

DATE OF REPORT	OUT-STANDING ISSUE Y/N	Monitoring Instrument	ITEM NO.	NON-COMPLIANCE ISSUE	CONTRACTOR RESPONSE/DATE/ CORRECTIVE ACTION TAKEN	COMMENTS/NOTES	DATE/METHOD OF CONFIRMATION BY MONITOR
9/24/03	Yes	Visitation	7b(1)	9 inmate had visits denied or terminated but the reports were not simultaneously forwarded to the Contract Monitor	Warden's 10/12/03 response indicates that all past/previous suspension documents have been forwarded to the Contract Monitor, as of October 3, 2003 and future daily documentation will be forwarded as required.		Verified 10/29/03: Reports forwarded to monitor.
9/24/03	Yes	Visitation	7c	In cases where the warden provided written notice to the inmate and visitor that privileges had been suspended the reports were not forwarded to the contract monitor.	Same as above.		Same as above.
10/7/03	Yes	Transfer of Inmates	NA	Protective custody inmate transferred to another facility on chain bus without special transfer consideration.	Warden's response, dated 10/14/03, indicates that training was conducted with records staff and that there would be continued monitoring of this area in the future.		Verified 2/11/04 by monitoring chain schedule and roster.
10/8/03	Yes	Inmate Personal Property	4a	Inmate temporarily sent to SPND became permanently assigned there, WCFA didn't store property, no record of property sent to SPND or placed in storage at WCFA.	Warden's response 10/30/03: No documentation of property inventoried or removed from housing unit upon transfer. Personnel deemed responsible have received documented counseling.	New non-compliance report issued on same item. See 12/15/03 item below.	
10/21/03	Yes	Security and Control - Searches	6	Cell search requests not conducted according to TOMIS LIBR.	Warden's response 10/30/03: A/W has developed a calendar to help track and monitor cell search requests and follow-ups.		
10/22/03	Yes	Inmate Orientation	1a	10 of 21 inmates checked signed Orientation Acknowledgement form CR 2110 but didn't check appropriate orientation procedures; 3 had no checklist in file.	Warden's 11/6/03 response indicates that pre-printed packets with pre-marked CR-2110 forms indicate appropriate orientation, however there have been some blank forms in some packets.		
10/22/03	Yes	Inmate Orientation	2a	Segregation files containing orientation information were not present for review.	Warden's response, dated 11/6/03, indicates that a search was done and the missing information was found.		
10/28/03	Yes	Inmate Personal Property	5a	Inmate present in a property room. This post is restricted to staff only.	Warden's 11/12/03 response concurs and indicates that the property room supervisor has been reassigned and training regarding proper security procedures has been conducted.		Verified 1/8/04 by re-inspection

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10/28/03	Yes	Disciplinary Procedures	4a(5)	Inmate segregated and released after 72 hours without being served a formal disciplinary.	Warden's response dated 11/14/03 states: "Inmate...was placed in segregation on another charge, with some confusion as to when he should have actually been released from segregation. The inmate requested protective custody, and when denied, refused to move to his assigned cell. On duty supervisors did not release the inmate, and failed to charge him with refusal of cell assignment. Asst. Chief was assigned the responsibility of the Segregation Unit effective 11-03-03, and will monitor future operational issues to ensure continued compliance."	Non-compliance reports issued on same item (items dated 11/19/03, 12/30/03, 11/25/03 below).	Verified 2/10/04 by reinspection of Warden's, incidents and disciplinary reports.
11/6/03	Yes	Release payments	2b	Inmates released on expiration of sentence didn't receive proper release monies.	Warden's response, dated 12/11/03, indicates that Records staff had been operating on misunderstood information received at TDOC Tullahoma training, and that now procedures are performed in accordance with TDOC Policy 511.03.		Verified 1/5/04: Records clerk forwards e-mail, inmate name and amount of release monies if eligible.
11/10/03	Yes	CCA Policy 9-121	N/A	Inmate work crew (outside perimeter) not signed out properly.	Warden's response, dated 12/29/03, states: "Assistant Chief...and Executive Assistant... have conducted specific site training to reemphasized policy requirements for both Sallyport staff and Inmate Crew supervisors in an effort to maintain future compliance."		Verified 1/21/04 by reinspection of gate passes and sallyport documentation.
11/12/03	Yes	Classification	1a(2)(c)	Inmate scored for detained/warrant inaccurately, TOMIS LSTS doesn't show detainer	Warden's response, dated 12/11/03, states: "Do not Concur...inmate had been inaccurately scored at his initial (12/10/02) Classification Hearing (at BCMX), with +5 points for a "Current Detainer/Charge Pending" assessed..." and indicates that the reclass done at WCFA was to correct the problem.	<b>Central Office monitor's note:</b> If Dir. of Classification agrees that WCFA acted correctly in correcting mistake made by other institution, this should not be a non-compliance issue.	
11/12/03	Yes	Staffing	11a	12 security positions vacant over 30 days.	11/20/03 response indicates that vacancies are a result of 3 dozen recent terminations of poorly performing staff, as the Warden indicates he has discussed with TDOC representatives. Efforts to fill positions include posting vacancies, job fairs, media ads, assignment of full-time recruiter. Duties are being covered via overtime.	Non-compliance report issued 12/9/03, 1/6/04 and 2/11/04 for same item (see below).	

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11/19/03	Yes	Disciplinary Procedures	4a(5)	Inmate segregated 11/14/03 was not served with disciplinary report until 11/17/03.	Warden's response, dated 12/12/03, states: "The "Out-to-Court" situation interrupting both the Pending Investigation and subsequent Assault disciplinary were outside routine policy guidance. Misinterpretation of policy, coupled with administrative error(s), compounded the issue. AW Gunn and his staff will continually monitor to ensure future compliance."	Non-compliance report issued on same item 11/25 (see below).	Verified 2/9/04 by reviewing warden's reports and segregation documentation.
11/19/03	Yes	Disciplinary Procedures	4a(6)	Inmate was segregated 11/14/03 without prior approval from CD.	Same as above.		Same as above.
11/25/03	Yes	Disciplinary Procedures	4a(5)	Five inmates released from segregation after 72 hours without being served disciplinary.	Warden's response, dated 12/11/03, states: "On the dates in question, the TOMIS terminals at WCF were inoperable for approximately 48 hours. Thus staff were unable to print/produce copies of the aforementioned reports to serve. However, staff did not utilize the system developed in order to alleviate problems of this nature. The staff members who failed to serve the reports have received corrective action. A procedure has been developed in order to prevent recurrences of this type. The procedure will be reviewed in In service training currently scheduled 12/10/03, documentation will be provided."		Verified 2/9/04 by reviewing warden's reports and segregation documentation.
12/9/03	Yes	Staffing	11a	11 vacant security positions not filled within 30 days.	Warden's response, dated 12/11/03, states: "...Overtime is utilized as necessary to cover staff shortages and/or provide additional staffing where needed..." and indicates that many efforts are ongoing to fill positions.	Non-compliance report issued for same item 1/6/04 (see below).	
12/15/03	Yes	Inmate Personal Property	1d	Inmate received package that contained non-consumable items; none of the items was entered on TOMIS LIBN.	Warden's response, dated 1/13/04, states: "...This matter has since been corrected. In addition, staffing changes have taken place in the property room due to errors of this nature."		
12/15/03	Yes	Inmate Personal Property	1e	Same incident as above: no CR-1412 Storage Request form was completed for cooler inmate was not allowed to have in segregation that was placed in storage.	Warden's response, dated 1/13/04, states: "The item is now entered on TOMIS LIBN. Segregation staff did not obtain clarification for proper issue of the item. The segregation staff in question has worked segregation previously and was not in the habit of issuing this type of item. This matter has since been corrected. A new allowable items list for the segregation unit will be submitted to the Warden for review and approval."		

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12/15/03	Yes	Inmate Personal Property	1f	Same incident as above: Inmate wasn't given a copy of a CR 1412.	Warden's response, dated 1/13/04, states: "Policy indicates that the inmate will be provided a copy of said document when possible. If not possible, the CR1412 will be placed in the inmate's property file. This error has been corrected. The 1412 was placed in the inmate's property file."		
12/15/03	Yes	Inmate Personal Property	2	Same incident as above: The stored property did not have a CR-1413 property tag when viewed by monitor. Furthermore, the inmate did not receive an 8" fan that was on the package inventory but was not entered on TOMIS LIBN or placed in storage with a CR 1412/1413.	Warden's response, dated 1/13/04, states: "The CR1413 was not present at the time of observation, as the Segregation staff had just recently brought the items into the property room. This is the occurrence in which some items were issued to the inmate and then removed from his possession. This matter has since been corrected."		
12/15/03	Yes	Inmate Personal Property	4a	On 11/14 and 12/8 3 inmates were transferred to other facilities without all of their personal property.	Warden's response, dated 1/13/04, states: "Per TDOC Policy 504.01 " items in possession of an inmate shall not occupy more than six cubic feet. This size shall be used for cell or room searches and transportation requirements." In an effort to adhere to TDOC Policies, property room staff allowed only the six cubic feet of property for transport purposes. The inmates were permitted the option of mailing the items out or donating said items. Again, per policy 504.01 and specific directives from the warden, no more than six cubic feet of property will be transferred with the inmates (except televisions, fans etc). However, at the direction of the contract monitor the property room staff did forward the excess property items."		
12/19/03	Yes	Special Management inmates	2a	From a random selection of segregation files for protective custody inmates, 2 movement/confinement checklists were not signed by the CD and the file containing the checklist for 1 inmate could not be located.	Warden's response dated 1/14/04: The system that was in place devised to appropriately initiate, maintain and/or purge Protective Custody files proved inadequate. The time and date of the Commissioner's Designee notification and verbal approval was documented on the Movement/Confinement Routing Sheet(s), however, the counselor failed to obtain the required signatures. The three (3) files referenced above have been corrected and forwarded to the Liaison for review and signature.		Verified 1/21/04, the misplaced documentation was provided for review, CD signed and approved.

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12/30/03	Yes	Disciplinary Procedures	4a(2)	1 disciplinary hearing was continued without documentation of reason on continuance form or hearing summary; additionally, 4 inmates did not receive copies of disciplinary hearing documents.	Warden's response, dated 1/9/04, indicates that the failure to properly document, or distribute documentation, resulted from misinterpretation by staff of memo from Chairman; clarification memo issued 1/5/04.		Verified 1/12/04: reviewed disciplinary procedures and memo from Hearing officer.
12/31/03	Yes	Use of Force	N/A	A Senior Correctional Officer used unnecessary force to secure an inmate in a segregation cell. The inmate was being escorted from D-Board in restraints. The findings of CCA 5-1A report #03-0118-185-IV concluded that the Senior use improper force and was suspended for 2 days.	Wardens response, dated 1/6/04, states: "As noted in the report of finding above the facility investigated and took immediate corrective action. While use of force was relatively speaking very minor and involved only a push, the employee was disciplined and a 2-day suspension issued. While the employee violated policy, I personally feel that this should not have been a contract non-compliance issue. It was rather an individual employee act that CCA on it's own addressed and was immediately reported to the monitor."		Verified 2/9/04 by reviewing Warden's, incident, disciplinary reports, and segregation documentation.
1/6/04	No	Staffing	11a	11 security position vacancies were not filled within 30 days.	Warden's response, dated 1/8/04, indicates that many efforts are ongoing to fill vacant positions, and states: "...all required positions that are vacant are manned on a daily basis by utilizing overtime. Copies of daily staffing rosters are provided that shows the manning of all mandatory post assignments."	Non- Compliance report issued for same item 2/11/04(see below).	
1/30/04	No	Inmate Trust Fund	3a-e	Institution has not prepared quarterly reports concerning "earned interest" account, was not aware of the account or policy requirement.			
2/11/04	No	Staffing	11a	8 security positions were not filled within 30 days.			
2/11/04	No	Staffing	11b	1 non-security position was not filled within 45 days.			

WCFA SUMMARY OF NON-COMPLIANCE NOTIFICATIONS FOR FEBRUARY 2004

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10/8/03	Yes	Inmate Personal Property	4a	Inmate temporarily sent to SPND became permanently assigned there, WCFA didn't store property, no record of property sent to SPND or placed in storage at WCFA.	Warden's response 10/30/03: No documentation of property inventoried or removed from housing unit upon transfer. Personnel deemed responsible have received documented counseling.		Verified 2/12/04 by re-inspection of inmate transferred to SPND and inmate personal property.
10/21/03	Yes	Security and Control - Searches	6	Cell search requests not conducted according to TOMIS LIBR.	Warden's response 10/30/03: A/W has developed a calendar to help track and monitor cell search requests and follow-ups.		
10/22/03	Yes	Inmate Orientation	1a	10 of 21 inmates checked signed Orientation Acknowledgement form CR-2110 but didn't check appropriate orientation procedures; 3 had no checklist in file.	Warden's 11/6/03 response indicates that pre-printed packets with pre-marked CR-2110 forms indicate appropriate orientation, however there have been some blank forms in some packets.		
10/22/03	Yes	Inmate Orientation	2a	Segregation files containing orientation information were not present for review.	Warden's response, dated 11/6/03, indicates that a search was done and the missing information was found.		
11/12/03	Yes	Classification	1a(2)(c)	Inmate scored for detained/warrant inaccurately, TOMIS LSTS doesn't show detainer	Warden's response, dated 12/11/03, states: "Do not Concur...inmate had been inaccurately scored at his initial (12/10/02) Classification Hearing (at BCMX), with +5 points for a "Current Detainer/Charge Pending" assessed..." and indicates that the reclass done at WCFA was to correct the problem.	4/24/04: Determined by Deputy Comm. not to be in non-compliance. Non-compliance indication removed from Recurring Non-Compliance Issues report.	
11/12/03	Yes	Staffing	11a	12 security positions vacant over 30 days.	Warden's response dated 11/20/03: indicates that vacancies are a result of 3 dozen recent terminations of poorly performing staff, as the Warden indicates he has discussed with TDOC representatives. Efforts to fill positions include posting vacancies, job fairs, media ads, assignment of full-time recruiter. Duties are being covered via overtime.	4/24/04: Deputy Comm. notes that Warden has not requested Temporary Exemption/Waiver Due to Extreme Circumstances. NOTE: See item dated 2/10/04 below.	Non-compliance report issued 12/9/03, 1/6/04, 2/11/04 and 3/11/04 for same item (see below).
12/9/03	Yes	Staffing	11a	11 vacant security positions not filled within 30 days.	Warden's response, dated 12/11/03, states: "...Overtime is utilized as necessary to cover staff shortages and/or provide additional staffing where needed..." and indicates that many efforts are ongoing to fill positions.		Non-compliance report issued for same item 1/6/04, 2/11/04 and 3/11/04 (see below).

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12/15/03	Yes	Inmate Personal Property	1d	Inmate received package that contained non-consumable items; none of the items was entered on TOMIS LIBN.	Warden's response, dated 1/13/04, states: "...This matter has since been corrected. In addition, staffing changes have taken place in the property room due to errors of this nature."		Verified 2/12/04 by re-inspection of inmate packages and inmate personal property.
12/15/03	Yes	Inmate Personal Property	1e	Same incident as above: no CR-1412 Storage Request form was completed for cooler inmate was not allowed to have in segregation that was placed in storage.	Warden's response, dated 1/13/04, states: "The item is now entered on TOMIS LIBN. Segregation staff did not obtain clarification for proper issue of the item. The segregation staff in question has worked segregation previously and was not in the habit of issuing this type of item. This matter has since been corrected. A new allowable items list for the segregation unit will be submitted to the Warden for review and approval."		Verified 2/12/04
12/15/03	Yes	Inmate Personal Property	1f	Same incident as above: Inmate wasn't given a copy of a CR 1412.	Warden's response, dated 1/13/04, states: "Policy indicates that the inmate will be provided a copy of said document when possible. If not possible, the CR1412 will be placed in the inmate's property file. This error has been corrected. The 1412 was placed in the inmate's property file."		Verified 2/12/04
12/15/03	Yes	Inmate Personal Property	2	Same incident as above: The stored property did not have a CR-1413 property tag when viewed by monitor. Furthermore, the inmate did not receive an 8" fan that was on the package inventory but was not entered on TOMIS LIBN or placed in storage with a CR 1412/1413.	Warden's response, dated 1/13/04, states: "The CR1413 was not present at the time of observation, as the Segregation staff had just recently brought the items into the property room. This is the occurrence in which some items were issued to the inmate and then removed from his possession. This matter has since been corrected."		Verified 2/12/04

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12/15/03	Yes	Inmate Personal Property	4a	On 11/14 and 12/8 3 inmates were transferred to other facilities without all of their personal property.	Warden's response, dated 1/13/04, states: "Per TDOC Policy 504.01 " items in possession of an inmate shall not occupy more than six cubic feet. This size shall be used for cell or room searches and transportation requirements." In an effort to adhere to TDOC Policies, property room staff allowed only the six cubic feet of property for transport purposes. The inmates were permitted the option of mailing the items out or donating said items. Again, per policy 504.01 and specific directives from the warden, no more than six cubic feet of property will be transferred with the inmates (except televisions, fans etc). However, at the direction of the contract monitor the property room staff did forward the excess property items."	<b>4/24/04: Deputy Comm. requests that contract monitor advise in writing if monitor requested contractor to disregard policy in this instance.</b>	<b>Verified 2/12/04</b>
12/31/03	Yes	Use of Force	N/A	A Senior Correctional Officer used unnecessary force to secure an inmate in a segregation cell. The inmate was being escorted from D-Board in restraints. The findings of CCA 5-1A report #03-0118-185-IV concluded that the Senior use improper force and was suspended for 2 days.	Wardens response, dated 1/6/04, states: "As noted in the report of finding above the facility investigated and took immediate corrective action. While use of force was relatively speaking very minor and involved only a push, the employee was disciplined and a 2-day suspension issued. While the employee violated policy, I personally feel that this should not have been a contract non-compliance issue. It was rather an individual employee act that CCA on it's own addressed and was immediately reported to the monitor."	<b>4/24/04: Determined by Deputy Comm. not to be a non-compliance issue. Institution investigated, reported, and took corrective action concerning this incident. Finding to be deleted.</b>	<b>Verified 2/9/04 by reviewing Warden's, incident, disciplinary reports, and segregation documentation.</b>
1/6/04	Yes	Staffing	11a	11 security position vacancies were not filled within 30 days.	Warden's response, dated 1/8/04, indicates that many efforts are ongoing to fill vacant positions, and states: "...all required positions that are vacant are manned on a daily basis by utilizing overtime. Copies of daily staffing rosters are provided that shows the manning of all mandatory post assignments."	<b>See Deputy Comm. note on same item dated 11/12/03 above, and 2/10/04 below.</b>	Non-compliance report issued for same item 2/11/04 and 3/11/04 (see below).

WCFA SUMMARY OF NON-COMPLIANCE NOTIFICATIONS FOR FEBRUARY 2004

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1/22/04	Yes	Inmate Access to Courts	6	Specific services by contract attorney not posted in units.	Warden's response, dated 3/17/04, indicates that the list had been posted, but was removed by inmates. It has been replaced.		
1/30/04	Yes	Inmate Trust Fund	3a-e	Institution has not prepared quarterly reports concerning "earned interest" account, was not aware of the account or policy requirement.	Warden's response dated 2/18/04. A Trust Fund interest report was provided to the Contract Monitor dated 1/26/04 with all necessary information by the fiscal officer. The report will be maintained for audit and historical reference.		Verified 2/18/04 by documentation of trust fund interest report.
2/10/04	Yes	Staffing	11a	8 security positions were not filled within 30 days.		See Deputy Comm. note on same item dated 11/12/03, above. Determined to be recurring non-compliance issue due to 3 or more findings of non-compliance in 12 month period ( instruments for 7/03, 10/03, 11/03, 12/03, 1/04). Notice of Breach, Cure Period, and Assessment of Liquidated Damages letter to be issued concerning this item.	
2/10/04	Yes	Staffing	11b	1 non-security position was not filled within 45 days.			
2/12/04	No	Special Management Inmates	2a	Inmate was placed in segregation pending a protective custody hearing without the Commissioner's Designee's signature.			
2/12/04	No	Special Management Inmates	2c(2)	The Commissioner's Designee did not approve the recommended action of the protective custody board.			
2/18/04	No	Policies and Procedures	1b	9 posts and their post orders were overdue for annual review by the Warden.			
2/20/04	No	Inmate Commissary	3	9 items on commissary order form were not accurately priced.			

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2/25/04	No	Disciplinary Procedures	4a(5)	Inmate was segregated pending hearing. Staff failed to enter formal disciplinary report on TOMIS or serve report to the inmate. Although the inmate was released before the 72-hour time limit for conducting a hearing, this is at least the 6th time that a non-compliance report has been issued for the same/similar problem (ref. non-compliance reports dated 7/10/03, 7/18/03, 8/12/03, 8/19/03 and 11/25/03).			
2/25/04	No	Drug Testing	1c	According to TOMIS LIBS a reasonable suspicion drug test was not done. There is no documentation of who requested the test nor of the Warden or designee approving the test.			
2/25/04	No	Drug Testing	2c(1)	Inmate was drug tested and a positive field test was sent to the designated lab for confirmation. It was discovered inmate had failed to complete the chain of custody properly, all required signatures were not present even through a positive test result was returned from Lab.			
2/25/04	No	Drug Testing	2c(6)	Drug testing procedures chain of custody not properly completed before being sent to designed lab: Lab returned a positive test result sans inmate's required signature.			
2/26/04	No	Classification Procedures	1a(3)	Checked 25 inmate classifications for past 6 months, Commissioner's designee hadn't approved a custody change for 1 inmate.			
2/26/04	No	Classification Procedures	1d(1)	8 minimum direct inmate records checked, there wasn't a signed Assignment of Responsibility present in 1 record.			

WCFA SUMMARY OF NON-COMPLIANCE NOTIFICATIONS FOR FEBRUARY 2004

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3/11/04	No	Staffing	11a	2 security positions not filled within 30 days.			

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10/21/03	Yes	Security and Control - Searches	6	Cell search requests not conducted according to TOMIS LIBR.	Warden's response dated 10/30/03: A/W has developed a calendar to help track and monitor cell search requests and follow-ups.		<b>Verified 3/29/04</b> by re-inspection of documentation, calendar and TOMIS reports.
10/22/03	Yes	Inmate Orientation	1a	10 of 21 inmates checked signed Orientation Acknowledgement form CR-2110 but didn't check appropriate orientation procedures; 3 had no checklist in file.	Warden's response dated 11/6/03: indicates that pre-printed packets with pre-marked CR-2110 forms indicate appropriate orientation, however there have been some blank forms in some packets.		<b>Verified 3/25/04</b> by re-inspection of random selection of inmate files.
10/22/03	Yes	Inmate Orientation	2a	Segregation files containing orientation information were not present for review.	Warden's response dated 11/6/03: Indicates that a search was done and the missing information was found.		<b>Verified 11/20/03</b> by reviewing recovered file and 3/25/04 by reviewing sample of other IIRs..
11/12/03	Yes	Staffing	11a	12 security positions vacant over 30 days.	Warden's response dated 11/20/03: indicates that vacancies are a result of 3 dozen recent terminations of poorly performing staff, as the Warden indicates he has discussed with TDOC representatives. Efforts to fill positions include posting vacancies, job fairs, media ads, assignment of full-time recruiter. Duties are being covered via overtime.	<b>4/24/04: Deputy Comm. notes that Warden has not requested Temporary Exemption/Waiver Due to Extreme Circumstances. NOTE: See item dated 2/10/04 below.</b>	Non-compliance report issued 12/9/03, 1/6/04, 2/10/04, 3/11/04, and 4/13/04 for same item (see below).
12/9/03	Yes	Staffing	11a	11 vacant security positions not filled within 30 days.	Warden's response, dated 12/11/03, states: "...Overtime is utilized as necessary to cover staff shortages and/or provide additional staffing where needed..." and indicates that many efforts are ongoing to fill positions.	<b>See Deputy Comm. comments on same items dated 11/12/03 and 2/10/04.</b>	Non-compliance report issued for same item 1/6/04, 2/10/04 and 3/11/04 (see below).
12/15/03	Yes	Inmate Personal Property	4a	On 11/14 and 12/8 3 inmates were transferred to other facilities without all of their personal property.	Warden's response, dated 1/13/04, states: "Per TDOC Policy 504.01 " items in possession of an inmate shall not occupy more than six cubic feet. This size shall be used for cell or room searches and transportation requirements." In an effort to adhere to TDOC Policies, property room staff allowed only the six cubic feet of property for transport purposes. The inmates were permitted the option of mailing the items out or donating said items. Again, per policy 504.01 and specific directives from the warden, no more than six cubic feet of property will be transferred with the inmates (except televisions, fans etc). However, at the direction of the contract monitor the property room staff did forward the excess property items."	<b>4/24/04: Deputy Comm. requests that contract monitor advise in writing regarding Warden's note that monitor requested contractor to disregard policy in this instance.</b>	<b>Verified 2/12/04</b>

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1/6/04	Yes	Staffing	11a	11 security position vacancies were not filled within 30 days.	Warden's response, dated 1/8/04, indicates that many efforts are ongoing to fill vacant positions, and states: "...all required positions that are vacant are manned on a daily basis by utilizing overtime. Copies of daily staffing rosters are provided that shows the manning of all mandatory post assignments."	<b>See Deputy Comm. comments on same items dated 11/12/03 and 2/10/04.</b>	Subsequent non-compliance reports issued for same item 2/10/04 and 3/11/04 (see below).
1/22/04	Yes	Inmate Access to Courts	6	Specific services by contract attorney not posted in units.	Warden's response, dated 3/17/04: Indicates that the list had been posted, but was removed by inmates. It has been replaced.		Verified 3/21/04 by inspection of unit pod bulletin boards.
2/10/04	Yes	Staffing	11a	8 security positions were not filled within 30 days.	Warden's response dated 3/17/04: "With a full time Recruiter employed. (31) new Correctional Officers are to begin training on March 15th; and (9) will graduates the same day. In addition, we have also temporarily lost staff to the National Guard in support of the war."	<b>4/24/04: Determined to be recurring non-compliance issue due to 3 or more findings of non-compliance in 12 month period ( instruments for 7/03, 10/03, 11/03, 12/03, 1/04). Notice of Breach, Cure Period, and Assessment of Liquidated Damages letter to be issued concerning this item. Also, see Deputy Comm. note on same item dated 11/12/03, above.</b>	Non-compliance reports issued 11/12/03, 12/9/03, 1/6/04, 2/11/04, 3/11/04, and 4/13/04 for same item (see above and below).
2/10/04	Yes	Staffing	11b	1 non-security position was not filled within 45 days.	Same as above	<b>See comments on same item dated 4/13/04 below.</b>	Verified 3/11/04 by re-inspection of 2/04 staffing legend, however, item found in non-compliance again 4/13/04 (see below).

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2/12/04	Yes	Special Management Inmates	2a	Inmate was placed in segregation pending a protective custody hearing without the Commissioner's Designee's signature.	Warden's response dated 3/18/04 indicates that proper signatures were subsequently obtained. All parties have been informed; management will closely monitor future instances to maintain compliance.	<b><u>5/11/04: Deputy Comm. Determined that Notice of Breach, Cure Period, and Assessment of Liquidated Damages letter to be issued concerning this item.</u></b> <b>5/7/04 DCCO CM note: Item has become recurring non-compliance issue due to 3 or more findings of non-compliance in 12 month period (instruments for 7-9/03, 10-12/03, 1-3/04).</b>	Verified 3/4/04 by review of segregation files and TOMIS reports.
2/12/04	Yes	Special Management Inmates	2c(2)	The Commissioner's Designee did not approve the recommended action of the protective custody board.	Warden's response dated 3/18/04 states: "A miscommunication occurred whereas the form was misread when interpreting approval/disapproval information between the Commissioner's Designee and the Warden's input... All parties have been informed; management will closely monitor future instances to maintain compliance."		Verified 3/4/04 by review of segregation files and TOMIS reports.
2/18/04	Yes	Policies and Procedures	1b	9 posts and their post orders were overdue for annual review by the Warden.	Warden's response dated 3/18/04 states: "All Post Orders have been reviewed for 2003; COS Pritchard checked each post and ensured that all manuals were updated with current copy. Additionally, Warden Dotson has initiated the 2004 Annual Post Order Review process effective 3/17/04 to be completed not later than 4/30/04. Any and all revisions will be approved by TDOC prior to implementation. In the investigation of why this occurred it was discovered that the QA office had failed to distribute the 2003 Post Orders as required after completion of the review process. Corrective action was planned for this, however, the QA Manager has resigned."		
2/20/04	Yes	Inmate Commissary	3	9 items on commissary order form were not accurately priced.	Warden's response dated 3/17/04 states: "All obsolete order forms have been destroyed and the revised form is now being issued to inmates. Going forward, WCF will comply with policy by issuing an updated commissary order form at the same time that approved price changes are incorporated in TOMIS."		Verified 3/19/04 by random price check of commissary order form and item cost list.

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2/25/04	Yes	Disciplinary Procedures	4a(5)	Inmate was segregated pending hearing. Staff failed to enter formal disciplinary report on TOMIS or serve report to the inmate. Although the inmate was released before the 72-hour time limit for conducting a hearing, this is at least the 6th time that a non-compliance report has been issued for the same/similar problem (ref. non-compliance reports dated 7/10/03, 7/18/03, 8/12/03, 8/19/03 and 11/25/03).	Warden's response dated 3/18/04 states: "Inmate was placed into segregation 2/22/04 and it was discovered by staff on 2/24/04 that the inmate had not been issued a disciplinary. Procedures and checklists are in place to ensure compliance, however, simply were not followed in this instance by [a] Capt., Lt., and Sgt. Problem Solving Notices have been placed in each personnel file.	<b>5/11/04: Deputy Comm. Determined that Notice of Breach, Cure Period, and Assessment of Liquidated Damages letter to be issued concerning this item. 5/7/04 DCCO CM note: Item has become a recurring non-compliance issue due to 3 or more findings of non-compliance in 12 month period (instruments for 7-9/03, 10-12/03, 1-3/04).</b>	Warden's previous responses include: "Misinterpretation of policy", "administrative error(s)", "TOMIS terminals inoperable", "staff didn't utilize the system developed". The Warden has developed procedures in order to prevent recurrences, taken corrective action against staff and implemented new training procedures which have not alleviated this area of non-compliance.
2/25/04	Yes	Drug Testing	1c	Inmate was drug tested for reasonable suspicion, according to TOMIS LIBS no entry of the test was done for reasonable suspicion. There is no documentation of who requested the test and of the Warden or designee approving the test.	Warden's response dated 4/12/04 states: "Responsible suspicion drug testing is approved by the Assistant Chief of Security and above per designation of the Warden. These approvals are documented in the Reasonable Suspicion Log Book and annotated as such. This documentation failed to occur in this instance. Appropriate disciplinary action has been taken."		Verified 3/8/04 by re-inspection of drug testing records and documentation.
2/25/04	Yes	Drug Testing	2c(1)	Inmate was drug tested and a positive field test was sent to the designated lab for confirmation. It was discovered inmate had failed to complete the chain of custody properly, all required signatures were not present even through a positive test result was returned from Lab.	Warden's response dated 4/12/04 states: "...it was found that the chain of custody was not properly completed. The employee responsible for completing the chain of custody has since been terminated for not completing job duties as required."		Same as above.
2/25/04	Yes	Drug Testing	2c(6)	Drug testing procedures chain of custody not properly completed before being sent to designed lab: Lab returned a positive test result sans inmate's required signature.	Warden's response dated 4/12/04 indicates that since the non-compliance report was issued the officer has received the proper training.		Non-compliance report issued 3/8/04 for same item.
2/26/04	Yes	Classification Procedures	1a(3)	Checked 25 inmate classifications for past 6 months, Commissioner's designee hadn't approved a custody change for 1 inmate.	Wardens response dated 3/17/04 indicates that the reclass was signed by Commissioner's Designee 3/4/04.		Verified 3/17/04 by review of inmates' institutional file.
2/26/04	Yes	Classification Procedures	1d(1)	8 minimum direct inmate records checked, there wasn't a signed Assignment of Responsibility present in 1 record.	Warden's response dated 3/17/04 indicates that the inmate assignment of responsibility form is now in the institutional file (it previously was with the reclass at the time it was to be filed).		Same as above.

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3/4/04	No	Vocational Academic	2c(4)	Principle's personnel files do not have current teacher's license or waiver for 2 Academic instructor's.	Warden's response dated 3/18/04 indicates: One Academic Instructor's application for alternative licensure was submitted via TDOC's education department to the Tennessee Department of Education in August 2003. She received notification from the Tennessee Department of Education in December 2003 that additional information was needed. This information was submitted in February 2004. We are currently awaiting the processing of the application from the Tennessee Department of Education. She is not assigned to teach academic classes at this time and is being used to deliver the Life Skills program at the facility. The other Academic Instructor's application for licensure was submitted via TDOC education department to the Tennessee Department of Education in September 2003. She	<u>5/11/04: Deputy Comm. requests Contract Monitor to review issue by May 30, 2004, and advise Deputy Comm. re: compliance status.</u>	
3/4/04	No	Vocational Academic	3	Two academic instructor's do not have required proof of teacher's licensure or waiver on file.	received notification from the Tennessee Department of Education in December 2003 that additional coursework would be required prior to licensure, and is currently enrolled in those classes at Freed Hardeman University. The licensure office at Freed Hardeman has indicated that her coursework will be completed in April 2003. The licensure office at Freed Hardeman has also indicated that they will provide the necessary information for licensure to the Tennessee Department of Education dependent upon her successful completion of these classes. She is not assigned to teach an academic class at this time and is being utilized as a substitute teacher. The status of both instructors will be reviewed no later than May 15, 2004, in order to determine their continued employment status.	<u>5/11/04: Deputy Comm. requests Contract Monitor to review issue by May 30, 2004, and advise Deputy Comm. re: compliance status.</u>	

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3/4/04	No	Vocational Academic	2c(6)	The annual report to the Warden and Education Director could not be provided.	Warden's response dated 3/18/04 indicates that the principle did not complete the annual report to the warden and education director because TDOC inmates had not been assigned to classes for a sufficient amount of time to complete this report in July 2003. He will be instructed to complete this report with a completion date of March 19, 2004 for this task. Copies will be provided to the contract monitor upon completion.		
3/8/04	No	Inmate Drug Testing	2c(6)	Untrained staff have conducted field drug testing, however, no documentation of training in their files.	Wardens response dated 4/6/04 indicates that the 2 staff have received training, and that documentation is now in their training files.		
3/8/04	No	Inmate Drug Testing	2e	5 inmates had positive lab results that did not result in a disciplinary report issuance.	Warden's response dated 4/6/04 indicates that the officer was aware of policy requirements and failed to complete appropriate entries; the received disciplinary action and her employment terminated.		
3/8/04	No	Inmate Drug Testing	6a	4 inmates were reclassified and transferred to MTCX annex for pre-release without prior drug tests.	Warden's response dated 4/6/04 states: "An administrative error was made, however, effective immediately the records department will e-mail the drug testing department to ensure notification is made. The drug testing department will file all incoming e-mails to ensure compliance."		
3/11/04	Yes	Staffing	11a	2 security positions not filled within 30 days.	Warden's response dated 4/6/04 states: "The Warden and Executive Team continue to keep both retention and quality recruitment a high priority. We continually advertise in local media, and maintain a close relationship with the State Employment Office. A new training Pre-Service class is scheduled for 4/19/04 and hopefully will provide staffing exceeding current requirements."	<b>5/11/04: included in Notice. See comments on same item dated 2/10/04 and 11/12/03, above.</b>	Non-compliance reports issued 11/12/03, 12/9/03, 1/6/04, 2/11/04, 3/11/04, and 4/13/04 for same item (see above and below).
3/21/04	No	Security and Control - Counts	6	During 4:30 AM count, cell doors were discovered open (unlocked) with inmates present inside during count. The floor officer was not present during this inspection.	Warden's response dated 4/7/04 states: "Policy and procedures are in place to educate staff in proper count procedures. These procedures were not followed, and Problem Solving Notices were issued on those officers assigned. Additionally, the Chief of Security has scheduled a briefing 3/25/04 with all Shift Captains to reinforce these directives."		

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3/23/04	No	Visitation	8a	Inmate was found guilty of drugs possession and issued a 6-month visitation suspension. No documentation present in visitation file.	Warden's response dated 4/7/04 indicates that the appropriate notifications were made on TOMIS as per TDOC policy 507.01. That policy requires TOMIS LCD2 to reflect suspensions. In addition, policy 502.02 states similar language. Neither policy requires that disciplinary sanctions for drug screens be placed in the visitation file, only that entries be made on TOMIS.	<u>5/11/04: Deputy Comm. Requests Contract Monitor to verify finding based on Warden's response related to policy requirements.</u>	
3/23/04	No	Visitation	8b	TOMIS LCD2 visitor status entry does not reflect the suspension identified in item 8a, above.	Warden's response dated 4/7/04 indicates that no docket was received by Visitation from the DHO to indicate a disciplinary sanction. The DHO will in the future forward a copy of the docket to the visitation senior correctional officer as they are generated.		
3/23/04	No	Visitation	11a	Inmate had his visit terminated for misconduct. Warden issued a <b>non-contact</b> visit restriction. No documentation sent visitation supervisor or placed in visitation file.	The Warden's response, dated 4/7/04, states: "Documentation regarding the <b>suspension</b> of [the inmate's] visitor was forwarded to the visitation senior correctional officer. The visitation SCO did notate the restriction on TOMIS and placed a copy of the restriction document in the inmate's file on March 2, 2004. In addition to the letter, the postmarked envelope is also placed in the file on the day that the visitation senior receives it."	<b>5/13/04 DCCO CM note: Documentation sent to SCO and placed in file was for <b>suspension</b>, not <b>non-contact</b> visitation. (Emphasis added to "Issue" and "warden's response" columns for clarification.) SCO is Visitation Supervisor per staffing pattern; policy requires notification to Vis. Supv. and file of non-contact visit restrictions.</b>	

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3/23/04	No	Visitation	11b	TOMIS entry shows a visitor was <b>suspended</b> from visiting an inmate for 60 days. TOMIS should reflect restricted to non-contact.	Warden's response dated 4/7/04 states: "The visitor for [the inmate] was incorrectly suspended. The correct revision for <b>non-contact</b> status has been made. To prevent future reoccurrences, only the visitation senior correctional officer will input this data into TOMIS.		
3/24/04	No	Inmate Jobs	12	Inmates with a disciplinary dismissal are being listed and restricted from any job register for 90 days, not just registers for the same or higher pay level.	Warden's response dated 4/7/04 states: ": It was a misunderstanding of policy that all inmates that have received a Class A disciplinary were to be removed from all job registers and current job assignments, not being allowed another job for 90 days. As of 4/08/04 this has been corrected."		
3/24/04	No	Inmate Jobs	15	Of the 5 job assessments required monthly, only 2 were completed and entered on TOMIS LJEF.	Warden's response dated 4/7/04 states: "Three of the five February Job Audits were not entered on TOMIS/LJEF. TOMIS LJEF will not accept Education Classes (ABE, etc.). The Jobs Coordinator has been instructed that to comply with the Policy requirement, 5 job class audits will be conducted over-and-above any audits conducted on Educational job positions."		During monitoring the Jobs Coordinator said she hadn't done the job audit on TOMIS.
4/13/04	No	Staffing	11a	12 security positions not filled within 30 days. Non-compliance report issued 4/13/04.		<b>See comments on same item dated 2/10/04 and 11/12/03, above.</b>	Non-compliance report issued 11/12/03, 12/9/03, 1/6/04, 2/11/04, 3/11/04, and 4/13/04 for same item (see above).
4/13/04	No	Staffing	11b	1 non-security position not filled within 45 days.		<b>5/11/04: Deputy Comm. Determined that <u>Notice of Breach, Cure Period, and Assessment of Liquidated Damages</u> letter to be issued concerning this item. 5/7/04 DCCO CM note: Item has become recurring non-compliance issue due to 3 or more findings of non-compliance in 12 month period (instruments for 10/03, 1/04, 3/04).</b>	

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11/12/03	Yes	<b>Staffing</b>	<b>11a</b>	12 security positions vacant over 30 days.	Warden's response dated 11/20/03: indicates that vacancies are a result of 3 dozen recent terminations of poorly performing staff, as the Warden indicates he has discussed with TDOC representatives. Efforts to fill positions include posting vacancies, job fairs, media ads, assignment of full-time recruiter. Duties are being covered via overtime.	<b>4/24/04:</b> Deputy Comm. notes that Warden has not requested Temporary Exemption/Waiver Due to Extreme Circumstances. <b>NOTE: See item dated 2/10/04 below.</b>	Non-compliance reports issued 12/9/03, 1/6/04, 2/10/04, 3/11/04, 4/13/04, and 5/10/04 for same item (see below).
12/9/03	Yes	<b>Staffing</b>	<b>11a</b>	11 vacant security positions not filled within 30 days.	Warden's response, dated 12/11/03, states: "...Overtime is utilized as necessary to cover staff shortages and/or provide additional staffing where needed..." and indicates that many efforts are ongoing to fill positions.	See Deputy Comm. comments on same items dated 11/12/03 and 2/10/04.	Non-compliance reports issued for same item 1/6/04, 2/10/04, 3/11/04, 4/13/04, and 5/10/04 (see below).
12/15/03	Yes	Inmate Personal Property	4a	On 11/14 and 12/8 3 inmates were transferred to other facilities without all of their personal property.	warden's response, dated 1/13/04, states. "Per TDOC Policy 504.01 " items in possession of an inmate shall not occupy more than six cubic feet. This size shall be used for cell or room searches and transportation requirements." In an effort to adhere to TDOC Policies, property room staff allowed only the six cubic feet of property for transport purposes. The inmates were permitted the option of mailing the items out or donating said items. Again, per policy 504.01 and specific directives from the warden, no more than six cubic feet of property will be transferred with the inmates (except televisions, fans etc). However, at the direction of the contract monitor the property room staff did forward the excess property items."	<b>5/25/04: Deputy Comm. requested that contract monitor advise in writing regarding Warden's note that monitor requested contractor to disregard policy in this instance (see last sentence of Warden's response at left). Monitor advised that property in question was taken from inmates prior to placement in segregation due to segregation property restrictions, not due to violation of 6 cubic feet limit. When inmates were transferred, property not transferred with them. Inmates were entitled to property.</b>	Verified 2/12/04
1/6/04	Yes	<b>Staffing</b>	<b>11a</b>	11 security position vacancies were not filled within 30 days.	Warden's response, dated 1/8/04, indicates that many efforts are ongoing to fill vacant positions, and states: "...all required positions that are vacant are manned on a daily basis by utilizing overtime. Copies of daily staffing rosters are provided that shows the manning of all mandatory post assignments."	See Deputy Comm. comments on same items dated 11/12/03 and 2/10/04.	Subsequent non-compliance reports issued for same item 2/10/04, 3/11/04, 4/13/04, and 5/10/04 (see below).

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2/10/04	Yes	<b>Staffing</b>	<b>11a</b>	8 security positions were not filled within 30 days.	Warden's response dated 3/17/04: "With a full time Recruiter employed. (31) new Correctional Officers are to begin training on March 15th; and (9) will graduates the same day. In addition, we have also temporarily lost staff to the National Guard in support of the war."	<b>5/20/04: Letter of Notice issued. 4/24/04:</b> Determined to be recurring non-compliance issue due to 3 or more findings of non-compliance in 12 month period (instruments for 7/03, 10/03, 11/03, 12/03, 1/04). Notice of Breach, Cure Period, and Assessment of Liquidated Damages letter to be issued concerning this item. Also, see Deputy Comm. note on same item dated 11/12/03, above.	Non-compliance reports issued 11/12/03, 12/9/03, 1/6/04, 2/11/04, 3/11/04, 4/13/04, and 5/10/04 for same item (see above and below).
2/10/04	Yes	<b>Staffing</b>	<b>11b</b>	1 non-security position was not filled within 45 days.	Same as above	See comments on same item dated 4/13/04 below.	Verified 3/11/04 by re-inspection of 2/04 staffing legend, however, item found in non-compliance again 4/13/04 (see below).
2/12/04	Yes	<b>Special Management Inmates</b>	<b>2a</b>	Inmate was placed in segregation pending a protective custody hearing without the Commissioner's Designee's signature.	Warden's response dated 3/18/04 indicates that proper signatures were subsequently obtained. All parties have been informed; management will closely monitor future instances to maintain compliance.	<b>5/20/04: Letter of Notice issued. 5/11/04:</b> Deputy Comm. Determined that Notice of Breach, Cure Period, and Assessment of Liquidated Damages letter to be issued concerning this item. <b>5/7/04 DCCO CM note:</b> Item has become recurring non-compliance issue due to 3 or more findings of non-compliance in 12 month period (instruments for 7-9/03, 10-12/03, 1-3/04).	Verified 3/4/04 by review of segregation files and TOMIS reports.

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2/18/04	Yes	Policies and Procedures	1b	9 posts and their post orders were overdue for annual review by the Warden.	Warden's response dated 3/18/04 states: "All Post Orders have been reviewed for 2003; COS...checked each post and ensured that all manuals were updated with current copy. Additionally, Warden...has initiated the 2004 Annual Post Order Review process effective 3/17/04 to be completed not later than 4/30/04. Any and all revisions will be approved by TDOC prior to implementation. In the investigation of why this occurred it was discovered that the QA office had failed to distribute the 2003 Post Orders as required after completion of the review process. Corrective action was planned for this, however, the QA Manager has resigned."		
2/25/04	Yes	<b>Disciplinary Procedures</b>	<b>4a(5)</b>	Inmate was segregated pending hearing. Staff failed to enter formal disciplinary report on TOMIS or serve report to the inmate. Although the inmate was released before the 72-hour time limit for conducting a hearing, this is at least the 6th time that a non-compliance report has been issued for the same/similar problem (ref. non-compliance reports dated 7/10/03, 7/18/03, 8/12/03, 8/19/03 and 11/25/03).	Warden's response dated 3/18/04 states: "Inmate was placed into segregation 2/22/04 and it was discovered by staff on 2/24/04 that the inmate had not been issued a disciplinary. Procedures and checklists are in place to ensure compliance, however, simply were not followed in this instance by [a] Capt., Lt., and Sgt. Problem Solving Notices have been placed in each personnel file.	<b>5/20/04: Letter of Notice issued. 5/11/04:</b> Deputy Comm. Determined that Notice of Breach, Cure Period, and Assessment of Liquidated Damages letter to be issued concerning this item. <b>5/7/04 DCCO CM note:</b> Item has become a recurring non-compliance issue due to 3 or more findings of non-compliance in 12 month period (instruments for 7-9/03, 10-12/03, 1-3/04).	Warden's previous responses include: "Misinterpretation of policy", "administrative error(s)", "TOMIS terminals inoperable", "staff didn't utilize the system developed". The Warden has developed procedures in order to prevent recurrences, taken corrective action against staff and implemented new training procedures which have not alleviated this area of non-compliance.
2/25/04	Yes	Drug Testing	2c(6)	Drug testing procedures chain of custody not properly completed before being sent to designed lab: Lab returned a positive test result sans inmate's required signature.	Warden's response dated 4/12/04 indicates that since the non-compliance report was issued the officer has received the proper training.		Non-compliance report issued 3/8/04 for same item.

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3/4/04	Yes	Vocational Academic	2c(4)	Principle's personnel files do not have current teacher's license or waiver for 2 Academic instructor's.	Warden's response dated 3/18/04 indicates: One Academic Instructor's application for alternative licensure was submitted via TDOC's education department to the Tennessee Department of Education in August 2003. She received notification from the Tennessee Department of Education in December 2003 that additional information was needed. This information was submitted in February 2004. We are currently awaiting the processing of the application from the Tennessee Department of Education. She is not assigned to teach academic classes at this time and is being used to deliver the Life Skills program at the facility. The other Academic Instructor's application for licensure was submitted via TDOC education department to the Tennessee Department of Education in September 2003. She	<b>5/11/04:</b> Deputy Comm. requests Contract Monitor to review issue by May 30, 2004, and advise Deputy Comm. re: compliance status.	
3/4/04	Yes	Vocational Academic	3	Two academic instructor's do not have required proof of teacher's licensure or waiver on file.	received notification from the Tennessee Department of Education in December 2003 that additional coursework would be required prior to licensure, and is currently enrolled in those classes at Freed Hardeman University. The licensure office at Freed Hardeman has indicated that her coursework will be completed in April 2003. The licensure office at Freed Hardeman has also indicated that they will provide the necessary information for licensure to the Tennessee Department of Education dependent upon her successful completion of these classes. She is not assigned to teach an academic class at this time and is being utilized as a substitute teacher. The status of both instructors will be reviewed no later than May 15, 2004, in order to determine their continued employment status.	<b>5/11/04:</b> Deputy Comm. requests Contract Monitor to review issue by May 30, 2004, and advise Deputy Comm. re: compliance status.	

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3/4/04	Yes	Vocational Academic	2c(6)	The annual report to the Warden and Education Director could not be provided.	Warden's response dated 3/18/04 indicates that the principle did not complete the annual report to the warden and education director because TDOC inmates had not been assigned to classes for a sufficient amount of time to complete this report in July 2003. He will be instructed to complete this report with a completion date of March 19, 2004 for this task. Copies will be provided to the contract monitor upon completion.		Verified 3/19/04 by review of report submitted.
3/8/04	Yes	Inmate Drug Testing	2c(6)	Untrained staff have conducted field drug testing, however, no documentation of training in their files.	Wardens response dated 4/6/04 indicates that the 2 staff have received training, and that documentation is now in their training files.		
3/8/04	Yes	Inmate Drug Testing	2e	5 inmates had positive lab results that did not result in a disciplinary report issuance.	Warden's response dated 4/6/04 indicates that the officer was aware of policy requirements and failed to complete appropriate entries; the received disciplinary action and her employment terminated.		
3/8/04	Yes	Inmate Drug Testing	6a	4 inmates were reclassified and transferred to MTCX annex for pre-release without prior drug tests.	Warden's response dated 4/6/04 states: "An administrative error was made, however, effective immediately the records department will e-mail the drug testing department to ensure notification is made. The drug testing department will file all incoming e-mails to ensure compliance."		
3/11/04	Yes	<b>Staffing</b>	<b>11a</b>	2 security positions not filled within 30 days.	Warden's response dated 4/6/04 states: "The Warden and Executive Team continue to keep both retention and quality recruitment a high priority. We continually advertise in local media, and maintain a close relationship with the State Employment Office. A new training Pre-Service class is scheduled for 4/19/04 and hopefully will provide staffing exceeding current requirements."	5/11/04: included in Notice. See comments on same item dated 2/10/04 and 11/12/03, above.	Non-compliance reports issued 11/12/03, 12/9/03, 1/6/04, 2/11/04, 3/11/04, 4/13/04, and 5/10/04 for same item (see above and below).
3/21/04	Yes	Security and Control - Counts	6	During 4:30 AM count, cell doors were discovered open (unlocked) with inmates present inside during count. The floor officer was not present during this inspection.	Warden's response dated 4/7/04 states: "Policy and procedures are in place to educate staff in proper count procedures. These procedures were not followed, and Problem Solving Notices were issued on those officers assigned. Additionally, the Chief of Security has scheduled a briefing 3/25/04 with all Shift Captains to reinforce these directives."		Verified 4/28/04 by monitoring count procedures on shift.

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3/23/04	Yes	Visitation	8a	Inmate was found guilty of drugs possession and issued a 6-month visitation suspension. No documentation present in visitation file.	Warden's response dated 4/7/04 indicates that the appropriate notifications were made on TOMIS as per TDOC policy 507.01. That policy requires TOMIS LCD2 to reflect suspensions. In addition, policy 502.02 states similar language. Neither policy requires that disciplinary sanctions for drug screens be placed in the visitation file, only that entries be made on TOMIS.	5/11/04: Deputy Comm. Requests Contract Monitor to verify finding based on Warden's response related to policy requirements.	
3/23/04	Yes	Visitation	8b	TOMIS LCD2 visitor status entry does not reflect the suspension identified in item 8a, above.	Warden's response dated 4/7/04 indicates that no docket was received by Visitation from the DHO to indicate a disciplinary sanction. The DHO will in the future forward a copy of the docket to the visitation senior correctional officer as they are generated.		
3/23/04	Yes	Visitation	11a	Inmate had his visit terminated for misconduct. Warden issued a <b>non-contact</b> visit restriction. No documentation sent visitation supervisor or placed in visitation file.	The Warden's response, dated 4/7/04, states: "Documentation regarding the <b>suspension</b> of [the inmate's] visitor was forwarded to the visitation senior correctional officer. The visitation SCO did notate the restriction on TOMIS and placed a copy of the restriction document in the inmate's file on March 2, 2004. In addition to the letter, the postmarked envelope is also placed in the file on the day that the visitation senior receives it."	5/13/04 <b>DCCO CM note:</b> Documentation sent to SCO and placed in file was for <b>suspension</b> , not <b>non-contact</b> visitation. (Emphasis added to "Issue" and "warden's response" columns for clarification.) SCO is Visitation Supervisor per staffing pattern; policy requires notification to Vis. Supv. and file of non-contact visit restrictions.	

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3/23/04	Yes	Visitation	11b	TOMIS entry shows a visitor was <b>suspended</b> from visiting an inmate for 60 days. TOMIS should reflect restricted to non-contact.	Warden's response dated 4/7/04 states: "The visitor for [the inmate] was incorrectly suspended. The correct revision for <b>non-contact</b> status has been made. To prevent future reoccurrences, only the visitation senior correctional officer will input this data into TOMIS.		
3/24/04	Yes	Inmate Jobs	12	Inmates with a disciplinary dismissal are being listed and restricted from any job register for 90 days, not just registers for the same or higher pay level.	Warden's response dated 4/7/04 states: ": It was a misunderstanding of policy that all inmates that have received a Class A disciplinary were to be removed from all job registers and current job assignments, not being allowed another job for 90 days. As of 4/08/04 this has been corrected."		
3/24/04	Yes	Inmate Jobs	15	Of the 5 job assessments required monthly, only 2 were completed and entered on TOMIS LJEF.	Warden's response dated 4/7/04 states: "Three of the five February Job Audits were not entered on TOMIS/LJEF. TOMIS LJEF will not accept Education Classes (ABE, etc.). The Jobs Coordinator has been instructed that to comply with the Policy requirement, 5 job class audits will be conducted over-and-above any audits conducted on Educational job positions."		During monitoring the Jobs Coordinator said she hadn't done the job audit on TOMIS.
4/13/04	Yes	<b>Staffing</b>	<b>11a</b>	12 security positions not filled within 30 days. Non-compliance report issued 4/13/04.		See comments on same item dated 2/10/04 and 11/12/03, above.	Non-compliance reports issued 11/12/03, 12/9/03, 1/6/04, 2/11/04, 3/11/04, 4/13/04, and 5/10/04 for same item (see above).
4/13/04	Yes	<b>Staffing</b>	<b>11b</b>	1 non-security position not filled within 45 days.		<b>5/20/04: Letter of Notice issued. 5/11/04:</b> Deputy Comm. Determined that Notice of Breach, Cure Period, and Assessment of Liquidated Damages letter to be issued concerning this item. <b>5/7/04 DCCO CM note:</b> Item has become recurring non-compliance issue due to 3 or more findings of non-compliance in 12 month period (instruments for 10/03, 1/04, 3/04).	Non-compliance reports previously issued 10/03, 1/04, 3/04, 4/04

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4/15/04	No	<b>Disciplinary Procedures</b>	<b>4a(5)</b>	2 inmates segregated pending hearing. Staff failed to schedule hearings within proscribed policy time limit of 72 hours. This is at least the 7th time that a non-compliance report has been issued for the same/similar problem (ref. non-compliance reports dated 7/10/03, 7/18/03, 8/12/03, 8/19/03, 11/25/03 and 2/25/04).	Warden's response, dated 4/27/04, states: "Inmates were placed into segregation on 04/10/04 at 2:50 a.m. The hearings on the inmates were conducted on 04/13/04. The inmates were locked up on the third shift and cases were heard with in three days; however, they were not heard until the middle on the third day. This was done to ensure that the inmate were given time for advisors to prepare the cases to ensure that due process procedures were met. Cases can be heard earlier than the third day with the understanding that the inmate's advisors will only be given one to one and half days to prepare the case. I believe that although the letter of the policy was not followed that the intent and spirit of the policy was followed."	<u>5/18/04 DCCO CM note: This non-compliance report issued to Warden prior to Notice letter for same issue being sent from Commissioner to contractor.</u>	
4/20/04	No	Policy and Procedures	1b	During inspection of 15 WCFA posts and their post orders the following 3 post orders were not present for review and 1 was overdue for annual review by the Warden.	Warden's response, dated 4/27/04, indicates that a Unit Manager has placed new post orders in the effective areas and that Shift Supervisors and Unit Managers were instructed to check post orders routinely and to instruct their Senior Correctional Officer to review and ensure that post orders are located in the required locations on a daily basis.		
4/22/04	No	Commissary	3	During monitoring of WCFA inmate commissary, copies of order forms obtained from institutional commissary for general population and segregation were compared. A sample of 15 items was selected. There were 5 items with different prices (Items # 131, 137, 605, 606, and 611); therefore, inmates in general population and segregation are charged different prices for the same items.	Wardens response, dated: 4/22/04, indicates that he does not concur with a non-compliance finding because, although some outdated segregation commissary forms were still in circulation, the segregation inmates and general population inmates actually paid the same prices. Outdated forms have all been collected and destroyed.		<b>Verified 4/23/04</b> by review of new commissary forms and destruction of out-dated forms.
4/28/04	No	Inmate Orientation	1c	2 inmates signed and dated CR-2110 inmate orientation acknowledgment form, but not within the 7 day period stated in policy.	Warden's response, dated 5/4/04, indicates that he concur with monitor's findings: 1 inmate was oriented 2 days late, 1 oriented 4 days late.		

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5/10/04	No	<b>Staffing</b>	<b>11a</b>	9 security positions vacant over 30 days.		<u>5/18/04 DCCO CM note: This non-compliance report issued to Warden prior to Notice letter for same issue being sent from Commissioner to contractor.</u>	Non-compliance reports issued 11/12/03, 12/9/03, 1/6/04, 2/11/04, 3/11/04, 4/13/04, and 5/10/04 for same item (see above).
5/10/04	No	<b>Staffing</b>	<b>11b</b>	1 non-security position vacant over 45 days.		<u>5/18/04 DCCO CM note: This non-compliance report issued to Warden prior to Notice letter for same issue being sent from Commissioner to contractor.</u>	Non-compliance reports previously issued 10/03, 1/04, 3/04, 4/04

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11/12/03	Yes	<b>Staffing</b>	<b>11a</b>	12 security positions vacant over 30 days.	Warden's response dated 11/20/03: indicates that vacancies are a result of 3 dozen recent terminations of poorly performing staff, as the Warden indicates he has discussed with TDOC representatives. Efforts to fill positions include posting vacancies, job fairs, media ads, assignment of full-time recruiter. Duties are being covered via overtime.	<u>See Deputy Comm. note dated 7/6/04 on same item dated 2/10/04, below. 6/18/04 DCCO CM note: 45 day temporary waiver granted 6/4/04 to provision requiring security positions to be filled within 30 days. Warden requested by Deputy Comm. to provide info explaining means of providing adequate service during vacancies. 5/20/04: Letter of Notice issued (based on 2/10/04 report). 4/24/04: Deputy Comm. notes that Warden has not requested Temporary Exemption/Waiver Due to Extreme Circumstances. NOTE: See item dated 2/10/04 below.</u>	<b>Verified:</b> See verification comment for same item dated 2/10/04.
12/9/03	Yes	<b>Staffing</b>	<b>11a</b>	11 vacant security positions not filled within 30 days.	Warden's response, dated 12/11/03, states: "...Overtime is utilized as necessary to cover staff shortages and/or provide additional staffing where needed..." and indicates that many efforts are ongoing to fill positions.	<u>See Deputy Comm. note dated 7/6/04 on same item dated 2/10/04, below. 6/18/04 DCCO CM note: Same as above for 11/12/03. 5/20/04: Letter of Notice issued (based on 2/10/04 report). See Deputy Comm. comments on same items dated 11/12/03 and 2/10/04.</u>	<b>Verified:</b> See verification comment for same item dated 2/10/04.
1/6/04	Yes	<b>Staffing</b>	<b>11a</b>	11 security position vacancies were not filled within 30 days.	Warden's response, dated 1/8/04, indicates that many efforts are ongoing to fill vacant positions, and states: "...all required positions that are vacant are manned on a daily basis by utilizing overtime. Copies of daily staffing rosters are provided that shows the manning of all mandatory post assignments."	<u>See Deputy Comm. note dated 7/6/04 on same item dated 2/10/04, below. 6/18/04 DCCO CM note: Same as above for 11/12/03. 5/20/04: Letter of Notice issued (based on 2/10/04 report). See Deputy Comm. comments on same items dated 11/12/03 and 2/10/04.</u>	<b>Verified:</b> See verification comment for same item dated 2/10/04.

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2/10/04	Yes	Staffing	11a	8 security positions were not filled within 30 days.	<p>Warden's response dated 3/17/04: "With a full time Recruiter employed. (31) new Correctional Officers are to begin training on March 15th; and (9) will graduates the same day. In addition, we have also temporarily lost staff to the National Guard in support of the war."</p> <p><b>Warden's 6/10/04 response to 5/20/04 Letter of Notice indicates that request for temporary waiver of 30 day fill requirement requested. Response also indicates amount of overtime paid to ensure that required posts were covered during periods in which positions were not filled.</b></p>	<p><u>7/6/04: Deputy Comm. granted 45 day waiver of 30 day fill requirement 6/4/04. Warden's response indicates that appropriate steps were taken to ensure proper coverage of security positions when positions were vacant, and that efforts to fill vacancies are being diligently pursued. Since this non-compliance issue was addressed within the cure period, no liquidated damages will be assessed at this time, however, future non-compliance concerning this issue will result in immediate assessment of liquidated damages. This determination also applies to same items dated 3/11/04, 4/13/04, 5/10/04, and 6/7/04, below, which were found in non-compliance subsequent to this report but prior to receipt of the Letter of Notice and the corrective actions taken.</u></p> <p><u>6/18/04 DCCO CM note:</u> Same as above for 11/12/03. <u>5/20/04:</u> Letter of Notice issued (based on this report). <u>4/24/04 DCCO CM note:</u> Determined to be recurring non-compliance issue due to 3 findings in 12 month period (7/03, 10/03, 11/03, 12/03, 1/04). Letter of Notice to be issued. Also, see Deputy Comm. note on same item dated 11/12/03 above</p>	<p><b>Verified:</b> WCFA verified waiver request and approval and use of overtime to cover posts approx. 6/11/04.</p>

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2/10/04	Yes	Staffing	11b	1 non-security position was not filled within 45 days.	Same as above	<u>See Deputy Comm. note dated 7/6/04 on same item dated 4/13/04, below.</u> 5/20/04: Letter of Notice issued based on report dated 4/13/04. See comments on same item dated 4/13/04 below.	Verified: See verification comment for same item dated 4/13/04.
2/12/04	Yes	Special Management Inmates	2a	Inmate was placed in segregation pending a protective custody hearing without the Commissioner's Designee's signature.	Warden's response dated 3/18/04 indicates that proper signatures were subsequently obtained. All parties have been informed; management will closely monitor future instances to maintain compliance. <b>Warden's 6/10/04 response to 5/20/04 Letter of Notice indicates that the PC procedures have been reviewed by appropriate supervisory staff, who will monitor the process to ensure proper procedures are adhered to.</b>	<u>7/6/04: Deputy Comm. determined that procedures effected by institution have apparently resolved the non-compliance, based upon the monitor's verification. No liquidated damages will be assessed at this time, however, future non-compliance concerning this issue will result in immediate assessment of liquidated damages.</u> 5/20/04: Letter of Notice issued. 5/11/04: Deputy Comm. determined that Notice of Breach, Cure Period, and Assessment of Liquidated Damages letter to be issued concerning this item. <b>5/7/04 DCCO CM note:</b> Item has become recurring non-compliance issue due to 3 or more findings of non-compliance in 12 month period (instruments for 7-9/03, 10-12/03, 1-3/04).	Verified approx. 6/11/04: CM indicates no recurrences of problem between receipt of original response of Warden and subsequent Warden's response to 5/20/04 Letter of Notice. <b>Verified 3/4/04</b> by review of segregation files and TOMIS reports.
2/18/04	Yes	Policies and Procedures	1b	9 posts and their post orders were overdue for annual review by the Warden.	Warden's response dated 3/18/04 indicates that post orders have all been revised and distributed. Missing post orders due to failure of QA to distribute properly, corrective action was planned for this, however, the QA Manager has resigned."		Non-compliance issued 4/20/04 for same/similar item.

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2/25/04	Yes	Disciplinary Procedures	4a(5)	Inmate was segregated pending hearing. Staff failed to enter formal disciplinary report on TOMIS or serve report to the inmate. Although the inmate was released before the 72-hour time limit for conducting a hearing, this is at least the 6th time that a non-compliance report has been issued for the same/similar problem (ref. non-compliance reports dated 7/10/03, 7/18/03, 8/12/03, 8/19/03 and 11/25/03).	Warden's response dated 3/18/04 states: "Inmate was placed into segregation 2/22/04 and it was discovered by staff on 2/24/04 that the inmate had not been issued a disciplinary. Procedures and checklists are in place to ensure compliance, however, simply were not followed in this instance by [a] Capt., Lt., and Sgt. Problem Solving Notices have been placed in each personnel file. <b>Warden's 6/10/04 response to 5/20/04 Letter of Notice indicates that the inmate was released from segregation as soon as staff discovered the error, and that disciplinary action was taken against supervisory staff who failed to follow correct procedures.</b>	<u>7/6/04: Deputy Comm. determined that procedures effected by institution should be sufficient to ensure appropriate documentation is completed and distributed in cases of segregation. Disciplinary action against staff who fail to follow procedures is appropriate. Since this issue was adequately addressed during the cure period, no liquidated damages will be assessed, however, continued violations of policy procedures in this regard may result in immediate assessment of Liquidated Damages with no cure period. This determination also applies to the same item found in non-compliance on 4/15/04, below.</u> <b>5/20/04:</b> Letter of Notice issued. <b>5/11/04:</b> Deputy Comm. Determined that Notice of Breach, Cure Period, and Assessment of Liquidated Damages letter to be issued concerning this item. <b>5/7/04 DCCO CM note:</b> Item has become a recurring non-compliance issue due to 3 or more findings of non-compliance in 12 month period (instruments for 7-9/03, 10-12/03, 1-3/04).	<b>Verified:</b> WCFA CM verified release of inmates and disciplinary action against staff approx. 3/22/04. No subsequent instances of failure to serve segregated inmates with appropriate documents between this incident and Warden's 6/10/04 response to Commissioner's 5/20/04 Letter of Notice. See also same item number dated 4/15/04, below.
2/25/04	Yes	Drug Testing	2c(6)	Drug testing procedures chain of custody not properly completed before being sent to designed lab: Lab returned a positive test result sans inmate's required signature.	Warden's response dated 4/12/04 indicates that since the non-compliance report was issued the officer has received the proper training.		<b>Verified 6/1/04:</b> By review of drug testing procedures and past chain of custody forms.

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3/4/04	Yes	Vocational Academic	2c(4)	Principle's personnel files do not have current teacher's license or waiver for 2 Academic instructor's.	Warden's response dated 3/18/04 indicates: One Academic Instructor's application for alternative licensure was submitted August 2003. Additional info was requested by TDOE 12/03 and was supplied 2/04. We are currently awaiting the processing of the application. She is not teaching classes at this time and is being used to deliver the Life Skills program. The other Academic Instructor's application for licensure was submitted in September 2003. TDOE advised 12/03 that additional coursework would be required prior to licensure, and is currently enrolled in those classes at Freed Hardeman University, which indicates coursework will be completed in April 2003. Freed Hardeman has also indicated that they will provide the necessary information for licensure to the TDOE upon her successful completion of these classes. She is not assigned to teach an academic class at this time and is being utilized as a substitute teacher. The status of both instructors will be reviewed no later than May 15, 2004, in order to determine their continued employment status.	5/11/04: Deputy Comm. requests Contract Monitor to review issue by May 30, 2004, and advise Deputy Comm. re: compliance status.	<b>Verified 6/18/04</b> (by DCCO CM based on comment: <b>Monitor's Note 6/14/04:</b> 1 Instructor failed to meet requirements of employment and was terminated from service 5/20/04. The other instructor had her license (B) renewed 4/20/04 pending successful completion of state NTE exam, her current license expires 8/31/04.
3/4/04	Yes	Vocational Academic	3	Two academic instructor's do not have required proof of teacher's licensure or waiver on file.		5/11/04: Deputy Comm. requests Contract Monitor to review issue by May 30, 2004, and advise Deputy Comm. re: compliance status.	
3/8/04	Yes	Inmate Drug Testing	2c(6)	Untrained staff have conducted field drug testing, however, no documentation of training in their files.	Wardens response dated 4/6/04 indicates that the 2 staff have received training, and that documentation is now in their training files.		
3/8/04	Yes	Inmate Drug Testing	2e	5 inmates had positive lab results that did not result in a disciplinary report issuance.	Warden's response dated 4/6/04 indicates that the officer was aware of policy requirements and failed to complete appropriate entries; the received disciplinary action and her employment terminated.		

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3/8/04	Yes	Inmate Drug Testing	6a	4 inmates were reclassified and transferred to MTCX annex for pre-release without prior drug tests.	Warden's response dated 4/6/04 states: "An administrative error was made, however, effective immediately the records department will e-mail the drug testing department to ensure notification is made. The drug testing department will file all incoming e-mails to ensure compliance."		Second NCN issued same/similar item (ref:2/25/04)
3/11/04	Yes	<b>Staffing</b>	<b>11a</b>	2 security positions not filled within 30 days.	Warden's response dated 4/6/04 states: "The Warden and Executive Team continue to keep both retention and quality recruitment a high priority. We continually advertise in local media, and maintain a close relationship with the State Employment Office. A new training Pre-Service class is scheduled for 4/19/04 and hopefully will provide staffing exceeding current requirements."	<u>See Deputy Comm. note dated 7/6/04 on same item dated 2/10/04, above. 6/18/04 DCCO CM note: Same as above for 11/12/03. 5/11/04 DCCO CM note:</u> Deputy Comm. determined that, for verification purposes, this non-compliance report would be covered by Letter of Notice triggered by 2/10/04 report. See comments on same item dated 2/10/04 and 11/12/03, above.	<b>Verified:</b> See verification comment for same item dated 2/10/04.
3/21/04	Yes	Security and Control - Counts	6	During 4:30 AM count, cell doors were discovered open (unlocked) with inmates present inside during count. The floor officer was not present during this inspection.	Warden's response dated 4/7/04 states: "Policy and procedures are in place to educate staff in proper count procedures. These procedures were not followed, and Problem Solving Notices were issued on those officers assigned. Additionally, the Chief of Security has scheduled a briefing 3/25/04 with all Shift Captains to reinforce these directives."		<b>Verified 5/27/04:</b> By monitoring unit counts on all shifts.

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3/23/04	Yes	Visitation	8a	Inmate was found guilty of drugs possession and issued a 6-month visitation suspension. No documentation present in visitation file.	Warden's response dated 4/7/04 indicates that the appropriate notifications were made on TOMIS as per TDOC policy 507.01. That policy requires TOMIS LCD2 to reflect suspensions. In addition, policy 502.02 states similar language. Neither policy requires that disciplinary sanctions for drug screens be placed in the visitation file, only that entries be made on TOMIS.	<u>7/6/04: Deputy Comm. requests Warden to provide CM with documentation that written notice was provided to individuals whose visitation was suspended and that written justification for the suspension was done, per policy requirements. 6/18/04 DCCO CM note: TDOC Policy does not specifically require form to be placed in file, however, does require written justification for the record and notice to the individuals suspended. Institutional policy requires written notice from Warden to inmate and visitation staff. TDOC Policy clarification under consideration.</u> <b>5/11/04:</b> Deputy Comm. Requests Contract Monitor to verify finding based on Warden's response related to policy requirements.	<b>Monitor Note 6/14/04:</b> Policy does not dictate suspension be in inmates visitation file. However using the instrument item as a driving tool, having a hard copy of suspensions in visit files is beneficial to staff.
3/23/04	Yes	Visitation	8b	TOMIS LCD2 visitor status entry does not reflect the suspension identified in item 8a, above.	Warden's response dated 4/7/04 indicates that no docket was received by Visitation from the DHO to indicate a disciplinary sanction The DHO will in the future forward a copy of the docket to the visitation senior correctional officer as they are generated.		<b>Verified 5/17/04:</b> By review of inmates visitation file and TOMIS reports.

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3/23/04	Yes	Visitation	11a	Inmate had his visit terminated for misconduct. Warden issued a <b>non-contact</b> visit restriction. No documentation sent visitation supervisor or placed in visitation file.	The Warden's response, dated 4/7/04, states: "Documentation regarding the <b>suspension</b> of [the inmate's] visitor was forwarded to the visitation senior correctional officer. The visitation SCO did notate the restriction on TOMIS and placed a copy of the restriction document in the inmate's file on March 2, 2004. In addition to the letter, the postmarked envelope is also placed in the file on the day that the visitation senior receives it."	<b>5/13/04 DCCO CM note:</b> Documentation sent to SCO and placed in file was for <b>suspension</b> , not <b>non-contact visitation</b> . (Emphasis added to "Issue" and "warden's response" columns for clarification.) SCO is Visitation Supervisor per staffing pattern; policy requires notification to Vis. Supv. and file of non-contact visit restrictions.	<b>Same as above</b>
3/23/04	Yes	Visitation	11b	TOMIS entry shows a visitor was <b>suspended</b> from visiting an inmate for 60 days. TOMIS should reflect restricted to non-contact.	Warden's response dated 4/7/04 states: "The visitor for [the inmate] was incorrectly suspended. The correct revision for <b>non-contact</b> status has been made. To prevent future reoccurrences, only the visitation senior correctional officer will input this data into TOMIS."		<b>Same as above</b>
3/24/04	Yes	Inmate Jobs	12	Inmates with a disciplinary dismissal are being listed and restricted from any job register for 90 days, not just registers for the same or higher pay level.	Warden's response dated 4/7/04 states: ": It was a misunderstanding of policy that all inmates that have received a Class A disciplinary were to be removed from all job registers and current job assignments, not being allowed another job for 90 days. As of 4/08/04 this has been corrected."		<b>Verified 5/17/04:</b> By review of Jobs tracking board and TOMIS reports.
3/24/04	Yes	Inmate Jobs	15	Of the 5 job assessments required monthly, only 2 were completed and entered on TOMIS LJEF.	Warden's response dated 4/7/04 states: "Three of the five February Job Audits were not entered on TOMIS/LJEF. TOMIS LJEF will not accept Education Classes (ABE, etc.). The Jobs Coordinator has been instructed that to comply with the Policy requirement, 5 job class audits will be conducted over-and-above any audits conducted on Educational job positions."		<b>Verified 5/17/04:</b> By review of Job audits done in May 04 and TOMIS reports.

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4/13/04	Yes	Staffing	11a	12 security positions not filled within 30 days. Non-compliance report issued 4/13/04.	Warden's response dated 5/4/04: With a full time Recruiter employed we have made significant progress in filling vacant positions. At this time 25 correctional officers are scheduled to begin training on April 19, 2004. Our goal is 30 new correctional officers. We are still conducting interviews for the remainder of this week.	See Deputy Comm. note dated <u>7/6/04 on same item dated 2/10/04, above. 6/18/04 DCCO CM note: Same as above for 11/12/03. 5/11/04 DCCO CM note:</u> Deputy Comm. determined that, for verification purposes, this non-compliance report would be covered by Letter of Notice triggered by 2/10/04 report. See comments on same item dated 2/10/04 and 11/12/03, above.	Verified: See verification comment for same item dated 2/10/04.
4/13/04	Yes	Staffing	11b	1 non-security position not filled within 45 days.	Warden's response dated 5/4/04: Currently we do have a contract dentist completing 10 to 20 hours per week on site. The Dentist schedules off site visits with UT Dental when necessary. Letters have been sent to several colleges in the adjoining counties for the dentist position. Also, we are advertising daily on the local radio station and with the time and temperature audio recording. <b>Warden's 6/10/04 response to 5/20/04 Letter of Notice indicates that services are being provided by contract dentist pending newly hired dentist being notified of licensure and coming on board at facility.</b>	<u>7/6/04: Deputy Comm. determined that appropriate steps were taken to provide services via contract dentist pending newly hired dentist beginning duties. Since this issue was addressed during the cure period, no liquidated damages will be assessed at this time, however, future non-compliance concerning the same issue will result in immediate assessment of liquidated damages. This determination also applies to same items dated 5/10/04 and 6/7/04, below.</u> 5/20/04: Letter of Notice issued triggered by this report. 5/11/04: Deputy Comm. determined that Notice letter to be issued. 5/7/04 DCCO CM note: Item has become recurring non-compliance issue due to 3 or more findings of non-compliance in 12 month period (instruments for 10/03, 1/04, 3/04).	Verified: WCFA CM verified provisional hiring of dentist and temporary use of contract dentist approx. 5/6/04.

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4/15/04	Yes	<b>Disciplinary Procedures</b>	<b>4a(5)</b>	2 inmates segregated pending hearing. Staff failed to schedule hearings within proscribed policy time limit of 72 hours. This is at least the 7th time that a non-compliance report has been issued for the same/similar problem (ref. non-compliance reports dated 7/10/03, 7/18/03, 8/12/03, 8/19/03, 11/25/03 and 2/25/04).	Warden's response dated 4/27/04: Inmates were placed into segregation on 04/10/04 at 2:50 a.m. The hearings on the inmates were conducted on 04/13/04. The inmates were locked up on the third shift and cases were heard with in three days; however, they were not heard until the middle on the third day. This was done to ensure that the inmate were given time for advisors to prepare the cases to ensure that due process procedures were met. Cases can be heard earlier than the third day with the understanding that the inmate's advisors will only be given one to one and half days to prepare the case. I believe that although the letter of the policy was not followed that the intent and spirit of the policy was followed.	<u>7/6/04: Deputy Commissioner has determined that, per legal staff and disciplinary appeal staff, the 72 hour time limit is to be strictly interpreted and adhered to. The Warden is requested to ensure that this is communicated to WCFA segregation and disciplinary supervisory staff. 6/18/04 DCCO CM note: Although indicated by same item number, the issue in this case is different from the issue raised by item dated 2/25/04, above, which involved failure to provide documentation to inmates following segregation. For recurring non-compliance issue tracking purposes, this incident is not considered resolved by the Warden's responses to the 2/25/04 non-compliance report or subsequent Letter of Notice. 5/18/04 DCCO CM note: This non-compliance report issued to Warden prior to Notice letter for same issue being sent from Commissioner to contractor.</u>	
4/20/04	Yes	Policy and Procedures	1b	During inspection of 15 WCFA posts and their post orders the following 3 post orders were not present for review and 1 was overdue for annual review by the Warden.	Warden's response dated 4/27/04: Unit Manager has corrected the issue and placed new post orders in the effective areas prior to receiving the non-compliant violation. A management meeting was held on April 22, 2004. All Shift Supervisors and Unit Managers were instructed to check post orders routinely and to instruct their Senior Correctional Officer to review and ensure that post orders are located in the required locations on a daily basis.		Prior NCN issued 2/18/04 same/similar item.

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4/28/04	Yes	Inmate Orientation	1c	2 inmates signed and dated CR-2110 inmate orientation acknowledgment form, but not within the 7 day period stated in policy.	Warden's response, dated 5/4/04, indicates that he concur with monitor's findings: 1 inmate was oriented 2 days late, 1 oriented 4 days late.		
5/10/04	Yes	<b>Staffing</b>	<b>11a</b>	9 security positions vacant over 30 days.	Warden's response dated 5/13/04: Whiteville Correctional Facility still continues to work diligently towards recruiting new staff. To date, we have 20 correctional officer hired to begin pre-service training on 05/24/04. Interviews are scheduled for the following week, in hopes, to increase that number to 30. We are still running employment adds on the local radio station and on the audio taping "time and temperature" a service of First South Bank of Bolivar.	<u>See Deputy Comm. note dated 7/6/04 on same item dated 2/10/04, above. 6/18/04 DCCO CM note:</u> Same as above for 11/12/03. For verification purposes, this report to be covered by Letter of Notice issued 5/20/04 (triggered by 2/10/04 report). <b>5/18/04 DCCO CM note:</b> This non-compliance report issued to Warden prior to Notice letter for same issue being sent from Commissioner to contractor	<b>Verified:</b> See verification comment for same item dated 2/10/04.
5/10/04	Yes	<b>Staffing</b>	<b>11b</b>	1 non-security position vacant over 45 days.	Warden's response dated 5/13/04: Doctor Beard is still providing contract dentistry services. A new Dentist has been hired to begin pre-service training at the end on May 2004.	<u>See Deputy Comm. note dated 7/6/04 on same item dated 4/13/04, above. 6/18/04 DCCO CM note:</u> For verification purposes, this report will be covered by Letter of Notice issued 5/20/04 (triggered by 4/13/04 report). <b>5/18/04 DCCO CM note:</b> This non-compliance report issued to Warden prior to Notice letter for same issue being sent from Commissioner to contractor	<b>Verified:</b> See verification comment for same item dated 4/13/04.
5/27/04	No	Count Procedures	4d	2:45pm out count sheet in Jobs office wasn't picked up prior to 3:15pm formal count. Inmates were escorted back to assigned unit for count.			
5/27/04	No	Count Procedures	8	Inmate counted in J B-205 during 3:15 formal count, Inmate is assigned in G B-103.			

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6/7/04	No	<b>Staffing</b>	<b>11a</b>	11 security positions vacant over 30 days.	Warden's response dated 6/11/04 indicates the Warden 5/12/04 request for temporary exemption/waiver due to extreme circumstances in accordance with Section 9.2 (b) of the contract. No response has been received as of this date, possibly due to the recent reorganization in TDOC management. Per previous responses, WCFA has made every reasonable effort to fill positions in timely manner. Whiteville is experiencing the same difficulties as other state managed facilities in recruiting and retaining qualified applicants.	<u>See Deputy Comm. note dated 7/6/04 on same item dated 2/10/04, above. 6/18/04 DCCO CM note: Same as above for 11/12/03. For verification purposes, this report to be covered by Letter of Notice issued 5/20/04 (triggered by 2/10/04 report).</u>	<b>Verified:</b> See verification comment for same item dated 2/10/04.
6/7/04	No	<b>Staffing</b>	<b>11b</b>	1 non-security position vacant over 45 days.	Warden's response dated 6/11/04 indicates that immediately following the notice given by the former dentist, search and recruitment efforts began for a new dentist. The only applicant was in her final semester of dental school; she was extended a conditional offer of employment when she had passed her board exams and received her license to practice. She has taken the boards and is currently awaiting results. To provide services in the interim, WCFA initiated a contract with a licensed dentist to provide part-time services until the position was filled. The contract dentist has provided service to approximately 75% of the patient load that was being seen by the full-time dentist. We plan and he has agreed to continue to provide time after the new dentist is hired to train her and to ensure that the dental waiting list is completely exhausted.	<u>See Deputy Comm. note dated 7/6/04 on same item dated 4/13/04, above. 6/18/04 DCCO CM note: For verification purposes, this report will be covered by Letter of Notice issued 5/20/04 (triggered by 4/13/04 report).</u>	<b>Verified:</b> See verification comment for same item dated 4/13/04.

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2/18/04	Yes	Policies and Procedures	1b	9 posts and their post orders were overdue for annual review by the Warden.	Warden's response dated 3/18/04 indicates that post orders have all been revised and distributed. Missing post orders due to failure of QA to distribute properly, corrective action was planned for this, however, the QA Manager has resigned."		Non-compliance issued 4/20/04 for same/similar item.
3/8/04	Yes	Inmate Drug Testing	2c(6)	Untrained staff have conducted field drug testing, however, no documentation of training in their files.	Wardens response dated 4/6/04 indicates that the 2 staff have received training, and that documentation is now in their training files.		<b>Verified 6/10/04:</b> By review of staff training files.
3/8/04	Yes	<b>Inmate Drug Testing</b>	<b>2e</b>	5 inmates had positive lab results that did not result in a disciplinary report issuance.	Warden's response dated 4/6/04 indicates that the officer was aware of policy requirements and failed to complete appropriate entries; the received disciplinary action and her employment terminated.	<b>7/19/04 DCCO CM note:</b> See same item dated 6/15/04 below.	
3/8/04	Yes	Inmate Drug Testing	6a	4 inmates were reclassified and transferred to MTCX annex for pre-release without prior drug tests.	Warden's response dated 4/6/04 states: "An administrative error was made, however, effective immediately the records department will e-mail the drug testing department to ensure notification is made. The drug testing department will file all incoming e-mails to ensure compliance."	<b>7/19/04 DCCO CM note:</b> See same item dated 6/15/04 below.	Non-compliance issued 6/15/04 for same/similar item.

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3/23/04	Yes	Visitation	8a	Inmate was found guilty of drugs possession and issued a 6-month visitation suspension. No documentation present in visitation file.	Warden's response dated 4/7/04 indicates that the appropriate notifications were made on TOMIS as per TDOC policy 507.01. That policy requires TOMIS LCD2 to reflect suspensions. In addition, policy 502.02 states similar language. Neither policy requires that disciplinary sanctions for drug screens be placed in the visitation file, only that entries be made on TOMIS.	<p><b>8/30/04: Deputy comm. determined that this is not a non-compliance issue, since policy, as written, was complied with, as verified by Monitor. Policy change being considered to specify placement of documents in question. Instrument to be revised in keeping with policy requirements. Non-compliance notation to be removed from tracking system.</b></p> <p><b>7/6/04:</b> Deputy Comm. requests Warden to provide CM with documentation that written notice was provided to individuals whose visitation was suspended and that written justification for the suspension was done, per policy requirements. <b>6/18/04 DCCO CM note:</b> TDOC Policy does not specifically require form to be placed in file, however, does require written justification for the record and notice to the individuals suspended. Institutional policy requires written notice from Warden to inmate and visitation staff. TDOC Policy clarification under consideration. <b>5/11/04:</b> Deputy Comm. Requests Contract Monitor to verify finding based on Warden's response related to policy requirements.</p>	<p><b>Monitor Note 7/7/04:</b> The Warden has provided CM with a copy of written documentation of suspension, a copy was sent to inmate and placed in visitation file after NCN issued. <b>Monitor note 6/14/04:</b> Policy does not dictate suspension be in inmates visitation file, however, having a hard copy of suspensions in visit files is beneficial to staff.</p>

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4/15/04	Yes	<b>Disciplinary Procedures</b>	<b>4a(5)</b>	2 inmates segregated pending hearing. Staff failed to schedule hearings within proscribed policy time limit of 72 hours.	Warden's response dated 4/27/04: Inmates were placed into segregation on 04/10/04 at 2:50 a.m. The hearings on the inmates were conducted on 04/13/04. The inmates were locked up on the third shift and cases were heard with in three days; however, they were not heard until the middle on the third day. This was done to ensure that the inmate were given time for advisors to prepare the cases to ensure that due process procedures were met. Cases can be heard earlier than the third day with the understanding that the inmate's advisors will only be given one to one and half days to prepare the case. I believe that although the letter of the policy was not followed that the intent and spirit of the policy was followed.	<u>8/30/04: Deputy Commissioner has determined that, per legal staff and disciplinary appeal staff, the 72 hour time limit is to be strictly interpreted and adhered to. The Warden is requested to ensure that this is communicated to WCFA segregation and disciplinary supervisory staff. 6/18/04</u> <b>DCCO CM note:</b> Although indicated by same item number, the issue in this case is different from the issue raised by item dated 2/25/04, above, which involved failure to provide documentation to inmates following segregation. For recurring non-compliance issue tracking purposes, this incident is not considered resolved by the Warden's responses to the 2/25/04 non-compliance report or subsequent Letter of Notice. <b>5/18/04 DCCO CM note:</b> This non-compliance report issued to Warden prior to Notice letter for same issue being sent from Commissioner to contractor.	
4/20/04	Yes	Policy and Procedures	1b	During inspection of 15 WCFA posts 3 post orders were not present for review and 1 was overdue for annual review by the Warden.	Warden's response dated 4/27/04: Unit Manager has corrected the issue and placed new post orders in the effective areas prior to receiving the non-compliant violation. A management meeting was held on April 22, 2004. All Shift Supervisors and Unit Managers were instructed to check post orders routinely and to instruct their Senior Correctional Officer to review and ensure that post orders are located in the required locations on a daily basis.		Non-compliance report previously issued for same item, dated 2/18/04 (above) remains outstanding.
4/28/04	Yes	Inmate Orientation	1c	2 inmates signed and dated CR-2110 inmate orientation acknowledgment form, but not within the 7 day period stated in policy.	Warden's response, dated 5/4/04, indicates that he concurs with monitor's findings, has requested staff access to TOMIS screen which will help track orientation requirements.		

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5/27/04	Yes	Count Procedures	4d	2:45pm out count sheet in Jobs office wasn't picked up prior to 3:15pm formal count. Inmates were escorted back to assigned unit for count.	Warden's response 6/10/04: Concur: Program Manager corrected the error prior to count, and moved the inmate back to his housing unit to be counted. He was not actually counted or out counted in the jobs office. Disciplinary action has been taken on the Jobs Coordinator to ensure this does not happen in the future. In addition, a memo was forwarded from the warden to all staff regarding out count procedures and limits on the counts to facilitate future compliance.		
5/27/04	Yes	Count Procedures	8	Inmate counted in J B-205 during 3:15 formal count, Inmate is assigned in G B 103.	Warden's response, dated 6/10/04, states: "On the date in question, Inmate was released from segregation and assigned to GB 103. The inmate, in turn, moved to JB-205. The inmate was discovered "out of place" during count. In order not to delay count; the inmate was counted in JB housing unit. The cause of the error was accurately ascertained by identifying the "out of place inmate". The count room took corrective action by moving the inmate on the count board. The inmate was temporally assigned to JB unit for the purpose of clearing count. Upon completion of count, the inmate was moved back to the original assigned housing unit." Warden indicates that he believes there is no violation by institution involved.	<b><u>8/30/04: Deputy Comm. determined that this is not a non-compliance issue. The inmate was out of place during count, so the institution counted him where he was. Non-compliance indication to be removed from tracking system. 8/30/04: Dir./IAA requests Warden advise monitor how inmate was able to move himself and his property from one unit to another without permission, and what steps have been taken to prevent this from occurring in the future. Monitor to include this information on monthly summary.</u></b>	
6/1/04	No	Visitation	7c	On 5/29/04 an SCO suspended the visitation privileges of an inmate for the following day, 5/30/04. Allegedly the inmate had carried contraband from visitation. No TOMIS incident or disciplinary reports were entered for this incident.	Warden's response, dated 6/10/04, indicates that 5/30/04 was not a scheduled visitation day for the inmate, and that policy allows action other than issuance of a disciplinary report for alleged rule infractions.	<b><u>8/30/04: Deputy Comm. determined that this is not a non-compliance issue. The inmate was not scheduled to have visitation privileges on the day in question, and the determination not to issue a disciplinary report is a matter of judgement. The Warden does not indicate that he questioned the officer's judgement in this case. Non-compliance notation will not be added to tracking system.</u></b>	

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6/15/04	No	Drug Testing	1a	In March 2004, 96 inmates were tested from the TDOC issued random drug test list which is less than the mandatory 10% of the population.	Warden's response, dated 7/6/04, indicates that the institution was aware that the required number of tests were not conducted and notified the Monitor of the problem, and that the institution has taken action to ensure that this does not happen in the future.		
6/15/04	No	Drug Testing	1c	For 5 inmates tested for reasonable suspicion, there is no documentation of staff requesting the test or of the warden/designee approving the test.	Warden's response, dated 7/6/04, concurs, indicates that the Warden has since put out a memo stating who the designee(s) are, and that anytime there is a reasonable suspicion test, there will be a memo attached by the designee stating reasons and/or circumstances in which the test is being requested.		
6/15/04	No	<b>Drug Testing</b>	<b>2e</b>	3 inmates had positive lab results that did not result in disciplinary report insurance.	Warden's response, dated 7/6/04, concurs, indicates that there was a break down in the communications in this instance and that new tracking procedures have been implemented.	<b>8/30/04: Deputy Comm. determined that Letter of Notice should be issued. 7/19/04</b> <b>DCCO CM note:</b> Item became recurring non-compliance issue with this report (ref. previous rpt. dated 3/8/04 and 9/23/03).	
6/15/04	No	Drug Testing	2i	From a sample of 10 inmates issued disciplinary reports for Positive Drug Screen in April 04, none were retested in May according to TOMIS LIBS.	Warden's response, dated 7/6/04, concurs, indicates that there was a break down in the communications in this instance and that new tracking procedures have been implemented.		
6/15/04	No	Drug Testing	6a	2 inmates were reclassified and transferred to CBCX annex without prior drug test.	Warden's response dated 7/6/04: Do not Concur: TDOC Policy 404.07: Change Notice 03-12 dated 061503 instructions state: Please delete Section VI (H) (7), which states: An unannounced drug screen must yield negative results prior to placement; if positive, the inmate shall not be reconsidered for placement for at least six months. Therefore, no violation occurred.	<b>8/30/04: Deputy Comm. determined that pending clarification in the apparent conflict and confusion between policies 404.07 and 506.21, this is not a non-compliance issue. Non-compliance indication to be removed from tracking system.</b>	
6/15/04	No	Drug Testing	7	WCFA quarterly report for period from 1/1/04 to 3/31/04 does not reflect March 04 results.	Warden's response, dated 7/6/04, concurs, indicates that WCF has taken corrective action to ensure this non-compliant issue does not occur in the future.		

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6/15/04	No	Drug Testing	NIN	Policy issue 506.21: No log book is kept for staff to sign with appropriate information in the vicinity of the refrigerator/freezer where specimens are stored awaiting lab pick-up. .	Warden's response dated 7/6/04: A log book is currently located on top of the freezer to ensure a current record is kept on all reasonable suspicion drug tests.		
6/15/04	No	Drug Testing	NIN	Policy issue 506.21: WCFA did not submit a March 04 monthly summary report to the Director of Substance Abuse Programs.	Warden's response dated 7/6/04: A quarterly report has now been sent to Director of Substance Abuse; however, it will only refer to 96 drug test as quoted in the first response.		
6/23/04	No	Classification	1a(4)	Inmate was reclassified on 4/02/04 to Minimum Direct custody. According to the classification summary and assessment form in the inmate's record, he was reclassified to MD custody because he was approved for a gate pass to work outside the facility fences. However, TOMIS LCLN screen reflects that he received a special rush reclass and Option 3 recommendations shows job code shoe /shoe shiner. Inmate has been assigned as a shoe shiner since 10/07/03.	Warden's response, dated 6/29/04, indicates that the custody level reduction was effected so that the inmate could help clean up the area outside the admin building, if needed, and states: "...the decision to reclass the inmate to Minimum Direct was the decision of the Warden and falls within the discretionary authority of the Warden. TDOC policy allows the discretion and the action taken and in this case does not violate policy. It was the Warden's decision to classify the administration building workers minimum direct due to the proximity it is to the entrance/ exit of the facility."	<b><u>8/30/04: Determined by Deputy Comm. not to be a non-compliance issue. The Warden indicates that the inmate's job duties were possibly going to include working outside the administration building in a security-sensitive area. Reclassification to Minimum Direct is appropriate in such a position. The Warden is advised that the job description and eligibility requirements for the position should be reviewed and revised to more accurately reflect the needs of the institution for this position. Non-compliance notation will be removed from tracking system and instrument."</u></b>	<b>Monitor Note:</b> There was no notification that the inmate would be kept in position he held. The classification summary recommendation states "Recommend MID custody level for outside gate pass". LCDG contact note states "... he was receiving gate pass to work outside and was reclassified to MID custody". The classification summary and LCLN data are in conflict.

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6/23/04	No	Classification	NIN	Policy issue: Inmate has an approved gate pass but is not assigned to a housing unit or program, which requires MD custody. Accuracy and appropriateness of CAF and panel recommendations and accurate entry on TOMIS LCLN are in conflict.	Same as above.	<u>Same as above.</u>	<b>Same as above.</b>
6/25/04	No	Special Management Inmates	2f(1)	No segregation supervisor signatures on CR-2857, 6/24/04 1st and 2nd shifts, 6/23/04 1st shift.	Warden's response 7/9/04: A conference was held that included Segregation Unit Manager and Chief of Security. The purpose was to identify the correct "supervisory" staff to ensure the appropriate signatures are obtained on the CR 2857 form. Also, to ensure that Unit Manager understands his role as the Segregation Unit Manager. Unit Manager has been instructed to monitor the CR-2857 forms in order to maintain compliance at all times		

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2/18/04	Yes	Policies and Procedures	1b	9 posts and their post orders were overdue for annual review by the Warden.	Warden's response dated 3/18/04 indicates that post orders have all been revised and distributed. Missing post orders due to failure of QA to distribute properly, corrective action was planned for this, however, the QA Manager has resigned."		<b>Verified 7/28/04:</b> By review of post and post orders.
3/8/04	Yes	<b>Inmate Drug Testing</b>	<b>2e</b>	5 inmates had positive lab results that did not result in a disciplinary report issuance.	Warden's response dated 4/6/04 indicates that the officer was aware of policy requirements and failed to complete appropriate entries; the received disciplinary action and her employment terminated.	<b>7/19/04 DCCO CM note:</b> See same item dated 6/15/04, below.	<b>Monitor note:</b> Non-compliance issued for same/similar item. (ref: 6/15/04)
4/15/04	Yes	<b>Disciplinary Procedures</b>	<b>4a(5)</b>	2 inmates segregated pending hearing. Staff failed to schedule hearings within proscribed policy time limit of 72 hours. This is at least the 7th time that a non-compliance report has been issued for the same/similar problem (ref. non-compliance reports dated 7/10/03, 7/18/03, 8/12/03, 8/19/03, 11/25/03 and 2/25/04).	Warden's response dated 4/27/04: Inmates were placed into segregation on 04/10/04 at 2:50 a.m. The hearings on the inmates were conducted on 04/13/04. The inmates were locked up on the third shift and cases were heard with in three days; however, they were not heard until the middle on the third day. This was done to ensure that the inmate were given time for advisors to prepare the cases to ensure that due process procedures were met. Cases can be heard earlier than the third day with the understanding that the inmate's advisors will only be given one to one and half days to prepare the case. I believe that although the letter of the policy was not followed that the intent and spirit of the policy was followed.	<b>8/30/04:</b> Deputy Commissioner has determined that, per legal staff and disciplinary appeal staff, the 72 hour time limit is to be strictly interpreted and adhered to. The Warden is requested to ensure that this is communicated to WCFA segregation and disciplinary supervisory staff. <b>6/18/04 DCCO CM note:</b> Although indicated by same item number, the issue in this case is different from the issue raised by item dated 2/25/04, above, which involved failure to provide documentation to inmates following segregation. For recurring non-compliance issue tracking purposes, this incident is not considered resolved by the Warden's responses to the 2/25/04 non-compliance report or subsequent Letter of Notice. <b>5/18/04 DCCO CM note:</b> This non-compliance report issued to Warden prior to Notice letter for same issue being sent from Commissioner to contractor.	<b>Verified 7/28/04:</b> By review of disciplinary, segregation logs and wardens and TOMIS reports.

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4/20/04	Yes	Policy and Procedures	1b	During inspection of 15 WCFA posts and their post orders the following 3 post orders were not present for review and 1 was overdue for annual review by the Warden.	Warden's response dated 4/27/04: Unit Manager has corrected the issue and placed new post orders in the effective areas prior to receiving the non-compliant violation. A management meeting was held on April 22, 2004. All Shift Supervisors and Unit Managers were instructed to check post orders routinely and to instruct their Senior Correctional Officer to review and ensure that post orders are located in the required locations on a daily basis.		<b>Verified 7/19/04:</b> By review of post and post orders.
4/28/04	Yes	Inmate Orientation	1c	2 inmates signed and dated CR-2110 inmate orientation acknowledgment form, but not within the 7 day period stated in policy.	Warden's response, dated 5/4/04, indicates that he concurs with monitor's findings, has requested staff access to TOMIS screen which will help track orientation requirements.		<b>Verified 7/19/04:</b> By review of Inmate institutional and segregation files.
5/27/04	Yes	Count Procedures	4d	2:45pm out count sheet in Jobs office wasn't picked up prior to 3:15pm formal count. Inmates were escorted back to assigned unit for count.	Warden's response 6/10/04: Concur: Program Manager corrected the error prior to count, and moved the inmate back to his housing unit to be counted. He was not actually counted or out counted in the jobs office. Disciplinary action has been taken on the Jobs Coordinator to ensure this does not happen in the future. In addition, a memo was forwarded from the warden to all staff regarding out count procedures and limits on the counts to facilitate future compliance.		
6/15/04	Yes	Drug Testing	1a	In March 2004, 96 inmates were tested from the TDOC issued random drug test list which is less than the mandatory 10% of the population.	Warden's response, dated 7/6/04, indicates that the institution was aware that the required number of tests were not conducted and notified the Monitor of the problem, and that the institution has taken action to ensure that this does not happen in the future.		

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6/15/04	Yes	Drug Testing	1c	For 5 inmates tested for reasonable suspicion, there is no documentation of staff requesting the test or of the warden/designee approving the test.	Warden's response, dated 7/6/04, concurs, indicates that the Warden has since put out a memo stating who the designee(s) are, and that anytime there is a reasonable suspicion test, there will be a memo attached by the designee stating reasons and/or circumstances in which the test is being requested.		<b>Monitor note:</b> Prior NCN issued same/similar item 2/25/04.
6/15/04	Yes	<b>Drug Testing</b>	<b>2e</b>	3 inmates had positive lab results that did not result in disciplinary report insurance.	Warden's response, dated 7/6/04, concurs, indicates that there was a break down in the communications in this instance and that new tracking procedures have been implemented.	<b>8/30/04:</b> Deputy Comm. determined that Letter of Notice should be issued. <b>7/19/04 DCCO CM note:</b> Item became recurring non-compliance issue with this report (ref. previous reports dated 3/8/04 and 9/23/03).	<b>Monitor note:</b> Prior NCN issued same/similar item 9/23/03-3/8/04.
6/15/04	Yes	Drug Testing	2i	From a sample of 10 inmates issued disciplinary reports for Positive Drug Screen in April 04, none were retested in May according to TOMIS LIBS.	Warden's response, dated 7/6/04, concurs, indicates that there was a break down in the communications in this instance and that new tracking procedures have been implemented.		<b>Monitor note:</b> Prior NCN issued same/similar item 9/23/03.
6/15/04	Yes	Drug Testing	7	WCFA quarterly report for period from 1/1/04 to 3/31/04 does not reflect March 04 results.	Warden's response, dated 7/6/04, concurs, indicates that WCF has taken corrective action to ensure this non-compliant issue does not occur in the future.		
6/15/04	Yes	Drug Testing	NIN	Policy issue 506.21: No log book is kept for staff to sign with appropriate information in the vicinity of the refrigerator/freezer where specimens are stored awaiting lab pick-up.	Warden's response dated 7/6/04: A log book is currently located on top of the freezer to ensure a current record is kept on all reasonable suspicion drug tests.		

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6/15/04	Yes	Drug Testing	NIN	Policy issue 506.21: WCFA did not submit a March 04 monthly summary report to the Director of Substance Abuse Programs.	Warden's response dated 7/6/04: A quarterly report has now been sent to Director of Substance Abuse; however, it will only refer to 96 drug test as quoted in the first response.		
6/25/04	Yes	Special Management Inmates	2f(1)	No segregation supervisor signatures on CR-2857, 6/24/04 1st and 2nd shifts, 6/23/04 1st shift.	Warden's response 7/9/04: A conference was held that included Segregation Unit Manager and Chief of Security. The purpose was to identify the correct "supervisory" staff to ensure the appropriate signatures are obtained on the CR 2857 form. Also, to ensure that Unit Manager understands his role as the Segregation Unit Manager. Unit Manager has been instructed to monitor the CR-2857 forms in order to maintain compliance at all times		
7/12/04	No	Disciplinary Procedures	4a(1)	Two inmates were segregated 7/2/04 pending investigation. The investigation was conducted and disciplinary reports were entered 7/9/04 and served on 7/10/04, however the disciplinary reports were not served within proscribed policy time limits of 7 calendar days.	Warden's response indicates that disciplinary reports were entered in TOMIS prior to 9:00 PM 7/9/04, therefore, inmates were charged as required. When attempt was made to print the reports at 11:27 PM, after count was cleared, the staff person received a "bind failure" message indicating that the system was down.		<b>Monitor's note:</b> These inmates were not immediately charged with the infraction after the conclusion of the investigation. The CD did not approve any delay nor was the inmate notified as per policy.

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7/15/04	No	Drug Testing	2c(1)	On 7/5/04 3 inmates were given a random drug screen. Staff failed to include the inmate's name, number and specimen temperature on the PHARMCHEM chain of custody form. After the positive lab results were returned staff filled in the necessary information. Furthermore 1 inmate did not sign the lab chain of custody form but was issued a Positive Drug Screen disciplinary.	After careful review of the above stated violation, WCF was in error concerning the inmates name and number not being included on the Pharmchem form. Documented training has been conducted with the staff member that conducted this test. (see attached). Additional training will be conducted with staff conducting drug tests to ensure future compliance.		
7/27/04	No	Inmate Access to courts	5	The contract attorney was not available according to schedule memo posted: According to billing documentation April, May and June 3 dates were changed.			
7/27/04	No	Inmate Access to courts	6	No list of specific attorney services and schedule available to inmates is posted in the units. In a check of 3 housing units, F, H and I only 3 pods had attorney visit schedule posted.			<b>Monitor note:</b> Prior NCN issued same/similar item 1/22/04.

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3/8/04	Yes	<b>Inmate Drug Testing</b>	<b>2e</b>	5 inmates had positive lab results that did not result in a disciplinary report issuance.	Warden's response dated 4/6/04: Indicates that the officer was aware of policy requirements and failed to complete appropriate entries; the received disciplinary action and her employment terminated.	<b>7/19/04 DCCO CM note:</b> See same item dated 6/15/04, below.	
5/27/04	Yes	Count Procedures	4d	2:45pm out count sheet in Jobs office wasn't picked up prior to 3:15pm formal count. Inmates were escorted back to assigned unit for count.	Warden's response 6/10/04: Concur: Program Manager corrected the error prior to count, and moved the inmate back to his housing unit to be counted. He was not actually counted or out counted in the jobs office. Disciplinary action has been taken on the Jobs Coordinator to ensure this does not happen in the future. In addition, a memo was forwarded from the warden to all staff regarding out count procedures and limits on the counts to facilitate future compliance.		
6/15/04	Yes	Drug Testing	1a	In March 2004, 96 inmates were tested from the TDOC-issued random drug test list, which is less than the mandatory 10% of the population.	Warden's response dated 7/6/04: Indicates that the institution was aware that the required number of tests were not conducted and notified the Monitor of the problem, and that the institution has taken action to ensure that this does not happen in the future.		
6/15/04	Yes	Drug Testing	1c	For 5 inmates tested for reasonable suspicion, there is no documentation of staff requesting the test or of the warden/designee approving the test.	Warden's response dated 7/6/04: Concur: Indicates that the Warden has since put out a memo stating who the designee(s) are, and that anytime there is a reasonable suspicion test, there will be a memo attached by the designee stating reasons and/or circumstances in which the test is being requested.		
6/15/04	Yes	<b>Drug Testing</b>	<b>2e</b>	3 inmates had positive lab results that did not result in disciplinary report insurance.	Warden's response dated 7/6/04: Concur: Indicates that there was a break down in the communications in this instance and that new tracking procedures have been implemented.	<b>9/22/04: Letter of Notice issued by Commissioner. 8/30/04:</b> Deputy Comm. determined that Letter of Notice should be issued. <b>7/19/04 DCCO CM note:</b> Item became recurring non-compliance issue with this report (ref. previous reports dated 3/8/04 and 9/23/03).	
6/15/04	Yes	Drug Testing	2i	From a sample of 10 inmates issued disciplinary reports for Positive Drug Screen in April 04, none were retested in May according to TOMIS LIBS.	Warden's response dated 7/6/04: Concur: Indicates that there was a break down in the communications in this instance and that new tracking procedures have been implemented.		
6/15/04	Yes	Drug Testing	7	WCFA quarterly report for period from 1/1/04 to 3/31/04 does not reflect March 04 results.	Warden's response dated 7/6/04: Concur: Indicates that WCF has taken corrective action to ensure this non-compliant issue does not occur in the future.		
6/15/04	Yes	Drug Testing	NIN	Policy issue 506.21: No log book is kept for staff to sign with appropriate information in the vicinity of the refrigerator/freezer where specimens are stored awaiting lab pick-up.	Warden's response dated 7/6/04: A log book is currently located on top of the freezer to ensure a current record is kept on all reasonable suspicion drug tests.		

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6/15/04	Yes	Drug Testing	NIN	Policy issue 506.21: WCFA did not submit a March 04 monthly summary report to the Director of Substance Abuse Programs.	Warden's response dated 7/6/04: A quarterly report has now been sent to Director of Substance Abuse; however, it will only refer to 96 drug test as quoted in the first response.		
6/25/04	Yes	Special Management Inmates	2f(1)	No segregation supervisor signatures on CR-2857, 6/24/04 1st and 2nd shifts, 6/23/04 1st shift.	Warden's response 7/9/04: A conference was held that included Seg U/M and Chief to identify the correct "supervisory" staff to ensure the appropriate signatures are obtained on the CR 2857 form and ensure that the Seg U/M understands his role. U/M has been instructed to monitor the CR-2857 forms in order to maintain compliance at all times		<b>Verified 8/11/04:</b> By review of segregation forms CR-2857.
7/12/04	No	Disciplinary Procedures	4a(1)	Two inmates were segregated 7/2/04 pending investigation. The investigation was conducted and disciplinary reports were entered 7/9/04 and served on 7/10/04, however the disciplinary reports were not served within prescribed policy time limits of 7 calendar days.	Warden's response dated 8/2/04: Indicates that disciplinary reports were entered in TOMIS prior to 9:00 PM 7/9/04, therefore, inmates were charged as required. When attempt was made to print the reports at 11:27 PM, after count was cleared, the staff person received a "bind failure" message indicating that the system was down.	<b>9/29/04 DCCO CM note: Determined not to be a non-compliance issue. The Warden indicates that the infractions were entered on TOMIS within the policy time limit and were delayed from being served by a computer malfunction.</b>	<b>Monitor's note:</b> These inmates were not immediately charged with the infraction after the conclusion of the investigation. The CD did not approve any delay nor was the inmate notified as per policy.
7/15/04	No	Drug Testing	2c(1)	On 7/5/04 3 inmates were given a random drug screen. Staff failed to include the inmate's name, number and specimen temperature on the PHARMCHEM chain of custody form. After the positive lab results were returned staff filled in the necessary information. Furthermore 1 inmate did not sign the lab chain of custody form but was issued a Positive Drug Screen disciplinary.	Warden's response dated 8/3/04: After careful review of the above stated violation, WCF was in error concerning the inmates name and number not being included on the Pharmchem form. Documented training has been conducted with the staff member that conducted this test. (see attached). Additional training will be conducted with staff conducting drug tests to ensure future compliance.		

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7/27/04	No	Inmate Access to courts	5	The contract attorney was not available according to schedule memo posted: According to billing documentation April, May and June 3 dates were changed.	Warden's response dated 8/26/04: An Attorney schedule is posted in the Inmate Library as required by policy. In April the schedule was changed from the 7th to the 12th. In May the schedule was changed from the 18th to the 17th. In June the schedule was changed from the 8th to the 6th. In August the schedule has been changed from the 2nd to the 9th. (See supporting documentation) "In addition, any request that is made in advance for a previously scheduled date would also be seen on the next scheduled date". Neither policy nor contract requires individual inmate notifications in the event the attorney schedule changes. Regardless of schedule changes the inmates are seen by the contracted attorney if they follow procedures. The changes to the attorney schedules are reflected and communicated to the inmate population by marking the revised dates in the library.	<u>9/29/04 DCCO CM note: Determined not to be a non-compliance issue at this time. Schedules may be changed as needed, as long as the required level of service is being provided. Consideration is being given to performing a more in-depth inquiry into the level of services requested by the inmates and the timeliness/amount of service provided by the contract attorney.</u>	
7/27/04	No	Inmate Access to courts	6	No list of specific attorney services and schedule available to inmates is posted in the units. In a check of 3 housing units, F, H and I only 3 pods had attorney visit schedule posted.	Warden's response dated 8/26/04: Attorney visit schedules are posted at the facility as required by policy. Policy does not require attorney visit schedules to be posted in all housing units as referenced in ITEM 6. WCF has exceeded policy requirements by posting schedules in all units for inmate's convenience. These schedules are consistently replaced to better inform the inmate population. We are reviewing additional methods to post information so that the postings can not be removed by inmates. In addition, CCA policy 14-8, ACCESS TO COURTS is posted in the library.	<u>9/29/04 DCCO CM note: Determined not to be a non-compliance issue. The instrument item requires monitoring of a procedure not required by policy or contract. A revision of the instrument is pending.</u>	
8/23/04	No	Use of Force	3b	Chemical agents were used in an incident. The CD was notified by phone of this incident and approval for segregation; however, the shift supervisor made no mention of the use of chemical agents.	Warden's response, dated 8/26/04, verifies CM's report, indicates that the Shift Supervisor met with the Warden and received a written notice concerning policy requirements and job responsibilities.		

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3/8/04	Yes	<b>Inmate Drug Testing</b>	<b>2e</b>	5 inmates had positive lab results that did not result in a disciplinary report issuance.	Warden's response dated 4/6/04: Indicates that the officer was aware of policy requirements and failed to complete appropriate entries; the received disciplinary action and her employment terminated.	<b>7/19/04 DCCO CM note:</b> See same item dated 6/15/04, below.	<b>Verified 9/2/04:</b> By review of Drug Testing procedures and documentation.
5/27/04	Yes	Count Procedures	4d	2:45pm out count sheet in Jobs office wasn't picked up prior to 3:15pm formal count. Inmates were escorted back to assigned unit for count.	Warden's response 6/10/04: Concur: Program Manager corrected the error prior to count, and moved the inmate back to his housing unit to be counted. He was not actually counted or out counted in the jobs office. Disciplinary action has been taken on the Jobs Coordinator to ensure this does not happen in the future. In addition, a memo was forwarded from the warden to all staff regarding out count procedures and limits on the counts to facilitate future compliance.		<b>Verified 8/27/04:</b> By review of documentation and monitoring count procedures on different shift and times.
6/15/04	Yes	Drug Testing	1a	In March 2004, 96 inmates were tested from the TDOC-issued random drug test list, which is less than the mandatory 10% of the population.	Warden's response dated 7/6/04: Indicates that the institution was aware that the required number of tests were not conducted and notified the Monitor of the problem, and that the institution has taken action to ensure that this does not happen in the future.		<b>Verified 9/2/04:</b> By review of Drug Testing procedures and documentation.
6/15/04	Yes	Drug Testing	1c	For 5 inmates tested for reasonable suspicion, there is no documentation of staff requesting the test or of the warden/designee approving the test.	Warden's response dated 7/6/04: Concur: Indicates that the Warden has since put out a memo stating who the designee(s) are, and that anytime there is a reasonable suspicion test, there will be a memo attached by the designee stating reasons and/or circumstances in which the test is being requested.		Same as Above
6/15/04	Yes	<b>Drug Testing</b>	<b>2e</b>	3 inmates had positive lab results that did not result in disciplinary report insurance.	Warden's response dated 7/6/04: Concur: Indicates that there was a break down in the communications in this instance and that new tracking procedures have been implemented.	<b>9/22/04: Letter of Notice issued by Commissioner. 8/30/04:</b> Deputy Comm. determined that Letter of Notice should be issued. <b>7/19/04 DCCO CM note:</b> Item became recurring non-compliance issue with this report (ref. previous reports dated 3/8/04 and 9/23/03).	Same as Above
6/15/04	Yes	<b>Drug Testing</b>	<b>2i</b>	From a sample of 10 inmates issued disciplinary reports for Positive Drug Screen in April 04, none were retested in May according to TOMIS LIBS.	Warden's response dated 7/6/04: Concur: Indicates that there was a break down in the communications in this instance and that new tracking procedures have been implemented.		<b>Monitor's note:</b> NCN issued for same/similar item. (ref:9/20/04, 6/15/04, 9/23/03)
6/15/04	Yes	Drug Testing	7	WCFA quarterly report for period from 1/1/04 to 3/31/04 does not reflect March 04 results.	Warden's response dated 7/6/04: Concur: Indicates that WCF has taken corrective action to ensure this non-compliant issue does not occur in the future.		<b>Verified 9/20/04:</b> By review of Drug Testing procedures and documentation.
6/15/04	Yes	Drug Testing	NIN	Policy issue 506.21: No log book is kept for staff to sign with appropriate information in the vicinity of the refrigerator/freezer where specimens are stored awaiting lab pick-up.	Warden's response dated 7/6/04: A log book is currently located on top of the freezer to ensure a current record is kept on all reasonable suspicion drug tests.		Same as Above

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6/15/04	Yes	Drug Testing	NIN	Policy issue 506.21: WCFA did not submit a March 04 monthly summary report to the Director of Substance Abuse Programs.	Warden's response dated 7/6/04: A quarterly report has now been sent to Director of Substance Abuse; however, it will only refer to 96 drug test as quoted in the first response.		Same as Above
7/15/04	Yes	Drug Testing	2c(1)	On 7/5/04 3 inmates were given a random drug screen. Staff failed to include the inmate's name, number and specimen temperature on the PHARMCHEM chain of custody form. After the positive lab results were returned staff filled in the necessary information. Furthermore 1 inmate did not sign the lab chain of custody form but was issued a Positive Drug Screen disciplinary.	Warden's response dated 8/3/04: After careful review of the above stated violation, WCF was in error concerning the inmates name and number not being included on the Pharmchem form. Documented training has been conducted with the staff member that conducted this test. (see attached). Additional training will be conducted with staff conducting drug tests to ensure future compliance.		<b>Verified 9/20/04:</b> By review of Drug Testing procedures and documentation.
8/23/04	Yes	Use of Force	3b	Chemical agents were used in an incident. The CD was notified by phone of this incident and approval for segregation; however, the shift supervisor made no mention of the use of chemical agents.	Warden's response dated 8/26/04: Verifies CM's report, indicates that the Shift Supervisor met with the Warden and received a written notice concerning policy requirements and job responsibilities.		
9/20/04	No	<b>Drug Testing</b>	<b>2i</b>	From a random sample of 10 inmates convicted for a positive drug screen in July 04. 5 inmates had 2 or more prior related disciplinarys, none were retested in August 04.	Warden's response dated 10/11/04: Whiteville Correctional Facility acknowledges the error made in the drug testing department. Effective October 11, 2004 an officer has been assigned the sole responsibility to conduct inmate drug testing. In addition, the Wardens' Executive Assistant will monitor compliance on a weekly basis.	<b>10/13/04 DCCO CM note: This is now a breach issue: this is 3rd non-compliance finding in 12 months. Letter of Notice has been drafted.</b>	<b>Monitor's note:</b> NCN issued for same/similar item. (ref:9/20/04, 6/15/04, 9/23/03)
9/20/04	No	Drug Testing	NIN	From a random sample of 10 inmates paroling from this facility in August 04, none were drug-tested 30 days prior to their release date or 30 days prior to their parole hearing date.	Same as above		

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6/15/04	Yes	<b>Drug Testing</b>	<b>2i</b>	10 inmates issued disciplinary reports for Positive Drug Screen in April were not retested in May.	Warden's response dated 7/6/04: Concur: Indicates that there was a break down in the communications in this instance and that new tracking procedures have been implemented.	<b>Monitor's note:</b> NCN issued for same/similar item. (ref:9/20/04, 6/15/04, 9/23/03)	<b><u>11/18/04 DCCO CM note: Letter of Breach drafted. See same item dated 9/20/04, below.</u></b>
8/23/04	Yes	Use of Force	3b	The CD was notified of an incident and approval for segregation; however, the shift supervisor made no mention of the use of chemical agents.	Warden's response dated 8/26/04: Verifies CM's report, indicates that the Shift Supervisor met with the Warden and received a written notice concerning policy requirements and job responsibilities.	<b>Verified 11/8/04:</b> By review of CCA 5-1A reports, TOMIS incident reports and Comm. Designee log.	
9/20/04	Yes	<b>Drug Testing</b>	<b>2i</b>	5 inmates convicted for a positive drug screen in July were not retested in August.	Warden's response dated 10/11/04: Whiteville Correctional Facility acknowledges the error made in the drug testing department. Effective October 11, 2004 an officer has been assigned the sole responsibility to conduct inmate drug testing. In addition, the Wardens' Executive Assistant will monitor compliance on a weekly basis.	<b>Monitor's note:</b> NCN issued for same/similar item. (ref:9/20/04, 6/15/04, 9/23/03)	<b><u>11/18/04 DCCO CM note: Letter of Breach drafted.</u></b>
9/20/04	Yes	Drug Testing	NIN	10 inmates paroling in August, were not drug-tested 30 days prior to their release date or 30 days prior to their parole hearing date.	Same as above.		
10/26/04	No	Security and Control Searches	3c	Visitors and venders not frisk searched before entering at checkpoint.			
10/26/04	No	Security and Control Searches	3d	The Shift Supervisor designates a random selected number to be searched at checkpoint, this number is not documented in the checkpoint logbook to verify this. Furthermore staff are frisk searched only during shift change.			
10/26/04	No	Security and Control Searches	6	11 of 36 cell search requests entered on TOMIS were not preformed according to TOMIS.			<b><u>11/18/04 DCCO CM note: Now a recurring non-compliance issue (2nd report in 18 months, ref. 10/21/03 rpt.) Letter of Breach drafted.</u></b>
10/27/04	No	Records and Reports	10	1. Items requested from Internal Affairs by CM were not provided. 2. Monthly Drug Testing reports not provided to monitor for June, July, August and September 04.			

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6/15/04	Yes	<b>Drug Testing</b>	<b>2i</b>	10 inmates issued disciplinary reports for Positive Drug Screen in April were not retested in May.	Warden's response dated 7/6/04: Concur: Indicates that there was a break down in the communications in this instance and that new tracking procedures have been implemented.	<b>Monitor's note:</b> NCN issued for same/similar item. (ref:9/20/04, 6/15/04, 9/23/03)	<u>12/20/04 DCCO CM note: Letter of Breach issued by Commissioner 11/29/04.</u>
9/20/04	Yes	<b>Drug Testing</b>	<b>2i</b>	5 inmates convicted for a positive drug screen in July were not retested in August.	Warden's response dated 10/11/04: Whiteville Correctional Facility acknowledges the error made in the drug testing department. Effective October 11, 2004 an officer has been assigned the sole responsibility to conduct inmate drug testing. In addition, the Wardens' Executive Assistant will monitor compliance on a weekly basis.	<b>Monitor's note:</b> NCN issued for same/similar item. (ref:9/20/04, 6/15/04, 9/23/03)	<u>12/20/04 DCCO CM note: Letter of Breach issued by Commissioner 11/29/04.</u>
9/20/04	Yes	Drug Testing	NIN	10 inmates paroling in August, were not drug-tested 30 days prior to their release date or 30 days prior to their parole hearing date.	Same as above.		
10/26/04	Yes	Security and Control Searches	3c	Visitors and vendors not frisk searched before entering at checkpoint.	Warden's response 11/29/04: The Chief of Security will ensure that proper procedures are strictly enforced concerning documentation being entered into the logbook in the future.		
10/26/04	Yes	Security and Control Searches	3d	The Shift Supervisor designates a random selected number to be searched at checkpoint, this number is not documented in the checkpoint logbook to verify this. Furthermore staff are frisk searched only during shift change.	Warden's response 11/29/04: Partial Concurrence The Chief of Security along with Shift Supervisors will ensure all staff assigned to check point are in strict compliance with posted memo and procedures. On the day in question, searches were conducted as per written directives, however, the officer did fail to document the searches in the logbook. Please Note: The searches were documented on the shift roster as required.		
10/26/04	Yes	<b>Security and Control Searches</b>	<b>6</b>	11 of 36 cell search requests entered on TOMIS were not performed according to TOMIS.	Warden's response 11/29/04: New procedures have been put into place to ensure future compliance.	<b>Monitor's note:</b> NCN issued for same/similar item. (ref:10/21/03)	<u>12/20/04 DCCO CM note: Letter of Breach issued by Commissioner 11/29/04.</u>

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10/27/04	Yes	Records and Reports	10	1. Items requested from Internal Affairs by CM were not provided. 2. Monthly Drug Testing reports not provided to monitor for June, July, August and September 04.	Warden's response 12/1/04: Due to concerns addressed to the Warden by the C M regarding Internal Affairs Assistant truthfulness and integrity, an internal investigation was conducted. As a result there was a determination that this employee had violated CCA's core principles and had been less than truthful with C M and Warden. Based upon these findings the employee will be removed from Internal Affairs duties and receive strong disciplinary actions. Warden met with C M and advised him of these findings and his planned actions.		

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9/20/04	Yes	<b>Drug Testing</b>	<b>2i</b>	5 inmates convicted for a positive drug screen in July were not retested in August.	Warden's response dated 10/11/04: Whiteville Correctional Facility acknowledges the error made in the drug testing department. Effective October 11, 2004 an officer has been assigned the sole responsibility to conduct inmate drug testing. In addition, the Wardens' Executive Assistant will monitor compliance on a weekly basis.	Same as above	<b>12/20/04 DCCO CM note:</b> Letter of Breach issued by Commissioner 11/29/04.
9/20/04	Yes	Drug Testing	NIN	10 inmates paroling in August, were not drug-tested 30 days prior to their release date or 30 days prior to their parole hearing date.	Same as above.	<b>CM Note:</b> NCN issued for same/similar NIN issue. (ref: 9/20/04,12/29/04)	
10/26/04	Yes	Security and Control Searches	3c	Visitors and venders not frisk searched before entering at checkpoint.	Warden's response 11/29/04: The Chief of Security will ensure that proper procedures are strictly enforced concerning documentation being entered into the logbook in the future.		
10/26/04	Yes	Security and Control Searches	3d	The Shift Supervisor designates a random selected number to be searched at checkpoint, this number is not documented in the checkpoint logbook to verify this. Furthermore staff are frisk searched only during shift change.	Warden's response 11/29/04: Partial Concurrence The Chief of Security along with Shift Supervisors will ensure all staff assigned to check point are in strict compliance with posted memo and procedures. On the day in question, searches were conducted as per written directives, however; the officer did fail to document the searches in the logbook. Please Note: The searches were documented on the shift roster as required.		
10/26/04	Yes	<b>Security and Control Searches</b>	<b>6</b>	11 of 36 cell search requests entered on TOMIS were not performed according to TOMIS.	Warden's response 11/29/04: New procedures have been put into place to ensure future compliance.	<b>Monitor's note:</b> NCN issued for same/similar item. (ref:10/21/03)	<b>12/20/04 DCCO CM note:</b> Letter of Breach issued by Commissioner 11/29/04.

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12/7/04	NO	Disciplinary Procedures	NIN	It appears that inmates may not have been allowed the opportunity to sign or refuse to sign (CR-2727) withdrawal request forms after final disposition of Class A and B disciplinaries..	Warden's response 12/7/04: Whiteville Correctional Facility has corrected the error effective 120704. Inmates will be required to place their signature on the CR-2727 while present at the hearing. If the inmate refuses to sign the CR-2727 it will be signed by the D-Board Chairman "refused to sign" and witnessed by an alternate employee while the inmate is present.		
12/29/04	NO	Drug Testing	2a	1 inmate refused to give a specimen for drug testing. Disciplinary report was entered but wasn't heard by D-Board.			
12/29/04	NO	Drug Testing	NIN	8 inmates paroling in November 04, were not drug-tested 30 days prior to their release date.		<b>CM Note:</b> NCN issued for same/similar NIN issue. (ref: 9/20/04)	