



**FEDERAL BUREAU OF PRISONS**

**STATEMENT OF WORK**

**CONTRACT NON-SECURE JUVENILE FACILITY**

Amended February 2004  
Modified May 2005  
Modified December 2008  
Modified March 2009  
Modified July 2011

## TABLE OF CONTENTS

INTRODUCTION.....	1
CHAPTER 1: ADMINISTRATION.....	5
CHAPTER 2: FISCAL MANAGEMENT.....	7
CHAPTER 3: PERSONNEL.....	10
CHAPTER 4: STAFFING PATTERNS.....	17
CHAPTER 5: TRAINING .....	19
CHAPTER 6: FACILITY .....	21
CHAPTER 7: LIFE SAFETY.....	22
CHAPTER 8: ELECTRICAL SAFETY.....	23
CHAPTER 9: TOXIC, CAUSTIC, AND FLAMMABLE MATERIALS.....	25
CHAPTER 10: PEST CONTROL.....	27
CHAPTER 11: SANITATION AND HYGIENE.....	28
CHAPTER 12: JUVENILE SAFETY AND SUPERVISION.....	30
CHAPTER 13: SUPERVISION OF JUVENILE OFFENDERS.....	32
CHAPTER 14: JUVENILE OFFENDER DISCIPLINE.....	33
CHAPTER 15: ADMINISTRATIVE REMEDY PROCEDURES.....	37
CHAPTER 16: REFERRAL AND INTAKE PROCESSING.....	38
CHAPTER 17: SERVICES .....	42
CHAPTER 18: JUVENILE OFFENDER RIGHTS.....	47
CHAPTER 19: CASE MANAGEMENT.....	49
CHAPTER 20: PROGRAMMING OF JUVENILES.....	52
CHAPTER 21: RECORDS AND REPORTS.....	58
CHAPTER 22: ESCAPES, DEATHS, AND SIGNIFICANT INCIDENTS.....	59
CHAPTER 23: RELEASE FROM SERVICE OF SENTENCE.....	60

CHAPTER 24: SEXUAL ABUSE/ASSAULT PREVENTION AND INTERVENTION...61  
CHAPTER 25: JUVENILES UNDER SUPERVISION.....62  
CHAPTER 26: RESEARCH AND EVALUATION.....63  
CHAPTER 27: INSPECTIONS.....64  
LIST OF ATTACHMENTS.....69

## INTRODUCTION

### A. BACKGROUND

This Statement of Work (SOW) sets forth the contract performance requirements for the comprehensive management and operation of a non-secure juvenile correctional/treatment facility. The terms Anon-secure≅, Astaff secure≅, Acommunity-based≅ and Ajuvenile community residential≅ are used interchangeably to describe a facility that is not surrounded by a high security fence, and provides for the reintegration of juvenile offenders to the community by allowing them access to the community in an effort to achieve treatment and correctional objectives. The Bureau of Prisons (Bureau) enters into agreements with tribal, state, and local governments, and into contracts with private organizations, to provide for these services. Contractors are still responsible for ensuring the safety, care, security, control, accountability and custody of juvenile offenders, and providing for public protection through a system of written policies, procedures, and practices that are based on recognized juvenile correctional practices.

### B. OBJECTIVE

The objective of this contract is to provide rehabilitation and accountability for federal juvenile offenders in a non-secure setting and provide public protection by monitoring the offenders' activities in the community. These offenders include those sentenced to the custody of the Bureau or placed as a condition of supervision by Federal Courts.

### C. EXPLANATION OF TERMS

1. **Bureau of Prisons (Bureau):** A component of the Department of Justice, providing high quality correctional services to confined adult and juvenile federal offenders, through a well-managed, varied network of prison and community-based programs.

2. **Community Corrections Regional Administrator (CCRA):** The Bureau is divided into 6 geographic regions. The CCRA is responsible for all community corrections= functions, services, and operations within the respective region.

3. **Assistant Community Corrections Regional Administrator (ACCRA):** Normally, each region has an ACCRA to whom the CCRA has delegated administrative oversight responsibility for field Community Corrections Offices within the region.

4. **Community Corrections Manager (CCM):** The Bureau employee who is the Contracting Officer's Technical Representative (COTR), and is empowered to make judgments and decisions on contract compliance.

5. **Community Corrections Contract Oversight Specialist (COS):** Contract Oversight Specialists, under the direction of CCMs, are responsible for maintaining oversight control of contract facilities through routine contact, correspondence review, announced and unannounced on-site monitoring, and technical assistance visits.

6. **Contractor:** The provider of services described in this SOW. Typically this is a tribal, state, county or city government, Department of Corrections, or a private organization.

7. **Contracting Officer (CO):** The Bureau employee empowered to award, administer, and cancel contracts on behalf of the United States Government.

8. **U.S. Probation Officer (USPO):** An officer of the Federal Courts responsible for supervising federal juveniles placed on probation by Federal Courts. USPOs also supervise mandatory releases and those released on parole by the United States Parole Commission (USPC).

9. **Facility:** The correctional institution in which the contractor houses offenders, also referred to as detention center, law enforcement center, correctional center, etc.

10. **Juvenile Offender:** The terms "juvenile," "juvenile offender," "juvenile resident," "Astudent," and "resident" are used interchangeably and are considered synonymous.

The Juvenile Justice and Delinquency Prevention Act (JJJPA) (18 U.S.C. 5031 through 5042) specifies the requirements for juveniles who have not attained their eighteenth birthday and those sentenced under the JJJPA as juvenile delinquents. The requirements are different for each of three groups of offenders:

- Those who have not attained their 18th birthday;
- Those who have attained their 18th birthday but have not attained their 21st birthday; and
- Those who have attained their 21st birthday.

18 USC 5039 states, "No juvenile committed, whether pursuant to an adjudication of delinquency or conviction for an offense, to the custody of the Attorney General may be placed or retained in

an adult jail or correctional institution in which he has contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges. Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment. Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community."

The Bureau Program Statement titled **Juvenile Delinquents, Juvenile Justice and Delinquency Prevention Act**, details requirements for the confinement of juveniles.

The Bureau is **not** the legal guardian of juveniles in these facilities. Guardianship remains with the parents or legal guardian.

**11. Types of Offenders:**

a. **Transfers from Secure Juvenile Facilities:** These juveniles are committed to the custody of the Bureau of Prisons. They have served a portion of their sentence in a secure juvenile facility.

b. **Direct Court Commitments:** These offenders are committed to the custody of the Bureau and have been designated to serve their term of confinement in the facility.

c. **Supervision Cases:** These offenders are referred to the Bureau for placement by a USPO or United States Pretrial Services Officer (USPSO) due to conditional release supervision requirements. The supervision requirements may be by order of a Federal Court, the U.S. Parole Commission, or Federal Pre-Trial Services. The Bureau may pay for room and board (except for Pre-Trial cases) during the period of time spent in the facility on conditional release.

d. **Probationers:** Offenders that are required to reside in and adhere to program requirements of the facility as a condition of probation for the time specified by the Court.

e. **DC Offenders:** Offenders convicted of District of Columbia code offenses before attaining age 22 and whom the court determined appropriate for treatment pursuant to the District of Columbia Youth Rehabilitation Act. This excludes those sentenced for murder.

**NOTE:** There is discussion in this SOW which applies exclusively to some of the offenders placed in the facility and not to others.

Those in the custody of the Bureau are referred to by such terms as "those in the custody of the Bureau of Prisons," "Bureau residents," "Bureau juveniles," etc.

Other discussion refers exclusively to supervision cases -- probationers, supervised releases, mandatory releases, and parolees. They are referred to by such terms as "juveniles under supervision," "supervision cases," etc.

#### D. SCOPE OF WORK

The contractor must provide the necessary facilities, equipment, personnel, and staff training that will satisfy the delivery of service requirements outlined in this SOW. The contractor must ensure that programs are conducive to the rehabilitative needs of male and/or female juveniles and do not compromise requirements to maintain sight and sound separation from adult offender populations.

The contractor must develop written operational policies and procedures that adhere to accepted juvenile specific correctional practices as determined by national standards and the Bureau.

If not already accredited by the American Correctional Association (ACA), the contractor must obtain ACA accreditation within 24 months of contract award. Once accredited, the contractor must maintain accreditation throughout the life of the contract, inclusive of any option year exercised.

If not already accredited by the ACA, the contractor must use the most current Standards for Juvenile Community Residential Facilities augmented by Bureau policy and/or procedure as a guide in developing and implementing written policies and procedures, pending accreditation. Therefore, reference will be made to ACA Standards and Bureau policy and/or procedure throughout this SOW.

As an alternative to ACA accreditation, the facility can be accredited through the Commission on Accreditation of Rehabilitative Facilities (CARF) and/or the Joint Commission Accreditation of Healthcare Organizations (JCAHO). The Bureau policy references in this SOW are available through the Bureau's Internet Web Site at <http://www.bop.gov>.

Should a conflict exist between this SOW, ACA standards and Bureau policy and/or procedure, the Contracting Officer, if prior

to contract award, or the COTR, following contract award, will serve as the decision-maker in such conflicts.



## CHAPTER 1: ADMINISTRATION

It is the responsibility of the contractor to maintain current documentation to substantiate that the requirements in this SOW are met. The contractor is to reference Part 1, Section A, American Correctional Association Standards for Juvenile Community Residential Facilities.

A. The contractor is to provide authorization for the establishment of the facility. Such statute provides the legal framework within which the facility's administrative structure, philosophy and policies are developed, as well as the basis for assessing performance and identifying needed changes in organization. This is to include a written mission statement and organizational chart.

B. The contractor must have a current Operations Manual containing written policies and procedures which will be accessible to all staff. It is the responsibility of the contractor to update the Operations Manual and ensure that staff reviews this manual on an annual basis. In addition to written policies and procedures, the Operations Manual must explain the systems used by the Chief Executive Officer (or other designated decision-maker) to ensure compliance. This includes, but is not limited to the following:

- The system(s) used to review and update all policies, procedures, and programs annually;
- The system(s) used to monitor, inspect, review and implement corrective actions as deemed necessary in the course of operating a facility for federal juvenile offenders;
- The system(s) used to disseminate updated information to appropriate staff and administrators regarding policy changes, as deemed necessary;
- The system(s) used to disseminate pertinent information to juvenile offenders, parents, legal guardians, or other custodians. Communication must be in the language of the approved parties, including the juvenile;
- The system(s) used to encourage positive contact with the general public, while still preserving the offender=s privacy and the facility=s safe environment; and
- The system(s) used to conduct internal annual operational audits, using this SOW as the guideline, with written findings and corrective action plans.

C. The contractor must conform to all applicable zoning ordinances, and building, sanitation, health, and fire codes. Documentation will be made available to confirm adherence.

Additionally, the contractor must ensure the facility is not located in an area where public concern or opposition would have an adverse effect on the community or residents. The contractor must identify nearby (e.g., within a half-mile radius) facilities whose closeness to the non-secure juvenile facility might raise public concern, including but not limited to schools, day-care centers, and other residential facilities.

D. The contractor must ensure that Bureau-identified staff members attend and participate in meetings, training sessions, monitoring visits and conferences scheduled by the Bureau.

E. The Bureau is to be the final authority in determining appropriate levels of staffing and services at each site.

F. The contractor must have FAX and Internet capabilities.

G. The contractor shall conduct monthly staff meetings to foster communication, establish policy, discuss problems, ensure SOW compliance, and accomplish program objectives. Training shall be conducted on accountability during each meeting. The contractor shall document the meetings with written minutes, and include the staff members' names in attendance.

H. The contractor shall develop a quality control plan (QCP), i.e., an internal system for monitoring program compliance. A written QCP summary must be provided to the COS quarterly.

## CHAPTER 2: FISCAL MANAGEMENT

A. It is the responsibility of the contractor to ensure that written policies and procedures are developed, implemented and monitored in the area of FACILITY FISCAL MANAGEMENT. The contractor is to reference the Program Statement on Trust Fund/Warehouse/Laundry Manual, Chapters 4526, 4522, 4500.04 and 4523 in conjunction with Part 1, Section B, American Correctional Association Standards for Juvenile Community Residential Facilities.

It is also the responsibility of the contractor to maintain complete and accurate documentation of all financial transactions. Written policies and procedures must also include audits of all facility financial operations to include the following requirements:

1. A system(s) for maintaining an accurate account of facility expenditures, Commissary Operations procurements, Juvenile Trust Fund, or other special funds.

2. A system(s) to ensure that the contractor submits all vouchers for reimbursement to the community corrections office by the tenth working day of each month in order to be in compliance with the Federal Government's Prompt Payment Act. The Standard Form 1034 Public Voucher for Purchases and Services Other Than Personal, an example of which is attached to this SOW, includes the following:

- Name and Address of Contractor
- Contract Number and Facility Code
- Date of Voucher
- Name and Address of Community Corrections Office
- Date of Service
- Description of Service
- Total Number of Offender Days
- Offender Day Rate
- Amount of Reimbursement
- Attached Alphabetical Rosters of Juveniles by Name, Register Number, Date of Arrival/Release and Number of Offender Days billed for each offender.

3. A system to ensure the contractor or designated ACertifying Officer= certifies the accuracy of all financial invoices before submitting them to the CCM. A statement certifying that services have been rendered must be included along with the invoice. The statement must have the contractor=s

original signature or that of the ACertifying Officer.≡ The statement should include total offender days for the month, offender day rate, and a total amount of invoice, as shown below:

I certify that services have been rendered as indicated on the above invoice and payment is now due for care and custody of federal juvenile offenders during the month of \_\_\_\_\_.

TOTAL OFFENDER DAYS X \$(OFFENDER DAYS RATE) = \$ TOTAL

\_\_\_\_\_  
CERTIFYING OFFICIAL                      DATE SIGNED  
TITLE

4. On a monthly basis, by the tenth working day of the month, the contractor must submit **Standard Form 1034, Public Voucher for Purchases and Services Other Than Personal**, for reimbursement of approved expenditures for the following services provided to federal juvenile offenders, such as:

- **Release Gratuity, Transportation, and Clothing:** The contractor must provide an itemized listing of the release gratuity, transportation, and clothing to the CCM for approval prior to issuance.
- **Staff Supervision for Hospitalized Juvenile Offenders:** The contractor must be financially responsible for providing all staff supervision as necessary for federal offenders.
- **Medical Services:** Requests for routine medical care for BOP juveniles, (excludes supervision residents) in the custody of the Bureau are to be itemized and approved by the CCM prior to service. Requests for approval are to be submitted on the Request for Medical Treatment Form, as attached to this SOW.
- **Detention Services:** The contractor must be financially responsible for all costs that may be incurred as a result of an offender=s temporary placement in a local secure juvenile detention center as a result of a referral by local law enforcement agencies or facility administrator.

Emergency medical and psychiatric care must be provided immediately to preserve the life and health of the juvenile. The CCM must be notified of the treatment immediately and must be involved in planning for subsequent treatment. The contractor shall make every effort to obtain no-cost treatment (Indian Health Services, CAMPUS, etc.). If the contractor believes the medical costs will exceed an amount they can compensate, the contractor shall immediately contact the CCM for direction.

B. The Government will only reimburse the contractor, not the actual provider of the treatment, for authorized medical care, dental care, and medications. The appropriate facility medical staff will be responsible for verifying the accuracy of invoices submitted for reimbursement and ensuring that services were received as stated on the invoices.

C. A medical voucher will be prepared listing the health care providers and total amount due to each vendor. The voucher will list alphabetically the name, register number, treatment rendered, date of service, and a total amount billed, for each juvenile offender. Original invoices from the health care provider must be attached to the medical voucher. A statement certifying accuracy of the medical voucher is to be signed by the appropriate facility "Certifying Officer" at the bottom of the medical voucher. A complete copy of all documentation as a secondary attachment to the voucher must be included, along with an original signature for invoice certification.

D. The contractor will be responsible for providing each juvenile with a complete physical examination within 14 days of arrival at the facility. However, the Bureau is responsible for additional medical costs for only those juveniles committed to the custody of the Bureau. The contractor will obtain instructions from the USPO for emergency medical care for juveniles not committed to the Bureau and for any other medical care that may be required. If yearly physical examinations are required by law, the Bureau will pay the costs of those examinations for all juveniles.

### CHAPTER 3: PERSONNEL

All federal juvenile offenders in non-secure placements must benefit from staff supervision and guidance. It is the responsibility of the contractor to supervise and account for all federally sentenced juveniles, 24 hours a day, seven days a week, 12 months a year. The contractor should reference the **Bureau Program Statement on Drug Free Workplace (Section 13)**, and **Part 1, Section C, American Correctional Association Standards for Juvenile Community Residential Facilities.**

A. The contractor must have written personnel policies and a management system that are consistent with the juvenile justice system=s philosophy of rehabilitation.

B. The services required in this SOW must be performed by paid staff that have been properly screened and trained *prior* to having contact with juvenile offenders. In addition to paid staff, the Bureau requires the contractor to follow the ACA Standards on the use of unpaid individuals, such as mentors and/or volunteers, who have been approved by the CCM. Where appropriate, mentors should be utilized to work one-on-one with juveniles in achieving program goals. Similar functions may be provided to groups of juveniles by individual volunteers and volunteer groups. However, mentors and volunteers will not be used in lieu of direct supervision staff.

- Juvenile mentors, individual volunteers, and volunteer groups play a very important role in the rehabilitative process for juvenile offenders. Therefore, written policies and procedures are to, with the approval of the CCM, address recruitment, screening, background checks, and provisions for providing orientation and training to mentors and volunteers prior to their contact with juvenile offenders. Written policies and procedures must also require that mentors, volunteers, or volunteer groups provide services under the direction and guidance of paid facility staff members, not have contact with juveniles outside the non-secure facility except in their official capacity, and have no access to confidential juvenile files.
- The utilization of diverse cultural, spiritual, and educational groups, choirs, motivational speakers and positive role models is encouraged as deemed appropriate by the contractor and approved by the CCM.
- The contractor must have a written "Volunteer Manual" and a A Mentor Manual≅ which must be accessible to each mentor, volunteer, and volunteer group. Both manuals are subject to the approval of the CCM and CUSPO.

- The contractor must document and maintain records of activities involving mentors, volunteers and volunteer groups. Information pertaining to activities and volunteer hours must be incorporated into a monthly summary report and submitted to the CCM by the tenth working day of each month.

The contractor must also have written policy and procedures for a public information program which offers ongoing, positive communication between the facility and the local community, elected officials, law enforcement and citizens.

In addition to community outreach, the contractor must establish a Community Relations Board (CRB) that must meet at least quarterly each calendar year. The CCM and ACCRA must be standing members on the CRB.

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

CRB benefits the facility and the community by:

- Increasing public awareness of and education about the mission of the facility and the BOP;
- Determining the availability of community services for the facility;
- Coordinating facility operations with local law enforcement activities;
- Assessing the impact of the facility on the community; and
- Increasing the facility=s involvement in community affairs and services.

The Contractor must develop bylaws that contain a clear statement of the CRB=s objectives, define (and limit) the CRB=s role in the internal affairs of the facility, provide a structure for CRB operations, define who may be a member, explain how members are selected, and set term lengths for each officer. CRB members may work closely with local law enforcement, government, business, civic, education and training, health care, pre-release, and religious agencies and organizations.

Initially, the facility director may select CRB members. The facility director must base his or her assessment of the individual=s potential to develop opportunities for mutual

assistance and support. The subsequent selection process must be addressed in the CRB=s bylaws.

Consideration must be given to citizens representing:

- Local and federal law enforcement
- City, County, or township government
- Business and Civic organizations (Chamber of Commerce, Lions, Rotary, Kiwanis)
- Council of churches
- School boards, health care organizations, and media groups

C. The contractor must make reference to **Part 1, Section C, American Correctional Association Standards for Juvenile Community Residential Facilities**, as the basis for providing written policies and procedures in the area of personnel. This includes, but is not limited to the following:

- Employee job descriptions, including title, experience and education requirements;
- Employee Equal Opportunity;
- Employee records and evaluations;
- Employee standards of conduct;
- Employee conditions for probationary and permanent employment;
- Employee recruitment and retention plan;
- Employee grievance process;
- Employee orientation and training; and
- Employee screening and background.

D. It is to be the responsibility of the contractor to ensure that the facility=s Director possesses, at the very minimum, a baccalaureate degree in social or behavioral science with at least five years' experience in the juvenile justice system, three years of which must be in a management position. The contractor is also responsible for identifying all key personnel with the following conditions:

- Key personnel must be full-time employees.
- Key personnel must include the Facility Director, Assistant Director, the School Principal, the Food Service Manager, the Director of Psychology, Security Supervisor, and Casework Supervisor.

E. Any proposed changes of staff identified as key personnel must be submitted for approval to the CCM prior to employment. Copies of supporting documents, including at a minimum, the



application, the applicant's qualifications and reference checks, along with any other relevant documentation, must accompany the request for approval. Key personnel are to demonstrate experience in working with a diverse juvenile offender population in a non-secure correctional facility, and to be willing to work with Native Americans.

- Employees must possess a Social Security Card approved by the United States Social Security Administration and be a United States Citizen or lawful permanent resident.

F. STANDARDS OF CONDUCT. The contractor must develop written policy, procedures and practice, subsequently referred to as the Standards of Conduct, on employee conduct, ethics and responsibility. The contractor must notify employees of the Standards of Conduct and document this notification in their personnel files.

The contractor must require all employees to sign an acknowledgment that they have received and understand the Standards of Conduct and must cooperate fully by providing all pertinent information which they may have with any investigative authority. Full cooperation means and requires truthfully responding to all questions and providing a signed affidavit, if requested. The contractor must also document this acknowledgment in each employee's personnel file.

Investigative authorities include, but are not limited to, investigations conducted by the Federal Bureau of Investigation, Office of the Inspector General, Office of Professional Responsibility, BOP Office of Internal Affairs, Office of Personnel Management, BOP Special Investigative Agent, BOP Special Investigative Supervisor, Equal Employment Opportunity Investigator, Department of Labor, U.S. General Accounting Office, U.S. Marshal Service or any other agent or agency the CCM authorizes or directs to conduct an investigation.

At a minimum, the contractor must include in the "Standards of Conduct" the following:

- Employees must conduct themselves professionally and in a manner that creates and maintains respect for the contractor, the Bureau, the Department of Justice, and the U.S. Government.
- Employees must avoid any action that might result in, or create the appearance of, adversely affecting the confidence of the public in the integrity of the U.S. Government.
- Employees must uphold the ethical rules governing their professions, including complying with applicable licensing

authority rules, unless they conflict with federal law.

- Employees must not use or possess illegal drugs or narcotics. They must not abuse any drugs or narcotics. Use of alcoholic beverages or being under the influence of alcohol while on duty, present in the facility, or immediately before reporting for duty is prohibited. An employee while on duty or in the facility is considered to be under the influence of alcohol if their blood alcohol content level is 0.02 percent or greater.
- Employees must not allow themselves to show partiality toward, or become emotionally, physically, sexually, or financially involved with juvenile offenders, former offenders, or the families of offenders. Chaplains, psychologists, and psychiatrists may continue a previously established therapeutic relationship with a former offender in accordance with their respective codes of professional conduct and responsibility.
- Employees must not engage in, or allow another person to engage in, sexual behavior with a juvenile offender. Regardless of whether force is used or threatened, there can be no consensual sex between employees and offenders.
- Employees must not offer or give to an offender or a former offender or any member of his or her family, or to any person known to be associated with an offender or former offender, any article, favor, or service, which is not authorized in the performance of the employee's duties. Employees must not accept any gift, personal service, or favor from an offender or former offender or from anyone known to be associated with or related to an offender or former offender. This prohibition includes becoming involved with families or associates of any offender.
- Employees must not show favoritism or give preferential treatment to one juvenile offender, or a group of offenders, over another.
- Employees must not use profane, obscene, or otherwise abusive language when communicating with juvenile offenders, fellow employees, or others. Employees must conduct themselves in a manner that is not demeaning to offenders or fellow employees.
- Employees must remain fully alert and attentive during duty hours.
- Employees must not have any outside contact with an offender, ex-offender, offender's family or close associates, for a period of one year from the last day of the offender's sentence or supervision, whichever is later, except those activities that are an approved, integral part of the facility program and a part of the employee's job description.

- Employees must not engage in any conduct that is criminal in nature or which would bring discredit upon the contractor, the Bureau, Department of Justice, or U.S. Government. Employees' conduct must be above reproach. It is expected that employees must obey, not only the letter of the law, but also the spirit of the law while engaged in personal or official activities. Should an employee be charged with, arrested for, or convicted of any felony or misdemeanor, that employee must immediately inform and provide a written report to the facility director. The facility director must immediately report the incident to the CCM. Traffic violations resulting in fines less than \$150 must be exempt from this reporting requirement.
- Employees must not use brutality, physical violence, or intimidation toward juvenile offenders.
- Employees must not possess lethal weapons or weapons which may inflict personal injury in the facility or while on duty.

The contractor must not conduct an investigation of any misconduct allegation without the Bureau's approval. This includes questioning the subject of a misconduct allegation. The contractor must advise all employees that they are subject to Government investigation if an allegation is made concerning any interest of the Government.

G. Any violation or attempted violation of the restrictions referred to above must be reported to the CCM by telephone immediately and in writing within 48 hours. Such reporting is to include proposed action to be taken by the contractor. Upon consultation with his/her supervisor, the CCM is to determine if the employee may continue to work with federal juveniles. Any failure to report a violation or take appropriate disciplinary action against contractor employees may subject the contractor to appropriate action, up to and including termination of the contract.

H. The contractor must vouch potential employees through reference and employment checks. The contractor must notify proposed employees that a National Crime Information Center/National Law Enforcement Telecommunication System (NCIC/NLETS), fingerprint criminal records and other appropriate background checks will be processed by the BOP to verify employment applications. Prospective employees may not begin working with federal juveniles prior to the initial and annual NCIC/NLETS clearance from the CCM. The granting of full approval of an employee will not occur until the government receives a response from the fingerprint or other background checks. The contractor must not employ any person under supervision or

jurisdiction of any parole, probation or correctional authority. Persons with previous criminal convictions, but who are not under supervision, may be considered for employment, however, the Bureau reserves the right of refusal in such cases.

I. It is the responsibility of the contractor to provide a safe environment for all employees and juveniles in custody. The contractor must comply with all provisions of the Convict Labor Act, and of Title VII of the Civil Rights Act of 1964, as amended.

## CHAPTER 4: STAFFING PATTERNS

Recognizing that there may be differences in staffing patterns in secure and non-secure juvenile facilities, the contractor is to provide written policies, procedures, and plan that clearly define the system(s) to ensure that all federal juvenile offenders in non-secure facilities receive direct staff supervision during escorted trips to the community and their location is accounted for during unescorted trips, 24 hours a day, seven days a week, twelve months a year. The staffing relief factor must be included in this plan. At the very minimum, one direct supervision staff per 8 juveniles is required during wake hours and one direct supervision staff per 16 juveniles during sleeping hours, while juveniles are in the facility.

The contractor's Operations Manual must include:

- Direct supervision staff to juvenile offender ratio for each shift
- Key personnel responsible for maintaining adequate staffing for each shift
- Case manager to juvenile offender ratio
- Organizational chart outlining all department heads and their areas of responsibility

A. The contractor must ensure that administrative, clerical, maintenance or other paid staff, whose primary function is not to provide direct supervision to juvenile offenders, are not included in the overall staffing pattern.

B. There must be provisions for ensuring that the staffing pattern concentrates staff when most juveniles are in the facility. The contractor must seek the approval of the CCM for any proposed changes to a previously approved staffing pattern.

C. The contractor shall staff at least two positions (one male and one female if co-ed facility), 7-day post, 24 hours a day, dedicated only to the supervision of federal offenders. This 7-day post cannot be covered by any other position to include key personnel (i.e., director, case manager, etc.) The intent is that this post will devote 100 percent of its time to supervising juvenile offenders. Additionally, a management level staff shall be on duty when most residents are at the facility.

D. The contractor shall submit, in the technical proposal, a weekly work schedule by position clearly defining the duty hours of each position. This schedule shall indicate which positions are full-time or part-time. In addition, the work schedule will identify if the positions are devoted to federal supervision

and/or program activities.

E. The contractor shall ensure all the positions identified in the technical proposal are filled during the life of the contract. Failure to fill these positions may result in a request for monetary sanctions.

F. The contractor is always responsible for the appropriate supervision of federal juveniles and the orderly running of the facility. The contractor shall notify the CCM of any unforeseen circumstance which may affect the safety, security, or orderly running of the facility.

## CHAPTER 5: TRAINING

The contractor must provide written policies and procedures that clearly describe the facility=s staff development and training program for all paid employees including administrators, administrative staff, support staff, and direct supervision staff. Reference is made to Part 1, Section D, American Correctional Association Standards for Juvenile Community Residential Facilities as a guide.

A. The contractor=s staff development and training program must be designed to satisfactorily meet the contractor=s mission and the Bureau=s goal of ensuring that each federal juvenile offender in custody receives at least 50 hours of quality programming per week from qualified and properly trained staff, in an environment conducive to rehabilitation. The contractor=s staff development and training program must be culturally and gender sensitive, and should focus on issues unique to the juvenile offender population.

B. The contractor must maintain a manual at the facility that documents the credentials and qualifications of all trainers. At the very minimum, the contractor is to ensure that each new employee receive 40 documented hours of pre-service training. A copy of the curriculum must be kept on file and subject to review by the CCM.

C. The contractor must also submit a plan for providing annual training to all paid staff. The training should enhance the employees' ability to perform their responsibilities. At the very minimum, the contractor is to provide clerical and support staff with 16 hours of annual training each year. Direct supervision staff must receive, at the very minimum 24 hours of annual training. The contractor is responsible for developing the training agenda according to need. However, the Bureau requires that the following training topics be included during annual training:

- CPR/First Aid
- Emergency Fire Evacuation
- Suicide Prevention and Intervention
- De-escalation Techniques and Crisis Intervention
- Sexual Abuse and Prevention
- Mental Health Awareness

D. The contractor must provide written policies and procedures and a plan outlining the potential use of physical, mechanical, mental health interventions, with special emphasis on suicide

interventions. These policies and procedures must have the approval of the CCM and be consistent with good judgment and sound correctional practices. These written policies, procedures and practices must limit the use of physical force to instances of self-protection, protection of the juvenile or others, prevention of property damage and escape. Under no circumstances is physical force justifiable as punishment. The contractor is to reference Part 3, Section A, American Correctional Association Standards for Juvenile Community Residential Facilities in conjunction with the Program Statement on Use of Force and Application of Restraints on Inmates.

E. It is the responsibility of the contractor to ensure that direct supervision staff is properly trained in crisis assessment skills, crisis intervention, and communication skills. Such training, including the use of physical, mechanical and suicide interventions is to be provided prior to an employee=s contact with a juvenile offender. The contractor=s policies and procedures are to identify the types of interventions allowed, person(s) authorized to use such interventions and circumstances that may prompt such use.

F. The contractor must have a system in place for documenting and informing the CCM of all incidents involving physical, mechanical and suicide interventions.

G. The contractor will be required to pay for training and related travel when the contractor=s performance necessitates the Bureau to provide training to correct findings. This need will be determined by the CCM.

H. The community corrections staff (CCM), regional office staff (MCA and CCRA), and Central Office staff of the Bureau may provide instructions and guidance during the life of the contract to ensure that the specifications of the contract and expectations of the Bureau are met.

I. The contractor must submit a comprehensive Juvenile Suicide Prevention and Intervention Policy prior to performance. The policy and procedures must have been reviewed and approved by a licensed mental health professional. A copy of the policy and plan must be submitted to the CCM. The CCM must receive written notification of any policy changes.

J. The contractor must have on file a copy of the Bureau Program Statement 5216.05, **Juvenile Justice and Delinquency Prevention Act (1974)** and a copy of **The Civil Rights of Institutionalized Person=s Act (CRIPA)**. It is the responsibility of the contractor to make these materials available to all key



personnel and other staff, as deemed necessary.

## CHAPTER 6: FACILITY

The Bureau's requirements for juvenile housing and environmental conditions under this SOW are consistent with Part 2, of the American Correctional Association, Standards for Juvenile Community Residential Facilities. Therefore, the contractor must reference this section and submit a plan (in the technical proposal) for meeting these requirements. In addition to meeting applicable federal, state and local building codes, the plan must address the following requirements:

- Square footage for sleeping areas, and day rooms;
- Heating and Cooling;
- Lighting;
- Laundry;
- Furnishings;
- Wash Basins;
- Showers;
- Toilets; and
- Housing for the disabled.

A. In cases where the facility houses female and male juvenile offenders, the contractor must submit a plan addressing coeducational activities, and separate sleeping areas.

B. The facility must dedicate indoor and outdoor space for recreation and structured activities to be utilized by all federal juvenile offenders, male and female. Submit examples of these activities in the technical proposal.

C. The facility should not resemble a secure jail-type setting. The facility should be conducive to a halfway house type of environment, yet, still maintain safety and security of all juveniles and staff.

D. Each technical proposal shall include a legible and accurate copy of the site plan, and floor plans for the proposed facility that identify the sleeping rooms, dining room, visiting room, conference room, recreation rooms, offender bathrooms, staff offices, laundry room, kitchen, and handicapped access. The plan must identify the total gross square footage of each room.

E. The floor plans must identify the unencumbered space area per occupant in the sleeping rooms and dining room.

## CHAPTER 7: LIFE SAFETY

The contractor must ensure that requirements in the area of life safety are met at all times. In conjunction with the Occupational Safety and Health Act of 1970, all codes and regulations associated with 29 CFR 1910 and 1926, and Part 3, Section B, American Correctional Association Standards for Juvenile Community Residential Facilities, the contractor must submit (in the technical proposal) a plan that ensures that the facility complies with all local, state, and national health, safety, environmental, and building codes. In the event local, state, and national codes conflict, the most stringent will apply.

- The contractor must ensure that the facility is inspected in accordance with local and state fire building codes by a representative of the local or state authority having jurisdiction.
- The contractor must establish a comprehensive Environmental/Pollution Prevention Program designed to use source reduction techniques and sound recycling practices in accordance with local ordinances. If there are no local ordinances in place, the contractor must develop an Environmental Awareness Program available to all juveniles.
- A diagramed emergency evacuation route shall identify AYou Are Here≅ location and be compatible with the floor plan. This diagram shall also show the exterior areas of the facility used as assembly points or other areas of safe refuge during an emergency evacuation or drill.
- The contractor shall conduct an evacuation drill at a minimum of one drill during each shift each quarter. The drill must document how the alarms were activated, date and time of the drill, amount of time taken to evacuate the building, evacuation path used, number of staff and juvenile offenders participating, and comments.
- The contractor shall conduct a minimum of two drills annually between the hours of 2 a.m. - 6 a.m.

## CHAPTER 8: ELECTRICAL SAFETY

The National Electric Code and General Industry Standards (OSHA 1910.304) will be the measure used to assess compliance with electrical standards. It is important for the contractor to acknowledge the following:

A. Ground Fault Circuit Interrupters (GFCIs) are to be required on all 110 volt, single phase outlets in the laundry facility if the washing machines are exposed to the weather or wet areas. In addition, if laundry areas have a water source (utilities sink) within six feet of receptacles, these receptacles are required to be protected.

- GFCI wiring must be 14 gauge with ground. Standard wiring is usually 12 gauge with ground.

B. Electrical panel box covers must contain an accurate, up-to-date directory. The means of disconnecting electrical equipment must be marked as to its use, unless readily apparent.

C. Extension cords must not be used in lieu of hard or permanent wiring.

D. Wiring/receptacles must be grounded - no obsolete 2-wire outlets may be used, unless approved by the Bureau.

E. Floor space heaters and hot water "stringers" are considered unsafe from the standpoint of fire safety and must not be permitted.

F. Guard grids on oscillating or floor fans cannot exceed .625 centimeter (1/4") for safety reasons.

G. The following electrical safety standards must apply:

1. Damaged or frayed wiring cannot be taped or spliced.
2. Empty light fixture or fuse sockets, wiring, etc., may not be exposed or unprotected. Missing knock-outs, circuit breakers, or other openings in electrical equipment must be effectively enclosed to prevent exposure to live or energized ports.
3. The use of multi-outlet electrical adapter plugs is prohibited.
4. Damaged plate covers, switches, outlets, etc., must be replaced.

5. The use of electrical tape to repair cut or damaged cords or cables is prohibited. Cords and cables must be effectively repaired by the proper means (i.e., use of heat shrink tubing, reinstallation of cords or cables to equipment, etc.).

H. Prior to the preoccupancy inspection, the successful contractor will provide documents of an independent inspection of the electrical system by a certified contractor.

## CHAPTER 9: TOXIC, CAUSTIC, AND FLAMMABLE MATERIALS

The contractor must establish a written program for the storage, issuance, handling, and accountability of flammable liquids, hazardous chemicals, toxic, and caustic materials used within the facility. Reference is made to Part 3, Section B, American Correctional Association Standards for Juvenile Community Residential Facilities and the Environmental Protection Agency (EPA) and General Industry Standards (OSHA 29 CFR 1910) for guidance and direction.

All personnel must be trained in the proper handling and use of all toxic, caustic, and flammable materials within two weeks of their initial employment, or whenever a new hazard is introduced into their work area. Toxic, caustic, and flammable materials are defined as those having "signal words" such as POISON, DANGER, and/or WARNING on the label. Such materials require special handling, control, and accountability. All training is to be documented for compliance. The contractor is to acknowledge:

- A. Flammable materials such as gasoline, kerosene, and paint thinner are to be stored outside of the main structure or in approved Department of Transportation safety containers located within the facility. Flammable materials are classified as a Class I material having a flash point of -17.8 to 37.8 degrees Celsius (0-100 degrees Fahrenheit).
- B. Toxic, caustic, and flammable materials may not be stored in sleeping rooms, furnace areas, kitchens, or in close proximity to stored foodstuff.
- C. Materials are to be properly labeled, stored in the original container, and maintained in a secure area. Concentrated materials may be used by the general population once the product has been diluted. The container is to be labeled and marked "Diluted".
- D. Inventory cards or an approved method of accountability must be maintained on all toxic, caustic, and flammable materials.
- E. Propane gas and other pressurized cylinders, both full and empty, are to be strapped, chained or stored in the upright position.
- F. Aerosol containers are considered pressurized cylinders. They need to be controlled and accountability maintained.
- G. The "Right-to-Know-Law" requires that Material Safety Data Sheets (MSDS) be maintained on all toxic, caustic, and flammable

materials. These data sheets will list the characteristics and chemistry of the product, flash point, and first aid antidote in case of ingestion or exposure. Staff shall review quarterly the MSDS to ensure that it is current. Staff shall document this review and make it available to the BOP upon inspection.

H. Personal protective clothing is to be furnished and utilized in accordance with the MSDS.

## CHAPTER 10: PEST CONTROL

The EPA has set standards for pesticide handling and use. These include such areas as record keeping, storage and disposal procedures, filling and mixing methods, etc. All of the standards are designed to help make pesticide use safer for people and the environment.

State laws also govern pesticide use. Both federal and state laws and regulations apply to any person using pesticides within a state. In some cases, it may be feasible for the contractor to contract these services through a licensed exterminator. However, the best method of pest control is the establishment and maintenance of good housekeeping practices.

A. The contractor must provide for vermin and pest control and disposal.

B. Proper control and accountability of pesticides and rodenticide is to be maintained.

- Pesticides are to be stored in a cool, dry, and well-ventilated room which can be secured and locked. All pesticides are to be stored in their original containers bearing the proper label of the ingredients.
- All empty pesticide containers are to be triple rinsed prior to the disposal of the container. Disposable aerosol containers are not to have any "charge" remaining in them at the time of their disposal.

C. Screens on all open windows within food preparation and dining areas are to be in place and in good condition.

D. Trash and garbage removal is required. Containers and collecting areas are to be free of accumulated trash and debris.



## CHAPTER 11: SANITATION AND HYGIENE

The Bureau's requirements for Sanitation and Hygiene are consistent with Part 4, Section B, American Correctional Association Standards for Juvenile Community Residential Facilities. The contractor must reference this section and submit policies and procedures that address and document, at the very minimum, the following:

- Weekly facility sanitation inspections;
- Yearly inspection by federal, state, and/or local sanitation and health officials;
- A housekeeping plan for all areas of the facility outlining responsibilities for staff and juveniles;
- Vermin and pest control plan;
- Hair care service that is culturally-sensitive, while also considering the security requirements of the facility. Such service should be provided in a separate area;
- A plan for lawful disposal of liquid and solid waste; and
- A plan for issuance and accountability of suitable, clean bedding and towels for each federal juvenile. This includes protective clothing for juveniles participating in work assignments. For those in the custody of the Bureau, the contractor may include the provision of clothing in the per diem rate, or may establish a blanket purchase agreement with a local company. Prior approval by the CCM of a specific list of items to be purchased is required before purchases may be made under the blanket agreement. The contractor is to contact the USPO responsible for juveniles under supervision.

The contractor is to provide documentation that the facility's potable water source and supply, whether owned and operated by the public water department or the facility, is certified by an independent, outside source to be in compliance with jurisdictional laws and regulations.

The contractor shall require juveniles to maintain a high standard of sanitation and environmental health throughout the facility. This includes sweeping and cleaning their living areas, recreation or day rooms, bathrooms, passages, and hallway areas. Juveniles are not permitted to perform work for the

contractor, except as part of the sanitation and housekeeping plan. The contractor shall not use the juveniles in lieu of paid workers.

## CHAPTER 12: JUVENILE SAFETY AND SUPERVISION

The contractor=s safety policies and procedures are to be written and included as part of the facility=s Operations Manual, which is subject to review by the CCM. Refer to Part 2, Section G and Part 3; Section a, American Correctional Association Standards for Juvenile Community Residential Facilities as a guide.

A. The contractor is to ensure that juveniles remain safely within the facility, prevent access by the general public without proper authorization and be able to locate the juvenile offenders at all times. Facility safety may be enhanced by electronic surveillance, but should not be considered a substitute for direct supervision of juveniles. The Bureau reserves the right to determine what constitutes a safe environment.

B. The contractor must ensure that staff is available to all juveniles, 24 hours a day, seven days a week, twelve months a year. Staff must be responsible for monitoring all security aspects of the facility, including communication, key and lock control, and the movement of juveniles in and out of the facility.

C. The contractor must provide written policies and procedures for regulating and accounting for all juvenile offenders while in the community or in the facility. The contractor must conduct and document on-site visits to verify the juvenile=s constructive activities in the community (e.g. school, work, and/or community service).

D. The contractor must have written policies and procedures to ensure that the facility has a system in place for videotaping all physical restraints of juveniles. All incidents of physical and mechanical restraint will be documented on an incident report and submitted to the CCM for review. It is the responsibility of facility staff to notify the CCM immediately by telephone or fax of such incidents. A written report is to be submitted to the CCM within 24 hours after the incident. In addition to reviewing the incident report, the CCM may also request the videotape for review. Videotapes of physical restraints must be kept on file for one year. The Bureau reserves the right to request an after-action report on any significant incident.

E. Regardless of the terminology used to describe behavioral interventions (e.g., Ause of force,≅ Aphysical and mechanical restraint,≅ Aphysical intervention,≅, Amechanical intervention,≅ ≅four-point restraint,≅ Asuicide intervention≅), the contractor must submit written policies and procedures involving any such incident and must clearly outline the criteria for using such

interventions. Under no circumstances is an intervention justifiable as punishment. The written policies and procedures should include guidelines for ensuring that a juvenile is examined by a physician, physician assistant, nurse, or other designated medical personnel following such incidents. The contractor=s written policies and procedures must be reviewed and approved by a doctoral-level psychologist and physician to ensure that proper protocols are in place. In addition, the Bureau reserves the right to refer any policy to Bureau medical and mental health professionals for review at any time.

F. The contractor is to review policies and procedures on a regular basis and advise the CCM of any policy changes.

G. The contractor is prohibited from using firearms, CS gas, chemical agents, and peer-assisted restraints.

H. The contractor must provide for regular searches of the facility and juvenile offenders to control contraband. A system will be established to ensure that contraband is properly disposed of, or properly marked and stored as evidence. Documentation of these searches is to be maintained for one year.

I. The contractor must provide written policies and procedures that provide for manual or instrument inspection of body cavities, or pat searches. Body cavity searches must only be conducted upon authorization of the CEO, and are to be conducted in private by trained health care personnel only.

J. The contractor will notify the CCM of any cavity searches within 24 hours. The contractor must ensure that policies and procedures are reviewed for appropriateness by a doctoral-level psychologist and physician prior to its implementation on federal juvenile offenders, male and female.

K. The contractor must have a documented quality control plan in place which ensures that the facility=s security systems are operable at all times. Facility inspections must be documented and available for review.

L. The contractor must provide written policies and procedures outlining a plan of action in the event of an escape, major disturbance, threats, adverse weather, or any incidents requiring mass evacuation. These plans are to be made available to all staff and reviewed and updated at least annually. Documentation is to be maintained for Bureau review.

M. The contractor must submit in the technical proposal, a plan of action to ensure juvenile offenders are adequately supervised

in all situations, such as in transporting juveniles, shower times, etc.

## CHAPTER 13: SUPERVISION OF JUVENILE OFFENDERS

The contractor=s policies and procedures must specify a strategy for the Direct Supervision of juveniles that is different from supervision offered to adults. The contractor is to recognize that the main difference is found in the lower ratio of staff to juveniles.

A. The responsibilities of Direct Supervision staff involve more observation, interaction, and counseling with juveniles. Therefore, no offender or group of juvenile offenders is to be given control or authority over other juvenile offenders. As stated previously, peer-assisted restraints are prohibited.

B. The contractor must provide written policy, procedure, and practice to provide for the detection and reporting of escapees.

C. The contractor must be responsible in ensuring that all staff is kept informed of written policies and procedures pertaining to the safety of the public, juveniles, staff, mentors, and volunteers.

## CHAPTER 14: JUVENILE OFFENDER DISCIPLINE

The contractor must refer to Part 3, Section C and D, American Correctional Association Standards for Juvenile Community Residential Facilities and the Program Statement on Discipline and Special Housing Units as a guide for providing written policies and procedures related to juvenile discipline. The contractor may also refer to the Juvenile Justice Delinquency and Prevention Act (1974), the Civil Rights of Institutionalized Person=s Act (CRIPA), Bureau Prohibited Acts, and the Federal Sentencing Reform Act of the Comprehensive Crime Act for additional guidance. The contractor=s written policies and procedures regarding juvenile discipline must clearly define the differences between an offender=s privileges and basic constitutional rights guaranteed by the United States Constitution. The contractor must balance public protection, victim awareness and juvenile accountability. Written policies and procedures must address Rules and Discipline, Criminal Violations, Disciplinary Reports, Disciplinary Hearings, Hearing Decisions and Appeals Process.

A. Although a contractor may impose a system of graduated sanctions for rule violations by federal juveniles, written policies and procedures must ensure that corporal punishment as a means for juvenile discipline is strictly prohibited. A graduated sanctions disciplinary system requires that the discipline be proportional to the violation committed. For minor rule violations, such sanctions may range from a verbal and/or written reprimand, to a loss of privileges, to room restriction. Regardless of the violation committed by a juvenile offender, Arepetitive make-work,≅ Aneglect≅, Asegregation without cause≅, Afood deprivation≅ and improper physical and mechanical restraint of juvenile is prohibited. The use of any chemical agent on juveniles in a non-secure facility is prohibited. The contractor=s Juvenile Discipline Policy must be included in the facility=s Operations Manual for review by the CCM. The CCM must receive written notification of all policy changes.

B. The contractor must provide a copy of the contractor's Rules of Conduct to each new juvenile offender upon arrival at the facility. Documentation must be provided. A translated copy of the Rules of Conduct must be provided to non-English speaking juveniles.

C. The contractor must submit written policies and procedures ensuring the following are included:

- Guidelines for rewarding positive behavior;

- Guidelines for addressing and resolving minor and major juvenile misbehavior;
- Guidelines for informing the juvenile of sanctions and providing an opportunity to respond to allegations;
- Guidelines for the use of room restriction;
- Guidelines for the use of facility restriction; and
- Guidelines for allowing all juveniles to write statements involving special incidents

D. The contractor must immediately notify the CCM by telephone or fax in the event that a federal juvenile is referred to a local law enforcement agency for prosecution resulting from an allegation of an act covered by criminal law.

E. The contractor must provide written policies and procedures regarding disciplinary reports and hearings. If the contractor utilizes a graduated sanctions approach, a distinction must be made between major and minor rule violations, privileges and constitutional rights. It is the responsibility of the contractor to ensure that A due process requirements are an integral part of the sanctions process. In cases where a juvenile is placed on room restriction, as a result of a minor rule violation or as a A cooling off period, the time period must not exceed eight hours without review by the facility administrator. Visual and verbal contact by staff must be made with the juvenile at least every 30 minutes. All contacts must be recorded and retained by staff. In major violation instances, the juvenile must receive a written copy of alleged rule violation within 24 hours of the incident. In such cases, a hearing may be held within 24 hours of the juvenile's written consent. In all other instances hearings must be held as soon as possible, but no later than seven days, excluding weekends and holidays, after the alleged violation. Juveniles must be notified of the time and place of the hearing at least 24 hours in advance of the hearing. When a juvenile has been charged with a serious and/or chronic act of aggression toward self or others, temporary placement in a secure detention center may be considered to ensure the safety of the juvenile, other juveniles, and to maintain the security of the facility. Staff observation in all instances is required.

F. The contractor must inform the CCM, and with supervision cases, the USPO, of all scheduled hearings, decisions, dispositions and appeals. It is the responsibility of the contractor to discuss the recommended sanctions with the CCM and/or USPO before conducting a disciplinary hearing.

G. The contractor must provide written policies, procedures and practices that ensure a hearing is conducted by an impartial



person or panel of persons who are not directly involved in the incident leading to the restriction, before a juvenile is placed on facility restriction for more than 48 hours. The contractor must ensure that a record of the entire hearing process is made and maintained for at least six months. The following guidelines must be included in the policy:

- A disciplinary hearing may be held within 24 hours of the alleged incident with the written consent of the juvenile;
- The juvenile must have the opportunity to be present at his/her hearing, unless he/she waives that right in writing or his/her behavior does not allow for his/her presence. In all cases, the reason for the absence from the hearing must be documented;
- The juvenile must have the opportunity to make a statement and present documentary evidence at the hearing. He/she may request witnesses on his/her behalf. Denied requests must be stated in writing; and
- The juvenile must have the opportunity to request the services of any staff member to represent him/her at the disciplinary hearing and to question relevant witnesses.

H. The contractor must submit written policies and procedures that document the results of all disciplinary hearings involving federal juvenile offenders. The recorded proceedings, along with the supporting documentation, must include the decision, the disposition, and summary of the findings.

I. The contractor must submit written policies and procedures that grant juveniles the right to appeal decisions of the disciplinary committee to the Facility Administrator or designee. Juveniles have up to 15 days after the receipt of the hearing decision to submit an appeal. The appeal must be decided within 30 days of its receipt, and the juvenile is promptly notified of the results.

J. Regardless of the terminology used to describe the temporary separation of juveniles from a non-secure correctional setting to secure detention (e.g., Adetention center≅, Acrisis prevention enter≅), as a result of behavioral interventions, the contractor must submit (in the technical proposal) policies and procedures that outline the criteria for their temporary secure detention and plan for reintegration back into the non-secure setting. The contractor may exercise this option only in cases where juveniles present serious, chronic, and/or high-risk assaultive behavior that present a high level of danger to themselves or others. Detention is not to be used for punishment. Such temporary detention placements must not occupy the same living, educational, visitation, or other structured activity space that

will disrupt the activities of the general population and usually consist of local juvenile detention centers. Policies related to the use of secure detention must include provisions for the following:

- Immediate notification to the CCM all instances involving a referral of a federal offender to local law enforcement for temporary placement in a local secure juvenile detention center. Such referrals must be made by the facility administrator or shift supervisor.
- An Interdisciplinary Treatment Team which develops a Special Behavior Management Program Plan that encourages self-discipline through a behavior modification system of rewarding positive behavior.
- The time a juvenile spends in a local secure detention center is proportionate to the offense committed and the juvenile's progress in achieving goals and objectives.
- Juveniles in secure detention must be checked by staff at least every 15 minutes and must be visited at least once each day by administrative, clinical, social work, and medical personnel, and spiritual leaders.
- A log is maintained to document who authorized the detention placement, persons visiting the juvenile, the person authorizing release from secure housing, and time of release.
- Juveniles in secure detention must have a room, food, clothing, exercise, education, medical, psychological and other services comparable to juveniles in general population. Where such services are denied, the facility must provide written justification to the CCM.
- If placement in a local secure detention center goes beyond 24 hours, it is the responsibility of the facility administrator to review this continued confinement every 24 hours. Placement in secure detention normally should not exceed five consecutive days. If confinement is required beyond five consecutive days, the facility administrator must provide written justification for continued confinement, inform the CCM, and ensure the juvenile is seen by a licensed psychologist or psychiatrist, and physician to ensure that the continued behavior is not a result of mental and/or medical health deterioration.

## CHAPTER 15: ADMINISTRATIVE REMEDY PROCEDURES

The contractor must submit written policies and procedures that provide for Agrievance resolution≅ or Aadministrative remedy≅ in response to a juvenile=s concerns. The contractor should reference the Bureau=s Program Statement on the Administrative Remedy Program, augmented by Part 3, Section D, American Correctional Association Standards for Juvenile Community Residential Facilities, as a guide for ensuring that juveniles are aware of their right to formally present their issues of concern to the facility director and the appropriate Bureau staff for formal or informal resolution within the time frames outlined in Bureau policy and ACA standards.

## CHAPTER 16: REFERRAL AND INTAKE PROCESSING

The contractor must have written policies and procedures governing referral and intake of juveniles. All referrals must be processed through the CCM. For guidance on the proper intake and orientation process, the contractor should reference: Part 5, Section A, American Correctional Association Standards for Juvenile Community Residential Facilities; Title 18, USC 5037; and the Bureau Program Statements on Juvenile Delinquents, Juvenile Justice and Delinquency Prevention Act; Receiving and Discharge Manual; Admission and Orientation Program; Suicide Prevention Program; FBI Forms, Submission to the FBI; and Central Inmate Monitoring Manual. The contractor must adhere to applicable local, state, and federal laws in maintaining the confidentiality of any information gathered, to include:

- Appropriate notifications;
- Transfers;
- Execution of the Judgment and Commitment (J & C) Order
- Juvenile case files;
- Juvenile fingerprinting and photographing; and
- Initial Intake Form.

A. The contractor shall e-mail or fax the acceptance letter to the CCM of the reporting date. The acceptance notification must include the inmate's complete name, register number, acceptance date, and specify whether the inmate is BOP or USPO. If the reporting date differs from the referral packet, the contractor must obtain concurrence from the CCM before notifying the referring agent of the acceptance.

B. The contractor shall develop an intake process. Immediately upon a juvenile's arrival, staff shall interview the offender to determine if there are reasons for housing the juvenile away from the facility's main population. Staff shall conduct the interview in private away from other juveniles.

C. When a juvenile reports to the facility for admission, the contractor shall immediately notify the CCM using email or fax. This notification shall include evening hours, weekends, or holidays.

D. The contractor shall complete an intake form for each juvenile and place it in the front of the offender file.

E. The contractor shall photograph each juvenile admitted and provide a copy to the CCM. New photographs shall be taken for any changes in physical appearance.

F. The Contractor must execute the Judgment and Commitment (J & C) Order upon arrival of juvenile committed directly from court to serve a sentence. Staff must sign and date the original of the J & C and return it in a timely manner to the U.S. Marshal (USM) of the sentencing district, with a copy to the CCM indicating the date the original was mailed to the USM. The Contractor must retain a copy in the juvenile's file.

G. Fingerprints and photographs of a juvenile that has not attained his/her 18<sup>th</sup> birthday, or is sentenced under the JJDP, may not be used as a method of exchanging arrest information between law enforcement agencies. Contract facility staff must submit a juvenile's fingerprints to the Federal Bureau of Investigation (FBI) on a fingerprint card (FD-249), upon admission to the facility with a notation in the Additional information block that "The subject has been adjudicated a juvenile delinquent under 18 U.S.C. 5037", or "The subject has not attained his/her 18<sup>th</sup> birthday but was sentenced as an adult." The FBI will furnish the FBI number and the arrest history, if one exists, and will return the fingerprint card. Note the discussion of this in the BOP Program Statement 5216.05, Juvenile Delinquents, Juvenile Justice and Delinquency Prevention Act.

H. The Contractor will use an FBI fingerprint card and will take three sets of fingerprints on Direct Court Commitments and two sets on Supervision Cases. Two sets of fingerprints on Direct Court Commitments and one set on Supervision Cases will be forwarded to the CCM. The remaining set of fingerprints will be kept in the juvenile's file for identification purposes only.

I. If the Contractor does not have staff trained in fingerprinting procedures, they may make arrangements with a local law enforcement agency. Contractor staff will accompany juveniles when prints are taken. Contractor staff may contact the CCM to assist in arranging for fingerprints.

J. Facilities operated by state correctional or parole agencies should forward fingerprint cards to the Federal Bureau of Investigation in accordance with their own practices.

#### H. DNA Analysis Procedures

The DNA Analysis Backlog Elimination Act (DNA Act) requires the Federal Bureau of Prisons to obtain DNA samples from all inmates with qualifying offenses in order to comply with the DNA Analysis Backlog Elimination Act of 2000 (P.L. 106-546) and USA Patriot Act (P.L. 107-56). These laws require DNA samples to be obtained

from inmates convicted of all federal codes. Samples must also be obtained from qualifying D.C. Code felony offenders.

### **Community Corrections Contract Facility Procedures for DNA Collection**

Each Contract Facility will be responsible for arranging the collection of DNA samples from juvenile inmates for whom the Community Correction Manager (CCM) has identified as requiring testing. These inmates include:

- Secure/Non-secure juvenile facilities, including direct court commitments;
- Inmates on home detention - either through an RRC program or Federal Location Monitoring (FLM);
- Inmates housed in state facilities;
- RRC failures in a non-BOP facilities (e.g., jails); and
- Short-term sentenced inmates in non-BOP facilities.

Only inmates who are serving terms of imprisonment with the Bureau need to be evaluated for DNA sample collection. Inmates housed in Bureau contracted facilities at the request of the Administrative Office of the United States Courts, i.e., U.S. Probation Office (USPO), or by the District of Columbia's Court Services and Offender Supervision Agency is the responsibility of their respective agency.

#### **Steps for DNA Sample Collection:**

##### **1. Identification of Inmates**

The servicing CCM office will provide each contractor with a letter requesting the collection of DNA samples on any inmate identified as requiring DNA testing.

##### **2. Collecting DNA Samples**

- Once the CCM office identifies an inmate requiring DNA testing they will forward to the contractor, a letter requesting the collection of the DNA sample (see attachment C), the buccal swab kit, and a DNA Fact sheet (See attachment D).
- Upon receipt of the letter requesting collection of the DNA sample, the contractor will contact Bureau staff to obtain the inmate DNA number for inclusion on the Request for National DNA Database Entry cards. Upon receiving the assigned inmate DNA number contract staff has 24 hours to obtain the DNA sample from the inmate. (NOTE: strict

accountability of DNA numbers must be maintained to ensure that proper/assigned numbers are provided with the correct inmate DNA sample.)

- Once a DNA number is placed on a kit and the collection is completed, the kit will be sent directly to the FBI by the contractor within 24 hours of collection.

### **Collection Procedures for Juveniles in Contract Facilities**

If a juvenile refuses to submit a DNA sample, the contractor will notify the CCM and the Regional Management Team (RMT) will assess the case. A juvenile cannot be housed in a Bureau-operated facility; therefore, the CCM, with the RMT's concurrence, will advise the contractor to employ "use of force" procedures as provided in its operating plan, in order to collect the DNA sample.

One consequence of a refusal by a juvenile is that the DNA may be obtained via blood sample (collection of a blood sample is generally a more reliable and safer method of collection), as such, blood collection kits may also need to be sent to the contractor. Procedures used in this process will be documented and placed in the juvenile's file.

### **Training**

Instructions for the use of the Buccal Swab Kit are included with each kit. Additional training to include pamphlets and an instructional video are available on the manufactures website. Contact your local CCM office if further information is needed.

## CHAPTER 17: SERVICES

The contractor must submit written policies and procedures regarding the delivery of services to federal juvenile offenders. The contractor must reference Part 4, Sections A, B, and C, American Correctional Association Standards for Juvenile Community Residential Facilities. For further guidance in addressing service delivery, the contractor should reference the following Bureau Program Statements and Technical Reference Manuals (TRM):

- Health Services Manual (HSM)
- Psychiatric Treatment and Medication
- Health Promotion and Disease Prevention for Inmates
- Infectious Disease Management
- Pharmacy Technical Reference Manual
- Suicide Prevention Program
- Psychology Services Manual

### A. Food

1. The contractor must ensure that juveniles are provided three nutritionally balanced meals per day, seven days per week, 12 months per year, at no cost to the juvenile. Food preparation is the responsibility of the contractor, not the juvenile.

2. The contractor must ensure appropriate food service management through its own food service program or through a subcontract with a food service provider. If the contractor subcontracts meal service, a copy of their contractual agreement must be provided to the Bureau with the following information:

- Evidence the establishment is a full-service organization, capable of providing breakfast, lunch, and dinner meals;
- Evidence the establishment has a valid state or local license, certificate or permit, as applicable, to operate, prepare and/or serve food; and
- Evidence the establishment meets all state and/or local sanitation and health codes.

3. The contractor must submit written policies and procedures that ensure that a registered dietician or nutritionist reviews on an annual basis and approves the nutritional value of the menu. All meals must meet the Recommended Dietary Allowances and the Dietary Guidelines as set by the current version of the American Dietetic Association. A copy of a sample menu, including portion size, must be submitted with the contractor's initial proposal. The approved menu must



be appropriately posted.

- Provisions must be made to accommodate juveniles who are not available at regularly scheduled meal times.
- Arrangements for special diets required by religious preference, a physician or dentist must be provided on an as-needed basis.

If the contractor prepares its own food for service, the facility must employ a full-time food service manager experienced in food service management. This employee should have the resources, authority, and responsibility to provide the facility complete food service while ensuring compliance with all federal, state and local licensing, attire, fire safety, sanitation, inspections and food handling requirements.

#### B. Medical, Mental and Dental

1. The contractor must provide access to the full range of required health, medical, dental, mental health, pharmaceutical, and record keeping services for all federally sentenced juvenile offenders. Reference is made to the current edition of National Commission of Correctional Health Care's Standards for Health Services in Prisons, Part 4, Section C, American Correctional Association Standards for Juvenile Community Residential Facilities, and the Bureau's Health Services Manual as a guide in developing policies and procedures. The contractor should also reference Chapter 2 of this SOW for discussion of the Bureau's financial responsibility for Direct Commitments. The contractor must obtain instructions from the USPO for emergency medical care and provision of other medical and dental services for those offenders not in the custody of the Bureau. The contractor is to submit policies and procedures that include the following requirements:

- Provisions that all juveniles receive an initial medical and mental health screening within 24 hours of arrival at the facility;
- Provisions that all juveniles receive a complete physical and mental health examination within 14 days of arrival at the facility;
- Provisions that all direct care staff at the facility are trained in emergency first aid procedures, including cardiopulmonary resuscitation (CPR);
- Provisions with a licensed general hospital, private physician or clinic that ensures emergency medical and psychiatric services to juveniles, 24 hours a day seven days a week, 12 months a year;

- Provisions for sick call to be conducted seven days a week, 12 months a year;
- Provisions for 24 hour staff supervision for federal juvenile offenders if they are confined to hospitals for treatment; and
- Provisions for Human Immunodeficiency Virus (HIV) education program for staff and juveniles.

2. The contractor must provide mental health services for juvenile offenders in need of such services. Such services should include, but should not be limited to psychologists, psychiatrists, and other mental health professionals who meet educational and licensed/certification criteria specified by their respective professional discipline. Through the CCM, the Bureau's Regional Health Services Administrator will review and make the final decision regarding the requests for reimbursement for local care.

3. Suicide Prevention and Intervention: In consultation with the facility's qualified mental health professional, an approved comprehensive suicide prevention and intervention plan must be submitted in response to the request for proposal. This suicide prevention plan must reference policies and procedures for providing staff with guidelines for the management of potentially suicidal juvenile offenders 24 hours a day, seven days a week, 12 months a year. At the very minimum this plan should include:

- Provisions for pre-service and annual training of all staff in identifying potentially suicidal juvenile offenders and implementing appropriate interventions;
- Procedures that will ensure that properly trained staff provides direct and continuous observation and supervision of all federal juveniles on Asuicide alert, ≅ Aone on one, ≅ or Asuicide watch≅;
- Under no circumstances will a juvenile assume this responsibility.; and
- The comprehensive suicide prevention and intervention plan must be included in the facility's Operations Manuals. A copy must be submitted to CCM. It is the responsibility of the contractor to review, at a minimum, once a year, the facility's policies and procedures on suicide prevention and intervention. The CCM must receive written notification of any changes to policy.

4. It is the responsibility of the contractor to ensure that written policies and procedures, which have been duly

reviewed and approved by a psychologist and physician, describe guidelines for the use of all forms of restraints, chemical agents, cavity searches, special housing, and suicide prevention and intervention.

5. It is the responsibility of the contractor to provide routine and emergency dental care and hygiene under the direction of a licensed dentist. All dental personnel providing services must be licensed, registered, or certified as required by federal and state law.

C. Mail

1. The contractor must submit written policies and procedures governing juvenile offender correspondence which incorporate the federal requirements for **Special Mail** delineated in the Bureau's **Mail Management Manual**. The contractor should also reference **Part 5, Section G, American Correctional Standards for Juvenile Community Residential Facilities** for additional guidance.

2. There is no limit on the volume of mail a juvenile offender may send or receive, except where there is clear and convincing evidence to justify such a limit. All restrictions on the receipt of incoming mail will be approved by the CCM.

3. Incoming and outgoing mail will not be held for more than twenty-four (24) hours, excluding weekends and holidays.

4. Inspection of juvenile offender mail to intercept cash, checks, money orders and contraband will be performed. If contraband is seized, a receipt identifying the item seized will be given to the sender and the addressee.

5. Cash or money orders will be deposited in the juvenile's account and the juvenile will be notified.

6. Written policy and procedures must govern the disposition of juvenile offender contraband.

7. Juvenile offenders must be permitted to send sealed letters from the facility.

8. Written policy and procedures will be in place to ensure that, once the juvenile offender has been released or transferred, all mail is promptly forwarded to the new address. Mail is not to be returned to the sender.

9. The contractor must provide the postage for mailing

letters to enable the juvenile to maintain community ties and legal matters.

10. Provide approved visitors the available local resource information for hotel accommodations.

11. Provide weekly telephone calls to allow juveniles to call their family members. One call per week, ten minutes or more allowed.

12. Provide family members the opportunity to eat holiday meals with the offenders on site.

13. Enlist local resources to supplement juvenile needs, i.e., coat drive.

## CHAPTER 18: JUVENILE OFFENDER RIGHTS

The contractor must submit policies and procedures that preserve facility safety and protects the constitutional rights of juveniles. Reference is made to Part 5, Sections E, F, and G, American Correctional Association Standards for Juvenile Community Residential Facilities as a guide in addressing the following key essential elements and guarantees that all federal juvenile offenders will have:

- A. Full access to the courts without reprisals or penalties in seeking judicial relief.
- B. Access to attorneys, to include confidential contact by telephone, uncensored mail and visits.
- C. Access to legal assistance from law library facilities or from persons with legal training.
- D. Access to writing materials, supplies, publications and other services related to legal matters.
- E. Protection from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment.
- F. Access to recreational opportunities, including outdoor recreation.
- G. Reasonable freedom in personal grooming.
- H. The right to practice their religion, subject only to the limitations necessary to maintain facility security and order. Attendances at all religious activities are voluntary and, unless otherwise specified by the facility director, open to all. The religious beliefs of an offender shall not be disparaged no will an offender be coerced or harassed to change religious affiliation. Practices or language supporting violence, terrorism, or discrimination against offenders from other religions based on race, color, religion, gender, or national origin shall not be tolerated.
- I. Visitation, subject only to the limitations necessary to maintain facility security and order.
- J. The right to correspond with persons or organizations subject only to the limitations necessary to maintain facility security, order, and the prevention of further criminal activity.
- K. Equal access to programs and services for male and female juveniles in co-correctional facilities.

L. Reasonable access to the general public through the communications media, subject only to the limitations necessary to maintain facility order and security, and protect the juveniles' rights.

## CHAPTER 19: CASE MANAGEMENT

The contractor must submit written policies and procedures that address Intake, Orientation and Assessments. The contractor may reference American Correctional Association Standards for Juvenile Community Residential Programs, specifically Part Five, Sections A, B, C and D, and the Bureau Program Statement on Classification and Program Review of Inmates as a guide in developing a plan. Additionally, the contractor must ensure that the following guidelines are followed:

A. The SOW requires one case manager for every 10 juveniles. Case management staff will review file materials and conduct an in-person interview on all commitments to determine:

1. Appropriate commitment - to determine proper execution of Judgment & Commitment Order.

2. Security assessment - to determine appropriate placement. A custody review will be performed in all questionable cases, and the results promptly referred to the CCM.

3. Medical/Mental/Dental/assessment - to determine immediate and long-term needs.

B. The contractor must provide each offender with a program orientation and a handbook that outlines at least:

- programmatic expectations
- mail
- visitation
- program description
- grievance procedures
- telephone
- facility sanctions

C. The facility's discipline policy will be discussed with each juvenile offender, and the juvenile offender will sign for receipt copies of the Prohibited Acts and Rules and Regulations. The orientation handbook must be provided to the COS within two weeks of contract award. The handbook will be reviewed and approved by the CCM.

D. The contractor must submit written policies and procedures that comply with the Bureau requirement that a complete assessment of each juvenile be conducted within two weeks of the juvenile's arrival at the facility. The assessments are to serve as the basis for the development of an Individual Program Plan

(IPP). The assessment tools to be utilized shall be provided in the technical proposal. Each juvenile should be assessed by properly trained and qualified staff using appropriate assessment instruments to determine treatment needs. Assessments and Individualized Program Plans should particularly address the needs of juveniles with histories of:

- Learning disabilities
- Physical disabilities
- Substance abuse
- Chemical dependency
- Sexual and physical abuse
- Mental illness
- Sex offenses
- Violent offenses
- Mental retardation
- Emotional disturbance
- Neglect
- Gang involvement
- Fire setting
- Animal cruelty

E. In cases of learning disabilities, the contractor is to ensure that an Individualized Educational Plan (IEP) is incorporated into the juvenile's Individualized Program Plan, in accordance with the requirements of the Individuals with Disabilities Education Act. Each IEP should, at a minimum, include:

- Annual goals. These statements are to include measurable goals that are developed in light of both the juvenile's abilities and disabilities.
- Instructional methodology. To assist teachers in identifying effective teaching strategies.
- Least Restrictive Environment. To "main stream" juveniles into a regular classroom setting.

F. The contractor must ensure that, whenever possible the juvenile, counselor, parents and/or guardians are involved in the development and review of the Individualized Program Plan.

The Individualized Program Plan must include short-term and long-term treatment objectives that not only meet the needs of the juvenile, but also address public protection, juvenile accountability, victim awareness, and the acquisition of skills that will contribute to the reduction of future delinquent or



criminal behavior.

G. The contractor must ensure that a juvenile=s progress is reviewed with him/her at least every two weeks and that quarterly Progress Reports are mailed to the CCM and/or USPO. The quarterly progress report must document the juvenile=s participation in programs. A copy of each progress report will be signed by the juvenile and contractor's representative (including title). At a minimum, these quarterly progress reports must discuss:

- Individualized Program Plan;
- Objectives/goals;
- Program compliance/re-assessments;
- Incident reports;
- Amenability to treatment;
- Health;
- Release/community reintegration; and
- Family visitation.

H. Although juveniles in non-secure juvenile facilities have supervised and unsupervised access to the community, the CCM and/or USPO must approve a juvenile=s involvement in any activity outside the facility.

I. The contractor must provide appropriate safeguards and locked fireproof file cabinets for juvenile files, and must abide by the requirements regarding the disclosure of juvenile records in Federal Law (18 USC 5031 through 5040, particularly 5038) and the Bureau Program Statement on Juvenile Delinquents, Juvenile Justice and Delinquency Prevention Act.

## CHAPTER 20: PROGRAMMING OF JUVENILES

The contractor must submit written policies and procedures that meet the Bureau=s requirement that each federal juvenile in custody receive at least 50 hours of formal quality programming per week, 12 months a year. The contractor must reference all sections in Part 5, American Correctional Association Standards for Juvenile Community Residential Facilities, and the Bureau Program Statements on Minimum Standards for Administration, Interpretation and Use of Education Tests, Literacy Program (GED Standard), and English as a Second Language Program (ESL) for guidance and direction.

A. The amount of time devoted to individual activities is to be determined by the Individualized Program Plan. Formal programming must be meaningful, measurable, and responsive to the educational, cultural, emotional, physical, and spiritual needs of the unique juvenile offender population. The SOW requires that the formal programming of federal juveniles be provided by trained and qualified staff. All programs, services, and opportunities must be provided without discrimination on the basis of race, creed, or national origin. To the extent possible, the programs must be culturally sensitive and present programs and activities specific to the unique needs of each ethnic group in the population. The contractor is responsible for documenting the weekly programming provided for each juvenile.

B. The contractor must submit policies and procedures that ensure Bureau=s requirements for 50 hours of quality programming. Regardless of the terminology used to refer to the AIndividualized Program Plan≅, AIndividualized Treatment Plan≅, AIndividualized Case Plan≅, AIPP≅ or AICP≅, the elements of such programming should be written, must be individualized, and should include short-term and long-term objectives which are realistic and achievable. The IPP must be reviewed regularly and updated as objectives are completed. The Bureau requires Individualized Program Plans for every juvenile in custody. The contractor is to ensure that all information obtained as a result of a juvenile=s intake, orientation and assessments is incorporated into a formalized IPP that addresses, at minimum the following:

- Education
- Vocational Training
- Independent Living Preparation
- Specialized Treatment Goals and Objectives
- Counseling and Psychological Services
- Structured Recreational Activities

- Religious Services
- Cultural Services
- Financial Responsibility
- Employment
- Community Service

A. Educational activities for juvenile offenders should include, but should not be limited to, formal education by the local public school district, whether it is elementary, secondary, college or General Equivalency Development (GED) preparatory classes.

All juveniles who are younger than the state mandated compulsory education age must be enrolled in an accredited school program.

The educational program will provide each enrolled juvenile with a minimum of four hours of school each week day, 12 months per year. If educational services are based on a nine month academic year by a local school district, it is the responsibility of the contractor to provide supplemental educational classes to meet the minimum educational requirements. If educational classes are provided at the facility, such services must be provided in an environment that is conducive to learning by teachers who have the appropriate credentials and/or licensing. Correspondence courses for juveniles with post high school level education must be made available on a case-by-case basis.

The contractor will provide access to library services that, at a minimum, contain:

- Reference materials for completing classroom assignments
- Reference materials for legal matters
- Educational newspapers, magazines, novels and materials for pleasure reading
- Copy of the United States Code
- Inter-library resources

An internal audit/evaluation will be conducted yearly to determine the effectiveness of the educational program. Copies will be forwarded to the facility manager and the CCM.

D. Access to vocational training must be provided to juveniles who satisfy the educational age requirement and criteria for certification in a particular vocation. Emphasis must be placed on preparing the juvenile for future employment. Vocational training may be integrated into a juvenile's educational plan. The vocational training program must be included in the technical proposal.

In assessing the vocational training programs to be offered, the contractor should consider the local, regional and national job market and provide training in areas where skilled workers are in demand.

E. The contractor must provide an Independent Living Preparation course for juveniles who meet the educational requirements. The independent living course must be included in the technical proposal. This course may supplement other educational opportunities, but should not be considered a substitute for formal education, especially for juveniles who are required to attend school due to the mandatory school age. The course must consist of training modules that will prepare the juvenile to make the transition to the community and adulthood. The modules must be conducted by qualified individuals, and may not be conducted by the supervisory staff. Modules should enable juveniles to acquire various skills, and should include, but should not be limited to:

1. A **Career Development Module** to prepare juveniles to enter the world of work. In order for that goal to be achieved, each juvenile needs to participate in a job readiness program. At the very minimum this module should teach the following skills:

- An introduction to the world of work;
- General employment skills;
- Resume preparation;
- Completion of job application;
- Interviewing techniques; and
- Job offer assessment.

2. A **Money Management Module** to promote personal financial responsibility. This module should include, but should not be limited to, the following skills:

- Introduction to math fundamentals;
- Instruction on maintaining checking and savings accounts;
- Teaching how to establish and maintain a budget; and
- Introduction to thrifty spending techniques.

3. A **Health Education Module** to teach the juvenile the essentials of nutrition, stress management and physical fitness. At a minimum, this module should teach the following skills:

- Meal preparation

- Consumer education
- Stress Management
- Maintaining healthy lifestyle
- Seeking self-help groups

4. A **Cognitive Skills Module** to prepare the juvenile to interact with others in the community setting. This module should teach the following:

- Pro-social values and behavior
- Anger management
- Conflict resolution
- Communication
- Emotional self-control

5. A **Crime Victim Awareness Module** designed to focus on victim empathy through activities that demonstrate the psychological harm crime victim's experience.

6. A **Parenting Skills Module** to prepare juveniles to accept responsibility for their present or future role as a parent, and as a role models for others. At a minimum, this module should teach the following:

- Sex education
- Child development and care
- The effects of separation on children
- Appropriate parental discipline
- Planning family activities
- Child and parental interaction
- School requirements for children
- Marriage enrichment

7. A **Gang Awareness module** to enable juveniles to return to a community setting and avoid involvement in gang activities or affiliations. This module should provide the juvenile with skills necessary to resist gang recruitment efforts and to depend on problem solving techniques.

F. The contractor must provide, at a minimum, 30 hours of substance abuse education for all juvenile offenders. Substance abuse education is not a substitute for chemical dependency treatment. Although videos may supplement the educational aspects, it is not considered a substitute for actual instructor/juvenile interaction and discussion.

G. The contractor must provide Chemical Dependency Treatment to juveniles whose assessment and/or clinical interview by a licensed chemical dependency counselor indicate a need for this treatment. The Chemical Dependency Treatment program must consist of group, individualized counseling, and drug testing, as deemed necessary by the licensed counselor. At least one hour of group counseling and one hour of individual counseling per week must be mandatory for juvenile offenders who are diagnosed as chemically dependent as a result of a clinical interview and/or assessments. At a minimum, therapists working with chemically dependent juveniles must be a Certified Addictions Counselor. Para-professionals with appropriate training and experience may be utilized, provided they are under the supervision of a professional counselor. Records must be kept of all sessions. If the counseling is provided by someone other than contractor staff, the contractor must maintain documentation (e.g., copies of paid invoices) to verify that services have been rendered.

The contractor must maintain a urine surveillance program which complies with the Program Statement on Urine Surveillance to Detect and Deter Illegal Drug Use.

H. The contractor must provide Counseling and Psychological Services that are consistent with the needs of each juvenile based on assessments and/or a clinical diagnosis by a licensed therapist. A juvenile=s Individualized Program Plan should address treatment needs in addition to a treatment plan that outlines how those needs are being met for juvenile who are in need of:

- Chemical Dependency Treatment
- Sex Offender Treatment
- Treatment for Emotional Disturbance
- Violent Offender Treatment
- Treatment for Mental Illness

Individual and family counseling must be made available to all juveniles, their families, and significant others, if feasible. Counseling must be provided by qualified professionals who have the appropriate state license, if such is required. The counseling staff must be able to obtain additional consultation services when the need arises. Provide the plan of action to include these services in the technical proposal.

I. The facility must have resources available in the community to assist counseling staff and to receive referrals for assessments when needed.

Staff must be sensitized to and trained in dealing with issues of juvenile sexual, emotional, and physical abuse. Counseling staff must incorporate abuse issues into counseling sessions.

J. The contractor must provide (and include in the technical proposal) structured recreational activities which may include, but are not limited to:

- Supervised indoor and outdoor sports
- Supervised table games
- Supervised hobby crafts

K. The contractor must provide (and include in the technical proposal) religious services and activities for the juvenile offender population, subject only to the limitations necessary to maintain facility order and security. Provisions should be made to accommodate all universally recognized religions, and to afford access to appropriate community facilities, members of the clergy, Native American medicine men or spiritual advisors, publications and religious symbols, and/or opportunities to adhere to dietary, holy day, and other requirements of various faiths. Such provisions should include accessible and private space for spiritual leaders and religious consultants to conduct pastoral counseling with juvenile offenders.

L. The contractor must provide (and include in the technical proposal) opportunities for all juveniles to participate in cultural activities in an effort to enhance their self-image and increase their cultural knowledge (e.g., Native Americans). Such opportunities should increase their awareness and appreciation for their own cultural heritage and the cultural heritage of others.

In cases of Native Americans, the program must seek community resources in an effort to integrate culturally specific elements that are sensitive to their unique needs. The contractor is required to provide for the spiritual needs of this population by providing community access to sweat lodge, medicine men and/or spiritual leaders.

Participation in Native-American ceremonies, access to Native-American literature, participation in Atalking circles and traditional peacemaking is strongly encouraged. Reasonable provisions for visitation by the extended family, tribal elders and tribal members should also be made, provided it does not interfere with the safe operations of the facility.

## CHAPTER 21: RECORDS AND REPORTS

The contractor must submit written policies and procedures that dictate the confidential management of juvenile offender case records and the reporting of serious incidents. Reference should be made to Part 1, Section E, American Correctional Standards for Juvenile Community Residential Facilities, and Form 583, Report of Incident which must be completed in accordance with the Correctional Services Manual.

A. These records will include:

- Initial intake information;
- Medical records, when available;
- Signed release of information form;
- Rules of residence and disciplinary policy, signed by the juvenile offender;
- Sentence computation data (to be provided by the government);
- Documented legal authority to accept the juvenile offender; and
- Referrals to other agencies.

B. The contractor must establish procedures to limit access to records to persons and public agencies that have both Aa need to know and Aa right to know and can demonstrate that access to such information is necessary for juvenile justice purposes. Written guidelines must regulate juvenile access to records.

C. Upon the termination of the juvenile offender's placement, the contractor is to forward the juvenile offenders file record to the CCM within three working days of the juvenile offender's release. The contractor may retain copies of public information which can identify the former juvenile offender, copies of research data which have been de-personalized, and copies of reports generated by the contractor.

D. The contractor must ensure that case records are safeguarded and regularly inventoried.

E. The juvenile offender will sign a "Release of Information Consent Form" prior to the release of information, and a copy of the signed consent form will be maintained in the individual's case record.

F. All offender files will be kept in a locked, fireproof cabinet.



## CHAPTER 22: ESCAPES, DEATHS, and SIGNIFICANT INCIDENTS

The contractor must submit policies and procedures that allow for the immediate notification in the event of an escape or death. The notification list should include the CCM, parents/guardians, and authorized personnel, such as the United States Marshals and the USPO. The contractor is to reference Part 3, Sections A and B of the American Correctional Association Standards for Juvenile Community Residential Facilities, and the Bureau Program Statements on Escape/Death Notifications and Autopsies, Authority to Order.

Additionally, the contractor will immediately notify the CCM, or BOP Duty Officer, by telephone in the event of a significant incident, defined as follows:

1. Major Disturbance: to include riots, civil disturbances and hostage incidents;
2. Death of a juvenile offender;
3. Juvenile offender suicide attempts;
4. Assaults on staff or juvenile offenders resulting in injury;
5. Injury to juvenile requiring medical attention;
6. Any adverse incident that attracts unusual interest or national or local publicity;
7. Food/Work strikes;
8. Escape attempts;
9. Fires involving injury or property damage;
10. Bomb or bomb threats; and
11. Staff misconduct that would directly discredit the criteria set forth in the SOW.

A narrative report will be forwarded to the CCM within one working day of any of the above-mentioned incidents.

## CHAPTER 23: RELEASE FROM SERVICE OF SENTENCE

The contractor must submit policies and procedures for preparing federal juveniles for release back into the community. The contractor must reference Part 5, Section H, American Correctional Association Standards for Juvenile Community Residential Facilities, Title 18 USC 4281, and the Bureau Program Statements on Detainers and the Interstate Agreement on Detainers, Central Inmate Monitoring System, Sentence Computation Manual. Additionally, the contractor must consult with the USPO and/or the CCM throughout the juvenile=s custody to discuss release plan issues. Release plans should be forwarded to the CCM and USPO prior to 4-6 weeks of the juvenile=s release.

## CHAPTER 24: SEXUAL ABUSE/ASSAULT PREVENTION AND INTERVENTION

**A. GENERAL DEFINITIONS.** Sexual abuse/assault affects both juvenile offenders and correctional employees, and has an adverse impact on the orderly running of correctional facilities. Sexual abuse/assault/misconduct is defined as verbal or physical conduct of a sexual nature directed toward a juvenile offender by another juvenile offender, a staff member, an agent, or a volunteer of a corrections agency, department, or private organization. Sexual misconduct by corrections staff against a juvenile offender must be prohibited by policy. Sexual misconduct, as it relates to juvenile offenders, is any sexual advance, welcome or not, by a juvenile offender, staff member, agent or volunteer of a corrections agency, department, or private organization. It is illegal and a violation of federal law.

**B. RESPONSIBILITIES.** The contractor must develop and implement a comprehensive staff training program addressing the facility's sexual abuse/assault prevention and intervention program. Written policy, procedure, and practice must provide that all staff receive such training during pre-service training and on an annual basis as part of the facility's in-service training plan.

The contractor should develop and make available to all juvenile offenders an education program which addresses the subject of sexual abuse/assault. The educational program must include topics such as: recognizing behaviors that are inappropriate, harassing, or assaultive; how to seek protection; privacy rights; medical and psychological programs for victims of abuse; how to make confidential reporting of sensitive issues to facility staff, the BOP, the OIG, and/or local law enforcement.

The contractor must immediately report all sexual misconduct allegations to the Bureau's Community Corrections Manager.

The contractor is to establish local intervention protocol that offers the juvenile offender immediate protection from the assailant.

The contractor must have in place procedures which assure a medical examination, and counseling by a clinical psychologist within 24 hours of the incident.

## CHAPTER 25: JUVENILES UNDER SUPERVISION

The contractor must develop a plan that will address the process for the intake and release of juvenile in custody as a condition of probation. The contractor must coordinate communications between the facility staff, CCM, and the USPO to ensure that, at the very least; the following issues are addressed during the juvenile=s custody period:

- Individualized Program Plan;
- Request for Medical/Mental/Dental Services;
- Special Incidents;
- Quarterly Reports;
- Progress Reports;
- Subsistence;
- Release Plans;
- Instructions from the Court;
- Costs for Services' and
- Visitation.

## CHAPTER 26: RESEARCH AND EVALUATION

All federally sentenced juvenile offenders are placed in contract programs, therefore, it is the responsibility of the contractor to generate and gather data for research and evaluation purposes. The contractor must be aware of the confidentiality requirements of Chapter 18 of the United States Code, Section 5038, which prevents the release of information to unauthorized persons. The contractor should reference Part 1, Section F, American Correctional Association Standards for Juvenile Community Residential Facilities in submitting written policies and procedures that establishes the facility=s system(s) for juvenile participation in research, information storage and retrieval, master indexes, daily reports, evaluation, and research. Additionally, the contractor must respond to all Bureau surveys, questionnaires, or request for data on a timely basis. Contractor staff and the CCM are considered instrumental in identifying information needs, and should be consulted when policies and procedures require changes.

Failure to respond to a monitoring report, letter, or any BOP request, within the stipulated time period, may result in monetary sanctions, up to and including contract termination.

## CHAPTER 27: INSPECTIONS

In the event an offeror changes their proposed site during the negotiation process after the Bureau of Prisons (BOP) has inspected the facility, the offeror shall be required to reimburse the BOP for all reasonable costs associated with the re-inspection of the new proposed site(s) due to the offeror's change in proposed facility.

The contractor must submit policies and procedures that ensure the performance of services is in accordance with this Statement of Work (SOW). Reference is made to Part 3, Section A and B, Part 4, Section B, American Correctional Association Standards for Juvenile Community Residential Facilities for guidance and direction.

A. Additionally, the Community Corrections Manager (CCM), the Contract Oversight Specialist (COS), and/or other Bureau program area experts will conduct on-site visits for monitoring purposes and to provide technical direction. Technical Direction is defined without limitation as:

1. Directions to the contractor which redirect the contract performance effort, shift work emphasis, require pursuit of certain lines of inquiry, fill in details or otherwise serve to accomplish the actual scope of work;
2. Supplying information to the contractor which assists in the interpretation of technical portions of the SOW;
3. Receiving, reviewing, and inspecting reports and information provided by the contractor to the government; and
4. Evaluating performance and certifying all invoices for payment.

B. The CCM will establish a monitoring schedule consisting of announced and unannounced visits that focus on service delivery and requirements as outlined in the SOW. The results of these monitoring visits are to be brought to the attention of the facility's Director/CEO through a narrative monitoring report.

C. The monitoring report contains the results of the inspection and identifies deviations from the SOW as findings.

1. Findings are defined as violations of the contractual agreement between the contractor and the BOP.
2. Recommendations are defined as direction, guidance and

suggestions in areas in need of improvement, but are not violations of the agreement.

D. Additionally, the monitoring report notes the desired corrective action for each finding, or repeat finding. Upon receipt of the report, the facility administrator/CEO is responsible for drafting a response to be forwarded to the CCM within the time frame specified. The response must note corrective action taken and/or in the event constraints are identified, will establish a realistic time frame for completion of corrective action.

E. The Community Corrections Manager "closes out" monitoring by letter when the contractor's written response has indicated all deficiencies have been corrected, or acceptable plans with appropriate time frames have been outlined to correct deficiencies.

F. Failure to respond to a monitoring report or take action to correct all findings may result in the termination of the contractual agreement.

**G. CONTRACTOR EVALUATION FORM (CEF).** The CEF is an annual assessment conducted by the Contracting Officer's Technical Representative (COTR.) The rating period represents 12 months of contract performance and ordinarily is conducted at the end of each performance period as identified on the Contract Award document. Upon review and approval by the Regional Management Team, the COTR sends the CEF to the Contracting Officer (CO) who reviews the document then provides it to the contractor for comments. The contractor will have 30 working days to make comments and return the form to the CO.

1. **Ratings.** The CEF transmits an adjectival rating based on an assessment of the contractor's performance. The assessment must include and incorporate the findings of the interim and full monitoring reviews performed during the rating period specified. Consideration may also be given to other documented interactions with the contractor, i.e., written correspondence. The assessment must discuss the strengths and weaknesses of the contractor's performance during the specified time period.

a. **Rating Period.** The rating period represents 12 months of contract performance as identified on the contract award document. The rating is due at the end of each base period and at the end of each subsequent option year. A CEF is also completed at the contract expiration or termination date.

b. **Assessment.** The COTR assesses the contractor's

performance in six areas:

- Accountability;
- Programs;
- Community Relations;
- Site Validity and Suitability;
- Personnel; and
- Communications/Responsiveness.

(1) **Accountability.** This factor addresses the contractor=s ability to maintain juvenile offender accountability in accordance with their plans, procedures, and practices to ensure they are accurately accounted for while in and out of the facility. This may include access to the community for educational, employment or participation in community services projects. Has this strategy been tailored to the geographic area? Have there been any patterns or unresolved breaches of accountability during the rating period?

(2) **Programs.** Does the contractor have a strategy for assessing, developing, and implementing individualized program plans that addresses the treatment needs for juvenile offenders? How effective has the contractor been in providing programming to juveniles that include, but not limited to: educational, vocational, counseling, substance abuse, independent living preparation, chemical dependency, community reintegration and family reunification opportunities?

(3) **Community Relations.** Does the contractor have a strategy for educating and interacting with the local community in their efforts to acquire and maintain public support? What efforts have been made during this rating period to enhance positive community relations? Does the contractor discuss the functions and composition of the Community Relations Board?

(4) **Site Validity and Suitability.** During this rating period, has the contractor complied with all applicable local, state, national health, safety, environmental laws, regulations, Executive Orders, and building codes? Are zoning and occupancy permits still valid?

(5) **Personnel.** During this rating period has the contractor ensured adequate qualified staff have been recruited and trained with the necessary skills and integrity to work with juvenile offenders? Has staff met the orientation and annual training requirements? Has staff received training in the Bureau=s standards of employee conduct as defined by the SOW for



juvenile facilities? Has the contractor maintained an organizational chart and staffing schedule that outlines the staff to juvenile ratio as required by the SOW? Have there been patterns or unresolved integrity issues during this time?

(6) **Communications/Responsiveness.** During this rating period, has the contractor been responsive to the BOP=s needs, requirements and directions? Have the lines of communication been open during this time?

c. **Adjectival Ratings.** Based on the written narrative, an adjectival rating will be determined. The COTR must assign one of the following ratings to each Factor:

**Very Good:** Contractor=s performance meets or exceeds the requirements of the contract. One or more significant strengths exist. Weaknesses may exist, but none are considered significant and are easily correctable.

**Acceptable:** Contractor=s performance meets the contracts minimum requirements. They have demonstrated and have acceptable solutions for meeting the needs and objectives of the program. Strengths and weaknesses may exist. The weaknesses are correctable.

**Poor:** Contractor=s performance does not meet the requirements of the contract. Their performance has shown they have poor solutions for meeting the needs and objectives of the program. Weaknesses outweigh any strengths that may exist. The weaknesses are difficult to correct.

**Unacceptable:** Contractor=s performance fails to meet the requirements of the contract. Their performance shows they have an unacceptable solution for meeting the needs and objectives of the program. There are numerous weaknesses. The weaknesses will be very difficult to correct or are not correctable.

d. **Calculating the Overall Adjectival Rating**

(1) Determine if there is a majority of adjectival ratings used for each of the six factors. The majority rating will be the overall rating (i.e., four acceptable ratings and two very good ratings will result in an overall rating of acceptable).

(2) If there is a tie in the overall adjectival rating, the COTR will write a justification explaining why he/she made the final rating determination.

(3) If the contractor has been terminated for performance related issues during the rating period the adjectival rating will be AUnacceptable.≡

## **2. Responsibilities.**

a. **COTR.** The COTR and Regional Management Team (RTM) must concur on the overall adjectival CEF rating. The COTR will prepare the CEF and forward it electronically to the RTM for review. After approval by the RTM, the RTM and COTR will sign the CEF electronically and forward it to the CO. The CO will complete a review of the form and, if necessary, may request the COTR to clarify information on the CEF. COTR clarifications will need to be routed through the RMT prior to being forwarded to the contracting officer. The responsible CCM office will maintain a copy of the finalized CEF packet for their contract file. The form should be forwarded to the contracting officer within 30 days after the end of the rating period.

The CO will forward the CEF to the contractor for their review and comments. The contractor will be allowed 30 working days to respond. Upon receipt of the contractor=s comments, the CO will determine if a different rating is warranted. Changes in ratings will be communicated by the CO to the contractor and COTR within five business days.

b. **Contractor.** The contractor shall respond to all inspections, i.e., monitoring reports, CEFs and CCM inquiries within the appropriate time frame. The contractor shall take appropriate actions to correct deficiencies and improve operations, and ensure that adequate administrative controls and monitoring systems are in place to prevent the deficiency from recurring.

c. **Repeat Deficiencies.** A repeat deficiency is a serious issue. Therefore, the authorized negotiator shall provide a separate response to the CCM. The authorized negotiator must describe the measures and internal controls to be implemented to ensure the problem will not occur again, as well as explain why the problem was not corrected from the prior review. The authorized negotiator=s response is due no later than five calendar days after receipt of the report.

LIST OF ATTACHMENTS

- Attachment A..... REQUEST FOR MEDICAL TREATMENT
- Attachment B..... LIST OF BUREAU FORMS
- Attachment C..... SAMPLE DNA COLLECTION REQUEST/LETTER
- Attachment D..... DNA FACT SHEET

REQUEST FOR MEDICAL TREATMENT

**NOTE:** All requests must be submitted at least one week prior to the services being provided. In emergency cases, a telephonic response will be provided and this information should be faxed to the CCMs office.

Name of Facility: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City and State: \_\_\_\_\_ Register Number: \_\_\_\_\_

Name of Juvenile: \_\_\_\_\_

Medical Condition: \_\_\_\_\_

Name of Doctor: \_\_\_\_\_

Address: \_\_\_\_\_

City and State: \_\_\_\_\_

Estimated Cost: \$ \_\_\_\_\_

Staff Signature and Title: \_\_\_\_\_

CCM Response:            Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

CCM Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Reminder:** The BOP is not responsible for medical care of Juvenile residents in a facility as a condition of probation or supervision. Payment for any needed outside medical care should be discussed with the responsible U.S. Probation Officer in the sentencing Court.

LIST OF BUREAU FORMS  
(Forms Provided by CCM)

ADMINISTRATIVE REMEDY APPEAL

CENTER DISCIPLINE COMMITTEE REPORT

CENTRAL OFFICE ADMINISTRATIVE REMEDY APPEAL

CHECKLIST FOR CDC CERTIFICATION

DUTIES OF STAFF REPRESENTATIVE

INCIDENT REPORT

INMATE RIGHTS AT THE DISCIPLINARY HEARING

NOTICE OF CENTER DISCIPLINARY COMMITTEE HEARING

PROGRAM STATEMENT 5216.05 JUVENILE DELINQUENTS/JUVENILE JUSTICE  
AND DELINQUENCY PREVENTION ACT OF 1974

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

REGIONAL ADMINISTRATIVE REMEDY APPEAL

WAIVER OF APPEARANCE

PROHIBITED ACTS

CONTRACTOR EVALUATION

[Name of CCM]

[Addressee]

Re: Request for DNA Collection

Dear [Name of Facility CEO]:

The DNA Analysis Backlog Elimination Act (DNA Act) requires the Federal Bureau of Prisons to obtain DNA samples from all inmates with qualifying offenses, and now includes collection of DNA samples from juveniles. Currently, the Attorney General is authorized to collect DNA samples from individuals who are arrested, facing charges, or convicted or from non-United States persons who are detained under the authority of the United States. See 42 U.S.C. Sec. 14135a(a)(1)(A). An implementing regulation was published in the Federal Register on December 10, 2008 (Vol. 73, No. 238, pp. 74932-74943). The FBI analyzes submitted DNA samples and maintains the results in the Combined DNA Index System (CODIS).

The following [xx] juveniles are housed at your facility and are required to provide a DNA sample under the DNA Act. We are asking your assistance with the collection.

Inmate Name, Reg. No.  
Inmate Name, Reg. No.

Included with this letter is/are [xx] DNA buccal swab collection kits. Instructions for the DNA collections are included in the kits. Also included are DNA fact sheets that may be provided to the inmates to answer any questions they may have.

If a juvenile refuses to provide a DNA sample, please bring this to the attention of this office as soon as possible. The inmate should be made aware that refusal to provide sample may result in the use of force protocols to obtain it.

To receive DNA numbers from Bureau staff for the DNA collected, your staff should contact [xxx] at [xxx] one or two business days before the collection is scheduled. Generating a DNA number during this timeframe will decrease the chance numbers will be generated in error.

Thank you for your assistance with this important matter. Please contact my office at [xxx-xxx-xxxx] if you have any questions.

Sincerely,

**Bureau of Prisons Inmate DNA Sample Collection  
Fact Sheet**

The Bureau of Prisons' (Bureau) current authorities to collect DNA samples from persons are as follows:

- Title 42 U.S.C. Sec. 14135a, Collection and use of DNA identification information from certain Federal offenders;
- Title 42 U.S.C. Sec. 14135b, Collection and use of DNA identification information from certain District of Columbia offenders; and
- Title 28 C.F.R. Part 28.12.

Pursuant to these authorities, the Bureau will collect DNA samples from persons who are:

- Convicted of any federal offense (felony or misdemeanor);
- Convicted of any Uniform Code of Military Justice (military) offense (felony or misdemeanor);
- Convicted of a qualifying D.C. Code offense (as provided at D.C. Code Sec. 22-4151);
- Arrested or facing charges (pretrial inmates); and
- Non-United States persons who are detained under the authority of the United States (including the Bureau) (persons who are not United States citizens and who are not lawfully admitted for permanent residence as defined by 8 C.F.R. Sec. 1.1 (b)).

Bureau Program Statement 5311.01, *Inmate DNA Sample Collection Procedures* (effective date Feb. 1, 2011), provides the following:

- Collection of DNA via buccal swab has been incorporated into the collection method.
- Collection of DNA from juveniles is permitted.
- Consequences for refusing to provide a DNA sample include an incident report(s), progressive administrative sanctions, and possible criminal prosecution.
- If efforts to obtain a DNA sample fail, or the inmate is approaching his/her release date, standard Use of force protocols (including standard confrontation avoidance procedures) must be invoked, using only the amount of force necessary to obtain a DNA sample. In instances where calculated use of force is necessary, it is recommended that a blood sample be obtained.