

**Department of Correction**

**September 2003**

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**STATE OF TENNESSEE  
COMPTROLLER OF THE TREASURY**

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**John G. Morgan**  
Comptroller

September 9, 2003

The Honorable John S. Wilder  
Speaker of the Senate  
The Honorable Jimmy Naifeh  
Speaker of the House of Representatives  
The Honorable Thelma M. Harper, Chair  
Senate Committee on Government Operations  
The Honorable Mike Kernell, Chair  
House Committee on Government Operations  
and  
Members of the General Assembly  
State Capitol  
Nashville, Tennessee 37243

Ladies and Gentlemen:

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

This report is intended to aid the Joint Government Operations Committee in its review to determine whether the department should be continued, restructured, or terminated.

Sincerely,

John G. Morgan  
Comptroller of the Treasury

JGM/dlj  
02-018

State of Tennessee

# Audit Highlights

Comptroller of the Treasury

Division of State Audit

Performance Audit  
**Department of Correction**  
September 2003

## AUDIT OBJECTIVES

The objectives of the audit were to determine the department's legislative mandate and the extent to which it has fulfilled that mandate and complied with applicable laws and regulations and to make recommendations that might result in more efficient and effective operation of the department.

## FINDINGS

### **The Department Failed to Assess Liquidated Damages Against Health Care Providers for Contract Noncompliance**

The Department of Correction has failed to assess liquidated damages against vendors Correctional Medical Services and Mental Health Management for numerous instances of noncompliance with contract provisions. Allowing contractors to operate in noncompliance for significant periods of time without substantial consequences provides no incentive for efficient and effective operations (page 39).

### **The Department Failed to Assess Liquidated Damages Against Corrections Corporation of America for Contract Noncompliance**

Pursuant to Sections 41-24-101 et seq. and 4-3-603(b), *Tennessee Code Annotated*, the Department of Correction contracts for correctional services at South Central Correctional Facility (SCCF) and for housing of state prisoners at Hardeman County Correctional Facility (HCCF). Corrections Corporation of America (CCA) manages both facilities. Despite numerous instances of

noncompliance at SCCF and HCCF, the department has failed to assess liquidated damages against CCA. By allowing the contractor to fail to comply with agreed-upon terms without negative consequences, the department has not ensured that the state is getting the level of service it has paid for and that the citizens of the state, including the inmates and facility employees, are receiving the level and types of services deemed necessary by the state (page 43).

### **The Corrections Corporation of America Is Not Purchasing Inmate Uniforms from Tennessee Rehabilitative Initiative in Corrections as Required by Statute and Contract Provisions**

According to interviews and documentation obtained, it appears CCA is not purchasing the majority of its inmate uniforms from the Tennessee Rehabilitative Initiative in Corrections (TRICOR). When compared to other department facilities, CCA's inmate uniform purchases are significantly lower (page 45).

### **The Department Needs to Continue to Improve Pre-Release Services for Inmates**

Department Policy 511.02, Pre-Release Services, mandates that all department and privately managed institutions provide programming designed to facilitate an inmate's release from incarceration and community reintegration. Studies pertaining to recidivism indicate that educational, life skill, and parental programming help inmates readjust to life in the community, which may help keep the former inmates from committing new crimes and returning to the prison system. During fiscal year 2003, the department made several improvements in its pre-release program. These

improvements include implementing the new Tennessee Bridges program, assigning full-time pre-release coordinators at 14 of the 15 correctional facilities, beginning the update of pre-release policies, and requiring coordinators to provide data on inmate participation in pre-release programs. Despite these improvements, however, the pre-release services provided by the Department of Correction still appear to be insufficient given the number of inmates who exit the system each year and the problems inmates face when attempting to readjust to life outside the correctional system (page 47).

## **OBSERVATIONS AND COMMENTS**

The audit also discusses the following issues: (1) the high rate of correctional officer turnover at department facilities; (2) the failure of some counties to submit Final Cost Settlements in a timely manner; (3) the lack of centralized monitoring of employee training; (4) the failure of some prisons to consistently adhere to all requirements of Health Services' Continuous Quality Improvement Program; (5) problems that led to the early replacement of West Tennessee State Penitentiary's security fence; and (6) delays in the selection of a new prison site. In addition, the audit discusses inmate classification and reclassification, inmate employment, and the collection of DNA samples from inmates (pages 17-39).

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"Audit Highlights" is a summary of the audit report. To obtain the complete audit report, which contains all findings, recommendations, and management comments, please contact

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# Performance Audit Department of Correction

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# **Performance Audit Department of Correction**

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## **INTRODUCTION**

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### **PURPOSE AND AUTHORITY FOR THE AUDIT**

This performance audit of the Tennessee Department of Correction was conducted pursuant to the Tennessee Governmental Entity Review Law, *Tennessee Code Annotated*, Title 4, Chapter 29. Under Section 4-29-224, the Tennessee Department of Correction was scheduled to terminate June 30, 2003. As provided for in Section 4-29-115, however, the department will continue through June 30, 2004, for review by the designated legislative committee. The Comptroller of the Treasury is authorized under Section 4-29-111 to conduct a limited program review audit of the department and to report to the Joint Government Operations Committee of the General Assembly. The audit is intended to aid the committee in determining whether the agency should be continued, restructured, or terminated.

### **OBJECTIVES OF THE AUDIT**

The objectives of the audit were

1. to determine the authority and responsibility mandated to the department by the General Assembly,
2. to determine the extent to which the department has fulfilled its legislative mandate and complied with applicable laws and regulations, and
3. to recommend possible alternatives for legislative or administrative actions that might result in more efficient and effective operation of the department.

### **SCOPE AND METHODOLOGY OF THE AUDIT**

The audit reviewed the activities of the Tennessee Department of Correction from fiscal year 1997 through fiscal year 2002, with a focus on fiscal years 2001 and 2002. The audit was conducted in accordance with the standards applicable to performance audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. The methods used included

1. a review of applicable statutes and rules and regulations;

2. an examination of the department's records, documents, and policies and procedures;
3. a review of prior performance audits, financial and compliance audit reports, audit reports from other states, department internal audit reports, and department contract monitor reports; and
4. interviews with department staff and staff of the Select Oversight Committee on Corrections.

## **ORGANIZATION AND RESPONSIBILITIES**

The Tennessee Department of Correction was established in 1923 under the provisions of Title 4, Chapter 3, Part 6, *Tennessee Code Annotated*. The department was created to manage and govern the correctional system facilities. According to the department, the mission of the Tennessee Department of Correction is to ensure public safety through incarceration of convicted felons; enhance inmate life skills through selected rehabilitative programming; and make implementation of cost-effective measures a clear priority.

Detailed below are departmental organization charts (pages 3-4) and descriptions of the department's divisions and sections as described in the *Tennessee Department of Correction Annual Report, Fiscal Year 2001-2002*.

### **Commissioner's Division**

#### *Employee Grievances and Disciplinary*

The Employee Grievance section helps employees determine the correct procedures for resolving grievances and provides assistance to managers in establishing consistent actions. During fiscal year 2002, a total of 176 grievances were submitted. The outcomes of these grievances were as follows: 126 decisions were upheld, 30 decisions were overturned, 11 were deemed non-grievable, and 9 were resolved without a hearing.

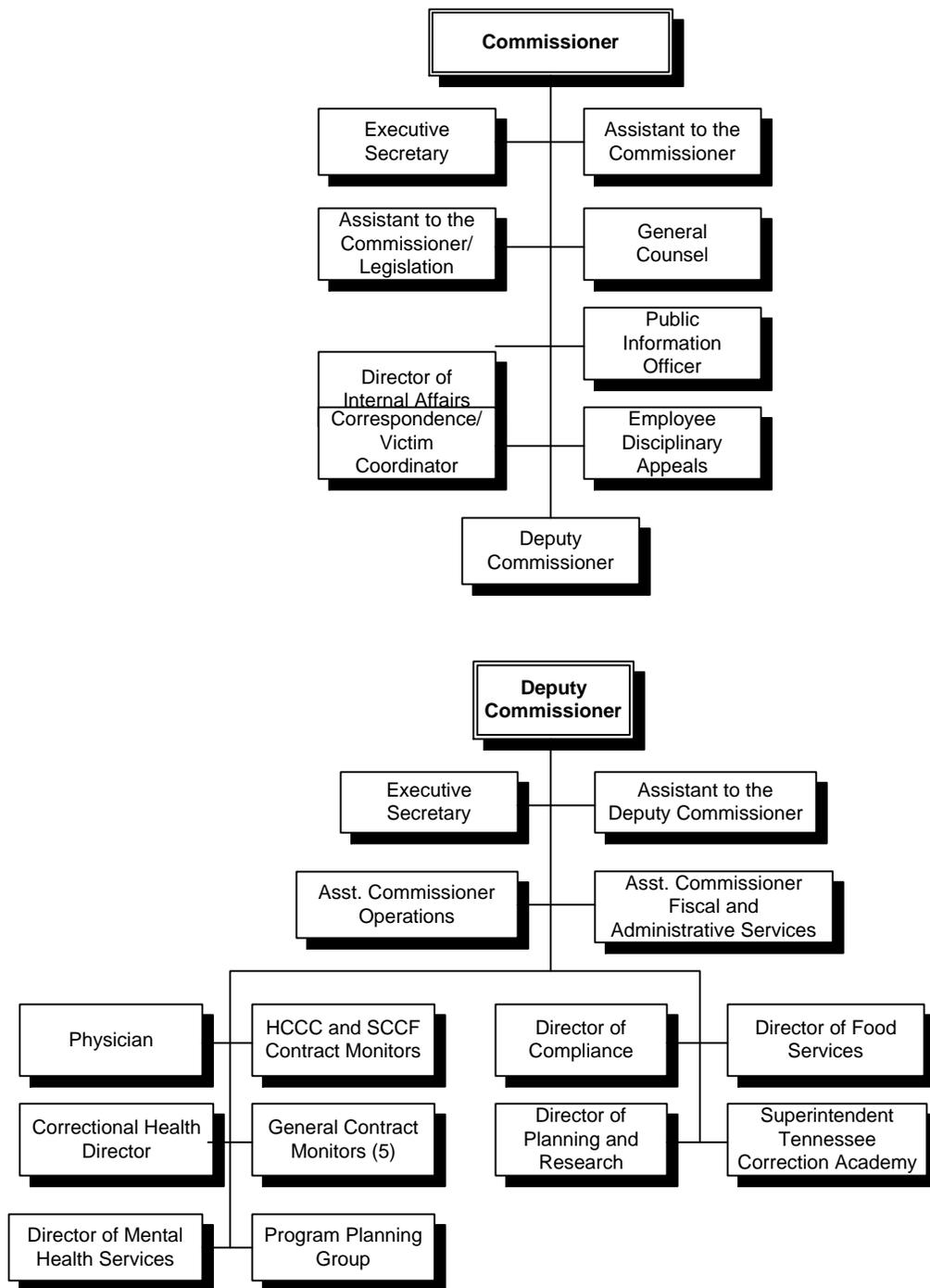
#### *Internal Affairs*

As authorized by the commissioner, Internal Affairs conducts administrative and criminal investigations related to the operation of the department.

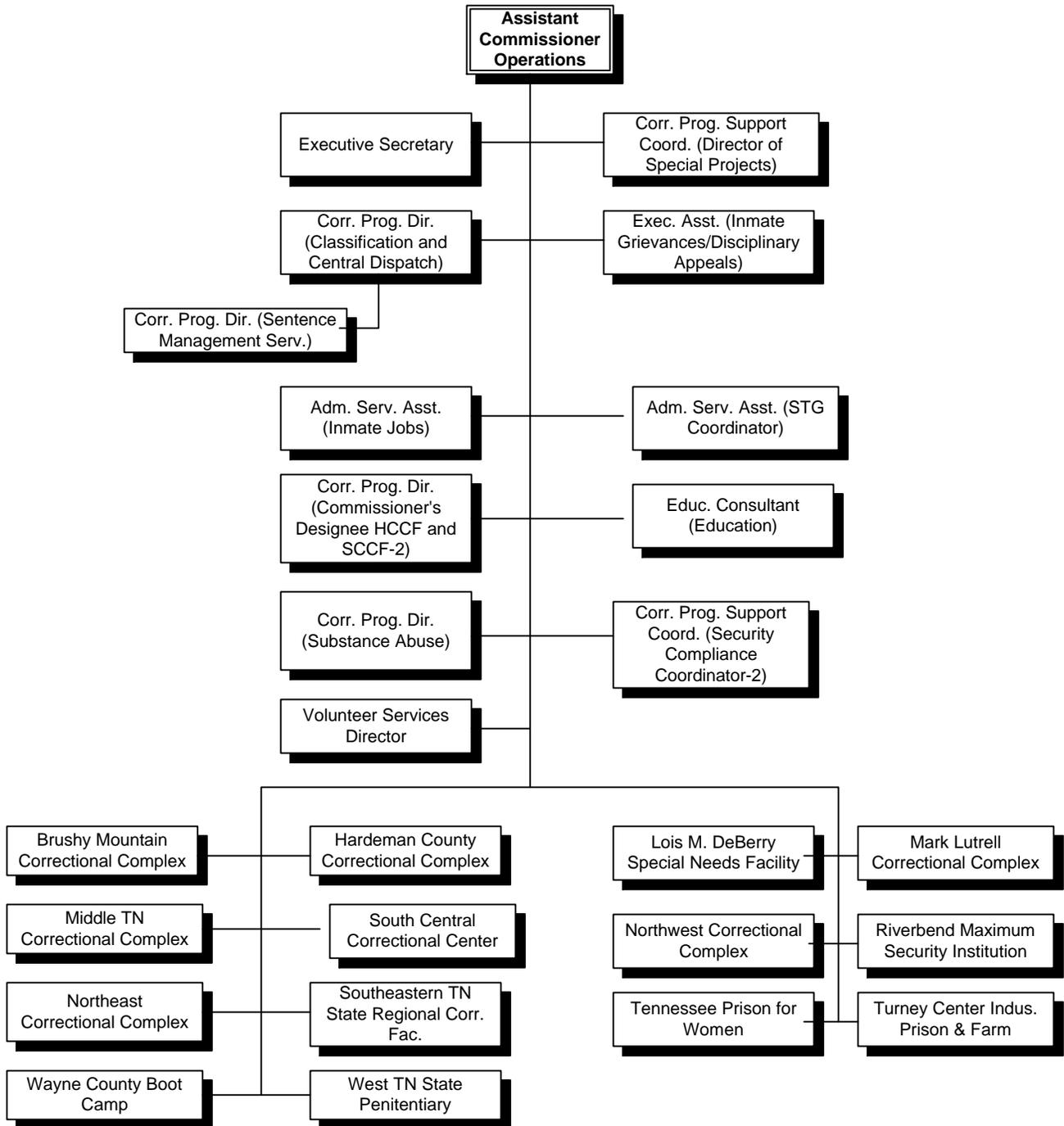
#### *Legislative Liaison*

The assistant to the commissioner for legislation serves as the liaison to the Governor's Office and members of the General Assembly concerning proposed legislation that might impact the department's operations. The liaison advises the commissioner and department staff of bills being considered and coordinates the department's review of pending legislation. The liaison also monitors the implementation of new laws and informs staff of statutory changes and possible revisions to department policies.

# Tennessee Department of Correction Organization Chart October 2002



# Tennessee Department of Correction Organization Chart (Cont.) October 2002



### *Office of the General Counsel*

The Office of General Counsel represents the department and the commissioner in legal and administrative proceedings in which the department is a party. In addition, the office drafts administrative rules, reviews and recommends changes to departmental policies, provides legal opinions on issues affecting corrections, reviews contracts, administers the Interstate Compact on Detainers and the Interstate Corrections Compact, coordinates the extradition process in Tennessee, reviews proposed legislation, and assists the Office of the Attorney General and approved private counsel in the defense of departmental employees sued by inmates for alleged constitutional civil rights violations.

### *Public Information Office*

The Public Information Office is the central point for communication with the public and media about the Department of Correction.

## **Deputy Commissioner's Division**

### *Compliance*

Accreditation – The department continues to maintain its accredited status. One institution, the Central Office, and the Tennessee Correctional Academy had successful American Correctional Association (ACA) audits during fiscal year 2002. Tennessee is one of five states (including New York, Ohio, Florida, and Louisiana) that have all correctional facilities and the central office fully accredited by ACA.

Annual Inspections – During fiscal year 2002, all department and privately operated institutions and the training academy were inspected by teams of 10 to 15 inspectors consisting of personnel from the institutions and the Central Office. The inspections were completed using an inspection instrument designed to monitor policy compliance in each area of the facility's operation.

Internal Audit – During fiscal year 2002, Internal Audit conducted general fiscal audits of every department institution and the training academy.

### *Food Services*

The Food Services division coordinates the food service operations in all department-managed correctional institutions. This division also works with the State Food Service Board of Standards, which administers the Cook/Chill program, and with other correctional facilities in and outside Tennessee on issues relating to food service.

Department facilities used \$39,478 in U.S. Department of Agriculture commodities and received \$137,334 from the School Nutrition Program. Each institution uses produce grown on department farms in order to decrease overall food cost. During fiscal year 2002, department facilities served over 16.5 million meals at a cost of \$4.41 per day per inmate, including food, labor, supplies, and Cook/Chill overhead costs.

### *Health Services*

Health Services is responsible for the overall planning, coordination, organization, and monitoring of the department's provision of health care. The staff of the Health Services section includes registered nurses, contract monitors, a physician, and administrative staff.

Each institution has an on-site contract physician and other health care providers. Patients requiring specialty physician care are generally referred to the Lois M. DeBerry Special Needs Facility in Nashville, which provides a range of specialty clinics on-site. The facility's Health Care Center also provides 104 sub-acute nursing care beds for patients requiring pre-operative, post-operative, or convalescent care. Metropolitan Nashville General Hospital maintains a secure 14-bed acute care unit exclusively for department patients. The medical contractor also provides specialty care at Nashville hospitals and medical clinics that cannot be provided at the DeBerry Special Needs Facility. (See finding 1 for additional information regarding the medical contractor.)

### *Mental Health Services*

All incarcerated offenders have access to mental health services upon determination of need by staff. Services include, but are not limited to, mental retardation services, psychiatric inpatient and outpatient care, medication management through psychiatric intervention, individual and group counseling designed to address a range of mental disorders, psychological and psychiatric assessment and evaluation, and intensive sex offender treatment.

The department has two primary psychiatric treatment locations:

**DeBerry Special Needs Facility** – This Nashville facility, which can serve 320+ mentally disordered offenders, offers a 64-bed intensive sex offender treatment program, a 24-bed pre-treatment sex offender program, and a 32-bed cognitively challenged sex offender program.

**South Central Correctional Facility** – This Wayne County facility offers transitional services for offenders discharged from DeBerry and other offenders within the system who require sheltered psychiatric care in an environment less restrictive than DeBerry Special Needs Facility.

### *Planning and Research*

The Planning and Research division provides information, analysis, and research to assist the department's ongoing and future management, operation, and policy initiatives. The division is responsible for providing information and analysis to public and private constituencies regarding developing trends, issues, and correctional policy within the department in the form of numerous reports issued monthly (e.g., Female Felon Population Update, Tennessee Jail Report Summary, and Tennessee Felon Population Update), quarterly (e.g., Incident Report Summary and Strategic Plan Update), and annually (e.g., Title VI Statistical Section, Correctional Officer Turnover Report, and Future Felon Population Report), as well as statistical data and research briefs.

### *Program Planning*

The Program Planning division is responsible for special projects, program development, and project management associated with the department's long-range plans. This division's three-person staff reports to the Deputy Commissioner and works in conjunction with department administration, directors, Planning and Research, and institutional personnel.

### *Tennessee Correction Academy*

The Tennessee Correction Academy provides continuing job-based professional development skills to both newly hired and in-service personnel. Fiscal year 2002 was the first full fiscal year of program delivery since the expansion of basic training for correctional officers to six weeks (240 hours).

## **Division of Administrative Services**

### *Budget*

The Budget division assists the institutions and program directors in the submission, development, and management of the department's operating budget. This division monitors and authorizes expenditures from the department's operating funds and monitors and revises the department's projected revenue collections.

The department's total operating budget for fiscal year 2002 was \$504,307,300. The department's actual expenditures were \$449,708,900, approximately 11% under budget.

### *Fiscal Services*

Fiscal Services provides technical assistance to the field in all areas of fiscal management (financial reporting and all aspects of accounting, purchasing, payroll, property management, the inmate trust fund, the commissary, and inventory control). The section participates in the development of policies and procedures designed to maximize resources and eliminate fraud and waste. For fiscal management issues, Fiscal Services also serves as the liaison between the department and Finance and Administration, General Services, and the Comptroller of the Treasury, and staff work with these agencies to ensure compliance with state laws and regulations.

### *Central Procurement*

In July 1997, the department established centralized procurement for the middle Tennessee institutions and transferred the procurement officers from Davidson County facilities to the Central Office to perform these functions. The assignment of procurement staff by commodity groups enables staff to compare their assigned commodities among facilities and has helped the department establish central contracts for purchasing leverage.

As of July 1, 2002, all facilities are on-line using an electronic procurement request for procuring commodities.

### *Contract Administration*

The Contract Administration section writes contracts, requests for proposals (RFPs), and purchase authorizations to help institutions and Central Office administrators procure personal services, professional services, and consultant services vital to the mission of the department. The section is responsible for ensuring that the department complies with the statutes, rules, and policies applicable to the service procurement and contracting processes. It serves as a single point of contact between the department and the Department of Finance and Administration's Office of Contracts Review.

During fiscal year 2002, the department negotiated a new contract with Corrections Corporation of America for management of the South Central Correctional Center. Amendments to the "Private Prison Contracting Act" required the development of objective performance and cost criteria for inclusion in the pro forma contract in the RFP. Contract renewal is contingent upon the contractor providing essentially the same quality of services as the state at a cost 5% lower than the state or the contractor providing services superior to those provided by the state at essentially the same cost.

Contract liabilities for fiscal year 2003 included the following:

<b><u>Service Category</u></b>	<b><u>Maximum Liability</u></b>	<b><u>% of Total</u></b>
Private Prison Operation	\$60,629,323	38%
County Jails	58,851,150	37%
Medical	34,336,608	22%
Mental Health	3,648,308	2%
Other	<u>982,252</u>	<u>1%</u>
<b>Total</b>	<b><u>\$158,447,641</u></b>	<b>100%</b>

### *Energy Management and Facility Safety Compliance*

Energy Management and Facility Safety Compliance provides technical information and assistance to institution energy coordinators and facility safety officers in their efforts to reduce energy consumption and improve institutional safety and the efficiency of existing HVAC and related mechanical and electric systems. The section also conducts lighting, noise, and ventilation testing to help institutions maintain their ACA accreditation.

### *Engineering Services*

The Engineering Services section forms an administrative bridge between institutional managers and the architects, engineers, and contractors providing services at the institutions. This section prepares maintenance budgets, new construction programs, cost proposals, and maintenance policies. Engineers review construction plans, specifications, and completed work, and also investigate new building sites and designs. In addition, the staff serve as liaisons between the department, Finance and Administration's Capital Project Management division, and the State Building Commission.

### *Judicial Expense and Criminal Cost Accounting*

The Judicial Expense and Criminal Cost Accounting division works with county officials to ensure that the counties are reimbursed for housing felons. There are several conditions under which the state is liable for costs of housing felons:

1. Felons sentenced to serve their time in the local jail. (*Tennessee Code Annotated* permits judges to sentence felons to serve their time locally in certain circumstances.)
2. Counties that have contracted with the state to house felons sentenced to the Department of Correction.
3. Counties housing felons who have been sentenced to the Department of Correction and are awaiting transfer.
4. Court costs associated with felony charges, transporting inmates, extradition, witness fees, jury boarding, and emergency medical expenses.

The funded appropriation for fiscal year 2002 was \$111,343,400.

### *Management Information Services*

Management Information Services (MIS) provides computerized information reporting and technical assistance in the design and development of computerized systems and archived records. MIS is divided into four functional areas: Systems Development Services, Operational Support Services, Integrated Technology Services, and Technical Support Services.

Systems Development Services provides support and maintenance for the Tennessee Offender Management Information System (TOMIS) as well as development support for the department's perpetual inventory and electronic procurement systems.

Operational Support Services is responsible for microfilming offender records, maintaining archived medical and institutional records, distributing computer-generated reports, and maintaining the electronic fingerprint system.

Integrated Technology Services (ITS) is responsible for the repair and preventive maintenance of electronic security systems, including fence detection systems, locking control panels, alarm annunciation panels, closed circuit TV, paging and intercom systems, and mobile mapping systems. ITS is also responsible for the installation and maintenance of network and desktop hardware and software for all department facilities.

Technical Support Services provides desktop hardware and software support assistance to users in the Central Office. The group also maintains and updates the Victim Offender Information Caller Emissary (VOICE), a system designed to allow registered victims to retrieve selected automated offender information from TOMIS via telephone.

*Personnel*

Personnel provides technical assistance and advice to ensure compliance with Civil Service rules, EEOC/Affirmative Action, state laws, and policies. This section also implements and monitors personnel-related programs such as employee benefits, including employee assistance, family medical leave, and accommodations under the Americans with Disabilities Act.

**Division of Operations**

Program areas listed below are part of Operations. Program staff in each of these areas provide overall support to the Central Office and the facilities (see Exhibit 1) on a daily basis.

**Exhibit 1  
Adult Facilities**

<b>County</b>	<b>Facility</b>	<b>Acronym</b>	<b>Security Level</b>
1. Bledsoe	Southeastern Tennessee State Regional Correctional Facility	STSR	III
2. Davidson	DeBerry Special Needs Facility	DSNF	IV
	Middle Tennessee Correctional Complex	MTCX	III
	Riverbend Maximum Security Institution	RMSI	IV
	Tennessee Prison For Women	TPW	IV
3. Hardeman	Hardeman County Correctional Facility	HCCF	II
	Whiteville Correctional Facility	WCF	II
4. Hickman	Turney Center Industrial Prison and Farm	TCIP	III
5. Johnson	Northeast Correctional Complex	NECX	IV
6. Lake	Northwest Correctional Complex	NWCX	III
7. Lauderdale	West Tennessee State Penitentiary	WTSP	IV
8. Morgan	Brushy Mountain Correctional Complex	BMCX	IV
9. Shelby	Mark Lutrell Correctional Center	MLCC	III
10. Wayne	South Central Correctional Facility	SCCF	III
	Wayne County Boot Camp	WCBC	I

**Custody Designations**

<b>Level</b>	
I	Minimum Direct/Trusty
II	Minimum Restricted – Medium
III	Minimum – Close
IV	Minimum – Maximum

*Programs – Classification*

The Classification section is responsible for inmate classification and sentence management. The section is responsible for the implementation and maintenance of the system that manages the progression of inmates through the levels of custody/risk from the point of intake into department custody through the period of their incarceration.

**Inmate Population by Custody Level  
June 30, 2002**

<b>Custody Level</b>	<b>Number of Offenders</b>	<b>Percent of Total</b>
Maximum	817	4.7%
Close	440	2.5%
Medium	12,045	69.1%
Minimum	3,327	19.1%
Unclassified	794	4.6%
Total	17,423	100.0%

Classification is also responsible for ensuring that the inmate population levels of the institutions do not exceed capacity limits. (See Table 1.) This is accomplished by authorizing admissions of inmates to the department's reception centers from county jails on a daily basis, contingent upon available capacity. The division also monitors and approves, on the basis of population levels, inter-institutional transfers of inmates.

*Sentence Management Services*

Sentence Management Services (SMS) provides sentence management information, computes all felony sentences, monitors release dates and eligibility dates, and report these dates to the Board of Probation and Parole in order to produce eligibility dockets.

*Programs – Community Service Work Crews*

According to the department's annual report, in fiscal year 2002, department work crews provided over 1.3 million hours of labor. By multiplying the hours of labor by the minimum wage (\$5.15), the department estimated that the inmates provided taxpayers and nonprofit groups with more than \$6 million in saved labor costs.

*Programs – Education*

The department operates a State Special School District and, as such, is required to operate in accordance with the Department of Education's *Minimum Rules and Regulations for the Governance of Schools*. As of May 2002, the department had 248 educational staff (191 at TDOC facilities and 57 at the private facilities, i.e., Hardeman County Correctional Facility and South Central Correctional Center).

**Table 1**  
**Bed Space and Operating Capacity**  
**April 30, 2003**

<b>Institution</b>	<b>Total Beds A</b>	<b>TDOC Operating Capacity (1) B</b>	<b>Population as of 4/30/03 C</b>	<b>Operating Capacity C/B</b>	<b>Female</b>	<b>Classification</b>	<b>Maximum Security</b>	<b>Special Purpose Facilities</b>
BMCX	1,603	1,587	1,542	97.2%		X	X	
DSNF	800	736	721	98.0%			X	X
HCCF	2,016	1,976	1,952	98.8%				
MLCC	440	436	423	97.0%	X			
MTCX	1,126	1,115	1,039	93.2%		X		
NECX	1,886	1,848	1,795	97.1%			X	
NWCX	2,425	2,352	2,298	97.7%				
RMSI	736	714	704	98.6%			X	
SCCF	1,676	1,642	1,633	99.5%				
STSRCF	981	971	934	96.2%				
TPW	775	744	752	101.1%	X	X	X	X
TCIP	1,136	1,113	1,102	99.0%				
WCBC	450	446	430	96.4%				X
WCF (2)	1,350	1,350	1,303	96.5%				
WTSP (3)	2,582	2,505	2,531	101.0%		X	X	
<b>Total</b>	<b>19,982</b>	<b>19,535</b>	<b>19,159</b>	<b>98.1%</b>				

Notes:

(1) Operating capacity indicates the population that should be assigned to the institution on a regular basis. Therefore, it excludes beds for special purposes such as medical or mental health reasons, disciplinary segregation, protective custody, and maximum security. The department's operating capacity is currently set at 98% of total beds available.

(2) The Whiteville Correctional Facility (WCF) opened October 28, 2002.

(3) The facilities consolidated into WTSP are West Tennessee High Security, Cold Creek Correctional Facility, and the new Lauderdale County Facility.

Source: Tennessee Department of Correction, Planning and Research Section.

The department routinely assigns inmates under 21 years of age and those without a verified high school diploma or GED to educational programs. During fiscal year 2002, according to the department's annual report, 655 inmates took the GED test, and 511 (78%) passed the test. Inmates may participate in college-level classes via correspondence courses at their own expense and with the approval of the warden.

The department offers 29 different vocational training programs. In fiscal year 2002, there were 865 vocational graduates (see Table 2).

#### *Programs – Inmate Grievances/Disciplinary Appeals*

A grievance is defined as a written complaint concerning the substance or application of a written or unwritten policy or practice, any single behavior or action toward an inmate by staff or other inmates, or any condition or incident within the department or institution which personally affects the inmate complainant.

The U.S. Department of Justice has certified the department's inmate grievance procedures. There are three levels of the grievance process, two of which occur at the institutional level. An executive administrative assistant to the commissioner handles the third level of the process. Responses to grievances concerning health services, food services, TRICOR (Tennessee Rehabilitative Initiative in Corrections), and jobs/education are drafted by the appropriate director and returned to the executive administrative assistant for final review. Inmates have one calendar year to file a civil suit from the date of receipt of the final level-three responses to the grievance.

#### *Programs – Inmate Jobs*

An inmate job is defined as a program assignment for which an inmate is paid and/or is evaluated for program sentence credits. A program assignment includes work, academic and vocational classes, social services programs, and mental health programs. The purpose of the inmate jobs program is to reduce idleness, to provide meaningful jobs and training, and to provide a system for job advancement. (See page 33 for further discussion of inmate employment.)

Inmates are not permitted to refuse or quit an assignment, with the exception of those assigned to a Prison Industries Enhancement program or to certain mental health treatment programs. There are two types of job assignment terminations—disciplinary and non-disciplinary. Sanctions are attached to disciplinary terminations.

#### *Programs – Substance Abuse Program*

The goal of the Substance Abuse Program is to provide a continuum of cost-effective substance abuse treatment and programming services for incarcerated felons who have a history of being alcohol or drug dependent. The department has developed a range of treatment programs designed for varying levels of need and motivation. Programming services include drug awareness, addiction and recovery education, group counseling, therapeutic community, and transitional release services (see Exhibit 2).

**Table 2  
Vocational Graduates  
Fiscal Year 2002**

Facility	BMCX	*HCCF	MLCC	NECX	NWCX	RMSI	*SCCF	STSRCF	TCIP	TPW	WTSP	Total
<b>Vocational Program</b>												
Auto Mechanic Technology					3							3
Barbering					18						7	25
Building Maintenance		24										24
Building Trades		2									9	11
Cabinetmaking								6	4			10
Carpentry				8	7		9					24
Cleaning (Industrial)	19	23	10	36	27		53		47		24	239
Computer Repair/Service							43					43
Cosmetology			7						2	1		10
Culinary Arts	6			22				2	8	2	10	50
Electrical/Mechanical		35					14					49
Heating, AC and Refrigeration	1				11			11				23
Interior Development and Finish		22			19		10					51
Interior Exterior Landscaping		7										7
Industrial Maintenance									10			10
Landscaping		37					19		6	4		66
Masonry					4		15					19
Office Technology										3		3
Painting					1							1
Personal Computing							9		9		2	20
Plumbing							26					26
Graphic Arts				3								3
Residential Construction Tech. I				8	1							9
Residential Construction Tech. II				20								20
Residential Electricity		48		3	4		18					73
Shoe Repair					6							6
Small Engine Repair					6						4	10
Upholstery	3				6		15	6				30
Welding					0							0
System Wide Totals	29	198	17	100	113	0	231	25	86	10	56	865

\*HCCF's and SCCF's vocational programs are administered through Pontiac Business Institute (approved by Tennessee Higher Education Commission) rather than frameworks of the Tennessee Department of Education. The programs are typically 16 weeks in length, thus the higher number of graduates.

Source: Tennessee Department of Correction, Planning and Research Section

**Exhibit 2**  
**TDOC Substance Abuse**  
**Program Availability**

<b>Modality</b>	<b>Description</b>	<b>Client Characteristics</b>	<b>Length of Stay</b>
Drug Awareness  All Department Facilities	Generally once per week, after work hours or on weekends. Group discussion and lecture format. Can be instructed by any employee trained to facilitate current Drug Awareness Curriculum. This is not a treatment program.	Used as a sanction for inmates who test positive on a drug screen. Group size: unlimited, determined by seating capacity.	Short duration, 30-40 hours of classroom instruction.
Addiction and Recovery Education  All Department Facilities	Commonly once or twice per week. Lecture format, classroom setting. Can be instructed by any employee trained to facilitate current Addiction and Recovery Education Curriculum. This is a pre-treatment program. Federal confidentiality laws do not protect inmates who are enrolled in Addiction and Recovery.	Persons who are not ready for treatment services. Persons who are not heavily addicted and are in need of pre-treatment or prevention services. Group size: 20-30 per session.	Varies, generally 26 hours of classroom instruction.
Group Counseling  All Time Building Facilities	Generally, conducted twice per week. Group sessions are 120 minutes in length. Participants are given homework assignments or out-of-group activities. Role-play, individual presentations, and situational exercises are required to assist in skill development. A substance abuse treatment counselor can only facilitate group counseling. A plan of treatment is required. Federal confidentiality laws protect program participant information. A signed release of information is required prior to acceptance into the program.	Appropriate for persons who have substantial drug histories or who have completed a therapeutic community program. Group size: 20-25 for large group discussion and 10-15 for small process group sessions.	Generally, 3-6 months.
Therapeutic Community  (TPW, MLCC, BMCX, and NWCX)	Long-term 24 hours a day designed to impact new behaviors and attitudes. Peer hierarchy and reinforcement. Federal confidentiality laws protect all program information.	Persons with long histories of substance abuse and antisocial behaviors.	Generally, 6-12 months.
Transitional Release  (MTCX, BMCX, TPW)	Short- or long-term pre-release program utilizing relapse prevention strategies; may include work release or community service.	Persons completing a TC or Cognitive Interventions program, parole violators, or person convicted for a positive drug screen.	Varies, generally 6-24 months.

All inmates incarcerated in department institutions are subject to random drug testing. Using a computer-generated list, ten percent of each institution's in-house population is randomly drug tested each month. Inmates are tested for several different drugs that are commonly used by the population being tested. The table below provides the monthly random drug test results for fiscal year 2002.

**Monthly Random Drug Test Results  
Fiscal Year 2002**

<b>Month</b>	<b>Number Tested</b>	<b>Refused Test</b>	<b>Tested Positive</b>	<b>Percent Testing Positive*</b>
July 2001	1,472	12	64	5%
August	1,517	24	84	7%
September	1,489	18	56	5%
October	1,488	18	52	5%
November	1,472	9	37	3%
December	1,461	10	51	4%
January	1,407	10	39	3%
February	1,457	5	26	2%
March	1,479	5	41	3%
April	1,466	6	41	3%
May	1,448	5	35	3%
June 2002	1,468	10	27	3%
<b>Total</b>	<b>17,624</b>	<b>132</b>	<b>553</b>	<b>4%</b>

\* Tested positive + refused test/Number tested.

*Programs – Security Services*

The Security Services section is responsible for monitoring department security systems; evaluating institutional security issues; and developing applicable policies, procedures, and practices. The section conducts on-site audits of institutional security practices and procedures, compiles and evaluates information on trends and changes in technology that might impact or improve security functioning, and serves as a general resource for issues related to correctional security.

*Programs – Volunteer Services*

The Volunteer Services section is responsible for developing and implementing volunteer programs for offenders, members of the inmate's family, and staff. The volunteers are recruited from within the community to supplement services the state offers. Personal counseling, tutoring in basic literacy and GED preparation, sponsoring birthday parties, and offering religious instruction are some of the services volunteers provide.

A staff member in each institution is assigned the task of working with the volunteers at that site, and the local volunteer coordinator recruits and trains volunteers according to each institution's specific needs. Training includes a standardized orientation to policies and procedures with specialized instruction to meet the needs of the volunteer program at a particular location.

Each institution organizes a local Community Resource Board to oversee management of the volunteer program and community relations. The local boards are made up of community leaders and representatives from church groups and civic organizations.

#### *Security Threat Group Management*

The Security Threat Group (STG) Management function is an integral component of the Division of Operations. STG management encompasses the identification, monitoring, and tracking of confirmed STG members and affiliates throughout their incarceration. In 1999, a position was created within the Division of Operations for a Security Threat Group Coordinator. The coordinator's primary responsibility is to assess gang intelligence and disseminate it within the department and to other law enforcement agencies.

#### *Pre-Release and Transition Services*

See finding 4 for a further discussion of the department's pre-release program during our audit fieldwork. On November 1, 2001, the position of Director of Pre-Release and Transition Services was created to enhance the department's existing pre-release program. In July 2002, the U.S. Department of Justice awarded the department, in partnership with the Board of Probation and Parole, \$1,064,000 to develop a three-year reentry program targeting serious and violent offenders. The pilot project will target 300 offenders who are determined to be at high risk to recidivate.

The proposal is divided into three phases with the first being an intensive treatment program while still in TDOC custody. Phases two and three deal with reentry and stabilization. These phases will have enhanced parole supervision, and each inmate will be assigned a case manager to assist with community transition. The goal of the proposal is to reduce recidivism rates, thereby increasing public safety.

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## **OBSERVATIONS AND COMMENTS**

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The following issues were included in the audit but did not warrant findings.

### **DEPARTMENT FACILITIES EXPERIENCE A HIGH RATE OF CORRECTIONAL OFFICER TURNOVER**

Wardens and/or personnel office staff at seven of the nine institutions we visited indicated that correctional officer turnover is a problem. System-wide, for calendar year 2002, the correctional officer class had a turnover rate of 28%, an increase of 1% from the 2001 rate of 27%. High turnover rates may contribute to a variety of problems for facilities, such as increased training and recruitment costs and increased use of overtime. According to employee exit

surveys, low pay is a major reason for turnover, and comparisons of the department's starting correctional officer salary with salaries in other states and in Middle Tennessee counties indicate that the department's salary is lower than average.

The department's personnel director indicated that the average cost to recruit and train a new correctional officer is about \$10,000 and that it takes the department about three years to recover the cost. A warden at one of the department's facilities in Davidson County indicated that the department is basically a training facility for local jails because an individual can be trained by Correction, receive work experience, and then leave for more money by working at county sheriffs' offices. Based on the employee exit surveys the department received during calendar year 2000, 62% of the survey respondents left with two years or less of employment. In calendar year 2001, 65% of the respondents left with two years or less of employment, and during the first eight months of calendar year 2002, 59% left with less than 2 years of employment service. (Many department employees who leave never complete and return their exit surveys; therefore, the survey results do not present a complete picture of departing employees. However, based on the above survey results and the personnel director's estimate of costs, the department is losing a substantial amount of money recruiting and training correctional officers who then leave within two years.)

The department's 2002 turnover report (see Table 3) indicated that there are five facilities with a correctional officer turnover rate that is higher than the statewide average. These facilities include DeBerry Special Needs Facility (51%), Middle Tennessee Correctional Complex (34%), Riverbend Maximum Security Institution (46%), Tennessee Prison for Women (69%), and West Tennessee State Penitentiary (35%).

As might be expected, some of the facilities with higher turnover rates for the correctional officer positions also had higher amounts of employee overtime and were more understaffed in comparison to facility staffing standards. Three of the facilities with the higher turnover rates—Riverbend, DeBerry, and West Tennessee—also accounted for 72% of the overtime pay in fiscal year 2000, 63% in fiscal year 2001, and 58% in fiscal year 2002. In addition, in fiscal year 1999, several of the facilities with higher amounts of turnover also had the highest percentage of understaffing for Correctional Officer positions (Tennessee Prison for Women 12%, Middle Tennessee Correctional Complex 11%, West Tennessee State Penitentiary 19%, Riverbend Maximum Security Institution 15%, Northwest Tennessee Correctional Complex 16%, and DeBerry Special Needs Facility 10%). In fiscal year 2000, there were three facilities that had understaffing percentages that were 10% or more (Mark Luttrell Correctional Center 10%, West Tennessee State Penitentiary 11%, and Riverbend Maximum Security Institution 12%). Two of the three facilities had turnover rates higher than the statewide rate. In fiscal year 2001, DeBerry Special Needs Facility (24% below staffing standards) and Tennessee Prison for Women (41% below staffing standards) were the only two facilities with more than 10% understaffing for correctional officers, and both facilities had high turnover rates. The Tennessee Prison for Women's high percentage of understaffing during 2001 was at least partly the result of additional beds added to the facility during that year.

**Table 3**  
**Trends in Correctional Officer**  
**Turnover Rates by Institution**  
**Calendar Years 1998 Through 2002**

	<b>1998 Turnover</b>	<b>1999 Turnover</b>	<b>2000 Turnover</b>	<b>2001 Turnover</b>	<b>2002 Turnover</b>
<b>TDOC Facilities</b>					
Brushy Mountain Correctional Complex	12%	7%	4%	8%	9%
DeBerry Special Needs Facility	39%	42%	42%	34%	51%
Mark Luttrell Correctional Center	33%	23%	25%	24%	27%
Middle Tennessee Correctional Complex	38%	42%	42%	42%	34%
Northeast Correctional Complex	29%	25%	24%	18%	24%
Northwest Correctional Complex	35%	36%	28%	30%	25%
Riverbend Maximum Security Institution	50%	55%	52%	39%	46%
Southeastern Tennessee State Regional Correctional Facility	20%	17%	24%	16%	7%
Tennessee Prison For Women	45%	42%	68%	55%	69%
Turney Center Industrial Prison & Farm	37%	29%	21%	19%	10%
Wayne County Boot Camp	36%	15%	16%	7%	3%
West Tennessee State Penitentiary	52%	56%	36%	33%	35%
<b>Statewide Department Turnover Rate</b>	<b>34%</b>	<b>33%</b>	<b>29%</b>	<b>27%</b>	<b>28%</b>

Source: Department of Correction Planning and Research Section, Correctional Officer Turnover Annual Report 2002

Based on the employee exit surveys we reviewed, “low pay” was the most common reason reported for leaving the department. The three most common reasons given are listed below.

<u>Reason</u>	<u>2000</u>	<u>2001</u>	<u>2002*</u>
Favoritism	10%	10%	10%
Pay too low	42%	43%	44%
Problems with supervisor	<u>20%</u>	<u>13%</u>	<u>12%</u>
Total	72%	66%	66%

\* Surveys received during the first eight months of calendar year 2002.

We reviewed correctional officer salaries reported in the Southern Legislative Conference Adult Correctional Systems Reports for fiscal years 1998 through 2002 (see Table 4). When compared with the other 15 states in relation to starting salaries for correctional officers, Tennessee ranked 13<sup>th</sup> in fiscal year 1998, 10<sup>th</sup> in fiscal year 1999, 11<sup>th</sup> in fiscal year 2000, 12<sup>th</sup> in fiscal year 2001, and 13<sup>th</sup> in fiscal year 2002.

**Table 4**  
**Correctional Officer Starting Salaries\***  
**Fiscal Years 1998 Through 2002**

<u>State</u>	<b>FY 1998</b>	<b>FY 1999</b>	<b>FY 2000</b>	<b>FY 2001</b>	<b>FY2002</b>
Alabama	\$17,823	\$22,318	\$22,318	\$22,318	\$23,221
Arkansas	18,860	19,388	19,931	20,449	20,981
Florida	21,680	23,024	25,924	25,175	25,243
Georgia	19,722	19,722	22,044	22,044	22,926
Kentucky	17,687	18,264	18,264	18,866	19,377
Louisiana	15,324	15,324	15,948	18,360	18,366
Maryland	22,904	24,287	24,824	25,921	26,958
Mississippi	16,906	17,505	17,073	17,072	17,073
Missouri	19,764	20,700	21,300	21,720	23,268
North Carolina	21,565	21,999	22,269	22,894	22,894
Oklahoma	15,965	16,672	16,680	20,672	20,672
South Carolina	18,706	19,267	19,748	20,044	20,542
<b>Tennessee</b>	<b>16,968</b>	<b>18,540</b>	<b>19,416</b>	<b>19,876</b>	<b>20,100</b>
Texas	17,724	17,724	21,942	21,942	22,772
Virginia	20,364	20,824	20,823	20,455	22,361
West Virginia	18,120	18,120	18,120	18,120	20,124
<b>16-State Average</b>	<b>\$18,755</b>	<b>\$19,605</b>	<b>\$20,420</b>	<b>\$20,996</b>	<b>\$21,680</b>
<b>Tennessee Amount Below Average</b>	<b>\$1,787</b>	<b>\$1,065</b>	<b>\$1,004</b>	<b>\$1,120</b>	<b>\$1,580</b>

\* Salary data is based on base annual salary and does not include retirement and other related benefits.

We also obtained salary information from sheriff offices in Davidson and surrounding counties (see Table 5).

**Table 5**  
**Correctional Officers/Guards/Jailers Beginning Pay**  
**As of December 5, 2002**

<b>County</b>	<b>Beginning Salary</b>
Davidson	\$26,695
Cheatham	\$26,048
Wilson (\$11.30/hour)	\$23,504
Sumner	\$20,000
Williamson (\$10.10/hour)	\$21,008
Rutherford	\$22,980
Montgomery (\$11.52/hour)	\$23,962
<b>7-County Average</b>	<b>\$23,457</b>
Tennessee Department of Correction	\$20,100
<b>Difference</b>	<b>\$3,357</b>

Salaries using hourly rates assume a 40-hour week and being paid 52 weeks per year. Does not factor in overtime.

The comparison of Tennessee with 15 other states indicates that, as of July 1, 2002, Tennessee paid newly hired correctional officers \$1,580 below the average salary for the Southern Legislative Conference states. The department also has a long way to go to become competitive with local jails in several counties surrounding Davidson County. The average salary gap between the department and local jails around Davidson County was over \$3,300, and the gap ranged from (\$100) to \$6,600. All four of the department facilities located in Davidson County had a correctional officer turnover rate that exceeded the statewide average. The other two facilities that exceeded the statewide average turnover rate were located in West Tennessee. These two facilities must compete against industrial factories such as Goodyear in Union City and Caterpillar in Dyersburg, as well as employers located in Shelby County. It appears that, given the salary differential, the department will continue to have problems keeping new employees except in rural areas where there is less competition for labor.

The department should continue its efforts to upgrade correctional officer salaries to remain as competitive as possible with local facilities, as well as with other states in the region. The department should review the results of the exit surveys and seek additional feedback from departing and current employees, as well as from correction officials in other states, to identify other changes the department could make to help decrease turnover.

### **Management's Comment**

Management concurs in part. If TDOC's turnover rate is to be identified as high and/or problematic, the auditors should present turnover for departments of correction in comparative

states to establish a baseline. In actuality, TDOC's correctional turnover rate is equal to or lower than other Southern states where methodologies in data collection are similar.

The auditors note that TDOC's turnover rate increased by 1% in 2002. This statement was offered to convey an upward trend in officer turnover; therefore, this is a misrepresentation of the data. Moreover, the audit report did not note that systemwide in 2002, DOC's correctional officer turnover rate of 27.9% represented a decrease of 5.4% from the 1999 rate of 33.3%. The department's turnover rate is also not homogeneous, as the rate of turnover in some of the institutions is as low as 4%. Additionally, it should be noted that TDOC's turnover rate is also improving for those with less than one year of service (from 66.1% in 1999 to 62.2% in 2002, a decrease of 3.9%).

Turnover among correctional officers remains a long-standing issue for departments of correction throughout the United States and other countries. Burnout and high levels of occupational stress are extremely common for correctional officers. This stress is unfortunately met with low pay and low job prestige. Tennessee is no exception, but we are currently striving to identify some of the key factors affecting turnover in our facilities.

Accordingly, initiatives that have contributed or are anticipated to contribute to a reduction in the turnover rate and should be noted in the audit report include:

1. Enhanced Pre-Service Training: Pre-service training has been increased from 4 weeks to 6 weeks for newly hired correctional officers.
2. Creation of Field Training Officers: This new position has been established at each TDOC facility to work with, train, and coordinate the mentoring of new employees returning from the academy.
3. New Supervisor Training: The department is developing a "people skills program" to complement the Academy's 40 hour New Supervisory Orientation class. This new program will further enhance new supervisors' "people skills," which are vital in supervising and working with inexperienced first line employees.
4. Position Upgrades: Whenever possible, requests to increase the salary grade and pay scale of the correctional officer series have been made in an attempt to be more competitive with other states, county jails, and local law enforcement agencies. The current entry salary is \$1,725 per month, almost 30% greater than the \$1,331 offered six years ago.
5. Enhanced Recruitment Efforts: A new staff position (recruiter) was created in central office and dedicated solely to working with the institutions on recruitment and retention of employees.

While we agree that low pay is one reason that employees leave state service, a review of our exit surveys also suggests that employees are often dissatisfied with supervision/management. This dissatisfaction leads to the employee seeking other employment, sometimes at jobs paying more

but with fewer benefits. We feel that increased supervisory/people skills training for managers and supervisors will aid in alleviating employee turnover.

With regard to Table 5, the Davidson County Sheriff's Office beginning salary is now \$28,600, even more than the amount shown.

### **COUNTY FINAL COST SETTLEMENTS ARE NOT SUBMITTED TO THE DEPARTMENT IN A TIMELY MANNER**

Under the County Correctional Incentives Program (CCIP), counties are reimbursed for housing Tennessee Department of Correction inmates. For counties using the Reasonable Allowable Cost method of reimbursement, the monthly reimbursement is based on the county's interim Inmate Day Rate and the inmate count from the Tennessee Offender Management Information System (TOMIS). The interim Inmate Day Rate, in turn, is based on the county's Final Cost Settlement from the previous fiscal year. (See the note to Table 6 for a discussion of the rates and process for counties with resolution and flat rate contracts.) However, a file review of 47 county files (15 counties from each grand division with Davidson and Shelby counties having two jail facilities) found that 22 Final Cost Settlements were over 30 days late in fiscal year 2000, 20 were 30 days past due in fiscal year 2001, and 17 were over 30 days late in fiscal year 2002. Timely submissions are important because a reasonable interim Inmate Day Rate cannot be calculated for the subsequent fiscal year until the Final Cost Settlement is completed. Although the prior year's interim rate is used to pay the current year's monthly jail bills in the meantime, this practice often results in underpayments or overpayments to the counties.

As noted above, the interim Inmate Day Rate is based on the county's Final Cost Settlement from the previous fiscal year. The prior-year's actual cost per that settlement, limited to \$35, is multiplied by 103% to account for inflation. Then the interim rate is set at 90% of the calculated amount. Monthly, the department sends jail bills to the facilities listing the state inmates housed at the county's institution according to TOMIS. The facilities are to review the jail bill, note additions and deletions, and return the jail bill along with a Correction Facility Summary Report (CFSR) for the month. Both the signed CFSR and the jail bill have to be returned in order to process payment. The CFSR and jail bill are then reviewed by one of four department employees assigned to this task. The amount paid is the adjusted TOMIS count of inmate days multiplied by the interim Inmate Day Rate.

The Final Cost Settlement (FCS) is due October 1 following the end of the fiscal year (June 30). This date is included in the Guidelines for Determining Reasonable and Allowable Costs, which is sent by June of each year to those counties using the Reasonable Allowable Cost method of reimbursement. The department also sends a letter in June to the institutions reminding them of the October 1 deadline for the FCS. The letter indicates that if the FCS is not submitted by the deadline, the interim Inmate Day Rate may be reduced. Also, the final payment for the month of June is not made until the FCS is completed. In March following the October deadline, the department contacts the counties that are still outstanding and urges them to submit their FCS. On May 1, the department sends another letter to those counties still outstanding

notifying them that if they do not respond by May 15, their rate will be reduced. For counties still not responding by May 15, the interim rate is reduced until the FCS is completed. (According to department staff, the timetable for contacting counties who have not submitted their FCS may vary somewhat from year to year. The timetable described above was the one used during our audit period.)

According to the department’s Judicial Expense and Criminal Cost Accounting staff, there are no formal policies and procedures for the County Correctional Incentives Program. Aside from the October 1 deadline for submission of the FCS, there are no other policies outlining county and department requirements. Based on testwork performed, a significant number of counties do not submit the FCS by the appropriate date. A summary of the results is shown in the following table.

**Table 6**  
**Review of County Submission of Final Cost Settlement (FCS)**  
**For Fiscal Years Ending June 30**

Submission of FCS	2002	Percent	2001	Percent	2000	Percent
No Reports Required*	9	19%	9	19%	9	19%
Early or on time	9	19%	7	15%	7	15%
1-30 days late	12	26%	11	23%	9	19%
31-60 days late	2	4%	4	9%	4	9%
61-90 days late	1	2%	2	4%	2	4%
91-120 days late	0	0%	0	0%	2	4%
121-150 days late	0	0%	2	4%	1	2%
151-200 days late	4	9%	7	16%	5	10%
201-250 days late	6	12%	3	6%	4	9%
> 250 days late	4	9%	2	4%	4	9%
<b>Total Counties Reviewed</b>	<b>47</b>	<b>100%</b>	<b>47</b>	<b>100%</b>	<b>47</b>	<b>100%</b>

\* Some counties are not required to submit a Final Cost Settlement because they are either contracted at a flat rate or participate via a resolution (25 of 102 institutions are categorized either as Resolution or Contract Flat Rate). For resolution counties, the county governing body adopts a resolution for the reimbursement rate of \$18 or \$20 per inmate day. Counties with a rated capacity of less than 100 inmates receive a flat rate of \$18. Counties with a rated capacity greater than 100 inmates receive a flat rate of \$20. The county and state determine a reasonable cost reimbursement for counties that receive the contract flat rate, and this flat rate is incorporated into the contract. Currently the contract flat rate ranges from \$20 to \$35. Since both the Resolution and Contract Flat Rate counties have a set rate applied, their actual costs are not relevant and a Final Cost Settlement is not necessary.

For facilities that did not submit the Final Cost Settlement (FCS) timely, it appears that the department correctly withheld final payment until the FCS was reviewed and corrected. However, the untimely completion of the FCS causes several problems. A reasonable interim Inmate Day Rate cannot be calculated for the subsequent fiscal year until the FCS is completed. Until the FCS is completed, the prior fiscal year’s interim rate is used to pay the present fiscal year’s monthly jail bills. For most counties reviewed that had not submitted a timely FCS, the counties’ interim Inmate Day Rate was understated. This in turn caused the monthly reimbursement to be understated. It is in the county’s interest to submit the FCS timely in order to have costs reimbursed more accurately, limiting the burden on local government. In some

counties, the interim Inmate Day Rate was overstated. This caused the state to overpay the counties and then have to recover the overpayment from subsequent payment requests. It is in the state's interest to encourage timely submission of the FCS in order to limit the state's risk and to better utilize the funds.

In some cases, corrections for over- and underpayments may be delayed until close to or after the end of the following fiscal year. Several counties reviewed—four in 2000, two in 2001, and four in 2002—submitted their FCS over 250 days late. According to department staff, one county has not submitted an FCS since 1999.

The department should consider creating formal policies and procedures regarding the CCIP program. Policies and procedures should include, at a minimum:

- Timelines for the review of jail bills, CFSRs, and FCSs by department staff. These should be reviewed within 30 days of receipt.
- Timelines for follow-up of FCS. The department should continue to contact counties in June but should follow up in November, with reduction of the interim Inmate Day Rate occurring in December following the end of the fiscal year.
- Timelines for response from the counties to questioned costs. Counties should be limited to 30 days from notification before reduction in the Inmate Day Rate.
- Procedures for review of jail bills, CFSRs, and FCSs by department staff.
- Procedures for corrections to the jail bills, CFSRs, and FCSs.
- Policies for submission of the jail bills, CFSRs, and FCSs.

### **Management's Comment**

Management concurs in part. The Department of Correction is unable to control the counties' submittal of Final Cost Settlements (FCSs), board bills, and Correctional Facility Summary Reports (CFSRs). We will continue working with the Comptroller's Office – County Correctional Incentives Program (CCIP) audit group, UT County Technical Assistance Services, and the county officials to receive and process all documents in a timely manner.

We do not concur with the need for formal departmental policies and procedures, as these will only affect TDOC personnel and have no impact on the counties and/or other entities. However, we will revise our Guidelines for Determining Reasonable Allowable Cost for State Prisoners, Reimbursement for Housing Felons in County Facilities, and Sheriff's Handbook where necessary and formulate a new operational manual if additional procedures are required.

## THE DEPARTMENT DOES NOT CENTRALLY MONITOR EMPLOYEE TRAINING

The department has specific training requirements for security staff, and training requirements are an important component of the facility accreditation process. However, staff at the department's central office do not monitor whether employees have received the required hours of training. In addition, the facilities, which are responsible for monitoring their employees' training, are not consistent in the way they track that information.

We interviewed staff at the department's Central Office, the Tennessee Correction Academy (TCA), and several facilities concerning employee training. According to the staff interviewed, new correctional security personnel are required to receive one week of orientation at the facility, six weeks of training at the Correction Academy, and two weeks of on-the-job training prior to being assigned a shift position by themselves. Annually, correctional security personnel are required to receive 40 hours of professional training. Correctional officers and corporals are required to receive 24 hours of training at the academy and 16 hours of training in-house. Upper-level positions such as sergeants, lieutenants, and captains are required to receive 16 hours of training at the academy and 24 hours of in-house training.

When we requested employee-training information from Central Office, we were told that the Central Office did not maintain a summary of that information and that there was no specific person assigned the responsibility of monitoring employee training. The Tennessee Correction Academy also does not maintain employee-training summaries. Instead, each facility maintains the documentation of employee-training information. Four facilities maintain the training information in a paper file, and then store the information in an electronic database and in a paper file. (At the time of the audit, the Whiteville facility operated by CCA did not house any department inmates.) Six of the facilities use some version of Microsoft Access, and four use an Excel spreadsheet.

### Methods for Tracking Employee Training Data

Facility	Managed By	Employee Training Data	Electronic Data Format
BMCC	TDOC	Electronic/File	Excel
DSNF	TDOC	Electronic/File	Microsoft Access
HCCF	CCA	File Only	Excel
MLCC	TDOC	Electronic/File	Microsoft Access
MTCC	TDOC	Electronic/File	Microsoft Access
NECC	TDOC	Electronic/File	Microsoft Access
NWCC	TDOC	File Only	
RMSI	TDOC	File Only	
SCCF	CCA	File Only	
STSRCF	TDOC	Electronic/File	Excel
TPW	TDOC	Electronic/File	Excel
TCIP	TDOC	Electronic/File	Microsoft Access
WCBC	TDOC	Electronic/File	Microsoft Access
WCF	CCA	Didn't House Inmates at Time of Audit Fieldwork	
WTSP	TDOC	Electronic/File	Microsoft Access

To ensure that employees receive the required amounts of training, the department should consider monitoring training centrally. The department should require that all facilities track training information electronically, using the same software program, and submit that information to the Central Office periodically (e.g., monthly or quarterly). The department should also develop a uniform method of recording employee training hours to facilitate monitoring. Using information submitted by the facilities, Central Office staff should prepare at least once during the course of each year an exception report highlighting employees who lack the required training hours. The department should prepare the report early enough to allow sufficient time to schedule training classes for individuals needing additional hours.

### **Management's Comment**

Management concurs in part. Each institution and the training academy undergo a rigorous annual inspection conducted by an appointed team of departmental personnel under the supervision of TDOC's compliance division. Included in this process are at least 14 specific inspection items that directly and distinctly pertain to employee training requirements. It is our contention that this on-going monitoring process adequately addresses the department's need to ensure that employee training requirements are thoroughly met. In addition, each institution, the training academy, and central office track employee training via paper or electronic files for staff assigned to their respective sites. While we concede that each location's tracking method may need to be standardized, most of TDOC's functions are decentralized; therefore, there would be no great enhancement or economical advantage to establishing staff to centrally track training.

### **SOME PRISONS HAVE NOT CONSISTENTLY ADHERED TO HEALTH SERVICES' CONTINUOUS QUALITY IMPROVEMENT (CQI) PROGRAM**

The CQI program is a result of the Grubbs court case, which determined that the Department of Correction needed centralized oversight of its medical services through a quality assurance program. The program is designed to continually pursue opportunities to improve patient care in an effort to achieve optimal care in a cost-effective manner. The CQI process involves ongoing monitoring and evaluation to systematically and objectively assess the adequacy and appropriateness of the health care provided and to institute improvement as needed. Based on interviews with department staff and reviews of documentation they provided, it appears that the department has a reasonable process in place. Some facilities, however, continue to have difficulty complying with program objectives on a consistent basis. (See Appendix 7.)

The program has a CQI coordinator based in the Central Office, and each institutional health administrator designates a registered nurse whose duties include serving as institutional CQI coordinator and overseeing the institutional infection-control program. The *Continuous Quality Improvement Manual* identifies information and forms required to capture information for the quality assurance program. Standard information is required each month, such as the number of positive tuberculosis tests or a list of required periodic health appraisals. In addition,

each facility is required to perform system-wide studies, and each study has a set performance standard. Areas of noncompliance identified in department reports include late or missing CQI meeting minutes, failure to select institutional CQI leaders and team members, late or missing mandated reports and studies, mediocre documentation of studies and reports, and minimal physician involvement in the program. Noncompliance with program mandates could negatively impact the department's ability to perform trend analyses to assess infection control; review the distribution of medication; and properly diagnose and treat mental illness, tuberculosis, hepatitis, HIV/AIDS and other STDs, and chronic diseases. Although the department's primary role is not disease prevention and treatment, it is important to avoid the spread of disease within the prison system and to return inmates back to the community as physically and mentally well as possible.

The department's Statewide CQI Health Services Annual Report for Calendar Year 2002 indicated that there are several institutions that still need additional assistance in getting the CQI program operating properly. Exhibit 3 indicates the weaknesses that the department plans to address in Calendar Year 2003.

**Exhibit 3**  
**CQI Weaknesses That the Department Plans to Address in Calendar Year 2003**

The institution will need to resume holding CQI meetings	BMCX
The institution will need to submit the monthly and quarterly reports on a regular basis.	MLCC, MTCX, NWCX, TPW
The institution will need to submit the CQI Meeting Minutes on a regular basis and in the proper format (who was present and what was discussed).	HCCF, MLCC, MTCX, NWCX
The institution will need to have the institutional physician involved in the CQI program.	BMCX, MLCC, MTCX, NWCX, STSRCF, TPW, WCBC
Source: TDOC Statewide CQI Health Services Annual Report 2002	

**Management's Comment**

Management concurs in part. As noted in the Statewide CQI Health Services Annual Report for Calendar Year 2002 reviewed by the audit team, all institutions, with the exception of TPFW, completed all the required studies and quarterly reports, although some were not submitted in a timely manner. While some institutions have experienced intermittent issues, the department's commitment to the CQI process is strong.

In the Spring of 2003, TDOC implemented a Statewide CQI committee to focus emphasis on operations that affect delivery of health services. Wardens are strongly encouraged to actively

participate in their institutional CQI committee meetings. The wardens' active involvement in this process should ensure compliance with the CQI policy.

## **EARLY REPLACEMENT OF WEST TENNESSEE STATE PENITENTIARY'S SECURITY FENCE**

Operational problems required the Tennessee Department of Correction to prematurely replace a security fence at the West Tennessee State Prison. Installed in 1999, the \$275,927 fence was supposed to have a ten-year life span. However, problems with the fence's performance necessitated that it be replaced several years earlier than anticipated.

The fence was installed with the intention of providing security for additional medium-security prison beds at the West Tennessee Prison facility. Because of economic concerns, the state determined that it was more cost-efficient to use the existing prison's administrative facilities rather than build separate administrative facilities for the new addition. As a result, it was necessary to link the security system for the existing facility with the new addition. However, although the existing security system was satisfactory, it would have been too costly to provide the whole prison with a newer version of the same type of security system. Therefore, in an effort to keep costs down, the state determined that it was more economical to replace the existing security system with a different type of system.

Despite concerns expressed by department staff about the proposed security fence's ability to function properly, the Department of Finance and Administration awarded a contract to install an infrared motion detection fence system. The contractor who installed the system assured the state that the new system would work as well as another system being considered; however, according to Correction and Finance and Administration staff, it quickly became apparent that the new system was defective. The infrared system, which uses heat to detect movement, was unable to detect body heat on warm days, thereby possibly allowing inmates to escape.

Despite numerous efforts to identify and resolve problems, the contractor has been unable to remedy the problems associated with the security fence. The attorney general's office reported that despite the contractor's failure to meet its contractual obligation, it was not cost-effective for the state to seek restitution.

According to Department of Correction staff, the department has taken steps to help ensure that similar problems are avoided in the future. During the September 2002 Select Oversight Committee on Corrections hearing, the department proposed that it be allowed to modify state purchasing regulations by prequalifying vendors based upon experience. The bids for those contractors who have successfully been prequalified would then be assessed, with the lowest bidder being awarded the contract.

## **Management's Comment**

Management concurs. The report comment identifies the fence as the problematic element of the new prison construction. However, it is the electronic intrusion detection system mounted on the fence or between the two fences forming the prison's secure perimeter that is faulty. The perimeter fence itself is not problematic. Although TDOC did have fence detection system standards which were reflected in the contract specifications, a formal objection to the system was not offered by Capital Projects Management (CPM) because of CPM's reliance on the installing contractor's written assurance that the system would meet or exceed design specifications.

As the audit report reflects, TDOC has since sought to revise purchasing procedures for electronic detection systems. The new process was proposed to the Select Oversight Committee on Corrections in September 2002 and was approved by that body and the State Building Commission. The department is now able to pre-qualify both the equipment to be installed and the installing contractor. These procedures will be built into future construction projects, which will improve the procurement of these critical systems, and hopefully prevent further issues such as were encountered at the WTSP site.

## **DELAYS IN SELECTION OF NEW PRISON SITE**

In fiscal year 1996, the Tennessee General Assembly authorized the Department of Correction to sell \$33,290,000 in bonds for the purpose of building a new facility to house 1,592 inmates. In addition to authorizing the department to sell bonds, the General Assembly also appropriated \$3,710,000 toward the construction of the new prison. It wasn't until fiscal year 2002, however, that the administration made an initial selection of a site for the new prison. As of July 2003, discussions regarding site selection are still in progress, and construction of the new prison has not begun. According to department staff, it takes about three years to build a prison and get it ready to be occupied.

Subsequent to receiving bonding authorization in fiscal year 1996, the Governor's Office contacted each of the state's county executives to inform them of the state's desire to build a new prison and to inquire whether they would like such a facility in their county. As part of this process, county executives were asked to identify possible locations for the projected prison. Using established criteria, staff from the Departments of Correction and Finance and Administration assessed each of these sites. According to Correction staff, criteria used to evaluate possible prison sites included the availability of land and adequate workforce, the cost of improving the site, and access to needed utilities, services, etc.

Following an extensive review of identified sites, the department provided the Governor's Office with an initial list of possible locations in May 1999. Over a period of more than three years, the department provided the Governor's Office with a list of multiple site options. Each identified site contained a recommendation specifying its potential to house a prison. It was not until September 2002, however, that the Governor's Office identified a location in Weakley

County as its choice for the new prison. (The department dealt with increases in the inmate population in the interim by contracting for the Hardeman County facility, increasing the number of prisoners held in local jails, and increasing double-celling of inmates, etc.) At the July 2003 meeting of the Select Oversight Committee on Corrections, the Departments of Correction and Finance and Administration presented the preliminary results of a site-feasibility study conducted by a consulting firm. The firm looked at sites in Weakley, Morgan, Bledsoe, and Trousdale Counties. The firm is scheduled to present its report to the committee at the September 2003 meeting.

From the time the department was initially authorized to sell bonds to the time the Governor's Office selected a site for the new facility, the number of inmates in department facilities increased from 13,341 to 17,565. Moreover, the estimated amount of funding needed to build the new prison increased from \$37 million to \$107 million, with the number of beds being added to the projected new facility increasing from 1,592 to 2,316.

According to department staff, the state is experiencing an annual increase of 2% in its inmate population. At that rate, by 2007 the department will need a second additional prison to address the anticipated increase in its inmate population.

### **Management's Comment**

Management concurs. After the appropriation of funds in 1996, TDOC solicited all 95 county executives to determine interest in a prison being built in their counties. Unfortunately, the review by Capital Projects Management of sites in the counties indicating an interest continued over several years.

In 2000, the Sundquist administration selected Weakley County as a site for the next prison; however, the Select Oversight Committee on Corrections recommended that additional counties that had expressed interest be reviewed and the Weakley site be further reviewed. The Department of Finance and Administration's Capital Project Management section hired consultant engineers to provide the requested reviews and their report is due in early September 2003. Based on current population projections, assuming a new large capacity prison (approximately 2,300 beds) is sited, a second prison will need to be ready for occupancy in early 2008.

### **INMATE CLASSIFICATION AND RECLASSIFICATION**

Our review of a sample of classification files found that the department was following its policies in almost all cases. Department of Correction policy requires all inmates entering the correctional system to receive an initial classification assessment to determine their custody level. Assessments occur at one of the department's four reception centers (Brushy Mountain Correctional Complex, Middle Tennessee Correctional Complex, Tennessee Prison for Women, and West Tennessee State Penitentiary). Factors considered when assessing an inmate's custody

level include inmate conduct, attempted escapes, criminal history, and recorded assaults. From the highest to the lowest, custody levels are maximum, close, medium, and minimum. The inmate's classification score, as well as space availability, will determine the facilities to which an inmate may be assigned.

Department policy also requires that inmates who are already in the system periodically have their custody level reassessed to determine whether it should be changed. At a minimum, inmates are required to have their custody level reassessed annually. In the event of an incident, however, inmates may receive more frequent assessments. Inmates located in segregation are reviewed every 30 days to determine whether they should be released.

If an inmate is currently classified at one level, the inmate's reclassification scores may lower or raise his or her custody level multiple steps. For example, an inmate who is currently classified as minimum but scores close custody (e.g., because of a recent incident) on his reclassification assessment, may have his custody level raised two levels to close. However, if an inmate's reclassification score matches his or her current custody level, the warden may only override the score to reclassify the inmate up or down one custody level (for example, from medium to either close or minimum). According to department staff, this limitation was implemented to decrease the possibility of abuse in the system.

Our review of files for 51 randomly selected inmates found that the department followed its policies in almost all cases. The initial classification assigned to all but one of the inmates reviewed matched their initial classification assessment form's (CAF) score. According to staff, the CAF score represents the recommended custody level based upon criteria used to assess an inmate's risk level. The one instance in which an inmate's initial classification differed from his CAF score was the result of a warden override. We also found that all but 3 of the 504 reclassifications for the 51 inmates were conducted within the required annual time frame, for a compliance rate of greater than 99%. Of those that were not conducted timely, one reclassification was performed nearly three months late, one was four months late, and one was nearly six months late. Finally, we found that, for the sample reviewed, the department adhered to its policy regarding the limits on warden overrides of reclassification scores.

### **Management's Comment**

Management concurs. In the matter of classification, TDOC staff review an offender's risk factors as they relate to custody and security needs. The compliance rate of 99+% noted by the auditors indicates TDOC's classification system is functioning extremely well.

### **INMATE IDLENESS**

From the data provided by the department, it appears that the department is, for the most part, meeting its goals to reduce inmate idleness (see Table 7). However, Tennessee

Rehabilitative Initiative in Corrections (TRICOR) is having trouble meeting the goal for the percentage of inmates it employs.

As of June 2000, 2001, and 2002, the percent of inmates enrolled in academic/vocational programs was at or above the department's goal of 20% of the inmate population. In addition, the inmate unemployment goal is 8% of the population or less, and the facilities are meeting this goal (see Table 7 for percentage of assignable inmates waiting for a job). When looking at the assignable inmate population as a whole, TRICOR employs about 5% of the population, far short of the 10% goal. However, TRICOR is not available at five facilities (see Table 8), and when the populations at these facilities are factored out, TRICOR comes much closer to meeting the goal. Decreases in the percentage of inmates assigned to TRICOR in fiscal years 2001 and 2002 may have resulted in part from the state's budget problems, with state agencies having less money available for purchasing items from TRICOR. Also, see finding 3, which discusses the apparent failure of privately operated prisons to purchase all inmate uniforms from TRICOR as required by their contracts with the department.

**Table 7**  
**Inmate Employment**  
**As of June 2000 – 2002**

ASSIGNMENT	June 2000		June 2001		June 2002	
	Number of Inmates	Percent of Population	Number of Inmates	Percent of Population	Number of Inmates	Percent of Population
Academic Education	1,839	11%	1,927	11%	1,998	11%
Vocational Programs	1,505	9%	1,628	9%	1,659	10%
Support	4,514	27%	4,300	25%	4,363	25%
Program Services (1)	835	5%	1,030	6%	995	6%
TRICOR (2)	912	5%	930	5%	867	5%
Worklines	669	4%	436	3%	537	3%
Outside State Agency	334	2%	205	1%	29	0%
Other Outside Agency	26	0%	25	0%	168	1%
Community Service	669	4%	664	4%	699	4%
Work Release	31	0%	26	0%	56	0%
Mental Health Programs	836	5%	1,126	6%	1,036	6%
Boot Camp	47	0%	61	0%	44	0%
Pre-Release	167	1%	112	1%	123	1%
Other	669	4%	896	5%	1,051	6%
<b>TOTAL ASSIGNED</b>	<b>13,053</b>	<b>78%</b>	<b>13,366</b>	<b>77%</b>	<b>13,625</b>	<b>78%</b>
Unassignable Status (3)	3,050	18%	2,724	16%	2,818	16%
Job Waiting List	615	4%	1,239	7%	980	6%
<b>TOTAL INMATES</b>	<b>16,718</b>	<b>100%</b>	<b>17,329</b>	<b>100%</b>	<b>17,423</b>	<b>100%</b>

Notes:

(1) Includes jobs such as teachers' aides, library workers, and recreational assignments.

(2) Percentage of inmates employed by TRICOR needs additional adjustments since TRICOR is not available at all 14 correctional facilities (see Table 8).

(3) Inmates who cannot be assigned due to their status such as segregation, classification, or medical disabilities.

**Table 8**  
**Adjustment for TRICOR Employment**  
**As a Percentage of Applicable Inmate Population**

	<b>2000</b>	<b>2001</b>	<b>2002</b>
Total Inmates Assigned Jobs (Table 7)	13,053	13,366	13,625
Job Waiting List (Table 7)	<u>615</u>	<u>1,239</u>	980
<b>Total Inmates Available#</b>	<b>13,668</b>	<b>14,605</b>	<b>14,605</b>
	<b>Average Daily Count</b>		
<b>Locations where TRICOR is not available:</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
Hardeman County Correctional Facility	1,965	1,990	1,993
Mark Luttrell Correctional Facility	335	404	397
Middle Tennessee Correctional Complex	1,009	994	1,011
DeBerry Special Needs Facility	715	696	664
Wayne County Boot Camp	<u>393</u>	<u>409</u>	<u>385</u>
<b>Total Adjustment</b>	<b>4,417</b>	<b>4,493</b>	<b>4,450</b>
Total number of inmates available to work in TRICOR <sup>^</sup>	9,251	10,112	10,155
Number of inmates assigned to TRICOR	912	930	867
Percentage of inmates available to work in TRICOR who are assigned to TRICOR	9.9%	9.2%	8.5%

# Number does not include inmates who cannot be assigned because of their status, e.g., segregation, classification, or medical disabilities.

<sup>^</sup> To obtain an estimate of the total number of inmates available to work in TRICOR, we subtracted the average daily count at the five facilities where TRICOR is not available from the total number of inmates available to work system-wide.

### **Management's Comment**

Management concurs. The failure of the state and privately managed institutions to purchase items from TRICOR decreases the number of inmate workers needed to produce these items, and impedes TRICOR's ability to achieve optimum inmate employment.

When budget reductions are necessary, TDOC and other government entities that purchase TRICOR-produced items decrease purchases, which in turn decreases the demand for inmates who work in these industries.

Purchasing from TRICOR is not mandated for government entities, although the provision of inmate jobs does offset TDOC programming costs, as alternate job activities do not have to be provided when workers are needed for TRICOR work initiatives.

## **COLLECTION OF DNA SAMPLES**

Section 40-35-321, *Tennessee Code Annotated*, requires the collection of biological specimens for DNA (deoxyribonucleic acid) analysis from persons convicted of certain offenses. Effective July 1, 1991, individuals convicted of certain sex offenses (i.e., aggravated rape, rape, aggravated sexual battery, sexual battery, and/or incest) must provide a DNA specimen. Chapter 1028, Public Acts of 1998, added a requirement that a DNA sample be collected from any person convicted of any felony offense committed on or after July 1, 1998. The June 1995 Department of Correction Performance Audit found that, as of June 1994, over 350 sex offenders in the department's custody had not had samples collected as required. Our current review, however, indicates that the vast majority of inmates have provided samples as required.

If an inmate is not incarcerated at the time of sentencing, the inmate is required to report to the county/district health department, which will collect the DNA sample. If the inmate is incarcerated at the time of sentencing, the chief administrative officer of the institution designates a qualified person to collect the DNA sample. The Community Correctional facilities and the Board of Probation and Parole use the Department of Health for the DNA specimen collection process. The approved agency or entity collecting DNA sample specimens mails the samples to the Tennessee Bureau of Investigation's (TBI's) Crime Laboratory. TBI conducts the DNA analysis on samples collected and maintains records of all DNA sample results. According to the Department of Correction's staff attorney and departmental policy, an inmate convicted of a felony or sex offense will not be released on parole unless that inmate has provided a blood specimen for DNA analysis. The commissioner or the chief administrative officer may order the individual to provide a specimen before completion of the inmate's term of imprisonment. If an inmate refuses to provide a DNA specimen, the department is directed to go back to the sentencing court to get an order, which forces the inmate to provide a specimen. According to the staff attorney and department management, refusal jeopardizes the inmate's parole possibilities along with sentence credits.

The department uses the Tennessee Offender Management Information System (TOMIS) to maintain its DNA information. The TOMIS database denotes whether an inmate provided the required DNA sample. The department's goal is to collect DNA samples from inmates during the 30-day classification process between the 14<sup>th</sup> and 30<sup>th</sup> day at the correctional reception centers. A nurse or designated clerk directly enters DNA information into TOMIS. Both the Departments of Correction and Health have policies and/or procedures in place for the collection of DNA samples, as well as controls. Once a month, the Department of Finance and Administration's Office for Information Resources (OIR) runs extracts from the information maintained in TOMIS regarding the collection of DNA samples from all felony and sex offenders. According to Department of Correction management, the department uses extracts as a check and balance to determine when DNA samples have not been collected. Extracts can also

serve as a red flag to determine which correctional reception facilities fall behind in DNA sample collections. According to management, the department generally has a 93-96% DNA sample collection rate for all felons and a 95-98% collection rate for sex offenders.

We reviewed the department's extract report dated January 9, 2003. Overall, over 93% (9,247 out of 9,895) of the felony offender population had provided DNA samples, and nearly 95% (1,813 out of 1,919) of the sex offender population had provided DNA samples. (At any given date, there may be inmates in the system who are going through classification and have not yet been asked to provide a sample or who have provided a sample but have not yet had that information entered into TOMIS.) In addition, we randomly selected 69 inmates (48 felony and 21 sex offenders) to determine if required DNA specimens were provided in accordance with statute. Our review of the inmates' paper files, as well as the information maintained in TOMIS, indicated that 96% (46 of 48) of the felony offenders in our sample and all of the sex offenders provided DNA specimens. (See Table 9.)

**Table 9**  
**Summary of File Review**  
**Inmates Convicted of Felony or Sex Offense**  
**Submission of DNA Sample as of August 2002 (Cont.)**

Control Number Used for Audit Sample	Offense	Date Entered System	DNA Sample Required *	DNA Sample Provided
<b>MLCC</b>				
1	1 <sup>st</sup> Degree Murder	11/30/90	No	No
2	Sale of Drugs	01/28/00	Yes	Yes
3	Theft	09/09/99	Yes	Yes
4	Forgery	07/25/91	No	No
5	1 <sup>st</sup> Degree Murder	11/13/95	No	No
<b>MTCX</b>				
6	Burglary	08/08/97	Yes	Yes
7	Burglary	04/06/95	No	No
8	Armed Robbery	10/19/83	No	No
9	Aggravated Burglary	10/04/83	Yes	Yes
10	Theft	04/06/90	Yes	Yes
<b>TPFW</b>				
11	2 <sup>nd</sup> Degree Murder	09/27/95	Yes	Yes
12	Burglary	09/04/00	Yes	Yes
13	2 <sup>nd</sup> Degree Murder	01/30/90	No	No
14	DUI	01/11/01	Yes	Yes
15	Aggravated Assault	11/29/01	Yes	Yes
<b>RMSI</b>				
16	Assault w/Intent to Murder	07/21/89	No	No
17	Attempted 2 <sup>nd</sup> Degree Murder	11/26/99	Yes	Yes
18	Burglary	08/11/87	Yes	Yes
19	Attempted 2 <sup>nd</sup> Degree Murder	11/23/99	Yes	Yes
20	1 <sup>st</sup> Degree Murder	05/23/80	No	No

**Table 9**  
**Summary of File Review**  
**Inmates Convicted of Felony or Sex Offense**  
**Submission of DNA Sample as of August 2002(Cont.)**

<b>BMCX</b>	21	Aggravated Robbery	02/18/00	Yes	Yes
	22	Forgery	02/12/00	Yes	Yes
	23	Aggravated Burglary	07/16/98	No	Yes
	24	Voluntary Manslaughter	07/10/96	No	No
	25	Aggravated Burglary	06/23/99	Yes	Yes
	26	1 <sup>st</sup> Degree Murder	05/16/80	No	No
	27	Arson	06/07/99	Yes	Yes
	28	Burglary	07/28/88	Yes	Yes
	29	Armed Robbery	05/18/94	No	No
	30	2 <sup>nd</sup> Degree Murder	07/12/00	Yes	Yes
<b>NWCX</b>	31	Burglary	11/16/92	Yes	Yes
	32	Vehicular Assault	02/21/01	Yes	Yes
	33	Aggravated Robbery	05/10/01	Yes	Yes
	34	Armed Robbery	11/15/79	No	No
	35	Attempted 1 <sup>st</sup> Degree Murder	10/08/98	No	Yes
	36	2 <sup>nd</sup> Degree Murder	03/31/98	No	No
	37	Aggravated Burglary	04/03/01	Yes	Yes
	38	Burglary	05/08/01	Yes	Yes
	39	Aggravated Robbery	05/15/97	No	No
	40	Arson	04/27/00	Yes	Yes
<b>NECX</b>	41	Sex Offender	04/08/86	Yes	Yes
	42	Possession of Cocaine	05/17/96	No	No
	43	Robbery	05/15/00	Yes	Yes
	44	DUI	03/31/94	Yes	Yes
	45	Aggravated Burglary	09/24/96	No	No
	46	2 <sup>nd</sup> Degree Murder	01/12/93	No	No
	47	Schedule I Drugs	08/11/98	Yes	Yes
	48	Sex Offender	08/28/89	No	No
	49	2 <sup>nd</sup> Degree Murder	05/06/85	No	No
	50	2 <sup>nd</sup> Degree Murder	04/05/00	Yes	Yes
<b>WTSP</b>	51	Sex Offender	04/15/02	Yes	Yes
	52	Sex Offender	04/26/02	Yes	Yes
	53	Sex Offender	06/17/02	Yes	Yes
	54	Sex Offender	01/07/02	Yes	Yes
	55	Sex Offender	09/10/90	No	Yes
<b>NWCX</b>	56	Sex Offender	04/17/02	Yes	Yes
<b>TPFW</b>	57	Sex Offender	07/26/01	Yes	Yes
	58	Sex Offender	03/11/02	Yes	Yes

**Table 9**  
**Summary of File Review**  
**Inmates Convicted of Felony or Sex Offense**  
**Submission of DNA Sample as of August 2002 (Cont.)**

<b>TCIP</b>					
59	Sex Offender	02/21/96	Yes	Yes	Yes
60	Sex Offender	03/14/97	Yes	Yes	Yes
61	Sex Offender	02/04/00	Yes	Yes	Yes
62	Sex Offender	03/13/01	Yes	Yes	Yes
63	Sex Offender	06/20/01	Yes	Yes	Yes
<b>STSR</b>					
64	Sex Offender	10/23/00	Yes	Yes	Yes
65	Sex Offender	01/10/94	Yes	Yes	Yes
66	Sex Offender	01/04/94	Yes	Yes	Yes
67	Sex Offender	12/06/96	Yes	Yes	Yes
68	Sex Offender	12/07/93	Yes	Yes	Yes
<b>DSNF</b>					
69	Sex Offender	08/05/99	Yes	Yes	Yes

\*Section 40-35-321, *Tennessee Code Annotated*, denotes the collection of biological specimens for DNA analysis for persons convicted of certain offenses. All felony offenders are required by statute for DNA testing with an offense date on or after 07/01/1998 or with an offense date on or after 07/01/1991 for certain sex offenses.

### **Management's Comment**

Management concurs. As noted in the report, numerous factors impact the collection rate for blood specimens that are not taken and/or entered in TOMIS during a given month: (1) the inmate may have already submitted a sample, but the data had not yet been entered into TOMIS; (2) the inmate may have gone to court before the sample could be taken, thereby causing a delay; (3) TBI may not have enough kits on hand to provide to the department, once again causing delays in the collection process; or (4) the problem may be as simple as a new inmate being processed the day the DNA report is generated. (The inmate will show up on the report as requiring a specimen submission, since the report is geared to pinpoint subjects based upon criminal charges. The nurse may simply not have had enough time to take a blood specimen and log it in TOMIS before the report was generated.)

The following clarifications, which may be useful to those reading the audit report, should be added:

1. The TBI now enters DNA collection status data in TOMIS conversation LOEL.
2. There is no departmental policy requiring DNA sample collection at initial classification to occur within the 14<sup>th</sup> and 30<sup>th</sup> day at the reception center. It may simply have been the practice among health services staff at whichever site the auditors visited.

3. The 93-96% DNA sample collection rate for all felons and the 95-98% collection rate for sex offenders are monthly rates.

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## FINDINGS AND RECOMMENDATIONS

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### **1. The department failed to assess liquidated damages against health care providers for contract noncompliance**

#### **Finding**

The Department of Correction has failed to assess liquidated damages against vendors Correctional Medical Services and Mental Health Management for numerous instances of noncompliance with contract provisions. Allowing contractors to operate in noncompliance for significant periods of time without substantial consequences provides no incentive for efficient and effective operations.

Beginning July 2001, the department entered into a contract with Correctional Medical Services (CMS) of St. Louis, Missouri, to provide comprehensive medical services, which include all on-site staff and services, medical supplies, pharmaceuticals, laboratory services, and all off-site care at Riverbend, Tennessee Prison for Women, Middle Tennessee Correction Facility, and Turney Center. In addition, managed care services are to be provided in the form of primary care physicians; dentists; optometrists; laboratory and pharmaceutical services; and all off-site care at Brushy Mountain, DeBerry, Mark Luttrell, Northeast, Northwest, Southeast Tennessee State, Wayne County Boot Camp, and West Tennessee Penitentiary.

Since the contract's inception, CMS has been noncompliant in many areas. (See Table 10 for a summary and Appendixes 2 and 3 for additional specifics regarding the noncompliance.)

As of June 2002, however, the department had not assessed damages for the vendor's repeated noncompliance. According to section F.11 of the CMS contract, a party "shall be deemed to have breached the contract if any of the following occurs: (1) failure to perform in accordance with any term or provision of the contract; (2) partial performance of any term or provision of the contract; (3) any act prohibited or restricted by the contract; or (4) violation of any warranty." In the event of a breach of the contract by CMS, the state has available the following remedies: actual damages and any other remedy available at law or equity, or liquidated damages in which the state may withhold amounts designated in the contract from any amount owed the contractor.

**Table 10**  
**Correctional Medical Services (CMS)**  
**Areas of Contract Noncompliance**  
**Examples From Calendar Year 2002**

Physician hours noncompliant
Dentist hours noncompliant
Nursing hours noncompliant
No current treatment plan (Medical)
Missing Intake dental exams
Optometry clinic not set up
Optometrist not working contracted hours
Corrections officers inappropriately administering controlled substances
Sick call co-pay procedures not followed by contracted staff, which cost TDOC approximately \$5,000
Staff not receiving TDOC-mandated training
CMS not sending mandated statistical reports to TDOC
Not documenting DNA testing consistently
Lack of monitoring chronically ill inmates
Lack of treatment plans for inmates
Periodic Health Assessments not being performed according to policy
Lack of communication between CMS Health Administrator and the Wardens
Perpetual dental inventory kept by CMS staff has been inaccurate
Delay in establishing chronic care clinics
Infirmery not routinely staffed
Intake exams for inmates were late, and equipment used to conduct exams was broken (CMS responsibility)
Inappropriate maintenance of medical files
Delay in specialty physician network being established
CMS was not providing the proper back-up for pharmacy services
Slow responses to referrals sent out on extremely ill patients

Similar circumstances have also occurred with Mental Health Management (MHM), headquartered in Vienna, Virginia. Beginning in 1998 when the contract originally went into effect, MHM has been noncompliant in a number of areas that could have warranted assessing damages. (See Table 11 and Appendix 4.) MHM's contract contains the same language as CMS's regarding breach of contract. According to department staff, MHM does not have to adhere to the proposed staffing pattern set forth in the Request for Proposal (RFP); it is just used as a guideline to help staff each facility. However, the per-diem payment negotiated for MHM (as well as CMS) is partly based on that suggested staffing pattern. If the contractor continually staffs below the RFP levels, the department is getting less than it paid for, and the quality of care received by the inmates may suffer. In the case of Northeast Correctional Complex, MHM's noncompliance contributed to multiple failed annual inspections at that facility.

**Table 11**  
**Mental Health Management (MHM)**  
**Areas of Contract Noncompliance at Northeast Correctional Complex**  
**Examples From July 1999 Through December 2002**

Contracted staff not working proposed hours (see discussion above)
Missing mental health treatment plans, drug facts sheets, and consent forms
Staff not performing mandated training
Mental health patients on therapeutic isolation were not monitored appropriately
Providers failed to provide proper progress notes on mental patients
Vendor failed to provide continuity of care staff when regular staff was not available
Inmates' records were not reviewed every 30 days, and inmates were not directly assessed every 90 days
Physician prescribed treatments for inmates who had not been seen
Improperly written psychiatric orders
No protocol provided for schedule IV drugs
Providers canceling medication clinics on numerous occasions
Inmates were treated by staff without the proper qualifications
Providers not completing work within specific time frame

### **Recommendation**

The department should enforce adherence to proposed staffing patterns and contract terms and assess damages against contractors when they consistently fail to comply with agreed-upon terms.

### **Management's Comment**

Management concurs in part. The consolidation of multiple individual contracts into two major health care contracts has resulted in the department's development of specific, intensive monitoring efforts. Prior to this, only limited reviews of program functions were formally completed during annual inspections. Our preferred approach has been to work with the contractors toward systemic and quality improvement. Therefore, the department has not been quick to assess liquidated damages for all non-compliant findings; instead, every possible attempt has been made to inform the contractor and allow them to correct deficiencies. We do not recognize that this should be handled differently.

Mental Health Management (MHM): The centralized contract for doctoral level mental health services was initiated in 1997. Prior to that time, each institution developed its own contracts for these services (a minimum of two contracts per institution for psychiatric and psychological services) and monitored compliance with its individual contracts. Annual inspections performed by the department reviewed and evaluated mental health service delivery at each location, and identified issues were addressed with the contracted vendors at the local institutional level. There were no provisions for liquidated damages included in these individual contracts.

With the consolidation of all these services into one state-wide contract, the overall monitoring of contracts began to change focus. Not only did the annual inspections continue to review the provisions of mental health care, the institutional staff became more involved in reviewing and reporting to the central office any deficiencies of the contract staff.

With the initiation of the state-wide consolidation of medical (physical health) services, several specific monitor positions were created within the TDOC Central Office in 2001. One position was assigned specifically to monitor mental health. Anytime contracts as inclusive as these are initiated, there must be a period of adjustment for both the vendor and institutional staff.

When annual inspections occur, the missing of one or two items in any area does not constitute “failing” the inspection. Instead, these missed items may or may not be due to a failure solely on the contractor’s part.

While annual inspections for NECX did result in deficiencies for mental health, it should also be noted that the mental health inspector in 1999 was experiencing significant individual issues with MHM contract staff at her own institution. Due to the complaints/allegations, the department hired an independent consultant to review the mental health services at this inspector’s site. This review revealed no significant issues with service delivery.

1999	6 items missed out of 17
2000	2 items missed out of 17
2001	1 item missed out of 17
2002	1 item missed out of 17
2003	1 item missed out of 18

Obviously, the annual inspection results for NECX are positive in that there was a decline in the number of deficiencies that occurred in each year of the contract.

The report also noted in Appendix 4 that there was a high turnover rate for psychiatrists at NECX. However, it should also be noted that the current psychiatrist has been assigned there since March 2001. Although the audit report focuses primarily on NECX, there have not been chronic issues throughout the contract time period, despite early start-up issues.

The department assessed liquidated damages in the amount of \$750 against the mental health contractor, MHM, in March 2003.

Correctional Medical Services (CMS): Liquidated damages were assessed against Correctional Medical Services in November 2002 (\$8,000) and in June 2003 (\$1,250). Prior to these assessments, multiple meetings and various memoranda were issued related to problematic contractual services.

The departmental initiative to negotiate this level of medical services into a consolidated contract was not without the realization of potential problems (e.g., a minimum of three per

institution and multiple contracts at DSNF for hospitalization, specialty physicians, etc.) The provision of pharmacy services by TDOC via an in-house pharmacy was also suffering because of the state's inability to compete for employees to operate the pharmacy.

The department has invested a tremendous amount of staff time monitoring and working with the vendor and institutional staff to address issues of liquidated damages. Previous contracts for all medical services at three TDOC institutions, hospitalization, and physician and specialty services at all other institutions had only been monitored via annual inspections and issues noted by the institutions. The transition to add centrally located contract monitors constituted a major departure from previous procedures.

The department is in the process of developing a new RFP to re-bid the medical contract. The new contract will include more specific performance expectations and will enable TDOC to assess liquidated damages more effectively and efficiently.

The deficiencies noted in Appendix 2 are not presented in a manner that denotes the dates of noncompliance or whether the item was non-compliant repetitively at a given location. It also does not denote whether the noncompliance was CMS or the institutional staff's responsibility, or whether the contractor's response negated the original compliance finding.

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## **2. The department failed to assess liquidated damages against Corrections Corporation of America for contract noncompliance**

### **Finding**

Pursuant to Sections 41-24-101 et seq. and 4-3-603(b), *Tennessee Code Annotated*, the Department of Correction contracts for correctional services at South Central Correctional Facility (SCCF) and for housing of state prisoners at Hardeman County Correctional Facility (HCCF). Corrections Corporation of America (CCA) manages both facilities. Despite numerous instances of noncompliance at SCCF and HCCF, the department has failed to assess liquidated damages against CCA. By allowing the contractor to fail to comply with agreed-upon terms without negative consequences, the department has not ensured that the state is getting the level of service it has paid for and that the citizens of the state, including the inmates and facility employees, are receiving the level and types of services deemed necessary by the state.

According to both contracts, the vendor breached the contract if the vendor failed to perform in accordance with any term or provision of the contract in whole or in part. In the event of a breach by Hardeman County or South Central, the state has available the remedy of actual damages, liquidated damages, or termination of the contract. In general, CCA has been noncompliant in the areas of

- security staffing
- medical staffing

- training of staff
- hiring of staff with the proper experience

See Appendixes 5 and 6 for details regarding specific areas of noncompliance.

The contract and department requirements call for a specific number and skill level for security staffing positions at each facility. The vendor has 30 days to fill vacant security positions and 45 days to fill other positions (SCCF only). On a number of occasions, SCCF had vacant positions open longer than 30 days or hired staff in certain positions without the proper amount of experience. The department granted CCA a policy exemption for the latter issue so the vendor could become compliant. Hardeman County is not held to the same staffing standards but does have staffing requirements to meet. Its staffing problems included not having job descriptions, hiring staff not meeting job qualifications, and not following established staffing patterns for its operations. The department granted HCCF a policy exemption for certain staffing issues as well. (As alluded to above, the Hardeman County contract, unlike the South Central contract, does not require that the facility fill vacant positions within 30 or 45 days. Thus, there is no incentive to fill such positions in a timely manner. This appears to be a weakness in the Hardeman County contract.)

In the area of medical staffing, the contract calls for a specific number of staff and hours to be worked throughout the contract. Based on the documentation we obtained, CCA appears to be falling short on registered nurse hours and supplementing the deficit with LPN hours. In addition, SCCF has received more licensed practical and registered nursing care than HCCF although HCCF's staffing pattern calls for more staff and HCCF has more inmates than SCCF. With regard to training, CCA has employees ranging from correctional officers to food service workers who have not received the required number of training hours.

### **Recommendation**

The department should take action (including assessing liquidated damages) against a contractor that does not correct an area of noncompliance in a timely manner or repeatedly fails to meet contract requirements. Before the contracts are renewed, department management should review the contracts to identify areas that need to be strengthened or clarified to ensure that the contractor maintains sufficient, qualified staff at all times. Department management should ensure that policy exemptions are granted only for valid reasons and for specified periods of time.

### **Management's Comment**

Management concurs. The noncompliance issues noted in Appendixes 5 and 6 do not include the contractor's responses and any subsequent follow-up done by the department to resolve issues noted.

**3. The Corrections Corporation of America is not purchasing inmate uniforms from Tennessee Rehabilitative Initiative in Corrections as required by statute and contract provisions**

**Finding**

The Corrections Corporation of America (CCA) is not purchasing inmate uniforms in accordance with Section 41-21-234, *Tennessee Code Annotated*, and the contract with the department. According to interviews and documentation obtained, it appears CCA is not purchasing the majority of its inmate uniforms from the Tennessee Rehabilitative Initiative in Corrections (TRICOR). When compared to department facilities, CCA's inmate uniform purchases are significantly lower (see Table 12).

According to TRICOR staff, 25 to 30% of TRICOR's business comes from the Department of Correction. CCA is to purchase inmate uniforms—which by legal interpretation include shirt, pants, and jackets—from TRICOR. The TRICOR staff stated they pulled sales invoices to compare South Central and Hardeman County with comparable department facilities to assess if CCA is meeting the contract requirements for purchasing inmate clothing. The assessment revealed significant sales differences for South Central and Hardeman County when compared to Northeast, Northwest, and West Tennessee State Penitentiary.

A decrease in sales affects TRICOR and the state in a number of ways. The state's goal is for TRICOR to use 10% of the department's employable inmates in its business. As detailed on page 33, TRICOR has had difficulty in meeting this goal recently. In addition, TRICOR is self-funded and does not receive appropriations of any type from the state. A sharp decrease in expected revenues has extreme operational consequences for the agency. A decline in revenue also equates to a loss of inmate training opportunities and jobs for the Department of Correction. If this scenario continues, the department and ultimately taxpayers will incur the expenses for providing alternative activities and staff to manage programs for inmates since the department is mandated to prevent inmate idleness.

**Recommendation**

The department should enforce its mandate for CCA to purchase uniforms from TRICOR. The department should include a review of CCA's purchasing actions as part of its existing process for monitoring activities at Hardeman County, South Central, and Whiteville Correctional Facilities. If performance by these facilities is not in accordance with the contract, the department should assess liquidated damages for repeated noncompliance.

**Table 12**  
**Inmate Clothing Sales**  
**July 1, 2001, Through May 31, 2003**

Description	-----CCA Facilities-----						-----Comparable Department Facilities-----			
	Hardeman County 1,933		South Central 1,615		Whiteville* 1,487		Northeast 1,818		Northwest 2,318	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Jeans	2,979	\$36,607	886	\$9,642	1,660	\$18,834	8,138	\$97,628	4,200	\$51,678
Scrubs, Shirt Combination	2,144	13,219	218	1,308	877	5,729	3,988	25,412	6,023	37,211
Denim Jackets	270	6,268	29	979	24	606	550	14,572	215	6,497
Socks			3,525	1,697			12,720	6,106	2,400	1,152
T-shirts	12	45	2,976	6,044			25,415	43,426	17,268	30,587
Boxer Shorts			1,812	3,037			14,040	18,031	14,624	31,547
Totals	5,405	\$56,139	9,446	\$22,707	2,561	\$25,169	64,851	\$205,175	44,730	\$158,672

\* Facility began housing Tennessee Department of Correction inmates in October 2002.

Source: Information provided by Tennessee Rehabilitative Initiative in Corrections. Population figures from Department of Correction's 6/6/03 *Population Report*.

## Management's Comment

Management concurs. TDOC has included this item on the monitoring documents to assess these purchases. Inmate uniform sales in those facilities managed by Corrections Corporation of America (CCA) are significantly less than comparable facilities managed by the Tennessee Department of Correction (TDOC). Management also concurs with the information presented in Table 12.

TRICOR's revenue is generated through the sale of its products and services. TRICOR does not receive any state-appropriated funds. Approximately 26% of TDOC's total available beds are located in privately managed contract facilities. When these facilities do not purchase items mandated by statute, it has a significant impact on TRICOR's business and its ability to employ inmates.

Every inmate assigned to TRICOR saves TDOC \$3,000 annually in programming costs. TRICOR is self-funded; therefore, any inmate programming cost savings realized by TDOC is also a cost savings to the taxpayers of Tennessee. Absence of inmate uniform sales results in a reduction of production needs and eliminates inmate training opportunities and inmate jobs for TDOC. It also impedes TRICOR's ability to achieve optimum inmate employment. Reduction in inmate jobs has an adverse effect on idleness within correctional facilities. Reduction in training opportunities impedes ex-offenders' ability to secure employment upon release from incarceration.

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#### **4. The department needs to continue to improve pre-release services for inmates**

##### **Finding**

Department Policy 511.02, Pre-Release Services, mandates that all department and privately managed institutions provide programming designed to facilitate an inmate's release from incarceration and community reintegration. Studies pertaining to recidivism indicate that educational, life skill, and parental programming help inmates adjust to life back in the community, which may help keep the former inmates from committing new crimes and returning to the prison system. During fiscal year 2003, the department made several improvements in its pre-release program. These improvements include implementing the new Tennessee Bridges program, assigning full-time pre-release coordinators at 14 of the 15 correctional facilities (Southeast Tennessee State Regional Correctional Facility does not yet have a coordinator), beginning the update of pre-release policies, and requiring coordinators to provide data on inmate participation in pre-release programs. Despite these improvements, however, the pre-release services provided by the Department of Correction still appear to be insufficient given the number of inmates who exit the system each year and the problems inmates face when attempting to readjust to life outside the correctional system.

The Department of Correction offers several types of pre-release programming. Four facilities are designated pre-release facilities, offering full-time programming:

West Tennessee State Penitentiary, a 90-day non-voluntary program with 20 beds available (80 available per year);

Middle Tennessee Correctional Complex Annex, a 90-day non-voluntary program with 70 beds available (280 available per year);

Brushy Mountain Correctional Complex, a 90-day non-voluntary program with 30 beds available (120 available per year); and

Tennessee Prison for Women, a four-week voluntary program with no limit on the number who can be served.

The remaining eleven institutions offer a voluntary program called "Thinking for Change." Inmates meet twice a week for ten or eleven weeks (22 sessions) for general pre-release counseling and assistance. The department only recently began tracking participation in its pre-release programs. Therefore, the number of inmates who began and completed participation in these programs in recent years is not known.

In July 2002, the department acquired a federal grant to target serious and violent offenders from the ages of 18-35. (The money for the program was not released until November 2002, however.) This program, Tennessee Bridges, seeks to target offenders deemed a high risk to recidivate. The program, which has a capacity of 300 inmates over a three-year period, consists of three one-year phases:

- Phase I, Protect and Prepare: Institutionally Based Programs,
- Phase II, Control and Restore: Community-Based Transition, and
- Phase III, Responsibility and Productivity: Community-Based Long-Term Support.

As of mid-July 2003, there are 44 male inmates in the program at the Middle Tennessee Correctional Center Annex and 2 female inmates in the program at the Tennessee Prison for Women. Forty-three inmates are in Phase I, and three are in Phase II. Phase I includes a six-month session for substance abuse (conducted at the facility) and six months of work release. During Phases II and III, the inmate (now paroled) is under the supervision of the Tennessee Board of Probation and Parole.

In contrast to the number of full-time pre-release beds available per year, the number of felons released from department facilities during the first ten months of fiscal year 2003 was 4,054. In addition, another 3,253 felons sentenced to the department's custody were released during the same time period from local jails (with whom the department contracts for the inmates' housing). (The extent of pre-release services available to department inmates in local jails is unknown but is presumed to be minimal in most cases.) Because of the lack of

information on inmate participation in pre-release programs, we are not able to compare the number of inmates released versus the number who received full-time or part-time pre-release services. However, annual program capacity is certainly far less than the number of felons released. In addition, because of the lack of information on inmate participation and on performance outcomes (e.g., recidivism levels for inmates completing the various types of programs versus levels for inmates not participating), the effectiveness of the programs is not known.

### **Recommendation**

The department should continue to work toward implementing a comprehensive pre-release program to address inmates' needs before they are released into the community. In conjunction, the department should develop a system to monitor short- and long-term outcomes, including tracking recidivism rates, to help the department identify additional needs as well as the most effective programs/program components.

### **Management's Comment**

Management concurs in part. As noted in the audit report, there is no specific statutory requirement governing pre-release programming. TDOC policy 511.02 mandates the provision of pre-release services to TDOC inmates. Compliance with this policy is reviewed during the annual inspection process at each facility, and when deficiencies are noted, corrective action is outlined, approved, and compliance is later verified. Annual inspection reports are available for review through the office of the Director of Compliance. Please note that this policy complies with American Correctional Association (ACA) standards, and the entire department, including all institutions, central office, and the training academy, is accredited by this nationally recognized professional organization.

While statute does not specifically require "pre-release programming," Section 41-21-504(a), *Tennessee Code Annotated*, does outline various methods of "rehabilitation," which should include:

- 1) Proper classification of inmates as to attitudes and morale;
- 2) Potentials and work skill improvements during periods of confinement;
- 3) Adequate work training and vocational-technical programs designed to improve employment potentials;
- 4) Moral upgrading programs; formal education classes;
- 5) Self-help courses;
- 6) Religious instruction; legal advice; and
- 7) Employment aid to include a work release program for certain first and second term inmates.

Therefore, while not strictly defined as "pre-release programming," the multitude of programs and services provided to inmates in TDOC custody offer opportunities for self-

improvement that enhance the inmate's ability to successfully return to the community. The Southern Legislative Conference's 2002 Comparative Data Report on Corrections reviewed inmate rehabilitation programming in 16 southeastern states, including Tennessee. Only two of the other states provided a greater percentage of offenders with on-the-job training and vocational education. Tennessee was sixth of the 16 states in the percentage of inmates provided with Adult Basic Education services. Tennessee was in the middle of the 16 states in the percentage of inmates obtaining their GEDs, as well as the percent of budget allocated to rehabilitation programs.

Certainly there is room for improvement in the pre-release program. The department recognizes this and is acting accordingly. The following initiatives have been undertaken in this area during the last 18 months.

1. Appointment of a Director of Pre-release and Transition Services at the central office level.
2. Inmates mandated by the Board of Probation and Parole to complete a pre-release program were transferred to the designated pre-release facilities. However, all inmates incarcerated in the TDOC are eligible for pre-release services at all 15 institutions.
3. Application for and award of federal grant funds for a three-year reentry program targeted at offenders who are considered to be at high risk to recidivate, involving forging partnerships with other state and community agencies, such as Project Return, the Board of Probation and Parole, and the Department of Labor and Workforce Development.
4. Renovation of space at MTCX annex to create 44 pre-release "Bridges" program beds (federal grant funded reentry program mentioned above) and associated program space.
5. Creation of pre-release coordinator positions (Correctional Counselor 3s) at all TDOC facilities.
6. Development of electronic-monitoring procedures for inmates on pre-release furlough and/or work release status.
7. Specific pre-release curriculum for use across the state is in the developmental stage, with certain components already in place (i.e., Thinking for a Change).
8. A program evaluation component is being developed by the Planning and Research section to enable a more efficient and effective program planning process, with the ultimate goal of reducing recidivism by providing programs that better prepare the offender for successful community reintegration.
9. Coordination with the Department of Mental Health and Developmental Disabilities for transitional mental health services for inmates being released from TDOC custody.

10. TDOC policy 511.02, Pre-release Services, is currently being rewritten to require all TDOC institutions to develop a pre-release program that complies with policy and ACA standards. The TDOC no longer has only four institutions designated as pre-release facilities; a self-contained program is being offered to all inmates returning to the community, regardless of location or release type.
11. In June 2003, TDOC and BOPP held the first joint quarterly meeting of the two agencies. The agenda included the development of a system to monitor short- and long-term outcomes, including tracking recidivism rates and program effectiveness.

From the above, it should be obvious that an increased emphasis has been and continues to be placed on strengthening reentry (or pre-release) programming for TDOC offenders. However, the department must work within the reality of budgetary constraints to further enhance programs. In addition, addressing the pre-release needs of jail offenders is beyond the scope or authority of the department.

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## **RECOMMENDATIONS**

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### **ADMINISTRATIVE**

The Department of Correction should address the following areas to improve the efficiency and effectiveness of its operations.

1. The department should enforce adherence to proposed staffing patterns and contract terms and assess damages against contractors when they consistently fail to comply with agreed-upon terms.
2. The department should take action (including assessing liquidated damages) against a contractor that does not correct an area of noncompliance in a timely manner or repeatedly fails to meet contract requirements. Before the contracts are renewed, department management should review the contracts to identify areas that need to be strengthened or clarified to ensure that the contractor maintains sufficient, qualified staff at all times. Department management should ensure that policy exemptions are granted only for valid reasons and for specified periods of time.
3. The department should enforce its mandate for Corrections Corporation of America (CCA) to purchase uniforms from Tennessee Rehabilitative Initiative in Corrections. The department should include a review of CCA's purchasing actions as part of its existing process for monitoring activities at Hardeman County, South Central, and Whiteville Correctional Facilities. If performance by these facilities is not in accordance with the contract, the department should assess liquidated damages for repeated noncompliance.

4. The department should continue to work toward implementing a comprehensive pre-release program to address inmates' needs before they are released into the community. In conjunction, the department should develop a system to monitor short- and long-term outcomes, including tracking recidivism rates, to help the department identify additional needs as well as the most effective programs/program components.
5. The department should continue its efforts to upgrade correctional officer salaries to remain as competitive as possible with local facilities, as well as with other states in the region. The department should review the results of the exit surveys and seek additional feedback from departing and current employees, as well as from correction officials in other states, to identify other changes the department could make to help decrease turnover.
6. The department should consider creating formal policies and procedures for the County Correctional Incentives Program. Policies and procedures should include, at a minimum:
  - Timelines for the review of jail bills, Correction Facility Summary Report (CFSRs), and Final Cost Settlements (FCSs) by department staff. These should be reviewed within 30 days of receipt.
  - Timelines for follow-up of FCS. The department should continue to contact counties in June but should follow up in November, with reduction of the interim Inmate Day Rate occurring in December following the end of the fiscal year.
  - Timelines for response from the counties to questioned costs. Counties should be limited to 30 days from notification before reduction in the Inmate Day Rate.
  - Procedures for review of jail bills, CFSRs, and FCSs by department staff.
  - Procedures for corrections to the jail bills, CFSRs, and FCSs.
  - Policies for submission of the jail bills, CFSRs, and FCSs.
7. To better ensure that employees receive the required amounts of training, the department should consider monitoring training centrally. The department should require that all facilities track training information electronically, using the same software program, and submit that information to the Central Office periodically (e.g., monthly or quarterly). The department should also develop a uniform method of recording employee training hours to facilitate monitoring. Using information submitted by the facilities, Central Office staff should prepare at least once during the course of each year an exception report highlighting employees who lack the required training hours. The department should prepare the report early enough to allow sufficient time to schedule training classes for individuals needing additional hours.

**Appendix 1**  
**Tennessee Department of Correction**  
**Title VI Information**

All programs or activities receiving federal financial assistance are prohibited by Title VI of the Civil Rights Act of 1964 from discriminating against participants or clients on the basis of race, color, or national origin. In response to a request from members of the Government Operations Committee, we compiled information concerning federal financial assistance received by the Tennessee Department of Correction and the department's efforts to comply with Title VI requirements. The results of the information gathered are summarized below.

The department submitted its Title VI Implementation Plan for fiscal year 2003-2004 to the Office of the Comptroller of the Treasury, Division of State Audit, on June 30, 2003, as required by Section 4-21-901, *Tennessee Code Annotated*. According to the plan, the department received an estimated \$1.1 million in federal funding during fiscal year 2003. These funds included the following: Edward Byrne grants for enhancing the current pre-release programs at Brushy Mountain and the Tennessee Prison for Women, Residential Substance Abuse Treatment grant funds, Title I funds, and funds for school lunch programs for inmates.

Title VI Director Responsibilities

The department's executive assistant to the commissioner has been designated the Title VI coordinator. The coordinator is assisted by division coordinators (appointed by each division with administrative responsibility for correctional facilities) and local coordinators appointed at each facility. The Title VI coordinator for the department has the following duties:

- to serve as liaison and coordinate the response to Title VI investigations by federal or other state agencies (i.e., Department of Justice, Tennessee Human Rights Commission, etc.);
- to develop, revise, and review the department's Title VI Implementation Plan and Compliance Review for annual submission to the Comptroller of the Treasury;
- to present the plan and update annually to the Title VI Review Subcommittee and respond to subcommittee's questions and requests for changes for the following year;
- to attend Title VI training and workshops and provide training to Title VI local coordinators at each institution and other departmental staff when necessary to ensure all are kept up-to-date on Title VI issues as well as state and federal law;
- to document and track Title VI complaints received from inmates and the public; and
- to develop and implement procedures for ongoing pre-award and post-award audits of contractor compliance with Title VI.

The coordinator also serves as the chair and handles the administration of the Title VI Coordinating Committee, which is made up of eight members. The committee meets semiannually, or more frequently at the direction of the chairman.

### Title VI Training

According to the Title VI Implementation Plan, new employees receive information about Title VI during orientation. In addition, refresher training is provided during annual in-service training. Inmates receive Title VI information during their institutional orientation. Local coordinators are responsible for ensuring that Title VI information is displayed in areas frequently accessed by visitors, employees, and inmates and that foreign language translations are available when needed.

The department also provides Title VI information to vendors, who must certify that they will comply with Title VI laws as a part of their contract application. The vendors must have Title VI posters in public areas and provide translators for non-English speaking employees.

### Monitoring

The department's compliance section monitors the facilities' compliance with Title VI requirements as part of the annual inspection of each facility. Information included in the fiscal year 2003-2004 implementation plan indicated that inspectors found the department in compliance with Title VI mandates at all locations.

According to the fiscal year 2002-2003 plan, the department ensures Title VI compliance by subrecipients providing services or benefits to inmates through (1) a review of the previous year's Title VI compliance evaluation as part of the RFP evaluation process; (2) language in all contract awards specifically noting Title VI requirements; and (3) the use of pre- and post-award reviews to determine if the subrecipient has met (and continues to meet) Title VI requirements. (According to the department's FY 2001-2002 Title VI Implementation Plan, the department was in the process of developing a schedule of post-award on-site reviews. One was scheduled for 2001, five for 2002, one for 2003, and three for 2004. However, as of October 1, 2002, none of the post-award on-site reviews had been done. The department conducted pre-award desk reviews [including certification of compliance with Title VI] for mental health services in December 2001 and for the operation of South Central Correctional Center in January 2002. Based on the reviewer's comments on the pre-award desk reviews, there did not appear to be any major contractor Title VI noncompliance concerns.)

### Title VI Complaints

Section 4-21-905, *Tennessee Code Annotated*, specifies the procedures for filing a complaint concerning discriminatory practices. Any person claiming to be aggrieved by a discriminatory practice under this part has 180 days to file a complaint with the state agency receiving federal funds. An aggrieved person may also file a complaint with the Human Rights Commission, as provided in Section 4-21-302, *Tennessee Code Annotated*.

According to the department's Title VI plan, complaints allegedly involving Title VI violations are forwarded to the Title VI site coordinator for review and final determination regarding designation as a Title VI issue. The table below summarizes Title VI complaints filed by inmates during calendar years 1999 through 2002.

**Department of Correction's Title VI Complaints Reported**

Calendar Year	Total Title VI Complaints Filed by Inmates	Title VI Complaints Resolved/ Withdrawn	Title VI Complaints Appealed to Commissioner	Complaints Pending at Calendar Year End
Jan. 99-Dec. 99	236	119	107	10
Jan. 00-Dec. 00	313	164	146	3
Jan. 01-Dec. 01	379	160	210	9
Jan. 02-Dec. 02	181	71	99	11

Source: *Tennessee Department of Correction's FY 2000-2001, 2001-2002, 2002-2003, and 2003-2004 Title VI Implementation Plans.*

Program Development

According to the Fiscal Year 2003-2004 Title VI Implementation Plan, planning for departmental services is consolidated in the operating divisions of the department, including Institutional Operations, with staff support from the Division of Administrative Services, various support functions associated with the commissioner's office, and selected advisory bodies and functions. The plan states that, because the department has been successful in recruiting and retaining a diverse staff (22% minority representation among professional and official/administrator categories), minority staff participation in the development of its program plans is assured.

Program Participation

According to the department's Fiscal Year 2003-2004 Title VI Implementation Plan and Calendar Year 2002 Compliance Review, 48.5% of the department's institutional population was Black, and about 50% of the population was White. Less than 1.5% of the population belonged to other racial groups (e.g., Hispanic, Asian, American Indian). The following table details inmate participation in five types of programs, by ethnicity.

**Breakdown of Program Participants by Ethnicity  
Calendar Year 2002**

<b>Programs</b>	<b>Black</b>	<b>White</b>	<b>Other Minority (1)</b>
Anger Management	792	632	14
Substance Abuse Treatment	1,740	1,466	62
Sex Offender	94	156	11
Mental Health Programs (2)	1,284	1,341	33
Chapter 1 Education (3)	131	28	7
<b>Totals (4)</b>	<b>4,041</b>	<b>3,623</b>	<b>127</b>

Notes:

- (1) Includes Hispanic, American Indian, and Asian.
- (2) Includes Parenting, Aftercare, Step-up Step-down (a psychiatric transitional housing program), Alternatives to Violence, Life Skills, Drug Education/Awareness, etc.
- (3) Inmate must be under 21 and lack a GED or high school diploma.
- (4) Includes all participants in the program within the calendar year.

Source: Tennessee Department of Correction FY 2003-2004 Title VI Implementation Plan & CY 2002 Compliance Review.

The table below presents a breakdown of inmates assigned to work programs in wage-earning positions, by job level and ethnicity.

**Breakdown of Job Participants by Ethnicity  
Calendar Year 2002**

<b>Job Levels</b>	<b>Ethnic Groups</b>				
	<b>White</b>	<b>Black</b>	<b>American Indian</b>	<b>Hispanic</b>	<b>Asian</b>
Unskilled	2,703	2,614	5	44	6
Semi-Skilled	425	442	1	6	1
Skilled	1,766	1,356	6	21	5
Highly Skilled	106	59	0	1	0
TRICOR	500	325	2	9	1
Workline	276	215	1	6	0
<b>Totals</b>	<b>5,776</b>	<b>5,011</b>	<b>15</b>	<b>87</b>	<b>13</b>

Source: Tennessee Department of Correction FY 2003-2004 Title VI Implementation Plan & CY 2002 Compliance Review.

Correctional Facility Program Participation-Title VI Tracking

Each facility tracks program participation for Title VI purposes and submits the information to the department's Planning and Research Section on a quarterly basis. We conducted a file review of the facilities' Program Participation – Title VI Tracking Quarterly Reports for the period between April 2001 and June 2002. Based on our review, it appeared that the department's correctional facilities submitted the Title VI program information in a timely manner.

Employee and Contractor Information

A breakdown of the department's employees and contractors by gender and ethnicity is included below. The department's staff does contain diversity, with 36% female staff, 21% African-American staff, and 2% of staff from other minority groups. However, the department has been less successful in attracting minority vendors. Based on dollar amounts of contracts for personal, professional, and consultant services, only .01% went to minority contractors, and only .4% went to female contractors during fiscal year 2003.

**Staff of the Department of Correction by Title, Gender, and Ethnicity  
As of May 2003**

Title	Gender		Ethnicity					
	Male	Female	Black	White	Asian	Hispanic	American Indian	Other
Account Clerk	4	50	8	46	0	0	0	0
Accountant-Judicial Cost	0	1	0	1	0	0	0	0
Accounting Manager	7	2	0	8	1	0	0	0
Accounting Technician	0	29	3	26	0	0	0	0
Accountant Auditor	0	1	0	1	0	0	0	0
Accountant	3	2	0	5	0	0	0	0
Assistant Commissioner	2	0	0	2	0	0	0	0
Administrative Analyst	0	1	0	1	0	0	0	0
Administrative Assistant	6	16	4	18	0	0	0	0
Administrative Services Assistant	7	16	6	16	0	1	0	0
Administrative Secretary	0	19	5	14	0	0	0	0
Affirmative Action Officer	1	0	1	0	0	0	0	0
Associate Warden-Operations	7	1	2	6	0	0	0	0
Attorney	2	0	0	2	0	0	0	0
Auditor	3	2	2	3	0	0	0	0
Building Maintenance Worker	69	0	4	65	0	0	0	0
Boiler Operations Supervisor	1	0	0	1	0	0	0	0
Boiler Operations	8	0	2	5	0	0	1	0
Budget Analyst-Correction	0	0	0	0	0	0	0	0
Chaplain	14	0	1	13	0	0	0	0
Clerk	10	73	16	66	1	0	0	0

Title	Gender		Ethnicity					
	Male	Female	Black	White	Asian	Hispanic	American Indian	Other
Commissioner	1	0	1	0	0	0	0	0
Correctional Captain	58	4	13	49	0	0	0	0
Correctional Classification Coordinator-Adult Services	14	3	3	14	0	0	0	0
Correctional Clerical Officer	27	107	26	102	4	2	0	0
Correctional Counselor	104	59	32	131	0	0	0	0
Correctional Corporal	328	75	90	304	3	5	1	0
Correctional Health Administrator	0	4	2	2	0	0	0	0
Correctional Health Director	0	1	0	1	0	0	0	0
Correctional Internal Affairs Director	1	0	0	1	0	0	0	0
Correctional Internal Affairs Investigator	4	2	1	5	0	0	0	0
Correctional Instructor	14	4	1	16	1	0	0	0
Correctional Lieutenant	63	9	5	67	0	0	0	0
Correction Officer	1844	721	563	1931	27	29	11	4
Correctional Program Director	6	6	3	9	0	0	0	0
Correctional Program Manager	3	2	1	4	0	0	0	0
Correctional Program Support Coordinator	9	4	2	10	0	1	0	0
Correctional Principal	5	2	2	5	0	0	0	0
Correctional Sergeant	132	22	27	127	0	0	0	0
Correctional Teacher	33	23	8	48	0	0	0	0
Correctional Teacher Supervisor	5	1	1	5	0	0	0	0
Correctional Unit Manager	32	9	8	33	0	0	0	0
Custodial Worker Supervisor	0	1	0	1	0	0	0	0
Custodial Worker	1	6	1	6	0	0	0	0
Data Entry Operator	0	4	0	4	0	0	0	0
Dental Assistant	0	6	2	4	0	0	0	0
Deputy Commissioner	0	1	0	1	0	0	0	0
Deputy Warden	12	0	6	6	0	0	0	0
Dietitian	0	1	0	1	0	0	0	0
Distributed Computer Operator	0	1	0	1	0	0	0	0
Distributive Program Analyst	2	0	1	1	0	0	0	0
Education Consultant	0	1	0	1	0	0	0	0
Electronics Technician	5	0	1	4	0	0	0	0
Equipment Mechanic	1	0	0	1	0	0	0	0
Executive Administrative Assistant	2	4	2	4	0	0	0	0
Executive Secretary	0	15	2	13	0	0	0	0
Extradition Officer	0	1	0	1	0	0	0	0
Facility Administrator	1	0	0	1	0	0	0	0

Title	Gender		Ethnicity					
	Male	Female	Black	White	Asian	Hispanic	American Indian	Other
Facilities Construction Assistant Director	1	0	0	1	0	0	0	0
Facilities Construction Director	1	0	0	1	0	0	0	0
Facilities Manager	11	0	0	11	0	0	0	0
Facilities Safety Officer	10	0	0	10	0	0	0	0
Facilities Supervisor	11	0	2	9	0	0	0	0
Food Service Assistant Manager	6	8	6	8	0	0	0	0
Food Service Director	0	1	1	0	0	0	0	0
Food Service Manager	12	6	3	13	2	0	0	0
Food Service Steward	41	83	37	83	2	1	1	0
Food Services Supervisor	0	3	2	0	0	0	1	0
Food Service Worker	11	17	8	19	0	0	1	0
Fiscal Director	3	5	0	8	0	0	0	0
Heating & Refrigeration Mechanic	4	0	1	3	0	0	0	0
Health Information Manager	0	1	1	0	0	0	0	0
Inmate Job Coordinator	7	8	0	14	0	0	0	1
Information Resource Support Specialist	22	1	1	21	1	0	0	0
Information Officer	0	1	0	1	0	0	0	0
Information Systems Analyst Supervisor	1	1	0	2	0	0	0	0
Information Systems Analyst	6	2	3	5	0	0	0	0
Information Systems Assistant	0	1	0	1	0	0	0	0
Information Systems Consultant	1	0	0	1	0	0	0	0
Information Systems Director	0	1	0	1	0	0	0	0
Information Systems Manager	1	0	0	1	0	0	0	0
Inmate Relations Coordinator	57	41	23	75	0	0	0	0
Laundry Manager	3	4	2	5	0	0	0	0
Laundry Supervisor	0	1	1	0	0	0	0	0
Laundry Worker	0	1	1	0	0	0	0	0
Legal Services Director (over Attorneys)	0	1	0	1	0	0	0	0
Licensed Practical Nurse	17	83	38	59	0	0	0	3
Mail Technician	1	0	1	0	0	0	0	0
Medical Records Technician	0	1	1	0	0	0	0	0
Medical Records Assistant	0	1	0	1	0	0	0	0
Media Producer/Director	1	0	0	1	0	0	0	0
Mental Health Program Specialist	5	12	5	12	0	0	0	0
Mental Health/Mental Retardation Institutional Program Director	3	0	1	2	0	0	0	0

Title	Gender		Ethnicity					
	Male	Female	Black	White	Asian	Hispanic	American Indian	Other
Mental Health/Mental Retardation Program Director	0	0	0	0	0	0	0	0
Maintenance Carpenter	4	0	0	4	0	0	0	0
Maintenance Electrician	6	0	0	6	0	0	0	0
Maintenance Plumber	6	0	0	6	0	0	0	0
Nurse Assistant	0	9	7	2	0	0	0	0
Nurse Practitioner	1	1	0	1	0	0	0	1
Personnel Analyst	3	10	0	12	0	1	0	0
Personnel Director	0	1	0	1	0	0	0	0
Personnel Manager	0	3	0	3	0	0	0	0
Personnel Technician	0	17	4	13	0	0	0	0
Pharmacy Technician	0	1	0	1	0	0	0	0
Physical Therapy Technician	1	0	1	0	0	0	0	0
Physician	1	0	0	1	0	0	0	0
Physician's Assistant	4	0	0	3	1	0	0	0
Procurement Officer	5	9	1	13	0	0	0	0
Property Officer	3	7	1	9	0	0	0	0
Psychiatric Social Worker	3	2	2	3	0	0	0	0
Psychologist	2	2	0	4	0	0	0	0
Psychologist Director	1	0	0	1	0	0	0	0
Psychological Examiner	12	8	1	19	0	0	0	0
Radio Communications	1	0	0	1	0	0	0	0
Recreation Assistant	5	2	0	7	0	0	0	0
Recreation Specialist	13	1	7	7	0	0	0	0
Recreation Therapist	2	1	2	1	0	0	0	0
Registered Nurse	16	68	36	43	2	2	0	1
Secretary	1	46	9	38	0	0	0	0
Security Guard	5	0	0	5	0	0	0	0
Sentence Analyst	0	6	3	3	0	0	0	0
Sentence/Docketing Management Supervisor	0	2	0	2	0	0	0	0
Sentence/Docketing Technician	1	16	8	9	0	0	0	0
Statistical Analyst Supervisor	0	1	1	0	0	0	0	0
Statistical Analyst	2	0	0	1	0	1	0	0
Storekeeper	26	34	8	52	0	0	0	0
Stores Manager	7	6	0	13	0	0	0	0
Teacher Assistant-Correction	0	1	0	1	0	0	0	0
Telephone Operator	0	5	1	4	0	0	0	0
Training Academy Superintendent	1	0	0	1	0	0	0	0
Training & Curriculum Director	2	0	0	2	0	0	0	0
Training Specialist	5	7	1	11	0	0	0	0
Treatment Plant Operator	9	0	0	9	0	0	0	0

Title	Gender		Ethnicity					
	Male	Female	Black	White	Asian	Hispanic	American Indian	Other
Vocational Instructor Per Specialty	52	16	8	60	0	0	0	0
Vocational Instructor FNL	1	0	0	1	0	0	0	0
Volunteer Services Director	1	0	1	0	0	0	0	0
Warden	9	3	1	11	0	0	0	0
Web Developer	0	1	0	1	0	0	0	0
X-Ray Technician	2	0	1	1	0	0	0	0
<b>Total</b>	<b>3300</b>	<b>1882</b>	<b>1100</b>	<b>3968</b>	<b>45</b>	<b>43</b>	<b>16</b>	<b>10</b>

**Department of Correction Personal, Professional, and Consultant Services Contracts  
By Minority Status  
Fiscal Year 2002-2003**

Contractor	Services Provided	FY 2002-2003 Amount	Minority Status
Correctional Medical Services	Health services	\$27,608,876	NM
MHM Correctional Services, Inc.	Comprehensive mental health services	\$3,570,738	NM
Robert Dodd	Psychology services	\$3,000	NM
Project Return, Inc.	Tennessee Bridges Prerelease Program	\$58,733	NM
The George Washington University	Develop inmate population projections	\$30,000	NM
Transcor America, LLC	Interstate transportation of inmates	\$35,000	NM
Corrections Corporation of America	Manage institution	\$22,363,233	NM
Lawrence Gaines, Ph.D.	Psychology services	\$14,285	NM
Wicklander-Zulawski and Associates	Training/Consultation	\$1,900	NM
Karl Hansen, Ph.D.	Training/Consultation	\$2,300	NM
Robert Alan Prentky, Ph.D.	Training/Consultation	\$2,300	NM
American Correctional Association	Accreditation/Reaccreditation – Wayne County Boot Camp	\$8,330	NM
American Correctional Association	Accreditation/Reaccreditation – Middle Tennessee Correctional Complex	\$8,330	NM
American Correctional Association	Accreditation/Reaccreditation – Southeastern Tennessee State Regional Correctional Facility	\$7,990	NM
American Correctional Association	Accreditation/Reaccreditation – Northwest Correctional Complex	\$8,330	NM
American Correctional Association	Accreditation/Reaccreditation – DeBerry Special Needs Facility	\$8,330	NM
Correctional Counseling, Inc.	Therapeutic community	\$95,500	NM
Correctional Counseling, Inc.	A&D Counseling and Anger Management	\$102,051	NM
Centerstone Community Mental Health Centers, Inc.	A&D Counseling and Anger Management	\$69,924	NM

**Department of Correction Personal, Professional, and Consultant Services Contracts  
By Minority Status (Cont.)**

Aegis Sciences Corporation	Confirmation Drug Testing	\$30,000	NM
Samaritan Recovery Community, Inc.	Tennessee Community Reintegration	\$55,560	NM
Hope of East Tennessee, Inc.	Tennessee Community Reintegration	\$69,575	NM
<b>Total Contract Amounts for NM</b>		<b>\$54,154,285</b>	
Valerie Warner	Psychology services	\$3,000	F
Kimbra L. Gill	Psychology services	\$15,000	F
Ann Nicholas	Psychology services	\$15,000	F
Young Women's Christian Association	NewStart prerelease training program	\$139,000	F
Oklahoma Scoring Services, Inc.	GED Essay Scoring Services, Inc.	\$2,000	F
Oklahoma Scoring Services, Inc.	GED Essay Scoring Services, Inc.	\$2,000	F
Bonnie L. Shelley, Ph.D.	Psychology services	\$14,285	F
Jill R. Rosello, M.D.	Psychiatry Services	\$10,000	F
Toni Cavanagh-Johnson, Ph.D.	Training/Consultation	\$3,300	F
Victoria Roberts	Training/Consultation	\$1,000	F
<b>Total Contract Amounts for F</b>		<b>\$204,585</b>	
H. Jeanette Lambert	Library consulting services	\$7,000	B F
<b>Total Contract Amounts for BF</b>		<b>\$7,000</b>	
<b>Total Contract Amounts</b>		<b>\$54,365,870</b>	

Contractor Minority Status: B-African American F-Female NM-Non-minority/no disadvantaged status

Source: Tennessee Department of Correction FY 2002-2003 Title VI Implementation Plan & CY 2001 Compliance Review.

**Appendix 2**  
**CMS Instances of Contract Noncompliance**  
**Contract Monitor Reports**  
**CMS Contract Date: July 1, 2001**

	<b>Item</b>	<b>Institutions</b>	<b>Frequency of the Noncompliance</b>	<b>Comments From TDOC Monitoring Reports</b>
1	Monitor chronically ill inmates according to chronic care guidelines and renew or approve all medication orders.	TPW, MLCC	2	All chronic clinics not yet established-2/13/02. No documentation showing inmates were monitored according to chronic care guidelines at MLCC.
<b>TREATMENT PLANS</b>				
2	The Contractor's physicians shall write and place in the health record an individual treatment plan for all inmates with special medical conditions that require close supervision, including chronic and convalescent care. Documentation shall include directions to the health care staff in the care and supervision of the patient.	TPW, MTCX, MLCC, NWCX, RMSI	10	No treatment plans in place.
<b>OPTOMETRY SERVICES</b>				
3	The Contractor's licensed optometrist(s) provide the following services for all TDOC institutions identified in Section A.1: (a) Conduct thorough eye examination, including refraction and tonometry on all patients triaged by the facility's health staff for eye examinations. b) Perform fundoscopic examinations as medically necessary for diabetic patients. c) Write prescriptions for eyeglasses for all inmates according to the criteria established by TDOC. d) Fit eyeglasses for patients when they are delivered to the facility, if necessary. e) Provide all necessary eyeglasses for the State's inmates. f) Provide follow-up examinations when indicated for the patient.	TPW, MTCX	4	2/13/02 – Clinics not yet scheduled. Equipment recently installed.

**Appendix 2**  
**CMS Instances of Contract Noncompliance (Cont.)**

	<b>Item</b>	<b>Institutions</b>	<b>Frequency of the Noncompliance</b>	<b>Comments From TDOC Monitoring Reports</b>
4	An optometrist shall visit each institution identified in Section A.1 at least once monthly.	TPW, MTCX	4	Clinics not yet scheduled. Equipment recently installed.
<b>HEALTH RECORDS</b>				
5	All laboratory reports, radiographic, cardiologic, and/or other clinical diagnostic are reviewed when recorded by the physician or mid-level provider. (Clinical protocols must define how the mid-level provider is to conduct test/report review.) These are initialed/dated prior to being filed in the inmate health record.	TPW, MLCC	3	Date frequently missing when provider initials diagnostic reports.
6	SOAPIE format is used to document clinical assessments.	MTCX	2	Does not consistently use SOAPIE format.
7	The health record shall accompany the inmate at all on-site health encounters, and shall be forwarded to the appropriate facility with the inmate.	TPW, MTCX	3	Medical records not always forwarded to receiving institution.
8	A complete health record is maintained for each inmate in an administrative, medical and legal manner. Health records are secured under lock and key when not physically under observation of appropriate health care staff. The health administrator has designated which personnel (by position or function) are authorized to have access to health records.	TPW	2	Records left unmanned and unlocked during monitor visits.
9	All specialty care consultations and physicians' diagnostic reports shall be dictated and typed for placement in the health record. Any necessary transcription services shall be the responsibility of the contractor.	MLCC, NWCX	3	For 12 of the 20 charts reviewed that had specialty consultations, 0 of 12 were dictated or typed when placed in the medical record.

**Appendix 2**  
**CMS Instances of Contract Noncompliance (Cont.)**

	<b>Item</b>	<b>Institutions</b>	<b>Frequency of the Noncompliance</b>	<b>Comments From TDOC Monitoring Reports</b>
10	a) All physician and mid-level written orders are annotated with the date and time the order was written. b) All physician and mid-level orders are annotated with the nurse's full legal signature and title, date, and time the order was officially processed/noted.	NWCX, RMSI	2	Physician not consistently using stamp on both orders and progress notes. Orders missing nurses' professional title and/or it was illegible. Time often missing on both a) and b).
<b>INFECTIOUS DISEASES</b>				
11	All inmates are screened for TB on initial admission and on an annual birth date basis as outlined in the department's TB Control/Prevention Guidelines.	TPW	1	Often not in birth month.
12	All correctional health care providers and institutional employees whose responsibilities include contact with inmates or other persons who are potentially at risk for occupational exposure to mycobacterium TB are screened for TB at the time of initial employment and annually thereafter according to employee's birth or hire date.	NECX	1	
<b>INFIRMARY CARE</b>				
13	Infirmary beds shall be used to care for those inmates in need of short-term, basic nursing care; for those requiring medical observation; or for other services that can be provided at the infirmary in a safe manner.	TPW	1	Infirmary area not routinely staffed.
<b>ORIENTATION OF NEW EMPLOYEE TRAINING REQUIREMENTS</b>				
14	The Contractor shall ensure that all of its full-time employees that are assigned to TDOC institutions participate in the TDOC's pre-service training program regarding State policies and procedures and security considerations.	TPW, MTCX	2	Staff working prior to attending Tennessee Correction Academy.

**Appendix 2**  
**CMS Instances of Contract Noncompliance (Cont.)**

	<b>Item</b>	<b>Institutions</b>	<b>Frequency of the Noncompliance</b>	<b>Comments From TDOC Monitoring Reports</b>
	<b>DEOXYRIBONUCLEIC ACID (DNA) TESTING</b>			
15	The Contractor shall be responsible for drawing specimens for DNA testing.	TPW, MTCX, RMSI	4	Not being consistently documented.
	<b>MEDICATIONS</b>			
16	Each medication is properly documented on the Medication Administration Record (MAR) (cross check MAR entries against corresponding progress notes).	TPW, MTCX, RMSI	5	MARs not filed. Nurses not consistently signing MARs.
17	Controlled substances are administered only on a dose-by-dose basis.	TPW, MTCX	3	MARs not filed. Medications given on Friday for the weekend regardless of control status.
18	Proper entries are made on the MAR when inmates fail to receive their medications (block corresponding to the missed dose is circled) or when they refuse the medications (“R” placed in block corresponding to date and time). All such misses or refusals are reported to the prescribing practitioner.	TPW, MTCX	2	MARs not filed.
19	The contractor shall provide a medication information or “fact” sheet for the patient each time a new prescription is initiated.	MTCX, RMSI, NWCX	4	
20	The contractor shall provide a monthly, computer-generated medication administration record (MAR) for each patient on medication and send it in a timely manner to the patient’s institution.	RMSI	1	Provider information not current on MARs. MARs not submitted timely.
21	The contractor shall label each prescription container to include the inmate name, number, dose, prescribing physician, medication name, lot number, strength, dosage, directions for administration, and any applicable warnings or dietary instructions or other information in compliance with federal regulations and the laws of the State of Tennessee.	RMSI, TPW	2	Warnings not always included. Unit doses not always labeled.

**Appendix 2**  
**CMS Instances of Contract Noncompliance (Cont.)**

	<b>Item</b>	<b>Institutions</b>	<b>Frequency of the Noncompliance</b>	<b>Comments From TDOC Monitoring Reports</b>
22	The contractor shall provide a pharmacist that shall conduct monthly inspections at DSNF and at least annual inspections at each of the other institutions included in this contract.	MLCC	1	
23	Contractor's pharmacy shall receive prescription drug orders between the hours of 8:00 a.m. and 7:00 p.m. Central Time. Prescription orders received by the Contractor's Pharmacy by 2:00 p.m. (Central Time) Monday through Friday shall be delivered to the ordering institution by 12:00 noon the following day.	NECX	1	Not all orders being delivered on the next day.
24	Independent provider's telephone and verbal orders for drugs are recorded on Physician's Orders (CR1892) annotated with time, date, and signed by the individual receiving the order. Verbal and telephone orders are countersigned by the ordering physician within 14 days and dated.	RMSI	1	
25	A perpetual inventory is maintained on all immediate-use prescription medications, narcotics, and controlled and emergency substances. A Control Drug Administration Record is used for this purpose. Nursing personnel inventory and initial the forms at the change of each shift. (Review medications for individual inmates and emergency "crash" carts.)	RMSI	1	On 2/28/02 morning and noon dose of valium had not been recorded even though both had been administered.
<b>STAFF CREDENTIALING AND RECRUITMENT</b>				
26	Staffing (including any approved changes) shall be in accordance with the staffing plans in the Proposals.	TPW, MTCX	4	
<b>PRIMARY CARE PHYSICIAN SERVICES</b>				
27	Monitor chronically ill inmates according to chronic care guidelines and renew or approve all medication orders.	TPW, MTCX	3	3/14/02 – Still organizing chronic clinics.

**Appendix 2**  
**CMS Instances of Contract Noncompliance (Cont.)**

	<b>Item</b>	<b>Institutions</b>	<b>Frequency of the Noncompliance</b>	<b>Comments From TDOC Monitoring Reports</b>
28	Perform minor surgeries in the institutional clinic when appropriate and necessary for patient's health.	TPW	1	Sending patients out for most procedures.
29	Periodic health appraisals (PHAs) are performed on each inmate (for inmates ages 49 years/under, every 3 years; 50-64, every 2 years; ages 65+, annually).	TPW, MTCX, MLCC, RMSI	5	PHAs past due.
30	Document legibly in the medical chart using the Problem Oriented Medical Record Format as defined by TDOC Policy. The physician shall affix full legal signature, date, time, and professional title to all physicians' orders, progress notes and documentation requiring signature.	MTCX, NWCX	3	Often omits time and professional title.
31	The contractor shall comply with the state's procedures for collecting co-payment for sick call visit.	MTCX	1	Warden concerned copayments not collected.
32	The contractor shall ensure that its staff report any problems and/or unusual incidents to the state's warden or designee.	MTCX	2	Health Administrator does not fully communicate with warden.
33	The contractor shall provide all necessary specialty physician services for all state-operated institutions.	RMSI	1	1/25/02 Neurology not yet contracted. GI not contracted until November 1, 2001.
34	The contractor shall complete the monthly statistical report on TDOC form CR2124 and submit to TDOC central office by the 15 <sup>th</sup> of the following month.	MTCX	1	Received November report in February.

**Appendix 2**  
**CMS Instances of Contract Noncompliance (Cont.)**

	<b>Item</b>	<b>Institutions</b>	<b>Frequency of the Noncompliance</b>	<b>Comments From TDOC Monitoring Reports</b>
	<b>DENTAL SERVICES</b>			
35	An intake dental exam, including a pan-oral dental x-ray, is completed for each inmate within 14 days of receipt into TDOC custody and documented with findings and treatment on the dental records.	TPW, MTCX	2	Dental intake exams behind. Warden was not informed that equipment was broken for two weeks.
36	A daily work/encounter log is maintained in the dental clinic showing all dental work performed. The inmate's name, number, type procedure, time required, and name of dental staff member providing the service is recorded.	TPW, MLCC	2	Time required for procedure not being recorded accurately. Dental log not kept at MLCC.
37	A perpetual inventory is maintained on dental "working stock," syringes, and needles.	MTCX	1	Inventory did not match what was in stock.
38	All steam sterilizers (autoclaves) are tested weekly using a spore testing kit. Documentation of weekly test results are maintained by the health administrator.	RMSI	1	Spore testing done monthly using an expired testing kit/ advised dental assistant and Health Administrator of issue.
	<b>PHYSICAL HEALTH SERVICES</b>			
39	Health screening is provided to all inmates by qualified health care personnel or designee(s) immediately upon arrival at the institution, with findings recorded on Health Screening (CR-2178) and signed by the inmate to acknowledge receipt of procedure to access health services.	TPW	1	Charts either contained no CR2178 or contained form with no signature and/or date.

**Appendix 2**  
**CMS Instances of Contract Noncompliance (Cont.)**

	<b>Item</b>	<b>Institutions</b>	<b>Frequency of the Noncompliance</b>	<b>Comments From TDOC Monitoring Reports</b>
	<b>EMPLOYEE HEALTH SERVICES</b>			
40	All inmate AIDS education/training is fully documented on Health Education Roster (CR-3013).	TPW, RMSI	2	Information not on appropriate form. Attendance is not documented.
41	Contractor shall on a quarterly basis submit to the State a report of the previous quarter's history of approved, denied, and pending health care services, including specialty consults, outpatient procedures, and imaging procedures (other than routine x-ray and laboratory), using the Current Procedure Terminology (CPT) codes.	MLCC	1	A full report that shows all the items listed had not been received from the contractor-1/9/02.

Source: The auditors reviewed the following TDOC Contract Monitor Monthly Reports

MLCC	1/09/02	3/20/02	
MTCX	2/07/02	3/07/02	
NECX	01/02	3/27/02	
NWCX	4/10/02		
RMSI	1/25/02	2/28/02	3/28/02
TPW	2/13/02	3/14/02	

**Appendix 3**  
**Primary Care and Dental Care - Contracted Hours Versus Actual Hours**  
**Calendar Year 2002**

Facility	Primary Care Hours			Dental Hours		
	Contract	Actual	Variance	Contract	Actual	Variance
BMCX	1,024	921	-103	3,165	3,012	-153
DSNF	6,168	5,962	-206	3,728	3,530	-198
MLLC	616	550	-66	1,161	994	-167
MTCC	1,268	1,202	-66	3,728	3,446	-282
NECX	2,032	2,082	50	1,864	1,594	-270
NWCX	2,032	2,164	132	2,804	2,282	-522
RMSI	1,024	1,080	56	1,880	2,166	286
STSRCF	824	756	-68	1,112	752	-360
TPW	1,024	934	-90	1,880	1,515	-365
TCIP	1,024	1,014	-10	3,728	3,424	-304
WCBC	624	544	-80	0	454	454
WTSP	<u>3,040</u>	<u>2,810</u>	<u>-230</u>	<u>3,728</u>	<u>4,071</u>	<u>343</u>
Total	20,700	20,019	-681	28,778	27,240	-1,538

Source: Tennessee Department of Correction.

**Appendix 4**  
**Contractor Performance Assessment – Northeast Correctional Complex**  
**Mental Health Management Services (MHM)**  
**July 1999 Through June 2003**

Performance	July-Dec 1999	Jan-June 2000	July-Dec 2000	Jan-June 2001	July-Dec 2001	Jan-June 2002	July-Dec 2002	Jan-June 2003
NECX								
Has the Contractor provided the services and deliverables required under the contract?	NO	NO	NO	NO	NO	YES With the recent replacement of the psychologist with one that provides needed services, this issue is currently resolved	YES	NO Major concerns exist regarding psychologist assessments
Has the Contractor completed the work within the time frame set out in the contract?	NO	NO	NO	NO	NO	YES	YES	YES
Have the Contract and the Contractor's performance thereunder accomplished the department's objectives?	Not sure what the department's objectives are in the mental health area – NECX objectives have not been met.	NO	NO	NO	NO Even though TDOC made major policy changes to accommodate this contractor, basic long-standing policy/ inspection compliance requirements continue to be unmet/ignored.	YES	YES	NO
Has the Contractor complied with all applicable TDOC policies and ACA standards in the performance of the Contract?	NO	NO	NO Failed three annual inspections.	NO	NO	YES	YES	YES
NECX Areas of Concern: NECX fails annual inspections because MHM staff are noncompliant in areas such as improperly written psychiatric orders, lack of documentation, and staff not showing up for scheduled hours. June 1999 report indicated that since June of 1998, five different psychiatrists had been assigned to NECX.								

Source: Tennessee Department of Correction monitoring reports.

**Appendix 5**  
**Contract Monitor Reports for South Central Correctional Facility**  
**For Selected Months in Calendar Years 2000 Through 2002**  
**Instances of Contract Noncompliance**

	<b>Suggested Monitoring Procedures</b>	<b>Date</b>	<b>Comments</b>
1	Select a random sample of 10 staff hired within the last year, including both security and non-security personnel. Examine information in personnel files to determine that they meet the qualifications required for their positions as stated in job descriptions.	10/10/2000	Found one employee without proof of education and one employee without driver's license.
		11/2/2000	Found two employees who were hired without required documents.
		12/5/2000	Found three correctional officers who were hired before they possessed a driver's license.
		4/19/2002	Four of five senior correctional officers hired during the months of March and April 2002 do not meet minimum requirements that were approved with the contract in February 2002.
		6/27/2002	New issue/concern dated 6/27/2002 due to the promotion of employee who does not meet three-year experience qualification as stated in job descriptions. (Previous issue/concern of 4/19/02 still unresolved).
2	For the 10 randomly selected staff, examine personnel files to determine if all staff were subjected to background examinations and, for correctional officers, psychological histories. Determine that employment and criminal histories go back a minimum of five years.	3/21/2002	New correctional officers were not cleared by a certified mental health professional as required.

**Appendix 5**  
**Instances of Contract Noncompliance**  
**South Central Correctional Facility (Cont.)**

	<b>Suggested Monitoring Procedures</b>	<b>Date</b>	<b>Comments</b>
3	Vacant positions are filled within the following time limits:		
	Security – 30 days	10/4/2000	Fourteen positions allowed to pass the 30-day time limit for a total of 100 days.
		11/2/2000	Thirteen positions filled past the 30-day limit for a total of 251 noncompliant days, and 21 more positions still vacant over 30 days.
		12/4/2000	Sixteen positions filled past the 30-day limit for a total of 490 noncompliant days, and 21 more positions still vacant over 30 days.
		1/11/2001	Twenty positions filled past the 30-day limit for a total of 775 noncompliant days.
		2/2/2001	Eight positions filled past the 30-day limit for a total of 262 noncompliant days.
		3/2/2001	Twenty-six correctional officer positions allowed to pass the 30-day time limit for a total of 502 noncompliant days.
	All Other – 45 days	10/4/2000	One position allowed to pass the 45-day limit by 9 days.
		6/14/2001	Two expansion positions have been vacant since contract amendment date of 3/7/2001.
		12/18/2001	Assistant food service manager position was filled by in-house promotion on 11/15/2001. As of 12/18/2001, employee is still working as unit clerk.

**Appendix 5**  
**Instances of Contract Noncompliance**  
**South Central Correctional Facility (Cont.)**

	<b>Suggested Monitoring Procedures</b>	<b>Date</b>	<b>Comments</b>
4	All new SORT team members have at least one year prior institutional experience.	11/2/2000	A policy exemption was granted for this standard so CCA would be in compliance.
5	Determine if approved post-assignment schedule/staffing pattern is being routinely staffed according to actual post-assignment sheets/rosters.	12/19/2000	Found three vacant critical posts on first and second shift rosters dated 12/2/2000, 12/4/2000, and 12/18/2000.
6	All administrative employees, specialist employees, and support staff received 40 hours training in addition to 40 hours of orientation for new employees during their first year, with 40 hours of in-service training annually thereafter.	11/2/2001	One employee with plenty of training hours did not receive any mandatory classes.
7	All new correctional officers received 120 hours training in addition to 40 hours of orientation for new employees during their first year, with 40 hours of in-service training annually thereafter.	7/9/2001	Found two employees with misleading information in training files. Response: Training forms were corrected. With the corrections, employees did not receive 40 hours of training.

**Appendix 5**  
**Instances of Contract Noncompliance**  
**South Central Correctional Facility (Cont.)**

	<b>Suggested Monitoring Procedures</b>	<b>Date</b>	<b>Comments</b>
8	A list of all positions which were vacant during the month indicating the number of days they were vacant.	11/2/2000	Fifty-nine positions for a total of 1,244 days. Seven employees on extended sick leave. (CCA was compliant in providing the list.)
		12/4/2000	Fifty positions for a total of 981 days. (CCA was compliant in providing the list.)
		1/5/2001	Forty-four positions for a total of 879 days. Four employees on extended sick leave. (CCA was compliant in providing list.)
		2/2/2001	Forty-four positions for a total of 1,064 days. Five employees on extended sick leave. (CCA was compliant in providing list.)
		3/2/2001	Fifty-six positions for a total of 490 days. Seven employees on extended sick leave. (CCA was compliant in providing list.)
		7/2/2001	Thirty positions for a total of 266 days. Six employees on extended sick leave. (CCA was compliant in providing list.)
		1/4/2002	Eighteen positions for a total of 187 days. Seven employees on extended sick leave. (CCA was compliant in providing list.)
		2/4/2002	Fourteen positions for a total of 183 days. Five employees on extended sick leave. (CCA was compliant in providing list.)
		5/6/2002	Procedure deleted during April 2002 revision of monitoring instrument.

**Appendix 6**  
**Contract Monitor Reports for Hardeman County Correctional Facility**  
**January 2001 Through June 2002**  
**Instances of Contract Noncompliance**

	<b>Suggested Monitoring Procedures</b>	<b>Date</b>	<b>Comments</b>
1	Obtain a roster of all current institutional employees by position. Determine that the number in each category of employees corresponds with the number of positions on the staffing pattern.	1/16/2001  2/2/2001 3/2/2001 4/24/2001  6/1/2001 7/2/2001 7/31/2001 8/31/2001 9/28/2001 10/31/2001  11/30/2001 12/31/2001 1/31/02	The following deviations from the approved staffing pattern were noted as reflected in the position control listing: 1 additional LPN, 2 additional academic instructors, 1 less vocational instructor, 3 additional SCOs, 2 additional COs, than on the approved pattern. Issue addressed in noncompliance report dated 12/15/2000. Warden's response dated 2/9/2001 states: "Employee in commissary became licensed LPN, hired as LPN to keep her." The 2 SCOs are K-9, paperwork submitted for approval. Others are approved; however, paperwork submitted to monitor incorrect.  Deviations still exist – same as previous. Deviations still exist – same as previous. Deviations still exist – same as previous.  Deviations still exist – same as previous. Deviations still exist – same as previous. *The following deviations from the approved staffing pattern were noted as reflected in the control listing: 3 administrative clerks, 2 assistant shift supervisors, 1 dentist, 1 RN, 1 assistant training manager, 1 commissary coordinator.  Deviations still exist – same as previous (both). New deviation mentioned on 10/31/2001 still exists. Deviations still exist – same as previous.

**Appendix 6**  
**Instances of Contract Noncompliance**  
**Hardeman County Correctional Facility (Cont.)**

	<b>Suggested Monitoring Procedures</b>	<b>Date</b>	<b>Comments</b>
1	(continued)  Obtain a roster of all current institutional employees by position. Determine that the number in each category of employees corresponds with the number of positions on the staffing pattern.	2/28/2002	Deviations still exist – same as previous.
		3/27/2002	Deviations still exist – same as previous. Response dated 11/16/01 states: “Positions submitted to corporate awaiting approval. However a new organizational chart has been approved by TDOC management.”
		4/30/2002	The approved staffing plan for Food Service indicates 1 FS Manager, 2 Assistant FS Managers, 6 Assistant FS Supervisors. The position control listing indicates 1 FS Manager, 1 Assistant FS Manager, 2 FS Supervisors, and 7 FS workers. Operating with 1 FS Manager, 1 Assistant FS Manager, 7 FS workers, and 1 additional FS worker not yet hired.
		5/31/2002	Outstanding issue. No new noncompliance report issued.
		6/30/2002	Outstanding issue. No new noncompliance report issued.
2	All new correctional officers received 120 hours of training in addition to 40 hours of orientation for new employees during the first year, with 40 hours of in-service training annually thereafter.	1/10/2001	Could not locate enough in-service hours for two correctional officers. One SCO hired in 1997 had 0 hours in 1998 and 4 hours in 2000. Second SCO hired in 1997 had 0 in-service hours in 1998. Issue addressed in noncompliance report dated 1/16/2001. Warden’s response dated 2/9/2001 states: “There is no documentation to support in-service for two employees. Plan in place to ensure staff receive required in-service in the future.”
		2/20/2001	Could not locate enough in-service hours for one SCO – only had 12 hours in 1999, and 14 hours date unknown. Response dated 4/16/2001 states additional staff assigned to training and an in-service schedule implemented to correct.
		3/15/2001	Could not locate enough in-service for one employee hired 5/5/1995. Training hours were 0 in 1997 and 1998.
		7/30/2001	Could not locate employee’s 40 hours of in-service training for 2000.
		8/31/2001	Unable to locate any in-service training for one employee for 1998 and located only 18.5 hours of in-service for another employee in 2000.

**Appendix 6**  
**Instances of Contract Noncompliance**  
**Hardeman County Correctional Facility (Cont.)**

	<b>Suggested Monitoring Procedures</b>	<b>Date</b>	<b>Comments</b>
2	(continued)	12/31/2001	Some of the correctional employees transferred from the CCA Whiteville facility and undertook their assignments before receiving their 40 classroom hours of pre-service orientation. Response dated 1/9/02 states: "Transferring staff received 8 hours overview of TDOC to assist in transfer from non-TDOC facility. Officers assigned to post to ensure no break in pay. Policy change request through QA Manager in progress to change phrase "Undertaken their Assignment" so they can be trained within first 25 days which policy also states."
3	All administrative employees, specialist employees, and support staff received 40 hours of training in addition to 40 hours of orientation for new employees during their first year, with 40 hours of in-service training annually thereafter.	2/20/2001	Could not locate enough in-service for two employees. LPN had 2 hours in 1998, and another employee had 8 hours in 1998. Response dated 4/16/2001 states additional staff assigned to training and an in-service schedule implemented to correct.
		8/31/2001	Located only 24.5 in-service hours for one employee during year 2000.
		9/28/2001	One employee only had 24.5 in-service hours for year 2000. Warden's response dated 10/2/2001 states: "New training plan implemented for 2001. All training will be properly documented. 81% of staff have completed in-service for 2001."
		2/28/2002	Some of the correctional employees transferred from the CCA Whiteville facility undertook their counselor assignments before receiving their 40 classroom hours of Pre-Service Orientation.
		3/27/2002	Some of the employees hired by Food Service undertook their assignments before receiving their 40 hours of Pre-Service Orientation.
4	Vacant positions are filled within the following time limits: Security – 30 days All other – 45 days		<b>Auditor Note: This requirement only applies to SCCF; HCCF contract does not require filling vacant positions in any timely manner. There is not an incentive to have vacant positions filled. Appears to be a contract weakness.</b>

**Appendix 6**  
**Instances of Contract Noncompliance**  
**Hardeman County Correctional Facility (Cont.)**

	<b>Suggested Monitoring Procedures</b>	<b>Date</b>	<b>Comments</b>
5	Obtain the current list of SORT team members. Determine that:		
	All new team members have at least one year of prior institutional experience.	11/29/2001	Two SORT team members did not have one year prior institutional experience.
		12/31/2001	No new members with less than one year; however, members with less than one year noted on 11/01 instrument are still on team. Policy exemption request still pending.
		1/31/2002	Same comment as last month.
		2/28/2002	Same comment as last month.
		3/27/2002	Same comment as last month.
		4/30/2002	Same comment as last month.
		5/31/2002	A request for waiver regarding one year institutional experience granted for next six months. Waiver granted by TDOC 5/16/02.
	All team members who have participated in any tactical situation, including cell extractions, have received 80 hours of relevant SORT team training.	2/20/2001	One team member only had 56 hours of pre-SORT training. Response dated 4/16/2001 states the training department has committed to provide 100% compliance with SORT by 4/30/2001.
		7/30/2001	Could not locate 80 hours of pre-SORT training for team member for year 2000.
	All team members have received a minimum of 12 hours of training each quarter.	2/20/2001	Could locate only 8 SORT hours for last quarter for one team member. Response dated 4/16/2001 states the training department has committed to provide 100% compliance with SORT by 4/30/2001.

**Appendix 6**  
**Instances of Contract Noncompliance**  
**Hardeman County Correctional Facility (Cont.)**

	<b>Suggested Monitoring Procedures</b>	<b>Date</b>	<b>Comments</b>
6	For 10 randomly selected staff, examine personnel files to determine if all staff were subjected to background examinations, and for correctional officers, psychological histories. Determine that employment and criminal histories go back a minimum of five years	9/28/2001	Unable to locate NCIC request for two employees.
7	Verify that all critical posts are staffed as required.	1/3/2002  1/31/2002	The December 2001 roster indicates that on 12/15/01, on the first shift, Recreation CO post was not indicated as being staffed. This is a critical post.  The January 2002 roster indicates that on 1/28/02, on the first shift and on 1/30/02 on the second shift, the Recreation CO post was not indicated as being staffed. This is a critical post.
8	On randomly chosen days, observe to determine that posts on all shifts are being staffed as indicated on the daily post assignment sheets/rosters.	7/27/2001  5/21/2002  6/12/2002	Three critical positions on third shift not staffed.  Mandatory post was not staffed. Chief sent memorandum informing supervisors and advising that failure to comply with directive will result in disciplinary action.  Mandatory post was not staffed. Officer left before being relieved. The chief was to serve a PSN to the officer for attendance problems. Since the recommendation was to terminate, there was no reason for corrective action for abandoning post. The officer was terminated prior to shift on the evening of 6/12/2002.

**Appendix 7**  
**Health Services' Continuous Quality Improvement Program**  
**Information as Summarized by the Department of Correction Central Office**

		Available 2002 Information*			
		July 1, 2000 – Oct. 2, 2001	Calendar Year 2002 (3 <sup>rd</sup> quarter)	Monthly ICQI Report: Nov. 2002	CQI Annual Report Health Services 2002
Facility	Health Care Managed By	CQI Program on Track? **	CQI Program on Track? **	CQI Program on Track? **	CQI Program on Track? **
BMCX	TDOC Staff	No	No	No	See Note 1
DSNF	TDOC Staff	Yes	Yes	Yes	Yes
HCCF	CCA	No	Yes	Yes	See Note 2
MLCC	TDOC	No	No	No	See Note 3
MTCX	CMS	No	No	Yes	See Note 4
NECX	Northeast Community Services Agency	Yes	Yes	Yes	Yes
NWCX	Northwest Community Services Agency	Yes	Yes	Yes	See Note 5
RMSI	CMS	No	Yes	Yes	Yes
SCCF	CCA	Yes	Yes	Yes	Yes
STSRCF	TDOC Staff	No	Yes	Yes	See Note 6
TCIP	CMS	Yes	Yes	Yes	Yes
TPW	CMS	Yes	Yes	Yes	See Note 7
WCBC/WANX	TDOC Staff	No	Yes	No	See Note 8
WCF	Was not a part of the correctional system	Not Applicable	Not Applicable	Start-up Date 1/1/03	Start-up Date 1/1/03
WTSP	Southwest Community Services Agency	No	Yes	Yes	Yes

\* Because of staff changes and vacancies in CQI Central Office staff, there were gaps in the summary information the department was able to provide. The table above includes all summary information we were able to obtain for calendar year 2002.

\*\* Facility has held regular CQI meetings, selected current committee members, performed studies, and forwarded written communications, reports, etc.

Notes from department's Statewide CQI Annual Report—Health Services 2002 regarding weaknesses in the CQI Program at several facilities:

1. BMCX held CQI meetings regularly the first half of the year, completing the monthly studies and quarterly reports. The last six months of the year, they completed the monthly studies and quarterly reports (received by SCQIC past expected due dates) and did send memos documenting their severe nursing shortage and their inability to hold regular CQI meetings. Beginning in 2003, they have been able to resume holding CQI meetings and have the goal of maintaining a timely program. This institution historically does attempt to have an effective ICQI program and will do so again if feasible. The institutional physician will need to become involved in the ICQI program.
2. HCCF completed all monthly studies and quarterly reports and submitted them to the SCQIC within expected time frames. The goal for this institution for 2003 is to present the ICQI committee meeting minutes in a specific format to include members present and absent as well as more information about what the committee discussed and recommended.
3. MLCC submitted all monthly studies, quarterly reports, and monthly minutes to the SCQIC in one packet at the end of the year. It appears that the institutional physician periodically attends the ICQI committee meetings. The SCQIC worked with the institutional CQI coordinator throughout 2002 in an effort to improve the timeliness of reporting, but the primary goal for this institution in 2003 remains to complete required elements of the CQI program within expected time frames.
4. MTCX monthly minutes and studies have been received by the SCQIC but not always within expected time frames, and quarterly reports were not sent in. The institutional physician has not been attending ICQI committee meetings and will need to become involved in 2003. Continuity and consistency of their ICQI program will be primary goals for 2003, as well as completing expected elements, e.g., quarterly reports.
5. NWCX completed all monthly studies and quarterly reports and submitted them to the SCQIC within expected time frames. This institution has been without a mid-level provider for many months and has had changes in its institutional physician. Therefore, this committee has not had consistent physician involvement. Once it gets a permanent institutional physician, he/she will need to be involved in the ICQI program.
6. STSRFC completed all monthly studies and quarterly reports and submitted most of them to the SCQIC within expected time frames (the third and fourth quarter reports were sent past the due dates). The ICQIC frequently must do direct patient care, along with multiple other duties, and this interferes with maintaining timeliness of the CQI program, but this institution has done well for the most part. The institutional physician has not been attending the ICQI committee meetings and will need to begin attending.
7. TPW submitted monthly studies, quarterly reports, and minutes through November 2002 but did not submit December's study or minutes and only three of six expected fourth quarter reports. This institution has had multiple staff changes. The institutional physician attended several of the ICQI committee meetings, but several meetings did not have a physician to participate in them as the institution did not have a permanent physician. The primary goal for TPW in 2003 is to maintain its ICQI program as required; hopefully, stable staff will help this process.
8. WCBC completed all monthly studies and quarterly reports and submitted them to the SCQIC within expected time frames. The institutional physician usually did not attend the ICQI committee meetings and will need to begin doing so.