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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Corrections Institute
Division:	
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1400-05	Voluntary Accreditation Standards for Local Correctional Facilities
Rule Number	Rule Title
1400-05-.01	Preface
1400-05-.02	Definitions
1400-05-.03	General Requirements
1400-05-.04	Tier 1 Standards
1400-05-.05	Tier 2 Standards

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Chapter 1400-05
Voluntary Accreditation Standards for Local Correctional Facilities

New Rules

Chapter 1400-05
Voluntary Accreditation Standards for Local Correctional Facilities

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1400-05-.01 Preface.

- (1) Pursuant to T.C.A. § 41-4-140, the TCI is required to inspect local jails, lock-ups, and workhouses to determine whether a county merits Tier 1 or Tier 2 accreditation by the TCI pursuant to T.C.A. § 41-8-106(i).
- (2) These Tier 1 and Tier 2 accreditation standards apply to local correctional facilities that voluntarily adopt accreditation for the purposes of improving access to evidence-based inmate programming to help ensure inmates' successful reentry into society, reducing recidivism within the agency's jurisdiction, improved rehabilitation services, and increased reimbursement for state-sentenced inmates.
- (3) Nothing contained in these standards shall be construed to prohibit a city, county, or city and county agency operating a local correctional agency from adopting its own accreditation standards governing its personnel and facility.
- (4) These standards shall not be construed as authority to violate any state mandated local adult detention facility standards, fire safety standards, building standards, or health and safety codes.

Authority: T.C.A. §§ 4-5-201 et seq. and 41-8-106(i)(3)(B)

1400-05-.02 Definitions.

The following definitions apply throughout this chapter:

- (1) "Applicant" means the local correctional facility that is applying for tier accreditation.
- (2) "Evidence-based program" means a program or programs shown by scientific research to effectively reduce recidivism rates and increase an offender's likelihood of success following release from incarceration, including programs focused on education, vocational training, mental health, substance abuse rehabilitation, or building healthy relationships.
- (3) For the purposes of these rules, "recidivism rate" means the number of unique offenders released from incarceration and the number of those unique offenders who subsequently return to incarceration within three-years of release. For tracking purposes, offender release cohorts shall be categorized indicating whether the offender participant was a felon, misdemeanor, or pre-conviction program participant at the time of release. For the purposes of this definition, unique offender refers to a single person and measures recidivism for the three-year period following the unique offender's release from incarceration. A unique offender is considered a recidivist upon their first reincarceration after release. Multiple reincarcerations during the three-year period following release would not create a new unique offender or create a different

recidivism outcome.

- (4) "TCI" means the Tennessee Corrections Institute.

Authority: T.C.A. §§ 4-5-201 et seq. and 41-8-106(i)(3)(B)

1400-05-.03 General Requirements.

- (1) An applicant must apply for accreditation by following the application instructions available on the TCI website, which may be amended from time to time.
- (2) An applicant must identify the accreditation tier for which the applicant is applying.
- (3) For each tier, there are 25 corresponding standards, comprised of five mandatory standards and 20 optional standards. The TCI inspection staff shall evaluate an applicant's attainment of the standards that correspond to the tier that the applicant identifies. An applicant must meet all five mandatory standards and at least 17 of the 20 optional standards to achieve the corresponding level of accreditation. Once an applicant has met these standards, then the Board of Control must certify the applicant's accreditation during the Board of Control's next regularly scheduled meeting.

Authority: T.C.A. §§ 4-5-201 et seq. and 41-8-106(i)(3)(B)

1400-05-.04 Tier 1 Standards.

When both males and females are housed in the same facility, available services and programs should be comparable for those groups.

- (1) The Tier 1 mandatory standards are:
- (a) The applicant offers at least one evidence-based program focusing on life skills or behavioral health. Programs may be conducted in-person or virtually.
- (b) The applicant offers at least one program focusing on education or life skills. Programs may be conducted in-person or virtually. This requirement may be met in conjunction with the evidence-based requirement in subparagraph (a) of this paragraph.
- (c) The applicant must be certified by TCI for at least two continuous years immediately preceding application, which may include certification pursuant to a TCI Board of Control Plan of Action.
- (d) The applicant has a training plan that is reviewed and approved at least annually by the applicant's administration. The plan includes:
1. Provisions regarding leadership development and succession planning; and
 2. A requirement of at least 40 total hours of training—consisting of both classroom hours and on-the-job training—for newly hired correctional employees prior to being independently assigned to any post. The required 40 hours of training may be completed in conjunction with the orientation requirement required under T.C.A. § 41-4-140 and TCI Minimum Standards for Adult Local Correctional Facilities in paragraph (4) of Rule 1400-01-.06, and includes training on the following topics:
 - (i) Inmate supervision;
 - (ii) Verbal de-escalation;
 - (iii) Use-of-force regulations and tactics;
 - (iv) Medical and mental health awareness;
 - (v) Inmate program goals and qualifications; and

- (vi) Responsibilities related to sexual abuse and sexual harassment prevention, detection, and reporting.
 - (e) The applicant has a written policy establishing zero tolerance of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment. The policy requires that when an employee of one sex enters an inmate unit occupied by inmates of the opposite sex, then the employee must announce the employee's presence in the unit. The applicant designates a senior-level, agency-wide coordinator with the authority to develop and effectuate the policy and investigate claims of sexual impropriety.
- (2) The Tier 1 optional standards are:
- (a) The applicant and county legislative body have established a County Corrections Partnership Committee or Criminal Justice Coordinating Committee by local resolution that addresses local facility programmatic needs, construction needs, overcrowding, recidivism rates, inmate needs, criminal justice system challenges, and other needs specifically related to the overall improvement of resources available for local correctional facilities. The Committee includes stakeholders from the local criminal justice system, local elected or appointed officials, and representatives from the community who have expertise in one or more of these topics. The Committee meets at least quarterly.
 - (b) The applicant has a policy outlining inmate program implementation, qualifications, participation, timelines, and statistics. The applicant tracks data on inmate programs, inmate populations, evidence-based data, work accomplished, number of active/past participants, local recidivism rates, and budget numbers, and reports this data quarterly and annually.
 - (c) The applicant trains all volunteers and contractors who have contact with inmates regarding sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
 - (d) The applicant has at least one staff member assigned to oversee rehabilitative, work, behavioral, and counseling programs for inmates. This assignment may be the staff member's primary duty or a non-primary duty.
 - (e) The applicant has adequate programming space, equipment, and technology to support the number of inmates and the types of programming opportunities offered.
 - (f) The applicant does not use or authorize the use of inmate housing that does not have adequate access to drinking water or toilets.
 - (g) The applicant offers inmate programs, services, and counseling and uses community resources to supplement these offerings.
 - (h) The applicant has a detailed inmate classification policy that includes:
 - 1. The process for identifying the specific risks and needs of each inmate;
 - 2. A housing plan for separation of offenders; and
 - 3. A classification review process. The review process considers factors including security level, sentencing information, criminal and disciplinary history, program eligibility, significant incidents, and significant incident involvement. A classification review occurs, at a minimum, following each court action, following disciplinary action, and every 180 days of incarceration following the prior review.
 - (i) The applicant has at least one staff member assigned to conduct formal inmate classification interviews. This assignment may be the staff member's primary duty or a non-primary duty.
 - (j) The applicant has a staffing plan that has been reviewed by the Sheriff, County Mayor, and Facility Administrator, or by other appointing authorities as applicable under state law. The staffing plan includes scheduling plan, relief plans, minimum coverage and ideal coverage levels, and

supervisory plans for work, education, and rehabilitative programs.

- (k) The applicant provides at least 12 hours of onsite medical coverage per week and on-call medical coverage seven days per week. Onsite medical coverage is conducted by a licensed practical nurse, registered nurse, advanced practice nurse, physician assistant, or physician.
- (l) The applicant has at least one staff member assigned to review the inmate population needs and sentencing management. This staff member is responsible for tracking who is in custody, how long each inmate has been in custody, the confinement and court status of each inmate, each inmate's needs and services required while in custody, and each inmate's needs and the services each inmate should be connected to upon release. This assignment may be the staff member's primary duty or a non-primary duty.
- (m) The applicant has a pretrial diversion program that assesses an inmate's eligibility for pretrial diversion options, based in part on the inmate's risk assessment outcomes.
- (n) The applicant uses a validated screening tool for mental illness and substance abuse disorders to determine inmate mental health and substance abuse needs. The applicant communicates the screening results to the appropriate treatment providers and judicial officers on a need-to-know basis subject to and in compliance with applicable privacy/confidentiality laws.
- (o) The applicant's correctional staff complete annual in-service training including the following topics:
 - 1. Use of force and verbal de-escalation protocols;
 - 2. Inmate programming goals;
 - 3. Inmate classification procedures;
 - 4. Mental health awareness; and
 - 5. Responsibilities related to sexual abuse and sexual harassment prevention, detection, and reporting.
- (p) The applicant annually reports the probation and parole violators processed through the facility including the nature of each violation (technical violation or new crime), the classification of each violation as a felony or misdemeanor, whether each violator is male or female, and whether each violation is state or local.
- (q) The applicant has at least one staff member assigned to oversee the applicant's compliance with TCI minimum standards and these accreditation standards. This assignment may be the staff member's primary duty or a non-primary duty.
- (r) The applicant conducts and evaluates individual health emergency drills (also known as "man down" drills) at least once per year per shift where health staff are assigned.
- (s) The applicant has correctional personnel who have completed a certified course in critical incident response or crisis intervention to address incidents requiring these specialized services for both officers and inmates.
- (t) The applicant has at least one staff member assigned to monitor and review contracts related to medical, mental health, food service, commissary, maintenance, phone, or other services that the applicant contracts out to a third party. This assignment may be the staff member's primary duty or a non-primary duty.

Authority: T.C.A. §§ 4-5-201 et seq. and 41-8-106(i)(3)(B)

1400-05-.05 Tier 2 Standards.

When both males and females are housed in the same facility, available services and programs should be comparable for those groups.

(1) The Tier 2 mandatory standards are:

- (a) The applicant qualifies for Tier 1 accreditation.
- (b) The applicant has at least one staff member whose primary assignment is to oversee the applicant's compliance with these accreditation standards. This assignment must be the staff member's primary duty.
- (c) The applicant offers at least two evidence-based programs focusing on life skills or behavioral health. Programs may be conducted in-person or virtually.
- (d) The applicant offers at least one program focusing on education or life skills. Programs may be conducted in-person or virtually. This requirement may be met in conjunction with the evidence-based requirement in subparagraph (c) of this paragraph.
- (e) The applicant screens inmates for risks of victimization and abusiveness. An inmate is screened during the inmate's intake and upon the inmate's transfer to another facility for the inmate's risk of being sexually abused by other inmates or sexually abusive toward other inmates. The intake screening takes place within 72 hours of the inmate's arrival at the facility.

(2) The Tier 2 optional standards are:

- (a) The applicant provides sufficient medical staff to provide inmates with medical treatment that is consistent with the standards of care. The applicant has a staffing plan that is based on an independent assessment conducted by a qualified third party that evaluated the applicant's ability to meeting the health needs of the inmate population. The assessment and plan must be reevaluated at least every four years.
- (b) The applicant either provides at least 16 hours of onsite medical coverage per day or otherwise provides medical staffing consistent with the National Commission on Correctional Health Care guidelines. Onsite medical coverage is conducted by a licensed practical nurse, registered nurse, advanced practice nurse, physician assistant, or physician.
- (c) The applicant provides on-call mental health services seven days per week. The applicant also provides either onsite mental health services five days per week or telehealth mental health services 40 hours per week.
- (d) The applicant is located in a county that has adopted the Stepping Up initiative.
- (e) The applicant requires that prescription medication is administered to inmates by qualified medical personnel only.
- (f) The applicant provides inmate counseling services, either onsite or online, at least three days per week to address inmates' specific needs related to addiction, anger management, rehabilitation, education, and other factors identified by the facility administration.
- (g) The applicant meets or exceeds all physical plant standards outlined in T.C.A. § 41-4-140, regardless of the age of the facility.
- (h) The applicant shall employ or have access to personnel designated to apply for grants that would enable enhanced inmate programs, staffing, facility improvements, rehabilitation, officer services, or other operational improvements.
- (i) The applicant has a training plan that requires least 120 total hours of training—consisting of both classroom hours and on-the-job training—for newly hired correctional employees prior to being independently assigned to any post. The required 120 hours of training may be completed in conjunction with the orientation requirement required under T.C.A. § 41-4-140 and TCI Minimum Standards for Adult Local Correctional Facilities in paragraph (4) of Rule 1400-01-.06.
- (j) The applicant requires that correctional employees in mid-level management positions complete at

least 10 total hours of leadership and professional development training annually. The applicant requires that correctional employees in senior-level management positions complete at least 20 total hours of leadership and professional development training annually.

- (k) The applicant has a quality control plan that requires an annual review of facility operations to ensure compliance with facility policies and procedures. Any required corrective measures are identified and completed. At a minimum, the internal quality control plan addresses the following areas:
1. Inmate program effectiveness;
 2. Inmate health care;
 3. Security and control;
 4. Use-of-force statistics;
 5. Safety and sanitation;
 6. Food services;
 7. Inmate grievance program;
 8. Staff training and professional certifications; and
 9. Employee retention.
- (l) The applicant has at least one partnership with a provider of post-incarceration re-entry services that provides housing or job placement for inmates upon release.
- (m) The applicant has at least one job certification or apprenticeship program to enhance employment opportunities for the inmate upon release. The program has a detailed description certification or apprenticeship requirements, instructor credentials, and description of the work opportunities created.
- (n) The applicant provides inmate screening upon intake to determine whether an inmate has experienced prior sexual victimization and whether the victimization occurred in an institutional setting or in the community. If the inmate did experience sexual victimization, then the applicant offers a follow-up meeting for the inmate with a medical or mental health professional within 14 days of the intake screening.
- (o) The applicant regularly conducts root-cause analysis reviews in response to critical or significant events, as defined by facility policy. Examples of such events may include suicide attempts, fights, sexual assault, and major maintenance problems.
- (p) The applicant provides inmates with an orientation program within 10 days of intake. The orientation program outlines all facility programs, the qualifications for participation in the various program, services offered at the facility, facility rules and regulations, information about court process, notification of the zero-tolerance sexual assault and sexual harassment policy, and healthcare screening availability.
- (q) The applicant has a work release program in accordance with T.C.A. § 41-4-140 and the Standards for Adult Local Correctional Facilities described in paragraph (6) of Rule 1400-01-.12. The applicant follows stringent guidelines to ensure the safety of the local community and follows all applicable fee schedules required by state law. The applicant generates an annual report to provide statistical analysis of the following: inmate participation; recidivism rates; program attrition; inmate satisfaction of fines, fees, and child support obligations; and inmate savings. The applicant shall submit the annual report to the facility administration, the county legislative body, and the work-release commission.
- (r) The applicant completes a staffing analysis within 12 months of applying for accreditation. The

completed staffing analysis must be presented to the County Commission and either the County Corrections Partnership Committee or the Criminal Justice Coordinating Committee for review. The staffing analysis must be completed by a reputable entity familiar with and specialized in correctional facility operations. The analysis is valid for four years following its completion date. The applicant and either the County Corrections Partnership Committee or the Criminal Justice Coordinating Committee shall perform and document an annual review and update of the plan coincident with the annual budget preparation.

- (s) The applicant has a documented succession plan for identifying and developing new leaders to increase the availability of experienced and capable employees who are prepared to assume leadership roles. The applicant provides access to leadership development training through correctional leadership programs, state or national corrections-based conference attendance, or other public safety-based leadership initiatives.
- (t) The applicant has established measurable goals and objectives that are reviewed at least annually and updated as needed, as well as an internal system for assessing achievement of goals and objectives through documents findings. As necessary, program changes are implemented in response to findings. The applicant generates an annual report that includes goals, objectives, inmate programming, and all aspects of contributing factors to the inmate population—such as arrest data, probation and parole data, sentencing, arraignment time, bonding, citations in lieu of arrest, budget, and staffing.

Authority: T.C.A. §§ 4-5-201 et seq. and 41-8-106(i)(3)(B)

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Sherriff Jack Stockton Roane County Sherriff				X	
Assistant Commissioner Lee Dotson as designee for Commissioner Tony Parker Department of Correction	X				
Director Don Johnson Governor's Office, Constituent Services and Community Relations				X	
Elizabeth Lewis Roane State Director of Criminal Justice	X				
Mayor Joe Gandy Washington County Mayor	X				
Sherriff Mike Fitzhugh Rutherford County Sherriff	X				
Commissioner Gary Prater Warren County Commissioner	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the **Tennessee Corrections Institute, Board of Control** on 9/22/2021, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 10/27/2021

Rulemaking Hearing(s) Conducted on: (add more dates). 12/21/2021

Date: 12/21/2021

Signature: 


Name of Officer: William Wall

Title of Officer: Executive Director

Agency/Board/Commission: Tennessee Corrections Institute

Rule Chapter Number(s): 1400-05

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


 Herbert H. Slattery III
 Attorney General and Reporter
12/28/2021
 Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

The TCI Board of Control voted at their 9/22/2021 Regular Meeting to adopt the language of the Rules as proposed herein.

A Notice of Rulemaking Hearing was filed with the Secretary of State on 10/27/2021. The Notice included that oral or written comments could be submitted to the TCI Board of Control via their telephone line, via email to a designated contact, or via in person by 12/20/21. Further, a Hearing was held on 12/21/21 at 10 am at the indicated location and via webex virtual meeting platform.

There were no comments provided through either mechanism and no members of the public joined the virtual webex meeting; therefore there are no public comments to address.

A recorded copy of the video of the public hearing has been preserved and is available at TCI Board of Control Offices.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The Proposed Rule could potentially benefit small business to the extent those business may be able to provide evidence-based programming for offenders that may be housed in a respective local correctional institution. Generally, speaking, the benefitting small business would be education programming providers, substance use treatment providers, and other programming providers. The potential number of benefitting small business is dependent o the number of local correctional institutions that pursue certification as Tier 1 or Tier 2.

Reporting requirements under this rule are the responsibility of the local correctional institution that are housing the incarcerated offenders. It is not expected that the recordkeeping would require any expertise outside of skillsets of current incarceration authorities.

The proposed rule presumes a positive effect to small business and citizens alike in that evidence-based programming for criminal justice involved offenders has a positive effect of reducing recidivism and overall drivers of crime thus ensuring safer communities.

There are no known federal or state comparative rules. Small businesses would have to affirmatively and voluntarily seek to provide services to local correctional institutions as contemplated under this Propose Rule.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

It is anticipated that these new rules will have a positive financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This new rule establishes voluntary accreditation standards for local correctional facilities.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Section 18 of Public Chapter 410 (2021); TCA § 41-8-106(i)(3)(B)

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

County Governments will be most affected by this Rule in that they can seek a higher reimbursement for the delivery of evidence-based programming to offenders in local correctional facilities. This could create a greater opportunity for programming delivery by persons and organizations if they are able to provide those services to the local correctional facilities.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

While not directly on point with the new rule topic to be promulgated herein, Tenn. Code Annotated, Title 41, Chapter 8, generally, does have several Attorney General Opinions for this Chapter.

- Pursuant to § 41-8-106(a), no county may be required to house convicted felons who have been sentenced to more than 1 year of continuous confinement unless the county has contracted with Tennessee Department of Correction for the purpose of housing certain felons. Op.Atty.Gen. No. 16-21, June 6, 2016, 2016 WL 4921365.
- A county may receive compensation from the state for housing convicted felons and charge the same felons for board if they participate in a work release program; and, a county facility which receives compensation from the state for housing convicted felons may charge those same felons for board if they participate in a work release program. Op.Atty.Gen. No. 99-081, April 5, 1999, 1999 WL 239003.
- Pursuant to § 41-8-106(g)(1), the Tennessee Department of Correction (TDOC) must take into its custody felons from any county that has not contracted with TDOC as permitted by statute; TDOC is not required to take actual physical custody of any of the felons until 14 days after it has received all certified sentencing documents from the clerk of the sentencing court. Op.Atty.Gen. No. 16-21, June 6, 2016, 2016 WL 4921365.
- As a general rule the department of correction (TDOC) is directed by statute to take into physical custody felons sentenced to more than one (1) year of continuous confinement within fourteen (14) days after the department has received all certified sentencing documents from the clerk of the sentencing court unless the county has contracted with or expressed an intent to contract with the state to house certain prisoners. Op.Atty.Gen. No. 08-103, May 6, 2008, 2008 WL 2011163.
- Counties have no general authority to contract with states other than Tennessee to house prisoners from other states within Tennessee, and it is doubtful whether specific provisions on contracting to house work release prisoners authorize contracting with other states to house such prisoners. Op.Atty.Gen. No. 92-04, Jan. 16, 1992, 1992 WL 544979.
- Section 41-8-107 has been implicitly repealed by the legislative restructuring of the County Reimbursement Program in 1988 from a flat rate subsidy system to a system of reasonable allowable costs and is therefore unenforceable. Op.Atty.Gen. No. 05-177, Dec. 13, 2005, 2005 WL 3648756.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate

is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

It is estimated that this rule will allow local correctional facilities to seek additional per diem dollars from the State under the County Correctional Incentives Act. However, since TCI only establishes the standards and has no part of the billing, or budgeting, for the additional dollars that can be sought, it cannot provide this information.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

William Wall, Executive Director, Tennessee Corrections Institute

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

William Wall, Executive Director, Tennessee Corrections Institute

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

- (1) A description of the action proposed, the purpose of the action, the legal authority for the action and the plan for implementing the action.

The purpose of the action is to establish necessary accreditation standards pursuant to Public Chapter 410. The legal authority is Public Chapter 410 and its rulemaking provisions. The plan for implementing the action requires promulgating these rules to establish necessary accreditation standards.

- (2) A determination that the action is the least-cost method for achieving the stated purpose.

Promulgation of these rules are believed to be the least-cost method to implement Public Chapter 410.

- (3) A comparison of the cost-benefit relation of the action to nonaction.

These rules are required by Public Chapter 410 so nonaction is not an option. If these rules were not promulgated, eligible counties could not receive the intended benefits contained in Public Chapter 410.

- (4) A determination that the action represents the most efficient allocation of public and private resources.

This action represents the most efficient allocation of public and private resources as determined by the legislature and set out in Public Chapter 410.

- (5) A determination of the effect of the action on competition.

These rules will not have an effect on competition in the marketplace.

(6) A determination of the effect of the action on the cost of living in the geographical area in which the action would occur.

The cost of living in all geographical areas in which the action will occur will not be affected.

(7) A determination of the effect of the action on employment in the geographical area in which the action would occur.

If local correctional facilities are able to successfully implement evidence-based programming for offenders, the local labor pool may be increased due to increased training of job applicants and/or more employable citizenry.

(8) The source of revenue to be used for the action.

The source of revenue will be budgeted through the Tennessee Department of Correction and its relevant responsibility under the County Correctional Incentives Act.

(9) A conclusion as to the economic impact upon all persons substantially affected by the action, including an analysis containing a description as to which persons will bear the costs of the action and which persons will benefit directly and indirectly from the action.

Complying with these rules will enable local governments to establish Tier 1 or Tier 2 accreditation thereby allowing them to seek the accreditation stipend as contemplated by the General Assembly. The success of these county programs will benefit all taxpayers of the state as envisioned by Public Chapter 410.