of Health and Human Services (HHS) to engage in urine drug testing for federal offenders. The contractor shall maintain certification documents and evidence that the lab meets all specifications in Attachment D for inspection by the BOP.

The urinalysis lab shall detect and identify at least the following drugs and/or metabolites by basic screen at the minimal levels in Attachment D.

A positive written report from the lab for any of the drugs listed in Attachment D indicates that the particular drug has been identified by an initial screening test and then confirmed by a different laboratory procedure.

If a lab detects and identifies other drugs or substances during the initial screening, the contractor shall take appropriate action. The contractor may then decide whether to request confirmation.

Retesting at the offender's request is not permitted.

Urinalysis costs are the responsibility of the contractor. The USPO may use the contractors urinalysis program established for the BOP; however, costs of urinalysis for USPO cases are the responsibility of the USPO. The contractor shall maintain proof (copies of paid invoices, canceled checks, lab reports) to verify services have been rendered.

3) Testing. All urine testing shall be conducted on a "surprise," unscheduled basis in accordance with Attachment D. To eliminate the possibility of a diluted or adulterated sample, staff shall keep the offender under direct supervision following a request for a sample. If the offender is unable to provide the sample, staff shall continue the direct supervision for a two-hour period following the request for the sample.

Staff of the same sex as the offender tested shall directly supervise the giving of the urine sample. If an offender is unwilling to provide a urine sample within two hours of a request for it, staff shall file an incident report. No waiting period or extra time need be allowed for an offender who directly and specifically refuses to provide a urine sample. To eliminate the possibility of diluted or adulterated samples, staff shall keep the offender under direct visual supervision during this two-hour period, or until a complete sample is furnished. To assist the offender in giving the sample, staff shall offer the offender eight ounces of water at the beginning of the two-hour time period. An offender is presumed to be unwilling if the offender fails to provide a urine sample within the allotted time period. An offender may rebut this presumption during the disciplinary process.

Board of Zoning Adjustment
District of Columbia
CASE NO. 16998
EXHIBIT NO. 64A5

As soon as the sample has been collected, the staff shall secure the specimen for analysis, placing it in a locked container. To ensure the integrity and security of the process, the contractor shall establish a chain-of-custody procedure from the point of receiving the empty bottle supplies from the laboratory until the samples are mailed to the lab for analysis. No unauthorized persons or offenders may be involved in the handling of supplies or the collecting, recording, mailing, or processing of test results under any circumstances.

4) Positive tests. A sample is positive when a urinalysis shows the presence of a controlled substance or its metabolite. For an incident report charging use of a particular drug to be justified, the minimum waiting period between successive positive samples as outlined in Attachment D must be observed. In addition, waiting periods also apply to offenders who initially arrive at the facility.

When a positive finding cannot be explained, CSC staff shall thoroughly investigate the positive urine test result to validate the positive finding. The contractor shall report all unauthorized positive test results to the CCM on the day received. Positive test results without justification shall be the basis for a formal disciplinary report.

All urine testing shall be recorded on a log entitled Urine Sampling Program and maintained in the facility at all times. The log shall indicate those offenders subjected to the test, the staff performing the test, the date and time the test was administered, the test results, type of test and a column to indicate if the offender refused to cooperate. In addition, the contractor shall submit a completed BOP form URINE SAMPLING PROGRAM (CCC'S) with each monthly bill. This form reports information for each month.

c. Alcohol Testing. The contractor shall maintain a surveillance and counseling program in order to deter and detect introduction or use of alcohol in the facility. Costs for alcohol testing are the responsibility of the contractor.

The contractor shall establish an appropriate level of monitoring and testing to ensure adequate control of alcohol abuse, but at a minimum of one test for every ten offenders on a weekly basis. Tests shall be on a "surprise" basis.

The contractor shall maintain a log indicating those offenders subjected to the test, the staff performing the test, the date and time the test was administered, the test results, type of test and a column to indicate if the offender refused to cooperate.

A reliable testing instrument such as the one used by the BOP (Alco-Sensor Model II, III or IV), or comparable instrument or device, shall be used for testing.

The contractor will ensure staff using the instrument are familiar with its operation as outlined in the manufacturer's operating instructions. If a positive alcohol test results, .02 or higher (Alco Sensor Models), an incident report shall be prepared charging the offender with using intoxicants.

Offenders who refuse to submit to an alcohol test, either through word or action, shall receive an incident report.

Calibration checks shall be performed on the Alco-Sensor at least monthly according to procedures outlined by the manufacturer. These checks shall be documented in the test log.

14. MENTAL HEALTH. The contractor shall develop and utilize a network of mental health resources and services, including referrals to other federal, state, and community agencies, to ensure basic mental health treatment for offenders with mental health needs. The contractor shall document the community mental health resources. Cost for mental health treatment is the responsibility of the offender unless the offender has no insurance or is unable to pay. In these instances, the BOP will pay with advance approval from the CCM or when emergency treatment is required.

15. SPECIAL SUPERVISION CONDITIONS. Courts or the Parole Commission may require offenders to become involved in specific programs upon release from the CSC or in some instances, while confined at the CSC, e.g., mental health aftercare, alcohol treatment, community service obligation. The contractor will confer with the USPO or CCM on policy and procedures for implementation of all special supervision conditions.

In the case of special conditions, the contractor shall propose a plan of treatment to the CCM for approval. CCM approved costs may be included as a line item on the monthly billing for reimbursement.

16. DRIVING. The CCM approves driving privileges for a BOP offender. This approval authority may be delegated by the CCM to the facility director. The USPO approves USPO offenders to drive unless otherwise specified by the USPO.

Ordinarily, offenders may operate motor vehicles for employment purposes and when public transportation is unavailable and the appropriate approval is documented in the offender's file. Offenders approved for driving must adhere to state and local motor vehicle regulations, and must always operate the vehicle safely. The offender's file, both BOP and USPO, shall contain

all supporting documentation used to determine if the offender is appropriate to drive.

If the CCM is approving driving privileges, the contractor shall submit all relevant information on the BOP form entitled AUTHORIZATION TO OPERATE A MOTOR VEHICLE to the CCM.

If the facility director is approving driving privileges, the contractor shall document all relevant information on the BOP form entitled AUTHORIZATION TO OPERATE A MOTOR VEHICLE in the offender's file.

The offender must adhere to the following conditions:

- The offender must provide proof of valid insurance, (at least liability or the minimum state requirement), a driver's license, vehicle licensing and registration to the contractor. The contractor shall maintain copies of these documents in the offender's file except for the driver's license, which many states prohibit copying. The contractor shall record the driver's license number and expiration date in the offender's file.

- If the vehicle to be used is the property of a person other than the offender, the contractor must have documented proof of valid insurance, vehicle licensing and registration, and a signed authorization (either notarized or witnessed by CSC staff) to use the vehicle obtained from the legal owner.

- The contractor shall maintain the license number and a description of the vehicle on file along with copies of the above referenced documentation.

The contractor shall document the approval in the offender's file.

17. MARRIAGE. The contractor shall refer a BOP offender's request for marriage to the CCM, with the contractor's recommendations. Marriage requests for offenders under supervision shall be forwarded to the USPO.

18. VISITING. An area of the facility shall be available for visiting. The visiting area should afford a reasonable amount of privacy as well as provide for adequate staff supervision.

19. RECREATION. In-house recreation activities, television viewing, table games, and exercise equipment shall be made available to offenders. If in-house recreation is not possible, then alternate recreation shall be made available in the community. The contractor must submit the plan to use alternate recreation to the CCM for approval.

20. RELIGIOUS ACTIVITIES. All offenders shall have access to religious services. In meeting special needs, CSC staff must exercise flexibility and utilize existing community resources. To the extent possible, offenders should be able to continue religious practices as exercised prior to confinement. Each request for religious activities shall be handled on a case-by-case basis, and the CCM shall be contacted for guidance when there are unusual requests or concerns.

The contractor shall have a system of accountability for offenders participating in religious activities.

21. LIFE/FAMILY SKILLS TRAINING. The contractor shall provide programs and services totaling at least 12 hours which will teach a person ways to enhance his or her lifestyle. The CCM may modify this requirement up or down. Participation is mandatory for all offenders for at least 30 days. The services shall assist participants discover their habitual negative behavior; learn how to find and rid themselves of self-destructive belief patterns and long-held resentments; deal with negative emotions in a healthy and safe fashion; and promote positive social adjustment. Members of the family and significant others shall be encouraged to join the offender in as many of these activities as possible in order that they can work together toward the offender's continuation in pro-social activities. The contractor shall include at least the following in the program:

a. Parenting/Family. Many offenders are parents and successful completion of any treatment/rehabilitation program must acknowledge this and address the parenting issues involved.

1) All offenders who are parents shall receive parenting skills education. This program shall provide essential information regarding:

a. child development
b. the effects of separation on children
c. discipline
d. planning activities and playing with children
e. interacting with foster parents
f. school systems and childcare
g. marriage enrichment
h. spiritual enrichment

The program should serve as a forum for offenders to discuss problems and receive support.

2) Individual and family counseling shall be made available to all offenders, their families, and significant others as needed.

b. Abuse. Many offenders have a history of sexual, emotional and physical abuse on the part of their parents as well as their friends, spouses, and significant others. Dealing with this abuse is painful yet essential. The contractor must facilitate this recovery process with the following:

1) A safe, healthy environment must be provided by caring, supportive staff. Judgmental attitudes inhibit the offender's history of abuse with its accompanying feelings of shame and guilt.

2) Staff shall be sensitized to and trained to deal with issues of abuse, especially the counseling staff. Counseling staff shall incorporate abuse issues into individual counseling sessions.

3) Community support groups shall be utilized to assist offenders in dealing with abuse issues, as well as provide important aftercare resources.

4) Therapy groups shall be structured, to deal with abuse issues. A state-licensed psychologist or psychiatrist shall be available for therapy as needed.

c. Vocational. Rigid expectations for immediate employment may not be realistic in all cases. Many offenders are not employment-ready. Because many offenders have histories of addiction and criminal activities, their knowledge, skill and abilities are not current to support employment. In these cases other forms of community involvement may be more helpful and realistic, such as a high school equivalency program, a remedial reading program, a position as a volunteer at a community agency involvement or in a vocational training program. The contractor shall assure that community resources are available. The contractor shall develop and maintain vocational, volunteer and educational opportunities for offenders.

d. Job Readiness. The PRT shall assess each offender's employability within five days of their arrival into the program. Based on the results of the assessment the contractor shall be prepared to:

1) schedule the offender to participate in job readiness preparation;

2) develop and conduct a general employment skill session which introduces all offenders to:

a. how to prepare a resume,
b. how to complete a job application,
c. interviewing skills,
d. assessing job offers,

e. selling yourself,
f. getting a job,
g. retaining a job, and
h. changing jobs;

3) schedule the offender to enroll in GED, or vocational training courses;

4) assure that the offender has transportation to interviews and potential job sites.

e. Money Management. In order to promote personal financial responsibility, the contractor shall assist the offenders to develop sound money management skills. This can be achieved by:

1. Introduction to math fundamentals.
2. Instruction on maintaining checking and savings accounts.
3. Teaching the offender how to establish and maintain a budget.
4. Introduction of the offender to thrifty spending techniques.
5. Rebuilding a credit rating.

f. Wellness. The contractor shall provide an organized program which will teach the offender the essentials of nutrition, stress management and physical fitness.

1) Nutrition value and techniques shall be presented by a certified dietician or licensed physician or nutritionist who will conduct or make available to offenders instructional sessions on such things as:

a. the importance of nutritional, well-balanced meals
b. developing a menu
c. consumer education
d. cholesterol overview

2) Stress Management is a skill each offender should learn. The contractor shall coordinate existing resources in the community that will introduce the offender to:

a. What is stress?

b. How does stress impact on behavior and on physical and mental health?

c. How can stress be managed through techniques such as:
   1. available recreational options
   2. physical fitness facilities
   3. self-help groups
   4. medical resources

3) Physical Fitness shall be actively promoted by the contractor. The contractor will make available appropriate exercise equipment. The contractor will also assure that the offenders are aware of the locally available related resources.

22. COMMUNITY RELATIONS BOARD (CRB). In addition to community outreach, the contractor will establish a CRB that shall meet at least quarterly each calendar year. The CCM and MCA shall be a standing member on the CRB.

CRB is a means of mutual communication and support between the CSC and its local communities. While such CRB have no formal advisory function to the CSC, its purposes is to serve as a two-way communication link between CSC and community leadership, and to advance public education, understanding, and advocacy for issues concerning CSC.

CRB benefit the CSC and the community by:

- increasing public awareness of and education about the mission of the CSC and the BOP,
- determining the availability of community services for the CSC,
- coordinating CSC operations with local law enforcement activities,
- assessing the impact of the CSC on the community, and
- increasing the CSC's involvement in community affairs and services.

The contractor shall develop bylaws that contain a clear statement of the CRB's objectives, define (and limit) the CRB's role in the internal affairs of the facility, provide a structure for CRB operations, define who may be a member, explain how members are selected, and set term lengths for each officer.

CRB members may work closely with local law enforcement, government, business, civic, education and training, health care, pre-release, and religious agencies and organizations.

Initially, the facility director may select CRB members. The facility director shall base his or her assessment of the individual's potential to develop opportunities for mutual assistance and support. The subsequent selection process shall be addressed in the CRB's bylaws.

Consideration shall be given to citizens representing:

- local and federal law enforcement;
- city, county, or township government;
- business and civic organizations (Chamber of Commerce, Lions, Rotary, Kiwanis);
- council of churches;

- school boards; health care organizations; and
- media groups.

# CHAPTER 11 - Discipline

So that offenders may live in a safe and orderly environment, it is necessary for the contractor to impose discipline on those offenders whose behavior is not in compliance with the rules.

The contractor shall provide written policy and procedures for offender discipline. The contractor shall establish facility rules of conduct and sanctions, and procedures for violations of the rules of conduct, to include informal resolution. The contractor shall submit to the BOP all minor rules and sanctions, which the contractor has created, for approval.

The contractor shall use the prohibited acts in Attachment E and may add other approved minor rules as necessary for the safe and secure operation of the facility. If additional minor rules are added by the contractor, the contractor shall associate available sanction(s) to impose for the violation of each added rule. When determining a sanction, the contractor shall ensure the sanction is commensurate and appropriate to the violation.

The rules of conduct and sanctions shall be defined in writing and communicated to all offenders and staff. The contractor shall carry out disciplinary procedures within appropriate time limits, promptly and with respect for the offenders.

There is a wide range of sanctions a contractor may impose or recommend for violations of facility rules of conduct. The majority of these are minor in nature and an informal resolution, e.g., reprimand, loss of television or other privileges, may resolve the issue. The contractor is encouraged to resolve all incidents at the lowest level which correct the offender's misconduct.

The disciplinary requirements in this SOW apply to BOP offenders. USPO offenders participating in the CSC must adhere to the facility rules of conduct. If a USPO offender commits an offense which warrants disciplinary sanction the contractor shall contact the USPO for guidance.

1. GENERAL. The contractor shall take disciplinary action at such times and to the degree necessary to regulate an offender's behavior within BOP's prohibited acts and rules of conduct to promote a safe and orderly facility environment. The contractor shall control offender behavior in a completely impartial and consistent manner. Disciplinary action may not be capricious or retaliatory. The contractor may not impose or allow imposition of corporal punishment of any kind.

a. The contractor shall use the following BOP discipline forms (provided by the CCM):

• CENTER DISCIPLINE COMMITTEE (CDC) REPORT (CCC'S) is used by the CDC to summarize the action taken by the CDC.

• DUTIES OF STAFF REPRESENTATIVES (CCC'S) is used to outline the responsibilities of an employee who is available to assist the offender if the offender desires by speaking to witnesses and by presenting favorable evidence to the CDC on the merits of the charge(s) or in extenuation or mitigation of the charge(s).

• INCIDENT REPORT (CCC'S) is used to document the offender's misconduct (summary of the offense committed and prohibited act code)

• INMATE RIGHTS AT CENTER DISCIPLINE COMMITTEE HEARING is used to notify the offender of their rights before the CDC and allows the offender to waive the 24-hour notice prior to appearing before the CDC.

• NOTICE OF CENTER DISCIPLINE COMMITTEE HEARING (CCC'S) is used to notify the offender of date and time of the CDC.

• WAIVER OF APPEARANCE (CCC'S) is used to notify the offender of their right to appear before the CDC and allows the offender to waive their appearance before the CDC.

b. Categories. There are four categories of prohibited acts (see Attachment E) - Greatest (100 level), High (200 level), Moderate (300 level), and Low Moderate (400 level). Specific sanctions are authorized for each category. Imposition of a sanction requires that the offender first is found to have committed a prohibited act. The following guideline indicates the available sanctions to impose if an offender is found to have committed a prohibited act:

1) Greatest Category Offenses (100 level codes). The CDC shall refer all 100 level codes to the DHO. The contractor shall immediately notify the CCM of all 100 level code violations.

2) High Category Offenses (200 level codes). The CDC may impose and execute one or more of sanctions G through M, except for a VCCLEA offender rated as violent or for a PRISON LITIGATION REFORM ACT (PLRA) offender. All high category offense charges for a VCCLEA offender rated as violent and for a PLRA offender must be referred to the DHO.

3) Moderate Category Offenses (300 level codes). The CDC may impose one or more sanctions G through N, but may suspend any sanction or sanctions imposed. The CDC ordinarily shall refer to the DHO a moderate category charge for a VCCLEA offender rated as violent or for a PLRA offender if the offender had been found to have committed a moderate category offense during the offender's current anniversary year. Current anniversary year means the

twelve month period of time for which an offender may be eligible to earn good conduct time. The CDC shall consult with the CCM for specific information. The CDC must thoroughly document in writing the reasons why the charge for such an offender was not referred to the DHO.

4) Low Moderate Category Offenses (400 level codes). The CDC may impose one or more sanctions G through P, but may suspend any sanction or sanctions imposed. The CDC ordinarily shall refer to the DHO a low moderate category charge for a VCCLEA offender rated as violent or for a PLRA offender if the offender had been found to have committed two low moderate category offense during the offender's current anniversary year. Current anniversary year means the twelve month period of time for which an offender may be eligible to earn good conduct time. The CDC shall consult with the CCM for specific information. The CDC must thoroughly document in writing the reasons why the charge for such an offender was not referred to the DHO.

c. Aiding. Aiding another person to commit any of these offenses, attempting to commit any of these offenses, and making plans to commit any of these offenses, in all categories of severity, shall be considered the same as a commission of the offense itself. In these cases, the letter "A" is combined with the offense code. For example, planning an escape would be considered as Escape and coded 102A. Likewise, attempting the adulteration of any food or drink would be coded 209A.

d. Suspensions of Any Sanction. Suspensions of any sanction cannot exceed six months. Revocation and execution of a suspended sanction require that the offender first is found to have committed any subsequent prohibited act. The CDC may execute, suspend, or revoke and execute suspensions of sanctions G through P. Revocations and execution of suspensions may be made only at the level which originally imposed the sanction.

2. PROCEDURES UPON ADMISSION TO CSC. The contractor shall develop and have a pamphlet, i.e., summary of the disciplinary system to include BOP prohibited acts and contractor's rules of conduct, to give to offenders when they first arrive at the CSC. This shall be given to each offender as part of the orientation program. A signed receipt is to be obtained from each offender acknowledging that a copy of the pamphlet was received and is to be place in the offender's file.

The contractor shall to the extent reasonably available, have a qualified staff member or translator to help offenders who have a language or literacy problem obtain an understanding of the BOP rules on discipline. When a significant portion of the offender population speaks a language other than English, the pamphlet is to be made available in that language. The contractor shall post

copies of the rules at a prominent location, accessible to all offenders.

3. TYPES OF DISCIPLINARY ACTION.

a. Informal Resolution. The contractor may resolve misconduct through an informal resolution process. Informal resolution of misconduct is preferred and shall always be considered before taking formal disciplinary action. The contractor can only informally resolve 300 and 400 level codes.

The contractor shall expunge the incident report if informal resolution is accomplished from the offender's file.

A record of any informal resolution in the 300 or 400 level codes (whether between the offender and the writer of the report, the offender and the CDC) is to be maintained by the facility director for twelve months. The record is to reflect the offender's name, register number, subject of the informal resolution, and the agreed upon disposition. This procedure should enable the facility director, and others as necessary, to monitor the informal resolution process.

> NOTE: Staff may suspend disciplinary proceedings for a period not to exceed two calendar weeks while informal resolution is undertaken and accomplished. If informal resolution is unsuccessful, staff may reinstate disciplinary proceedings at the same stage at which they were suspended. The time requirements then begin running again, at the same point at which they were suspended.

b. Formal Hearings Before the CDC. The contractor shall have the CDC hear all 200 level code violations. A prohibited act in the 100 level codes requires the CDC to convene and refer it to the DHO. The CDC shall also refer a prohibited act in the 200, 300 and 400 level codes when the prohibited act has been committed by a VCCLEA offender rated as violent or by a PLRA offender as outlined in this chapter. The CDC shall make a disposition on all 200 level codes, except VCCLEA offenders rated as violent or by a PLRA offender, and all 300 and 400 level codes not informally resolved or required to be referred to the DHO due to VCCLEA and PLRA status. The CDC cannot impose sanctions A through F in Attachment E.

When a referral is made to the DHO, the CDC will recommend one or more of the sanctions commensurate to the prohibited acts outlined in Attachment E. Only those sanctions can be recommended.

4. BOP INCIDENT REPORT (CDC'S). Staff shall produce an incident report on all major violations that are not subject to informal

resolution. The BOP encourages informal resolution (requiring consent of both parties) of incidents involving violations of regulations. However, when staff have a reasonable belief that a violation of regulations has been committed by an offender, and when staff considers an informal resolution of the incident inappropriate or unsuccessful, staff shall prepare an incident report. Reporting staff will complete Part I of the incident report.

> Note: When a volunteer observes a violation, that person will submit a written description of the incident and a staff member shall complete the BOP incident report. In addition, staff may complete an incident report from information on a police report. The charge may be translated into terms of the prohibited acts. A telephone report from an approved laboratory of a positive urinalysis is sufficient evidence to write a report; however, documentary confirmation must be obtained before the formal hearing.

The entire language of the prohibited act(s) does not have to be copied. Only the relevant portion need be used. For example, "destroying government property, code no. 218" "possessing narcotics, code no. 113" would be acceptable listings for appropriate charges.

The description of the incident should contain the details of the activity which is being reported. All facts about the incident which are known by the employee and which are not confidential should be recorded. If there is anything unusual about the offender's behavior, this would be noted. The reporting employee should also list those persons (staff, offenders, others) present at the scene, and the disposition of any physical evidenced (weapons, property, etc.) which the employee may have personally handled. The report is also to reflect any immediate action taken during the incident, including the notification of law enforcement. The reporting employee shall sign the report and indicate his or her title in the appropriate blocks. The date and time of the report being signed should be entered. The incident report should then be forwarded to the appropriate investigating officer for disposition.

Staff shall give each offender charged with violating a BOP prohibited act a written copy of the charge(s) against the offender, ordinarily within 24 hours of the time staff became aware of the offender's involvement in the incident. This is accomplished by providing the offender a copy of PART I of the incident report. The staff member shall note the date and time the offender received a copy of the incident report.

5. SPECIAL REPORT WRITING INSTRUCTIONS. Because of national data collection requirements, the contractor shall obtain guidance when one of the following violations occur:

- Code 100 - Killing
- Code 101 - Assaulting any Person (Serious)...
- Code 107 - Taking Hostages
- Code 203 - Threatening Another with Bodily Harm...
- Code 205 - Engaging in Sexual Acts
- Code 206 - Making Sexual Proposals or Threats to Another
- Code 224 - Assaulting any Person (Less Serious)..

6. INVESTIGATION. Staff shall conduct the investigation promptly unless circumstances beyond the control of the investigating officer intervene. The facility director shall appoint an investigating officer ordinarily within 24 hours of the time the violation is reported. Staff writing the report may not investigate the report. The investigation is initiated and ordinarily completed within 24 hours of this appointment. If the investigation cannot be completed in three days, the contractor shall document the reasons and notify the CCM.

a. BOP Forms. The investigating officer shall give the following forms to the offender for signature. The investigating officer is responsible for attaching these completed forms to the incident report and providing the offender with copies.

- INMATE RIGHTS AT CENTER DISCIPLINE COMMITTEE HEARING
- NOTICE OF CENTER DISCIPLINE COMMITTEE HEARING (CCC'S)
- WAIVER OF APPEARANCE (CCC'S)
- DUTIES OF STAFF REPRESENTATIVES (CCC'S)

The investigator shall advise the offender of the right to remain silent at all stages of the disciplinary process but that the offender's silence may be used to draw an adverse inference against the offender at any stage of the disciplinary process. The investigator shall also inform the offender that the offender's silence alone may not be used to support a finding that the offender had committed a prohibited act. The investigator shall read the charge(s) to the offender and ask for the offender's statement concerning the incident unless it appears likely that the incident may be the subject of criminal prosecution. Note: the investigating officer may informally resolve all 300 and 400 level codes.

"""

b. Outside Investigations. When it appears likely that the incident is subject to criminal prosecution, the investigating officer shall suspend the investigation and notify the CCM for guidance. Staff may not question the offender until the Federal Bureau of Investigation or other investigative agency interviews have been completed or until the agency responsible for the criminal investigation advises that staff questioning may occur.

c. Investigation By The Contractor. The investigating officer shall thoroughly investigate the incident and shall record all steps and actions taken on PART III of the incident report. Once completed, PART III shall be forwarded with all relevant material to the CDC. The offender does not receive a copy of PART III.

When the offender did not receive a copy of the incident report at the beginning of the investigation, the reason(s) for this should be stated in the investigative portion of the incident report. Document the fact that the offender has been advised of the right to remain silent in the investigative portion of the incident report. Comments about the offender's attitude may be included with the offender's statement on the charge(s).

To the extent practicable, the offender's statements offering a rationale for his or her conduct or for the charges against him or her should be investigated.

The investigating officer should talk to those persons with direct and relevant information, and summarize their statements. The disposition of evidence should be recorded. Often, the investigating officer will want to talk to the reporting employee to obtain a report firsthand and to clarify any question(s) the investigating officer may have. Under comments and conclusions, the investigating officer may include their:

- Comments on the offender's prior record and behavior,
- Analysis of any conflict between witnesses, and
- Conclusions of what in fact happened.

1) Confidential Informant. When a discipline decision will be based on confidential informant information, the contractor shall seek the guidance of the CCM for appropriate use and documentation.

7. STAFF REPRESENTATION. The offender may request a staff representative. The contractor shall ensure that the offender has a staff representative if requested by the offender. The offender may not use an attorney as a representative. The staff representative may review the investigation to ensure the offender's rights have not been violated. However, the staff representative is advised the offender may not get a copy of the investigation or may not have knowledge of sensitive information. The staff representative shall be available to assist the offender if the offender desires by speaking to witnesses and by presenting favorable evidence to the CDC on the merits of the charge(s) or in extenuation or mitigation of the charge(s). The CDC shall arrange for the presence of the staff representative selected by the offender.

8. WITNESSES. The offender or their representative may request witnesses from inside or outside the CSC, where their presence at

the hearing would not pose a serious threat to the security of the witness or the CSC. The investigating officer will notify the requested witnesses of the formal hearing. The reporting employee and other adverse witnesses need not be called if their knowledge of the incident is adequately summarized in the incident report, investigation, or other material supplied to the CDC. Witnesses whose testimony would be repetitious or irrelevant need not be called; written statements of unavailable witnesses will be accepted in place of "live" testimony. However, there must be good reason for failure to call a witness in person, and the reason shall be documented.

9. FORMAL HEARING. If an incident cannot be resolved informally, and the offender is a BOP case, the contractor shall proceed with a formal CDC hearing.

If the offender is being held locally (within a 50 mile radius), the CDC will make arrangements for an in-person hearing, unless the offender waives the in-person hearing. If circumstances do not allow for in-person hearing, e.g., permission cannot be obtained by the holding official or the offender is on escape status, the CDC will conduct the hearing in absentia and notify the CCM. Remote hearings shall not diminish the offenders rights at CDC.

The contractor shall delegate to one or more staff members the authority and duty to hold a formal hearing upon completion of the investigation. In order to ensure impartiality, the appropriate staff member(s) (hereinafter usually referred to as the CDC) may not be the reporting or investigating officer or a witness to the incident, or play any significant part in having the charges referred to the CDC.

However, a staff member witnessing an incident may serve on the CDC where virtually every staff member in the facility witnesses the incident in whole or in part. If the CDC finds at the formal hearing that an offender has committed a prohibited act, the CDC may impose dispositions and sanctions. When an alleged violation of BOP rules is serious and warrants consideration for other than what the CDC may impose, the CDC shall refer the charges to the DHO. The CDC must refer all 100 level codes to the DHO. The following minimum standards apply to formal hearings in all CSCs.

Each offender so charged is entitled to a formal hearing before the CDC, ordinarily held within three work days from the time staff became aware of the offender's involvement in the incident. This three work day period excludes the day staff became aware of the offender's involvement in the incident, weekends, and holidays.

For example, if staff become aware of an offender's involvement in the incident on a Tuesday and provide

the offender with a copy of the report on Tuesday, the three work day period starts the following day, Wednesday. The CDC hearing must ordinarily be held by Friday.

The offender is entitled to be present at the formal hearing except during deliberations of the decision maker(s) or when security would be jeopardized by the offender's presence. The CDC shall clearly document in the record of the hearing reasons for excluding an offender from the hearing. An offender may waive the right to be present at the CDC hearing provided that the waiver is documented by staff.

The offender is entitled to make a statement and to present documentary evidence in the offender's own behalf.

The CDC will convene and formally refer all 100 level codes to the DHO.

In regards to 200, 300 and 400 level codes, the CDC shall consider all evidence presented at the hearing and shall make a decision based on at least some facts, and if there is conflicting evidence, it must be based on the greater weight of the evidence. All sanctions must be commensurate with the prohibited act. The contractor shall consider the requirements of this chapter regarding a VCCLEA offender rated as violent or PLRA offender.

Accordingly, the CDC shall take one of the following actions:

- Informally resolve the incident;

- Find that the offender did not commit the prohibited act charged or a similar prohibited act if reflected in the incident report;

- Find that the offender committed the prohibited act charged and/or a similar prohibited act if reflected in the incident report and impose sanctions (G thru P, commensurate with the prohibited act); or

- Find that the offender committed the prohibited act charged and/or a similar prohibited act if reflected in the incident report and refer the packet to the DHO to impose sanctions, (A thru P, commensurate with the prohibited act).

The CDC cannot impose sanctions A thru F listed in Attachment E. If any of these sanctions are appropriate for the violation for the prohibited act committed, the CDC will refer the incident to the DHO.

NOTE: The phrase "some facts" refers to facts indicating the offender did commit the prohibited act. The phase "greater weight of the evidence" refers to the merits of the evidence, not to its quantity nor to the number of witnesses testifying.

If the CDC finds a prohibited act was committed, the chairperson, shall complete the PART II of the incident report and BOP form NOTICE CENTER DISCIPLINE COMMITTEE (CDC) REPORT. A verbatim record is not required. These documents are certification of those persons serving on the CDC and the CDC proceedings. The names of other CDC members, if any, participating in the hearing are to be noted in Part II of the incident report in the space provided. The evidence relied upon, the decision, and the reasons for the recommendations shall be written out in specific terms, unless doing so would jeopardize center or individual security. Under "evidence relied upon," there must be reference to the specific facts the CDC relied upon and not mere reference to the incident report that contains those facts.

When sanctions are recommended to the DHO, staff shall, immediately after the hearing, forward the completed CDC packet to the DHO with copies placed in the offender's file. The CDC packet shall consist of:

- INCIDENT REPORT (CCC'S);
- CENTER DISCIPLINE COMMITTEE REPORT;
- INMATE RIGHTS AT CENTER DISCIPLINE COMMITTEE HEARING;
- NOTICE OF CENTER DISCIPLINE COMMITTEE HEARING (CCC'S);
- WAIVER OF APPEARANCE (CCC'S);
- DUTIES OF STAFF REPRESENTATIVES (CCC'S); and
- Other pertinent information related to the proceedings.

The CDC shall give the offender a written copy of the decision and disposition and advise they may appeal the decision through the Administrative Remedy Process.

In the event the CDC finds that no prohibited act was committed, the CDC will indicate it on the incident report, PART II. A copy shall be provided to the offender. All other material shall be expunged by staff. If the finding (the offender committed the act) is overturned on appeal, the CCM will notify the contractor with advisement. If the DHO requires additional action in the proceedings, the CDC will comply.

The requirement for expunging the disciplinary hearing material does not preclude maintaining for research purpose copies of disciplinary actions resulting in "not guilty" finding in a master file for one year, separate from the offender's file.

# CHAPTER 12 - Administrative Remedy

The contractor shall establish a written grievance procedure and make it available to all offenders.

The contractor shall comply with the most recent version of the BOP program statement entitled Administrative Remedy Program. The contractor shall stock and provide offenders with BOP ADMINISTRATIVE REMEDY FORMS to accommodate any claims directly related to BOP matters, e.g., disciplinary decisions or component assignment.

# CHAPTER 13 - Food & Medical Services

1. FOOD SERVICES OPERATIONS. The contractor shall possess the most recent copy of the FDA, U.S. Department of Public Health, Food Code. The contractor shall comply with its requirements.

The contractor shall ensure that food provided to the offenders is safe and does not become a vehicle in a disease outbreak or in the transmission of communicable disease. The contractor shall, to the extent possible, ensure that food is unadulterated, prepared in a clean environment, and honestly presented.

The contractor's food service dining area, either in-house or contracted out, shall not be part of an establishment that serves alconolic beverages.

The contractor shall provide meals to offenders who work irregular hours and are not available at regularly scheduled meal times.

a. Menus. A Registered Dietician (RD) means that a person has completed academic and experience requirements established by the Commission on Dietetic Registration, the credentialing agency for American Dietetic Association (ADA). RDs provide reliable, objective nutrition information, separate facts from fads and translate the latest scientific findings into easy-to-understand nutrition information.

An RD shall annually review and approve the nutritional value of the menu, if fixed and semi-annually if not fixed. All the meals shall meet the recommended dietary allowances and the dietary guidelines as set by the current version of the ADA. The FOOD GUIDE PYRAMID, Attachment F, is a guide for what to serve each day based on the dietary guidelines. The contractor shall maintain a copy of the RD's current credentials and the certified menus for inspection by the BOP.

Menus shall be prepared and be posted in a very conspicuous place for offender's viewing.

1) Special Menus or Diets. The contractor shall provide meals which meet diets required by confirmed religious preference, physician or dentist.

The contractors shall not prepare anything made with poppy seeds. Since poppy seeds could appear in a urinalysis and suggest the use of narcotics, the contractor shall advise offenders in writing not to eat poppy seeds. The offender must acknowledge this notice by signing an acknowledgment of this information. The contractor shall document this acknowledgment in the offender's file.

b. Provisions. All offenders, regardless of employment or financial status, shall be provided the opportunity for food services. Under no circumstances will the offender be required to pay for these services. The contractor shall include these costs in the per-diem rate.

The contractor shall provide a food service program either by contractor preparation and serving in the facility or through a sub-contractual agreement with a food service provider.

1) Vendor or Food Service Provider. The contractor providing meals to offenders through arrangements with a local vendor or food service provider, shall provide a copy of their agreement and ensure the following:

- The contractor shall be responsible for the person in charge as defined in the FDA, U.S. Department of Public Health, Food Code. This responsibility cannot be delegated.

- The contractor shall comply with the requirements in the FDA, U.S. Department of Public Health, Food Code.

- The contractor shall show evidence the vendor or food services provider is a full-service organization, capable of providing breakfast, lunch, and dinner, and identify the person operating as the person in charge on behalf of the vendor or food service provider. In addition, the contractor shall identify the person who legally owns and operates the vending company or food service.

- The contractor shall show evidence the owner is a permit holder. Permit means the document issued by the regulatory authority that authorizes a person to operate a food establishment. The contractor shall maintain a valid copy of the permit.

- The contractor shall show evidence the establishment meets all state and/or local sanitation and health codes, and complies with the FDA, U.S. Department of Public Health, Food Code.

The CCM will approve the use of a vendor or food service provider.

2) Food Service By the Contractor. When food services are in the facility, the contractor shall have adequate space to provide for food preparation and service and provide an eating and seating area, i.e., at least 15 square feet per person, for all who dine at the same time. The area shall be separated from sleeping quarters and well ventilated, properly furnished, and clean.

When the contractor prepares and serves meals in the facility, the contractor shall comply with the requirements of the FDA, U.S. Department of Public Health, Food Code. In addition, all persons preparing food shall comply with federal, state, and local health and sanitation codes. In the event of any conflict in these codes, the most stringent will apply. The contractor shall identify the person in charge of food preparation to the CCM.

The contractor shall require any person who serves, prepares or handles food to have a prior physical examination and possess a valid Food Handlers License, if available.

No person shall work in the food service establishment who has a communicable disease, disorder or respiratory problem.

Employees handling food shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting to work, during work as often as necessary to keep them clean, and after smoking, eating, drinking, or using the toilet.

The contractor shall post hand washing signs in all lavatory areas over sinks. Hand-cleansing soap, towels and/or air dryers are to be available at each lavatory. The use of common towels or bar soap is prohibited.

The outer clothing of all food handlers shall be clean. Employees shall keep their fingernails clean and trimmed.

All food handlers involved in the preparation or serving of the food are required to wear proper apparel, e.g., plastic gloves, hats, caps, hair net, beard net.

No employee or offender shall use tobacco in any form while in the food preparation or service area.

c. Stored Food. Stored food shall be obtained from sources that comply with all laws relating to food and food labeling.

1) Food shall be free from spoilage and filth and be safe for human consumption.

2) Containers used in food preparation shall be kept covered after they are filled.

3) All food contact surface areas shall be smooth and free of cracks, chips, etc., and free of corners or crevices which would be difficult to clean.

4) All open containers or bins of ice must have plastic or metal tongs and/or scoops provided for proper and safe dispensing of ice.

5) Food must be properly stored at least 6" off the floor level and shall not be stored under exposed or unprotected sewer or water lines.

6) Food storage under automatic fire sprinkler systems is permissible; however, material cannot be stacked within 18" of the sprinkler head.

7) Food shall not be stored in proximity to pesticides or cleaning materials.

8) The storage of food, equipment, utensils or single-service articles in toilet areas or vestibules is prohibited.

9) All dishwashing machines shall be thoroughly cleaned at least once a day, or more often when necessary, to maintain them in proper condition. Tableware shall be washed, rinsed, and sanitized after each use. Cleaned and sanitized equipment and utensils shall be handled in such a way to be protected from contamination.

10) Stored frozen foods shall be maintained frozen. Stored refrigeration shall be maintained at 5° Celsius (41° Fahrenheit) or less. Exceptions to these requirements are outlined in the FDA, U.S. Department of Public Health, Food Code.

d. Refuse. Refuse is solid waste not carried by water through the sewage system.

1) Garbage and refuse shall be kept in durable insect and rodent-proof containers which do not leak or absorb liquids. Garbage and refuse shall be disposed of often enough to prevent the development of odor and other conditions that attract or harbor insects and rodents.

e. Liquid Waste. The contractor shall prevent backflow or back siphonage in accordance with the FDA, U.S. Department of Public Health, Food Code. The system shall meet American Society of Sanitary Engineering (ASSE) standards for construction, installation, maintenance, inspection, and testing for that specific application and type.

f. Fire Extinguishing Systems. The contractor shall comply with NFPA. Fire extinguishing systems over grills, deep fat fryers, etc., shall be equipped with automatic shut-off devices for when the system is activated. Fuse links are to be changed and the system tested in accordance with the manufacturers' recommendation. Grease filters are to be kept clean and should be made of stainless steel for safety reasons.

2. MEDICAL SERVICES. The contractor shall provide offenders an opportunity to access medical care and treatment. The intent is

to assist the offender in maintaining the continuity of medical care and treatment in accordance with the requirements of this SOW.

The contractor shall provide on-site emergency first aid and crisis intervention to include a first aid kit, trained staff in basic first aid, and policy that outlines steps that employees take in case of an emergency. The first aid kit equipment must meet the basic requirements described by OSHA Regulations (Standards -29CFR). The first aid kit shall at least consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall contain a sufficient quantity of at least the following types of items:

- Gauze roller bandages, 1 inch and 2 inch;
- Gauze compress bandages, 4 inch;
- Adhesive bandages, 1 inch;
- Triangular bandage, 40 inch;
- Ammonia inhalants and ampules;
- Antiseptic applicators or swabs;
- Burn dressing;
- Eye dressing;
- Wire or thin board splints; and
- Forceps and tourniquet.

The contractor shall provide that each staff member is certified in cardiopulmonary resuscitation (CPR). In addition, the contractor shall provide that staff are trained to respond to health-related situations to include universal precautions and suicide prevention.

The contractor shall have written policy and procedure regarding the control and dispensing of an offender's prescribed medication.

The contractor shall develop and use a consent form which gives the contractor access to an offender's medical information if the offender becomes hospitalized and is physically unable to provide this consent. This consent will be in writing and meet all local standards, laws and regulations unique to the contractor's place of performance. This consent shall be secured by the contractor during the intake screening process and filed in the offender's file.

1. EXPENSES. Expenses for an offender's medical and dental care shall be the responsibility of each offender. These may be personally paid or paid by the offender's insurance.

If the offender has no resources, the contractor shall make every effort to secure no-cost treatment. If no-cost treatment is not possible, the contractor shall contact the CCM to determine if the offender should be transferred to a BOP medical institution.

BOP will not reimburse medical expenses for USPO cases unless specifically indicated in this SOW.

a. Emergency. In an emergency, the contractor shall obtain the necessary emergency medical treatment required to preserve the offender's life. The contractor shall immediately notify the CCM of emergency treatment.

If an offender at any time appears to have a communicable or debilitating physical problem, the contractor shall notify the CCM for approval to make arrangements for an examination. An exception to this requirement is Medical Screening upon the offender's initial arrival to the facility.

1) Payment. If the offender cannot pay or if the emergency treatment is not covered by the offender's insurance, the contractor shall pay and submit the paid invoice with the regular monthly billing to the CCM. The Government will reimburse the contractor for all emergency medical treatment for both BOP and USPO offenders.

2. PRE-ARRANGED TREATMENT. The contractor shall have a written arrangement with a licensed general hospital, private licensed physician or clinic to ensure emergency medical service is available 24 hours a day.

3. EXAMINATION OF OFFENDERS COMMITTED DIRECTLY TO THE CSC. Except for transfers from a federal institution, when a BOP or USPO offender is admitted directly to the facility, the contractor shall ensure a physical examination is accomplished within five calendar days of arrival at the center. The contractor shall factor the cost for these examinations in the business proposal.

The examination is to determine any urgent medical or mental health care needs, restrictions from work, and freedom from infectious disease. The contractor shall notify the CCM of those offenders with immediate mental or medical health needs and infectious disease. The results shall be documented and sent to the CCM with copies to the offender's file. These procedures are for the protection of the patient and other offenders and staff.

The examination shall include diagnostic procedures relating to potential communicable and infectious disease when medical staff make the determination that testing is clinically indicated. The examine shall be a general office visit comparable to an "insurance-type" physical and may not require hospitalization. Routine laboratory studies shall at least include complete blood count (CBC), urinalysis, tuberculin screening tests, infectious disease screening, and serological tests for syphilis.

4. INFECTIOUS DISEASE. The facility director has a need to know of institution transfers with positive human immunodeficiency virus (HIV) or hepatitis B virus (HBV) status for purposes of pre-release management and access to care. In instances of notification, the contractor shall take precautions to ensure that only authorized persons with a legitimate need to know are allowed access to the information in accordance with the Privacy Act of 1974.

The contractor shall observe universal precautions. This method of infection control requires all employees to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood borne pathogens. Where differentiation of types of body fluids is difficult or impossible, all body fluids are to be considered as potentially infectious.

# CHAPTER 14 - Records and Reports

The contractor shall provide that records are safeguarded from unauthorized and improper disclosure and that when any part of the information system is computerized, security ensures confidentiality. The contractor shall provide access to the Government concerning the performance of this contract.

Several sections of this SOW require the contractor to maintain records on offenders, which is considered to be part of the inmate's central file. Other documents are unique to contract performance and the property of the BOP. The contractor shall not establish a separate system of records without prior approval of the CCM. All records related to contract performance shall be retained in a retrievable format for the duration of the contract. Except as otherwise expressly provided in this SOW, the contractor shall, upon completion or termination of the resulting contract, transmit to the BOP any records and/or documents related to performance of the contract.

1. OFFENDER FILE. The contractor shall maintain a central file on each offender that includes all significant decisions and events relating to the offender, and at least the following information:

- Initial intake information form,
- Case information from referral source, if available,
- Case history/social history,
- Medical record, when available,
- Individual program plan,
- Signed release of information & other consent forms,
- Evaluation and case notes,
- Current employment data,
- Signed acknowledgment of receipt of facility rules,
- Signed acknowledgment of receipt of disciplinary policy,
- Grievance and disciplinary record,
- Documented legal authority to accept resident,
- Referrals to other agencies,
- Terminal report, and
- Record of resident finances.

In order to facilitate the planning, implementation, and evaluation of programs, documents entered into the files shall be dated and signed by the staff member making the entry.

The contractor shall provide a method to account for each file and to ensure documents are filed into the file in a timely manner.

2. OTHER RECORDS.

a. Urine Report. The contractor shall complete the BOP form URINE SAMPLING PROGRAM (CCC'S) on a monthly basis and forward it to the CCM along with the monthly billing. The contractor shall also send a copy of this report to the Chief USPO.

The contractor shall maintain a chronological log for all offenders tested under the urine testing program. The log shall include specimen number, resident's name and number, date sample collected, staff member witnessing collection, reason for test, results and date received. These individual logs shall be placed in the offender's file.

When submitting a sample for testing, the contractor shall complete the sampling ID slip and place it in the individual offender's file. Written sample results will be compared with this slip when received from the laboratory.

b. Bill. The contractor shall provide the CCM with a monthly bill and a report of each offender's finances to include wages and salaries, number of hours worked, amount and type of deductions, e.g., federal taxes, state taxes, social security contributions. In addition the report shall include information regarding savings, amount of subsistence collected, and any financial obligations, i.e., restitution, COIF, fine payments, Court ordered child support paid by the offender.

The contractor shall send invoices to the CCM by the 10th of the month using either the U.S. postal system or other means available. The CCM may require earlier submission.

c. Log. The contractor shall control and monitor access to all logs.

1) Employment. The contractor shall maintain a written log of an offender's employment, and/or unemployment. The log will list all offenders by name and register number. It will indicate date of arrival, date employed. The contractor shall document an offender's file when the offender does not obtain employment 15 calendar days from their arrival.

2) Sign IN/OUT. The contractor shall maintain a sign in/out log as indicated in the Sign-Out Procedures.

3) Search Log. The contractor shall maintain a log to indicate searches of the facility.

4) Urine Sample Testing Log. The contractor shall maintain a log to indicate urine samples taken from offenders.

5) Alcohol Testing Log. The contractor shall maintain a log to indicate alcohol tests taken from offenders.

6) Other. The contractor shall provide a log that tracks information at the direction of the CCM.

3. CONFIDENTIALITY. The Privacy Act and Freedom of Information Act (FOIA) sets forth a series of requirements governing federal agency record keeping practices intended to safeguard individuals against invasions of personal privacy. The determination of what information may be released requires staff to have a basic understanding of both the FOIA and the Privacy Act. Staff also should be aware that the Privacy Act establishes criminal penalties and civil liabilities for unauthorized disclosures. The contractor shall not release any BOP document to an offender or anyone else without the approval of the CCM.

The contractor shall not release information to any individual unless the subject of the request has provided written consent.

BOP documents that are sought by subpoena, Court order, or other Court demands are subject to the approval of the Attorney General or his or her designee before they may be produced. The guidelines are set forth in 28 CFR §16, subpart B. Accordingly, if a contractor receives such demands shall notify and consult with the CCM for advice regarding proper handling of the demand.

In order to release information to an offender's employer and other third parties, the contractor will obtain a release from the offender. Likewise, offenders shall acknowledge other conditions of residence in a center program which include, but are not limited to, urine testing, subsistence collection, medical treatment, and an agreement to abide by posted regulations.

# CHAPTER 15 - Release Preparation

The contractor shall ensure timely and appropriate releases of offenders from custody. The contractor shall provide written procedures for releasing offenders at the end of their sentence, but not limited to, the following:

- Verification of identity;
- Verification of release papers;
- Completion of release arrangements;
- Notification of the USPO, if required;
- Return of personal effects such as medication;
- Check to see that no facility property leaves the facility;
- Arrangements for completion of any pending action;
- Arrangements for community follow up if required;
- Instruction on forwarding of mail; and
- Obtain forwarding address and telephone number.

1. RELEASES. The contractor shall provide written procedures for establishing a formal release plan for offenders and execute appropriate release certificates. The plan shall include the offender's verified residence and employment or training program.

The contractor shall consult with the CCM on each offender's release to verify the actions required of the contractor.

Offenders shall be released by 9:00 A.M. The contractor shall telephonically notify, before 1:00 P.M. of the same day, the CCM of offenders who have released from the CSC. Releases outside this requirement must be coordinated with the CCM.

a. Types of Releases.

1) Parole is a conditional release from custody, ordered at the discretion of the U.S. Parole Commission, at any time on or after the parole eligibility date.

2) Mandatory Release is a release from sentence confinement with sentence supervision to follow, pursuant to the requirement of Title 18, U.S. C. §4164.

3) Expiration Full Term is a type of release that indicates the offender has completed the confinement portion of his/her sentence, and has no supervision to follow.

4) Expiration Full Term with Special Parole to Follow is a type of release that indicates the offender has completed the confinement portion of his/her sentence, but has a Special Parole Term (SPT) to follow.

5) Expiration with Good Time is a type of release that indicates the offender has completed the confinement portion of his/her sentence, and has no supervision to follow.

6) Expiration with Good Time with Special Parole to Follow is a type of release that indicates the offender has completed the confinement portion of his/her sentence, including good time deductions pursuant to Title 18, U.S.C. §4163, but has a Special Parole Term (SPT) to follow.

7) All "New Law" related offenses, GOOD CONDUCT TIME RELEASE (GCT REL), FULL TERM (FT REL) releases fall under the Sentencing Reform Act of 1984, Violent Crime Control and Law Enforcement Act (VCCLEA) of 1994, and Prison Litigation Reform Act (PLRA) of 1995. These are unconditional releases from the confinement portion of the sentence. No supervision applies to the sentence imposed, but a period of supervised release could be imposed in connection with the offense.

8) Probationer BOP Release CCCA (PROB BOP) is a type of release that indicates the offender will release from custody as a condition of supervision or probation.

9) Probationer CTC Release CCCA (PROB CTC) is a type of release that indicates the offender who will release from the CSC as a condition of supervision or probation. This is a USPO case.

10) Public Law Mandatory Releasee (PL MR), public law parolee (PL PAR), and public law probationer (PL PROB) is a type of release that indicates the offender who will release from the CSC to supervision. These are USPO cases.

b. Release Planning. With the exception of FULL TERM RELEASE with no supervision to follow, staff at least six weeks before a release date submit a proposed release plan to the USPO for investigation and approval.

At least four weeks before a parole release date, staff shall submit a request for a parole certificate to the appropriate U.S. Parole Commission office, with the USPO approval attached.

Parole certificates are mailed or faxed from the U.S. Parole Commission directly to the CSC. The contractor shall consult with the CCM to ensure that the number of days remaining to be served is accurate and that any special conditions are noted on the reverse side of the parole certificate prior to the offender being released from the CSC. The contractor shall mail the signed parole certificate to the CCM.

NOTE: Conditions of release are read to the offender and the offender's signature (witnessed and dated by a staff member) is obtained on each of the parole

certificates and SPT certificates, when applicable. Each page of the certificate is signed individually, in pen, and is not carbonized. Release on parole is not effective without the offender's signature. Copies are distributed as follows: (a) original to offender; (b) copy to USPO; (c) "institution copy" to CCM; and (d) copy to U.S. Parole Commission Office.

If an offender is releasing to some type of supervision, the contractor must advise the offender to report to the USPO within 72 hours of release from the CSC.

2. RELEASE DOCUMENTS. The contractor shall verify all release documents with the CCM three days prior to release. The contractor shall ensure all releasing documents have original signatures, are dated and appropriately distributed. The contractor is responsible, but not limited to the following:

- Parole Certificate,
- Mandatory Release Certificate,
- Special Parole Term Certificate,
- Conditions of Supervision,
- Notice of Release and Arrival, or
- Notice to the U.S. Attorney of Release of Inmate with Criminal fine.

3. RELEASE CLOTHING, FUNDS, AND TRANSPORTATION. The BOP provides release clothing, funds and transportation at the time an offender is transferred from an institution to a CSC.

In unusual circumstances due to the location of the CSC or the conditions of an offender's confinement in a CSC, the need may arise for the contractor to provide release clothing, funds, and transportation for releasee. When these rare occasions arise, the contractor shall develop and submit an itemized plan for an offender's release clothing, funds, and transportation needs to the CCM for approval prior to release. If approved, the contractor will provide the release funds, clothing, and make the necessary transportation arrangements for the offender. Documentation, e.g., paid invoices, shall be forwarded with the monthly billing. The contractor will be reimbursed by the Government for CCM approved release clothing, funds, and transportation.

4. TERMINAL REPORT. The contractor shall complete a terminal report on all releasing offenders within five working days of release. It shall follow the Case Notes format and shall include, in addition, the following:

- A description of adjustment;
- A prognosis for future adjustment,
- Suggestions on how the offender could have been

better prepared for his/her placement in the CSC,
- Final status of offender's money, i.e., obligation payments, savings; and
- Release plans, including: (a) residence, (b) employment and (c) salary.

Distribution: original to CCM, copy to the USPC (if applicable), and a copy to the appropriate USPO.

5. PROPERTY. The contractor shall establish and maintain procedures to dispose of an offenders' personal property in event of death, escape or transfer. Inventory must be accomplished by no less than two staff, each of whom will sign and complete an inventory list. Property shall be secured and inventoried as soon as possible following death, escape or transfer. Personal property left behind by an escapee shall be considered voluntarily abandoned. The contractor shall contact the CCM for instructions. If an offender is being held in a local jail, whoever was listed to be notified on the intake screening form will be advised to pick up the property after the property is released by the investigating officers, if applicable.

6. FILES. Upon completion or termination of the offender's program, the contractor shall forward the file to the CCM along with the terminal report within five calendar days of the offenders release. The contractor may retain public information which can identify the former offenders, copies of research data which have been depersonalized and copies of reports generated by the contractor.

# CHAPTER 16 - Escape Procedures

Escape procedures begin when an offender arrives at the CSC by informing the offender of the consequence of an escape. A CSC is commonly called a "halfway house" which indicates the offender is not in prison, nor has total freedom in the community. Rather, the CSC is halfway between prison and the community. Residency in the CSC is a major adjustment for the offender and it will be very difficult. The contractor shall develop programs that will assist the offender in meeting the challenges residency in a CSC will present.

The contractor shall develop and use a lecture/presentation program that communicates the importance of offender accountability. This lecture/presentation shall be given during the offender's admission and orientation period, ordinarily during the first two weeks.

The lecture/presentation at a minimum will include information about decision making; accepting the consequence of the decisions; personal accountability; personal management of challenges presented to the offender during CSC residency; resource person(s) who will assist the offender in meeting these challenges; consequence of escapes; sign-in/sign-out procedures, pass and furlough procedures; component assignment; and appropriate behavior both in the community and CSC.

1. ESCAPE.

a. Define. An escape means an offender who fails to report to the facility for admission at the scheduled time; fails to remain at the approved place of employment or training during the hours specified by the terms of the employment or training/treatment program; fails to return to the facility at the time prescribed; fails to return from an authorized furlough or pass at the time and place stipulated; fails to abide by the residence, employment or curfew conditions of home confinement; is arrested; or otherwise leaves without permission from staff.

Offenders under supervision (USPO cases) are not in the custody of the BOP and cannot be considered escapees. These offenders are referred to as "absconders." When they are deemed missing or escaped, the contractor shall immediately report to the supervising authority, i.e., USPO. The contractor shall notify the CCM of USPO absconders no later than the next calendar day.

b. Staff Action. The contractor shall provide written procedures that ensure that all staff understand and appropriately report an escape. These procedures will specifically instruct staff when an offender is considered missing, i.e., not at their approved location. These procedures shall include instructions to determine that the offender is not

in the facility and provide reasonable attempts to locate the offender.

The contractor shall develop a step-by-step procedure that covers the following: internal notification; a thorough search of all areas inside the facility; telephone contacts where the offender has signed-out; and telephone inquires to determine if the offender has been arrested or injured. This should ordinarily take less than 20 minutes. If all efforts to locate the offender have failed, the contractor shall consider the offender as ESCAPED and **immediately notify the CCM.**

The contractor in each instance of escape from a furlough, a CSC or other authorized community-based program shall also **immediately notify the CCM.** The contractor shall prepare an incident report and conduct a disciplinary hearing in the offender's absence.

c. Fiscal Impact. The BOP does not pay the contractor for the day of escape.

d. Preventive Measures. The contractor shall notify the CCM anytime when an offender's behavior or poor programing makes them an escape risk. The contractor shall train staff to recognize and report these instances. Some indicators may include frequent tardiness, misconduct, or continued disrespect toward peers and staff. The intent is to apply intervention measures to prevent the offender from escaping.

If an offender receives an incident report that may cause program failure, the contractor shall contact the CCM prior to issuing the report. The CCM will consider coordinating the issuance of the report with the USM's apprehension of the offender.

The contractor shall allow any offender, who has been determined to have escaped by the contractor, to return to the facility. In this instance, the contractor shall immediately notify the CCM so that an appropriate action plan can be determined.

# CHAPTER 17 - Serious Illness, Injury, or Death

The contractor shall notify the CCM when an offender becomes seriously ill, requires emergency medical treatment or dies. The CCM will notify the offender's family or next of kin.

Immediately upon the death of an offender, the contractor shall assemble and advise the CCM of the following information concerning the deceased offender:

(1) Name, register number, date of birth;
(2) Offense and sentence;
(3) Date, time, and location of death;
(4) Apparent cause of death;
(5) Investigative steps being taken, if necessary;
(6) Name and address of survivor or designee;
(7) Notifications made;
(8) Status of autopsy request; and
(9) Brief medical history related to death.

The contractor shall arrange for two rolled sets of fingerprints of all fingers and the thumb of the right hand to be taken, and staff shall date and sign the fingerprint card to ensure positive identification has been made. The fingerprint card shall then be sent by certified mail to the CCM.

If death is due to violence, accident surrounded by unusual or questionable circumstances, or if death is sudden and the deceased was not under medical supervision, staff shall notify appropriate law enforcement officials of the local jurisdiction. The purpose of this notification is to review the case and examine the body, if necessary.

When there is no longer an official interest in the body, it may be turned over to family members or next of kin. Should the family decline the body or be unable to afford funeral expenses, the contractor shall contact the CCM for disposal instructions.

Personal property of a deceased offender will be inventoried and forwarded to the person to be notified in case of emergency on the intake screening form.

# CHAPTER 18 - USPO Cases

Ordinarily, USPOs are responsible for the overall supervision of offenders who are placed in a CSC as a condition of pre-trial, probation, parole, mandatory release, or supervised release supervision.

The contractor shall not accept persons described in this chapter unless they have been approved for placement by the CCM.

The contractor shall provide all services and programs cited in the SOW for all persons described in this chapter, except as specified below:

- Driving - Permission to drive must be approved by the facility director and the supervising USPO.

- Discipline - Persons under supervision as described in this chapter are subject to facility rules and minor sanction. However, if an act is alleged to have been committed by an offender under supervision that would require a recommendation of a major sanction, a formal disciplinary hearing is not required. Rather, staff shall forward the original report of such misconduct with recommendations to the USPO for disposition. The contractor shall forward a copy to the CCM.

- Intake - Staff in cooperation with the USPO shall develop an individual program plan for each offender.

- Financial Obligation - Offenders under supervision shall pay subsistence. The contractor shall immediately notify the CCM if the Court indicates that subsistence should not be collected on USPC cases.

- Medical Services - The contractor shall notify the USPO of medical problems of probationers, parolees, mandatory releasees and supervised releasees. All medical and dental expenses for persons under supervision of a USPC are the responsibility of the offender. Staff should assist the offender in finding appropriate community resources.

- Marriage - Offenders under supervision shall submit requests for marriage to the USPO.

The contractor may not request persons under supervision be placed in USM custody.

- Any unauthorized absence of persons described in this chapter shall be reported immediately to the USPO, and the CCM shall be notified the next calendar day or as directed by the CCM.

- Drug counseling and urine and alcohol surveillance are the administrative and fiscal responsibility of the USPO. The contractor shall work closely with the supervising USPO to coordinate services.

- Financial Responsibility - Supervision cases are subject to the same financial responsibility procedures as BOP offenders, including subsistence collection.

- Release - When the term specified by the Court has been satisfied, or the facility director determines an offender's program is completed or participation will produce no further significant benefits, staff shall notify the USPO and request termination. The contractor will copy the CCM with this action. A terminal report shall be completed by the contractor and forwarded to the USPO and the CCM. The contractor shall ensure the CCM has been properly notified of all requests for program termination and received terminal reports before release.

- Offenders identified in this chapter are not eligible for furloughs or home confinement. Absences other than "sign-out" shall be approved by the supervising USPO, and documented by the contractor.

- Death - In the event of death, the contractor shall immediately notify the USPO and CCM. The USPO is responsible for disposal of the body and any administrative follow-up procedures.

- Basic mental health treatment for offenders under supervision is the financial responsibility of the supervising authority if the resident is uninsured or is unable to pay. Note: Initial medical screening is paid by the BOP.

# CHAPTER 19 - Research and Evaluation

The BOP does not operate CSC facilities using BOP staff and is therefore dependent upon data generated and maintained by the contractor for research and evaluation purposes.

The contractor may be requested to participate in "pilot testing" of new and innovative BOP program initiatives on an as-needed basis.

The contractor shall respond to all BOP surveys or questionnaires in a positive, timely manner.

# CHAPTER 20 - BOP Inspections

The objective of BOP inspections are to ensure that the contractor is in compliance with applicable laws, regulations, policies, contract requirements, and that fraud, waste, abuse, mismanagement, and illegal acts are prevented, detected, and reported. Once a contract has been awarded, inspections are conducted.

The contractor will receive feedback to inspections in the form of monitoring reports or direct correspondence. This feedback may assign findings which the contractor shall remedy. A finding is determined when evidence indicates that the contractor has failed to meet the performance requirements of the contract. The evidence that supports a finding will be factually sufficient to lead a knowledgeable, reasonable person who is not an expert in the program area to the same conclusion as the reviewer.

The BOP reserves the right to determine the resources, e.g., number and type of staff, number of working days necessary to perform all inspections and monitoring visits as defined in this chapter.

1. PREOCCUPANCY VISIT. After contract award, but before the CO issues the "notice to proceed" the BOP may conduct a preoccupancy visit at the facility. During this visit, the BOP will determine the contractor's ability to begin performance by inspecting, at a minimum, all emergency plans, life/safety and zoning issues for compliance to the SOW.

The contractor shall be in compliance with all aspects of the contract to include emergency plans, life/safety and zoning issues before the CO will issue the "notice to proceed."

a. Emergency Plans. After contract award, but before the CO issues the notice to proceed, the contractor shall submit to the CCM a complete written copy of the facility's emergency plans as required in the SOW.

b. Life/Safety Issues. After contract award, but before the CO issues the notice to proceed, the contractor shall be in compliance with all life safety issues as required by the SOW, unless otherwise indicated by the CCM.

c. Zoning. The contractor shall submit, upon request by the BOP, satisfactory proof that all zoning and local ordinance requirements have been met which are necessary for operation and applicable to any proposed performance site(s). Such proof shall be in writing and shall consist of documentation from necessary local officials stating the contract may be performed at the proposed site(s) in accordance with the current zoning and other requirement of the local jurisdiction.

"Necessary local official" means an employee or elected person whose approval or concurrence as to the propriety of the use of the proposed site is required under any and all applicable laws of the state, county, city, town, village, or municipality in which the facility is located.

2. OTHER VISITS. The contractor shall except and accommodate visit(s) or inspection(s) by the BOP, or an investigative authority as indicated in the SOW, at anytime during the life of the contract. Other visits may occur for the purpose of training or to resolve general contract issues.

3. FULL MONITORING. A full monitoring is a thorough inspection and comprehensive review of all aspects of the contractor's operation and facility. The first full monitoring ordinarily occurs not less than 90 days from the issuance of the "notice to proceed." Ordinarily, but not limited to, the contractor is given notice to a full monitoring in advance. A full monitoring may take several days, and will produce a monitoring report.

A monitoring report contains all findings that are sufficient, competent and relevant. The report also outlines appropriate corrective action. The contractor shall respond within 30 days to the CCM when the contractor receives the report. The contractor's response shall address all findings, recommendation or comments and specify a plan of action to correct the findings. The contractor shall also indicate a date when each finding will be corrected. If constraints prevent the contractor from immediately correcting the finding, the contractor shall discuss, at length, in the response the constraints, reason for the constraints, and a realistic time frame for corrective action being completed. This in no way releases the contractor from performing the requirements of the contract.

If the CCM makes any recommendation to modify procedures and practices of the facility operations or physical structure, the contractor shall respond in writing indicating their intent to adapt or accept the recommendation or comment.

If the CCM directs the contractor to modify procedures and practices of the facility operation in accordance with the in requirements outlined in the SOW, the contractor shall respond in writing indicating their compliance.

4. INTERIM MONITORING. An interim monitoring is an unannounced on-site examination of findings noted in a prior monitoring. Ordinarily, the interim monitoring inspects, but is not limited to, those areas which are problematic. It is ordinarily brief and is not intended to be as lengthy and comprehensive as a full monitoring. Subsequent to an interim monitoring, the contractor will receive a letter acknowledging the interim monitoring from the CCM. The letter will also indicate all areas found non-

compliant. The contractor shall respond in accordance with the requirements in the full monitoring section of the SOW.

5. CONTRACTOR EVALUATION FORM (CEF). The CEF is an annual assessment conducted by the CCM The rating period represents 12 months of contract performance and ordinarily is conduct at the end of each performance period as identified on the Contract Award document.

A. Assessment. The CCM considers both positive and negative attributes. The CCM assigns a score (i.e., 1 = VERY DISSATISFIED; 2 = DISSATISFIED; 3 = SATISFIED; 4 = VERY SATISFIED; and 5 = EXTREMELY SATISFIED) to each of the following three assessment areas:

1) **Contract Compliance.** Rate compliance in areas such as staffing patterns, life safety, financial responsibility, discipline, food service and accountability. Consider the completeness and accuracy of the reports submitted by the contractor, such as invoices, urinalysis reports, incident reports, and volunteer participation reports.

2) **Customer Satisfaction.** Rate the overall quality of the programs that provide accountability, work, and other self-improvement opportunities for offenders. Consider the contractor's overall approach to communication and correctional management, and determine if is consistent with the mission of the BOP.

3) **Business Relationship.** Rate the flexibility, pro-activeness, professionalism, and cooperation as seen in the contractor's relationship with the BOP, U.S. Probation Office, U.S. Marshals Service, local law enforcement and community.

The CCM then calculates an assessment score using the following methodology:

- To calculate the adjectival rating, total the three assessment scores.
- Subtract (one time) three points for any withholding(s) taken during the rating period.
- If performance is over and above the minimum requirements of the SOW, add either one, two or three points. The number of points added is discretionary and must not exceed three.
- Divide by three.
- The result is the overall score and will fall within the numeric range associated with the adjectival rating.

B. Adjectival Ratings. An adjectival rating is determined after the assessment. The CCM assigns one of the following ratings based upon the overall score:

1) **Excellent - (4.33 and above)**. During the rating period the contractor has performed without problems and has operated within the terms and conditions of the contract. The contractor has been extremely responsive to Bureau inquires. Improvements are not needed. The contract should continue.

2) **Good - (3.66 - 4.3)**. There are few, if any, problems with the contractor's performance. It is generally operating within the terms and conditions of the contract. Only minor improvements are needed. The contract should continue.

3) **Fair - (2.55 - 3.6)**. There are problems regarding the contractor's compliance with the requirements in the contract. However, the contractor is responsive to the Bureau and applies corrective measures within specified time frames. Several improvements are ongoing. The contract should continue.

4) **Poor - (.1 - 2.5)**. There is/are major problem(s) with the performance of the contractor. The contractor must be notified in writing as to the problem areas and given a specific time frame in which to remedy the situation. The contractor is marginally responsive. The contractor is struggling to provide a safe and secure environment for offenders.

5) **Unsatisfactory - (0)**. There is/are major problem(s) with the performance of the contractor which the contractor has not remedied, cannot remedy, or refuses to remedy. The contractor fails to provide a safe and secure environment for offenders. The contractor is not performing in accordance with the terms and conditions of the contract. The contract should not continue.

C. Contractor's Review of the CEF. The contractor will have an opportunity to review and comment on each CEF prepared by the CCM. The contractor shall sign and date the CEP form acknowledging the contractor's receipt of the rating. Should the contractor disagree with the rating, the contractor may provide rebuttal comments on a separate letter. The contractor shall return the CEP form, with any comments, to the CCM within 30 calendar days after receipt of the form.

D. MCA's Certification of the CEP. Th MCA is responsible for the CEF program and must ensure that CCMs and T-DATCs complete CEF on time and accurately.

The MCA must review any comments submitted by the contractor and may adjust the adjectival rating up or down based on the contractor's comments. The MCA then signs the CEF, certifying that it represents the contractor's performance.

The MCA must forward the original CEF to the Community Corrections Contracting Section, Administration Division; a copy to Privatization and Special Projects Branch (PSPB), Community Corrections and Detention Division; and a copy to the contractor.

6. RESPONSIBILITIES OF THE CONTRACTOR. The contractor shall respond to all inspections, i.e., monitoring reports, CEFs and CCM inquiries within the appropriate time frame.

The contractor shall take appropriate actions to correct findings and improve operations, and ensure that adequate administrative controls and monitoring systems are in place to prevent the finding from recurring.

7. REPEAT FINDINGS. A repeat finding is a serious issue. Therefore, the authorized negotiator shall provide a separate response to the CCM, with a copy to the CO, specifically addressing the repeat finding. This is in addition to the facility director's response to the CCM. The authorized negotiator must describe the measures and internal controls to be implemented to ensure that the problem will not occur again, as well as explain why the problem was not corrected from the prior review. The authorized negotiator's response is due no later than five calendar days after receipt of the report.