits will always be clear of materials, debris, ice, and snow.
- The contractor will document weekly sanitation and safety inspections of all internal and external areas and equipment. Documentation will indicate corrective action to be taken on discrepancies found during these inspections. The action will be done in a timely manner and will be documented and made available for BOP inspection upon request.
- Waste containers will be of noncombustible or other approved materials.
- Filters on furnaces and ventilation systems are to be exchanged and kept clean per manufacturer's requirements. The contractor will not allow the ventilation system ducts and vents to accumulate excessive dust and dirt build-up.
- The contractor will equitably assign general housekeeping chores of common areas to all offenders.

Offenders are not permitted to perform work for the contractor, except as part of the sanitation and housekeeping plan. The contractor will require offenders to maintain high sanitation in their living areas. This includes sweeping and cleaning their sleeping areas, recreation or day rooms, bathrooms and showers, passages and hallway areas. "Extra Duty" to clean an area of the facility could be imposed for minor rule infractions in accordance to the chapter on

discipline. The contractor will not use offenders in lieu of paid workers.

2. ENVIRONMENT - The contractor will establish an appropriate recycling program to include, at a minimum, aluminum cans and newspapers, or to meet applicable local recycling requirements.

## CHAPTER 6 - Electrical Safety

The contractor will comply with all local, state, and national electric codes to include National Electric Code (NEC) and OSHA standards. In the event local, state, and national codes conflict, the most stringent will apply.

Prior to the preoccupancy inspection, the successful contractor will provide documents of an independent inspection of the electrical system by a certified contractor.

1. GROUND FAULT CIRCUIT INTERRUPTER (GFCI) - The contractor will use GFCIs on all 110 volt single phase outlets in the laundry, and kitchen and bathroom areas within 180 centimeters (5.9 feet) of a water source. GFCI wiring will be 14 gauge with ground. Standard wiring is usually 12 gauge with ground.

2. PANEL BOX - Electrical panel box covers will contain an accurate directory. The directory will reference the disconnecting means of electrical equipment, such as the breaker switch, and indicate the area which it controls.

3. EXTENSION CORDS - The contractor will not use extension cords in lieu of hard or permanent wiring. Permissible, temporary extension cords must have surge protectors.

4. RECEPTACLES - Wiring and receptacles must be grounded. Two-wire outlets may not be used.

5. FLOOR SPACE HEATERS - Floor space heaters that are cool to the touch and utilize an automatic shutoff if overturned may be used.

6. FANS - Appropriate guard grids on oscillating or floor fans will be in place.

7. ELECTRIC SAFETY - The following electrical safety standards will apply:

A. Damaged or frayed wiring cannot be taped or spliced. The use of electrical tape to repair cut or damaged cords or cables is prohibited. Cords and cables must be repaired by the proper means, e.g., use of heat shrink tubing, or re-installation of cords or cables to equipment. Bare wire may not be exposed.

B. Empty light fixture or fuse sockets may not be exposed or unprotected. Missing knock-outs, circuit breakers, or other openings in electrical equipment must be enclosed to prevent exposure to live or energized parts.

C. The use of multi-outlet electrical adapter plugs is prohibited.

D. Damaged plate covers, switches, and outlets must be replaced.

E. Hot water "stingers" are unsafe from the standpoint of fire safety. The contractor will not use or allow the use of these devices in the RRC.

## CHAPTER 7 - Hazardous Materials

The contractor will establish and use a written plan for the storage, issuance, handling, and accountability of flammable liquids, hazardous chemicals, toxic, and caustic materials used within the facility. Hygiene items are exempt from the Hazardous Communication program. Aerosol spray cans are not considered to be pressurized containers.

The contractor will also address universal precautions in regards to blood and body fluids. All body fluids are to be considered as potentially infectious. The contractor will have and maintain a body fluid clean up kit in the facility.

The Environmental Protection Agency (EPA) and OSHA establish standards for the proper handling and use of toxic, caustic, and flammable materials. When using hazardous materials at the facility, the contractor will provide protective clothing at no cost to the offender in accordance with the Material Safety Data Sheets (MSDS).

Activities which are implemented, in whole or in part, with federal funds must comply with applicable legislation and regulations established to protect the human or physical environment and to ensure public opportunities for review. The contractor will remain in compliance with federal statutes during the performance of the contract, including but not limited to the Clean Air Act, Clean Water Act, Endangered Species Act, Resource Conservation and Recovery Act, and other applicable laws, regulations, and requirements.

The contractor will be responsible for and will indemnify and hold the Government harmless for any and all spills, releases, emission, and discharges of any toxic or hazardous substance, any pollutant, or any waste, whether sudden or gradual, caused by or arising under the performance of the contract or any substance, material, equipment, or facility utilized therefore for the purposes of any environmental statute or regulation, the contractor will be considered the "operator" for any facility utilized in the performance of the contract, and will indemnify and hold the Government harmless for the failure to adhere to any applicable law or regulation established to protect the human or physical environment. The contractor will be responsible in the same manner as above regardless of whether activities leading to or causing a spill, release, emission or

discharge is performed by the contractor, its agent or designee, an offender, visitor, or any third party.

If the contractor spills or releases any substance into the environment, the contractor will immediately report the incident to the CO through the RRM. The liability for the spill or release of such substances rests solely with the contractor and its agent.

At no time will the contractor dispose of hazardous, toxic or caustic substances by unsafe methods. Unsafe methods include spreading or pouring it onto the ground, dumping in a lake, river or stream, and flushing into sewers.

1. TRAINING - The contractor will train all staff in the proper handling and use of all hazardous, toxic, caustic, and flammable materials within two weeks of their initial employment or whenever a new hazard is introduced into their work area and annually thereafter.

All offenders will receive training during intake screening. If controlled materials are issued to an offender for authorized use, the offender will sign an acknowledgment specifying they understand the proper use of the material as well as its potential health hazards. The contractor will document all training. Training will include:

- Methods that may be used to detect the presence or release of hazardous materials in the facility;
- the potential health hazards of chemical spills in the work area;
- the measures employees and offenders can take to protect themselves from these hazards, including procedures such as universal precautions and personal protective equipment; and
- the details of the hazard plan developed by the contractor, including an explanation of the labeling system and the MSDS, and how employees and offenders can obtain and use the appropriate information regarding hazardous materials.

2. MSDS - When using an identified hazardous material, the contractor will obtain and maintain the MSDS (OSHA-174 Form or its equivalent) for that material. MSDSs will be maintained and readily accessible to staff and offenders. The MSDS lists information about the storage, use, and disposal of the material and those requirements will be followed.

Staff will review quarterly the MSDS to ensure that it is current. Staff will document this review and make it available to the BOP upon inspection.

3. MANAGEMENT - The contractor will provide a method of accountability and supervision for chemicals and hazardous materials. Employees will continually demonstrate to offenders the proper use of these materials. Offender personal hygiene items are exempt from this requirement.

NOTE: Flammable materials such as gasoline, kerosene, propane, and paint thinner will be stored outside of the main facility, unless otherwise indicated by the AHJ.

The contractor will provide a level of supervision required for chemicals and hazardous materials determined by the level of hazard labeling. The MSDS will outline the precautions to be used for each chemical.

The contractor will use good judgment when making decisions regarding the use and storage of chemicals and hazardous materials. The intent is to manage chemicals and hazardous materials in accordance with governing regulations while providing a safe environment for both offenders and staff members.

## CHAPTER 8 - Pest Control & Waste Management

1. PEST CONTROL - The contractor will provide for vermin and pest control and disposal. Control and accountability of pesticides and rodenticides are mandatory.

The contractor will place screens, in good condition, on all open windows and doors throughout the contract facility to include food preparation and dining areas. Screens are not required on exit doors.

The contractor will post a notice twenty-four hours in advance notifying residents of the application of pesticides. This will include the type of pesticide used. This notice will remain posted twenty-four hours following the application of the pesticide.

2. TRASH REMOVAL - The contractor is responsible for all trash removal. The contractor will provide noncombustible containers in such sizes and quantities needed for sufficient trash collection. Trash will be removed at least daily from inside the facility. The contractor will ensure that all garbage is removed from the facility property in such a manner to ensure sanitation and to prevent accumulation, odors, and pest control problems.

## CHAPTER 9 - Referral and Intake Processing

The contractor will have written policy and procedures governing offender referral and intake processing.

**The contractor will accept all offenders for placement at the facility and manage any offender referred by the RRM. In cases where a referral is denied, the contractor will submit written justification to the RRM who will determine if the justification is in compliance with the technical proposal. Examples of justification would be if placement of the offender in the RRC would be a violation of local and/or state laws or ordinances. Acceptance of a federal offender not referred by the RRM may result in non-payment under this contract.**

1. REFERRALS - The RRM will forward a referral packet to the contractor requesting a specific placement date within fourteen calendar days of receipt of the referral packet. If the placement date is within 30 days the contractor must respond within 2 working days, excluding weekends. If the requested acceptance date is not granted, a written justification must be provided to the RRM.

A. Acceptance - The contractor will provide written notification of acceptance to the RRM confirming the reporting date. If the reporting date differs from the date in the referral packet, the contractor must obtain concurrence from the RRM before notifying the referring source of the acceptance.

1) Offenders transferring from a BOP institution - The contractor will send the notification of acceptance, subsistence collection agreements, and RRC rules and regulations to the offender in care of the Unit Manager as indicated in the referral packet.

2) Supervision case - The contractor will send the acceptance letter, subsistence collection agreements, and RRC rules and regulations directly to the offender with copies to the USPO.

2. Admission - Immediately upon an offender's arrival, staff will conduct a private interview with the offender to determine if there are any non-medical reasons the offender should be housed away from the rest of the facility's offender population.

During the interview, contract staff will evaluate the general physical appearance and emotional condition of the offender and ask questions pertaining to both physical and mental health conditions. It is particularly important for the intake staff to ask the resident about medications, e.g., do they have any prescribed medication from the institution, how much, and are they in compliance with taking their medication, etc. All information provided by the offender regarding medication will be confirmed by the medical referral form. If the offender is on prescribed medication, the contractor will initiate a process to ensure the offender receives his/her medication prior to the expiration of the current supply. The contractor is to ensure prescribed medication is controlled and distributed in accordance with the facility's written policy on offender's prescribed medication.

In addition, during the interview staff will inform the offender about the RRC rules and regulations to include the contact person(s) regarding incidents of sexual abuse/assault, discipline, curfew, and visiting.

The contractor will issue each offender one complete set of clean bed linens and towels. The contractor will provide for the exchange or laundering of these items on a weekly basis, at no cost to the offender.

When an offender is indigent, the contractor will provide personal hygiene articles at no cost to the offender. Examples include soap, deodorant, toothbrush, toothpaste or powder, comb, and toilet paper. For female facilities, the contractor will provide female hygiene products.

3. Notification - The contractor will fax a daily admission/transfer/release form each business day to the RRM indicating all arrivals/transfers/releases for the day, including any during the evening hours, weekend, or holidays. If the reporting offender is a supervision case, the contractor will, in addition, notify the appropriate USPO. The form must include full name, register number and the time of arrival/transfer/ release.

Accountability is paramount. Should an offender not arrive within one hour of the designated time, the contractor will immediately notify the RRM that the offender failed to report to the RRC. There may be instances where there are circumstances beyond the offenders' control. In these cases, the contractor

must verify the reason and notify the RRM immediately that the offender has arrived and reason they did not arrive by the designated time.

Any offender committed to the BOP, who fails to report to a contract facility for admission, will be placed on escape status. The federal escape statute applies only to those who escape from the custody of the Attorney General or BOP.

Offenders housed at a RRC as a condition of supervision are ordinarily not to be in the custody of the Attorney General or BOP. These offenders who leave without authorization have absconded from supervision rather than escaped from custody.

**Determination of escape or abscond status rests with the BOP.**

The contractor will process the following required documents and return them to the RRM within one calendar day of the offender's arrival. The contractor will maintain copies of all these documents in the offender's file.

A. Transfer Orders - For institution transfers, the contractor will sign and return the Transfer Order (Return of Service) to the RRM within one business day of the offender's arrival.

B. Judgment/Commitment Order - The contractor will execute the Order upon arrival of offenders placed in BOP custody as a condition of probation. Staff must execute the certified Orders, and return one to the RRM and one to the U.S. Marshal (USM) of the sentencing district.

C. Fingerprints - For institution transfers (BOP cases), the contractor will execute the Authorized Unescorted Commitment & Transfers Identification Card by fingerprinting the offender's thumb in the designated spot. The contractor will forward the executed card to the RRM within one business day of the offender's arrival. It is critical that staff compare the new thumb print with the thumb print on the card to verify the identity of the offender. Identification is also done by comparing the offender with the photo on the card and questioning the offender about their name, date of birth, offense, and register number.

The contractor will take one set of fingerprints on supervision cases and direct court commitments. Fingerprints will be taken immediately upon arrival and forwarded to the RRM.

RRCs operated by state correctional or parole agencies will forward fingerprint cards to the RRM. However, the RRM may authorize the agency to send the cards directly to the FBI.

If the contractor does not have staff trained in fingerprinting procedures, arrangements may be made with a local law enforcement agency. In this case, staff will accompany the offender when prints are taken. Staff may contact the RRM for assistance in arranging for fingerprints.

D. Intake Screening Form - The contractor will complete Attachment H, INITIAL INTAKE FORM, for each offender and place it in the offender's file.

E. Photograph - The contractor will photograph each offender admitted to the center, retain the photograph in the offender's file. The offender will be re-photographed if there is a significant change to his/her appearance during the RRC stay. This will provide for a recent, clear means of identification, which is especially useful in subsequent matters of investigation, discipline, or escape.

F. Conditions of Residential Re-Entry Programs - Each offender must sign the BOP form COMMUNITY BASED PROGRAM AGREEMENT. If an offender is transferred from a federal institution, this form should already be in the file, signed by the offender. However, if the form is absent from the file, the contractor will have the offender sign the form and place it in the offender's file. This requirement is applicable to all offenders.

G. Screening - All USPO cases committed directly to the facility will receive a screening immediately upon arrival. Special emphasis should be given to chronic health conditions such as diabetes, hypertension, infectious diseases such as TB, HIV, hepatitis, etc., and any mental health problems. The screening is to determine any urgent medical or mental health care needs, restrictions from work, and freedom from infectious disease.

The contractor will notify the RRM of those offenders with immediate medical or mental health needs, and/or infectious

diseases. The results will be documented, placed in the offender's file, and sent to the RRM. However, if an offender is suspected of having an infectious or debilitating health problem during the RRC initial screening, the contractor will arrange for an immediate examination within one calendar day after arrival.

H. Medical Examination - All USPO cases committed directly to the facility will receive a medical examination within five calendar days after arrival. This examination is to identify any medical or mental health conditions which may require medical attention.

NOTE: 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.

#### I. DNA Analysis Procedures

The DNA Analysis Backlog Elimination Act (DNA Act) requires the Federal Bureau of Prisons to obtain DNA samples from all inmates with qualifying offenses in order to comply with the DNA Analysis Backlog Elimination Act of 2000 (P.L. 106-546) and USA Patriot Act (P.L. 107-56). These laws require DNA samples to be obtained from inmates convicted of all federal codes. Samples must also be obtained from qualifying D.C. Code felony offenders.

#### **Residential Reentry Contract Facility Procedures for DNA Collection**

Each Contract Facility will be responsible for arranging the collection of DNA samples from adult inmates for whom the Residential Reentry Manager (RRM) has identified as requiring testing. These inmates include:

- Residential Reentry Center (RRC) residents, including direct court commitments;
- Inmates on home detention - either through an RRC program or Federal Location Monitoring (FLM);
- Inmates housed in state facilities;
- RRC failures in a non-BOP facilities (e.g., jails); and
- Short-term sentenced inmates in non-BOP facilities.

Only inmates who are serving terms of imprisonment with the Bureau need to be evaluated for DNA sample collection. Inmates housed in Bureau contracted facilities at the request of the

Administrative Office of the United States Courts, i.e., U.S. Probation Office (USPO), or by the District of Columbia's Court Services and Offender Supervision Agency is the responsibility of their respective agency.

If an inmate in an FLM program requires DNA sample collection, the RRM will contact the probation office and arrange for the sample to be collected by the USPO.

**Steps for DNA Sample Collection:**

**1. Identification of Inmates**

The servicing RRM office will provide each contractor with a letter requesting the collection of DNA samples on any inmate identified as requiring DNA testing.

**2. Collecting DNA Samples**

- Once the RRM office identifies an inmate requiring DNA testing they will forward to the contractor, a letter requesting the collection of the DNA sample (see attachment F), the buccal swab kit, and a DNA Fact sheet (See attachment G).
- Upon receipt of the letter requesting collection of the DNA sample, the contractor will contact Bureau staff to obtain the inmate DNA number for inclusion on the Request for National DNA Database Entry cards. Upon receiving the assigned inmate DNA number contract staff has 24 hrs. to obtain the DNA sample from the inmate. (NOTE: strict accountability of DNA numbers must be maintained to ensure that proper/assigned numbers are provided with the correct inmate DNA sample.
- Once a DNA number is placed on a kit and the collection is completed, the kit will be sent directly to the FBI by the contractor within 24 hours of collection.

**Refusals to Submit a DNA Sample**

- In the event an inmate refuses to submit to the contractor taking the DNA sample, the inmate should be counseled regarding the obligation to provide a sample. Should the inmate continue to refuse, the contractor will contact Bureau staff.
- Residential Reentry inmates will be assessed by the Regional Reentry Management Team (RRMT); state concurrency inmates will be assessed by the Regional Correctional Program Office. If needed, an appropriate Bureau facility

will be identified for temporary placement in order to obtain the DNA sample.

**Procedures for State Concurrency Cases**

Inmates who have been convicted of a crime in both federal and state courts, and have their sentences running concurrently are referred to as "STATE CONCURRENCY CASES". These inmates may be housed in state facilities and are monitored by the Regional Correctional Programs Office.

All of the procedures described for adults in this memorandum are applicable to state concurrency cases, with Regional Correctional Programs staff completing staff procedures.

**Training**

Instructions for the use of the Buccal Swab Kit are included with each kit. Additional training to include pamphlets and an instructional video are available on the manufactures website. Contact your local RRM office if further information is needed.

## CHAPTER 10 - Programs

1. PROGRAM COMPONENTS - The program components are community corrections, pre-release and home detention. The contractor will initially place all federal offenders in the community corrections component, unless otherwise specified by the Court, Program Review Team (PRT) (see section 2) or RRM.

Offenders in all components are provided the same general program resources. An offender will move from one component to another component based upon his/her demonstrated level of responsibility, supervision needs, and the restrictions of the sentence structure. In addition, an offender may be given increased privileges within a component as they demonstrate increased levels of responsibility, e.g., an offender in the pre-release component may not be ready to immediately receive a weekend pass but rather begin with evening or day passes and then graduate to weekend passes. The contractor must have a thorough understanding of the components, and subsequent requirements for each component.

A. Community Corrections Component - The community corrections component is the most restrictive. Except for employment, participation in religious activities, approved recreation, program needs, community programs, and emergency situations, the offender is restricted to the RRC. Visits with the family and significant others will only take place at the facility.

The PRT determines when the offender is appropriate to move into the pre-release component. The RRC director is given authority to move an offender into the pre-release component based on feedback provided by the PRT. There may be some instances where the RRM will be the approving official. In those cases, the RRC director will request approval before assigning an inmate to this component.

B. Pre-release Component - Offenders in the pre-release component generally have more access to the community and family members through weekend and evening passes, in accordance with the Authorized Absences section of this SOW. The offender must develop a daily detailed itinerary that is scheduled in advance and approved by RRC staff. The itinerary must include travel routes, destinations, and time frames. Generally, offenders should be employed before allowing them to be absent from the RRC for social purposes.

C. Home Detention - Home detention is the least restrictive component. A contractor will recommend home detention when it appears the offender will derive no further benefit from facility residency. When an offender is not involved in approved activities, programming requirements and/or employment, they are required to remain in their home.

The contractor must include the following information in the referral packet for home detention:

- Offender name & register number;
- Release method and date;
- RRC address and recommendation;
- Rationale for recommendation;
- Recommended range of home detention, or placement date;
- Financial obligations;
- Specify release needs;
- Current case note;
- Indication that current telephone bill has been reviewed and appropriate; and
- Required forms such as; CONDITIONS OF HOME DETENTION; COMMUNITY BASED PROGRAM AGREEMENT; and HOME DETENTION AND COMMUNITY CONTROL AGREEMENT.

The contractor will not place an offender on home detention until the offender has agreed to the conditions, signed the forms, and approval has been received from the RRM. The RRM may require additional documentation from the contractor when making a home detention determination. Only the RRM or designee, who is approved by the RMT, may approve home detention.

Compliance with the conditions of home detention may be monitored by:

- telephone;
- in-person contacts; or
- electronic monitoring equipment.

Contracting staff shall telephonically contact the offender at random hours each day at home, work or both. In addition, contracting staff will visit the offender at their home and place of employment at least once each week. Offenders on home detention are required to return to the facility at least once each week for routine progress reviews, counseling, urine

testing and other required program participation. If the offender's home detention is monitored by electronic monitoring, contracting staff will visit the offenders home and place of employment at least once every 30 days.

If electronic monitoring equipment is to be used, the contractor must notify the RRM of the type of operational specification standards. The contractor will make maximum use of this component by referring all eligible and appropriate candidates to the PRT or RRC Director and the RRM for review.

The following conditions will apply concerning Home Detention:

- Contractors are NOT required to provide meals, medical treatment, clothing or incidentals, laundry services, or other subsistence items to residents on Home Detention.
- Contractors will maintain documentation of all staff contacts with residents on Home Detention.
- Contractor will conduct a monthly review of the telephone bills, to ensure that no service is in place that would circumvent the accountability program. The results of each review will be documented in the offender's file.
- The contractor will notify the RRM immediately of any misconduct or failure of a resident on Home Detention to comply with Home Detention conditions.
- The contractor is not required to reserve a bed at the center for a resident on Home Detention.
- The per diem rate for residents on Home Detention will be one-half the regular per diem rate. (In the event one-half the per diem rate does not divide evenly, round the cents column down).
- The contractor will collect subsistence from a resident on Home Detention at a rate of 25% of their gross income. The weekly subsistence collected will not exceed the per diem rate established for Home Detention times seven.
- Home Detention days are calculated as a full inmate day for contract purposes (one home detention day equals one inmate day). Only the per diem rate is one-half the regular per diem rate.

2. PROGRAM REVIEW TEAM (PRT) - The contractor will implement a multi-disciplinary team approach to determining inmate program needs, and will monitor participation to encourage pro-social behaviors.

The PRT will consist of one or more representatives of each of the following: 1) facility director or caseworker; 2) the SSC; and 3) USPO. If the USPO is not able to participate in PRT, the contractor will solicit input from the USPO regarding the offender's programming needs and goal completion.

The contractor will provide the BOP with a schedule of the PRT meetings. When possible, BOP staff should actively participate.

3. INDIVIDUAL ORIENTATION - The contractor will have written policy and procedures on offender orientation, case management, and transitional programming. The contractor must develop and foster collaborative relationships with a network of community resources, social service and support providers, including referrals to other federal, state and local agencies that can assist offenders. The contractor will refer the offender to these programs when needed.

The contractor will provide all programs, services, and opportunities without discrimination based on race, color, religion, sex, national origin, physical or mental disability, age, retaliation, or sexual orientation.

The facility director will ensure that each offender receives an orientation about the facility rules and accountability requirements. The contractor will establish an orientation checklist and staff will have the offender sign and date this document as they complete each requirement, and place the original in the offender's file. Orientation normally will last until the offender is aware of the following:

#### FACILITY RULES:

- Facility's program opportunities;
- Components and what they mean;
- Facility's disciplinary system;
- Universal precautions;
- Sexual abuse/assault intervention;
- Human immunodeficiency virus (HIV) and Hepatitis B & C prevention (e.g., risks regarding sexual behavior and drug abuse);
- Suicide prevention;
- Medication requirements, to include over-the counter and prescribed medication and expectations of medication compliance; and

- Requirements for Urine Surveillance and Testing

ACCOUNTABILITY:

- Decision making and consequences of decisions;
- Personal accountability;
- Personal management of challenges during RRC residency;
- Resource person(s) in the facility;
- Consequences of escapes;
- Sign-in/sign-out procedures;
- Pass and furlough procedures;
- Component assignment; and
- Appropriate behavior in the community and the RRC.

RRC staff must exercise flexibility and utilize existing community resources to ensure all offenders have access to religious services. Each request for religious activities will be handled on a case-by-case basis, and the RRM will be contacted for guidance when there could be potential management concerns.

The contractor will provide the opportunity for offenders to engage in recreational activities. These activities are ordinarily provided in the facility and may include television viewing, table games, and exercise equipment. However, if in-house recreation is not possible, alternative recreation will be made available in the community at a specified location, with a written plan submitted to the RRM for approval. The alternate plan must list a specific location within a reasonable distance of the RRC located in an area that supports the mission of the BOP. Offenders, including those in the community corrections component, may sign-out for up to one hour per day (excluding travel to and from) to the alternate recreation location. The sole purpose will be for exercise or recreational activity.

4. PROGRAM PLANNING AND PROGRESS - During an offender's first six weeks, program planning meetings will be conducted every week with the emphasis placed on reentry issues, focusing on family, employment, housing and treatment issues. These meetings will be documented in the reentry plan case file.

Assessment and Reentry Plan - The contractor will have specific methods (assessment instruments) for assessing the risks and individual needs of each offender. During the first two weeks at the RRC, the contractor will complete an individualized

reentry plan. This plan is based on the results of the assessment(s) and the weekly program planning meetings and will address all of the offender's needs and risks. The contractor will clearly identify in the reentry plan how they will prioritize and assist the offender in meeting the identified needs, to include specific program activities and a time table for achievement of these goals.

Subsequent to the offender's first six weeks in the RRC, bi-weekly program planning meetings will be conducted with the offender. The case manager and offender will review and sign progress reviews at least every two weeks. This will be documented with case notes. These notes will, at a minimum, indicate the required information listed on Attachment B, CASE NOTES. Case notes will have substance and should clearly indicate the offender's progress. The case notes must be used as the basis for the terminal report. The original signature copy will be placed in the offender's file.

It is the responsibility of the SSC to develop and coordinate reentry programs to ensure continuity of care for the offender and facilitate services for offenders with special needs; i.e., sex offenders, significant medical and mental health issues, drug and alcohol abuse/dependence, and specialized female offender programming.

In some cases, the results of the needs assessment and input from the SSC may indicate the offender has needs greater than employment; i.e., furthering educational and vocational training, mental health treatment, etc. If eliminating or limiting employment hours are warranted to address other identified needs, the contractor will notify the RRM for approval.

The contractor will make every effort to include the offender's family members/significant others in the reentry program planning process. The purpose is to cultivate a network of support for the offender's eventual return home. Therefore, family is defined broadly and may include extended family members, partners, close friends, or mentors.

The contractor will consult with the USPO when developing reentry plans for USPO cases. The reentry plan will be signed by the contractor and offender, and when applicable, the supervising authority. If the offender refuses, staff

witnessing the refusal will place a signed statement to this effect with the plan.

5. EMPLOYMENT - The contractor will develop and provide an employment assistance program. Emphasis should be placed on assisting the offender in finding viable employment that will potentially offer long term employment based upon their skills and capabilities. The contractor must provide transportation or public transportation vouchers to assist indigent offenders seeking employment.

The SSC is responsible for providing offenders with employment assistance in accordance with, but not limited to the following:

- Job placement resources both in the RRC and in the community, to include the Department of Labor's (DOL) One-Stop System;
- Employment information assistance using computer-based technology and resources which include career assistance software and on-line resources; i.e., Internet, America's Career Info Net. The SSC will have direct access to the Internet to meet this requirement;
- Portfolio development, resume writing, proper dress and interview techniques training;
- Individual and group counseling, case management, and post-release follow-up relative to employment within the community, to include the area where the offender plans to live following release;
- Employment job fairs either on-site or in partnership with other organizations, such as community colleges; and
- To maximize job retention, every effort should be made to match an offender's skill levels to an actual job placement. For example, an experienced heavy equipment operator may not be appropriately employed as a short order cook at minimum wage.

The SSC is encouraged to communicate with the BOP Inmate Transition Branch, (202)305-3868, and post contract award, to obtain pertinent and developing information in this area.

In situations where it has been determined that the inmate has other identified needs greater than employment; i.e., furthering educational and vocational training, mental health treatment etc., the offender will be given a reasonable period of time, not to exceed 21 calendar days, to demonstrate active pursuit in

addressing these needs. The caseworker and the SSC will meet with the inmate on a weekly basis to review progress.

If full time employment or involvement in addressing other identified needs is not obtained in 21 calendar days after completion of the orientation program, the contractor will forward to the RRM a biweekly status report of the efforts to assist the offender and maintain a copy in the offender's file. The SSC, with input from the case manager, will develop a plan to involve the offender in productive activities; i.e., volunteer work, community service, to minimize the amount of idle time. The plan and case notes on the offender's efforts and progress will be placed in their case file.

**Ordinarily, self-employment or employment by a resident's family member must be approved by the RRM.**

A. Approval and Verification - Each offender's employment requires the contractor's written approval. The contractor will ensure through documentation that the offender's employer is aware of the offender's legal status prior to the first workday. When written correspondence is utilized, it will be delivered by the contractor or through U.S. mail, not hand delivered by the offender. Any changes in an offender's employment will require advance approval by the contractor.

For each job an offender acquires, the contractor will verify employment by an on-site visit during the first seven calendar days, and document the visit in case notes to include date and the title of the person contacted. The contractor will request the employer notify the contractor if the offender does not report to work as scheduled, is terminated or quits. A telephone number and contact person at the RRC will be provided to the employer to report such incidents. Thereafter, at least monthly, the offender's employment supervisor will be contacted by phone or site visits to substantiate attendance and discuss any problems which may have arisen. The contractor will complete additional contacts as necessary. All contacts concerning an offender's employment will be documented in the case notes. The RRM may modify this requirement.

All offenders (BOP and USPO cases) are subject to these requirements. The contractor will report any deviation to the RRM. Any modifications of these requirements for USPO cases may be approved by the RRC director or assistant with USPO

concurrence. Documentation will be maintained in the offender file.

B. Restriction - Restriction from work will not be used as a disciplinary sanction. Informal resolution will not impede or control an offender's ability to work.

C. Electronic technology - The use of beepers, cellular phones and computer equipment is common place. When an offender must maintain a beeper, PDA, cellular telephone or computer equipment with Internet access in the performance of his or her work, the contractor must develop policy and procedures to monitor the legitimate use of this equipment. The following procedures will be followed:

- The offender will make a written request to the facility director stating the specific need and use for the electronic communication equipment. The facility director is the approving authority. The contractor will document this action in the offender's file.
- For USPO cases, the facility director will make the request to the USPO. A copy of the request will be forwarded to the RRM for informational purposes. The USPO's response to the request will be placed in the offender's file. This approval authority may be delegated by the USPO to the facility director or designee.
- A pager, cell phone, caller ID, or other type of electronic equipment will not be used for accountability purposes.

6. OFFENDER'S FINANCIAL RESPONSIBILITY - The Bureau expects each sentenced inmate to meet his or her legitimate financial obligations. To provide for the continuity of the Bureau's institution policy concerning the Inmate Financial Responsibility Program, the contractor will establish a program to meet the following:

- All sentenced inmates with financial obligations will develop, with staff assistance, a financial plan to meet those obligations.
- Each financial plan will be monitored effectively to ensure satisfactory progress is being made.
- Appropriate consequences will be incurred by inmates who refuse to participate in the program or fail to comply with their financial plan.

- The financial plan will include the following obligations, ordinarily in the order listed:
- Special Assessments
- Court-ordered restitution
- Fines and court costs
- State or local court obligations
- Other federal government obligations
- The contractor will develop a working relationship or point-of contact (the courts and United States Attorneys' offices) to assist residents in making payments and will record the inmate's progress toward meeting those obligations. The contractor will provide pertinent addresses to residents concerning payment of court ordered financial obligations.

Cost of Incarceration (COIF). The contractor will contact the RRM for direction on all cases concerning COIF. The contractor will post the most recent version of the P.S. 5380, Cost of Incarceration Fee (COIF) in the RRC for all offenders to read. The contractor will comply with the requirements of COIF under the direction of the RRM.

Subsistence. To promote financial responsibility, the BOP requires offenders to make subsistence payments to the contractor each payday. The contractor will develop and use an offender's subsistence agreement form which documents the offender's obligation and responsibility to pay subsistence and other financial obligations outlined in the SOW. Offenders are expected and should be able to meet this basic financial obligation while participating in the RRC program. Failure to pay accurate subsistence, to include underpayments, will result in an immediate disciplinary report being issued to the resident/offender. In the case of an underpayment, the offender will be issued a disciplinary report which will then be held for 24 hours pending the receipt of the remainder of the subsistence owed by the offender. If the remaining subsistence is paid within the 24 hours, then the disciplinary report will be informally resolved; if payment is not received, then the disciplinary report will be processed in accordance with the policy statement on Inmate Discipline. In no case is the contractor to refuse any attempts to make partial subsistence payments, the underpayment should be documented, disciplinary report issued, and follow up and collection within 24 hours. All cases of inmate refusal to pay subsistence owed will result in a formal discipline report and notification to the RRM. The

contractor is responsible for collecting the full subsistence amount due and providing the offender with receipts for all subsistence payments. The receipt will indicate the amount collected, gross income, and time period covered. Contractors will not accept subsistence payments in excess of the amount of subsistence owed unless procedures are in place to immediately refund the amount of overpayment to include documentation of the overpayment and acknowledgement of the inmate of the immediate refund as evidenced by signature. If procedures are not in place for immediate refund of any overpayment, then the subsistence payment should not be accepted and discipline procedures should be initiated as a non-payment. Local procedures for collection of overpayments must be approved in writing by the RRM. Copies of all pay stubs and collection receipts will be kept in the offender's file.

When offenders collect a pay check, weekly, bi-weekly, or monthly, subsistence payments will be made to coincide with their payday, contract procedures will require subsistence payments within 48 hours of the scheduled payday. The contractor will collect 25 percent of each employed offender's gross income (calculated for a week) not to exceed the total dollar amount of the contract's daily per-diem rate totaled for one week.

For example, if an offender's gross pay is \$100 for one week, 25 percent would be \$25, which seems to be a collectable subsistence amount. However, the contractor must consider the contract's per-diem rate totaled for the week to determine the dollar amount which can be collected as subsistence. In this example, the contract's daily per-diem rate is \$3; multiplying \$3 by seven (seven represents 7 days in one week) yields \$21. This is the dollar amount that can be collected as subsistence by the contractor. Even though \$25 is 25 percent of the offender's weekly gross pay, only \$21 can be collected because of the contract's per-diem rate.

The contractor will round down all subsistence payments to the nearest whole dollar amount.

Partial weeks of RRC residency are prorated.

For Example: If an offender earns \$8.50 an hour and works a 40-hour work week and earns a weekly gross salary of \$340, the offender normally owes 25 percent of \$340, or \$85 in subsistence for the week. However, if the same offender only resides in the

RRC for 3 additional days beyond his/her last payday, then the offender must pay a portion of the \$85 for those 3 days. In this case, the contractor divides 7 (representing a 7 day week) into \$85. Rounding down, the result is \$12 which is the offender's prorated daily amount. Since the contractor will collect for 3 days, the offender owes \$36 (3 days X \$12 = \$36), in addition to the \$85 (25%) collected from the paycheck. That is if \$36 does not exceed the contract's per-diem rate totaled for the 3 days.

**Prorated amounts will only apply during the departure week, no other time. Pass, furlough or home detention does not release the offender from subsistence responsibilities. If the last week's subsistence has been collected from an offender who is subsequently returned to custody as a program failure, that subsistence must be returned to him/her.**

The last week's subsistence may be collected in advance. **Prorated subsistence for the last week of stay cannot be collected from the resident any earlier than two weeks prior to the release date.** An offender who fails to pay subsistence payments is subject to disciplinary action, including termination from the program. Unless otherwise indicated by the Court, BOP or USPO, all USPO cases will pay subsistence.

Contractors will reduce the monthly billing to the BOP by the amount collected in subsistence and indicate this on the bill. Subsistence not collected or shown as a deduction from the billing by the contractor may be deducted by the BOP from the monthly billing.

The contractor will provide a collection record to include copies of the inmate's paystubs, subsistence waivers, if applicable, and collection receipts with every monthly bill.

Offenders who have other means of financial support, e.g., sale of property, Veteran's Administration (VA) benefits, worker's compensation, retirement income, or Social Security will contribute 25 percent of their determined weekly income, not to exceed the daily per diem rate.

In cases of hardship, the contractor may request the RRM waive or modify subsistence payments. This will be considered on a case-by-case basis. The contractor will consider the offender's debts, assets, employment status and spending history before submitting a written request to the RRM. In addition, the

contractor should also consider that the offender's future success in the community is a basic program objective of RRC residency.

**The RRM must consult with the Regional Management Team (RMT) before authorizing a modification to the subsistence payment schedule and amount.**

Loans to residents are strictly prohibited.

7. RESIDENCE DEVELOPMENT - The offender's reentry plan will include efforts at locating suitable housing. Contractors will maintain documentation of the assistance provided to each offender in the offender's file. In cases where an offender will be released from the facility and continue some type of USPO supervision, the contractor will verify the proposed address and forward written comments regarding its suitability to the USPO 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 E). 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](http://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](http://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 inmate's treatment and oversight of the contract treatment providers.

The RRC will be notified of an offender's participation in T-DAT by the T-DATC via a T-DAT Authorization. The T-DAT 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 T-DAT 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 within 10 days of receiving the T-DAT 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 requesting to be a member of the RRC's Community Relations Advisory Board. RRC staff observes 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, or community service obligation. The contractor will confer with the USPO and RRM 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 RRM, 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 detention. 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 may request the RRM to modify the daily contacts if it is in the best interest of offender accountability and program objectives. The RRM 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 RRM.

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 RRM to make special arrangements for the offender. These requests are considered on a case-by-case basis, and the RRM 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 programming 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 detention.

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 cannot 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 RRM 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 RRM. 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 two 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 RRM 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 RRM. 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. 5280, Furloughs. The contractor's recommendation with written justification will be sent to the RRM for approval along with the BOP form FURLOUGH APPLICATION - APPROVAL AND RECORD and appropriate questionnaires. The offender must sign the form. Only the RRM 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. (In the event one-half the per diem rate does not divide evenly, round the cents column down.) 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 RRM 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 five 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 RRM. 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 C, Urinalysis Procedures. 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, or 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 C 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 C.

A positive written report from the lab for any of the drugs listed in Attachment C 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 C 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 RRM 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 is 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 RRM by telephone. Serious incidents include, but are not limited to, the following:

- Escapes, "standard of conduct" violations, spill of hazardous materials, disturbances, gang activities, workplace 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 RRM 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 RRM when an offender shows evidence of suicidal tendencies, or unusual or dangerous behavior. If the contractor is in doubt, they will contact the RRM.

## 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 the program statement 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 RMT'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 RRM):

- 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 - 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:

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

B. 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.

C. 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 RRM for specific information.

D. 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 RRM for specific information.

1) 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.

2) 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, or 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 218" "possessing narcotics, Code 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 evidence (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 occurs:

- 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 RRM.

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 there:

- 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 RRM 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 RRM 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 his/her representative may request witnesses from inside or outside the RRC, where his/her 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

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 Program Statement 5270.09. 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 RRM. Remote hearings will not diminish the offender's 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 provides 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 the program statement. 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, neither 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 is 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 RRM with copies placed in the offender's file. The RRM 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 RRM will notify the contractor with advisement. If the DHO requires additional action in the proceedings, the CDC will comply.

The DHO will advise the RRM of the hearing decision. The RRM will advise the contractor and offender. In addition, the RRM 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, Administrative Remedy Program. Staff must be familiar with the Administrative Remedy Program Statement.

## 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 handler's license, if applicable.

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

The contractor 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 off-site, or vice 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 manufacturer's 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 RRM 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 RRM. The RRM 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 RRM. The RRM will forward the invoice through the RMT 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 RRM of emergency treatment.

If, at any time, an offender appears to have a communicable or debilitating physical problem, the contractor will notify the RRM 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 RRM. 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 which the offender is suffering from which may need 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 RRM of those offenders with immediate mental or medical health needs and infectious disease. The results will be documented and sent to the RRM 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 RRM, 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 RRM.

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; and
- 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 obtained 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 RRM with the monthly bill. The contractor will also send a copy of this report to the Chief USPO.

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

G. The RRM, in concurrence with the contracting officer, may require additional documentation.

4. BILLING - The contractor will provide the RRM 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, and court ordered child support paid by the offender.

The contractor will ensure invoices arrive in the RRM office by the 10th of the month; however, the RRM 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 RRM.**

**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 RRM.**

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 RRM 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 offender's release, termination, escape, or death. Contractors must consult with their RRM and follow Bureau instructions for safeguarding the PSR. All questions are to be directed to the RRM.

## 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 appointment 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 receives 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 RRM 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 RRM.

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:

- original to offender;
- copy to USPO;
- "institution copy" to RRM; and
- 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 RRM 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 RRM 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. 5800.15, Correctional Systems Manual, Chapter 11.

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 offender's (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 RRM 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.

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 B).

Distribution: original to RRM, 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 RRM either telephonically, by fax or e-mail. The notification procedure will be developed locally between the RRM and the contractor.

6. FILES - Upon completion or termination of the offender's program, the contractor will forward the terminal report to the RRM 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 detention;
- being arrested; or
- leaving the facility without permission from staff.

B. Staff Action - The contractor will provide written procedures that ensure all staff understands 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; and
- telephone inquiries 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 RRM**. This responsibility cannot 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. 5270, 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 RRM the same day it happens. When an offender absconds after normal business hours, the contractor will notify the RRM 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 RRM.

If an offender receives an incident report that may cause program failure, the contractor will contact the RRM prior to issuing the report. The RRM 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 RRM so that an appropriate action plan can be determined.

## CHAPTER 19 - Serious Illness, Injury, or Death

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

Immediately upon the death of an offender, the contractor will assemble and advise the RRM 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 RRM.

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 RRM 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 RRM.

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 RRM.
- 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 RRM 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.
- 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 RRM will be notified the next calendar day or as directed by the RRM.

- 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 RRM with this action. A terminal report will be completed by the contractor and forwarded to the USPO and the RRM. The contractor will ensure the RRM 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 detention. 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 RRM. 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 RRM 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 RRM.

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 any time 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 RRM within 30 days of receipt of the report (unless otherwise directed by the RRM). 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 RRM. 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 monitoring's 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 contractor's performance that is conducted from the RRM office. To facilitate the monitoring, the RRM 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 PERFORMANCE ASSESSMENT REPORTING SYSTEM (CPARS) - CPARS is an automated system in which contractor performance is reported. Performance is measured annually by the COTR. The

rating period represents 12 months of contract performance and ordinarily is conducted at the end of each performance period. Upon review and approval by the RMT, the COTR electronically (via CPARS) sends the evaluation to the CO who reviews the document, then releases it to the contractor for comments via CPARS. The contractor will have 30 calendar 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, evaluations, and RRM inquiries within the appropriate time frame.

The contractor's response must indicate that 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 RRM, with a copy to the CO, specifically addressing the repeat deficiency. (This is in addition to the facility director's response to the RRM.) 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 RRM.

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: \_\_\_\_\_

<b>Last Name</b>		<b>Middle Name</b>	<b>Middle Name</b>	<b>Other Names Used</b>		
<b>Position/Job Title</b>		<b>Anticipated Hire Date</b>	<b>Criminal History, if applicable</b>			
<b>Sex</b>	<b>Race</b>	<b>Hair</b>	<b>Eyes</b>	<b>Height</b>	<b>Weight</b>	<b>DOB</b>
<b>Driver's License-State &amp; No.</b>			<b>SSN</b>		<b>Birth City/State</b>	
Other States Lived or Worked in						

*If this is a Key Staff Member, a copy of the applicant's application and resume must be attached. Upon Conditional Approval, a sealed transcript must be sent directly to the RRM office from any schools, colleges or universities identified on the application which substantiates the individuals qualification's to fulfill the position.*

## Applicants Acknowledgement:

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 Telecommunication System 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 Telecommunication System 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 the 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

**Request for Contract Staff Background Investigation (cont.)**

<p>Photocopy (if permitted by law)</p> <p>Driver's License in this box</p>	<p>Photocopy</p> <p>SSN Card in this box</p>
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**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 offenders assigned component - community corrections, pre-release, or home detention, 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, to 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 detention 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 lists all and summarizes offender's success).

**SECTION C - Release planning:**

- C.1 When appropriate, staff will request that the offender 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.**

## **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 is required to demonstrate a satisfactory intrinsic quality control program and to participate in at least one proficiency testing program which is 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. RRM's 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.

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

DRUG/SUBSTANCE CONFIRMATION	SCREEN METHOD	SCREEN LEVEL	CONFIRMATION METHOD	CUTOFF
Amphetamines Amphetamine Methamphetamine	<b>Enzyme Multiplied Immunoassay Technique</b> or a Certified Comparable Testing Technology	1000 ng/ml	<b>Gas Chromatography</b> or a Certified Comparable Testing Technology	300 ng/ml
Barbiturates Amobarbital Butabarbital Butalbital Pentobarbital Phenobarbital Secobarbital	<b>Enzyme Multiplied Immunoassay Technique</b> or a Certified Comparable Testing Technology	300 ng/ml	<b>Gas Chromatography</b> / <b>Mass Spectrometry</b> or a Certified Comparable Testing Technology	300 ng/ml
Benzodiazepines	<b>Enzyme Multiplied Immunoassay Technique</b> or a Certified Comparable Testing Technology	300 ng/ml	<b>Gas Chromatography</b> or a Certified Comparable Testing Technology	200 ng/ml
Cannabinoids (THC/Marijuana)	<b>Enzyme Multiplied Immunoassay Technique</b> or a Certified Comparable Testing Technology	50 ng/ml	<b>High Performance Thin Layer Chromatography</b> or a Certified Comparable Testing Technology	50 ng/ml
Cocaine Benzoyllecgonine	<b>Enzyme Multiplied Immunoassay Technique</b> or a Certified Comparable Testing Technology	300 ng/ml	<b>Gas Chromatography</b> or a Certified Comparable Testing Technology	300 ng/ml
Methadone	<b>Enzyme Multiplied Immunoassay Technique</b> or a Certified Comparable Testing Technology	300 ng/ml	<b>Gas Chromatography</b> or a Certified Comparable Testing Technology	300 ng/ml
Opiates Codeine Hydromorphone Morphine	<b>Enzyme Multiplied Immunoassay Technique</b> or a Certified Comparable Testing Technology	300 ng/ml	<b>Gas Chromatography</b> or a Certified Comparable Testing Technology	300 ng/ml
Phencyclidine	<b>Enzyme Multiplied Immunoassay Technique</b> or a Certified Comparable Testing Technology	25 ng/ml	<b>Gas Chromatography</b> or a Certified Comparable Testing Technology	25 ng/ml

**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](http://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.

RESIDENTIAL REENTRY MANAGER (RRM) - The BOP employee responsible for all functions, programs and services related to Residential Reentry Programs within a judicial district(s).

RESIDENTIAL REENTRY MANAGEMENT CENTER ADMINISTRATOR (RRMCA) - The BOP employee who supervises the RRM. The MCA exercises responsibility for Residential Reentry operations and programs within a geographical area originally covering more than one RRM office.

REGIONAL RESIDENTIAL REENTRY MANAGEMENT ADMINISTRATOR (RRRMA) - The BOP employee responsible for all Residential Reentry functions, services and operations within a region.

REGIONAL REENTRY SAFETY SPECIALIST (RRSS) - 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 RRM, 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 RRM 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 is 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 impairment; or is perceived as having such 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 DETENTION - Home Detention 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 - is 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 Battery March Park Quincy, MA 02269-9101 USA Telephone: (617) 770-3000 FAX: (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 RRM 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 - is a 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 programmed 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 programming. The RRM will provide direction in this regard.

Confinement of all BOP cases is reimbursable. Confinement of USPO cases is reimbursable except pre-trial defendants. The RRM 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 that 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 who responsible for supervising USPO federal offenders.

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

**AGREEMENT TO PARTICIPATE IN THE BUREAU OF PRISONS TRANSITION  
SKILLS PROGRAM**

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 Transitional 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:

1. Program staff may release information where there is a risk of danger to the health and safety of inmates, staff, or other persons;
2. Program staff may release information where there is a threat to the security or orderly running of the RRC; and
3. Program staff may release information to the Regional Transitional Drug Treatment Coordinator, Regional Reentry 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, Regional Reentry staff, and 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 transitional 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

[Name of RRM]

[Addressee]

Re: Request for DNA Collection

Dear [Name of Facility CEO]:

The DNA Analysis Backlog Elimination Act (DNA Act) requires the Federal Bureau of Prisons to obtain DNA samples from all inmates with qualifying offenses. Currently, the Attorney General is authorized to collect DNA samples from individuals who are arrested, facing charges, or convicted or from non-United States persons who are detained under the authority of the United States. See 42 U.S.C. Sec. 14135a(a)(1)(A). An implementing regulation was published in the Federal Register on December 10, 2008 (Vol. 73, No. 238, pp. 74932-74943). The FBI analyzes submitted DNA samples and maintains the results in the Combined DNA Index System (CODIS).

The following [xx] inmates are housed at your facility and are required to provide a DNA sample under the DNA Act. We are asking your assistance with the collection.

Inmate Name, Reg. No.

Inmate Name, Reg. No.

Included with this letter is/are [xx] DNA buccal swab collection kits. Instructions for the DNA collections are included in the kits. Also included are DNA fact sheets that may be provided to the inmates to answer any questions they may have. If an inmate refuses to consent to the DNA collection, please bring this to the attention of this office as soon as possible.

The inmate should be made aware that refusal to consent may result in the inmate being temporarily brought back into the physical custody of the Bureau and housed in a Special Housing Unit until the sample is collected.

To receive DNA numbers from Bureau staff for the DNA collected, your staff should contact [xxx] at [xxx] one or two business days before the collection is scheduled. Generating a DNA

number during this timeframe will decrease the chance numbers  
will be generated in error.

Thank you for your assistance with this important matter.  
Please contact my office at [xxx-xxx-xxxx] if you have any  
questions.

Sincerely,

**Bureau of Prisons Inmate DNA Sample Collection  
Fact Sheet**

The Bureau of Prisons' (Bureau) current authorities to collect DNA samples from persons are as follows:

- Title 42 U.S.C. Sec. 14135a, Collection and use of DNA identification information from certain Federal offenders;
- Title 42 U.S.C. Sec. 14135b, Collection and use of DNA identification information from certain District of Columbia offenders; and
- Title 28 C.F.R. Part 28.12.

Pursuant to these authorities, the Bureau will collect DNA samples from persons who are:

- Convicted of any federal offense (felony or misdemeanor);
- Convicted of any Uniform Code of Military Justice (military) offense (felony or misdemeanor);
- Convicted of a qualifying D.C. Code offense (as provided at D.C. Code Sec. 22-4151);
- Arrested or facing charges (pretrial inmates); and
- Non-United States persons who are detained under the authority of the United States (including the Bureau) (persons who are not United States citizens and who are not lawfully admitted for permanent residence as defined by 8 C.F.R. Sec. 1.1 (b)).

Bureau Program Statement 5311.01, *Inmate DNA Sample Collection Procedures* (effective date Feb. 1, 2011), provides the following:

- Collection of DNA via buccal swab has been incorporated into the collection method.
- Collection of DNA from juveniles is permitted.
- Consequences for refusing to provide a DNA sample include an incident report(s), progressive administrative sanctions, and possible criminal prosecution.
- If efforts to obtain a DNA sample fail, or the inmate is approaching his/her release date, standard Use of force protocols (including standard confrontation avoidance procedures) must be invoked, using only the amount of force necessary to obtain a DNA sample. In instances where calculated use of force is necessary, it is recommended that a blood sample be obtained.

