

DATE OF REPORT	OUT-STANDING ISSUE Y/N	Monitoring Instrument	ITEM NO.	NON-COMPLIANCE ISSUE	CONTRACTOR RESPONSE/DATE/ CORRECTIVE ACTION TAKEN	DATE/METHOD OF CONFIRMATION BY MONITOR/COMMENTS	TDOC MANAGEMENT COMMENTS/NOTES
6/15/04	Yes	Drug Testing	2i	10 inmates issued disciplinary reports for Positive Drug Screen in April were not retested in May. NOTE: Letter of Breach issued by Commissioner 11/29/04.	Warden's response dated 7/6/04: Concur: Indicates that there was a break down in the communications in this instance and that new tracking procedures have been implemented. Warden's response to letter of Breach, dated 12/10/04, indicates a new officer has been assigned to these duties, and is being monitored weekly by the Warden's assistant.	Verified 12/30/04: By review of Drug Testing procedures and documentation.	<u>2/18/05 CMC note: Breach was corrected during the cure period, as verified. No liquidated damages due to be assessed.</u>
9/20/04	Yes	Drug Testing	2i	5 inmates convicted for a positive drug screen in July were not retested in August. NOTE: Letter of Breach issued by Commissioner 11/29/04.	Warden's response dated 10/11/04: Whiteville Correctional Facility acknowledges the error made in the drug testing department. Effective October 11, 2004 an officer has been assigned the sole responsibility to conduct inmate drug testing. In addition, the Wardens' Executive Assistant will monitor compliance on a weekly basis. Warden's response to letter of Breach, dated 12/10/04, same as above.	Verified 12/30/04: By review of Drug Testing procedures and documentation.	<u>2/18/05 CMC note: Breach was corrected during the cure period, as verified. No liquidated damages due to be assessed.</u>
9/20/04	Yes	Drug Testing	NIN	10 inmates paroling in August, were not drug-tested 30 days prior to their release date or 30 days prior to their parole hearing date.	Same as above.	CM Note: NCN issued for same/similar issue 12/29/04.	<u>2/18/05 CMC note: Determined not to be a non-compliance issue. Part of the problem may be due to timeliness of notification by BOPP of release of inmates. Non-compliance indication to be removed from tracking system.</u>
10/26/04	Yes	Security and Control Searches	3c	Visitors and venders not frisk searched before entering at checkpoint.	Warden's response 11/29/04: The Chief of Security will ensure that proper procedures are strictly enforced concerning documentation being entered into the logbook in the future.	Verified 1/27/05: By review of shift rosters, log books and other documentation.	
10/26/04	Yes	Security and Control Searches	3d	The Shift Supervisor designates a random selected number to be searched at checkpoint, this number is not documented in the checkpoint logbook to verify this. Furthermore staff are frisk searched only during shift change.	Warden's response 11/29/04: Partial Concurrence The Chief of Security along with Shift Supervisors will ensure all staff assigned to check point are in strict compliance with posted memo and procedures. On the day in question, searches were conducted as per written directives, however; the officer did fail to document the searches in the logbook. Please Note: The searches were documented on the shift roster as required.	Same as above	
10/26/04	Yes	Security and Control Searches	6	11 of 36 cell search requests entered on TOMIS were not preformed according to TOMIS. NOTE: Letter of Breach issued by Commissioner 11/29/04.	Warden's response 11/29/04: New procedures have been put into place to ensure future compliance. Warden's response to letter of Breach, dated 12/10/04, indicates new procedures and monitoring have resulted in correction of the problem.	Verified 1/27/05: By review of shift rosters, log books and other documentation, monitor determined that the non-compliance was appropriately addressed during the cure period by the institutions corrective action.	<u>2/18/05 CMC note: Breach was corrected during the cure period, as verified. No liquidated damages due to be assessed.</u>

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10/27/04	Yes	Records and Reports	10	1. Items requested from Internal Affairs by CM were not provided. 2. Monthly Drug Testing reports not provided to monitor for June, July, August and September 04.	Warden's response 12/1/04: Due to concerns addressed to the Warden by the C M regarding Internal Affairs Assistant truthfulness and integrity, an internal investigation was conducted. As a result there was a determination that this employee had violated CCA's core principles and had been less than truthful with C M and Warden. Based upon these findings the employee will be removed from Internal Affairs duties and receive strong disciplinary actions. Warden met with C M and advised him of these findings and his planned actions.	Verified 1/19/05: By review of requested documentation and items kept in IA office.	
12/7/04	Yes	Disciplinary Procedures	NIN	It appears that inmates may not have been allowed the opportunity to sign or refuse to sign (CR-2727) withdrawal request forms after final disposition of Class A and B disciplinaries..	Warden's response 12/7/04: WCFA has corrected the error. Inmates will be required to place their signature on the CR-2727 while present at the hearing. If the inmate refuses to sign the CR-2727 it will be signed by the D-Board Chairman "refused to sign" and witnessed by an alternate employee while the inmate is present.	Verified 2/8/05: By review of inmate withdraw request forms, CR-1834 hearing summary and trust fund documentation.	
12/29/04	Yes	Drug Testing	2a	1 inmate refused to give a specimen for drug testing. Disciplinary report was entered but wasn't heard by D-Board.	Warden's response 1/24/05: While we do not contest the findings itself, the deficiency noted in this report was a date to current deficiencies in the U/A testing previously identified. Although this was observed in December of 2004, the error occurred in October of 2004. Effective November 10 of 2004, the previous Disciplinary Officer was replaced due to failure to complete assigned duties as required by policy and a new tracking process implemented.		
12/29/04	Yes	Drug Testing	NIN	8 inmates paroling in November 04, were not drug-tested 30 days prior to their release date.	Warden's response 1/24/05: WCF put into place a new procedure to ensure future compliance. All inmates going up for parole will be drug tested no later than the second week of each month. Although these inmates may not be granted parole, WCF has taken the initiative to test regardless of the final result at a tremendous cost to the facility when an inmate is denied parole after recommendation by the initial board. However, every diligent effort is being made to ensure any inmate being considered for parole is tested prior to parole hearing and upon initial parole hearing recommendation.	CM Note: NCN issued for same/similar issue 9/20/04.	<u>2/18/05 CMC note: Determined not to be a non-compliance issue. Part of the problem may be due to timeliness of notification by BOPP of release of inmates. Non-compliance indication to be removed from tracking system.</u>

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1/27/05	No	Drug Testing	2h	The disciplinary board has been imposing a sanction fee of 30.29 for a positive drug screen disciplinary conviction. This exceeds the cost of the confirmation test.	Warden's response 2/7/05: Starting on or about January 27, 2005 all drug test requested from Lab One will be eight panel confirmations at a total cost (including tax) of \$9.44. Inmates whose test shows a positive confirmation will be charged this amount.		

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1/27/05	Yes	Drug Testing	2h	The disciplinary board has been imposing a sanction fee of 30.29 for a positive drug screen disciplinary conviction. This exceeds the cost of the confirmation test.	Warden's response 2/7/05: Starting on or about January 27, 2005 all drug test requested from Lab One will be eight panel confirmations at a total cost (including tax) of \$9.44. Inmates whose test shows a positive confirmation will be charged this amount.		
2/23/05	No	Transfer of Inmate	3	Inmate was reclassified and transferred to CBCX 2/3/05 even though he was on the parole hearing docket for February 05. Inmate was transferred back to WCFA for his parole hearing.	The inmate in question was reclassified to CBCX annex in September of 2004. Classification supervisor began sending his name to CDO in October as we are required to send (10) ten inmate names per month for annex placement. She sends the same names monthly until they are transferred. CCC will now check for parole hearing date monthly prior to submitting 10 names to CDO. If an inmate is scheduled for a parole hearing within 60 days he will not be submitted.		

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1/27/05	Yes	Drug Testing	2h	The disciplinary board has been imposing a sanction fee of 30.29 for a positive drug screen disciplinary conviction. This exceeds the cost of the confirmation test.	Warden's response 2/7/05: Starting on or about January 27, 2005 all drug test requested from Lab One will be eight panel confirmations at a total cost (including tax) of \$9.44. Inmates whose test shows a positive confirmation will be charged this amount.	Verified 3/22/05: By review of Drug Testing, Disciplinary and Trust fund procedures and documentation.	
2/23/05	Yes	Transfer of Inmate	3	Inmate was reclassified and transferred to CBCX 2/3/05 even though he was on the parole hearing docket for February 05. Inmate was transferred back to WCFA for his parole hearing.	Warden's response dated 3/1/05: The inmate in question was reclassified to CBCX annex in September of 2004. Classification supervisor began sending his name to CDO in October as we are required to send (10) ten inmate names per month for annex placement. She sends the same names monthly until they are transferred. CCC will now check for parole hearing date monthly prior to submitting 10 names to CDO. If an inmate is scheduled for a parole hearing within 60 days he will not be submitted.		

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2/23/05	Yes	Transfer of Inmate	3	Inmate was reclassified and transferred to CBCX 2/3/05 even though he was on the parole hearing docket for February 05. Inmate was transferred back to WCFA for his parole hearing.	Warden's response dated 3/1/05: The inmate in question was reclassified to CBCX annex in September of 2004. Classification supervisor began sending his name to CDO in October as we are required to send (10) ten inmate names per month for annex placement. She sends the same names monthly until they are transferred. CCC will now check for parole hearing date monthly prior to submitting 10 names to CDO. If an inmate is scheduled for a parole hearing within 60 days he will not be submitted.	Verified 4/20/05: By review of parole docket and transfer of inmates.	
4/5/05	No	Disciplinary Procedures	4a(1)	Disciplinary reports were entered and served, however the disciplinary reports were not heard nor were they continued by the Disciplinary Board within proscribed policy time limits of 7 calendar days.	Warden's response dated 4/18/05: Upon reviewing the current disciplinary procedures, it has been determined that additional reports were either not heard or not continued as required by policy. Disciplinary action has been taken against the responsible staff. Whiteville Correctional Facility will continue to monitor this process to ensure continued compliance.		
4/25/05	No	Disciplinary Procedures	4a(5)	(Liquidated Damages issue) Inmate was segregated pending investigation, charged on 4/20/05. On 4/25/05 inmate was released from segregation without having had a disciplinary hearing within policy time limit of 72 hours. <i>(Awaiting Legal interpretation)</i>			
4/25/05	No	Special Management Inmates	3b	Four inmates were segregated pending investigation without proper approval from TDOC Liaison's nor were the segregation's requested by the Shift Supervisor as required by policy.			

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4/5/05	No	Disciplinary Procedures	4a(1)	Disciplinary reports were entered and served, however the disciplinary reports were not heard nor were they continued by the Disciplinary Board within proscribed policy time limits of 7 calendar days.	Warden's response dated 4/18/05: Upon reviewing the current disciplinary procedures, it has been determined that additional reports were either not heard or not continued as required by policy. Disciplinary action has been taken against the responsible staff. Whiteville Correctional Facility will continue to monitor this process to ensure continued compliance.		
4/25/05	No	Disciplinary Procedures	4a(5)	Inmate was segregated pending investigation, charged on 4/20/05. On 4/25/05 inmate was released from segregation without having had a disciplinary hearing within policy time limit of 72 hours.	Warden's response date 5/16/05: It is without dispute that the Unit Manager failed to complete and serve the assault charge as specified. However that while the disciplinary SHOULD have been served immediately; there is no non-compliance as the TDOC Commissioner's Designee initiated a new 72 hour period and the inmate released prior to it ending.	5/31/05 CM Note: Advice from TDOC Legal staff indicates: "Since the newly directed DR was not issued on the inmate on Friday but was delayed until Monday, the inmate should have been released from segregation to avoid the 72 hour issue. The inmate could have been kept in lock up but only if the new DR had been issued timely at the direction of the CD. Since it is obvious that the inmate did not request a continuance, that option does not exist in this situation."	6/30/05 DCCO CMC Note: The liquidated damages issue previously recorded under this item number, which specifically involve serving paperwork on segregated inmates within prescribed time limits, have been changed to item numbers 4d and 4e on the revised instruments. The issue of holding hearings within 72 hours, specifically, has been cited previously on 4/15/04. Since this specific issue has only been found in non-compliance one time in the past 12 months, no liquidated damages will be assessed at this time.
4/25/05	No	Special Management Inmates	3b	Four inmates were segregated pending investigation without proper approval from TDOC Liaison's nor were the segregation's requested by the Shift Supervisor as required by policy.	Warden's response dated 5/3/05: There is no indisputable way to determine that he did/did not make the required notification and receive the required approval. All supervisors have had significant experience and the knowledge that approval must be obtained in order to segregate an inmate(s) and there have been no issues of this nature in the past.		
5/2/05	No	Use of Force	3g	A Use of Force incident occurred 4/21/05. Copies of the Use of Force incident report were not provided nor was TOMIS incident report (LIBJ) #00613604 entered until 4/25/05.	Warden's response dated 5/18/05: This was not a planned use of force and facility management/supervisors were not aware that a use of force had occurred as the employee involved did not make the shift supervisor aware of his actions.		6/30/05 DCCO CMC Note: This incident involved improper actions by one staff member, who acted on his own, and does not indicate a systemic institutional violation of/disregard for TDOC policy. The institution took appropriate action when supervisory staff became aware of the situation. This has been determined not to be a non-compliance issue.

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5/2/05	No	Use of Force	3h	Commissioner's Designee was not notified within (1) hour of this spontaneous Use of Force incident.	Warden's response dated 5/18/05: It is not contested by CCA that a use of force occurred and was not reported by the duty supervisor to the liaison/monitor as required. The error however is not a failure by the supervisor to provide notification as the incident involved a case of employee misconduct and use of force of which the supervisor was not made aware of.		<u>Same as above.</u>
5/3/05	No	Disciplinary Procedures	NIN	Inmate was segregated pending hearing and punitive status for a period of continuous confinement that exceeds a total of sixty (60) days.	Warden's response dated 5/16/05: Facility DOES NOT CONCUR. In this case the inmate has continually expired his punitive time and been released. He has however refused to leave segregation resulting in an additional charge each time for refusing cell assignment.		<u>6/30/05 DCCO CMC Note: This issue was referred to the Compliance section. A directive was issued stating : "...concerning the length of time an inmate can be continuously segregated. Sixty days is a real limit. Releasing an inmate for a day or restoring privileges for a day is normally a function of keeping the inmate in seg for over 30 days, not 60." AS placement or other management practices should be used in the future when dealing with similar situations.</u>

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4/5/05	Yes	Disciplinary Procedures	4a(1)	Disciplinary reports were entered and served, however the disciplinary reports were not heard nor were they continued by the Disciplinary Board within proscribed policy time limits of 7 calendar days.	Warden's response dated 4/18/05: Upon reviewing the current disciplinary procedures, it has been determined that additional reports were either not heard or not continued as required by policy. Disciplinary action has been taken against the responsible staff. Whiteville Correctional Facility will continue to monitor this process to ensure continued compliance.	Verified 6/28/05: By review of Disciplinary and Segregation logs and documentation.	
4/25/05	Yes	Disciplinary Procedures	4a(5)	Inmate was segregated pending investigation, charged on 4/20/05. On 4/25/05 inmate was released from segregation without having had a disciplinary hearing within policy time limit of 72 hours.	Warden's response date 5/16/05: It is without dispute that the Unit Manager failed to complete and serve the assault charge as specified. However that while the disciplinary SHOULD have been served immediately; there is no non-compliance as the TDOC Commissioner's Designee initiated a new 72 hour period and the inmate released prior to it ending.	Verified 6/28/05: By review of Disciplinary and Segregation logs and documentation. 5/31/05 CM Note: Advice from TDOC Legal staff indicates: "Since the newly directed DR was not issued on the inmate on Friday but was delayed until Monday, the inmate should have been released from segregation to avoid the 72 hour issue. The inmate could have been kept in lock up but only if the new DR had been issued timely at the direction of the CD. Since it is obvious that the inmate did not request a continuance, that option does not exist in this situation."	6/30/05 DCCO CMC Note: The liquidated damages issue previously recorded under this item number, which specifically involve serving paperwork on segregated inmates within prescribed time limits, have been changed to item numbers 4d and 4e on the revised instruments. The issue of holding hearings within 72 hours, specifically, has been cited previously on 4/15/04. Since this specific issue has only been found in non-compliance one time in the past 12 months, no liquidated damages will be assessed at this time.
4/25/05	Yes	Special Management Inmates	3b	Four inmates were segregated pending investigation without proper approval from TDOC Liaison's nor were the segregation's requested by the Shift Supervisor as required by policy.	Warden's response dated 5/3/05: There is no indisputable way to determine that he did/did not make the required notification and receive the required approval. All supervisors have had significant experience and the knowledge that approval must be obtained in order to segregate an inmate(s) and there have been no issues of this nature in the past.	Verified 5/31/05: By review of Disciplinary and Segregation logs and documentation.	

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5/3/05	Yes	Disciplinary Procedures	NIN	Inmate was segregated pending hearing and punitive status for a period of continuous confinement that exceeds a total of sixty (60) days.	Warden's response dated 5/16/05: Facility DOES NOT CONCUR. In this case the inmate has continually expired his punitive time and been released. He has however refused to leave segregation resulting in an additional charge each time for refusing cell assignment.	Verified 6/28/05: By review of Disciplinary and Segregation logs and documentation.	6/30/05 DCCO CMC Note: This issue was referred to the Compliance section. A directive was issued stating : "...concerning the length of time an inmate can be continuously segregated. Sixty days is a real limit. Releasing an inmate for a day or restoring privileges for a day is normally a function of keeping the inmate in seg for over 30 days, not 60." AS placement or other management practices should be used in the future when dealing with similar situations.
6/6/05	No	Staffing	11b	Non-security position 118065 was not filled within 45 days	Warden's response dated 6/6/05: Immediately upon vacancy occurring, WCFA posted the position and made all good faith efforts to fill as soon as possible. Efforts to obtain someone to fill position within required time frames were unsuccessful; however several weeks before the end of the 45 day period, I was able to recruit a former Nurse Practitioner of this facility on a PRN (part-time) basis until she can start full time.	Verified 5/29/05: By review of staffing legend, position filled on this date.	8/1/05 DCCO CMC Note: <u>The position was vacated 3/15, was covered pat-time from 4/7-5/29, and was filled full-time from that date. The Warden's efforts to fill the position are adequate. No non-compliance finding will be recorded.</u>
6/15/05	No	Security and Searches	3d	The Shift Supervisor designates a random selected number to be searched at checkpoint; this number is not documented in the checkpoint logbooks for certain days to verify this occurred. (Ref: memorandum attached to policy CCA 9-120).	Warden's response dated 6/16/05: A review of log entries and supervisor's shift daily reports where documentation of staff searches are required each shift revealed that documentation of searches is inconsistently being done. I am taking measures to ensure that the practice and documentation is in compliance.		
7/5/05	No	Staffing	16	Security Addendum not signed by staff.			

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6/15/05	Yes	Security and Searches	3d	The Shift Supervisor designates a random selected number to be searched at checkpoint; this number is not documented in the checkpoint logbooks for certain days to verify this occurred. (Ref: memorandum attached to policy CCA 9-120).	Warden's response dated 6/16/05: A review of log entries and supervisor's shift daily reports where documentation of staff searches are required each shift revealed that documentation of searches is inconsistently being done. I am taking measures to ensure that the practice and documentation is in compliance.	Verified 8/3/05: By review and observation of checkpoint procedures and documentation.	
7/5/05	Yes	Staffing	16	Security Addendum not signed by staff.	Warden's response 7/18/05: Whiteville Correctional Facility will take the appropriate action to have each of its current employees to read and sign the security addendum. The certification form will be made a part of the initial hire packet in order to address future hires. However, pursuant to section 6.06 of the addendum, the signed forms are to remain in the possession of the contracting government agency and available for audit purposes. Therefore, all signed forms will be forwarded to the contract monitor for filing.		
8/5/05	No	Staffing	11b	Liquidated damages issue: Non-security position (maintenance) 118046 was not filled within 45 days.			

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8/5/05	No	Staffing	11b	Liquidated damages issue: Non-security position (maintenance) 118046 was not filled within 45 days.	Warden's response dated 8/10/05: The appearance that the maintenance position was unfilled in excess of the forty-five day time frame was due to the Human Resource Manager's resignation. The approval memo was forwarded to the Personnel Office where it was in plain terms lost in the shuffle of transition from the previous Human Resources Manager and the newly hired Human Resources Manager. I respectfully request that this not be viewed as a non-compliant finding, but human error occurring directly as the result of the vacancy in the Personnel Office. All steps were made to fill the position within the 45 day period that occurred. The paperwork and data entry function to complete the process did not occur to support the position fill date within the required time frame thus giving the appearance the position went unfilled.		<u>9/12/05 CMC note: Liquidated damages assessment is currently under review.</u>
8/3/05	No	Use of Force	3a	On 7/27/05 a spontaneous Use of Force (chemical agents) occurred. Unit Manager administered OC to control inmate after an altercation. Staff completed 5-1a incident report, however as of this date a TOMIS (LIBJ) incident report has not been completed and entered as required by policy.	Warden's response dated 8/16/05 indicates that, after review of the incident package, the TOMIS report had not been completed. The Shift Supervisor and Unit Manager did not ensure the report was entered on TOMIS. The report was completed and entered on TOMIS on August 3, 2005.		

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8/5/05	No	Special management Inmates	2b	An inmate was segregated 7/26/05 pending an investigation for protective custody. The protective services routing form (CR-3241) was not provided to the Commissioners Designee for approval within the 72-hour policy guideline.	Warden's response dated 8/16/05 appears to indicate that the routing sheet was, in fact, forwarded to the Liaisons' office within 72 hours.		<u>9/12/05 CMC note: The CM is requested to verify the Warden's response that the packet was sent to the CD on 7/27 and segregation was approved within 72 hours. If the documents were forwarded and proper approval was secured within time guidelines, the non-compliance report will be deleted.</u>

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7/5/05	Yes	Staffing	16	Security Addendum not signed by staff.	Warden's response dated 8/10/05: We dispute the non-compliance in that at this time the purpose for the Security Addendum has not yet been carried out. NCIC terminals have not been installed at CCA facilities contracting with TDOC. Therefore, the non-compliance notification is premature. [NOTE: Warden's original response of 7/18/05 was subsequently withdrawn and this response submitted.]	CM note: Item outstanding, under review.	<p><u>10/24/05 CMC note: Although the Security Addendum does pertain, in large part, to policies and procedures relating to NCIC terminals, it also pertains to the information (rapsheets) generated by such terminals. Ref.: section 1.10 "... authorizes access to criminal history record information, limits the use of the information,...ensures the security and confidentiality of the information..., provides for sanctions..."; 5.07 "the Contractor shall protect against any unauthorized persons gaining access to...any of the data...In no event shall copies of...criminal history record information be disseminated..."; 7.04 "The Contractor shall provide for the secure storage and disposal of all hard copy...".</u></p> <p><u>The security addendum was added to the contract, at the insistence of the TBI, to enable appropriate contract staff such as counselors, unit management, etc., to have appropriate access to rapsheets in order to make necessary classification and security decisions. Insofar as the addendum relates to NCIC information generated by the system is concerned, the contractor is expected to provide appropriate training to staff, and to document such training on the form contained by the addendum. A copy of the signed agreement may be forwarded to the Liaisons' office for filing, however, it would also be appropriate to maintain a copy in institutional training or personnel files.</u></p>
8/5/05	Yes	Staffing	11b	Liquidated damages issue: Non-security position (maintenance) 118046 was not filled within 45 days.	Warden's response dated 8/10/05: The appearance that the maintenance position was unfilled in excess of the forty-five day time frame was due to the Human Resource Manager's resignation. The approval memo was forwarded to the Personnel Office where it was in plain terms lost in the shuffle of transition from the previous Human Resources Manager and the newly hired Human Resources Manager. I respectfully request that this not be viewed as a non-compliant finding, but human error occurring directly as the result of the vacancy in the Personnel Office. All steps were made to fill the position within the 45 day period that occurred. The paperwork and data entry function to complete the process did not occur to support the position fill date within the required time frame thus giving the appearance the position went unfilled.		<p><u>10/24/05 CMC Note: Liquidated Damages assessment notification sent to contractor by Commissioner dated 10/11/05.</u></p>

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8/3/05	Yes	Use of Force	3a	On 7/27/05 a spontaneous Use of Force (chemical agents) occurred. Unit Manager administered OC to control inmate after an altercation. Staff completed 5-1a incident report, however as of this date a TOMIS (LIBJ) incident report has not been completed and entered as required by policy.	Warden's response dated 8/16/05 indicates that, after review of the incident package, the TOMIS report had not been completed. The Shift Supervisor and Unit Manager did not ensure the report was entered on TOMIS. The report was completed and entered on TOMIS on August 3, 2005.	Verified 10/11/05: By review of TOMIS reports, CCA 5-1 reports for all Use of Force chemical agents incidents.	
8/5/05	Yes	Special management Inmates	2b	An inmate was segregated 7/26/05 pending an investigation for protective custody. The protective services routing form (CR-3241) was not provided to the Commissioners Designee for approval within the 72-hour policy guideline.	Warden's response dated 8/16/05 appears to indicate that the routing sheet was, in fact, forwarded to the Liaisons' office within 72 hours.	CM Note 10/11/05: While the segregation package was forwarded to the TDOC office the routing sheet CR-3241 was not in the package. The routing sheet was completed by unit management 8/2 and forwarded to CD 8/305 for review/approval and signature. Copy of routing sheet present for review.	10/24/05 CMC Note: Non-compliance finding is appropriate. 9/12/05 CMC note: The CM is requested to verify the Warden's response that the packet was sent to the CD on 7/27 and segregation was approved within 72 hours. If the documents were forwarded and proper approval was secured within time guidelines, the non-compliance report will be deleted.
9/19/05	No	Special management Inmates	(NIN) No item number	Inmate was segregated pending investigation for fighting on 9/14/2005 at 10:50 am. He was assigned to a cell but the occupant would not allow him to enter so staff placed inmate in a shower stall while arrangements could be made. Segregation staff continued to document the inmates location throughout the night as being in the shower. At approximately 6:30pm 9/15/05, after over 30 hours the inmate was removed from the shower and placed in a segregation cell. Staff has not completed any type of reports to reflect the incident that occurred.	Warden's response dated 9/27/05: Warden called Asst. Commissioner shortly after this occurred and discussed this situation with him. There is no violation of policy or contract in this case as the decision to remain in the shower was made by the inmate. Supervisory staff acted on good intentions in following the Warden's previous directives to avoid uses of force/use of OC when I/M's refused to allow restraints to be applied to remove them from a shower based on reasoning that after a period of time they would decide on their own to allow removal from the shower without the need for force. In a number of cases over the last several weeks this occurred after a brief period and no need to use force. Secondly if OC agent had been used we then would have had to put the inmate back into the shower for decontamination. It is my belief that in such situations force should be a last response as long as the inmate is not presenting a risk of harm to himself or others.		11/7/05 CMC note: Letter has been issued by Commissioner indicating that this is a breach and that subsequent breaches may result in liquidated damages.

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7/5/05	Yes	Staffing	16	Security Addendum not signed by staff.	Warden's response dated 8/10/05: We dispute the non-compliance in that at this time the purpose for the Security Addendum has not yet been carried out. NCIC terminals have not been installed at CCA facilities contracting with TDOC. Therefore, the non-compliance notification is premature. [NOTE: Warden's original response of 7/18/05 was subsequently withdrawn and this response submitted.]	CM note: Item outstanding, under review.	10/24/05 CMC note: Although the Security Addendum does pertain, in large part, to policies and procedures relating to NCIC terminals, it also pertains to the information (rapsheets) generated by such terminals. Ref.: section 1.10 "... authorizes access to criminal history record information, limits the use of the information,...ensures the security and confidentiality of the information..., provides for sanctions..."; 5.07 "the Contractor shall protect against any unauthorized persons gaining access to...any of the data...In no event shall copies of...criminal history record information be disseminated..."; 7.04 "The Contractor shall provide for the secure storage and disposal of all hard copy...". The security addendum was added to the contract, at the insistence of the TBI, to enable appropriate contract staff such as counselors, unit management, etc., to have appropriate access to rapsheets in order to make necessary classification and security decisions. Insofar as the addendum relates to NCIC information generated by the system is concerned, the contractor is expected to provide appropriate training to staff, and to document such training on the form contained by the addendum. A copy of the signed agreement may be forwarded to the Liaisons' office for filing, however, it would also be appropriate to maintain a copy in institutional training or personnel files.
8/5/05	Yes	Staffing	11b	Liquidated damages issue: Non-security position (maintenance) 118046 was not filled within 45 days.	Warden's response dated 8/10/05: The appearance that the maintenance position was unfilled in excess of the forty-five day time frame was due to the Human Resource Manager's resignation. The approval memo was forwarded to the Personnel Office where it was in plain terms lost in the shuffle of transition from the previous Human Resources Manager and the newly hired Human Resources Manager. I respectfully request that this not be viewed as a non-compliant finding, but human error occurring directly as the result of the vacancy in the Personnel Office. All steps were made to fill the position within the 45 day period that occurred. The paperwork and data entry function to complete the process did not occur to support the position fill date within the required time frame thus giving the appearance the position went unfilled.	Verified 11/8/05: Health service administrator vacant over 45 days, however, the position was vacated 9/4/05, and the Warden requested an extension 10/19/05. Position was filled by acting personnel from other CCA facility 11/1/05, and a new HSA was hired 11/10/05 and began training, will assume position 11/24/05.	10/24/05 CMC Note: Liquidated Damages assessment notification sent to contractor by Commissioner dated 10/11/05.

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8/5/05	Yes	Special management Inmates	2b	An inmate was segregated 7/26/05 pending an investigation for protective custody. The protective services routing form (CR-3241) was not provided to the Commissioners Designee for approval within the 72-hour policy guideline.	Warden's response dated 8/16/05 appears to indicate that the routing sheet was, in fact, forwarded to the Liaisons' office within 72 hours.	CM Note 10/11/05: While the segregation package was forwarded to the TDOC office the routing sheet CR-3241 was not in the package. The routing sheet was completed by unit management 8/2 and forwarded to CD 8/305 for review/approval and signature. Copy of routing sheet present for review.	10/24/05 CMC Note: Non-compliance finding is appropriate. 9/12/05 CMC note: The CM is requested to verify the Warden's response that the packet was sent to the CD on 7/27 and segregation was approved within 72 hours. If the documents were forwarded and proper approval was secured within time guidelines, the non-compliance report will be deleted.
9/19/05	Yes	Special management Inmates	(NIN) No item number	Inmate was segregated pending investigation for fighting on 9/14/2005 at 10:50 am. He was assigned to a cell but the occupant would not allow him to enter so staff placed inmate in a shower stall while arrangements could be made. Segregation staff continued to document the inmates location throughout the night as being in the shower. At approximately 6:30pm 9/15/05, after over 30 hours the inmate was removed from the shower and placed in a segregation cell. Staff has not completed any type of reports to reflect the incident that occurred.	Warden's response dated 9/27/05: Warden called Asst. Commissioner shortly after this occurred and discussed this situation with him. There is no violation of policy or contract in this case as the decision to remain in the shower was made by the inmate. Supervisory staff acted on good intentions in following the Warden's previous directives to avoid uses of force/use of OC when I/M's refused to allow restraints to be applied to remove them from a shower based on reasoning that after a period of time they would decide on their own to allow removal from the shower without the need for force. In a number of cases over the last several weeks this occurred after a brief period and no need to use force. Secondly if OC agent had been used we then would have had to put the inmate back into the shower for decontamination. It is my belief that in such situations force should be a last response as long as the inmate is not presenting a risk of harm to himself or others.		11/23/05 CMC Note: Plan of Action submitted by Warden, is under review. 11/7/05 CMC note: Letter has been issued by Commissioner indicating that this is a breach and that subsequent breaches may result in liquidated damages.

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10/27/05	No	Policies and Procedures Manual and Operations Plan	1d	WCFA does not have a current TDOC approved segregation handbook.	Warden's response dated 11/3/05: The above write up references TDOC policy 502.04. Upon detailed research of the said policy, there is no reference to a "segregation handbook." Policy requires inmates to be orientated and that orientation may occur using a written packet of information. Although, policy and/or the contract does not require a segregation handbook, Whiteville Correctional Facility does issue a "segregation information packet" to all inmates placed in segregation and an orientation is completed of segregation rules and regulation. The CR-2110 is also signed by the segregated inmate(s) and placed in his institutional file for viewing. In addition, the Segregation Packet" is reviewed on an annual basis.	CM Note 11/10/05: WCFA staff provided CCA form 1-13a showing that the appropriate segregation policies had been reviewed by WCFA staff on annual basis.	<u>11/23/05 CMC Note: E-mail of clarification sent to Warden 11/4/05 indicating that a separate handbook, per se, may not be required, however, approval in writing by TDOC is required for any rules for the unit which differ from those of the general population and are not authorized by TDOC policy. Determination as to whether this is in non-compliance will be made when CM determines if all rules for segregated inmates have been approved by TDOC.</u>
10/28/05	No	Special management Inmates	2e(3)	Chief of Security reported to TDOC Liaison that an inmate had been released from protective custody to general population while pending protective custody investigation (PCI). This move was made before the Warden and TDOC Liaison had approved the protective custody panel recommendation. This inmate was on protective custody investigation status with protective custody pending at time of this unapproved release.	Warden's response dated 11/1/05: On notification of non-compliance, the following was discovered: Inmate received a Protective Custody Services hearing. The chairperson and committee recommended that the inmate be released. Inmate wrote a statement stating that he did not want to be released because he feared for his life. The hearing was approved by the Assistant Warden, however; was not approved by TDOC. Unit Manager (Chairman) advised Segregation Correctional Counselor to seek TDOC approval. However, proper approval was not received. Unit Manager assumed that proper notification and approval had been granted, therefore, releasing the inmate. TDOC CM and Assistant Warden discussed the placement of inmate, at which time, both parties were of the understanding that the inmate had not been released. Acting Unit Manager noticed that he had been released. Upon notification that the said inmate was in fact released to general population, Assistant Warden revised the original Warden's action and returned the inmate to Protective custody status as stipulated on his approved		

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7/5/05	Yes	Staffing	16	Security Addendum not signed by staff.	Warden's response dated 8/10/05: We dispute the non-compliance in that at this time the purpose for the Security Addendum has not yet been carried out. NCIC terminals have not been installed at CCA facilities contracting with TDOC. Therefore, the non-compliance notification is premature. [NOTE: Warden's original response of 7/18/05 was subsequently withdrawn and this response submitted.]	CM note: Item outstanding, under review.	10/24/05 CMC note: ...the contractor is expected to provide appropriate training to staff, and to document such training on the form contained by the addendum. A copy of the signed agreement may be forwarded to the Liaisons' office for filing, however, it would also be appropriate to maintain a copy in institutional training or personnel files.
8/5/05	Yes	Special management Inmates	2b	An inmate was segregated 7/26/05 pending an investigation for protective custody. The protective services routing form (CR-3241) was not provided to the Commissioners Designee for approval within the 72-hour policy guideline.	Warden's response dated 8/16/05 appears to indicate that the routing sheet was, in fact, forwarded to the Liaisons' office within 72 hours.	CM Note 10/11/05: While the segregation package was forwarded to the TDOC office the routing sheet CR-3241 was not in the package. The routing sheet was completed by unit management 8/2 and forwarded to CD 8/305 for review/approval and signature. Copy of routing sheet present for review.	10/24/05 CMC Note: Non-compliance finding is appropriate. 9/12/05 CMC note: The CM is requested to verify the Warden's response that the packet was sent to the CD on 7/27 and segregation was approved within 72 hours. If the documents were forwarded and proper approval was secured within time guidelines, the non-compliance report will be deleted.
9/19/05	Yes	Special management Inmates	(NIN) No item number	Inmate was segregated pending investigation for fighting on 9/14/2005 at 10:50 am. He was assigned to a cell but the occupant would not allow him to enter so staff placed inmate in a shower stall while arrangements could be made. Segregation staff continued to document the inmates location throughout the night as being in the shower. At approximately 6:30pm 9/15/05, after over 30 hours the inmate was removed from the shower and placed in a segregation cell. Staff has not completed any type of reports to reflect the incident that occurred.	Warden's response dated 9/27/05: Warden called Asst. Commissioner shortly after this occurred and discussed this situation with him. There is no violation of policy or contract in this case as the decision to remain in the shower was made by the inmate. Supervisory staff acted on good intentions in following the Warden's previous directives to avoid uses of force/use of OC when I/M's refused to allow restraints to be applied to remove them from a shower based on reasoning that after a period of time they would decide on their own to allow removal from the shower without the need for force. In a number of cases over the last several weeks this occurred after a brief period and no need to use force. Secondly if OC agent had been used we then would have had to put the inmate back into the shower for decontamination. It is my belief that in such situations force should be a last response as long as the inmate is not presenting a risk of harm to himself or others.		11/23/05 CMC Note: Plan of Action submitted by Warden, is under review. 11/7/05 CMC note: Letter has been issued by Commissioner indicating that this is a breach and that subsequent breaches may result in liquidated damages.

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10/27/05	No	Policies and Procedures Manual and Operations Plan	1d	WCFA does not have a current TDOC approved segregation handbook.	Warden's response dated 11/3/05: The above write up references TDOC policy 502.04. Upon detailed research of the said policy, there is no reference to a "segregation handbook." Policy requires inmates to be orientated and that orientation may occur using a written packet of information. Although, policy and/or the contract does not require a segregation handbook, Whiteville Correctional Facility does issue a "segregation information packet" to all inmates placed in segregation and an orientation is completed of segregation rules and regulation. The CR-2110 is also signed by the segregated inmate(s) and placed in his institutional file for viewing. In addition, the Segregation Packet" is reviewed on an annual basis.	CM Note 11/10/05: WCFA staff provided CCA form 1-13a showing that the appropriate segregation policies had been reviewed by WCFA staff on annual basis.	11/23/05 CMC Note: E-mail of clarification sent to Warden 11/4/05 indicating that a separate handbook, per se, may not be required, however, approval in writing by TDOC is required for any rules for the unit which differ from those of the general population and are not authorized by TDOC policy. Determination as to whether this is in non-compliance will be made when CM determines if all rules for segregated inmates have been approved by TDOC.
10/28/05	Yes	Special management Inmates	2e(3)	Chief of Security reported to TDOC Liaison that an inmate had been released from protective custody to general population while pending protective custody investigation (PCI). This move was made before the Warden and TDOC Liaison had approved the protective custody panel recommendation. This inmate was on protective custody investigation status with protective custody pending at time of this unapproved release.	Warden's response dated 11/1/05 states: "...Protective Custody Services hearing... recommended that the inmate be released...The hearing was approved by the Assistant Warden, however; was not approved by TDOC... Unit Manager assumed that proper notification and approval had been granted, therefore, releasing the inmate... Assistant Warden revised the original Warden's action and returned the inmate to Protective custody status as stipulated on his approved Protective Services Hearing Sheet."		
11/16/05	No	Release Procedures	3	Several improper actions were taken by WCFA staff concerning the release to detainer of an inmate.	Warden's response dated 11/21/05 indicates that procedures were examined and new procedures are being put in place to cross check staff more closely to ensure this does not occur again; records staff were counseled and trained again on proper release procedures.		
11/21/05	No	Special management Inmates	4g	Two inmates were segregated pending hearing. Their segregation packets, property checklist, personal property storage request form and TOMIS offender property (LIBN) all reflect their TV's were taken and placed in storage prior to their disciplinary hearing and punitive segregation status began on 11/17/05.	Warden's response date: 11/29/05. Assistant Warden and Assistant Chief conducted a meeting with all Senior Correctional Officer, Unit Managers and the Shift Supervisors. Proper procedures relating to: segregation packets, property checklist, personal property storage request forms and TOMIS entries on LIBN were reviewed at length. All supervisory staff were made aware that if future non-compliant issues occur, disciplinary action will follow.		

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7/5/05	Yes	Staffing	16	Security Addendum not signed by staff.	Warden's response dated 8/10/05: We dispute the non-compliance in that at this time the purpose for the Security Addendum has not yet been carried out. NCIC terminals have not been installed at CCA facilities contracting with TDOC. Therefore, the non-compliance notification is premature. [NOTE: Warden's original response of 7/18/05 was subsequently withdrawn and this response submitted.]	CM note 1/5/06: Item outstanding, under review.	10/24/05 CMC note: ...the contractor is expected to provide appropriate training to staff, and to document such training on the form contained by the addendum. A copy of the signed agreement may be forwarded to the Liaisons' office for filing, however, it would also be appropriate to maintain a copy in institutional training or personnel files.
8/5/05	Yes	Special management Inmates	2b	An inmate was segregated 7/26/05 pending an investigation for protective custody. The protective services routing form (CR-3241) was not provided to the Commissioners Designee for approval within the 72-hour policy guideline.	Warden's response dated 8/16/05 appears to indicate that the routing sheet was, in fact, forwarded to the Liaisons' office within 72 hours.	Verified 1/5/06: By review of Movement confinement, Protective routing sheets, TOMIS Wardens report and monitoring of segregation unit. CM Note 10/11/05: While the segregation package was forwarded to the TDOC office the routing sheet CR-3241 was not in the package. The routing sheet was completed by unit management 8/2 and forwarded to CD 8/305 for review/approval and signature. Copy of routing sheet present for review.	10/24/05 CMC Note: Non-compliance finding is appropriate. 9/12/05 CMC note: The CM is requested to verify the Warden's response that the packet was sent to the CD on 7/27 and segregation was approved within 72 hours. If the documents were forwarded and proper approval was secured within time guidelines, the non-compliance report will be deleted.
9/19/05	Yes	Special management Inmates	(NIN) No item number	Inmate was segregated pending investigation for fighting on 9/14/2005 at 10:50 am. He was assigned to a cell but the occupant would not allow him to enter so staff placed inmate in a shower stall while arrangements could be made. Segregation staff continued to document the inmates location throughout the night as being in the shower. At approximately 6:30pm 9/15/05, after over 30 hours the inmate was removed from the shower and placed in a segregation cell. Staff has not completed any type of reports to reflect the incident that occurred.	Warden's response dated 9/27/05: Warden called Asst. Commissioner shortly after this occurred and discussed this situation with him. There is no violation of policy or contract in this case as the decision to remain in the shower was made by the inmate. Supervisory staff acted on good intentions in following the Warden's previous directives to avoid uses of force/use of OC when I/M's refused to allow restraints to be applied to remove them from a shower based on reasoning that after a period of time they would decide on their own to allow removal from the shower without the need for force. In a number of cases over the last several weeks this occurred after a brief period and no need to use force. Secondly if OC agent had been used we then would have had to put the inmate back into the shower for decontamination. It is my belief that in such situations force should be a last response as long as the inmate is not presenting a risk of harm to himself or others.		11/23/05 CMC Note: Plan of Action submitted by Warden, is under review. 11/7/05 CMC note: Letter has been issued by Commissioner indicating that this is a breach and that subsequent breaches may result in liquidated damages.

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10/27/05	No	Policies and Procedures Manual and Operations Plan	1d	WCFA does not have a current TDOC approved segregation handbook.	Warden's response dated 11/3/05: The above write up references TDOC policy 502.04. Upon detailed research of the said policy, there is no reference to a "segregation handbook." Policy requires inmates to be orientated and that orientation may occur using a written packet of information. Although, policy and/or the contract does not require a segregation handbook, Whiteville Correctional Facility does issue a "segregation information packet" to all inmates placed in segregation and an orientation is completed of segregation rules and regulation. The CR-2110 is also signed by the segregated inmate(s) and placed in his institutional file for viewing. In addition, the Segregation Packet" is reviewed on an annual basis.	CM note 1/6/05: Item outstanding, WCFA in process of TDOC approval for segregation rules. CM Note 11/10/05: WCFA staff provided CCA form 1-13a showing that the appropriate segregation policies had been reviewed by WCFA staff on annual basis.	11/23/05 CMC Note: E-mail of clarification sent to Warden 11/4/05 indicating that a separate handbook, per se, may not be required, however, approval in writing by TDOC is required for any rules for the unit which differ from those of the general population and are not authorized by TDOC policy. Determination as to whether this is in non-compliance will be made when CM determines if all rules for segregated inmates have been approved by TDOC.
10/28/05	Yes	Special management Inmates	2e(3)	Chief of Security reported to TDOC Liaison that an inmate had been released from protective custody to general population while pending protective custody investigation (PCI). This move was made before the Warden and TDOC Liaison had approved the protective custody panel recommendation. This inmate was on protective custody investigation status with protective custody pending at time of this unapproved release.	Warden's response dated 11/1/05 states: "...Protective Custody Services hearing... recommended that the inmate be released...The hearing was approved by the Assistant Warden, however; was not approved by TDOC... Unit Manager assumed that proper notification and approval had been granted, therefore, releasing the inmate... Assistant Warden revised the original Warden's action and returned the inmate to Protective custody status as stipulated on his approved Protective Services Hearing Sheet."	Verified 1/5/06: By review of segregation logs, TOMIS Warden's report (MGH), segregation end date report (MGM), protective custody review and protective routing sheets.	
11/16/05	Yes	Release Procedures	3	Several improper actions were taken by WCFA staff concerning the release to detainer of an inmate.	Warden's response dated 11/21/05 indicates that procedures were examined and new procedures are being put in place to cross check staff more closely to ensure this does not occur again; records staff were counseled and trained again on proper release procedures.	CM note 1/5/06: Item outstanding, monitoring not complete.	
11/21/05	Yes	Special management Inmates	4g	Two inmates were segregated pending hearing. Their segregation packets, property checklist, personal property storage request form and TOMIS offender property (LIBN) all reflect their TV's were taken and placed in storage prior to their disciplinary hearing and punitive segregation status began on 11/17/05.	Warden's response date: 11/29/05. Assistant Warden and Assistant Chief conducted a meeting with all Senior Correctional Officer, Unit Managers and the Shift Supervisors. Proper procedures relating to: segregation packets, property checklist, personal property storage request forms and TOMIS entries on LIBN were reviewed at length. All supervisory staff were made aware that if future non-compliant issues occur, disciplinary action will follow.	Verified 1/5/06: By review of segregation logs, Segregation packet documentation, inmate property storage, property inventory and property room inventories.	

DATE OF REPORT	OUT- STANDING ISSUE Y/N	Monitoring Instrument	ITEM NO.	NON-COMPLIANCE ISSUE	CONTRACTOR RESPONSE/DATE/ CORRECTIVE ACTION TAKEN	DATE/METHOD OF CONFIRMATION BY MONITOR/COMMENTS	TDOC MANAGEMENT COMMENTS/NOTES
12/6/05	No	Staffing	11b	Two non-security positions were not filled within 45 days. Position #118064, Clinical Supervisor, Position #118068, Registered Nurse.	Warden's response dated 12/8/05: WCF has advertised locally and nationally in an attempt to fill these positions. WCF continues to practice due diligence in filling these positions however have not at this point been able to recruit applicants. Recruitment continues in an effort to fill these positions as expeditiously as possible. We are covering the CNS position with an acting supervisor until the position is filled and covering the RN position with overtime .	CM note 1/5/06: Item still in non-compliance and is outstanding.	<u>2/10/06 CMC note: A determination of breach status is pending additional information concerning RN coverage and acting CNS credentials.</u>