

**RULES
OF
TENNESSEE PRIVATE PROBATION SERVICES COUNCIL**

**CHAPTER 1177-01
APPLICATION, REGISTRATION AND FEE REQUIREMENTS**

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1177-01-.01 PURPOSE.

The purpose of the Council is to ensure that uniform professional and contract standards are practiced and maintained by private entities engaged in rendering general misdemeanor probation supervision, counseling and collection services to the courts.

Authority: T.C.A. §§ 16-3-902 and 16-3-909. **Administrative History:** Original rule filed June 23, 2005; effective September 6, 2005.

1177-01-.02 DEFINITIONS.

- (1) "Council" means the Private Probation Services Council.
- (2) "Court" means any court in the State of Tennessee with the authority to sentence or otherwise assign misdemeanor offenders to a private probation provider for probation supervision.
- (3) "Governing authority" means the entity of any county, municipality or metropolitan government with authority to enter into written contracts with corporations, enterprises or entities to provide probation services.
- (4) "Governmental Employee" means employees and officials of the state and its political subdivisions who are employed as law enforcement employees or officials, probation and parole employees or officials, judicial employees or officials or correctional employees or officials, including employees and officials of jails and workhouses.
- (5) "Private entity" means a privately owned and operated corporation, enterprise or entity which contracts to provide general probation supervision, counseling and/or collection services for persons convicted of a misdemeanor and placed on probation.
- (6) "Probationer" means any misdemeanor offender sentenced by a court of this state and assigned to a private entity for supervision, counseling, financial collections and compliance with any other court-ordered condition.

Authority: T.C.A. §§ 16-3-903, 16-3-909 and 40-35-302(h). **Administrative History:** Original rule filed June 23, 2005; effective September 6, 2005.

1177-01-.03 REGISTRATION WITH COUNCIL.

- (1) No private entity may provide probation services in this state unless it has registered with and is approved by the Council. Every private entity proposing to provide probation services in this state shall submit an application on a form provided by the Council. The application must

(Rule 1177-01-.03, continued)

include all information and documents required by the Council, and must be truthful, accurate and complete. The applying entity must:

- (a) Demonstrate the reasonable ability of the entity to furnish continuous probation service in compliance with applicable statutes, rules and uniform contract requirements;
 - (b) Describe the extent of services to be rendered by the entity;
 - (c) Demonstrate that staff qualifications meet or exceed applicable statutory and rule requirements;
 - (d) Submit sworn criminal record reports on each employee of, or volunteer for, the entity;
 - (e) Submit written policies and procedures for staff training;
 - (f) Submit proof of insurance and performance bond as required by applicable statutes and rules;
 - (g) Describe staffing levels and provide written standards of supervision, including frequency and type of contacts with probationers;
 - (h) Submit written procedures for handling court-ordered fines, fees, restitution and community service;
 - (i) Submit a written policy for handling indigent offenders;
 - (j) Submit written procedures and policies to follow to obtain evidence to present to the court to revoke an offender's probation;
 - (k) Describe reporting and record keeping procedures;
 - (l) Describe default and contract termination procedures;
 - (m) Describe procedures for the transfer of supervision of probationers from the entity to another private entity or to a public probation provider;
 - (n) Submit a schedule of the range of all probation fees and charges paid by probationers supervised by the entity, and a listing of all probation fees and charges paid by probationers outside the range;
 - (o) Provide names of employees who will supervise probationers, describe their credentials and their position with the entity.
- (2) The application fee shall be one hundred dollars (\$100.00) which must be submitted at the time of initial application and is not refundable. The renewal fee shall be one hundred dollars (\$100.00).
 - (3) Upon approval, the registration fee with the Council shall be one hundred dollars (\$100.00). The private entity shall pay an additional registration fee of one hundred dollars (\$100.00) for each second or subsequent judicial district in which it provides probation supervision in Tennessee.
 - (4) The registration shall list all branch offices on the registration. The registrant shall submit the addresses of all branch offices to the Council that open or close within thirty (30) days of the event.

(Rule 1177-01-.03, continued)

Authority: T.C.A. §§ 16-3-903 and 16-3-909. **Administrative History:** Original rule filed June 23, 2005; effective September 6, 2005.

1177-01-.04 EXEMPTIONS.

The requirements set forth in rules 1177-01-.05, 1177-01-.06, 1177-02-.01, 1177-02-.02, and 1177-02-.04 that refer to T.C.A. § 40-35-302(g)(1) that include requirements for private probation supervisory services, minimum education standards, liability insurance, performance bond and conflicts of interest do not apply in counties having a population according to the 1990 federal census or any other subsequent federal census, of:

<u>Not less than</u>	<u>Nor more than</u>
4,700	4,750
7,100	7,175
27,500	27,750
31,500	31,800
31,900	32,200
34,500	34,730
40,200	40,500

Authority: T.C.A. §§ 16-3-902, 16-3-909 and 40-35-302(g)(2). **Administrative History:** Original rule filed June 23, 2005; effective September 6, 2005.

1177-01-.05 APPLICATION AND QUARTERLY REPORT TO COURTS.

- (1) A private entity that provides probation supervisory services shall comply with all of the following requirements:
 - (a) Provide an application form to all of the criminal court and general sessions court judges in each judicial district in which the entity proposes to provide misdemeanor probation services. Such application shall be on a form and in a manner specified by the criminal court and general sessions court clerk under the supervision of the judges and shall contain all of the following information:
 1. The title of the entity;
 2. Its form of business organization;
 3. The office and mailing address of the entity;
 4. The names of the employees who will provide services, their credentials and their position with the entity;
 5. A sworn statement that the credentials of all employees meet the minimum standards listed in rule 1177-01-.06 of this chapter;
 6. A sworn statement that a criminal record search has been conducted on each employee of the entity prior to the hiring of said employee. If a conviction has been discovered, the name of the employee and the conviction shall be provided;
 7. A credit history of the entity including any judgments or lawsuits;
 8. A description of the services to be provided by the entity and the fee structure for the services to be provided; and

(Rule 1177-01-.05, continued)

9. Proof of current registration and approval by the Council to provide misdemeanor probation services.
 10. An affidavit filed under penalties of perjury certifying that it is complete and accurate and contains all of the information required by this subparagraph.
- (b) Once the private entity has been approved to provide services, the entity shall supply a quarterly report to the clerk of the criminal court and general sessions court in each judicial district in which the entity proposes to provide misdemeanor probation services on a quarterly basis in a form and manner specified by the clerk and containing all of the following information:
1. The case load of the entity;
 2. The number of contact hours with offenders;
 3. The services provided by the entity;
 4. The number of filings by the entity for probation revocation, and their dispositions;
 5. A financial statement including administrative costs and service costs; and
 6. Contributions, if any, to the criminal injuries compensation fund.

Authority: T.C.A. §§ 16-3-909 and 40-35-302(g)(1)(A)(i), (ii), and (E), (F), (G). **Administrative History:** Original rule filed June 23, 2005; effective September 6, 2005.

1177-01-.06 EDUCATION AND EXPERIENCE.

- (1) The following minimum education standards are required for the specified employees of a private entity that provides misdemeanor probation supervision:
 - (a) The chief executive officer shall have a bachelor's degree from an accredited university in any one (1) of the following fields: criminal justice, administration, social work or the behavioral sciences, and two (2) years experience in criminal justice or social work. Upon approval by the Council, four (4) years of professional administrative experience with an organization providing services in criminal justice or social work may be substituted for the bachelor's degree; and
 - (b) Each employee who is responsible for providing probation supervision shall have at least four (4) years of experience in a criminal justice or a social services agency providing counseling services or shall have a bachelor's and/or an associate's degree from an accredited college or university.

Authority: T.C.A. §§ 16-3-909, 40-35-302(g)(1)(B) and Chapter 124 of the Public Acts of 2009, §2. **Administrative History:** Original rule filed June 23, 2005; effective September 6, 2005. Amendment filed May 27, 2010; effective August 25, 2010.

1177-01-.07 RENEWAL AND UPDATE OF REGISTRATION.

- (1) A registration as a private entity expires one (1) year after the date of its issuance and becomes invalid unless renewed.

(Rule 1177-01-.07, continued)

- (2) The private entity may renew its registration by paying a renewal fee of one hundred dollars (\$100.00) within thirty (30) days prior to the expiration of its registration.
- (3) If the private entity renews its registration within thirty (30) days after the private entity's scheduled renewal date, then the private entity shall pay a late renewal fee of one hundred dollars (\$100.00). If the private entity renews its registration between thirty one (31) and sixty (60) days after the private entity's scheduled renewal date, then the private entity shall pay a late renewal fee of two hundred dollars (\$200.00). Failure to renew within sixty (60) days of the scheduled renewal date shall be grounds for denial of renewal registration.
- (4) Each private entity shall notify the Council within thirty (30) days of a change in any of the information required by rule 1177-01-.03.

Authority: T.C.A. § 16-3-909. **Administrative History:** Original rule filed June 23, 2005; effective September 6, 2005.

1177-01-.08 QUARTERLY PROVIDER FEE.

- (1) Each private entity shall pay a quarterly provider fee to the Council in the amount of one dollar (\$1.00) per quarter for every person reported on the case load of the entity in the quarterly report required under T.C.A. § 40-35-302(g)(1)(A)(i) and rule 0780-01-11-.05.
 - (a) For purposes of this rule, "case load" means every person assigned by a court to the private probation service provider for probation services who reports for supervision in person, telephonic or written communication or is supervised at any time during that quarter.
 - (b) The provider fee is due on May 20th, August 20th, November 20th and February 20th of each quarter.
 - (c) The provider fee will be considered timely received if the correspondence containing the reported case load of the private entity and the required fee is postmarked by the 20th of the month in which it is due.
 - (d) There will be an additional fee of five cents (\$0.05) per probationer reported for every ten (10) days by which the provider fee is late.
 - (e) The 1st of each month listed will be counted as day one of each respective quarter.
 - (f) Registration approval shall be effective at the beginning of the quarter in which the registration falls and shall continue for a period of one (1) year.
 - (g) For purposes of implementation of these rules and initial registration of private probation entities, the first quarterly provider fee installment will be calculated using the quarter immediately preceding the initial registration approval.

Authority: T.C.A. § 16-3-909. **Administrative History:** Original rule filed June 23, 2005; effective September 6, 2005.