

**PLANNING COMMISSION AGENDA**  
**COEUR D'ALENE PUBLIC LIBRARY**  
**LOWER LEVEL, COMMUNITY ROOM**  
**702 E. FRONT AVENUE**

**AUGUST 13, 2013**

**THE PLANNING COMMISSION'S VISION OF ITS ROLE IN THE COMMUNITY**

The Planning Commission sees its role as the preparation and implementation of the Comprehensive Plan through which the Commission seeks to promote orderly growth, preserve the quality of Coeur d'Alene, protect the environment, promote economic prosperity and foster the safety of its residents.

**5:30 P.M. CALL TO ORDER:**

**ROLL CALL:** Jordan, Bowlby, Evans, Luttropp, Messina, Soumas, Haneline, Conery, (Student Rep.)

**APPROVAL OF MINUTES:**

July 9, 2013

**PUBLIC COMMENTS:**

**STAFF COMMENTS:**

**PUBLIC HEARINGS:**

1.     Applicant:     Port of Hope Centers  
       Location:     218 N. 23rd  
       Request:     A proposed Criminal Transitional Facility special use permit  
                      In the C-17 zoning district.  
                      QUASI-JUDICIAL, (SP-3-13)

**\*ITEM SP-3-13 CONTINUED FROM PC MEETING HELD ON 7-9-13\***

2.     Applicant:     Selkirk Development, LLC  
       Location:     380 E. Kathleen  
       Request:     A proposed Business Supply Retail Sales; Convenience Sales,  
                      Food and Beverage Sales (on & off site consumption), Home furnishing  
                      Retail Sales, Finished Goods Retail Sales, Specialty Retail Sales,  
                      Business Support Service, Consumer Repair Service, Convenience  
                      Service and Veterinary Clinic (indoor) special use permit in the  
                      C-17L (Commercial Limited) zoning district.  
                      QUASI-JUDICIAL, (SP-5-13)
3.     Applicant:     JRB Properties, LLC  
       Location:     115 S. 2<sup>nd</sup> Street  
       Request:     A proposed modification to the Coeur d'Alene Resort PUD  
                      QUASI-JUDICIAL, (PUD-1-83m)

4.      Applicant:      Hat Trick Investments, LLC  
             Location:      2801 N. 15th  
             Request:      A proposed 11-lot pocket residential development  
                                 QUASI-JUDICIAL, (S-2-13)

**ADJOURNMENT/CONTINUATION:**

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ ,  
to continue meeting to \_\_\_\_\_, \_\_, at \_\_ p.m.; motion carried unanimously.  
Motion by \_\_\_\_\_,seconded by \_\_\_\_\_ , to adjourn meeting; motion carried unanimously.

***\* The City of Coeur d'Alene will make reasonable accommodations for anyone attending this meeting who requires special assistance for hearing, physical or other impairments. Please contact Shana Stuhlmiller at (208)769-2240 at least 24 hours in advance of the meeting date and time.***



# **M I N U T E S**

**PLANNING COMMISSION  
MINUTES  
JULY 9, 2013  
LOWER LEVEL – COMMUNITY ROOM  
702 E. FRONT AVENUE**

**COMMISSIONERS PRESENT:**

Brad Jordan, Chairman  
Heather Bowlby, Vice-Chair  
Amy Evans  
Peter Luttrupp  
Tom Messina  
Rob Haneline

**STAFF MEMBERS PRESENT:**

Sean Holm, Planner  
Tami Stroud, Planner  
Shana Stuhlmiller, Public Hearing Assistant  
Warren Wilson, Deputy City Attorney  
Chris Bates, Engineering Project Manager  
Dave Yadon, Planning Director  
Renata McLeod, City Clerk

**COMMISSIONERS ABSENT:**

Lou Soumas  
Grant Conery, Student Rep.

**CALL TO ORDER:**

The meeting was called to order by Chairman Jordan at 5:30 p.m.

**APPROVAL OF MINUTES:**

Motion by Luttrupp, seconded by Haneline, to approve the minutes of the Planning Commission meeting on June 11, 2013. Motion approved.

**STAFF COMMENTS:**

Planner Yadon announced that there are three items on the August 13, 2013 Planning Commission agenda.

**OTHER:**

Oath of Office - Peter Luttrupp

Renata McLeod, City Clerk administered the Oath of Office for Peter Luttrupp who was reappointed to the Planning Commission in May.

**DISCUSSION:**

Planner Yadon explained at the last meeting the commission requested staff to provide information on the type of lighting used throughout the city and an amendment to the code to allow taller fences to keep deer out. He suggested a workshop be scheduled, so staff could acquire time to get additional information on these two topics.



The commission concurred and scheduled a workshop on Tuesday, August 27<sup>th</sup> starting at 5:30 in the old council chambers at city hall.

#### **PUBLIC COMMENTS:**

There were none.

#### **ADMINISTRATIVE ITEMS:**

1.     Applicant:     Whitehawk, LLC  
       Location:    Lot 5, Blk 1 Bellerive 1<sup>st</sup> Addition  
       Request:     A proposed 4-lot preliminary plat "Whitehawk Addition"  
                      SHORT PLAT (SS-4-13)

Project Manager Bates presented the staff report and then asked if the Commission had any questions.

Commissioner Bowlby inquired if staff could explain when Lacrosse will be extended.

Project Manager Bates explained that the original owner defaulted on the responsibility to construct the secondary access (Lacrosse) and because of that, only a limited number of building permits (6) remain available for construction. He added when the (6) building permit is issued; the city will require that the second access (Lacrosse) be constructed.

**Motion by Messina, seconded by Bowlby, to approve Item SS-4-13. Motion approved.**

#### **PUBLIC HEARINGS:**

1.     Applicant:     Port of Hope Centers  
       Location:    218 N. 23rd  
       Request:     A proposed Criminal Transitional Facility special use permit  
                      In the C-17 zoning district.  
                      QUASI-JUDICIAL (SP-3-13)

Planner Holm presented the staff report and answered questions from the Commission.

Commissioner Luttrupp inquired if the applicant is changing the use that triggered a special use permit.

Planner Holm presented a brief history on the Port of Hope and explained that a letter submitted by the Port of Hope requesting recertification triggered staff to do some research and discovered that a special use permit was needed.

Commissioner Haneline questioned if the letter detailed the type of activity the Port of Hope was proposing.

Planner Holm explained that he became aware of a letter submitted to the city from the Port of Hope from a conversation with the applicant before the hearing started.

Deputy City Attorney Wilson explained since the city does not have a copy of that letter, it won't be relevant to this hearing.

Commissioner Luttrupp inquired if the police have a record of the number of complaints reported at this facility for the past year.

Planner Holm stated he spoke to a staff member at the police department and was told that when a 911 call happens, those calls are not descriptive. He commented that there is a link on the police department web page that when an address is provided, a map showing the area and the types of offenders who live in that area.

Commissioner Messina stated if three notices were sent from the Port of Hope, it's strange that the city did not have copies.

Commissioner Evans inquired if this special use permit is denied what will happen to the Port of Hope.

Deputy City Attorney explained if the special use permit is denied, the use would go back to what is allowed in the current zone, which is a drug and alcohol treatment facility.

**Public testimony open:**

Jake Danible, 2279 W. Anatole Street, applicant, gave a brief history of the Port of Hope and the services it provides for the community. He commented that there is some confusion about who was here first Port of Hope or Fernan School and for clarification. Port of Hope started in 1991 as a drug and alcohol facility and Fernan School was built in 1993. He stated that the Port of Hope is in the process of re-bidding a third five year term contract for services. He added that in the past when it was time to re-bid for another contract registered letters and was surprised when Deputy City Administrator, Jon Ingalls sent a letter stating that the Port of Hope could not continue, until they had a special use permit.

He stated that he understands the concern of the school to provide a safe place for kids to attend and in the future is willing to work with the school district to better educate them on how the Port of Hope operates so they can share that information with the parents whose children attend the school.

He explained that the offenders are supervised 24 hours a day, seven days a week. Port of Hope has a surveillance system with cameras in all the common areas inside and outside the facility. The facility also has an alarm system that detects if anyone exits windows or the main entry to the facility. He added that the Port of Hope also uses a computerized software program (Safe Keep) to track offender movement, head counts, medication, employment, etc. The system also alerts staff if the offender is (1) minute late and continues to alert staff until the offender returns or key staff locate the offender. He explained that they have a few offenders who are on home confinement who are tracked using a GPS system and that each offender has to submit an itinerary that outlines their schedule for the week and if violated would be sent back to the prison.

Commissioner Bowlby inquired how many offenders are at the facility today.

Mr. Danible stated there are 25 at the facility and 7 on home confinement.

Commissioner Bowlby commented that she drives by the facility sometimes in the evening and has noticed a lot of people standing outside the facility.

Mr. Danible explained the facility has an outpatient group who meets twice a week.

Commissioner Messina inquired if they predict an increase in up-coming years

Ms. Chamberlain stated that 25 beds are adequate right now based on how many referrals and the amount of beds will decrease once offenders "graduate" from the facility.

Commissioner Bowlby inquired how many staff are employed during the day at the Port of Hope.

Mr. Danible stated that during the day there are many and (3) three or (4) in the evening.

Commissioner Haneline inquired the type of software used to track offenders.

Ms. Chamberlain explained that the software the facility uses is called "Safe Keep" to track offender movement, head counts medication, employment. If the offender is one (1) minute late alerts staff until the offender returns or staff locates the offender.

Commissioner Haneline inquired about the number of staff the facility employs.

Mr. Danible answered that there are 35 staff total with six (6) or (7) who have masters. He explained that there are a few administrative techs and that some of the inmates also are used for various chores.

Commissioner Haneline questioned if the special use permit is denied, what will happen to the facility.

Mr. Danible stated that the facility has been rewarded (4) four times and has always earned great ratings for the programs and if denied, the facility would only be allowed to be a drug and alcohol facility, hopefully that won't happen because this is a service the city needs.

Commissioner Luttrupp inquired if there are other facilities like this in Idaho.

Mr. Danible answered that there is another Port of Hope located in Nampa Idaho.

Commissioner Messina inquired if the School District received the letter from the Port of Hope regarding the rebidding for this year.

Mr. Danible stated that a letter was sent to the School District and was confused by the letter submitted by the School District stating that they were not informed that this type of activity was happening.

Commissioner Bowlby stated that she has mixed feelings regarding this facility close to a school and a residential neighborhood. She questioned if the Port of Hope has outgrown their current location.

Mr. Danible feels that people who live in the city have the wrong perspective regarding the activities at the Port of Hope and many times confuse our facility with the other transients in this area.

Commissioner Evans inquired how many sex-offenders are currently located at the facility.

Mr. Danible stated there are four.

Sue Bowser, 2203 E. Lakeside stated that she has lived in the area for 10 years and is concerned with the safety of the children who live in the area.

John Canrow, 2013 Syringa Avenue, stated that he is an ex-employee of the Port of Hope and worked there for 10 years. He feels that the Port of Hope only cares about the money. He stated the prisons are full and having the choice to go to a half-way house for six months is a better choice and cheaper.

Glen Anderson, 1630 E. Ely, stated this facility is too close to the school and needs to be moved.

Bill Rutherford, 3704 N. Bitterroot Drive, principal for Fernan Elementary School, stated that the school district supports the facility, but not the location. He commented that Fernan Elementary was built in 1993 and under the assumption that the Port of Hope was only a drug and Alcohol Rehabilitation facility. He stated that he would like the Port of Hope relocated to another place, so parents can be assured that there children who attend the school are safe.

Susan Snedaker, 814 Hastings, stated that she has been involved with transitional housing issues in the city for years and feels that sex offenders need to be a distance from the school. She commented that she is neutral on this subject and feels that the Port of Hope is needed in the community, but not next to a school.

## **REBUTTAL:**

Mr. Danible stated that the commission has a hard job and feels if the application is not approved a lot of jobs will be on the line. He stated that the goal of the Port of Hope is to give the tools to these offenders so they can transition back into their communities. He commented that they would love to move to a new location or facility and if anybody has any suggestions let them know. He added that they are trying to be a good neighbor and unfortunate the attitude is that they don't want this in their back yard.

Commissioner Jordan inquired when the offenders are done with their treatment allowed to go into the community.

Ms. Chamberlain explained if the offenders do not have a good family support system in place they can stay in Coeur d'Alene, if not they are sent back to the city where their prison is located.

Commissioner Messina inquired if this application is denied what will happen to the facility.

Ms. Chamberlain stated the State legally has to have this type of facility.

Commissioner Evens stated after reading the letter submitted from the School District feels that they have legitimate concerns regarding the protection of their students who attend the school. She questioned how to make a decision that works for both parties and not leave something out.

Deputy City Attorney Wilson stated that a decision is made from the testimony and evidence presented at the meeting tonight.

Commissioner Haneline inquired how close the Port of Hope is to getting the contract.

Ms. Chamberlain stated that they are in the process right now and explained normally the re-bidding process is started a year before the contract expires which is 2014.

Commissioner Bowlby stated that she does not have enough information about this application to make a decision tonight. She explained that East of Sherman Avenue, where this facility is located has had many similar uses such as Fresh Start etc. and suggested a workshop be held as mentioned in the past to get a feel for the vision in this part of town. She added that she is uncomfortable with this facility next to the school.

Deputy City Attorney Wilson stated that if the commission feels there is not enough evidence to make a decision on this tonight they could continue the hearing so staff can get the information needed to make a decision.

Commissioner Messina stated that he is not an expert and concurs with Commissioner Bowlby to continue this hearing to acquire more information.

Commissioner Evans inquired if there is any Federal regulation regarding distance from this type of facility to a school.

Deputy City Attorney stated that he is unaware how many feet a criminal transition facility needs to be from a school and added if this item is continued, staff can bring that information back.

Chairman Jordan inquired if the commission would like to continue this hearing to the next Planning Commission meeting on Tuesday, August 13, 2013.

The commission concurred and would like staff to provide the following information: A report from the police department regarding the number of complaints for this facility and the distance required from a school.

**Motion by Messina, seconded by Bowlby, to continue Item SP-3-13 to the next Planning Commission meeting scheduled on, Tuesday, August 13, 2013. Motion approved.**

2.      Applicant:      The Church of Christ  
         Location:      3620 Howard Street  
         Request:      A proposed Religious Assembly special use permit in the  
                                 MH8 zoning district.  
                                 QUASI-JUDICIAL, (SP-4-13)

Planner Stroud presented the staff report.

There were no questions for staff.

**Public testimony open:**

Ron Cope, 2450 N. Titleist Way, applicant representative, explained they have been working on plans for a new church for a long time and feels this property is perfect. He stated staff did a great presentation and covered all the information he was going to share. He asked if the commission had any questions.

There were no questions for the applicant.

**Public testimony closed:**

**Motion by Bowlby, seconded by Haneline, to approve Item SP-4-13. Motion approved.**

**ROLL CALL:**

Commissioner Bowlby	Voted	Aye
Commissioner Evans	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Haneline	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

**ADJOURNMENT:**

Motion by Luttrupp, seconded by Bowlby, to adjourn the meeting. Motion approved.

The meeting was adjourned at 9:00 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION  
STAFF REPORT**

FROM: WARREN WILSON, DEPUTY CITY ATTORNEY  
DATE: AUGUST 13TH, 2013 (CONTINUED FROM JULY 9TH, 2013)  
SUBJECT: SP-3-13 – SPECIAL USE PERMIT REQUEST FOR PORT OF HOPE TO  
ALLOW THE OPERATION OF A CRIMINAL TRANSITION FACILITY.  
LOCATION: 218 N. 23RD STREET – APPROX 0.842 OF AN ACRE

**DECISION POINT:**

Port of Hope Centers, Inc. is requesting a Special Use Permit allowing a criminal transition facility in the C-17 (Commercial) zoning district to operate a residential re-entry service for federal offenders.

Applicant: Port of Hope Centers, Inc.  
218 N. 23<sup>rd</sup> St.  
Coeur d'Alene, ID 83814

**GENERAL INFORMATION:**

At the conclusion of the July 9<sup>th</sup>, 2013, public hearing the Planning Commission left the record open solely for receipt of additional information to address area crime statistics related to Port of Hope/issues with Port of Hope's transitional residents and the four parameters that the Planning Commission is required by M.C. 17.03.040(f) to address when issuing a special use permit for a Criminal Transitional Facility. Those four parameters are:

- A. The maximum number of offenders;
- B. The types of offenders to be allowed, based on offenses committed;
- C. The extent of supervision required; and
- D. The length of allowable transition period.

Attached to this staff report is the information staff has received from the Police Department, the Fire Department and Port of Hope concerning these five issues.

**1. AREA CRIME STATISTICS RELATED TO PORT OF HOPE/ ISSUES WITH PORT OF HOPE TRANSITIONAL RESIDENTS:**

The Police Department reviewed all calls for service within a 1/3 mile radius around Port of Hope from 2008 to 2013. In that 5.5 year period, the total number of calls for service was 35 (44 when issues with transients were included).

Port of Hope reported that they have not received any complaints regarding its residents.

Port of Hope also reported that of the 102 offenders completing the program in 2012, 5 were returned to prison (2 for lying to staff, 2 for deviating and 1 for absconding). During 2013, no offenders (out of

52) have been returned to prison.

## **2. THE MAXIMUM NUMBER OF OFFENDERS:**

In its July 17, 2013 response, Port of Hope indicated that it is required to provide 43 beds for the criminal transitional facility. The Fire Department, reviewed the facility and determined that a maximum residential occupancy, based on the Fire Code, would be 49.

## **3. THE TYPES OF OFFENDERS TO BE ALLOWED (BASED ON OFFENSES COMMITTED):**

In its July 17, 2013 response, Port of Hope provided a list of the types of offenders that they take. Port of Hope indicated that they do not take offenders with "a criminal history of repeated sexual offenses/acts \* \* \*; offenders that have not completed a treatment program; Those assessed to meet violent sexual predator criteria; Offender expresses a desire to continue committing sexual offenses."

Further, Staff reviewed the applicability of I.C. Sections 18-8329 and 18-8331 to Port of Hope. I.C. 18-8331 prohibits registered sex offenders for residing in a "residential dwelling unit" with more than 1 other registered sex offender. I.C. 18-8331 further prohibits operating a "residence house" for registered sex offenders that houses more than two registered sex offenders. Port of Hope does not meet the definition of a "residential dwelling unit". As such, I.C. 18-8331, does not apply to Port of Hope.

I.C. 18-8329 makes it a misdemeanor for a registered sex offender to loiter on or near school grounds when children are present, be on a school bus when children are present, or reside within 500 feet of a school property. It appears that when this statute was adopted in 2006, it was the intent of the legislature to exempt offenders residing "at a state licensed or certified facility for incarceration, health or convalescent care" from the statute. However, the statute, as drafted, prohibits sex offenders from residing within 500 feet of school property without exception. Port of Hope is approximately 175 feet from Fernan Elementary.

## **4. THE EXTENT OF SUPERVISION REQUIRED:**

In its July 17, 2013 response, Port of Hope describes the type of supervision it provides for its offender residents. Also, staff has attached the February 2012 Revision of the Statement of Work that governs Residential Reentry Centers for the Federal Bureau of Prisons. Chapters 11 and 12 regulate security and discipline.

Additionally, on July 30, 2013, Port of Hope indicated that they were willing to implement 3 additional security measures to answer concerns from SD 271. From the letter, those measures are:

*1. Port of Hope will create an exclusion zone within our GPS (Veritraks) system of the school and surrounding area. This system will then alert us within one minute of an offender entering that zone. Port of Hope is willing to allow Fernan Elementary's Principal or designee access to the exclusion zone reports generated by Veritraks (with the names redacted for Federal Confidentiality purposes) at any time they request.*

*2. Port of Hope is willing to place GPS units on all Pre-Release offenders, in the facility and on Home Confinement that would be considered to have a VCCLEA status. This status includes assault charges, drug charges, sex offenses, etc. Port of Hope will continue to place GPS units on anyone whose behavior warrants it despite their charge.*

*3. Mr. Wardell voiced concerns regarding two peak times that children arrive and release from school. Although we have not seen a flow of children walking in front*

*of our facility, Port of Hope, agreed that during the hours of 7:00 - 8:00 a.m. and 2:30 - 3:30 p.m. we would not allow offenders to travel to the bus stop on Sherman Avenue without staff escort or transport.*

#### **4. THE LENGTH OF ALLOWABLE TRANSITION PERIOD:**

In its July, 17, 2013 response, Port of Hope indicated that it needs a maximum transition period of 1 year. Earlier, Port of Hope indicated that the "typical" stay is 90-180 days.

#### **PROPOSED CONDITIONS:**

The following conditions are proposed for Planning Commission consideration.

1. The maximum number of offenders is 43.
2. No offenders required by Idaho law to register as a sex offender may be housed at the facility.
3. No offender will be allowed to reside at the facility for more than 365 calendar days.
4. The facility must at all times comply with requirements of the Federal Bureau of Prisons Residential Reentry Center Statement of Work regarding security and discipline (currently Chapters 11 & 12).
5. Create an exclusion zone within the facility's GPS (Veritraks) system around the Fernan Elementary School property. The system must alert the facility within one minute if an offender enters the exclusion zone. Exclusion zone reports (with names redacted) must be made available to School District 271 and the City upon request.
6. Place GPS units on all pre-release offenders, in the facility and on home confinement with a VCCLEA status. This status includes assault charges, drug charges, sex offenses, etc.
7. The facility will not allow offenders to travel to bus stops without staff supervision during the peak hours when school children are arriving and leaving school (currently 7:00 - 8:00 a.m. and 2:30 - 3:30 p.m.).





**Port of Hope**

The Place of New Beginnings Since 1971

218 N. 23rd  
Coeur d' Alene, ID 83814  
(208) 664-3300

July 30, 2013

Planning Commission  
City of Coeur d' Alene  
702 E Front St  
Coeur d' Alene, ID 83814

RE: Port of Hope School Board Meeting

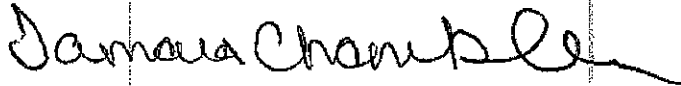
Dear Mr. Holm,

On 07/29/13, Ms Cherney (Port of Hope Residential Reentry Center Director) and I met with Mr Wardell from the School District as well as the School District Attorneys, Ms O'Dowd and Mr Lyons as the council suggested. I would like to share with you the possible solutions Port of Hope presented to the School District to help ease their fears. Port of Hope assured them that we will continue to maintain all possible security measures that we have had in place for the last fifteen years which has kept us incident free and proven that we can co-exist with the school with the types and numbers of offenders we have been taking. Port of Hope is willing to offer them to the council as well.

1. Port of Hope will create an exclusion zone within our GPS (Veritraks) system of the school and surrounding area. This system will then alert us within one minute of an offender entering that zone. Port of Hope is willing to allow Fernan Elementary's Principal or designee access to the exclusion zone reports generated by Veritraks (with the names redacted for Federal Confidentiality purposes) at anytime they request. A printout of this proposed zone was presented at the meeting.
2. Port of Hope is willing to place GPS units on all Pre-Release offenders, in the facility and on Home Confinement, that would be considered to have a VCCLEA status. This status includes assault charges, drug charges, sex offenses, etc. Port of Hope will continue to place GPS units on anyone whose behavior warrants it despite their charge.
3. Mr. Wardell voiced concerns regarding two peak times that children arrive and release from school. Although we have not seen a flow of children walking in front of our facility, Port of Hope agreed that during the hours of 7:00 - 8:00 a.m. and 2:30 - 3:30 p.m. we would not allow offenders to travel to the bus stop on Sherman Avenue without staff escort or transport.
4. Port of Hope also offered tours of the facility to meet the staff, see the security measures in

place and to observe the atmosphere to help reduce fears that it is not a prison nor flop house type setting . These are well dressed, employed, and well mannered individuals who have addictions and a criminal history.

Sincerely,

A handwritten signature in black ink, appearing to read "Tamara Chamberlain", with a long horizontal flourish extending to the right.

Tamara Chamberlain, Exec RRC Director

cc: Warren Wilson, Deputy City Attorney

Port of Hope  
Maximum Occupant Load  
Sleeping Areas Only

<u>Bedroom #:</u>	<u>Square Footage:</u>	<u>Max Occ. Load:</u>
1.	522 sq'	4
2.	440 sq'	4
3.	210 sq'	2
4.	384 sq'	3
5.	312 sq'	3
6.	240 sq'	2
7.	260 sq'	2
8.	260 sq'	2
9.	400 sq'	4
10.	320 sq'	3
11.	460 sq'	<u>4</u>

Total – 33

Additional rooms TBD.

B103	420 sq'	4
B102	240 sq'	2
B101	743 sq'	6
A105	162 sq'	1
A106	162 sq'	1
A107	149 sq'	1
Storage room	155 sq'	<u>1</u>

Total – 16

Max Total Occupancy (Bedrooms) 49

These calculations and definitions were derived from the 2009 Edition of the International Fire Code. The occupancy classifications for the Port of Hope are as follows:

## **CHAPTER 2 (DEFINITIONS)**

### **SECTION 202**

**Group I-1.** This occupancy shall include buildings, structures or parts thereof housing more than *16 persons*, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

**Alcohol and drug centers**

Assisted living facilities  
Congregate care facilities  
Convalescent facilities  
Group homes  
Half-way houses  
Residential board and care facilities  
Social rehabilitation facilities

**Group I-3.** This occupancy shall include buildings and structures which are inhabited by more than five *persons* who are under restraint or security. An I-3 facility is occupied by *persons* who are generally incapable of self-preservation due to security measures not under the occupants' control.

This group shall include, but not be limited to, the following:

Correctional centers  
Detention centers  
Jails

**Prerelease centers**

Prisons  
Reformatories

Buildings of Group I-3 shall be classified as one of the occupancy conditions indicated below:

**Condition 1.** This occupancy condition shall include buildings in which free movement is allowed from sleeping areas and other spaces where access or occupancy is permitted, to the exterior via *means of egress* without restraint. A Condition 1 facility is permitted to be constructed as Group R.

**Condition 2.** Does not apply

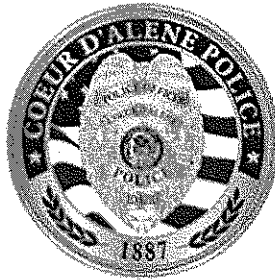
**Condition 3.** Does not apply

**Condition 4.** Does not apply

**Condition 5.** Does not apply

The calculated square footage of each bedroom is an estimate at best. The measurements were obtained from a set of plans that were submitted to the CITY OF COEUR D ALENE April 2012 permit #119885. To obtain factual and true maximum occupancy numbers, exact square footage of each bedroom must be submitted to the Fire Department so it can be plugged into the formula from the IFC **TABLE 1004.1.1 MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT.**

**Coeur d'Alene Police Department**  
**Port of Hope Calls for Service (1/3 mile radius)**  
**2008-2013**



	2008	2009	2010	2011	2012	2013	TOTAL
BURG IN PROGRESS			1				
CITIZEN ASSIST	1		1	2		1	
DISORDERLY		2			1		
DUI	1		2	1			
K9 USAGE					1		
PSYCHOLOGICAL	1						
SUICIDE THREAT		1					
SUSPICIOUS					1		
THEFT						1	
THEFT VEHICLE	1						
UNCONSCIOUS			1				
UNKNOWN MEDICAL			1				
UNLAWFUL ENTRY					1		
UNWANTED PERSON	1						
WANTED PERSON	1	2		2	2	1	
WARRANT SERVICE		2					
WELFARE CHECK			1		1		
TOTAL WITHOUT TRANSIENT ISSUES	6	7	7	5	7	3	35
TRANSIENT ISSUES		2		7			9
TOTAL WITH TRANSIENT ISSUES							44



Port of Hope  
218 N 23rd  
CDA, ID 83814

July 17, 2013

Dear Mr Holm,

Per your email, the following is Port of Hope's response to the seven questions you asked of us.

1. Any information related to issues caused by offenders while in POH custodial care within the community.

Response: Port of Hope has not had any issues with our offenders within the community. We have not received any complaints from residents of the community, concerns from local law enforcement or reports of any kind identifying issues caused by offenders while in our custodial care.

2. Records regarding offenders that were sent back to jail type facilities due to non-compliance (deviations?) at POH.

Response: For 2013, Port of Hope has had fifty-two (52) offenders that completed their program at the Residential Reentry Center (RRC). Of that fifty-two (52), zero (0) offenders have been removed for non-compliance. In 2012, Port of Hope had 102 offenders that completed their program. Of those 102 offenders, two (2) were removed for deviating and two (2) for lying to staff in regards to unauthorized use of a cell phone. Also in 2012, a Public Law offender absconded after testing positive for Marijuana. (A Public Law offender is one that had been released from prison to the community and is currently on Federal Probation. The offender then violates his probation within the community or has a need for a RRC placement due to being homeless for example so is referred to us by his United States Probation Officer through the Bureau of Prisons program. An Absconde is when the Public Law offender leaves the facility without authorization.)

3 Greater detail into types of offenders and how the "point system" works and how "graduation" is achieved.

Response: Port of Hope reviewed our current and incoming roster and these are a summary of the types of crimes:

Manufacture of Counterfeit Currency; Conspiracy to Possess With Intent to Distribute Methamphetamine; Conspiracy to Possess Methamphetamine; Conspiracy to Commit Mail Fraud; Insurance Fraud; Possession of Explicit Images; Theft From A Federal Funded Agency; Conspiracy to Commit Bank Fraud; Felon In Possession Of A Firearm; Possession of Pornography; Sexual Abuse of a Minor; Conspiracy to Import Marijuana; Bank Robbery; Wire Fraud; Conspiracy to Distribute Controlled Substances; Bank Fraud/Mail Fraud; Assault



Committed on an Indian Reservation; Theft Committed on an Indian Reservation; Resisting an Officer; Unlawful Possession of a Firearm; Misprison of a Felony; Conspiracy to Distribute Cocaine; Manufacturing with Intent to Distribute Marijuana.

As you can see, this is only a sample of the types of offenders that we take there are hundreds of Federal offenses. I can tell you what types of offenders that we do not take and will continue to not take at the Port of Hope: Those that include a criminal history of repeated sexual offenses/acts may or may not include violence; offenders that have not completed a treatment program; Those assessed to meet violent sexual predator criteria; Offender expresses desire to continue committing sexual offenses.

The point system is difficult to explain as it is determined by the Legal system. Offenders are basically assigned points based on the crime itself, prior criminal history, acceptance of responsibility, etc. They also earn or lose Good Conduct Time while incarcerated based on discipline or behavior in the institution. A criminal attorney, Bureau of Prisons Representative or Federal Probation Officer could probably explain this better than Port of Hope. Some offenders with drug crimes also participate in a comprehensive 500-hr drug program while incarcerated. Once they graduate in the institution they continue that in the RRC with us. This program has stringent requirements to qualify for the program and strict behavior expectations while in the RRC.

4. The extent of supervision required by contract (What do the issuers of the offender require?)

Response: The requirements of the contract are based on a Statement of Work (which is available to the public at [www.bop.gov](http://www.bop.gov), we currently operate under the 2007 Statement of Work) This book guides everything from our requirements for Personnel (Education, background checks, staffing patterns, Standards of Conduct, training, etc); Life Safety/Facility (everything from candlefoot lighting required, unencumbered space per offender, City State and Local inspections required, to the temperature of our water) Sanitation; Food; Medical; Discipline, etc.

Supervision is covered in several chapters of the Statement of Work: The basic philosophy of the requirement is that we must know the offenders whereabouts at all times. That we have a comprehensive offender accountability program that ensures every offender is accounted for while in the facility, on home confinement or in the community.

It consists of things like offenders must complete a weekly itinerary telling us in advance where they are planning to go for the next week, we then verify and approve or deny locations. When they go job searching, for example, they fill out a daily itinerary telling us which businesses that they are going to apply at, we verify that they are appropriate then require the offender to return with a verification sheet that each business they apply at signs and puts times that they were there. We then make random phone calls to verify with that employer. They are not allowed to go anywhere that is not on their approved daily or itinerary. Once they gain employment (which every offender is required to do unless medically unable), we go to the job site, speak with the Employer and have them sign a verification sheet that discloses the offenders crime and that they are at the Residential Reentry Center. The employer identifies for us the work schedule, route of travel, needed travel time, and pay information. Employers are encouraged to contact the RRC with any issues regarding performance, absences or unusual events. RRC Staff verify employer requests for overtime and discuss any areas of concern. We then conduct weekly and monthly site visits with the employer on how they are doing. The offender is required to pay 25% of his gross income for being in a RRC. Random facility head counts are conducted at various intervals,

several times per shift, to confirm offender locations and the findings are recorded in the individual offenders file in the computerized Safe Keep program.

Offenders are given a RRC contact number for a telephone dedicated only to the program. The telephone is monitored by RRC staff and has Caller ID. Offenders are required to call in as requested by RRC Staff, while seeking/maintaining employment, attending program needs or on home confinement. RRC staff randomly return calls to offenders and inspect all sites to verify their location. A list of pre-approved locations is then placed in each offenders file.

Each offender Signs in and out of the RRC utilizing a signature pad linked to Safe Keep that is controlled by the RRC Staff, listing full name, register number, and present legal status. Each time the offender leaves the facility the RRC Staff records the time out, destination, purpose and authorized return time, staff initial the entries and the offender is required to sign. Upon return, the RRC Staff lists the actual time and uses the comment section to note any schedule variance or observation. RRC Staff contacts offenders either telephonically or in person at random times throughout the sign out period. RRC Staff verifies church / spiritual attendance with dated programs, contact with clergy and onsite visits.

In order for an offender to have driving privileges, RRC Staff verify that they have a valid drivers license, registration and proof of insurance. The vehicle is inspected for safety and randomly searched. The facility is searched several times a month and the offender is searched each time they return to the facility from the community. Offenders are only allowed outside in the courtyard which is in the back of the facility and only one at a time unless they are job seeking, going to work, religious, or programming needs (treatment, medical, etc). Curfew remains 9:00pm – 6:00am, any exceptions (Employment) require pre-approval from the RRC Director.

Although not specifically required by the contract, Port of Hope has a camera system with camera's in all the common areas inside the facility and the surrounding outside parameter. Port of Hope utilizes a computerized software program (Safe Keep) to track offender movement, head counts, medication, employment, etc. The system alerts staff when an offender is one (1) minute late and continues to alert staff until the offender returns or key staff override the system. Medication is monitored in Safe Keep and staff are alerted when an offender is getting low on medication or has missed a dose. This program has increased Port of Hope's ability to maintain accountability, program compliance with reentry needs and staff integrity. Port of Hope has implemented GPS (Veritracks) on all offenders placed in the Home Confinement component as well as offenders that are found to be in non-compliance with accountability or who's history indicates the potential. GPS has allowed Port of Hope to view all movement of the offender while in the facility or in the community. Staff are alerted anytime the offender leaves his designated location or enters an unauthorized area.

All offenders are breathalyzed every time they return to the facility and randomly within the facility. All offenders receive urinalysis testing randomly at a five percent ratio and a minimum of four (4) times monthly if they have a drug and alcohol component. The RRC also has a secured entry where all offenders must be buzzed in by staff as well as outside visitors. The RRC is equipped with an alarm system which monitors the facility windows.

##### 5. Modes of transportation and approved routes for offenders.

Response: RRC staff transport a majority of the offenders to and from work, medical and programming requirements. Offenders can obtain driving privileges as earlier stated, they can

have a family member transport (A background is ran on the family member, and proof that they are a legal driver is obtained), Citilink is utilized, Bicycles and walking as well. Approved routes are based on mode of transport but in general they are required to use a main arterial. They go 23<sup>rd</sup> to Sherman for example. They are strictly forbidden to travel on Coeur d' Alene street or in the alleys. We have had that rule in place for over ten years because of the school and residents.

6. The maximum length of stay for offenders. The letter submitted stated "typical". We need maximum, please.

Response: Although rare, the maximum length of stay would be one (1) year. This is mainly due to people with disabilities that require longer time to obtain employment, find suitable housing and transition due to their limitations. If Port of Hope is limited to shorten stays, many of these offenders would end up in temporary living situations like the shelters and transitional housing on Sherman. These facilities do not have the stringent requirements for supervision in place that we do nor the ability to case manage the issues offenders with physical and mental disabilities face. This length of stay is needed to help keep offenders off the streets and assure that they receive all the transitional programming that is available and needed. They need to not only obtain employment but receive several paychecks to obtain a place to live, secure transportation and maintain their medications.

7. A maximum defined number of beds onsite specifically for the criminal portion of POH services.

Response: The maximum number of beds dedicated to the criminal portion is 43 beds. This number does not reflect the actual amount we would have inhouse but what is required of us. As we have stated before, many of these offenders are placed on Home Confinement in their homes. The beds must be contractually available in the event that we needed to return someone from Home Confinement to the facility, overlap of incoming and outgoing offenders, environmental issues (power outages, etc), high risk holidays like Halloween or New Years Eve or financially they are unable to pay rent due to loss of job, for example.

Although 43 beds might seem high, the average number of offenders in the facility is 25-30. We have the building space to provide more than 43 beds and have been dealing with fluctuating numbers for years, successfully. Port of Hope acknowledges that as crime increases so may the need for higher numbers, and is willing to look at relocation if the demand for more than 43 beds arises.

Sincerely,



Tamara Chamberlain

Executive RRC Director

STATEMENT OF WORK

(SOW)

RESIDENTIAL REENTRY CENTER  
August 2007

Revision 01, December 2007, CCB  
Revision 02, December 2008, CCB  
Revision 03, February 2010, CCB  
Revision 04, May 2010, CCB  
Revision 05, May 2011, CCB  
Revision 06, January 2012, RRMB  
Revision 07, February 2012, RRMB

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**LIST OF BOP FORMS**

(Provided by RRM)

ADMINISTRATIVE REMEDY FORMS

APPLICATION FOR VOLUNTEER SERVICE

AUTHORIZATION TO OPERATE A MOTOR VEHICLE

CENTER DISCIPLINE COMMITTEE (CDC) REPORT (RRCS)

COMMUNITY BASED PROGRAM AGREEMENT

DUTIES OF STAFF REPRESENTATIVES (RRCs)

FURLOUGH APPLICATION - APPROVAL AND RECORD

FURLOUGH QUESTIONNAIRE - OUT OF SENTENCING DISTRICT

INCIDENT REPORT (RRCs)

INMATE RIGHTS AT CENTER DISCIPLINE COMMITTEE HEARING

NOTICE OF CENTER DISCIPLINE COMMITTEE HEARING (RRCs)

PASS REQUEST AND APPROVAL

QUESTIONNAIRE - SENTENCING DISTRICT

URINE SAMPLING PROGRAM (RRCs)

WAIVER OF RRC DRUG TREATMENT REQUIREMENT

WAIVER OF APPEARANCE (RRCs)



### LIST OF BOP PROGRAM STATEMENTS

PS 1330	Administrative Remedy Program
PS 1351	Release of Information
PS 1415	Community Relations Board
PS 1480	News Media Contacts
PS 3735	Drug Free Workplace
PS 5270	Inmate Discipline & Special Housing Units
PS 5280	Furloughs
PS 5321	Unit Management
PS 5324	Sexually Abusive Behavior Prevention and Intervention Program
PS 5380	Cost of Incarceration Fee (COIF)
PS 5800.15	Correctional Systems Manual
PS 6060	Urine Surveillance and Narcotic Identification
PS 6590	Alcohol Surveillance and Testing Program
PS 7310	Community Corrections Center (CCC) Utilization and Transfer Procedures
PS 7570	Contract Staff Integrity for Privately Operated Community Corrections Residential Facilities

Program Statements may be found on the Bureau of Prisons Internet Home Page, [www.BOP.gov](http://www.BOP.gov). It is the Bureau's expectation that the contractor maintains and implements subsequent policy updates as they occur. This will require the contractor to routinely review policy statements to ensure they are utilizing the most current version.

**CONTRACTOR REQUIRED TRAINING**  
(Referenced in the Statement of Work)

<u>Training</u>	<u>Chapter Referenced</u>
Staff annually review (with documentation) contractor's operations manual.	1
20 hours of staff annual training with required topics is provided.	2
Staff must receive training on duties and responsibilities prior to working with federal inmates.	2
A minimum of one key staff will attend BOP Regional training as offered.	2
Staff acknowledge receipt and understanding of contractor's Employee Standards of Conduct.	2
The contractor will develop and implement a Comprehensive staff training program addressing the facility's sexual abuse/assault/misconduct prevention and intervention program.	2
The contractor will provide a brief orientation program for all volunteers and provide specific written guidance in the format of a "Volunteer Manual."	2
The contractor will train all staff in emergency Procedures within one week of their initial employment. In addition, the contractor will include emergency training in annual refresher training.	4
The contractor will train all staff in the proper Handling and use of all hazardous, toxic, caustic, and flammable materials within two weeks of their initial employment or whenever a new hazard is introduced into their work area and annually thereafter.	7
The contractor will train staff on the proper techniques for offender pat, room, vehicle, and common area searches. This training will be conducted within the first week of employment and annually thereafter.	11

The rules of conduct and sanctions for resident discipline infractions will be defined in writing and communicated to all staff.	12
Staff must be familiar with the Administrative Remedy Program Statement.	13

## INTRODUCTION

The Bureau of Prisons (BOP) provides community-based residential and nonresidential correctional services through contractual agreements with state, county, and city governments, and private corrections contractors. These contractors provide services which include employment and residence development and other self-improvement opportunities to assist federal offenders during the transition from prison to the community.

1. OBJECTIVE - The objective is to establish a Residential Reentry Center (RRC) that provides comprehensive community-based services for offenders, who are in the custody of the BOP, United States Attorney General, or under the supervision of the United States Probation Office (USPO).

2. STATEMENT OF WORK (SOW) - The SOW sets forth the contract performance requirements for the management and operation of a RRC for federal offenders. The contractor will ensure that the RRC operates in a manner consistent with the mission of the BOP. The mission is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost efficient, appropriately secure, and provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

3. PLACEMENT OF OFFENDERS - only the Regional Reentry Manager (RRM) or their designee can approve a federal offender's placement at a RRC.

4. CONTRACTOR'S RESPONSIBILITY - the contractor will furnish all personnel, management, equipment, supplies, and services necessary for performance of all aspects of the contract. Unless explicitly stated otherwise, the contractor is responsible for all costs associated with and incurred as part of providing the services outlined in this contract.

5. BOP'S PHILOSOPHICAL BASE - the BOP can successfully carry out its mission because its operations are firmly grounded in a set of common values and functional goals. A clear vision of the BOP's organizational and individualized responsibilities exists among its employees. The BOP, as an organization, has a set of values and shared attitudes that guide staff's actions. These values are a source of pride and professionalism to all

employees, as they see them reflected in safe, humane and cost effective operations, and in the fair treatment of offenders. The following values are important for contract employees to understand, because they describe some of the major portions of the BOP's core values.

These are important guiding principles for contract employees. They provide direction for decisions that carry out the BOP's mission. They also are the foundation of many expectations that the BOP will place on contract employees throughout performance of the contract.

- Sound Correctional Management – the BOP maintains effective security and control of its offenders in RRC facilities utilizing the least restrictive means necessary. This approach is the essential foundation of all sound correctional management programs.
- Correctional Workers First – all BOP employees share with contract employees a common role as correctional workers and a mutual responsibility for maintaining safe and secure facilities and for modeling society's mainstream values and norms to offenders.
- Promotes Integrity – the BOP firmly adheres to a set of values that promotes honesty, integrity, and professionalism in order to ensure public confidence in its programs. These values also include the agency's prudent use of its allocated resources.
- Recognizes the Dignity of All – recognizing the inherent dignity of all human beings and their potential for change, the BOP treats offenders fairly, is responsive to their needs, and affords them opportunities for self-improvement to facilitate successful reentry into the community. The BOP recognizes that offenders are incarcerated as punishment, not for punishment.
- Community Relations – the BOP recognizes and facilitates the integral role of the community in accomplishing the BOP's mission. The BOP also works cooperatively with other law enforcement agencies, the courts, and other components of the government. BOP staff visit regularly with RRC contract employees to exchange information on areas of mutual concern. RRCs have proven to be invaluable in maintaining a productive link between the institution and the community in which it is located.
- High Standards – the BOP requires high standards of staff integrity, safety, security, sanitation, and discipline

that promote a physically and emotionally sound environment for both staff and offenders.

Contract employees need to be firm but fair and humane but careful, in their interactions with offenders.

The RRC has an obligation to provide offenders with an opportunity to acquire the necessary skills for self-improvement, and practice law-abiding behavior upon release. Offenders are encouraged to maintain family and community ties, through correspondence, visitation and planning for eventual release, through participation in pre-release classes and other programs. They have the obligation to honor their debts and begin payment while confined. Each offender is personally responsible for taking advantage of available RRC programs.

6. CONTRACT PERFORMANCE - all services and programs will comply with the SOW; the U.S. Constitution; all applicable federal, state and local laws and regulations; applicable Presidential Executive Orders (E.O.); all applicable case law; and court orders. Should a conflict exist between any of the aforementioned standards, the most stringent will apply. When a conflict exists and a conclusion cannot be made as to which standard is more stringent, the BOP will determine the appropriate standard. The contractor will comply with and implement any applicable changes to BOP policy, Department of Justice (DOJ) regulation, Congressional mandate, federal law or Presidential Executive Orders.

The BOP reserves the right to enter into negotiations with the contractor to change the conditions or procedures in this SOW and contract. Should the BOP invoke such changes, the contractor retains rights and remedies to equitable adjustment under the terms and conditions of the contract.

The BOP reserves the right to have various staff monitor contract performance. The BOP reserves the right to conduct announced and unannounced inspections of any part of the facility at any time and by any method to assess contract compliance.

The BOP may investigate any incident pertaining to the performance of this contract. The contractor will comply and cooperate with the BOP on all investigations, monitoring visits, inspections, and inquiries.

The contractor will report all criminal activity related to the performance of this contract to the appropriate law enforcement investigative agency, e.g., Federal Bureau of Investigation, United States Marshals Service, state and local authorities, and immediately notify the RRM of the report. The contractor will immediately report to the RRM any person or agency requesting to use an offender in any investigation.

The contractor will submit any requests for contract changes through the RRM to the Contracting Officer (CO) for approval.

When electronic media; e.g., the Internet, is used by the contractor, the contractor will manage the information in accordance with federal law. The electronic submission of reports may be required at the discretion of the COTR.

7. SCOPE OF WORK - The contractor will comply with all requirements in this SOW and other reference documents as indicated. The technical proposal is incorporated into the contract unless otherwise stated in the contract or defined by the RRM.

The contractor will develop operational policies and procedures that follow the requirements contained in this SOW and of generally accepted correctional practice as defined by the COTR.

All federal offenders will receive the same treatment and services except as otherwise provided for in this SOW.

The contractor has the responsibility to ensure proper management and oversight of their program. Absentee ownership will not mitigate program integrity, responsiveness, or responsibility.

The contractor will protect, defend, indemnify, save, and hold harmless the United States Government, the BOP and its employees or agents, from and against any and all claims, demands, expenses, causes of action, judgments and liability arising out of, or in connection with, any negligent acts or omissions of the contractor, its agents, subcontractors, employees, assignees or anyone for whom the contractor may be responsible.

The contractor will also be liable for any and all costs, expenses and attorney's fees incurred as a result of any such claim, demand, cause of action, judgment or liability, including those costs, expenses and attorney's fees incurred by the United

States Government, the BOP and its employees or agents. The contractor's liability will not be limited by any provision or limits of insurance set forth in the resulting contract.

The contractor will be responsible for all litigation, including the cost of litigation, brought against it, its employees or agents for alleged acts or omissions. The CO will be notified in writing of all litigation pertaining to this contract and provided copies of said litigation or any pleadings filed within five working days of the filing. The contractor will cooperate with the government legal staff and/or the United States

Attorney regarding any requests pertaining to federal or contractor litigation.

In awarding the contract, the government does not assume any liability to third parties, nor will the government reimburse the contractor for its liabilities to third parties, with respect to loss due to death, bodily injury, or damage to property resulting in any way from the performance of the contract or any subcontract under this contract.



## CHAPTER 1 - Administration and Organization

The contractor will maintain a current written operations manual that is available to all staff. It will describe the purpose, philosophy, programs, services, policies and procedures of the facility, and be updated on an as-needed basis. It will describe the daily operational procedures for the respective facility and should not be used as a universal operational manual for other facilities. Staff will have a thorough working knowledge of the operations manual. The contractor must operate in accordance with the operations manual. The operations manual will not circumvent the SOW requirements. The operations manual is a separate manual from the technical proposal. At least annually, staff shall review the operations manual and document the review. The operations manual will be available for review by the BOP during inspections of the facility.

The contractor will report, through the RRM, to the CO any deviation from the requirements of this SOW. The RRM will interpret the requirements of this SOW.

Any disagreement regarding contract performance should first be disputed, or addressed, with the Contracting Officer's Technical Representative (COTR). If the conflict cannot be resolved with the COTR, then the issue should be elevated to the Regional Reentry Management Center Administrator or the Regional Reentry Management Administrator. If an agreement still cannot be reached then the contractor should address the Contracting Officer, in writing.

The contractor will develop a written mission statement, long-range goals, and objectives, which will be available for review by the BOP during inspection of the facility.

1. AMERICAN CORRECTIONAL ASSOCIATION (ACA) - The BOP encourages the contractor to acquire certification in accordance with the most current edition(s) of the ACA Standards for Adult Community Residential Services.

If the facility is not ACA accredited, the contractor will use the most recent edition(s) of the ACA Standards for Adult Community Residential Services as a guide in developing the operations manual.

The contractor will advise the RRM in writing of their intent to seek ACA accreditation.

2. PERFORMANCE - The contractor will maintain a current contingency plan to ensure continuity of service should unforeseen circumstances occur, such as employee work actions or strikes; natural disasters; or terrorist activities, etc. The plan must be available to the BOP for inspection upon request.

The contractor will provide at least 70 percent of the contract requirements by using employees compensated directly by the contractor. This means the contractor cannot subcontract more than 30 percent of the contract requirements. The intent is to create a uniform composition of services under the control and supervision of the facility director. The contractor will submit all proposed subcontracts to the BOP for approval when the contractor intends to seek the services of a subcontractor; i.e., food service or facility maintenance.

3. INFORMATION - The contractor will comply with the requirements of the Freedom of Information Act 5 U.S.C. §552, Privacy Act, 5 U.S.C. §552a and 28 CFR part 16, Production or Disclosure of Material or Information and P.S. 1351, Release of Information. The contractor will have written policy and procedures for staff managing information. The contractor will seek the RRM's approval before releasing BOP records in response to a request for information.

A. Government Contacts - The contractor will post and display in a conspicuous location a listing of the names, addresses, and telephone numbers of the responsible Regional Reentry Management Administrator (RRMA), Assistant Regional Reentry Management Administrator and/or Management Center Administrator (MCA), Transition Drug Abuse Treatment Coordinator (TDAT-C), RRM, Regional Director, and Chief USPO.

B. Congress - The contractor will immediately notify the RRM when a request, e.g., information or tour of the facility, is made by a member of the United States Congress to the contractor.

C. News Media - The contractor will notify the RRM when a request or contact is made by any media representative; i.e., a person whose principal employment is to gather or report news for a newspaper, magazine, national or international news service, radio or television news program. These requests or contacts may include, but are not limited to, interviews, visits

or impromptu questions with staff or offenders. Contractors should reference the P.S. 1480, News Media Contacts. The contractor is encouraged, but not required, to clear in advance all public information issues with the RRM, including, all press statements and releases.

The contractor will ensure employees agree to use appropriate disclaimers clearly stating that the employees' opinions do not necessarily reflect the position of the BOP or DOJ in any public presentations they make or articles they may write that relate to any aspect of the contractor's performance in this contract.

D. Documentation - The contractor will document that all requirements of this SOW are being met. The contractor has the affirmative responsibility to prove the requirements are being met. The contractor will maintain documentation of:

- Their standing as a legal entity, or part of a legal entity, and will maintain documentation indicating legal measures have been taken to provide continuity of service in case of incapacitation, retirement, or death of the contractor;
- Their tax exempt status, if applicable;
- Valid liability and property insurance for the facility and equipment, with documentation available for review at the facility.

E. Meetings - The facility director will conduct staff meetings at least monthly to foster open communication, establish policy, discuss problems, ensure compliance with SOW requirements, and accomplish program objectives. The contractor will distribute new or revised policy and procedure to staff, volunteers, and if appropriate, offenders. The contractor will document these meetings with written minutes to include staff attendance. This documentation will be made available to the BOP for inspection upon request.

F. Equipment - The contractor will have a working facsimile machine, computer, and telephone capabilities. Additionally, the contractor will have a computer with Internet capabilities to include Internet Explorer browser for communicating with the RRM office.

G. Translation - The contractor will provide for the translation of facility rules, emergency diagrams, and other

related documents into a foreign language, as required by the composition of the offender population.

4. COMMUNITY OUTREACH - The BOP believes it is extremely important and vital to develop and maintain positive community relations. This may be accomplished through development of a community relations board OR development of an outreach program.

If the contractor chooses to develop an outreach program, they must provide written policy and procedures that offers ongoing, positive communication between the facility, local community, elected officials, law enforcement and citizens. The program must describe the approach to educating the local community about the goals and mission of the RRC and maintaining the support of the community. The program must also include specific activities that will be conducted on a quarterly basis.

If the contractor chooses to develop a community relations board, they must follow the standards set forth in the P.S. 1415, Community Relations Board.

5. FISCAL RESPONSIBILITIES - The contractor will operate according to an annual written budget of anticipated revenues and expenditures. The contractor will have policy and procedures for the receipt, safeguarding, disbursement, and recording of funds that comply with generally accepted accounting practices.

## CHAPTER 2 - Personnel

1. ORGANIZATIONAL CHART - The contractor will maintain a narrative description and diagramed organizational chart outlining the structure of authority, responsibility, and accountability of both the facility and the company. The intent is to gain an understanding of the "chain-of-command" within the organization.

2. STAFF COVERAGE - The contractor will have trained, paid staff, dressed and awake, on the premises to provide 24 hour coverage, seven days a week. This staff coverage shall provide for the safe and secure supervision of all federal offenders.

A. Position Requirements - The minimum education and experience qualifications for the position of facility director (facility manager, RRC supervisor, center director and all other similar titles) will be a four year degree in a social or behavioral science program from an accredited college or university, two years of work experience in a related field, and a minimum of two years in a supervisory position. Work experience may be substituted for academic studies exchanging one year of work experience in a related field for one year of academic education. Total work experience needed in lieu of the combination of education and work experience is six years, with two of the years in a supervisory position.

The education and experience qualifications for the position of social services coordinator (SSC) will be a four year degree in a social or behavioral science program from an accredited college or university. At a minimum, one year of experience must be working in the social services field in a relevant position. For description of services provided by the SSC see Chapter 10.

B. Staffing Pattern - The contractor will concentrate staff when most offenders are available for program activities, normally during the evening hours. A key staff member will be available on site Monday-Friday 8:00 a.m. to 4:00 p.m.

The contractor will staff at least two positions (one male and one female if the facility is co-ed), 7-day post, 24 hours a day, dedicated only to the supervision of federal offenders. This requirement is not mandated for minor use facilities (15 or less federal offender's contracts). Ordinarily, these seven day posts cannot be covered by other positions such as case managers

or facility directors unless documentation requesting such is submitted to and approved by the RRM. The intent is that these posts will devote 100 percent of their time supervising offenders. The contractor will also provide key personnel in accordance with the number of offenders residing in a facility (see Key Personnel).

C. Key Personnel - Includes the facility director (facility manager, RRC supervisor, center director and all other similar titles) case manager or equivalent, and social services coordinator (SSC). All key personnel are full-time employees. The contractor will identify to the RRM the key personnel employed at the facility.

1) All major use contracts (31 and over) will staff at least three key personnel positions. The positions will be the facility director, case manager, and social services coordinator (SSC). These positions will be 100% devoted to the federal contract.

2) All moderate use contracts (16 - 30) will staff at least three key personnel positions. The positions will be the facility director, case manager, and social services coordinator. These positions will be 100% devoted to the federal contract.

3) All minor use contracts will staff at least two key personnel positions. The positions will be the facility director and a case manager. These positions do not have to be 100% devoted to the federal contract. However, in cases where these positions will be shared, the contractor must receive approval by the CO.

The RRM must approve changes of key personnel before they are employed in a key personnel position.

The contractor will staff all key personnel positions throughout the performance of the contract. The contractor will notify the RRM in writing if any personnel vacate a position permanently and indicate when a replacement will be made. The notification will occur within five working days after the vacancy. The number of case manager positions may be determined by the contractor. The number must be adequate to perform the tasks associated with the position and commensurate with the inmate workload of the population without being pulled to perform

duties assigned to other positions. Failure to maintain negotiated staffing patterns will result in adverse action.

D. Staff/Offender Ratio - The contractor is always responsible for the appropriate supervision of federal offenders and the orderly running of the RRC. The staff/offender ratio established in the contract contributes to the contractor's ability to safely and securely operate the RRC. Housing configurations must also be taken into consideration; i.e., several buildings would require the contractor to determine the number of staff needed to safely and securely supervise the federal offenders. The contractor will notify the RRM of any unforeseen circumstances which may affect the safety, security or orderly running of the RRC.

E. Population Changes - If the average monthly population (AMP) changes from the BOP's original projection for three consecutive months, the staff/offender ratio may be changed in accordance to the following:

- 1) If the AMP exceeds the original estimate by 25 percent for three consecutive months, the contractor will add qualified staff consistent with the original staff/offender ratio.

- 2) If the AMP is 25 percent below the original estimate for three consecutive months, the contractor may reduce staff consistent with the original staff/offender ratio, as long as the contractor continues to provide safe and secure supervision of federal offenders.

The CO is the deciding authority for any adjustments to the staff/offender ratio. The contractor will comply with any change(s) to the ratio as directed by the CO.

3. PERSONNEL RECORDS - The contractor will maintain a complete and current personnel file for each employee. All personnel files must be stored in a locked compartment accessible to senior management staff only. The contractor will ensure the files are readily available for BOP review upon request.

The contractor will have a written personnel manual specifically for the respective facility. The personnel manual is a separate manual from the operations manual. The policies and procedures will cover at a minimum the following areas:

Staff coverage  
Staff training  
Staff discipline  
Staff retention  
Organizational chart  
Staff orientation  
Staff development

Personnel records  
Recruitment  
Separation from work  
Performance evaluation  
Standards of Conduct  
Volunteers  
Resignation

A. Employee Evaluation - The contractor will develop written policies and procedures for an annual written performance review of each employee based on defined criteria. The results are discussed with the employee, and the review is signed by the employee and evaluator and maintained in the employee's personnel file.

B. Affirmative Action - The contractor will have a written policy specifying that equal employment opportunities exist for all positions. Full consideration will be given to the recruitment, hiring, placement, retention, training, and advancement of women, members of minority groups, disabled veterans, and qualified individuals with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job in question. The contractor will not discriminate against individuals based on race, color, religion, sex, national origin, physical or mental disability, age, retaliation, or sexual orientation. In addition, the contractor will not prevent women from working in male offender programs or men from working in female offender programs.

C. Newly Hired Employees - The contractor will have written policy providing for a probationary term followed by permanent status for newly hired or newly promoted employees.

D. Social Security Card - The contractor will ensure each employee and any subcontractor has a social security card issued by the U.S. Social Security Administration and is a United States citizen, permanent resident or other person lawfully admitted into the United States, meeting the DOJ residency requirements set forth in Section I of the solicitation.

E. Training - The contractor will develop an employee training program in addition to any BOP provided training.

1) Staff Training - Prior to working with federal inmates all staff must receive training on their respective duties and responsibilities. The contractor will document the



employees' understanding and participation, to include time and date of completion. A copy will be maintained in the employee's personnel file.

2) Annual Refresher Training - The contractor will provide staff with at least 20 hours of annual refresher training relating to the operation of the RRC. The contractor will document the training topics, date, time, and participants. The training must cover the following:

- Discipline procedures for offenders;
- Demonstrate working knowledge and competency of the discipline procedures by passing the standardized test administered by the COTR;
- Emergency plans;
- Staff integrity and ethics;
- Accountability and security procedures;
- Life, safety and emergency procedures;
- Offender searches;
- Signs of suicide and suicide precautions;
- Use of force regulations and tactics;
- CDC report writing;
- Universal precautions;
- Interpersonal relations and communication skills;
- Social and cultural life styles of the offender population;
- Prevention, identification, and handling of sexual abuse/assault incidents; and
- Basic first aid.

3) BOP Training - At least one key personnel staff member will attend and participate in the BOP regional training meeting, which is ordinarily scheduled every two years. The contractor is responsible for all costs associated with attending this training.

4) Staff Retention - The contractor will develop a retention program designed to minimize employee turnover. If there are breakdowns in accountability or programming as a result of the contractor's failure to implement a successful retention program, adverse contracting action may be taken by the Bureau.

4. BACKGROUND INFORMATION - Contract employees must be approved by the RRM before they may work with federal offenders.

The contractor will secure a completed and signed REQUEST FOR CONTRACT STAFF BACKGROUND INVESTIGATION form, Attachment A, for all individuals the contractor has determined are appropriate for employment and any person who will work with federal offenders. The contractor will then submit this form to the RRM. The RRM will begin the fingerprint and background checks. The contractor will only request the BOP conduct background checks on persons they have offered conditional employment. The contractor will notify this person 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 this information. The intent is to screen applicants to determine their acceptability to work with federal offenders. The contractor will not submit the name of any person the contractor does not employ or intend to employ.

This person will not begin working with federal offenders before clearance is obtained from the RRM. The RRM may grant the person temporary clearance to work with federal offenders after the NCIC/NLETS check is conducted if the results of the check are appropriate. The contractor will understand that the granting of final approval will not occur until after the RRM receives a response(s) from the fingerprint or other background checks and these checks prove to be appropriate.

The RRM will ordinarily approve a person to work with federal offenders in accordance with guidelines established in the current version of the P.S. 7570, Contract Staff Integrity for Privately Operated Community Corrections Residential Facilities.

This action does not prevent, preclude, or bar the withdrawal or termination of any prior clearance or approval by the RRM at any time during the term of the contract.

The contractor will vouch potential employees through reference and employment checks. The contractor will document information regarding reference and employment checks in the employee's personnel file. The contractor will verify training and experience of all staff. This includes credentials for all professional staff. The contractor will document the verification in the personnel file and make it available during inspections.

The facility director may be required to fingerprint proposed staff as directed by the COTR. The completed fingerprint cards will be mailed to the RRM for processing.

5. CONTRACTOR'S EMPLOYEE STANDARDS OF CONDUCT - the contractor will develop and use written policy, procedures, and practice, herein called Contractor's Employee Standards of Conduct, for employee conduct, ethics, and responsibility. The contractor will notify its employees of the Contractor's Employee Standards of Conduct.

A. At a minimum, the Contractor's Employee Standards of Conduct will require employees to conduct themselves in accordance with the following standards:

- The contractor will require its employees to conduct themselves professionally and in a manner that creates and maintains respect for the RRC, BOP, DOJ, and the U.S. Government.
- The contractor will require its employees to avoid any action that might result in, or create the appearance of, adversely affecting the confidence of the public in the integrity of the RRC, BOP, DOJ and U.S. Government.
- The contractor will require its employees to uphold all ethical rules governing their professions, including compliance with applicable licensing authority rules, unless they conflict with legal laws.
- The contractor will prohibit its employees from using or possessing illegal drugs or narcotics. The contractor will prohibit its employees from abusing any drugs or narcotics. The contractor will prohibit its employees from using alcoholic beverages and being under the influence of alcohol while on duty, present in the facility, or immediately before reporting for duty. The contractor will indicate to contractor's employees that when a contractor's employee's blood alcohol content level is 0.02 percent or greater he or she will be considered to be under the influence of alcohol.
- The contractor will prohibit its employees from showing partiality toward, or become emotionally, physically, sexually, or financially involved with offenders, former offenders, or the families of offenders or former 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.

- The contractor will prohibit its employees from engaging in sexual behavior with an offender. The contractor will indicate to its employees that regardless of whether force is used or threatened, there can be no "consensual sex" between contractor's employees and offenders. Sexual misconduct is illegal and a violation of federal law.
- The contractor will prohibit its employees from offering or giving an offender or a former offender or any member of an offender's 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 contractor's employee's duties. The contractor will prohibit its employees from accepting 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. The Contractor's Employee Standards of Conduct, will clearly state that this staff prohibition includes any involvement with an offender's family members or any known associates of an offender.
- The contractor will prohibit its employees from showing favoritism or give preferential treatment to one offender, or a group of offenders, over another offender.
- The contractor will prohibit its employees from using profane, obscene, or otherwise abusive language when communicating with offenders, fellow employees, or others. The contractor will require its employees to conduct themselves in a manner that is not demeaning to offenders, fellow employees, or others.
- The contractor will prohibit its employees from having 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 RRC program and a part of the employee's job description.
- The contractor will prohibit its employees from engaging in any conduct that is criminal in nature or which would bring discredit upon the RRC, BOP, DOJ or U.S. Government. The contractor will require its employees to conduct themselves in a manner that is above reproach. The contractor will require its employees to obey, not only the letter of the law, but also the spirit of the law while engaged in personal or official activities. The contractor will

require its employees charged with, arrested for, or convicted of any felony or misdemeanor, to immediately

- Inform and provide a written report to the facility director. The facility director will immediately report the incident to the COTR. Traffic violations resulting in fines less than \$150 are exempt from this reporting requirement.
- The contractor will prohibit its employees from using brutality, physical violence, or intimidation toward offenders, or use any unauthorized or inappropriate force.
- The contractor will prohibit its employees from engaging in inappropriate supervisor/subordinate relationships, to include but not limited to, emotional, sexual, financial or physical.
- The contractor will prohibit its employees from possessing lethal weapons or weapons which may inflict personal injury, to include pepper spray or other self-defense type of chemical agents, in the facility or while on duty. The contractor will also prohibit contractor's employees from storing lethal weapons or weapons which may inflict personal injury, to include pepper spray or other self-defense type of chemical agents, in vehicles under their control parked on or adjacent to the facility. Offenders will not possess or use any of these items at any time.
- The contractor will prohibit any of its employees who are suspected of violating the contractor's Employee Standard of Conduct from contact with federal offenders until a disposition is made by the COTR.

The contractor will require all employees to sign an acknowledgment that they have received and understand the contractor's Employee Standards of Conduct. The acknowledgment will indicate that the contractor will require all employees to cooperate fully by providing all pertinent information which they may have to any investigative authority. Full cooperation includes truthfully responding to all questions and providing a signed affidavit, if requested. The contractor will retain a signed copy of this acknowledgment in each of its employee's personnel files.

B. The contractor will not conduct an investigation of any misconduct allegation without the COTR's approval. This includes questioning the subject of a misconduct allegation. The contractor will advise all employees that they are subject

to government investigation if an allegation is made concerning any matter affecting the interests of the Government.

Attorneys may not be present or involved in administrative investigations. Attorney involvement includes, but is not limited to; presence during interviews, review of employee affidavits, and receipt of investigative summaries or documents from the investigative authority. If at any time an investigation uncovers evidence of criminal behavior, the investigation process will immediately stop and appropriate law enforcement officials will be notified.

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

C. The contractor will report any allegation, violation or attempted violation of the contractor's Employee Standards of Conduct immediately by telephone to the COTR. The contractor will subsequently report in writing to the COTR, within one business day after becoming aware of the incident. The contractor will not restrict any contractor's employee or offender from reporting misconduct directly to the BOP. The contractor will not retaliate against any contractor's employee or offender who reports misconduct.

Following the investigation(s), and if allegations are sustained, the contractor will indicate, in writing, to the COTR the contractor's proposed plan of corrective action for the COTR's approval. The COTR has the right to determine if the contractor's employee may continue to work with federal offenders. A summary of the investigative findings may be disclosed by the Bureau to the contractor's authorized negotiator.

Failure to report a violation of the contractor's Employee Standards of Conduct or to take appropriate action against a contractor's employee may subject the contractor to appropriate action, up to and including termination of the contract.

D. The contractor will not employ any individual who is under the supervision or jurisdiction of any parole, probation or correctional authority. Persons with previous criminal convictions who are not under supervision may be considered for employment. However, the COTR reserves the right of approval in such cases.

E. The contractor will have a written policy to prevent conflicts of interest that specifically states that no contractor's employee may use his or her official position working with federal offenders to secure privileges or advantages in the facility or in the community.

F. The contractor will operate a facility which provides the highest degree of safety for offenders and contractor's employees. The contractor will specifically define when contractor's employees may use force against offenders. The contractor will prohibit contractor's employees from using excessive force to control a situation. The contractor will immediately report any instance of the use of force to the COTR, by the most expeditious means available, e.g. telephone. The contractor will submit in writing, within one calendar day after the incident, a written report to the COTR.

6. SEXUAL ABUSE INFORMATION - The contractor has the responsibility to provide a working environment that is free from sexual harassment and intimidation in accordance with Title VII of the Civil Rights Act of 1964, as amended. Sexual abuse/assault/misconduct is verbal or physical conduct of a sexual nature directed toward an offender or employee by another offender, employee, or volunteer of the facility. The contractor will ensure that policy prohibits sexual abuse/assault/misconduct by employees against federal offenders or other employees.

The contractor will meet all requirements, elements and protocols of the P.S. 5324, Sexually Abusive Behavior Prevention and Intervention Program. Written policy, procedure, and practice will provide that all staff receive the facility's sexual abuse/assault/misconduct prevention and intervention program training during employee orientation and on an annual basis as part of the facility's in-service training plan.

7. DRUG FREE WORKPLACE - The contractor will implement and follow P.S. 3735, Drug Free Workplace. This program provides a

mechanism for employee assistance and employee education regarding the dangers of drug abuse.

8. VOLUNTEERS - The BOP encourages the use of volunteers. Contractors may use volunteers to provide a variety of programs, such as marriage and family enrichment, substance abuse education, literacy, spiritual growth, recreation, health education, fitness, vocational training and many others. While providing these valuable services, volunteers reinforce the societal values conveyed daily by staff. Direct volunteer assistance is useful to an offender's successful community reintegration.

Volunteers are private citizens or students, age 18 or older, who provide a variety of unpaid services that would not otherwise be performed by a paid employee. The contractor will have all volunteers complete the BOP form entitled APPLICATION FOR VOLUNTEER SERVICE and send to the RRM. The contractor will provide a brief orientation program for all volunteers and provide specific written guidance in the format of a "Volunteers Manual."

All volunteers who provide services in the RRC, at a minimum, must undergo a criminal history check (NCIC) prior to working with federal offenders. For a volunteer to provide one-on-one counseling or work with small groups of offenders (3 or less), the volunteer must undergo a full criminal history check (NCIC and fingerprinting).

Paid contracting staff will provide intermittent supervision of the volunteers, who have not had a full criminal history check, while they are providing services in the facility. Supervision is direct observation by a staff member, at a minimum every 30 minutes.

9. STAFF AND VOLUNTEER ROSTERS - The contractor will submit a typed, alphabetical staff roster each month, to be included with the monthly billing. This roster must include the employee's complete name, title, full or part-time status, and date of hire. Volunteers should be listed separately, indicating the type of volunteer work being done; i.e., AA, NA, or religious.



### CHAPTER 3 - Facility

1. COMPLIANCE - The facility will comply with applicable local, state, and national health, safety, environmental laws, regulations, Executive Orders, and building codes. In the event local, state, and national codes conflict, the most stringent will apply. The contractor will adhere to the requirements of: the Architectural Barriers Act of 1968 as amended (an alternative location off site may be proposed for housing offenders with disabilities if it meets this act); Rehabilitation Act of 1973 as amended and sections 502 and 504; Uniform Federal Accessibility Standards (UFAS); the National Fire Codes published by the National Fire Protection Association with special emphasis on the 101 Life Safety Code; Occupational Safety and Health Act of 1970 as amended; U.S. Food and Drug Administration, U.S. Public Health Service, Food Code; Occupational Safety and Health Administration's (OSHA) General Industry Standards; American National Standards Institute (ANSI) A-117.1, as determined by the local building inspector general; Building Official Code Administrators (BOCA) section 404.1 entitled Minimum Plumbing Facilities; American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Published Standards & Guidelines; American Society of Sanitary Engineering Standards; Uniform Plumbing Code; 16 CFR §1632, Standard for the Flammability of Mattresses and Mattress Pads (FF 4-72, Amended); Current Edition; Flammability Standard DOC-FF-472; California State Technical Bulletin 106; NFPA Codes 1, 10, 13, 13R, 25, 70, 96, and 101; and any other codes or regulations indicated in the SOW.

The contractor will maintain copies of all required environmental permits and registrations or letters from permitting authorities indicating that the facility is in compliance or is specifically exempt from the standard in question. The contractor will make these documents available on-site and to the BOP upon request.

2. FLOOR PLANS - The contractor will submit to the RRM for approval any request to change the floor plan from what was approved in the contract. The contractor will maintain and make available an accurate floor plan on-site at all times for the inspection of the BOP.

3. LOCATION - The facility will not be part of a building in which other business(s) share space which could be construed as a conflict of interest to the mission of a community based

correctional facility. For example, it would be inappropriate to share space with a business which serves alcohol. If the facility is of joint use, the provider will describe the nature of the business occupying all contiguous space. The Bureau reserves the right to have the final decision in determining potential conflict of interest. The BOP strictly prohibits the use or possession of alcohol in the contract facility. The contractor will ensure the building is appropriately zoned. The contractor will maintain a permit from the local or state enforcement body or authorized representative having jurisdiction to operate. The contractor will make these documents available on-site and to the BOP upon request.

The contractor will locate the facility within one mile of public transportation. In the event the facility is not located within one mile of public transportation, the contractor will provide transportation for offenders to seek employment, work, and participate in program and or treatment activities at no cost to the offender. Transportation will be made available 7 days a week. Transporting of offenders in a staff member's private vehicle should only be done in unusual circumstances. The staff member must be licensed and insured in accordance with state laws.

#### 4. PLANT REQUIREMENTS

A. Air Circulation - The facility's sleeping rooms will have adequate ventilation of outside or re-circulated filtered air. The contractor will provide the BOP with third party documentation determining if adequate natural or mechanical ventilation is present.

B. Lighting - All personal living and sleeping areas in the facility will meet the lighting requirements as set forth in the most current and subsequent issues of the ACA Standards for Adult Community Residential Services.

C. Space - A minimum of 25 continuous square feet of unencumbered space per occupant in the sleeping rooms will be provided. The contractor will ensure the square footage area is not obstructed by any object, e.g., bed, furniture, or fixed building structure, and allows a reasonable person enough space to freely move about. The sleeping room area will provide reasonable privacy to the offender; however, it will be accessible to staff at all times. Areas such as day rooms,

closets, bathrooms, TV rooms, dining rooms, or halls will not be considered as sleeping rooms.

The contractor will provide each offender with a bed and one closet or locker which provides for adequate space and is adjacent to or located in their sleeping area for the storage of personal items. Adequate space means an area which provides a reasonable person enough room to store personal clothes and hygiene articles. The contractor will provide offenders with a means; i.e., padlock, to secure their property. The contractor will always have instant access to all closets and lockers for reasons of security and safety.

Co-correctional facilities will provide for separate sleeping, bathing, and toilet areas by gender. If the facility is co-correctional, the contractor will indicate separate sleeping, bathing, and toilet areas by gender on the architectural floor plans and will have a written plan outlining procedures to maintain separation by gender.

The contractor will provide appropriate space and furnishings inside the facility that affords a reasonable amount of privacy, as well as, adequate staff supervision for counseling sessions, group meetings, and visitation.

All contracts providing services to the Federal Government must meet the Architectural Barriers Act of 1968, which requires that certain buildings owned, occupied, (leased) or financed by the Federal Government be designed, constructed or renovated so as to be accessible to and useable by physically disabled people. The Uniform Federal Accessible Standards (UFAS) are the technical guidelines to comply with the ABA.

The Rehabilitation Act of 1973 prohibits federal agencies and their grantees and contractors from discriminating against people based on disability in employment, programs, and activities. Under this Act are two applicable Sections, 502 and 504. Section 502 established the Architectural and Transportation Barriers Compliance Board (ATBCB) to ensure enforcement of the Architectural Barriers Act of 1968, and accessibility standards for federally owned, occupied, or leased buildings or facilities. Section 504 prohibits discrimination against qualified individuals with disabilities in federally funded programs and activities. The Justice Department's Civil Rights Division is responsible for ensuring compliance with this Section.

D. Lavatory - A male facility will have at least one operable toilet for every ten offenders (urinals may be substituted for up to one-half of the toilets), one shower (or bathing area) for every eight offenders, and one wash basin for every six offenders. If the facility is a co-correctional or all-female facility, the contractor will provide at least one operable toilet, one shower (or bathing area) for every eight offenders and one wash basin for every six offenders. The lavatory accommodations for the females will be separate from the males.

Showers and wash basins will have hot and cold water. Hot water temperature will be thermostatically controlled so the water does not exceed 120 degrees Fahrenheit (49 degrees Celsius), except for food service equipment. Temperature control devices will be inaccessible to offenders and unauthorized personnel.

E. Laundry - Laundry facilities will be available to all offenders. The contractor will provide one operable washer and dryer for every 16 offenders in the facility or through a community establishment within one mile of the facility. Residents are responsible for the cost of laundering their personal clothing items. The contractor will provide indigent residents with laundry tokens (or equivalent) and detergent until they receive their first paycheck. The contractor will provide laundering services for facility provided linens at no cost to federal offenders.

F. Telephone - The contractor will provide the offenders telephone service which is accessible on the facility's premises. The use of pay telephones is acceptable. The contractor will provide at least one telephone for every 10 offenders.

G. Room Temperature - The contractor will maintain the facility temperature at a level appropriate for the season in accordance with 41 CFR 101-20.107 Federal Property Management Regulations and ASHRAE Standard 62 (American Society of Heating and Air Conditioning Engineers).

H. General - The site performance will not operate as a hotel or motel. Living quarters should be geared toward reentry and independent living.

The interior of the contract facility will be a non-smoking area and signs will be conspicuously posted indicating this

requirement. The contractor may designate smoking areas outside the contract facility 10 to 25 feet away from all entrances and exits or that comply with local restrictions, whichever is more stringent.

I. Drinking Fountains - The contractor will ensure all drinking fountains are maintained in accordance with BOCA, ADA, and the Clean Water Act.

#### CHAPTER 4 - Life Safety

Any structure used to house federal offenders must meet specific fire and safety standards before it can be approved by the BOP. In applying these standards, the safety and welfare of both staff and offenders must be considered. The contractor will maintain an acceptable level of fire and life safety by complying with the most current edition of applicable fire safety codes, standards and regulations of the National Fire Protection Association (NFPA).

The contractor will provide documentation indicating they are in compliance with the most current version of the NFPA codes and standards. The contractor will also comply with the most current version of the following California State Technical Information Bulletins, published by the California Bureau of Home Furnishings and Thermal Insulation: Bulletins: 106, 116, 117, 121 and 133. The BOP reserves the right to act as the AHJ with respect to the interpretation, enforcement, and waivers of these requirements.

1. INSPECTION - The contractor will maintain a current independent third party certification that all buildings used to house federal offenders are in compliance with NFPA 101. In addition, the contractor will have each building inspected annually by a local or state AHJ. These annual inspections will be conducted on or about the option year dates of the contract. Inspection reports will be retained and made available to the BOP to indicate the inspections were completed in a timely and appropriate manner.

BOP reserves the right to conduct inspections to verify compliance to annual certifications and local/federal codes.

2. FIRE EVACUATION AND EMERGENCY PLANS - The contractor will maintain current written emergency plans. The contractor will train all staff in emergency procedures within one week of their initial employment. In addition, the contractor will include emergency training in annual refresher training for all staff. The contractor will document all training by having staff sign a training log.

The plans will describe the procedures to follow in emergency situations, and be updated on an as-needed basis. The contractor will submit to the RRM a current copy of the emergency plans after contract award and before the notice to

proceed is given by the CO. The contractor will forward any subsequent changes or updates to the emergency plans to the RRM. The intent is that both the RRM and the contractor will have a set of current procedures to use if an emergency occurs.

The contractor will ensure all emergency contact telephone numbers and addresses are up-to-date and valid. The plans will identify potential emergency situations such as a fire or major emergency (including man-made and natural disasters) and outline appropriate action which ensures offender accountability and safety. At a minimum, the plans will include instructions for the following:

- Immediate notification to the fire department;
- Facility and community search for missing offenders;
- Automated information backup procedures (if needed);
- Utility services interruption; i.e., water, gas, power;
- Evacuation in case of fire;
- Procedures in the event of man-made or natural disasters;
- Evacuation routes and procedures;
- Immediate notification of community emergency response teams;
- Notification of authorities, including internal and external; and
- Control or extinguishment of a small fire.

A. Diagramed Evacuation Routes and Drills - The contractor will post diagramed evacuation routes at a conspicuous location on every floor or level of the facility. The contractor will not use the site and floor plan for this requirement. The diagram will meet NFPA requirements.

A diagramed emergency evacuation route will identify "You Are Here" location and be compatible with the floor plan. This diagram will also show the exterior areas around the facility and indicate outside areas of the facility used as assembly points or other areas of safe refuge during an emergency evacuation or drill.

The diagram will include the location of building exits, fire extinguishers, pull-stations, and first aid supplies. It will also show areas of safe refuge.

The contractor will review all emergency and evacuation procedures, including diagramed evacuation routes, with each new offender upon arrival.

The contractor will conduct an evacuation drill at a minimum of one drill during each shift each quarter (a minimum of 3 drills). The contractor will document each drill which will include how the evacuation alarms were activated, date and time of the drill, amount of time taken to evacuate the building, evacuation path used number of staff and offenders participating, and comments.

B. Fire Alarm Systems - All buildings used to house federal offenders must be equipped with an automatic fire detection and alarm system designed, installed, tested, and maintained in accordance with NFPA. The system design must incorporate hard wired smoke detectors in all sleeping rooms, corridors, and common areas. The alarm system must be hard wired into an enunciator panel, located at a central control point under 24-hour staff supervision. Facility staff as designated by the facility director will be trained and knowledgeable in the operation of the fire alarm system. A trained staff member will be on duty at all times.

C. Fire Extinguishers - Buildings used to house federal offenders must be equipped with an adequate number of portable fire extinguishers that are sized, located, installed, tested, and maintained in accordance with NFPA. At least one extinguisher must be provided on each level of the building.

3. FURNISHINGS - Combustible and flammable fuel load sources will be kept to a minimum to prevent the possible spread of fire. The contractor's furnishings will meet the standard test requirements in the California State Technical Information Bulletins.

All mattresses, mattress pads, and pillows throughout the facility will meet the Flammability Standard DOC-FF-472 or Federal Flammability Standard 16 CFR §1632. The contractor will maintain documented compliance of this requirement.

Interior furnishings such as window covers, curtains, sofas, chairs, etc., will meet the requirement of all NFPA standards. These are to be considered minimum requirements.



The contractor will maintain documentation of compliance with NFPA standards.

NOTE: These requirements apply to the entire structure, even when federal offenders occupy only a portion of the facility. An exception is when the area housing federal offenders is separated from other areas of the building by a two-hour fire wall which meets the approval of the AHJ.

## CHAPTER 5 - Sanitation & Environment

1. SANITATION - A well-defined sanitation and housekeeping plan is of utmost importance for the protection of health and well-being. In addition, proper sanitation throughout the facility complements fire and pest control efforts. Failure to maintain an aggressive program results in preventable accidents, injuries, and personal liability.

The contractor will maintain a written sanitation and housekeeping plan which provides for the upkeep of the facility. The plan will be made available to the BOP upon inspection.

The housekeeping plan will assign specific duties and responsibilities to staff and offenders. The plan will address the following:

- The facility and surrounding area are kept clean and in good repair at all times.
- Sidewalks leading from the exits will always be clear of materials, debris, ice, and snow.
- The contractor will document weekly sanitation and safety inspections of all internal and external areas and equipment. Documentation will indicate corrective action to be taken on discrepancies found during these inspections. The action will be done in a timely manner and will be documented and made available for BOP inspection upon request.
- Waste containers will be of noncombustible or other approved materials.
- Filters on furnaces and ventilation systems are to be exchanged and kept clean per manufacturer's requirements. The contractor will not allow the ventilation system ducts and vents to accumulate excessive dust and dirt build-up.
- The contractor will equitably assign general housekeeping chores of common areas to all offenders.

Offenders are not permitted to perform work for the contractor, except as part of the sanitation and housekeeping plan. The contractor will require offenders to maintain high sanitation in their living areas. This includes sweeping and cleaning their sleeping areas, recreation or day rooms, bathrooms and showers, passages and hallway areas. "Extra Duty" to clean an area of the facility could be imposed for minor rule infractions in accordance to the chapter on

discipline. The contractor will not use offenders in lieu of paid workers.

2. ENVIRONMENT - The contractor will establish an appropriate recycling program to include, at a minimum, aluminum cans and newspapers, or to meet applicable local recycling requirements.

## CHAPTER 6 - Electrical Safety

The contractor will comply with all local, state, and national electric codes to include National Electric Code (NEC) and OSHA standards. In the event local, state, and national codes conflict, the most stringent will apply.

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

1. GROUND FAULT CIRCUIT INTERRUPTER (GFCI) - The contractor will use GFCIs on all 110 volt single phase outlets in the laundry, and kitchen and bathroom areas within 180 centimeters (5.9 feet) of a water source. GFCI wiring will be 14 gauge with ground. Standard wiring is usually 12 gauge with ground.

2. PANEL BOX - Electrical panel box covers will contain an accurate directory. The directory will reference the disconnecting means of electrical equipment, such as the breaker switch, and indicate the area which it controls.

3. EXTENSION CORDS - The contractor will not use extension cords in lieu of hard or permanent wiring. Permissible, temporary extension cords must have surge protectors.

4. RECEPTACLES - Wiring and receptacles must be grounded. Two-wire outlets may not be used.

5. FLOOR SPACE HEATERS - Floor space heaters that are cool to the touch and utilize an automatic shutoff if overturned may be used.

6. FANS - Appropriate guard grids on oscillating or floor fans will be in place.

7. ELECTRIC SAFETY - The following electrical safety standards will apply:

A. Damaged or frayed wiring cannot be taped or spliced. The use of electrical tape to repair cut or damaged cords or cables is prohibited. Cords and cables must be repaired by the proper means, e.g., use of heat shrink tubing, or re-installation of cords or cables to equipment. Bare wire may not be exposed.

B. Empty light fixture or fuse sockets may not be exposed or unprotected. Missing knock-outs, circuit breakers, or other openings in electrical equipment must be enclosed to prevent exposure to live or energized ports.

C. The use of multi-outlet electrical adapter plugs is prohibited.

D. Damaged plate covers, switches, and outlets must be replaced.

E. Hot water "stingers" are unsafe from the standpoint of fire safety. The contractor will not use or allow the use of these devices in the RRC.

## CHAPTER 7 - Hazardous Materials

The contractor will establish and use a written plan for the storage, issuance, handling, and accountability of flammable liquids, hazardous chemicals, toxic, and caustic materials used within the facility. Hygiene items are exempt from the Hazardous Communication program. Aerosol spray cans are not considered to be pressurized containers.

The contractor will also address universal precautions in regards to blood and body fluids. All body fluids are to be considered as potentially infectious. The contractor will have and maintain a body fluid clean up kit in the facility.

The Environmental Protection Agency (EPA) and OSHA establish standards for the proper handling and use of toxic, caustic, and flammable materials. When using hazardous materials at the facility, the contractor will provide protective clothing at no cost to the offender in accordance with the Material Safety Data Sheets (MSDS).

Activities which are implemented, in whole or in part, with federal funds must comply with applicable legislation and regulations established to protect the human or physical environment and to ensure public opportunities for review. The contractor will remain in compliance with federal statutes during the performance of the contract, including but not limited to the Clean Air Act, Clean Water Act, Endangered Species Act, Resource Conservation and Recovery Act, and other applicable laws, regulations, and requirements.

The contractor will be responsible for and will indemnify and hold the Government harmless for any and all spills, releases, emission, and discharges of any toxic or hazardous substance, any pollutant, or any waste, whether sudden or gradual, caused by or arising under the performance of the contract or any substance, material, equipment, or facility utilized therefore for the purposes of any environmental statute or regulation, the contractor will be considered the "operator" for any facility utilized in the performance of the contract, and will indemnify and hold the Government harmless for the failure to adhere to any applicable law or regulation established to protect the human or physical environment. The contractor will be responsible in the same manner as above regardless of whether activities leading to or causing a spill, release, emission or

discharge is performed by the contractor, its agent or designee, an offender, visitor, or any third party.

If the contractor spills or releases any substance into the environment, the contractor will immediately report the incident to the CO through the RRM. The liability for the spill or release of such substances rests solely with the contractor and its agent.

At no time will the contractor dispose of hazardous, toxic or caustic substances by unsafe methods. Unsafe methods include spreading or pouring it onto the ground, dumping in a lake, river or stream, and flushing into sewers.

1. TRAINING - The contractor will train all staff in the proper handling and use of all hazardous, toxic, caustic, and flammable materials within two weeks of their initial employment or whenever a new hazard is introduced into their work area and annually thereafter.

All offenders will receive training during intake screening. If controlled materials are issued to an offender for authorized use, the offender will sign an acknowledgment specifying they understand the proper use of the material as well as its potential health hazards. The contractor will document all training. Training will include:

- Methods that may be used to detect the presence or release of hazardous materials in the facility;
- the potential health hazards of chemical spills in the work area;
- the measures employees and offenders can take to protect themselves from these hazards, including procedures such as universal precautions and personal protective equipment; and
- the details of the hazard plan developed by the contractor, including an explanation of the labeling system and the MSDS, and how employees and offenders can obtain and use the appropriate information regarding hazardous materials.

2. MSDS - When using an identified hazardous material, the contractor will obtain and maintain the MSDS (OSHA-174 Form or its equivalent) for that material. MSDSs will be maintained and readily accessible to staff and offenders. The MSDS lists information about the storage, use, and disposal of the material and those requirements will be followed.

Staff will review quarterly the MSDS to ensure that it is current. Staff will document this review and make it available to the BOP upon inspection.

3. MANAGEMENT - The contractor will provide a method of accountability and supervision for chemicals and hazardous materials. Employees will continually demonstrate to offenders the proper use of these materials. Offender personal hygiene items are exempt from this requirement.

NOTE: Flammable materials such as gasoline, kerosene, propane, and paint thinner will be stored outside of the main facility, unless otherwise indicated by the AHJ.

The contractor will provide a level of supervision required for chemicals and hazardous materials determined by the level of hazard labeling. The MSDS will outline the precautions to be used for each chemical.

The contractor will use good judgment when making decisions regarding the use and storage of chemicals and hazardous materials. The intent is to manage chemicals and hazardous materials in accordance with governing regulations while providing a safe environment for both offenders and staff members.



## **CHAPTER 8** - Pest Control & Waste Management

1. PEST CONTROL - The contractor will provide for vermin and pest control and disposal. Control and accountability of pesticides and rodenticides are mandatory.

The contractor will place screens, in good condition, on all open windows and doors throughout the contract facility to include food preparation and dining areas. Screens are not required on exit doors.

The contractor will post a notice twenty-four hours in advance notifying residents of the application of pesticides. This will include the type of pesticide used. This notice will remain posted twenty-four hours following the application of the pesticide.

2. TRASH REMOVAL - The contractor is responsible for all trash removal. The contractor will provide noncombustible containers in such sizes and quantities needed for sufficient trash collection. Trash will be removed at least daily from inside the facility. The contractor will ensure that all garbage is removed from the facility property in such a manner to ensure sanitation and to prevent accumulation, odors, and pest control problems.

## CHAPTER 9 - Referral and Intake Processing

The contractor will have written policy and procedures governing offender referral and intake processing.

The contractor will accept all offenders for placement at the facility and manage any offender referred by the RRM. In cases where a referral is denied, the contractor will submit written justification to the RRM who will determine if the justification is in compliance with the technical proposal. Examples of justification would be if placement of the offender in the RRC would be a violation of local and/or state laws or ordinances. Acceptance of a federal offender not referred by the RRM may result in non-payment under this contract.

1. REFERRALS - The RRM will forward a referral packet to the contractor requesting a specific placement date within fourteen calendar days of receipt of the referral packet. If the placement date is within 30 days the contractor must respond within 2 working days, excluding weekends. If the requested acceptance date is not granted, a written justification must be provided to the RRM.

A. Acceptance - The contractor will provide written notification of acceptance to the RRM confirming the reporting date. If the reporting date differs from the date in the referral packet, the contractor must obtain concurrence from the RRM before notifying the referring source of the acceptance.

1) Offenders transferring from a BOP institution - The contractor will send the notification of acceptance, subsistence collection agreements, and RRC rules and regulations to the offender in care of the Unit Manager as indicated in the referral packet.

2) Supervision case - The contractor will send the acceptance letter, subsistence collection agreements, and RRC rules and regulations directly to the offender with copies to the USPO.

2. Admission - Immediately upon an offender's arrival, staff will conduct a private interview with the offender to determine if there are any non-medical reasons the offender should be housed away from the rest of the facility's offender population.

During the interview, contract staff will evaluate the general physical appearance and emotional condition of the offender and ask questions pertaining to both physical and mental health conditions. It is particularly important for the intake staff to ask the resident about medications, e.g., do they have any prescribed medication from the institution, how much, and are they in compliance with taking their medication, etc. All information provided by the offender regarding medication will be confirmed by the medical referral form. If the offender is on prescribed medication, the contractor will initiate a process to ensure the offender receives his/her medication prior to the expiration of the current supply. The contractor is to ensure prescribed medication is controlled and distributed in accordance with the facility's written policy on offender's prescribed medication.

In addition, during the interview staff will inform the offender about the RRC rules and regulations to include the contact person(s) regarding incidents of sexual abuse/assault, discipline, curfew, and visiting.

The contractor will issue each offender one complete set of clean bed linens and towels. The contractor will provide for the exchange or laundering of these items on a weekly basis, at no cost to the offender.

When an offender is indigent, the contractor will provide personal hygiene articles at no cost to the offender. Examples include soap, deodorant, toothbrush, toothpaste or powder, comb, and toilet paper. For female facilities, the contractor will provide female hygiene products.

3. Notification - The contractor will fax a daily admission/transfer/release form each business day to the RRM indicating all arrivals/transfers/releases for the day, including any during the evening hours, weekend, or holidays. If the reporting offender is a supervision case, the contractor will, in addition, notify the appropriate USPO. The form must include full name, register number and the time of arrival/transfer/ release.

Accountability is paramount. Should an offender not arrive within one hour of the designated time, the contractor will immediately notify the RRM that the offender failed to report to the RRC. There may be instances where there are circumstances beyond the offenders' control. In these cases, the contractor

must verify the reason and notify the RRM immediately that the offender has arrived and reason they did not arrive by the designated time.

Any offender committed to the BOP, who fails to report to a contract facility for admission, will be placed on escape status. The federal escape statute applies only to those who escape from the custody of the Attorney General or BOP.

Offenders housed at a RRC as a condition of supervision are ordinarily not to be in the custody of the Attorney General or BOP. These offenders who leave without authorization have absconded from supervision rather than escaped from custody.

**Determination of escape or abscond status rests with the BOP.**

The contractor will process the following required documents and return them to the RRM within one calendar day of the offender's arrival. The contractor will maintain copies of all these documents in the offender's file.

A. Transfer Orders - For institution transfers, the contractor will sign and return the Transfer Order (Return of Service) to the RRM within one business day of the offender's arrival.

B. Judgment/Commitment Order - The contractor will execute the Order upon arrival of offenders placed in BOP custody as a condition of probation. Staff must execute the certified Orders, and return one to the RRM and one to the U.S. Marshal (USM) of the sentencing district.

C. Fingerprints - For institution transfers (BOP cases), the contractor will execute the Authorized Unescorted Commitment & Transfers Identification Card by fingerprinting the offender's thumb in the designated spot. The contractor will forward the executed card to the RRM within one business day of the offender's arrival. It is critical that staff compare the new thumb print with the thumb print on the card to verify the identity of the offender. Identification is also done by comparing the offender with the photo on the card and questioning the offender about their name, date of birth, offense, and register number.

The contractor will take one set of fingerprints on supervision cases and direct court commitments. Fingerprints will be taken immediately upon arrival and forwarded to the RRM.

RRCs operated by state correctional or parole agencies will forward fingerprint cards to the RRM. However, the RRM may authorize the agency to send the cards directly to the FBI.

If the contractor does not have staff trained in fingerprinting procedures, arrangements may be made with a local law enforcement agency. In this case, staff will accompany the offender when prints are taken. Staff may contact the RRM for assistance in arranging for fingerprints.

D. Intake Screening Form - The contractor will complete Attachment H, INITIAL INTAKE FORM, for each offender and place it in the offender's file.

E. Photograph - The contractor will photograph each offender admitted to the center, retain the photograph in the offender's file. The offender will be re-photographed if there is a significant change to his/her appearance during the RRC stay. This will provide for a recent, clear means of identification, which is especially useful in subsequent matters of investigation, discipline, or escape.

F. Conditions of Residential Re-Entry Programs - Each offender must sign the BOP form COMMUNITY BASED PROGRAM AGREEMENT. If an offender is transferred from a federal institution, this form should already be in the file, signed by the offender. However, if the form is absent from the file, the contractor will have the offender sign the form and place it in the offender's file. This requirement is applicable to all offenders.

G. Screening - All USPO cases committed directly to the facility will receive a screening immediately upon arrival. Special emphasis should be given to chronic health conditions such as diabetes, hypertension, infectious diseases such as TB, HIV, hepatitis, etc., and any mental health problems. The screening is to determine any urgent medical or mental health care needs, restrictions from work, and freedom from infectious disease.

The contractor will notify the RRM of those offenders with immediate medical or mental health needs, and/or infectious

diseases. The results will be documented, placed in the offender's file, and sent to the RRM. However, if an offender is suspected of having an infectious or debilitating health problem during the RRC initial screening, the contractor will arrange for an immediate examination within one calendar day after arrival.

H. Medical Examination - All USPO cases committed directly to the facility will receive a medical examination within five calendar days after arrival. This examination is to identify any medical or mental health conditions which may require medical attention.

NOTE: The complete health examination will include relevant diagnostic procedures. All offenders should be tested for TB (PPD test and, if positive, a chest x-ray), and any other infectious/communicable diseases if clinically indicated.

#### I. 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.

#### **Residential Reentry Contract Facility Procedures for DNA Collection**

Each Contract Facility will be responsible for arranging the collection of DNA samples from adult inmates for whom the Residential Reentry Manager (RRM) has identified as requiring testing. These inmates include:

- Residential Reentry Center (RRC) residents, 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.

If an inmate in an FLM program requires DNA sample collection, the RRM will contact the probation office and arrange for the sample to be collected by the USPO.

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

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

The servicing RRM 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 RRM office identifies an inmate requiring DNA testing they will forward to the contractor, a letter requesting the collection of the DNA sample (see attachment F), the buccal swab kit, and a DNA Fact sheet (See attachment G).
- 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 hrs. 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.

#### **Refusals to Submit a DNA Sample**

- In the event an inmate refuses to submit to the contractor taking the DNA sample, the inmate should be counseled regarding the obligation to provide a sample. Should the inmate continue to refuse, the contractor will contact Bureau staff.
- Residential Reentry inmates will be assessed by the Regional Reentry Management Team (RRMT); state concurrency inmates will be assessed by the Regional Correctional Program Office. If needed, an appropriate Bureau facility

will be identified for temporary placement in order to obtain the DNA sample.

**Procedures for State Concurrency Cases**

Inmates who have been convicted of a crime in both federal and state courts, and have their sentences running concurrently are referred to as "STATE CONCURRENCY CASES". These inmates may be housed in state facilities and are monitored by the Regional Correctional Programs Office.

All of the procedures described for adults in this memorandum are applicable to state concurrency cases, with Regional Correctional Programs staff completing staff procedures.

**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 RRM office if further information is needed.



## CHAPTER 10 - Programs

1. PROGRAM COMPONENTS - The program components are community corrections, pre-release and home detention. The contractor will initially place all federal offenders in the community corrections component, unless otherwise specified by the Court, Program Review Team (PRT) (see section 2) or RRM.

Offenders in all components are provided the same general program resources. An offender will move from one component to another component based upon his/her demonstrated level of responsibility, supervision needs, and the restrictions of the sentence structure. In addition, an offender may be given increased privileges within a component as they demonstrate increased levels of responsibility, e.g., an offender in the pre-release component may not be ready to immediately receive a weekend pass but rather begin with evening or day passes and then graduate to weekend passes. The contractor must have a thorough understanding of the components, and subsequent requirements for each component.

A. Community Corrections Component - The community corrections component is the most restrictive. Except for employment, participation in religious activities, approved recreation, program needs, community programs, and emergency situations, the offender is restricted to the RRC. Visits with the family and significant others will only take place at the facility.

The PRT determines when the offender is appropriate to move into the pre-release component. The RRC director is given authority to move an offender into the pre-release component based on feedback provided by the PRT. There may be some instances where the RRM will be the approving official. In those cases, the RRC director will request approval before assigning an inmate to this component.

B. Pre-release Component - Offenders in the pre-release component generally have more access to the community and family members through weekend and evening passes, in accordance with the Authorized Absences section of this SOW. The offender must develop a daily detailed itinerary that is scheduled in advance and approved by RRC staff. The itinerary must include travel routes, destinations, and time frames. Generally, offenders should be employed before allowing them to be absent from the RRC for social purposes.

C. Home Detention - Home detention is the least restrictive component. A contractor will recommend home detention when it appears the offender will derive no further benefit from facility residency. When an offender is not involved in approved activities, programming requirements and/or employment, they are required to remain in their home.

The contractor must include the following information in the referral packet for home detention:

- Offender name & register number;
- Release method and date;
- RRC address and recommendation;
- Rationale for recommendation;
- Recommended range of home detention, or placement date;
- Financial obligations;
- Specify release needs;
- Current case note;
- Indication that current telephone bill has been reviewed and appropriate; and
- Required forms such as; CONDITIONS OF HOME DETENTION; COMMUNITY BASED PROGRAM AGREEMENT; and HOME DETENTION AND COMMUNITY CONTROL AGREEMENT.

The contractor will not place an offender on home detention until the offender has agreed to the conditions, signed the forms, and approval has been received from the RRM. The RRM may require additional documentation from the contractor when making a home detention determination. Only the RRM or designee, who is approved by the RMT, may approve home detention.

Compliance with the conditions of home detention may be monitored by:

- telephone;
- in-person contacts; or
- electronic monitoring equipment.

Contracting staff shall telephonically contact the offender at random hours each day at home, work or both. In addition, contracting staff will visit the offender at their home and place of employment at least once each week. Offenders on home detention are required to return to the facility at least once each week for routine progress reviews, counseling, urine

testing and other required program participation. If the offender's home detention is monitored by electronic monitoring, contracting staff will visit the offenders home and place of employment at least once every 30 days.

If electronic monitoring equipment is to be used, the contractor must notify the RRM of the type of operational specification standards. The contractor will make maximum use of this component by referring all eligible and appropriate candidates to the PRT or RRC Director and the RRM for review.

The following conditions will apply concerning Home Detention:

- Contractors are NOT required to provide meals, medical treatment, clothing or incidentals, laundry services, or other subsistence items to residents on Home Detention.
- Contractors will maintain documentation of all staff contacts with residents on Home Detention.
- Contractor will conduct a monthly review of the telephone bills, to ensure that no service is in place that would circumvent the accountability program. The results of each review will be documented in the offender's file.
- The contractor will notify the RRM immediately of any misconduct or failure of a resident on Home Detention to comply with Home Detention conditions.
- The contractor is not required to reserve a bed at the center for a resident on Home Detention.
- The per diem rate for residents on Home Detention will be one-half the regular per diem rate. (In the event one-half the per diem rate does not divide evenly, round the cents column down).
- The contractor will collect subsistence from a resident on Home Detention at a rate of 25% of their gross income. The weekly subsistence collected will not exceed the per diem rate established for Home Detention times seven.
- Home Detention days are calculated as a full inmate day for contract purposes (one home detention day equals one inmate day). Only the per diem rate is one-half the regular per diem rate.

2. PROGRAM REVIEW TEAM (PRT) - The contractor will implement a multi-disciplinary team approach to determining inmate program needs, and will monitor participation to encourage pro-social behaviors.

The PRT will consist of one or more representatives of each of the following: 1) facility director or caseworker; 2) the SSC; and 3) USPO. If the USPO is not able to participate in PRT, the contractor will solicit input from the USPO regarding the offender's programming needs and goal completion.

The contractor will provide the BOP with a schedule of the PRT meetings. When possible, BOP staff should actively participate.

3. INDIVIDUAL ORIENTATION - The contractor will have written policy and procedures on offender orientation, case management, and transitional programming. The contractor must develop and foster collaborative relationships with a network of community resources, social service and support providers, including referrals to other federal, state and local agencies that can assist offenders. The contractor will refer the offender to these programs when needed.

The contractor will provide all programs, services, and opportunities without discrimination based on race, color, religion, sex, national origin, physical or mental disability, age, retaliation, or sexual orientation.

The facility director will ensure that each offender receives an orientation about the facility rules and accountability requirements. The contractor will establish an orientation checklist and staff will have the offender sign and date this document as they complete each requirement, and place the original in the offender's file. Orientation normally will last until the offender is aware of the following:

#### FACILITY RULES:

- Facility's program opportunities;
- Components and what they mean;
- Facility's disciplinary system;
- Universal precautions;
- Sexual abuse/assault intervention;
- Human immunodeficiency virus (HIV) and Hepatitis B & C prevention (e.g., risks regarding sexual behavior and drug abuse);
- Suicide prevention;
- Medication requirements, to include over-the counter and prescribed medication and expectations of medication compliance; and

- Requirements for Urine Surveillance and Testing

#### ACCOUNTABILITY:

- Decision making and consequences of decisions;
- Personal accountability;
- Personal management of challenges during RRC residency;
- Resource person(s) in the facility;
- Consequences of escapes;
- Sign-in/sign-out procedures;
- Pass and furlough procedures;
- Component assignment; and
- Appropriate behavior in the community and the RRC.

RRC staff must exercise flexibility and utilize existing community resources to ensure all offenders have access to religious services. Each request for religious activities will be handled on a case-by-case basis, and the RRM will be contacted for guidance when there could be potential management concerns.

The contractor will provide the opportunity for offenders to engage in recreational activities. These activities are ordinarily provided in the facility and may include television viewing, table games, and exercise equipment. However, if in-house recreation is not possible, alternative recreation will be made available in the community at a specified location, with a written plan submitted to the RRM for approval. The alternate plan must list a specific location within a reasonable distance of the RRC located in an area that supports the mission of the BOP. Offenders, including those in the community corrections component, may sign-out for up to one hour per day (excluding travel to and from) to the alternate recreation location. The sole purpose will be for exercise or recreational activity.

4. PROGRAM PLANNING AND PROGRESS - During an offender's first six weeks, program planning meetings will be conducted every week with the emphasis placed on reentry issues, focusing on family, employment, housing and treatment issues. These meetings will be documented in the reentry plan case file.

Assessment and Reentry Plan - The contractor will have specific methods (assessment instruments) for assessing the risks and individual needs of each offender. During the first two weeks at the RRC, the contractor will complete an individualized

reentry plan. This plan is based on the results of the assessment(s) and the weekly program planning meetings and will address all of the offender's needs and risks. The contractor will clearly identify in the reentry plan how they will prioritize and assist the offender in meeting the identified needs, to include specific program activities and a time table for achievement of these goals.

Subsequent to the offender's first six weeks in the RRC, bi-weekly program planning meetings will be conducted with the offender. The case manager and offender will review and sign progress reviews at least every two weeks. This will be documented with case notes. These notes will, at a minimum, indicate the required information listed on Attachment B, CASE NOTES. Case notes will have substance and should clearly indicate the offender's progress. The case notes must be used as the basis for the terminal report. The original signature copy will be placed in the offender's file.

It is the responsibility of the SSC to develop and coordinate reentry programs to ensure continuity of care for the offender and facilitate services for offenders with special needs; i.e., sex offenders, significant medical and mental health issues, drug and alcohol abuse/dependence, and specialized female offender programming.

In some cases, the results of the needs assessment and input from the SSC may indicate the offender has needs greater than employment; i.e., furthering educational and vocational training, mental health treatment, etc. If eliminating or limiting employment hours are warranted to address other identified needs, the contractor will notify the RRM for approval.

The contractor will make every effort to include the offender's family members/significant others in the reentry program planning process. The purpose is to cultivate a network of support for the offender's eventual return home. Therefore, family is defined broadly and may include extended family members, partners, close friends, or mentors.

The contractor will consult with the USPO when developing reentry plans for USPO cases. The reentry plan will be signed by the contractor and offender, and when applicable, the supervising authority. If the offender refuses, staff

witnessing the refusal will place a signed statement to this effect with the plan.

5. EMPLOYMENT - The contractor will develop and provide an employment assistance program. Emphasis should be placed on assisting the offender in finding viable employment that will potentially offer long term employment based upon their skills and capabilities. The contractor must provide transportation or public transportation vouchers to assist indigent offenders seeking employment.

The SSC is responsible for providing offenders with employment assistance in accordance with, but not limited to the following:

- Job placement resources both in the RRC and in the community, to include the Department of Labor's (DOL) One-Stop System;
- Employment information assistance using computer-based technology and resources which include career assistance software and on-line resources; i.e., Internet, America's Career Info Net. The SSC will have direct access to the Internet to meet this requirement;
- Portfolio development, resume writing, proper dress and interview techniques training;
- Individual and group counseling, case management, and post-release follow-up relative to employment within the community, to include the area where the offender plans to live following release;
- Employment job fairs either on-site or in partnership with other organizations, such as community colleges; and
- To maximize job retention, every effort should be made to match an offender's skill levels to an actual job placement. For example, an experienced heavy equipment operator may not be appropriately employed as a short order cook at minimum wage.

The SSC is encouraged to communicate with the BOP Inmate Transition Branch, (202)305-3868, and post contract award, to obtain pertinent and developing information in this area.

In situations where it has been determined that the inmate has other identified needs greater than employment; i.e., furthering educational and vocational training, mental health treatment etc., the offender will be given a reasonable period of time, not to exceed 21 calendar days, to demonstrate active pursuit in

addressing these needs. The caseworker and the SSC will meet with the inmate on a weekly basis to review progress.

If full time employment or involvement in addressing other identified needs is not obtained in 21 calendar days after completion of the orientation program, the contractor will forward to the RRM a biweekly status report of the efforts to assist the offender and maintain a copy in the offender's file. The SSC, with input from the case manager, will develop a plan to involve the offender in productive activities; i.e., volunteer work, community service, to minimize the amount of idle time. The plan and case notes on the offender's efforts and progress will be placed in their case file.

**Ordinarily, self-employment or employment by a resident's family member must be approved by the RRM.**

A. Approval and Verification - Each offender's employment requires the contractor's written approval. The contractor will ensure through documentation that the offender's employer is aware of the offender's legal status prior to the first workday. When written correspondence is utilized, it will be delivered by the contractor or through U.S. mail, not hand delivered by the offender. Any changes in an offender's employment will require advance approval by the contractor.

For each job an offender acquires, the contractor will verify employment by an on-site visit during the first seven calendar days, and document the visit in case notes to include date and the title of the person contacted. The contractor will request the employer notify the contractor if the offender does not report to work as scheduled, is terminated or quits. A telephone number and contact person at the RRC will be provided to the employer to report such incidents. Thereafter, at least monthly, the offender's employment supervisor will be contacted by phone or site visits to substantiate attendance and discuss any problems which may have arisen. The contractor will complete additional contacts as necessary. All contacts concerning an offender's employment will be documented in the case notes. The RRM may modify this requirement.

All offenders (BOP and USPO cases) are subject to these requirements. The contractor will report any deviation to the RRM. Any modifications of these requirements for USPO cases may be approved by the RRC director or assistant with USPO



concurrence. Documentation will be maintained in the offender file.

B. Restriction - Restriction from work will not be used as a disciplinary sanction. Informal resolution will not impede or control an offender's ability to work.

C. Electronic technology - The use of beepers, cellular phones and computer equipment is common place. When an offender must maintain a beeper, PDA, cellular telephone or computer equipment with Internet access in the performance of his or her work, the contractor must develop policy and procedures to monitor the legitimate use of this equipment. The following procedures will be followed:

- The offender will make a written request to the facility director stating the specific need and use for the electronic communication equipment. The facility director is the approving authority. The contractor will document this action in the offender's file.
- For USPO cases, the facility director will make the request to the USPO. A copy of the request will be forwarded to the RRM for informational purposes. The USPO's response to the request will be placed in the offender's file. This approval authority may be delegated by the USPO to the facility director or designee.
- A pager, cell phone, caller ID, or other type of electronic equipment will not be used for accountability purposes.

6. OFFENDER'S FINANCIAL RESPONSIBILITY - The Bureau expects each sentenced inmate to meet his or her legitimate financial obligations. To provide for the continuity of the Bureau's institution policy concerning the Inmate Financial Responsibility Program, the contractor will establish a program to meet the following:

- All sentenced inmates with financial obligations will develop, with staff assistance, a financial plan to meet those obligations.
- Each financial plan will be monitored effectively to ensure satisfactory progress is being made.
- Appropriate consequences will be incurred by inmates who refuse to participate in the program or fail to comply with their financial plan.

- The financial plan will include the following obligations, ordinarily in the order listed:
- Special Assessments
- Court-ordered restitution
- Fines and court costs
- State or local court obligations
- Other federal government obligations
- The contractor will develop a working relationship or point-of contact (the courts and United States Attorneys' offices) to assist residents in making payments and will record the inmate's progress toward meeting those obligations. The contractor will provide pertinent addresses to residents concerning payment of court ordered financial obligations.

Cost of Incarceration (COIF). The contractor will contact the RRM for direction on all cases concerning COIF. The contractor will post the most recent version of the P.S. 5380, Cost of Incarceration Fee (COIF) in the RRC for all offenders to read. The contractor will comply with the requirements of COIF under the direction of the RRM.

Subsistence. To promote financial responsibility, the BOP requires offenders to make subsistence payments to the contractor each payday. The contractor will develop and use an offender's subsistence agreement form which documents the offender's obligation and responsibility to pay subsistence and other financial obligations outlined in the SOW. Offenders are expected and should be able to meet this basic financial obligation while participating in the RRC program. Failure to pay accurate subsistence, to include underpayments, will result in an immediate disciplinary report being issued to the resident/offender. In the case of an underpayment, the offender will be issued a disciplinary report which will then be held for 24 hours pending the receipt of the remainder of the subsistence owed by the offender. If the remaining subsistence is paid within the 24 hours, then the disciplinary report will be informally resolved; if payment is not received, then the disciplinary report will be processed in accordance with the policy statement on Inmate Discipline. In no case is the contractor to refuse any attempts to make partial subsistence payments, the underpayment should be documented, disciplinary report issued, and follow up and collection within 24 hours. All cases of inmate refusal to pay subsistence owed will result in a formal discipline report and notification to the RRM. The

contractor is responsible for collecting the full subsistence amount due and providing the offender with receipts for all subsistence payments. The receipt will indicate the amount collected, gross income, and time period covered. Contractors will not accept subsistence payments in excess of the amount of subsistence owed unless procedures are in place to immediately refund the amount of overpayment to include documentation of the overpayment and acknowledgement of the inmate of the immediate refund as evidenced by signature. If procedures are not in place for immediate refund of any overpayment, then the subsistence payment should not be accepted and discipline procedures should be initiated as a non-payment. Local procedures for collection of overpayments must be approved in writing by the RRM. Copies of all pay stubs and collection receipts will be kept in the offender's file.

When offenders collect a pay check, weekly, bi-weekly, or monthly, subsistence payments will be made to coincide with their payday, contract procedures will require subsistence payments within 48 hours of the scheduled payday. The contractor will collect 25 percent of each employed offender's gross income (calculated for a week) not to exceed the total dollar amount of the contract's daily per-diem rate totaled for one week.

For example, if an offender's gross pay is \$100 for one week, 25 percent would be \$25, which seems to be a collectable subsistence amount. However, the contractor must consider the contract's per-diem rate totaled for the week to determine the dollar amount which can be collected as subsistence. In this example, the contract's daily per-diem rate is \$3; multiplying \$3 by seven (seven represents 7 days in one week) yields \$21. This is the dollar amount that can be collected as subsistence by the contractor. Even though \$25 is 25 percent of the offender's weekly gross pay, only \$21 can be collected because of the contract's per-diem rate.

The contractor will round down all subsistence payments to the nearest whole dollar amount.

Partial weeks of RRC residency are prorated.

For Example: If an offender earns \$8.50 an hour and works a 40-hour work week and earns a weekly gross salary of \$340, the offender normally owes 25 percent of \$340, or \$85 in subsistence for the week. However, if the same offender only resides in the

RRC for 3 additional days beyond his/her last payday, then the offender must pay a portion of the \$85 for those 3 days. In this case, the contractor divides 7 (representing a 7 day week) into \$85. Rounding down, the result is \$12 which is the offender's prorated daily amount. Since the contractor will collect for 3 days, the offender owes \$36 (3 days X \$12 = \$36), in addition to the \$85 (25%) collected from the paycheck. That is if \$36 does not exceed the contract's per-diem rate totaled for the 3 days.

**Prorated amounts will only apply during the departure week, no other time. Pass, furlough or home detention does not release the offender from subsistence responsibilities. If the last week's subsistence has been collected from an offender who is subsequently returned to custody as a program failure, that subsistence must be returned to him/her.**

The last week's subsistence may be collected in advance. **Prorated subsistence for the last week of stay cannot be collected from the resident any earlier than two weeks prior to the release date.** An offender who fails to pay subsistence payments is subject to disciplinary action, including termination from the program. Unless otherwise indicated by the Court, BOP or USPO, all USPO cases will pay subsistence.

Contractors will reduce the monthly billing to the BOP by the amount collected in subsistence and indicate this on the bill. Subsistence not collected or shown as a deduction from the billing by the contractor may be deducted by the BOP from the monthly billing.

The contractor will provide a collection record to include copies of the inmate's paystubs, subsistence waivers, if applicable, and collection receipts with every monthly bill.

Offenders who have other means of financial support, e.g., sale of property, Veteran's Administration (VA) benefits, worker's compensation, retirement income, or Social Security will contribute 25 percent of their determined weekly income, not to exceed the daily per diem rate.

In cases of hardship, the contractor may request the RRM waive or modify subsistence payments. This will be considered on a case-by-case basis. The contractor will consider the offender's debts, assets, employment status and spending history before submitting a written request to the RRM. In addition, the

contractor should also consider that the offender's future success in the community is a basic program objective of RRC residency.

**The RRM must consult with the Regional Management Team (RMT) before authorizing a modification to the subsistence payment schedule and amount.**

Loans to residents are strictly prohibited.

7. RESIDENCE DEVELOPMENT - The offender's reentry plan will include efforts at locating suitable housing. Contractors will maintain documentation of the assistance provided to each offender in the offender's file. In cases where an offender will be released from the facility and continue some type of USPO supervision, the contractor will verify the proposed address and forward written comments regarding its suitability to the USPO for approval within 30 days of the offender's anticipated release.

8. DRIVING - The facility director approves driving privileges for a BOP offender. The USPO approves USPO offenders to drive unless otherwise specified by the USPO.

Ordinarily, offenders may operate motor vehicles for employment purposes and when public transportation is unavailable and the appropriate approval is documented in the offender's file. The offender's file, both BOP and USPO, will contain all supporting documentation used to determine if the offender is appropriate to drive.

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

The offender must adhere to the following conditions:

- The offender must provide proof of valid insurance, (at least liability or the minimum state requirement), a driver's license, vehicle licensing, registration and a current driving record to the contractor.
- The offender is responsible to ensure the registration, driver's license, and insurance are valid throughout their stay at the facility.

- The contractor will maintain copies of these documents in the offender's file, with the exception of the driver's license.
- The contractor will also include the driver's license number, expiration date and a description of the vehicle in the offender's file. If the vehicle to be used is the property of a person other than the offender, the contractor must have documented proof of valid insurance, vehicle licensing and registration, and a signed authorization (either notarized or witnessed by RRC staff) to use the vehicle obtained from the legal owner.

9. Transition SKILLS PROGRAM - The contractor will implement and administer the Transition Skills Program. This program is nine weeks long and utilizes interactive journals. The program is designed to be interactive with structured activities to address common issues offenders encounter during their transition back into the community.

All offenders (except TDAT participants) are required to participate in the journaling program within two (2) weeks of their arrival at the facility and will sign the Agreement to participate in the Bureau Of Prisons Transition Skills Group (Attachment E). The contractor will be responsible for facilitating the group sessions and ensuring offenders complete the journal. The Transition Skills group will be no larger than 24 participants. The duration of the groups will be no less than one hour; 90 minutes is optimum, and group sessions will be scheduled during the resident's non-working hours. If an offender chooses not to participate, he or she will be restricted to the Community Corrections Component until release.

The Facilitator's Guide will be available through the NIC Information Center, at (800)877-1461 or [www.nicic.org](http://www.nicic.org) at no charge. The contractor is responsible for purchasing the Transition Skills Journal for all offenders (except TDAT participants). Journals are to be purchased from The Change Companies, at (888)889-8866 or [www.changecompanies.net](http://www.changecompanies.net).

10. TRANSITIONAL DRUG ABUSE TREATMENT (TDAT) - The Regional Transitional Drug Abuse Treatment Coordinator (T-DATC) will determine which offenders will participate in drug abuse, mental health and sex offender treatment. Drug abuse, mental health and sex offender treatment will be provided by TDAT contract treatment providers identified by the T-DATC. The T-DATC

provides clinical oversight of the inmate's treatment and oversight of the contract treatment providers.

The RRC will be notified of an offender's participation in T-DAT by the T-DATC via a T-DAT Authorization. The T-DAT Authorization will contain the contract drug abuse treatment providers name, address and telephone number. The RRC staff have an obligation to ensure the offender contacts the agency within 3 days of arriving at the RRC to schedule an appointment. If the T-DAT Authorization is sent after the inmate's arrival at the RRC, the contact should be made within 3 days of receiving the form. The inmate must be seen for an initial appointment within 10 days of arrival at the RRC or within 10 days of receiving the T-DAT Authorization. The RRC will work with the contract treatment provider to ensure offenders are attending all subsequent appointments.

Communication between RRC staff and the treatment provider ensures that continuous inmate accountability and public safety are maintained. Regular contact (at least monthly) between the RRC staff, treatment staff, and other involved staff is essential. This may be accomplished through on-site visits to the RRC, RRC staff making on-site visits to the treatment provider, telephone contact, or treatment providers requesting to be a member of the RRC's Community Relations Advisory Board. RRC staff observes the inmate's daily behavior and can reinforce the importance of the relationship between the inmate's compliance with RRC regulations and treatment.

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

12. MARRIAGE - The contractor will refer a BOP offender's request for marriage to the RRM, with the contractor's recommendations. Marriage requests for offenders under supervision will be forwarded to the USPO.

## CHAPTER 11 - Security and Accountability

The contractor will provide written policy and procedures on offender accountability and security inspections.

The contractor will have a comprehensive offender accountability program that ensures every offender is accounted for while in the community, the facility or on home detention. The contractor will have a security inspection plan that provides a safe and secure environment for both staff and offenders. The expected results are that continuous offender accountability and safety are maintained through a system of reasonable and accurate controls. The contractor's program will control the introduction of contraband; insure the facility's safety, security, and good order; prevent escapes; maintain sanitary standards; and eliminate fire and safety hazards.

1. MONITORING ACCOUNTABILITY - The contractor will be able to locate and verify the whereabouts of offenders at all times. Written procedures will be established to guide staff in meeting this requirement. The contractor will contact the offender either telephonically or in-person at random times at work, home, or at authorized destinations to maintain accountability. This should occur at a frequency that ensures accountability and should be commensurate with the accountability needs of each individual offender. **The contractor may request the RRM to modify the daily contacts if it is in the best interest of offender accountability and program objectives. The RRM has the authority to increase or decrease the number of required accountability checks.**

A. Sign-in/Sign-out System - The contractor will monitor offender movement in and out of the facility. The monitoring of offender movement, particularly during the evening and night hours, serves to protect offenders, staff, and the public.

The contractor will authorize an offender to leave the facility through sign-out procedures only for an approved program activity (see Authorized Absences). Documentation of an offender's movement in and out of the facility must include:

- offender's full name and register number;
- type of offender;
- method of transportation;
- work contact information;



- pass site contact information;
- time out;
- destination;
- purpose;
- authorized return time;
- time-in; and
- section for special comments, and certification by staff's initials for each entry.

The intent is to provide a chronological record of the offender's movement.

The contractor will identify and document all individuals, e.g. visitors, contractors, volunteers, entering or exiting the facility by using a sign-in/sign-out system. The contractor will maintain, monitor, and control access to this system. Documentation must include:

- visitor's name;
- organization (if applicable);
- purpose; and
- times in/out of the facility.

In the event of an emergency evacuation, the contractor will continue offender accountability as outlined in the contractor's emergency plans.

The sign-in/sign-out system alone is invalid for overnight release or distances of more than 100 miles. In these circumstances, the contractor will follow the requirements for passes or furloughs.

Ordinarily, offenders will return to the facility from employment before signing out to participate in another approved program activity. However, the facility director may make an exception when travel time or distance is excessive, or when the offender is working unexpected overtime. These instances are on a case-by-case basis. The intent is to balance the offender's approved program objectives with the offender's requirement to return to the facility. Accountability is paramount. Ordinarily, an offender should not routinely sign-out for more than 12 consecutive hours daily without returning to the facility. Any unusual circumstances that may warrant this must be approved by the RRM.

If an offender's place of employment is more than 100 miles from the facility or travel time compromises the established curfew, the contractor will consult with the RRM to make special arrangements for the offender. These requests are considered on a case-by-case basis, and the RRM is authorized to modify the requirements to meet specific needs.

Other than for employment or programming, an offender must be in the center from 9:00 p.m. to 6:00 a.m., unless exceptions are made by the facility director.

B. Authorized Absences - Authorized absences are an integral part of the facility's program. The offender's absence from the facility is to achieve specific programming objectives to include seeking employment, strengthening family ties, engaging in religious activities, education, recreation, and counseling. The contractor approves these program activities as long as the public interest is served. During authorized absences, the contractor is still responsible for accountability of the resident. The contractor will have written procedures for accountability of residents to include authorized absences for job searches, work, religious services, programming activities, social passes, furloughs, and placement on home detention.

Ordinarily, the job search is the first time an offender will be in the community unsupervised since incarceration. Consequently, special emphasis should be made on developing an accountability plan. When on an authorized absence to seek employment, the offender will be required to provide an itinerary and points of contact for each job search outside the facility. The contractor will have a process in place to ensure that indigent offenders will have the ability to contact the RRC in the event of an emergency while seeking employment.

C. Pass - A pass is used for overnight or weekend absence, ordinarily to the release residence. The requested pass location must be visited and approved by contractor staff prior to a pass being approved. The offender's family members/significant others living at the proposed pass location must ordinarily attend an orientation meeting at the RRC, to describe the purpose, accountability and expectations of the offender, prior to pass approval. However, if the family/significant others cannot attend the orientation meeting at the RRC, then the orientation can take place during the site visit conducted by contractor staff. Contractor staff should

consult US Probation to ascertain if there are any known reasons to preclude the requested location as an approved pass site. Overnight or weekend absences are limited to the local community (up to a 100 mile radius). If the USPO doesn't respond within one week (7 days), staff may proceed with the request.

A pass may be approved when an offender is successfully programming; i.e., the offender is meeting their program plan goals and has obtained gainful employment (employment may not be a factor for the disabled, ill, or aged). The facility director or assistant will contact the RRM for direction when a pass approval is questionable.

The offender requests a pass by completing and signing the BOP form entitled PASS REQUEST AND APPROVAL. The facility director or designee may approve these passes, unless otherwise specified by the RRM. Passes may be recommended only by a paid staff member and not a volunteer. The approval or denial is noted on this form, and it is retained in the offender's file. Prior to receiving approval for an overnight or weekend pass, the offender will be required to provide the facility director with a current itemized phone bill. Each offender will be required to provide a copy of the approved pass site's telephone bill every month until completion of the RRC program.

The pass will begin the last day of an offender's scheduled work week and extend for two days up to curfew. However, an extended pass may be approved for a long weekend when a legal holiday falls on the preceding Friday or the following Monday. More than one pass during a given week, not to include special religious passes, requires a furlough request and RRM approval.

For purposes of accountability, the contractor will make and document random checks to determine compliance with the conditions of the pass. These checks may be made telephonically or in-person unless otherwise specified by the RRM. This should occur at least twice a day. The intent is to set a frequency that provides for appropriate offender accountability.

D. Furlough - The contractor will comply with the most recent version of the P.S. 5280, Furloughs. The contractor's recommendation with written justification will be sent to the RRM for approval along with the BOP form FURLOUGH APPLICATION - APPROVAL AND RECORD and appropriate questionnaires. The offender must sign the form. Only the RRM approves furloughs.

The contractor will maintain a record of furloughs including the date and time of departure, the date and time of return, random accountability checks, and notes regarding the offender's adjustment during the furlough period.

The per diem rate for offenders on furlough will be one-half the regular per diem rate. (In the event one-half the per diem rate does not divide evenly, round the cents column down.) The contractor will reserve a bed for offenders on furlough.

When an offender sentenced in the District of Columbia (DC) Superior Court desires to visit another judicial district, the contractor will contact the RRM for direction.

2. DRUG AND ALCOHOL SURVEILLANCE PROGRAM - The contractor must establish a surveillance program to deter and to detect the illegal introduction of drugs and alcohol in its facility.

A. Frequency - The contractor will randomly test at least five percent of all the BOP cases monthly (with a minimum of one test). Offenders with a condition of drug aftercare, known to have a history of drug abuse, required to participate in TDAIT services, or who are suspected of illegal drug use will be tested no less than four times a month. Testing in greater numbers requires the approval of the RRM. USPO cases are to be included in this requirement.

B. Testing - All urine testing will be conducted on an unscheduled basis in accordance with Attachment C, Urinalysis Procedures. Staff of the same sex as the offender being tested will directly supervise the giving of the urine sample. To eliminate the possibility of a diluted or adulterated sample, staff will keep the offender under direct supervision until a complete sample is furnished. If the offender is unable to provide the sample, at the time of the request, staff will continue the direct supervision for a two-hour period. To assist the offender in giving the sample, staff will offer the offender eight ounces of water at the beginning of the two hour time period. If an offender is unwilling to provide a urine sample within two hours of a request, staff will file an incident report. No waiting period or extra time will be allowed for an offender who directly and specifically refuses to provide a urine sample.

As soon as the sample has been collected, staff will secure the specimen. No unauthorized persons or offenders may be involved

in the handling of supplies or the collecting, recording, mailing, or processing of test results under any circumstances.

The contractor may exercise the option of employing alternative methods of testing; i.e., test cup, or strip test; however, regardless of the testing protocol used, a follow up sample must be collected using the standard urine analysis test if the initial test sample results in a positive finding.

C. Lab - The contractor will use a laboratory which meets the requirements of 42 CFR Part 493, entitled Laboratory Requirements to engage in urine drug testing for federal offenders. The contractor will maintain certification documents and evidence that the lab meets all specifications in Attachment C for inspection by the BOP. The urinalysis lab will detect and identify drugs and/or metabolites by basic screen at the minimal levels shown in Attachment C.

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

Retesting at the offender's request is not permitted.

D. Positive tests - For an incident report charging use of a particular drug to be justified, the minimum waiting period between successive positive samples as outlined in Attachment C must be observed. In addition, waiting periods also apply to offenders who initially arrive at the facility.

When a positive finding cannot be explained, RRC staff will thoroughly investigate the positive urine test result to validate the positive finding. The contractor will report all unauthorized positive test results to the RRM on the day received.

The contractor will maintain a log entitled Urine Sampling Program documenting all urine testing and maintain the log in the facility at all times. The log will indicate:

- offenders tested;
- staff performing the test;
- date, time and type of test administered;
- test results; and

- column to indicate if the offender refused to cooperate.

E. Alcohol Testing - The contractor will maintain a surveillance program in order to deter and detect introduction or use of alcohol in the facility. Offenders will be tested every time they return to the facility from an unsupervised activity.

The contractor will maintain a log documenting:

- offenders tested;
- staff performing the test;
- date, time and type of test administered;
- test results; and
- column to indicate if the offender refused to cooperate.

A reliable testing instrument such as the one used by the BOP (Alco-Sensor Model II, III or IV), or comparable instrument/device, will be used for testing. An adequate number of devices will be kept and calibrated, at least monthly, in accordance with manufacturer standards. These checks will be documented in the test log.

The contractor will ensure staff using the instrument is familiar with its operation as outlined in the manufacturer's operating instructions. If a positive alcohol test results, .02 or higher (Alco Sensor Models), a second confirmation test must be completed 15 minutes later. If confirmation is received, an incident report will be prepared charging the offender with using intoxicants.

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

3. SEARCHES AND CONTRABAND - The contractor will have written policy and procedures for searches to control contraband and its disposition. The policy will identify items which are considered contraband at the facility. This policy will be made available to all staff and offenders. The contractor shall train staff on the proper techniques for offender pat, room, vehicle, and common area searches. This training shall be conducted within the first week that the employee is hired and annually thereafter.

Staff shall conduct random pat searches of offenders as necessary. These searches need not be documented. However, they should be conducted in accordance with the contractor's policy on searches.

The contractor shall conduct searches of the facility and personal belongings of offenders, including any motor vehicle operated by an offender, as needed, but at least once per month. These facility searches shall be documented in a log. The log will be made available to BOP upon inspection.

If any unknown substance resembling narcotics is found, the contractor shall use a Narcotic Identification Kit to determine the identity. The contractor shall maintain a supply of Narcotic Identification Kits to determine the identity of the unknown substances. Staff shall be proficient in using the Narcotic Identification Kit and shall ordinarily be responsible for testing unknown substances. The contractor shall maintain these commercially available kits at the facility to meet this requirement.

4. Report of Incident - The contractor will report all unusual or serious incidents immediately to the RRM by telephone. Serious incidents include, but are not limited to, the following:

- Escapes, "standard of conduct" violations, spill of hazardous materials, disturbances, gang activities, workplace violence, civil disturbances or protests, staff use of force, assaults on staff or offenders, fights, fires, suicide attempts, deaths, hunger strikes, natural disasters, adverse weather (e.g., hurricanes, floods, significant ice or snow storms, heat waves, tornadoes), injuries, any law enforcement visits, bomb threats, significant environmental problems that impact facility operations, transportation accidents, offender victim contacts, offender strip searches, adverse incidents that may result in significant publicity, any arrest and/or detainment of offenders by law enforcement authorities.
- Immediately following RRM notification, the contractor will submit a report via fax and/or e-mail detailing the incident which includes, but is not limited to, the following:
  - Type of incident, date and time;
  - Person(s) involved (if offender, include register number);

- Notifications (who, date and time);
- Any media attention; and
- Brief summary of incident.

In addition, the contractor will immediately notify the RRM when an offender shows evidence of suicidal tendencies, or unusual or dangerous behavior. If the contractor is in doubt, they will contact the RRM.



## CHAPTER 12 - Discipline

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

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

All staff members, excluding staff representatives, who participate in the Center Discipline Committee (CDC) must demonstrate working knowledge and competency of the discipline procedures by passing the standardized test administered by the COTR.

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

The rules of conduct and sanctions will be defined in writing and communicated to all offenders and staff. The contractor will carry out disciplinary procedures within appropriate time limits, and with respect for the offenders. Disciplinary action may not be capricious or retaliatory.

There is a wide range of sanctions a contractor may impose or recommend for violations of facility rules of conduct. The majority of these are minor in nature and an informal resolution, e.g., reprimand, loss of television or other privileges may resolve the issue. The contractor is encouraged to resolve all incidents at the lowest level and utilize progressive discipline when appropriate. Although informal resolutions are encouraged, they will not be used for repeat offenses or where progressive discipline has failed. Care must be taken that the recommendation for disciplinary transfer is not used inappropriately. However, regional variances may

occur; therefore, the contractor needs to ensure they are familiar with and follow the RMT's instructions for the application of discipline.

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

1. GENERAL - The contractor will take disciplinary action at such times, and to the degree necessary, to regulate an offender's behavior within BOP's prohibited acts and rules of conduct. The contractor will control offender behavior in a completely impartial and consistent manner. The contractor may not impose or allow imposition of corporal punishment of any kind.

A. The contractor will use the following BOP discipline forms (provided by the RRM):

- CENTER DISCIPLINE COMMITTEE (CDC) REPORT (RRC'S) is used by the CDC to summarize the action taken by the CDC.
- DUTIES OF STAFF REPRESENTATIVES (RRC'S) is used to outline the responsibilities of an employee who is available to assist the offender if the offender desires by speaking to witnesses and by presenting favorable evidence to the CDC on the merits of the charge(s) or in extenuation or mitigation of the charge(s).
- INCIDENT REPORT (RRC'S) is used to document the offender's misconduct (summary of the offense committed and prohibited act code). The document must be legible.
- INMATE RIGHTS AT CENTER DISCIPLINE COMMITTEE HEARING is used to notify the offender of their rights before the CDC and allows the offender to waive the 24-hour notice prior to appearing before the CDC.
- NOTICE OF CENTER DISCIPLINE COMMITTEE HEARING (RRC'S) is used to notify the offender of date and time of the CDC.
- WAIVER OF APPEARANCE (RRC'S) is used to notify the offender of their right to appear before the CDC and allows the offender to waive their appearance before the CDC.

2. CATEGORIES - There are four categories of prohibited acts - Greatest (100 level), High (200 level), Moderate (300 level), and Low Moderate (400 level). Specific sanctions are authorized

for each category. Imposition of a sanction requires that the offender first is found to have committed a prohibited act. The following guideline indicates the available sanctions to impose if an offender is found to have committed a prohibited act:

A. Greatest Category Offenses (100 level codes) - The CDC will refer all 100 level codes to the DHO. The contractor will immediately notify the RRM of all 100 level code violations.

B. High Category Offenses (200 level codes) - The CDC may impose and execute one or more of sanctions G through M, except for a VCCLEA offender rated as violent or for a PRISON

LITIGATION REFORM ACT (PLRA) offender. These exceptions must be referred to the DHO.

C. Moderate Category Offenses (300 level codes) - The CDC may impose one or more sanctions G through N, with the option to suspend any sanction or sanctions imposed. The CDC ordinarily will refer to the DHO a moderate category charge for a VCCLEA offender rated as violent or for a PLRA offender if found to have committed a moderate category offense during the offender's current anniversary year. **Current anniversary year means the twelve month period of time for which an offender may be eligible to earn good conduct time.** The CDC must thoroughly document in writing the reasons why the charge for such an offender was not referred to the DHO. The CDC will consult with the RRM for specific information.

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

1) Aiding - Aiding another person to commit any of these offenses, attempting to commit any of these offenses, and making plans to commit any of these offenses, in all categories of severity, will be considered the same as a commission of the

offense itself. In these cases, the letter "A" is combined with the offense code. For example, planning an escape would be considered an Escape and coded 102A. Likewise, attempting the adulteration of any food or drink would be coded 209A.

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

3. PROCEDURES UPON ADMISSION TO RRC - The contractor will develop a pamphlet, summarizing the disciplinary system to include BOP prohibited acts and contractor's rules of conduct. The offenders will be given the pamphlet when they first arrive at the RRC as part of the orientation program. A signed receipt is to be obtained from each offender acknowledging that a copy of the pamphlet was received and is to be placed in the offender's file.

The contractor will, to the extent reasonably available, have a qualified staff member or translator to help offenders who have a language or literacy problem understand the BOP rules on discipline. When a significant portion of the offender population speaks a language other than English, the pamphlet is to be made available in that language. The contractor will post copies of the rules at a prominent location, accessible to all offenders.

#### 4. TYPES OF DISCIPLINARY ACTION.

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

A record of the misconduct and the informal resolution in the 300 or 400 level codes (whether between the offender and the writer of the report, or the offender and the CDC) will be maintained in the offender's file. A record of any informal resolutions will be maintained by the facility director for twelve months. The record is to reflect the offender's name, register number, subject of the informal resolution, and the

agreed upon disposition. This procedure should enable the facility director and others as necessary, to monitor the informal resolution process.

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

5. BOP INCIDENT REPORT (RRC'S) - Staff will prepare an incident report on all major violations that are not subject to informal resolution. The BOP encourages informal resolution (requiring consent of both parties) of incidents involving violations of regulations. However, staff will prepare an incident report when there is reasonable belief that a violation of regulations has been committed, and considers an informal resolution inappropriate or unsuccessful. Reporting staff will complete Part I of the incident report.

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

The entire language of the prohibited act(s) does not have to be copied. Only the relevant portion need be used. For example, "destroying government property, Code 218" "possessing narcotics, Code 113" would be acceptable listings for appropriate charges.

The description of the incident should contain the details of the activity which is being reported. All facts about the incident known by the employee and that are not confidential, should be recorded. If there is anything unusual about the offender's behavior, this would be noted. The reporting

employee should also list those persons (staff, offenders, others) present at the scene, and the disposition of any physical evidence (weapons, property, etc.) that the employee may have personally handled. The report is also to reflect any immediate action taken during the incident, including the notification of law enforcement. The reporting employee will sign the report and indicate his or her title in the appropriate blocks. The date and time of the report being signed should be entered. The incident report should then be forwarded to the appropriate investigating officer for disposition. Staff will give each offender charged with violating a BOP prohibited act a written copy of the charge(s) against the offender, ordinarily within 24 hours of the time staff became aware of the offender's involvement in the incident. This is accomplished by providing the offender a copy of PART I of the incident report. The staff member will note the date and time the offender received a copy of the incident report.

6. SPECIAL REPORT WRITING INSTRUCTIONS - Because of national data collection requirements, the contractor will obtain guidance when one of the following violations occurs:

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

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

The investigating officer is responsible for attaching these completed forms to the incident report and providing the offender with copies.

The investigator will advise the offender of the right to remain silent at all stages of the disciplinary process but that the offender's silence may be used to draw an adverse inference against the offender at any stage of the disciplinary process. The investigator will also inform the offender that the offender's silence alone may not be used to support a finding that the offender had committed a prohibited act. The investigator will document the fact that the offender has been advised of the right to remain silent in the investigative portion of the incident report. The investigator will read the charge(s) to the offender and ask for the offender's statement concerning the incident unless it appears likely that the incident may be the subject of criminal prosecution. When the offender did not receive a copy of the incident report at the beginning of the investigation, the reason(s) for this should be stated in the investigative portion of the incident report. Comments about the offender's attitude may be included with the offender's statement on the charge(s).

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

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

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

**Note: the investigating officer may informally resolve all 300 and 400 level codes.**

A. BOP Forms - The investigating officer will give the following forms to the offender for signature:

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

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

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

D. Confidential Informant - When a discipline decision will be based on confidential informant information, the contractor will seek the guidance of the RRM for appropriate use and documentation.

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

9. WITNESSES - The offender or his/her representative may request witnesses from inside or outside the RRC, where his/her presence at the hearing would not pose a threat to the security of the witness or the RRC. The investigating officer will notify the requested witnesses of the formal hearing. The reporting employee and other adverse witnesses need not be called if their knowledge of the incident is adequately summarized in the incident report, investigation, or other material supplied to the CDC. Witnesses whose testimony would be repetitious or irrelevant need not be called; written statements of unavailable witnesses will be accepted in place of



"live" testimony. However, there must be good reason for failure to call a witness in person, and the reason must be documented.

10. FORMAL HEARING - If an incident cannot be resolved informally, and the offender is a BOP case, the contractor will proceed with a formal CDC hearing. The contractor will have the CDC hear all 200 level code violations. The CDC will also refer a prohibited act in the 200, 300 and 400 level codes when the prohibited act has been committed by a VCCLEA offender rated as violent or by a PLRA offender as outlined in this chapter. The CDC will make a disposition on all 200 level codes, except VCCLEA offenders rated as violent or by a PLRA offender, and all 300 and 400 level codes not informally resolved or required to be referred to the DHO due to VCCLEA and PLRA status

When a referral is made to the DHO, the CDC will recommend one or more of the sanctions commensurate to the prohibited acts outlined in Program Statement 5270.09. Only those sanctions can be recommended.

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

The contractor will delegate to one or more staff members the authority and duty to hold a formal hearing upon completion of the investigation. In order to ensure impartiality, the appropriate staff member(s) (hereinafter usually referred to as the CDC) may not be the reporting or investigating officer or a witness to the incident, or play any significant part in having the charges referred to the CDC. However, a staff member witnessing an incident may serve on the CDC where virtually every staff member in the facility witnesses the incident in whole or in part. If the CDC finds at the formal hearing that an offender has committed a prohibited act, the CDC may impose dispositions and sanctions. When an alleged violation of BOP rules is serious and warrants consideration for other than what the CDC may impose, the CDC will refer the charges to the DHO. The following minimum standards apply to formal hearings in all RRCs:

- Each offender so charged is entitled to a formal hearing before the CDC, ordinarily held within three work days from the time staff became aware of the offender's involvement in the incident. This three work day period excludes the day staff became aware of the offender's involvement in the incident, weekends, and holidays. For example, if staff become aware of an offender's involvement in the incident on a Tuesday and provides the offender with a copy of the report on Tuesday, the three work day period starts the following day, Wednesday.
- The offender is entitled to be present at the formal hearing except during deliberations of the decision maker(s) or when security would be jeopardized by the offender's presence. The CDC will clearly document in the record of the hearing, reasons for excluding an offender from the hearing. An offender may waive the right to be present at the CDC hearing provided that the waiver is documented by staff.
- The offender is entitled to make a statement and to present documentary evidence in the offender's own behalf.
- The CDC will convene and formally refer all 100 level codes to the DHO.
- The CDC will consider all evidence presented at the hearing and will make a decision based on at least some facts, and if there is conflicting evidence, it must be based on the greater weight of the evidence. All sanctions must be commensurate with the prohibited act. The contractor will consider the requirements of this chapter regarding a VCCLEA offender rated as violent or PLRA offender.

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

- Informally resolve the incident;
- Find that the offender did not commit the prohibited act charged or a similar prohibited act if reflected in the incident report;
- Find that the offender committed the prohibited act charged and/or a similar prohibited act if reflected in the incident report and impose sanctions (G thru P, commensurate with the prohibited act); or
- Find that the offender committed the prohibited act charged and/or a similar prohibited act if reflected in the incident report and refer the packet to the DHO to impose sanctions, (A thru P, commensurate with the prohibited act).

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

NOTE: The phrase "some facts" refers to facts indicating the offender did commit the prohibited act. The phrase "greater weight of the evidence" refers to the merits of the evidence, neither to its quantity nor to the number of witnesses testifying.

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

When sanctions are recommended to the DHO, immediately following the hearing, staff will forward the completed CDC packet to the RRM with copies placed in the offender's file. The RRM will review the CDC packet for accuracy and tracking purposes then forward to the DHO.

The CDC packet will consist of:

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

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

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

The DHO will advise the RRM of the hearing decision. The RRM will advise the contractor and offender. In addition, the RRM will again advise the offender of his/her right to appeal the decision directly to the Regional Office through the Administrative Remedy process.

### CHAPTER 13 - Administrative Remedy

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

The contractor will comply with the most recent version of the P.S. 1330, Administrative Remedy Program. Staff must be familiar with the Administrative Remedy Program Statement.

## CHAPTER 14 - Food Services

1. FOOD SERVICES OPERATIONS - The contractor will comply with the most recent copy of the FDA, U.S. Department of Public Health, Food Code.

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

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

The contractor will require any person who serves, prepares or handles food to have a prior physical examination and possess a valid Food handler's license, if applicable.

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

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

Provisions - All offenders, regardless of employment or financial status, will be provided the opportunity for food services (3 meals per day). On weekends (to include extended weekends when a federal holiday falls on the Friday preceding or the Monday following a weekend), the contractor may provide a brunch instead of a breakfast and lunch (supper is still required). Under no circumstances will the offender be required to pay for these services. The contractor will include these costs in the per-diem rate.

The contractor will provide a food service program either by contractor preparation and serving on-site or through an off-site food service provider. When provided on-site, the area will be separated from sleeping quarters and will be well

ventilated, properly furnished, and clean. If the contractor wishes to change the delivery from on-site to off-site, or vice versa, they must request approval through the COTR to the CO.

A. Menus - All menus must be approved by a Registered Dietician (RD). A RD is defined as a person who has completed academic and experience requirements established by the Commission on Dietetic Registration, the crediting agency for the American Dietetic Association (ADA). All fixed menus will be reviewed and approved by a RD at least once during each cycle. The contractor will maintain a copy of the RD's current credentials and the certified menus for inspection by the BOP.

A RD will annually review and approve the nutritional value of the menu if fixed, and semi-annually if not fixed. All the meals will meet the recommended dietary allowances and the dietary guidelines as set by the current version of the ADA. The contractor will maintain a copy of the RD's current credentials and the certified menus for inspection by the BOP.

1) Menus will be prepared and be posted in a conspicuous place for offender's viewing.

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

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

- The contractor will be responsible for the person in charge as defined in the FDA, U.S. Department of Public Health, Food Code. This responsibility cannot be delegated.
- The contractor will comply with the requirements in the FDA, U.S. Department of Public Health, Food Code. The contractor will show evidence the establishment meets all state and/or local sanitation and health codes, and complies with the FDA, U.S. Department of Public health, Food Code.
- The contractor will show evidence the vendor or food services provider is a full-service organization, capable of providing breakfast, lunch, and dinner, and identify the person operating as the person in charge on behalf of the vendor or food service provider. In addition, the

contractor will identify the person who legally owns and operates the vending company or food service.

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

C. On-site food service by the contractor.

- When food services are provided in the facility, the contractor will have adequate space to provide for food preparation and service and provide an eating and seating area; i.e., at least 15 square feet per person, for all who dine at the same time.
- When food services are provided in the facility and it is necessary to provide these services in shifts due to space constraints, the contractor will submit a plan indicating the time services will be provided and the number of offenders that can be accommodated.
- When the contractor prepares and serves meals in the facility, the contractor will comply with the requirements of the FDA, U.S. Department of Public Health, Food Code. In addition, all persons preparing food will comply with federal, state, and local health and sanitation codes. In the event of any conflict in these codes, the most stringent will apply. The contractor will identify the person in charge of food preparation to the COTR.
- The contractor will comply with NFPA, as it relates to fire extinguishing systems over cooking services. They will be equipped with automatic shut-off devices for when the fire extinguishing system is activated. Fuse links are to be changed and the system tested in accordance with the manufacturer's recommendation.
- Grease filters are to be kept clean and should be made of stainless steel for safety reasons.

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

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



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

## CHAPTER 15 - Medical Services

1. MEDICAL SERVICES - The contractor will provide offenders an opportunity to access medical care and treatment. The intent is to assist the offender in maintaining the continuity of medical care and treatment in accordance with the requirements of this SOW.

The contractor will provide on-site emergency first aid and crisis intervention to include a first aid kit, trained staff in basic first aid, and policy that outlines steps that employees take in case of an emergency. The contents of the first aid kit will meet and be maintained by the standards set by the American Red Cross.

The contractor will ensure that all staff are certified in cardiopulmonary resuscitation (CPR). In addition, the contractor will ensure that staff are trained to respond to health-related situations to include universal precautions and suicide prevention.

The contractor will have written policy and procedure regarding the control and distribution of an offender's prescribed medication. The written policy will be submitted to the RRM for review and approval.

The contractor will ensure offender medications are stored in an environment absent of extreme temperature, humidity, and according to the medication labeling, e.g., refrigeration required. The contracting staff will provide the inmate with proper access to the medication.

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

2. EXPENSES - The contractor must receive pre-approval for any non-emergent healthcare treatment, to include mental health treatment, from the RRM. The RRM will coordinate approval with the Regional Health Services Administrator (HSA). In addition to requesting pre-approval for treatment or services, the contractor must determine if the offender has insurance or other

resources to pay for the treatment. The contractor must also make every effort to obtain no-cost healthcare treatment for the offender through local social service agencies.

All requests for non-emergent healthcare treatment approval will include: a description of the type of treatment being requested; the estimated cost for the treatment; a statement of the offender's ability to pay for the treatment through private health insurance or other financial resources; a description of the contractor's efforts to secure treatment through local social services if necessary; and a discussion of whether the contractor will or will not be financially able to pay for the treatment and then be reimbursed by the government.

The contractor is expected to compensate the healthcare provider for treatment of services. The contractor will forward the invoice from the healthcare provider to the RRM. The RRM will forward the invoice through the RMT to the Regional Health Services Administrator for approval and payment to the contractor.

If other than emergency medical treatment is provided without pre-approval or discussions on how the healthcare treatment will be paid by the Bureau, then the costs may **not** be reimbursed by the Bureau and could become the responsibility of the contractor.

A. Emergency - In an emergency, the contractor will obtain the necessary emergency medical treatment required to preserve the offender's life. The contractor will immediately notify the RRM of emergency treatment.

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

B. Payment - If the offender cannot pay or if the emergency treatment is not covered by the offender's insurance, the contractor will pay and submit the paid invoice with the regular monthly billing to the RRM. The government will reimburse the contractor for all emergency medical treatment for BOP offenders.

3. EXAMINATION OF OFFENDERS COMMITTED DIRECTLY TO THE RRC - USPO cases committed directly to the facility will be screened to identify any medical/mental health conditions which the offender is suffering from which may need medical attention. The offender will receive a complete physical/mental health examination to detect any health problems. Special emphasis should be given to chronic health conditions such as diabetes, hypertension, etc., infectious diseases such as TB, HIV, hepatitis, etc., and any mental health problems. However, if an offender is suspected of having an infectious or debilitating health problem through the initial screening process, the contractor will arrange for an immediate medical examination within one calendar day after arrival.

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

The complete health examination will include relevant diagnostic procedures. All offenders should be tested for TB (PPD test and if positive, a chest x-ray), and any other infectious/communicable diseases if clinically indicated.

Health examinations for offenders committed directly to a RRC, will be paid by the contractor who will then request reimbursement from the government by listing health exam expenses as a line item on the next monthly billing. Supporting documentation must accompany the reimbursement request. If indicated by the RRM, the offender's medical examination may include a blood test for DNA classification. Test kits will be provided by the government at no charge to the contractor or medical facility.

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

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

## CHAPTER 16 - Records and Reports

The contractor will ensure records are safeguarded from unauthorized and improper disclosure. When any part of the information system is computerized, a security system must be in place to ensure confidentiality is maintained. The contractor will NOT establish a separate system of records without prior approval of the RRM.

OFFENDER FILE - Several sections of this SOW require the contractor to maintain records on offenders, which is considered to be part of the offender's file. The contractor will maintain a file on each offender that includes all significant decisions and events relating to the offender, and at least the following information:

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

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

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

2. CONTRACT RECORDS - Documents that are unique to contract performance are the property of the BOP. All records related to contract performance will be retained in a retrievable format for the duration of the contract. Except as otherwise expressly

provided in this SOW, the contractor will, upon completion or termination of the resulting contract, transmit to the BOP any records and/or documents related to the performance of the contract.

### 3. DOCUMENTATION

A. Sign in/Sign out System - The contractor will monitor and maintain documentation of offenders, visitors, contractors and volunteers entering or exiting the facility by using a sign in/sign out system.

B. Employment - The contractor will maintain documentation of an offender's employment, and/or unemployment. Documentation will include:

- the offender(s) name and register number;
- date of arrival and date employed; and
- list of offender(s) who have not obtained employment 21 calendar days from their arrival.

C. Searches - The contractor will maintain documentation of all searches conducted in the facility.

D. Urine Sample Testing - The contractor will maintain documentation of all urine samples taken from offenders.

E. The contractor will complete the BOP form for RRC's URINE SAMPLING PROGRAM on a monthly basis and submit it to the RRM with the monthly bill. The contractor will also send a copy of this report to the Chief USPO.

F. Alcohol Testing - The contractor will maintain documentation of all alcohol tests taken from offenders.

G. The RRM, in concurrence with the contracting officer, may require additional documentation.

4. BILLING - The contractor will provide the RRM with a monthly bill along with a report of each offender's finances to include total salary hours worked plus the amount of subsistence collected, and any financial obligations; i.e., restitution, COIF, fine payments, and court ordered child support paid by the offender.

The contractor will ensure invoices arrive in the RRM office by the 10th of the month; however, the RRM may require earlier submission.

5. CONFIDENTIALITY - The Privacy Act and Freedom of Information Act (FOIA) sets forth a series of requirements governing federal agency record keeping practices intended to safeguard individuals against invasions of personal privacy. The determination of what information may be released requires staff to have a basic understanding of both the FOIA and the Privacy Act. Staff also should be aware that the Privacy Act establishes criminal penalties and civil liabilities for unauthorized disclosures.

**The contractor will not release any BOP document to an offender without the approval of the RRM.**

**The contractor will not release information about an offender to any individual without obtaining a signed release of information form from the offender and the approval of the RRM.**

BOP documents that are sought by subpoena, court order, or other court requests are subject to the approval of the Attorney General or his or her designee before they may be released. The guidelines are set forth in 28 CFR §16, subpart B. Accordingly, if a contractor receives such requests they will consult with the RRM regarding proper handling of the request.

Pre-Sentence Report (PSR) - Particular care must be taken to protect the PSR and third party disclosure. This document is the property of the US Courts and copies may not be provided to anyone, even the offender, without permission from the court. The PSR must be returned to the BOP upon the offender's release, termination, escape, or death. Contractors must consult with their RRM and follow Bureau instructions for safeguarding the PSR. All questions are to be directed to the RRM.



## CHAPTER 17 - Release Procedures

The contractor will ensure timely and appropriate release of offenders from custody. The contractor will provide written procedures for staff to follow prior to releasing an offender. These procedures will include, at a minimum, the following:

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

1. RELEASE PLANNING - The contractor will have written procedures for establishing a formal release plan for offenders, and execute appropriate release certificates. At a minimum, the plan will include:

- offender's verified residence;
- employment and/or enrollment in a training program;
- medication needs; and
- follow-up appointment for medical, mental health, and/or substance abuse treatment.

With the exception of a FULL TERM RELEASE with no supervision to follow, staff must submit the proposed release plan to the USPO for investigation and approval, at least six weeks before the offender's release date. Once staff receives approval of the release plan they will submit the release plan, along with a parole certificate request, to the U.S. Parole Commission (USPC).

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

NOTE: Conditions of release must be read to the offender and the offender's signature must be witnessed and dated by a staff member. This is to be obtained on each of the parole certificates and SPT certificates, when applicable. Each page of the certificate is signed individually, in pen, and is not carbonized. Release on parole is not effective without the offender's signature. Copies are distributed as follows:

- original to offender;
- copy to USPO;
- "institution copy" to RRM; and
- copy to USPC Office.

If an offender is releasing to some type of supervision, the contractor must advise the offender to report to the USPO within 72 hours of release from the RRC. The contractor will notify the USPO of the offender's release by faxing the Notice of Release and Arrival form to the USPO.

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

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

3. PROPERTY - The contractor will establish and maintain procedures to dispose of an offender's personal property in the event of death, escape, or transfer. Property will be immediately secured and inventoried prior to the end of the work shift. Personal property left behind by an escapee will be considered voluntarily abandoned. An inventory of an offender's personal property must be accomplished by no less than two staff

members who will sign and complete an inventory list. If an offender is being held in a local jail, whoever was listed to be notified on the intake screening form will be advised to pick up the property after the property is released by the investigating officers, when applicable.

4. TYPES OF RELEASES - For a discussion of release types, refer to P.S. 5800.15, Correctional Systems Manual, Chapter 11.

Violent Crime Control and Law Enforcement Act (VCCLEA). Institution transfers (BOP cases only) who are subject to VCCLEA notification provision should be notified in writing of their status before leaving the BOP institution. In the event they were not notified, the following notification statement will be written or typed in the plan:

***Offender is subject to notification under 18 U.S.C. §4042(b), (Yes/No), due to the offender's (indicate whether):***

- (1) conviction for a drug trafficking crime***
- (2) current conviction for a crime of violence***
- (3) past conviction for a crime of violence***

If an inmate disagrees, they may use the Administrative Remedy procedure to contest the VCCLEA notification requirement.

5. RELEASE DOCUMENTS - The contractor will verify all release documents with the RRM five days prior to release. The contractor will ensure all releasing documents have original signatures, are dated, and appropriately distributed. The contractor is responsible for obtaining release documents that may include the following:

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

The contractor will complete a terminal report on all releasing offenders within five working days of release. The report will address all elements listed in the case notes (attachment B).

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

Upon an offender's actual release, the contractor will immediately notify the RRM either telephonically, by fax or e-mail. The notification procedure will be developed locally between the RRM and the contractor.

6. FILES - Upon completion or termination of the offender's program, the contractor will forward the terminal report to the RRM within five calendar days. The contractor will shred the BOP referral packet. The contractor may retain public information which can identify the former offenders, copies of research data which have been depersonalized, and copies of reports generated by the contractor.

## CHAPTER 18 - Escape Procedures

### 1. ESCAPE

A. Definition - An escape occurs when an offender fails to remain in custody by:

- not reporting to the facility for admission at the scheduled time;
- not remaining at the approved place of employment or training/treatment during the hours specified by the terms of the employment or training/treatment program;
- not returning to the facility at the time prescribed;
- not returning from an authorized furlough or pass at the time and place stipulated;
- not abiding by conditions of employment and or curfew conditions of home detention;
- being arrested; or
- leaving the facility without permission from staff.

B. Staff Action - The contractor will provide written procedures that ensure all staff understands what constitutes an escape and appropriate procedures for reporting an escape. These procedures will include instructions to reasonably attempt to locate the offender which may include going to the pass location or residence. The contractor will develop step-by-step procedures that cover the following:

- internal notification;
- a thorough search of all areas inside the facility;
- telephone contacts where the offender has signed-out; and
- telephone inquiries to determine if the offender has been arrested or injured.

This should ordinarily take less than 20 minutes. If all efforts to locate the offender have failed, the **facility director** will consider the offender as ESCAPED and **immediately notify the RRM**. This responsibility cannot be delegated below the duty officer of the facility. The contractor will prepare an incident report and conduct a discipline hearing in accordance with guidelines established in the current version of the P.S. 5270, Inmate Discipline and Special Housing Units.

USPO cases are not in the custody of the BOP and cannot be considered escapees. These offenders are referred to as absconders. When they are deemed missing, the contractor will immediately report this to the supervising authority or follow locally coordinated procedures with the supervising authority. When an offender absconds during normal business hours, the contractor will notify the RRM the same day it happens. When an offender absconds after normal business hours, the contractor will notify the RRM the next business day.

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

D. Preventive Measures - The contractor will train staff to recognize aberrant behaviors and report these instances. Offenders with Public Safety Factors or any special needs case exhibiting unusual behavior require closer attention and reporting to the RRM.

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

The contractor will allow any offender who has been considered in escape status to return to the facility, unless the offender presents a significant safety or security issue to the facility, offender and staff. In the cases where the offender is to return to the facility, the contractor will immediately notify the RRM so that an appropriate action plan can be determined.

## CHAPTER 19 - Serious Illness, Injury, or Death

The contractor will immediately notify the RRM when an offender becomes seriously ill, requires emergency medical treatment or dies. In the event of the offender's death, the RRM will notify the offender's family or next of kin.

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

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

The contractor will arrange for the fingerprinting of the thumb of the right hand to be taken, and staff will date and sign the fingerprint card to ensure positive identification has been made. The fingerprint card will then be sent to the RRM.

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

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

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

## CHAPTER 20 - USPO Cases

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

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

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

- Driving - Permission to drive must be approved by the facility director and the supervising USPO.
- Discipline - Persons under supervision as described in this chapter are subject to facility rules and minor sanctions. However, if an act is alleged to have been committed by an offender under supervision and the recommendation is to impose a major sanction, a formal discipline hearing is not required. Rather, staff will forward the original report of misconduct with recommendations to the USPO for disposition. The contractor will forward a copy to the RRM.
- Intake - Staff must work with the USPO when developing the individual reentry plan for each offender.
- Financial Obligation - Offenders under supervision will pay subsistence. The contractor will immediately notify the RRM if the court indicates that subsistence should not be collected on USPO cases.
- Medical Services - The contractor will notify the USPO of medical problems of probationers, parolees, mandatory releasees and supervised releasees. All medical and dental expenses for persons under supervision of a USPO are the responsibility of the offender. Staff should assist the offender in finding appropriate community resources.
- Marriage - Offenders under supervision will submit requests for marriage to the USPO.
- Any unauthorized absence of persons described in this chapter will be reported immediately to the USPO. If the unauthorized absence occurs after regular business hours, the RRM will be notified the next calendar day or as directed by the RRM.



- Drug counseling and alcohol surveillance are the administrative and fiscal responsibility of the USPO. The contractor will work closely with the supervising USPO to coordinate services.
- Financial Responsibility - Supervision cases are subject to the same financial responsibility procedures as BOP offenders, including subsistence collection.
- Release - When the term specified by the court has been satisfied, or the facility director determines an offender's program is completed or participation will produce no further significant benefits, staff will notify the USPO of the termination. The contractor will copy the RRM with this action. A terminal report will be completed by the contractor and forwarded to the USPO and the RRM. The contractor will ensure the RRM has been properly notified of all requests for program termination and received terminal reports before release.
- Offenders identified in this chapter are not eligible for furloughs or home detention. Absences other than "sign-out" will be approved by the supervising USPO, and documented by the contractor.
- Death - In the event of death, the contractor will immediately notify the USPO and RRM. The USPO is responsible for disposal of the body and any administrative follow-up procedures.
- Basic mental health treatment for offenders under supervision is the financial responsibility of the supervising authority if the resident is uninsured or is unable to pay. Note: Initial medical screening is paid by the contractor.

## **CHAPTER 21** - Research and Evaluation

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

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

The contractor will be responsive to all BOP surveys, data collection request or questionnaires in a timely manner.

The contractor will participate in research studies as directed by the BOP.

The pilot programs/studies may include, but are not limited to, program plans, inmate adjustment, discipline, prognosis for success, etc.

## CHAPTER 22 - BOP Inspections

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

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

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

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

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

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

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

3. FULL MONITORING - A full monitoring is a comprehensive inspection and review of all aspects of the contractor's operation and facility. The first full monitoring ordinarily occurs 60-90 days from the date performance began. Ordinarily, the contractor is given notice of an upcoming full monitoring in advance. A full monitoring may take several days and will produce a monitoring report.

A monitoring report contains all the deficiencies as determined by the reviewer. The report also outlines appropriate corrective action. The contractor will respond to the RRM within 30 days of receipt of the report (unless otherwise directed by the RRM). The contractor's response will address all suggestions, advised items, discrepancies, deficiencies, and significant findings, and specify a plan of action for correction. The contractor will also indicate a realistic time frame/date when each correction will be completed. This in no way releases the contractor from performing the requirements of the contract.

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

Prior to monitoring's and/or other visits, BOP staff may query contractors concerning community meetings/organizations they may want to attend during their inspections.

5. REMOTE MONITORING - A remote monitoring is an evaluation of the contractor's performance that is conducted from the RRM office. To facilitate the monitoring, the RRM will request specific documentation and indicate the means and time frames by which this information will be delivered; e.g., electronically, facsimile or mailed.

6. CONTRACTOR PERFORMANCE ASSESSMENT REPORTING SYSTEM (CPARS) - CPARS is an automated system in which contractor performance is reported. Performance is measured annually by the COTR. The

rating period represents 12 months of contract performance and ordinarily is conducted at the end of each performance period. Upon review and approval by the RMT, the COTR electronically (via CPARS) sends the evaluation to the CO who reviews the document, then releases it to the contractor for comments via CPARS. The contractor will have 30 calendar days to make comment and return the form to the CO.

7. RESPONSIBILITIES OF THE CONTRACTOR - The contractor will respond to all inspections; i.e., monitoring reports, evaluations, and RRM inquiries within the appropriate time frame.

The contractor's response must indicate that the areas of non-compliance have been corrected or provide a plan that includes time frames to correct deficiencies.

The contractor will 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. Failure to respond to the direction given by the COTR or the result of the monitoring reports could result in adverse contract action.

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

## CHAPTER 23 - Cost Reimbursements

When a contractor fails to respond to an inspection report or repeatedly fails to correct documented deficiencies, the BOP may increase the number of its inspections, and thus charge the contractor for the reasonable costs associated with these visits. If the BOP must repeatedly visit facilities above and beyond the routinely scheduled activity of monitoring and training, the contractor will be required to reimburse the BOP for all reasonable costs associated with providing technical assistance, training and oversight required to improve contractor performance to a satisfactory level. These costs will be deducted from the monthly billing to the government.

In addition, the contractor will be subject to government withholding, when and if they have been found to be in non-compliance with the conditions of the contract. Once the contractor has been informed of a problem, and does not comply within the specified time, they will be notified of pending withholdings and the basis for the withholdings by the RRM.

The BOP will schedule a preoccupancy inspection following contract award and before performance. If the BOP must repeatedly inspect the place of performance (facility and location) due to the contractor's failure to complete necessary facility repairs or renovations, or failure to meet minimum programmatic requirements so that performance may begin, the contractor will be required to reimburse the BOP for all reasonable costs associated with a second (or subsequent) preoccupancy inspection. These costs will be deducted from the monthly billing to the government.

The requirements of this chapter do not modify nor waive the rights of the BOP to terminate a contract for default under the terms and conditions of the contract.

**Request for Contract Staff Background Investigation**

Facility: \_\_\_\_\_ Location Code: \_\_\_\_\_

<b>Last Name</b>		<b>Middle Name</b>	<b>Middle Name</b>	<b>Other Names Used</b>		
<b>Position/Job Title</b>		<b>Anticipated Hire Date</b>	<b>Criminal History, if applicable</b>			
<b>Sex</b>	<b>Race</b>	<b>Hair</b>	<b>Eyes</b>	<b>Height</b>	<b>Weight</b>	<b>DOB</b>
<b>Driver's License-State &amp; No.</b>			<b>SSN</b>		<b>Birth City/State</b>	
Other States Lived or Worked in						

*If this is a Key Staff Member, a copy of the applicant's application and resume must be attached. Upon Conditional Approval, a sealed transcript must be sent directly to the RRM office from any schools, colleges or universities identified on the application which substantiates the individuals qualification's to fulfill the position.*

**Applicants Acknowledgement:**

I authorize the release to the Federal Bureau of Prisons of any information generated as a result of a National Crime Information Center/National Law Enforcement Telecommunication System criminal history check on me, or any other information necessary to determine my suitability for work with federal offenders.

I also authorize the Federal Bureau of Prisons to disclose to the facility director or the contractor's "authorized negotiator" all information generated as a result of a National Crime Information Center/National Law Enforcement Telecommunication System criminal history check on me, or any other information necessary to determine my suitability for work with federal residents at the above noted facility.

I understand that all my records are protected under federal privacy regulations and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it. In any event, this consent will cease to be effective after my employment.

\_\_\_\_\_  
Signature of Applicant\_\_\_\_\_  
Date\_\_\_\_\_  
Printed Name and Signature of Witness (Program Director)\_\_\_\_\_  
Date

**Request for Contract Staff Background Investigation (cont.)**

<p>Photocopy (if permitted by law)</p> <p>Driver's License in this box</p>	<p>Photocopy</p> <p>SSN Card in this box</p>
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**CASE NOTES**  
**SECTION A**

- A.1 Identify the offender by name and register number.
- A.2 List type case - BOP or USPO case.
- A.3 List offenders assigned component - community corrections, pre-release, or home detention, and special instructions, if any.
- A.4 Indicate offender's release date and how verified.
- A.5 Identify, if applicable, if written notice of VCCLEA and PLRA was done.

**SECTION B - Facility adjustment (brief summary)**

- B.1 Program plans and time tables;
- B.2 Employment, to include job search progress;
- B.3 Educational/vocational participation;
- B.4 Program participation - list both current and completed, also indicate when and by whom the pre-release or home detention component was approved;
- B.5 Disciplinary actions - chronologically list all actions at the RRC (informal resolutions are not to be included);
- B.6 Physical and mental health, including any significant mental or physical health problems, prescribed medication compliance, and any corrective action taken;
- B.7 Financial responsibility plan and current status; and
- B.8 Passes/Furlough (chronologically lists all and summarizes offender's success).

**SECTION C - Release planning:**

- C.1 When appropriate, staff will request that the offender provide a specific release plan that includes address and employment;
- C.2 Staff will identify available release resources and any particular problem that may be present in release planning.

**Have both offender and contract staff sign and date the notes.**

## **URINALYSIS PROCEDURES**

### **URINALYSIS TESTING SPECIFICATIONS**

The laboratory must comply with all specifications contained herein and all applicable local, state, and federal law, as indicated in 42 CFR Part 493.

Urine samples submitted for testing will contain the laboratory's required minimum amount of urine, ordinarily 25 milliliters.

If necessary because of litigation, the laboratory must provide a qualified expert witness to testify as to laboratory procedures employed as well as to accuracy and reliability of test results. Additionally, the laboratory must be able to prove chain of custody.

The laboratory is required to demonstrate a satisfactory intrinsic quality control program and to participate in at least one proficiency testing program which is conducted by local, state, or federal agencies, or professional groups, and must have demonstrated satisfactory performance in that proficiency testing program for at least the last two years. The laboratory will provide results of proficiency testing to the contractor, at least annually. RRM's will review these findings during monitoring visits.

### **Specifications of Methodology**

Sensitivity - The laboratory will have the capability to detect and identify certain drugs and metabolites by basic screen at minimal levels, or lower, as indicated in the PRIMARY TEST PANEL.

Basic Screening Procedures - All primary initial screen tests will be with Enzyme Multiplied Immunoassay Technique (EMIT)/FDA Approved Methodology Testing as indicated, with the SPECIAL test initial screen being EMIT/FDA Approved Methodology Testing as indicated under the SPECIAL test group. All testing will be performed according to manufacturer's specifications for all requests and instruments, as in FDA approved package inserts or appropriate manufacturer accreditation body which has reviewed and accepted the laboratory's modified protocol.

Confirmation of Positive Tests - The approved methods of confirmation of specimens testing positive are listed in both the Primary and SPECIAL test panels above. Confirmation tests must be done on all initial positives. Authorized confirmation methodologies include Thin Layer Chromatography (TLC), High Performance Thin Layer Chromatography (HPTLC), and GC/MS test methodology. No substitutions can be made to the methods. The positive rate of all samples is estimated to be between 6 percent and 7 percent.

Other Requirements - The laboratory must perform the test within 48 hours of receipt. The laboratory will telephonically notify the contractor facility of positive results within 24 hours of the time the test was performed. Urine specimens testing positive must be retained by the laboratory for minimum of 30 days for possible retesting, if requested.

#### **STANDARD PROCEDURES FOR COLLECTING URINE SURVEILLANCE SAMPLES**

1. To the extent possible, urine samples should be collected in one or two centralized areas of the facility, (e.g., facility director's office or other private office), by contract staff who are thoroughly familiar with the procedures specified below.
2. Offenders will be thoroughly searched to detect any device designed to provide a urine substitute or possible contaminant and will thoroughly wash their hands prior to providing the sample.
3. When the offender reports for testing contract staff will:
  - Make a positive picture identification of the offender;
  - Collect the sample from the offender;
  - Assign the sample a urine sample identification number;
  - Label the urine bottle with that number and the date; and
  - Record the number next to the offender's name on the lab slip.
4. Bottles will be kept under direct contract staff observation and control at all times, both before and after the offender furnishes the urine sample.
5. Two report form lines are provided for each urine sample on the lab form. Ordinarily, to be submitted for testing, bottles will be full (i.e., 60cc or 2 oz.). Once a sufficient sample is provided, contract staff will ensure that the urine sample identification number on the bottle corresponds to the number assigned to that offender on the lab slip. Contract staff will then document this verification by initialing the lab slip entry for that offender. Until the lab form

is revised to provide a column specifically for initials, initials should be placed in the right most portion of the medication column.

6. The offender will then be asked to verify the numbers on the bottle and the lab slip and to initial the lab slip to indicate his/her verification. A cover sheet should be used which will permit the offender to view only his/her entries on the lab slip. If the offender refuses, a second contract staff member should make this verification and initial the form.

7. After samples are collected they will be maintained under direct contract staff observation until moved to a locked area where they may be stored until mailing. This area should be designated by the Urine facility director and will be accessible to a very limited number of contract staff. Under no circumstances will offenders have access to this area.

8. All samples will be mailed to the testing laboratory no later than 72 hours after collection, (excluding holidays).

9. When a positive result is received, and an incident report written, a photocopy of both the slip returned by the lab and the slip listing the offender's name and urine sample identification number (retained at the facility) will be attached to the incident report and made a part of the disciplinary record. Other offender names will be blocked out of the photocopy.

#### **DETECTION PERIODS FOR SELECTED DRUGS**

The time periods below are estimates of the maximum lengths of time, after last use, that a person's urine would be positive for a particular drug. These periods also represent the minimum waiting periods between samples on which successive disciplinary actions for the same drug ordinarily may be based. For example, ordinarily at least 30 days must elapse between urine collection dates before disciplinary action may be taken for a second THC positive. The offender could, however, be retested within this 30 day period and disciplinary action could be based on positive results for drugs other than THC.

3 days	Amphetamines, Methamphetamine, Cocaine and Cocaine Metabolite
5 days	Methadone and Methadone Metabolite
6 days	Morphine, Codeine, Opiates, Meperidine (Demorol) Pentazocine, (Talwin) and Propoxyphene (Darvon)
11 days	Barbiturates and Phencyclidine (PCP)
14 days	Phenobarbital
30 days	THC

DRUG/SUBSTANCE CONFIRMATION	SCREEN METHOD	SCREEN LEVEL	CONFIRMATION METHOD	CUTOFF
Amphetamines Amphetamine Methamphetamine	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	1000 ng/ml	Gas Chromatography or a Certified Comparable Testing Technology	300 ng/ml
Barbiturates Amobarbital Butabarbital Butalbital Pentobarbital Phenobarbital Secobarbital	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	300 ng/ml	Gas Chromatography / Mass Spectrometry or a Certified Comparable Testing Technology	300 ng/ml
Benzodiazepines	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	300 ng/ml	Gas Chromatography or a Certified Comparable Testing Technology	200 ng/ml
Cannabinoids (THC/Marijuana)	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	50 ng/ml	High Performance Thin Layer Chromatography or a Certified Comparable Testing Technology	50 ng/ml
Cocaine Benzoylecgonine	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	300 ng/ml	Gas Chromatography or a Certified Comparable Testing Technology	300 ng/ml
Methadone	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	300 ng/ml	Gas Chromatography or a Certified Comparable Testing Technology	300 ng/ml
Opiates Codeine Hydromorphone Morphine	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	300 ng/ml	Gas Chromatography or a Certified Comparable Testing Technology	300 ng/ml
Phencyclidine	Enzyme Multiplied Immunoassay Technique or a Certified Comparable Testing Technology	25 ng/ml	Gas Chromatography or a Certified Comparable Testing Technology	25 ng/ml

### **EXPLANATION OF TERMS**

AVERAGE MONTHLY POPULATION (AMP) - The contractor adds the days invoiced on the monthly bill for three consecutive months and divides by three to determine the AMP.

BUREAU OF PRISONS (BOP) - A component of the Department of Justice responsible for federal offenders sentenced to a term of imprisonment.

BOP INTERNET HOME PAGE - [www.bop.gov](http://www.bop.gov)

CALIFORNIA TECHNICAL BULLETINS - The California Bureau of Home Furnishings and Thermal Insulation enforces California statutes and regulations governing upholstered furniture, bedding, and thermal insulation industries.

The bulletins referenced in the SOW are published by the California Bureau of Home Furnishings and Thermal Insulation. The Bureau of Home Furnishings and Thermal Insulation bulletins are available by contacting the following address: 3485 Orange Grove AVE; North Highlands, California, 95660; (916) 574-2041.

RESIDENTIAL REENTRY CENTER (RRC) - The location in which the Contractor's programs are operated; also called facility, center, community treatment center (CTC), or a halfway house. A RRC is considered a penal or correctional facility.

RESIDENTIAL REENTRY MANAGER (RRM) - The BOP employee responsible for all functions, programs and services related to Residential Reentry Programs within a judicial district(s).

RESIDENTIAL REENTRY MANAGEMENT CENTER ADMINISTRATOR (RRMCA) - The BOP employee who supervises the RRM. The MCA exercises responsibility for Residential Reentry operations and programs within a geographical area originally covering more than one RRM office.

REGIONAL RESIDENTIAL REENTRY MANAGEMENT ADMINISTRATOR (RRRMA) - The BOP employee responsible for all Residential Reentry functions, services and operations within a region.

REGIONAL REENTRY SAFETY SPECIALIST (RRSS) - a BOP staff member responsible for contract compliance with county, city, state, federal and national safety policies.

COMPREHENSIVE SANCTIONS CENTER (CSC) - The location in which the Contractor's programs are operated; also called facility or a halfway house. A CSC is considered a penal or correctional facility.

CONTRABAND - Contraband will be considered anything not authorized for retention by the facility rules and regulations or not issued by authorized staff.

CONTRACT AWARD - The date the Contracting Officer signs the contract.

CONTRACT EMPLOYEE - Contract employee means individuals hired by the contract to perform the services required by the SOW. The terms contract employee, employee, staff and contract staff are used interchangeably throughout this document.

CONTRACT OVERSIGHT SPECIALIST (COS) - The BOP employee who, under the direction of the RRM, inspects and monitors contract compliance.

CONTRACTING OFFICER (CO) - A BOP employee with the authority to enter into, administer, negotiate, award, cancel and/or terminate contracts, and make related determinations and findings on behalf of the United States Government.

CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE (COTR) - A BOP employee, ordinarily a RRM designated in writing by a CO, to act as an authorized representative in monitoring and administering a contract acts as technical liaison between the Contractor and the CO (see Section G of the solicitation for an expanded outline of these authorities and responsibilities).

CONTRACTOR - The individual, partnership, corporation or other legal entity who has been awarded a contract by the BOP. ("contractor employees," "staff," "provider" and "contractor" are used interchangeably throughout this document.) All staff from the Chief Executive Officer (CEO) level to line staff is included.

DISABILITY - Person with a disability has a permanent physical or mental impairment that substantially limits one or more major

life activities; has a record of such impairment; or is perceived as having such impairment.

DISCIPLINE HEARING OFFICER (DHO) - A BOP employee responsible for conducting fact-finding hearings covering alleged acts of misconduct and violations of prohibited acts including those acts which could result in criminal charges.

EMERGENCY - Any significant disruption (e.g., adverse weather, bomb threat, disturbances, escape, fire, hostage, work or food strike, etc.) of normal facility procedures, policy or activity.

ELECTRONIC MONITORING EQUIPMENT - Equipment which monitors a federal offender's compliance with the RRC Electronic Monitoring Program's conditions. The program has a system of accounting for an offender at all times, including verification of activities, reporting of tardiness and/or absences from required services or activities, as well as other program violations.

HOME DETENTION - Home Detention is a generic term used to cover all circumstances in which a federal offender is required to remain at home during non-working hours of the day.

INDIGENT - Indigent is a condition an offender experiences when they are physically or mentally disabled and impoverished to the point that they are temporarily unable to earn money. Participation in the RRC should remedy this situation and assist the offender in becoming self-sufficient.

INMATE - (see resident)

INVESTIGATING OFFICER - Refers to the disciplinary process. The term Investigating Officer refers to an employee of supervisory level who conducts the investigation concerning alleged charge(s) of offender misconduct. The Investigating Officer may not be the employee reporting the incident, or one who was involved in the incident in question.

LIFE CONNECTIONS PROGRAM - is a program to foster personal growth and responsibility and to right the relationships among the victim, the community and the inmate. The program will use the inmate's faith commitment to bring reconciliation and restoration. Participants will be helped to take responsibility for their criminal behavior. Faith groups in the community at the inmate's release destination will be asked to volunteer as



support groups for the inmate participants upon release to a RRC.

NFPA, NATIONAL FIRE PROTECTION ASSOCIATION - The National Fire Protection Association (NFPA), headquartered in Quincy, Massachusetts, USA, is an international, nonprofit, membership organization founded in 1896 to protect people, their property and the environment from destructive fire. The mission of NFPA, which was organized in 1896, is to reduce the burden of fire on the quality of life by advocating scientifically based consensus codes and standards, research and education for fire and related safety issues.

The codes referenced in the SOW are available by contacting NFPA at the following address: 1 Battery March Park Quincy, MA 02269-9101 USA Telephone: (617) 770-3000 FAX: (617) 770-0700; Customer Sales Department at 800-344-3555; Internet Home Page: NFPA.ORG

OSHA, OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION - regulates occupational safety and health standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

OFFENDER - (see resident)

OFFEROR - The individual, partnership, corporation or other legal entity who submits a proposal in response to the BOP's needs outlined in a solicitation.

PROGRAM STATEMENT (P.S.) - A BOP written directive that establishes policy procedures in a given area (available on BOP Internet web page).

PRELIMINARY SITE INSPECTION - One BOP scheduled on-site inspection of the offeror's facility and location (place of performance) for evaluating the proposed site.

PREOCCUPANCY INSPECTION - One BOP scheduled, on-site inspection of the Contractor's place of performance to ensure facility repairs or renovations have been completed and minimum programmatic requirements have been met so performance may begin.

PRE-TRIAL DEFENDANT - ordinarily means a person awaiting trial, being tried, or awaiting a verdict. The term "pre-trial inmate" also includes a person awaiting sentence after having pleaded or been found guilty when the BOP has not received notification of conviction.

PRE-TRIAL SERVICES OFFICER (PSO) - An officer of the federal court responsible for supervising federal defendants, before trial or sentencing, as directed by the federal court. PSOs are more common in large metropolitan areas. U.S. Probation Officers (USPOs) function in the capacity of a PSO in most judicial districts. The terms USPO and PSO may be used interchangeably throughout this document about pre-trial service defendant responsibilities.

PRISON LITIGATION REFORM ACT (PLRA) - For the purpose of this SOW, the RRM will identify PLRA case to the contractor with specific instructions. Specific requirements are outlined in the chapters on Programs and Discipline.

REASONABLE COSTS - The costs of travel (airfare, rental car, etc.) and per diem allowances for United States Government travel, as set forth in the federal Travel Regulations.

REGIONAL TRANSITIONAL DRUG ABUSE TREATMENT COORDINATOR (REGIONAL T-DATC) - The BOP employee who is responsible for placing offenders in Transitional Drug Abuse Treatment (TDAT), procuring treatment, monitoring treatment providers, certifying bills, ensuring quality control, and performing liaison activities among federal institutional programs, U.S. Probation, and contract community treatment providers.

REGISTERED DIETICIAN (RD) - RD means that a person has completed academic and experience requirements established by the Commission on Dietetic Registration, the credentialing agency for American Dietetic Association (ADA).

RESIDENT - is a federal inmate, inmate, prisoner or offender. The terms resident, inmate, prisoner and offender are used interchangeably throughout this document.

ROUTINE MONITORING - The BOP's scheduled and unscheduled, on-site inspection visits to the Contractor's facility to evaluate performance.

Facilities with an average daily population of federal offenders of 15 or fewer, there will be at least one full monitoring and at least two unannounced interim monitoring visits every 18 months.

Facilities with 16 to 30 federal offenders will have at least one full monitoring and at least two unannounced interim monitoring visits every 12 months.

Facilities with 31 or more federal offenders will have at least one full and three unannounced interim monitoring visits every twelve months.

**TYPES OF OFFENDERS** - The BOP places several types of offenders in a RRC. There are many variables which determine the type and how an offender is placed and programmed in a RRC. To avoid confusion, the contractor should consider two broader categories, BOP and USPO cases. It is important to understand which case the offender is assigned because of the differences in programming. The RRM will provide direction in this regard.

Confinement of all BOP cases is reimbursable. Confinement of USPO cases is reimbursable except pre-trial defendants. The RRM can answer questions regarding reimbursable offenders.

A. **Condition of Supervision Placement** - Offenders under conditions of probation or supervision by the Court, or parole or mandatory release supervision by the U.S. Parole Commission may be ordered to reside in a RRC for a period of time. These placements are USPO cases.

B. **Community Confinement** - Community Confinement offender is under custody and a BOP case that resides in a RRC and participates in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility approved programs as a condition of supervised release or probation.

C. **Intermittent Confinement** - Intermittent Confinement offender is under custody and a BOP case who resides in a RRC during nights, weekends, or other intervals.

D. **Institution Transfers** - Institution transfer is a BOP case who has transferred from a federal institution and is completing the last portion of their sentence.

UNIVERSAL PRECAUTIONS - as defined by Centers for Disease Control and Prevention (CDC), Department of Health and Human Services, are a set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other blood borne pathogens when providing first aid or health care. Under universal precautions, blood and certain body fluids of all patients are considered potentially infectious for HIV, HBV and other blood borne pathogens.

U.S. PROBATION OFFICER (USPO) - an officer of the United States District Court who responsible for supervising USPO federal offenders.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT (VCCLEA) - For the purpose of this SOW, the RRM will identify VCCLEA case to the contractor with specific instructions.

**AGREEMENT TO PARTICIPATE IN THE BUREAU OF PRISONS TRANSITION  
SKILLS PROGRAM**

The Federal Bureau of Prisons offers a range of re-entry programs for inmates transferring to a Residential Reentry Center (RRC) pending release from custody. All program participants entering a RRC who are not participating in the Transitional Drug Abuse Treatment Program will participate in the Transition Skills groups that are conducted in the RRC.

All eligible BOP inmates will agree to participate in the Transition Skills group as designated by the RRC or will be restricted to the Community Corrections component until release.

All Transition Skills participants agree to refrain from any behavior disruptive to the group or to the participants and staff in the group.

All Transition Skills participants agree to complete all tasks as assigned.

All Transition Skills participants agree to take part in all the Transition Skills activities.

All Transition Skills participants agree to accept the responsibility of maintaining confidential information throughout the Transition Skills group.

All Transition Skills participants understand that all personal information is kept confidential with the following exceptions:

1. Program staff may release information where there is a risk of danger to the health and safety of inmates, staff, or other persons;
2. Program staff may release information where there is a threat to the security or orderly running of the RRC; and
3. Program staff may release information to the Regional Transitional Drug Treatment Coordinator, Regional Reentry staff, United States Probation, and/or other parties to whom release of information is deemed appropriate in accordance with the information to be disclosed.

As a participant of the Transition Skills Group -

I understand that expulsion from the Transition Skills Group will place me back into the Community Corrections component.

I understand that withdrawal from the Transition Skills group shall be deemed a program failure and may result in placing me back into the Community Corrections component.

I understand and consent to the release of information specified below by Bureau of Prisons staff to the appropriate U.S. Probation staff, Regional Reentry staff, and Treatment staff for the purpose of developing a comprehensive RRC plan.

The extent and nature of the information to be disclosed includes: engagement in the Transition Skills Group, motivation for participation, progress in group, and ongoing transitional needs.

**AGREEMENT/SIGNATURE**

I have read, or have had this document read to me, and I understand and agree to the rules and regulations for participation in the Transition Skills Group:

Inmate Name Printed	Staff Name Printed
Inmate Signature	Staff Signature
Register Number	Staff Title
Date	Date

[Name of RRM]

[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. 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] inmates 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 an inmate refuses to consent to the DNA collection, please bring this to the attention of this office as soon as possible.

The inmate should be made aware that refusal to consent may result in the inmate being temporarily brought back into the physical custody of the Bureau and housed in a Special Housing Unit until the sample is collected.

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.

## INITIAL INTAKE FORM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Facility Name and Address:

Contract staff completing the interview (print):

Name of Offender:

Register Number:

Offender Home Address:

DOB:

SSN:

Race:

Sex:

Religion:

Date and Time of Arrival:

1. NOTIFICATION IN CASE OF EMERGENCY/DEATH (Offender completes):

In case of an emergency or my death, I direct that my  
 \_\_\_\_\_, be notified via information provided below.  
 (relationship)

(Name)

(Address)

(City)

(State)

(Telephone Number)

Name and Telephone Number of Personal Physician:

2. Status (Contract staff completes)

Component Assigned: Community Pre-Release Home Detention  
 (circle one) Corrections

Type of case (BOP or USPO) (BOP cases are in custody and subject  
 to removal to a BOP institution):

Case Manager assigned:

3. Signatures (Contract staff and offender completes):

Contract staff signature

Date/Time

Offender signature

Date/Time

Record Copy - Facility Director; Copy - RRM (This form may be replicated via computer)

**PLANNING COMMISSION  
STAFF REPORT**

FROM: SEAN E. HOLM, PLANNER  
DATE: JULY 9TH, 2013  
SUBJECT: SP-3-13 – SPECIAL USE PERMIT REQUEST FOR PORT OF HOPE TO  
ALLOW THE OPERATION OF A CRIMINAL TRANSITION FACILITY.  
LOCATION: 218 N. 23RD STREET – APPROX 0.842 OF AN ACRE

**DECISION POINT:**

Port of Hope Centers, Inc. is requesting a Special Use Permit allowing a criminal transition facility in the C-17 (Commercial) zoning district to operate a residential re-entry service for federal offenders.

Applicant: Port of Hope Centers, Inc.  
218 N. 23<sup>rd</sup> St.  
Coeur d'Alene, ID 83814

**GENERAL INFORMATION:**

Port of Hope has been providing drug and alcohol treatment at their current location since April of 1991 and transitional housing for their clients since 1998. Currently in process of re-bidding a third 5-year term contract for services, the city was made aware of the level of service provided by the applicant and required special use permit approval to comply with city code.

**17.03.040: GENERAL DESCRIPTION OF CIVIC ACTIVITIES:**

F. Criminal transitional facility: Providing transitional living accommodations for three (3) or more residents who are on probation or parole for a felony. ***The maximum number and type of offenders, based on the offenses committed, the extent of supervision required, and the length of allowable transition period shall be set by special use permit.*** (Emphasis added)

- The applicant was asked to provide a review of the establishment subject to the prior general description of civic activities, specifically regarding the emphasized section above, which is attached on the following pages.

**17.05.520: PERMITTED USES; SPECIAL USE PERMIT:**

Permitted uses by special use permit in a C-17 district shall be as follows:

- Adult entertainment sales and service
- Auto camp
- Criminal transitional facility
- Custom manufacturing
- Extensive impact
- Residential density of the R-34 district as specified
- Underground bulk liquid fuel storage - wholesale
- Veterinary hospital
- Warehouse/storage
- Wireless communication facility



Port of Hope  
218 N 23rd  
CDA, ID 83814

Dear Mr Holm,

Per our conversation, the following is Port of Hope's response to your questions.

-The maximum number of offenders and types of offenders: The current Request for Proposal is for a projected minimum of 21 beds and a maximum of 43 beds. Out of those 43, approximately 55% will be in house and 45% will be monitored in their homes under home confinement. Our current in house population is 25 beds and 7 on home confinement. Our current population consists of approximately 85% drug related crimes (manufacturing, possession and distribution), the remaining 15% consists of theft, mail fraud, pornography, robbery, crimes on an Indian Reservation and assault type charges.

-Extent of Supervision: Port of Hope supervises the offenders 24 hours a day, seven days a week. The Port of Hope RRC has an accountability program in place that enables the RRC Staff to know the whereabouts of offenders at all times. The RRC Promotes honesty, integrity, and professionalism of all facility employees in order to ensure a safe and secure facility and maintain public confidence in our program. Port of Hope has a camera surveillance system with camera's in all the common areas inside the facility and the surrounding outside parameter. The RRC has camera monitors mounted in key areas to assist in accountability and to help maintain the integrity of our program. The RRC also has a secured entry where all offenders must be buzzed in/out by staff as well as outside visitors. The RRC is equipped with an alarm system which monitors building exits and windows. Port of Hope utilizes a computerized software program (Safe Keep) to track offender movement, head counts, medication, employment, etc. The system alerts staff when an offender is one (1) minute late and continues to alert staff until the offender returns or key staff locate the offender. Port of Hope has implemented GPS (Veritracks) on all offenders placed in the Home Confinement component as well as offenders that are found to be at risk for non-compliance with accountability. All offenders are breathalyzed every time they return to the facility and randomly within the facility. All offenders receive urinalysis testing randomly at a five percent ratio and a minimum of four (4) times monthly if they have a drug and alcohol component. Weekly, each offender is required to submit an Itinerary which outlines their schedule for the coming week. Included on the itinerary are employment schedules, recreation, worship services, aftercare plans and other program needs. The RRC Director reviews each itinerary for completeness and authorization. Offenders are not allowed to deviate from the Itinerary unless they receive pre-authorization. Offenders are given a RRC contact number and required to call in their movement. The telephone is monitored by RRC staff and has Caller Identification. Offenders are required to call in while seeking employment, or attending program needs. RRC staff randomly return calls to offenders and inspect all sites to verify their location. A list of pre-approved locations is then placed in each offenders file. Each offender signs in and

out of the facility utilizing a signature pad linked to Safe Keep that is controlled by the RRC Staff. Each time the offender leaves the facility the RRC Staff records the time out, destination, purpose and authorized return time. Port of Hope strives at maintaining a link between the RRC and the surrounding community. Port of Hope makes a conscious effort to stay in continuous communication with local businesses and areas that the offenders frequent. We stand behind our accountability program and our mission to help offenders reentry to the community.

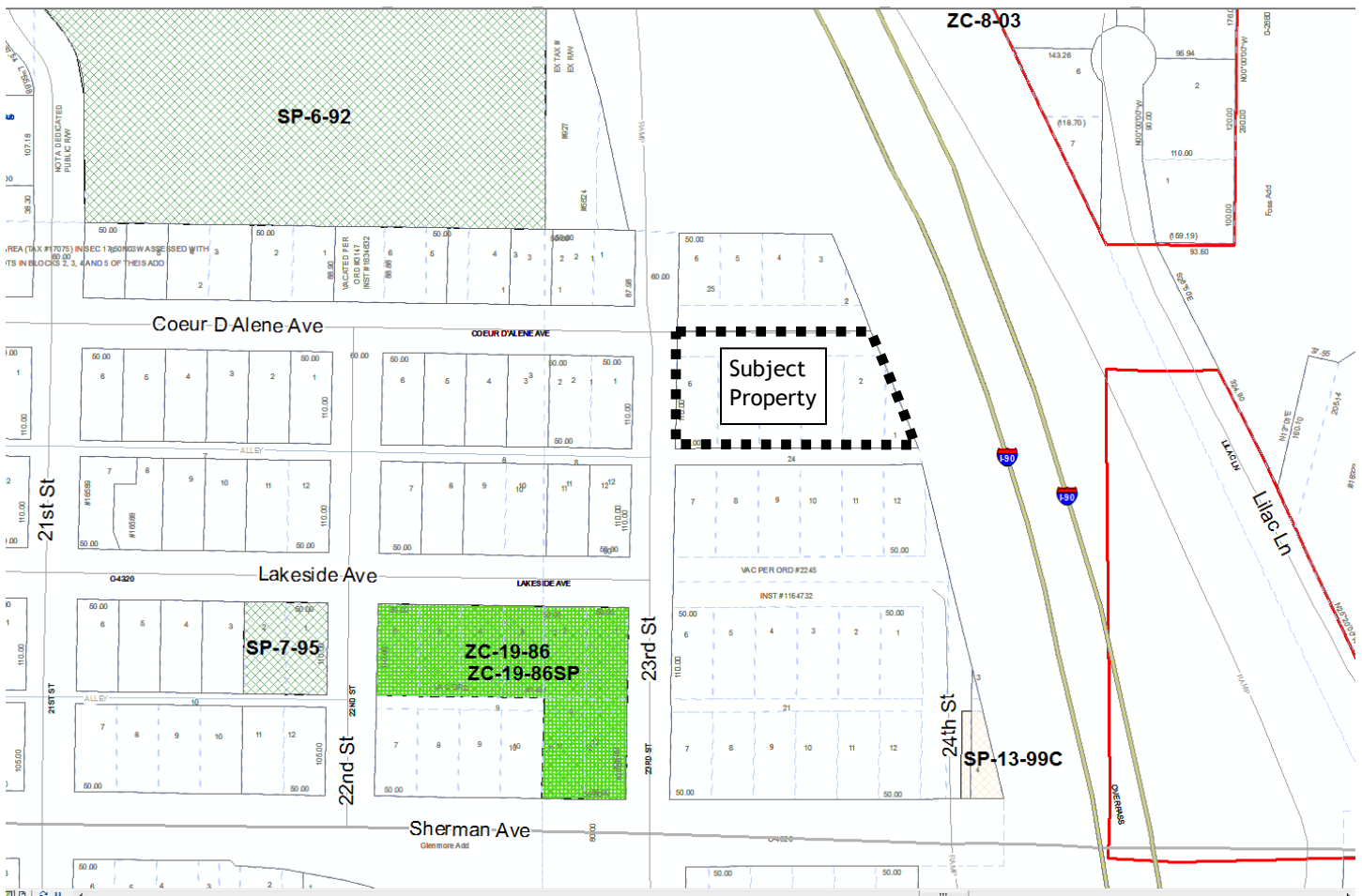
Maximum length of Stay: The typical offender resides at the Port of Hope for 90-180 days. During the initial 60-90 days, the offender is required to obtain employment, attend treatment and develop a residence. After approximately 90 days, if appropriate, the offender is placed on home confinement for the remainder of their stay.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tamara Chamberlain', written over a horizontal line.

Tamara Chamberlain  
Executive RRC Director

## Prior Land Use Actions in Area:

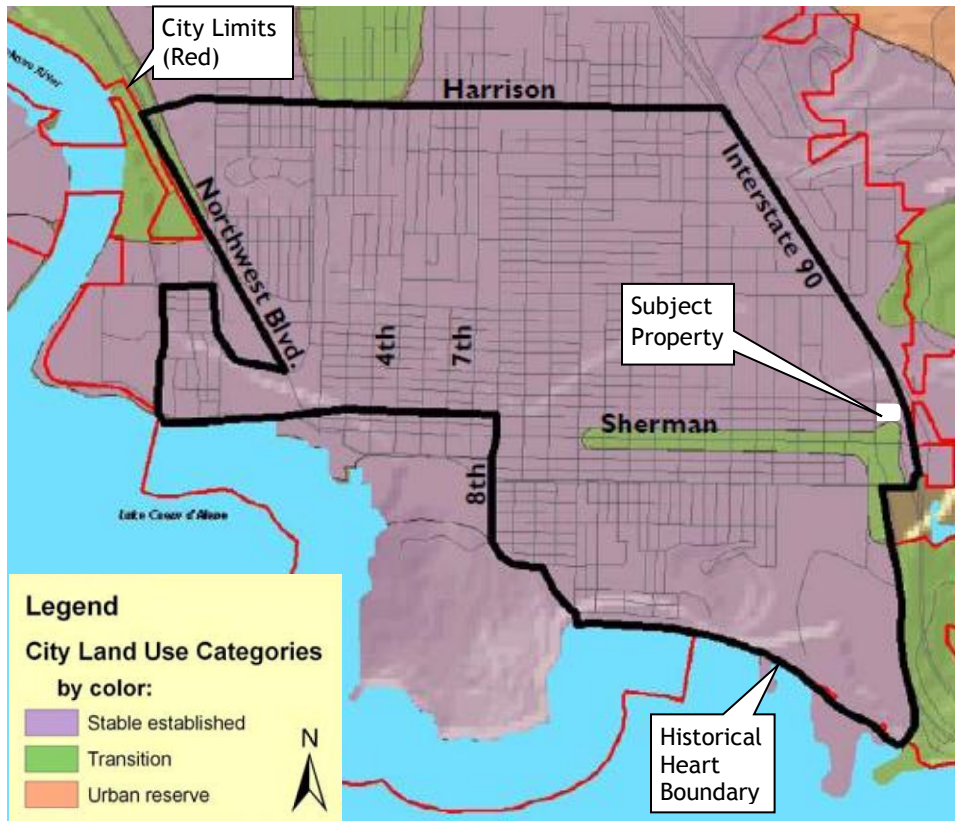


- Zone Changes/Special Use Permit:  
     ZC-19-86SP     R-17 to C-17 and Auto camp SUP     10.7.86 Approved
- Special Use Permits:  
     SP-6-92         Community Education (SD#271)     7.14.92 Approved  
     SP-7-95         Parking Lot     7.11.95 Approved  
     SP-13-99C       Wireless Tower     N/A     Withdrawn
- Zone Changes/Special Use Permit:  
     ZC-8-03         R-3 to R-12     11.12.03 Denied

## PERFORMANCE ANALYSIS:

### A. Finding #B8A: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates this area as stable established:



**Stable Established:**  
These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots, and general land use are not expected to change greatly within the planning period.

### Land Use: Historical Heart

#### Historical Heart Today:

The historical heart of Coeur d'Alene contains a mix of uses with an array of historic residential, commercial, recreational, and mixed uses. A traditional, tree-lined, small block, grid style street system with alleys is the norm in this area. Neighborhood schools and parks exist in this location and residents have shown support for the long term viability of these amenities. Focusing on multimodal transportation within this area has made pedestrian travel enjoyable and efficient.

Widely governed by traditional zoning, there are pockets of infill overlay zones that allow development, based on Floor Area Ratio (FAR). Many other entities and ordinances serve this area to ensure quality development for generations to come. Numerous residential homes in this area are vintage and residents are very active in local policy-making to ensure development is in scale with neighborhoods.

#### Historical Heart Tomorrow

Increased property values near Lake Coeur d'Alene have intensified pressure for infill, redevelopment, and reuse in the areas surrounding the downtown core. Stakeholders must work together to find a balance between commercial, residential, and mixed use development in the Historic Heart that allows for increased density in harmony with long established neighborhoods and

uses. Sherman Avenue, Northwest Boulevard, and I-90 are gateways to our community and should reflect a welcoming atmosphere. Neighborhoods in this area, Government Way, Foster, Garden, Sanders Beach, and others, are encouraged to form localized groups designed to retain and increase the qualities that make this area distinct.

**The characteristics of Historical Heart neighborhoods will be:**

- That infill regulations providing opportunities and incentives for redevelopment and mixed use development will reflect the scale of existing neighborhoods while allowing for an increase in density.
- Encouraging growth that complements and strengthens existing neighborhoods, public open spaces, parks, and schools while providing pedestrian connectivity.
- Increasing numbers of, and retaining existing street trees.
- That commercial building sizes will remain lower in scale than in the downtown core.

**Significant Comprehensive Plan Goals and Objectives for Consideration:**

**Objective 1.06**

**Urban Forests:**

Enforce minimal tree removal, substantial tree replacement, and suppress topping trees for new and existing development.

**Objective 1.14**

**Efficiency:**

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

**Objective 1.16**

**Connectivity:**

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trail systems.

**Objective 2.01**

**Business Image & Diversity:**

Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.

**Objective 2.02**

**Economic & Workforce**

**Development:**

Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.

**Objective 2.05**

**Pedestrian & Bicycle**

**Environment:**

Plan for multiple choices to live, work, and

recreate within comfortable walking/biking distances.

**Objective 3.01**

**Managed Growth:**

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

**Objective 3.05**

**Neighborhoods:**

Protect and preserve existing neighborhoods from incompatible land uses and developments.

**Objective 3.06**

**Neighborhoods:**

Protect the residential character of neighborhoods by allowing residential/ commercial/ industrial transition boundaries at alleyways or along back lot lines if possible.

**Objective 3.07**

**Neighborhoods:**

Emphasize a pedestrian orientation when planning neighborhood preservation and revitalization.

**Objective 4.01**

**City Services:**

Make decisions based on the needs and desires of the citizenry.

**Objective 4.06**

**Public Participation:**

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

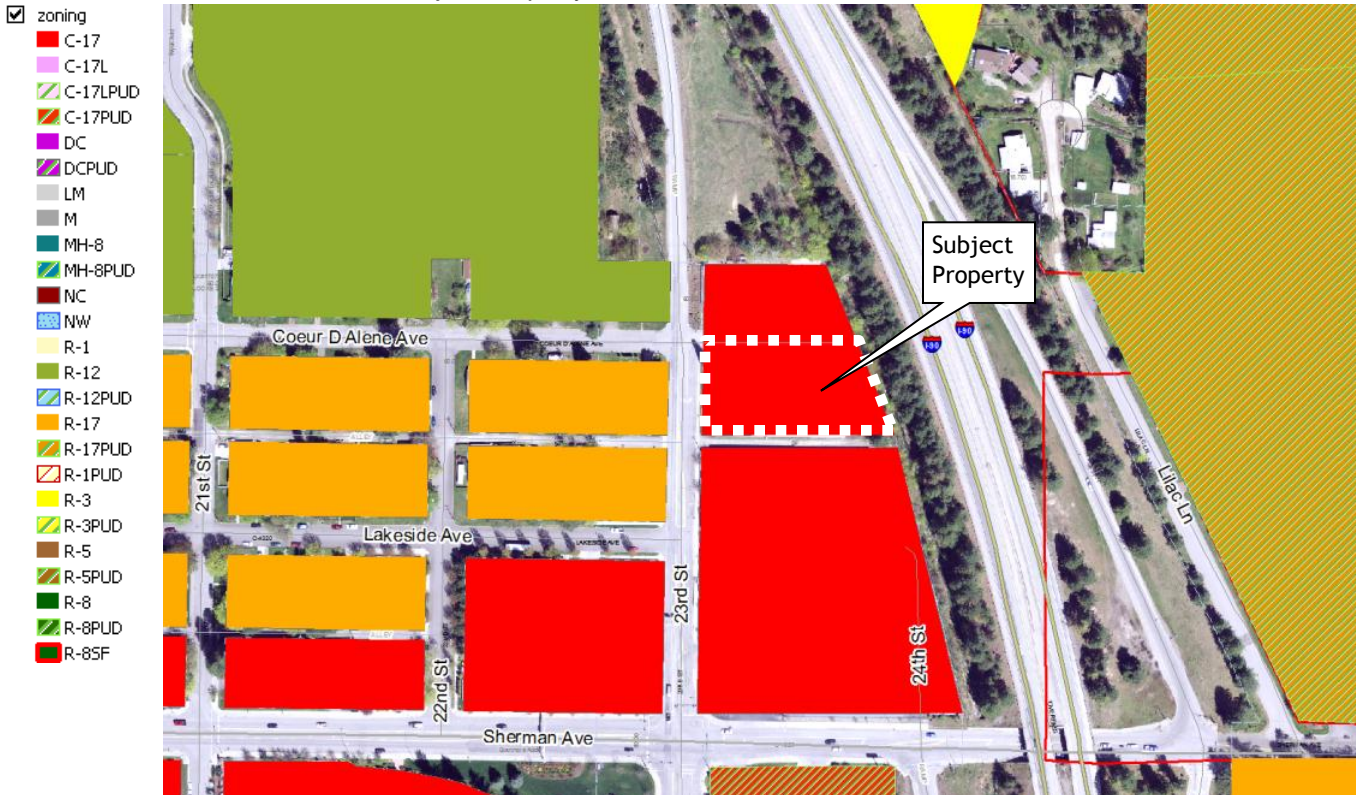


*Evaluation: The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

**B. Finding #B8B: The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.**

**Zoning:**

- Subject Property is Zoned C-17.



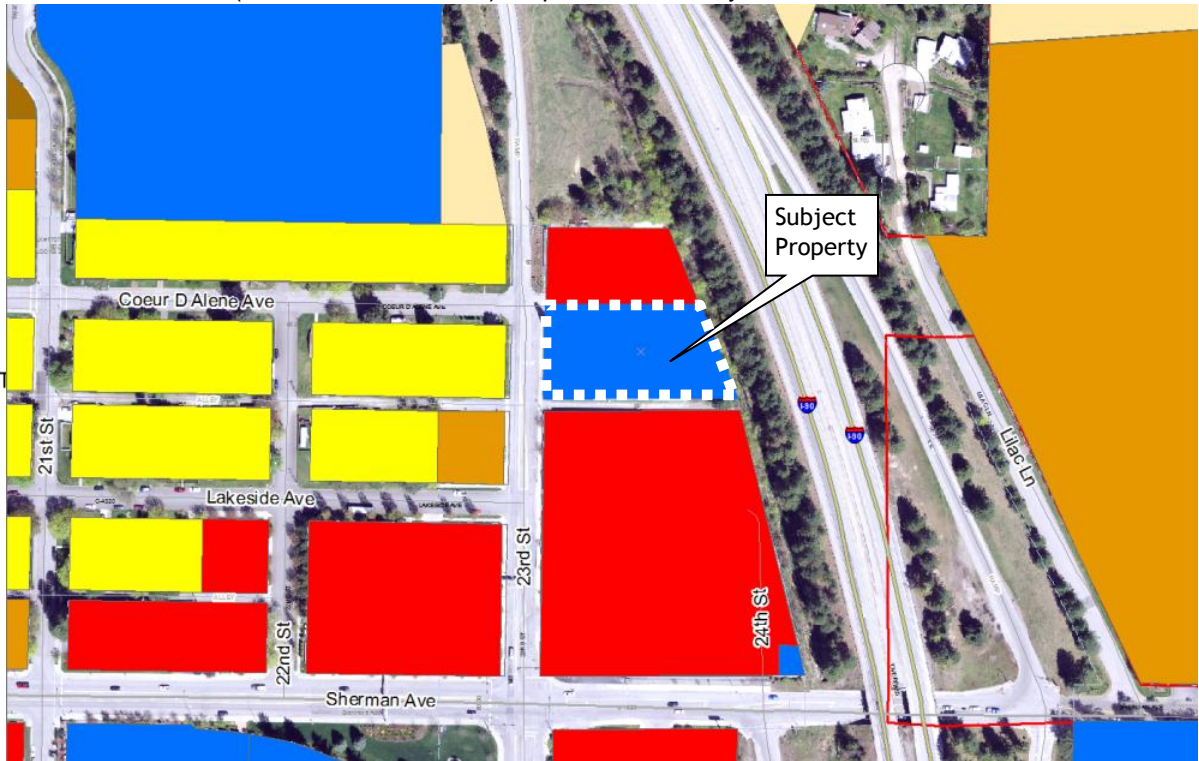


### Generalized land use pattern:

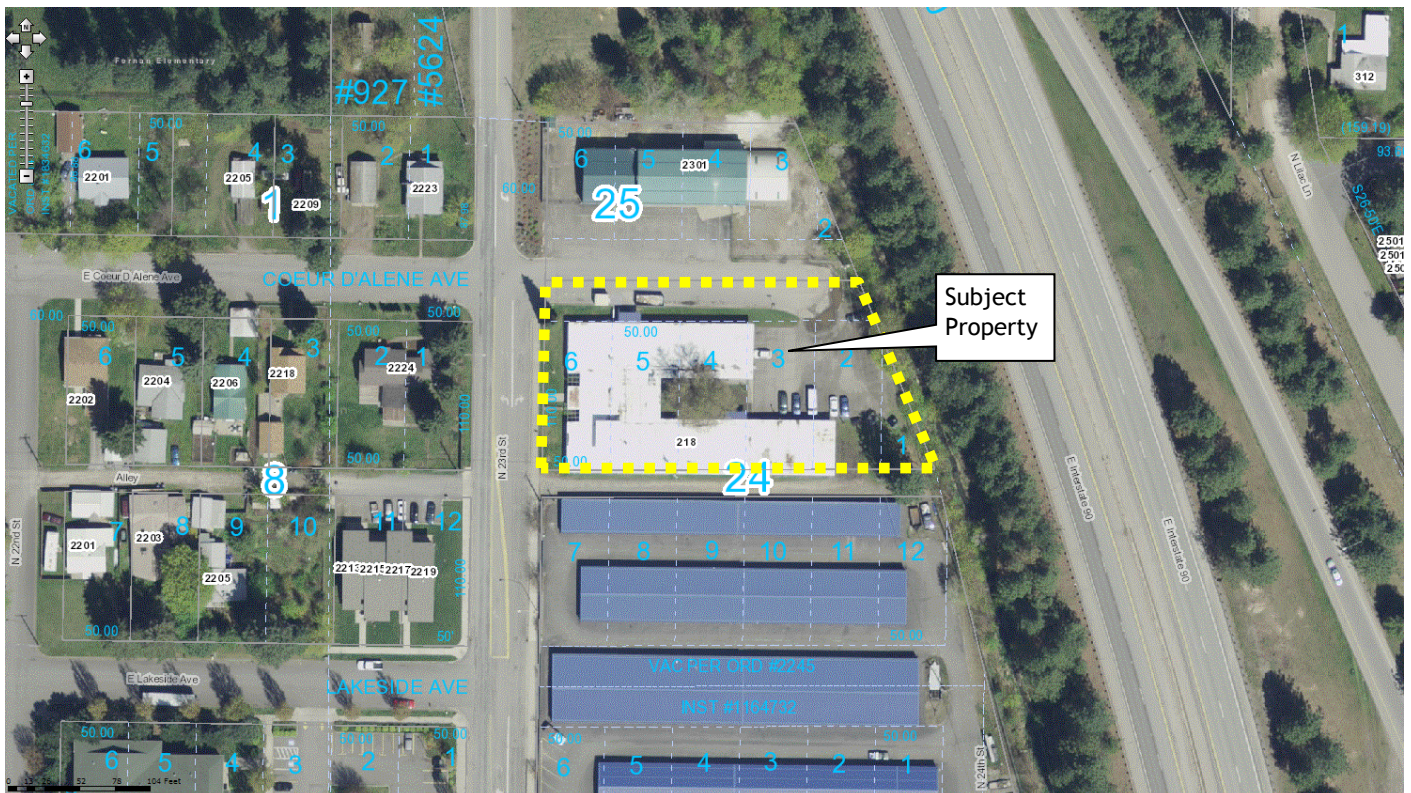
- Existing land uses in the area include: Civic (Elementary school), single family (Attached & detached), duplex, multi-family, commercial, and vacant land.

#### Land Use

- ☒ Land Use
- SFA
- SFD
- DUPLEX
- MH
- MHP
- MFD
- CIVIC
- COMM
- MFGR
- AGRICULT
- VACANT

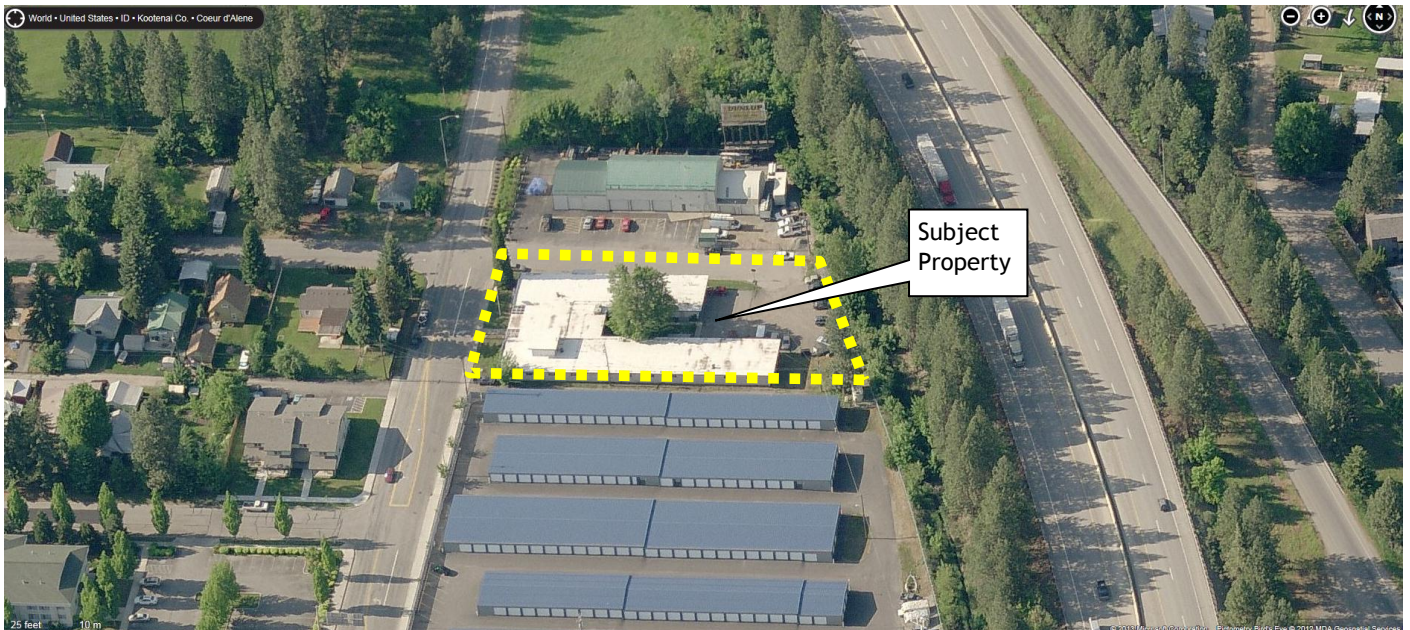


### Aerial view:





**Oblique view:**



**Site Pictures:**

*Port of Hope from Coeur d'Alene Ave & 23<sup>rd</sup> St. (Looking SE)*





*Entrance for Port of Hope along 23<sup>rd</sup> St.*



*Mini storage located south of subject property separated by alley*



*4-plex along 23<sup>rd</sup> St. (looking SW from Port of Hope)*



*Single family homes across the street from subject property (West)*





*Another view of single family home from Coeur d'Alene Ave & 23<sup>rd</sup> St (Looking South)*



*Another view of single family home from Coeur d'Alene Ave & 23<sup>rd</sup> St (Looking NW)*



*“Shannon Industrial: Plumbing & Heating” a commercial use north of subject property*



*North side of Port of Hope along vacated portion of Coeur d'Alene Ave. (Looking East)*





*View of north side of subject property along vacated ROW (Looking West)*



*View of subject property along vacated ROW (Looking Southwest)*





*Looking north from Sherman Avenue up 23<sup>rd</sup> St. toward subject property (I-90 exit)*



*Evaluation: The Planning Commission must determine, based on the information before them, whether the design and planning of the site is compatible with the location, setting, and existing uses on adjacent properties.*

**C. Finding #B8C: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities and services.**

**WATER:** No comment/objection for the special use permit.  
- Submitted by Terry Pickel, Assistant Water Superintendent

**SEWER:** No comment/objection for the special use permit.  
- Submitted by James (Jim) Remitz, Utility Project Manager

**STREETS:** The ITE Trip Generation Manual does not have a categorization for this type of use; therefore, an estimate of potential daily traffic generation cannot be arrived at. Due to the fact that the facility has been operating in its current capacity since 1991, and there have not been traffic related problems, it is a logical extension to presume that the situation will continue without any due impact on the surrounding neighborhood. Also, the fact that the facility is situated on a street that has signal controlled access, and, is adjacent to the City's main east/west arterial roadway, rapid dispersion of vehicles to be expected.  
- Submitted by Chris Bates, Engineering Project Manager

**FIRE:** No comment/objection for the special use permit.  
- Submitted by Bobby Gonder- Fire Inspector/Investigator

*Evaluation: The Planning Commission must determine, based on the information before them, whether the location, design, and size of the proposal are such that the development will be adequately served by existing streets, public facilities and services.*

**D. Proposed Conditions:**

Allowances to be set by Special Use Permit in addition to findings:

1. Maximum number and type of offenders based on the offenses committed
2. Extent of supervision required
3. Length of allowable transition period

**E. Ordinances and Standards Used In Evaluation:**

- 2007 Comprehensive Plan
- Municipal Code
- Idaho Code
- Wastewater Treatment Facility Plan
- Water and Sewer Service Policies
- Urban Forestry Standards
- Transportation and Traffic Engineering Handbook, I.T.E.
- Manual on Uniform Traffic Control Devices

**ACTION ALTERNATIVES:**

The Planning Commission must consider this special use permit request and make appropriate findings to approve, deny, or deny without prejudice. The findings worksheet is attached.



Port of Hope  
218 N 23rd  
CDA, ID 83814

July 17, 2013

Dear Mr Holm,

Per your email, the following is Port of Hope's response to the seven questions you asked of us.

1. Any information related to issues caused by offenders while in POH custodial care within the community.

Response: Port of Hope has not had any issues with our offenders within the community. We have not received any complaints from residents of the community, concerns from local law enforcement or reports of any kind identifying issues caused by offenders while in our custodial care.

2. Records regarding offenders that were sent back to jail type facilities due to non-compliance (deviations?) at POH.

Response: For 2013, Port of Hope has had fifty-two (52) offenders that completed their program at the Residential Reentry Center (RRC). Of that fifty-two (52), zero (0) offenders have been removed for non-compliance. In 2012, Port of Hope had 102 offenders that completed their program. Of those 102 offenders, two (2) were removed for deviating and two (2) for lying to staff in regards to unauthorized use of a cell phone. Also in 2012, a Public Law offender absconded after testing positive for Marijuana. (A Public Law offender is one that had been released from prison to the community and is currently on Federal Probation. The offender then violates his probation within the community or has a need for a RRC placement due to being homeless for example so is referred to us by his United States Probation Officer through the Bureau of Prisons program. An Absconde is when the Public Law offender leaves the facility without authorization.)

3 Greater detail into types of offenders and how the "point system" works and how "graduation" is achieved.

Response: Port of Hope reviewed our current and incoming roster and these are a summary of the types of crimes:

Manufacture of Counterfeit Currency; Conspiracy to Possess With Intent to Distribute Methamphetamine; Conspiracy to Possess Methamphetamine; Conspiracy to Commit Mail Fraud; Insurance Fraud; Possession of Explicit Images; Theft From A Federal Funded Agency; Conspiracy to Commit Bank Fraud; Felon In Possession Of A Firearm; Possession of Pornography; Sexual Abuse of a Minor; Conspiracy to Import Marijuana; Bank Robbery; Wire Fraud; Conspiracy to Distribute Controlled Substances; Bank Fraud/Mail Fraud; Assault

Committed on an Indian Reservation; Theft Committed on an Indian Reservation; Resisting an Officer; Unlawful Possession of a Firearm; Misprison of a Felony; Conspiracy to Distribute Cocaine; Manufacturing with Intent to Distribute Marijuana.

As you can see, this is only a sample of the types of offenders that we take there are hundreds of Federal offenses. I can tell you what types of offenders that we do not take and will continue to not take at the Port of Hope: Those that include a criminal history of repeated sexual offenses/acts may or may not include violence; offenders that have not completed a treatment program; Those assessed to meet violent sexual predator criteria; Offender expresses desire to continue committing sexual offenses.

The point system is difficult to explain as it is determined by the Legal system. Offenders are basically assigned points based on the crime itself, prior criminal history, acceptance of responsibility, etc. They also earn or lose Good Conduct Time while incarcerated based on discipline or behavior in the institution. A criminal attorney, Bureau of Prisons Representative or Federal Probation Officer could probably explain this better than Port of Hope. Some offenders with drug crimes also participate in a comprehensive 500-hr drug program while incarcerated. Once they graduate in the institution they continue that in the RRC with us. This program has stringent requirements to qualify for the program and strict behavior expectations while in the RRC.

4. The extent of supervision required by contract (What do the issuers of the offender require?)

Response: The requirements of the contract are based on a Statement of Work (which is available to the public at [www.bop.gov](http://www.bop.gov), we currently operate under the 2007 Statement of Work) This book guides everything from our requirements for Personnel (Education, background checks, staffing patterns, Standards of Conduct, training, etc); Life Safety/Facility (everything from candlefoot lighting required, unencumbered space per offender, City State and Local inspections required, to the temperature of our water) Sanitation; Food; Medical; Discipline, etc.

Supervision is covered in several chapters of the Statement of Work: The basic philosophy of the requirement is that we must know the offenders whereabouts at all times. That we have a comprehensive offender accountability program that ensures every offender is accounted for while in the facility, on home confinement or in the community.

It consists of things like offenders must complete a weekly itinerary telling us in advance where they are planning to go for the next week, we then verify and approve or deny locations. When they go job searching, for example, they fill out a daily itinerary telling us which businesses that they are going to apply at, we verify that they are appropriate then require the offender to return with a verification sheet that each business they apply at signs and puts times that they were there. We then make random phone calls to verify with that employer. They are not allowed to go anywhere that is not on their approved daily or itinerary. Once they gain employment (which every offender is required to do unless medically unable), we go to the job site, speak with the Employer and have them sign a verification sheet that discloses the offenders crime and that they are at the Residential Reentry Center. The employer identifies for us the work schedule, route of travel, needed travel time, and pay information. Employers are encouraged to contact the RRC with any issues regarding performance, absences or unusual events. RRC Staff verify employer requests for overtime and discuss any areas of concern. We then conduct weekly and monthly site visits with the employer on how they are doing. The offender is required to pay 25% of his gross income for being in a RRC. Random facility head counts are conducted at various intervals,

several times per shift, to confirm offender locations and the findings are recorded in the individual offenders file in the computerized Safe Keep program.

Offenders are given a RRC contact number for a telephone dedicated only to the program. The telephone is monitored by RRC staff and has Caller ID. Offenders are required to call in as requested by RRC Staff, while seeking/maintaining employment, attending program needs or on home confinement. RRC staff randomly return calls to offenders and inspect all sites to verify their location. A list of pre-approved locations is then placed in each offenders file.

Each offender Signs in and out of the RRC utilizing a signature pad linked to Safe Keep that is controlled by the RRC Staff, listing full name, register number, and present legal status. Each time the offender leaves the facility the RRC Staff records the time out, destination, purpose and authorized return time, staff initial the entries and the offender is required to sign. Upon return, the RRC Staff lists the actual time and uses the comment section to note any schedule variance or observation. RRC Staff contacts offenders either telephonically or in person at random times throughout the sign out period. RRC Staff verifies church / spiritual attendance with dated programs, contact with clergy and onsite visits.

In order for an offender to have driving privileges, RRC Staff verify that they have a valid drivers license, registration and proof of insurance. The vehicle is inspected for safety and randomly searched. The facility is searched several times a month and the offender is searched each time they return to the facility from the community. Offenders are only allowed outside in the courtyard which is in the back of the facility and only one at a time unless they are job seeking, going to work, religious, or programming needs (treatment, medical, etc). Curfew remains 9:00pm – 6:00am, any exceptions (Employment) require pre-approval from the RRC Director.

Although not specifically required by the contract, Port of Hope has a camera system with camera's in all the common areas inside the facility and the surrounding outside parameter. Port of Hope utilizes a computerized software program (Safe Keep) to track offender movement, head counts, medication, employment, etc. The system alerts staff when an offender is one (1) minute late and continues to alert staff until the offender returns or key staff override the system. Medication is monitored in Safe Keep and staff are alerted when an offender is getting low on medication or has missed a dose. This program has increased Port of Hope's ability to maintain accountability, program compliance with reentry needs and staff integrity. Port of Hope has implemented GPS (Veritracks) on all offenders placed in the Home Confinement component as well as offenders that are found to be in non-compliance with accountability or who's history indicates the potential. GPS has allowed Port of Hope to view all movement of the offender while in the facility or in the community. Staff are alerted anytime the offender leaves his designated location or enters an unauthorized area.

All offenders are breathalyzed every time they return to the facility and randomly within the facility. All offenders receive urinalysis testing randomly at a five percent ratio and a minimum of four (4) times monthly if they have a drug and alcohol component. The RRC also has a secured entry where all offenders must be buzzed in by staff as well as outside visitors. The RRC is equipped with an alarm system which monitors the facility windows.

##### 5. Modes of transportation and approved routes for offenders.

Response: RRC staff transport a majority of the offenders to and from work, medical and programming requirements. Offenders can obtain driving privileges as earlier stated, they can

have a family member transport (A background is ran on the family member, and proof that they are a legal driver is obtained), Citilink is utilized, Bicycles and walking as well. Approved routes are based on mode of transport but in general they are required to use a main arterial. They go 23<sup>rd</sup> to Sherman for example. They are strictly forbidden to travel on Coeur d' Alene street or in the alleys. We have had that rule in place for over ten years because of the school and residents.

6. The maximum length of stay for offenders. The letter submitted stated "typical". We need maximum, please.

Response: Although rare, the maximum length of stay would be one (1) year. This is mainly due to people with disabilities that require longer time to obtain employment, find suitable housing and transition due to their limitations. If Port of Hope is limited to shorten stays, many of these offenders would end up in temporary living situations like the shelters and transitional housing on Sherman. These facilities do not have the stringent requirements for supervision in place that we do nor the ability to case manage the issues offenders with physical and mental disabilities face. This length of stay is needed to help keep offenders off the streets and assure that they receive all the transitional programming that is available and needed. They need to not only obtain employment but receive several paychecks to obtain a place to live, secure transportation and maintain their medications.

7. A maximum defined number of beds onsite specifically for the criminal portion of POH services.

Response: The maximum number of beds dedicated to the criminal portion is 43 beds. This number does not reflect the actual amount we would have inhouse but what is required of us. As we have stated before, many of these offenders are placed on Home Confinement in their homes. The beds must be contractually available in the event that we needed to return someone from Home Confinement to the facility, overlap of incoming and outgoing offenders, environmental issues (power outages, etc), high risk holidays like Halloween or New Years Eve or financially they are unable to pay rent due to loss of job, for example.

Although 43 beds might seem high, are average number of offenders in the facility is 25-30. We have the building space to provide more than 43 beds and have been dealing with fluctuating numbers for years, successfully. Port of Hope acknowledges that as crime increases so may the need for higher numbers, and is willing to look at relocation if the demand for more than 43 beds arises.

Sincerely,



Tamara Chamberlain

Executive RRC Director



## JUSTIFICATION:

Proposed Activity Group: Transitional and Drug + Alcohol Rehabilitation

Prior to approving a special use permit, the Planning Commission is required to make Findings of Fact. Findings of Fact represent the official decision of the Planning Commission and specify why the special use permit is granted. The **BURDEN OF PROOF** for why the special use permit is necessary rests on the applicant. Your narrative should address the following points (attach additional pages if necessary):

A. A description of your request; Port of Hope has been providing Drug + Alcohol Treatment at our current location since April of 1991 and Transitional housing since 1998. We ARE IN  
(Cont.)

B. Explain how your request conforms to the 2007 Comprehensive Plan;

Port of Hope has been an active member of this Community since 1984 and in our current location since 1991. We believe our programs have and will  
(cont.)

C. Explain how the design and planning of the site is compatible with the location, setting and existing uses on adjacent properties;

Since Port of Hope has been in its current location since 1991, we have an established relationship with our current adjacent properties (Shannon Plumbing,  
(cont.)

D. Explain how the location, design, and size of the proposal will be adequately served by existing streets, public facilities and services;

Port of Hope has been operating at its current location. No expansion or changes are being requested.

E. Any other information that you feel is important and should be considered by the Planning Commission in making their decision.

Port of Hope has been at this location since April 1991 as a Drug + Alcohol Treatment Center. We have been a Transitional Center for The Bureau  
(cont.)

Port of Hope Centers, Inc  
Special Use Permit (Con't)

Justification (Continued):

- A. The process of rebidding a third 5-year term with the transitional housing program and was informed that we would now need a special use permit. Port of Hope will not be making any changes to our current building, site or program. We are requesting the Special Use Permit based on our existing building and programs.
- B. Continue to build our communities economy, protect our existing neighborhoods and contribute to protecting our natural environment. Port of Hope has provided stable, year-round employment for residents of this community and encouraged their involvement in community activities. Port of Hope will not be making any changes to our lot or building structure in order to continue services. Port of Hope meets the following goals and objectives of the 2007 Comprehensive Plan:

**GOAL #1-Natural Environment**

Objective 1.06

Urban Forests:

Port of Hope is currently occupying the old Forest Service building and has continued to preserve the trees surrounding the property that were planted by the Forest Service. The property is backed by a natural tree barrier leading up to the interstate and is protected by a fence. Port of Hope continues to enhance the existing landscaping and planting of native species.

Objective 1.12

Community Design:

Port of Hope has been located in this facility providing treatment and transitional services for 22 plus years and are well established within this community at it's current location. Should we have to relocate our facility to another area, it would greatly impact the land use of another urban area and add to sprawling.

Objective 1.14

Efficiency:

In our 22 years at this facility, Port of Hope has continually renovated or remodeled to make the most efficient use of this infrastructure within it's existing land use without impact on the environment or natural terrain. Relocating would add to the impacts of use of undeveloped areas.

Objective 1.16

Connectivity:

Port of Hope has a sidewalk on N. 23<sup>rd</sup> street that connects with our neighbors (Sherman Self Storage), as well as sidewalks on the other side of the street. With



sidewalks on the connecting streets in the neighborhood there is easy access to public transportation. Our residents are required to utilize the sidewalks and remain on the main arterial. We promote bicycle transportation and provide bicycles for many of our occupants. Our staff are dedicated to keeping the sidewalks clear in the winter months and in good repair for easy access by all residents of the neighborhood.

## **GOAL #2-Economic Environment**

### **Objective 2.01**

#### **Business Image & Diversity:**

As a Drug & Alcohol Treatment Center and a Residential Re-entry Center for the Bureau of Prisons, we are a service industry that is important to the community. The services Port of Hope provides are both complementary and supportive to health care and educational activities while preserving this communities quality of life. Port of Hope is a diverse business that strives to maintain a positive image in this community and continues to provide services that are compatible with the neighborhood at it's current location.

### **Objective 2.02**

#### **Economic & Workforce Development:**

Port of Hope provides year-round stable jobs with livable wages to many residents of this community which contributes to the overall economic health of Coeur d' Alene. As our resident population grows, our need for more staff increases, which further supports the local workforce. As part of their contracts, RRC residents are required to obtain and maintain gainful employment. Many of our residents gain employment with businesses on Sherman Avenue as well as elsewhere in Coeur d'Alene which gives support to the diverse mix of businesses in our area. Staff work with all residents on development employment skills, life skills and financial management skills. Port of Hope provides needed housing to residents until they are self sufficient, productive members of society.

## **GOAL #3-Home Environment**

### **Objective 3.01**

#### **Managed Growth:**

Port of Hope currently provides suitable housing for both drug & alcohol rehabilitation residents and residential re-entry residents to assist them in their life changes and to match the needs of a changing population.

### **Objective 3.05**

#### **Neighborhoods:**

Many of our neighbors have resided in their homes for as long or longer than we have resided in our current facility (22 years plus). Port of Hope has coexisted with our neighbors, without any problems, for over 22 years at this location. Our

well established existence in this facility has preserved this neighborhood from incompatible land use or development.

Objective 3.06

Neighborhoods:

Port of Hope's facility is located within the neighborhood in a way that protects the residential character by providing transition boundaries. Our current property is bordered by businesses on both sides, interstate along the back portion of the lot, and a main street in front. Many of our neighbors feel safer with our presence because we operate 24 hours a day, seven days a week so there are always staff here. We have 28 interior and exterior surveillance cameras and add these to the Sherman Self Storage surveillance cameras and we provide a safer neighborhood.

Objective 3.07

Neighborhoods:

Our Sidewalk connects with our neighbors on both sides of the street making it easier and safer for our residents and the residents of the neighborhood to get to and from the Sherman Avenue corridor and public transportation.

Objective 3.08

Housing:

Port of Hope currently provides quality housing for all income and family status categories. Without Port of Hope's presence, many residents would be homeless and on the streets of this community.

Objective 3.11

Historic Preservation:

Our facility was originally owned by the Department of Forestry. Our presence here for over the past 22 years has preserved the large one-of-a-kind tree that the Forestry Department grafted back in the 1960's.

**GOAL #4-Administrative Environment**

Objective 4.01

City Services:

Port of Hope, as a drug & alcohol rehabilitation center and a residential re-entry center, has provided a much needed service that meets the needs and desires of the citizenry. Our mission statement includes "to protect and serve the people and needs of our community" and Port of Hope has served over 60,000 residents of this and neighboring communities.

Objective 4.06

Public Participation:


Informing the community about our programs and their importance is achieved through mailings, the internet, and most importantly, with regular meetings with

various community based groups where public involvement in decision-making processes is promoted.

**Land Use: Historical Heart**

Our present facility location meets the Historical Heart neighborhood characteristics by encouraging growth that compliments and strengthens our existing neighborhood while providing pedestrian connectivity. Our commercial building size will remain lower in scale than in the downtown core which also fulfills the needs of the Historic Heart neighborhood.

- C. Sherman Self Storage and LaQuinta who employs some of our residents). Our building is set on the property in a manner that allows for a privacy screening from the street view. Our residents and employees park in the back and on the dead end street. The main entrance and courtyard are in the back of the building. The trees provide a screen from the freeway to our backyard.
- E. Since 1998. We have been performing these services without any issues or concerns from our community and remain dedicated to providing these services without impacting our neighbors. We believe that Port of Hope has and will continue to be an asset to the community and the overall growth and protection of this community. We have always made sure that we had the proper zoning and made notifications to local officials of our programs. Port of Hope only recently learned of the need for a Special Use Permit and that is why we are requesting your consideration.



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**COEUR D'ALENE PLANNING COMMISSION  
FINDINGS AND ORDER**

**A. INTRODUCTION**

This matter having come before the Planning Commission on July 9, 2013 and continued to August 13, 2013, there being present a person requesting approval of ITEM: SP-3-13, a Special Use Permit allowing a criminal transition facility in the C-17 (Commercial) zoning district to operate a residential re-entry service for federal offenders

APPLICANT: PORT OF HOPE CENTERS INC.

LOCATION: 218 N. 23RD STREET – APPROX 0.842 OF AN ACRE

**B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS  
RELIED UPON**

**(The Planning Commission may adopt Items B1 to B7.)**

- B1. That the existing land uses are Civic (Elementary school), single family (Attached & detached), duplex, multi-family, commercial, and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is C-17.
- B4. That the notice of public hearing was published on, June 22, 2013, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on June 26, 2013, which fulfills the proper legal requirement.
- B6. That 29 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on June 21, 2013.
- B7. That public testimony was heard on August 13, 2013.
- B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal **(is) (is not)** in conformance with the comprehensive plan, as follows:

B8B. The design and planning of the site **(is) (is not)** compatible with the location, setting, and existing uses on adjacent properties. This is based on

**Criteria to consider for B8B:**

1. Does the density or intensity of the project "fit " the surrounding area?
2. Is the proposed development compatible with the existing land use pattern i.e. residential, commercial, residential w churches & schools etc?
3. Is the design and appearance of the project compatible with the surrounding neighborhood in terms of architectural style, layout of buildings, building height and bulk, off-street parking, open space, and landscaping?

B8C The location, design, and size of the proposal are such that the development **(will)** **(will not)** be adequately served by existing streets, public facilities and services. This is based on

**Criteria to consider B8C:**

1. Is there water available to meet the minimum requirements for domestic consumption & fire flow?
2. Can sewer service be provided to meet minimum requirements?
3. Can police and fire provide reasonable service to the property?

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of **PORT OF HOPE CENTERS, LLC** for a special use permit, as described in the application should be **(approved)(denied)(denied without prejudice)**.

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Soumas	Voted _____
Commissioner Haneline	Voted _____

Chairman Jordan Voted \_\_\_\_\_ (tie breaker)

Commissioners \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

\_\_\_\_\_  
CHAIRMAN BRAD JORDAN

**PLANNING COMMISSION  
STAFF REPORT**

FROM: SEAN E. HOLM, PLANNER  
DATE: AUGUST 13TH, 2013  
SUBJECT: SP-5-13 – SPECIAL USE PERMIT REQUEST TO ALLOW ADDITIONAL  
COMMERCIAL AND SERVICE USES IN A C-17L ZONE.  
LOCATION: 380 E. KATHLEEN - APPROX 2.241 ACRES

**APPLICANT/OWNERS:**

Selkirk Development, LLC  
(William Brooks)  
309 W. 2<sup>nd</sup>, Suite #200  
Spokane, WA 99201

Marwan & Jackie Bahu  
PO Box 744  
San Clemente, CA 92674

**DECISION POINT:**

Selkirk Development, LLC is requesting approval of additional commercial and service uses in a C-17L zone by way of special use permit. The applicant seeks to add the following uses to what is allowed by right:

**17.05.600: PERMITTED USES; SPECIAL USE PERMIT:**

Permitted uses by special use permit in a C-17L district shall be as follows:  
*(Only the uses requested by the applicant are listed below)*

COMMERCIAL

1. Food and beverage stores for off/on site consumption

SERVICE

2. Convenience sales
3. Commercial recreation

**Remaining uses, not already herein permitted, of the C-17 district principal permitted uses.**

*(Uses requested by the applicant under C-17 are listed below)*

COMMERCIAL

4. Business supply retail sales
5. Home Furnishing Retail Sales
6. Specialty Retail Sales

SERVICE

7. Veterinary Office
8. Business Support Services
9. Consumer Repair Services
10. Convenience Service



## **GENERAL INFORMATION:**

### **17.03.050: GENERAL DESCRIPTION OF COMMERCIAL ACTIVITIES:**

Commercial activities include the distribution and sale or rental of goods; the provisions of services other than those classified as civic activities; and the administrative and research operations of private, profit oriented firms, other than public utility firms and include the following:

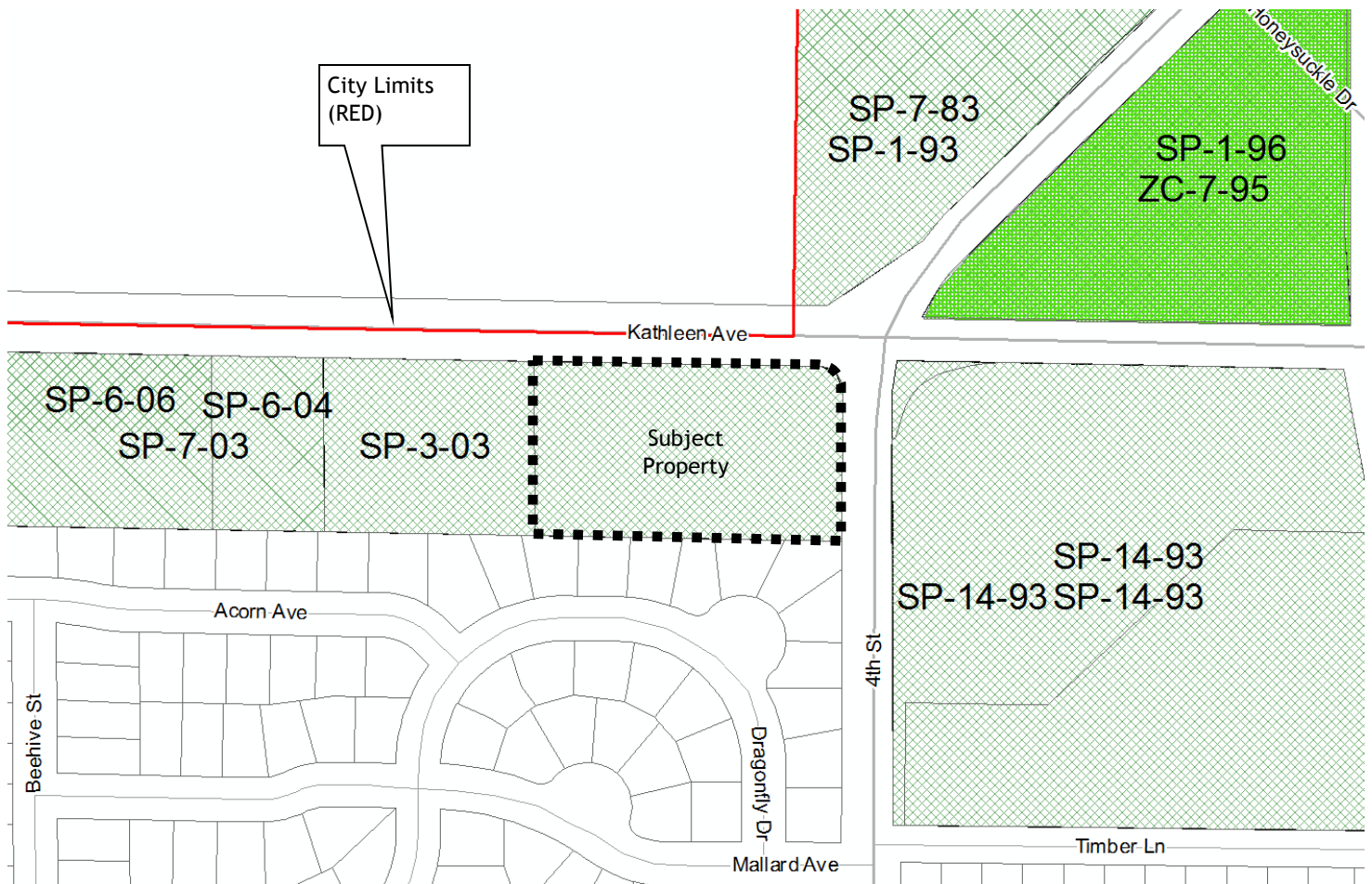
- D. Business supply retail sales:** Activities that include the retail sale or rental from the premises of the office equipment and supplies and similar goods primarily to individuals, firms and other organizations utilizing the goods; they exclude the sale or rental of motor vehicles and the sale of materials used in construction of buildings or other structures; such activities are typical of barber equipment and supply firms, and hotel or office equipment and supply firms.
- F. Convenience sales:** Activities that include the retail sale from the premises of drugs and other frequently needed small personal convenience items such as toiletries, tobacco and magazines, including small grocery stores.
- I. Food and Beverage Sales/Off-Site Consumption:** Activities that include the retail sales from the premises of food and beverages for off-premises consumption; such activities are typical of groceries, markets, liquor stores and retail bakeries. On-site consumption seating areas of up to fifteen percent (15%) of the gross floor area may be provided.
- J. Food and Beverage Sales/On-Site Consumption:** Activities that include the retail sale from the premises of food or beverages prepared for on-premises consumption; such activities are typical of restaurants and bars.
- L. Home Furnishing Retail Sales:** Activities that include the retail sale from the premises of furniture and home appliances, primarily to individuals rather than firms; such activities are typical of furniture and appliance stores.
- M. Specialty Retail Sales:** Activities that include the sale or rental from the premises of particular or predominant types of goods and merchandise primarily for personal or household use; they exclude the sale or rental of motor vehicles, parts and accessories, furniture and major appliances, and materials used in the construction of buildings or other structures; such activities are typical of apparel, antique, camera and flower stores.

### **17.03.060: GENERAL DESCRIPTION OF SERVICE ACTIVITIES:**

Service activities include the on-site provision of professional and/or commercial services that are not classified as civic activities and are not primarily concerned with the relating of goods and include the following:

- C. Veterinary Activities:** Activities that include the provision of animal care, treatment and boarding services, but excluding the boarding of horses or cattle, typically performed by animal clinics, hospitals and kennels, as follows:
  - 1. Veterinary Office:** Activities that include the provision of health care for small domestic animals (such as cats, dogs and rabbits), with incidental boarding services. Such activities are typical of small animal clinics and hospitals, facilities for which are primarily indoors.
- K. Business Support Services:** Activities that include the provision, primarily to firms rather than individuals, of services of a clerical, employment, protective, or minor processing nature, including multi-copy and blueprint services; they exclude the printing of books, other than pamphlets and small reports for another firm, and the storage of goods other than samples for sale.
- M. Consumer Repair Services:** Activities that include the provision, principally to individuals rather than firms, of repair services such as apparel, shoe, upholstery, furniture, and electrical appliance repair services.
- N. Convenience Services:** Activities that include the provision, to individuals, of convenience services which are typically needed frequently or recurrently, such as beauty and barber care, and apparel laundering and dry cleaning.
- U. Commercial Recreation:** Activities that include profit-oriented sports activities performed either indoors or outdoors, which require a facility for conducting the recreational activity; such activities are typical of swimming centers, tennis courts, racquetball courts, golf courses, etc.

# Prior Land Use Actions:



## Zone Changes:

ZC-7-95	R-8 to R-3	10.3.95	Approved
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## Special Use Permits:

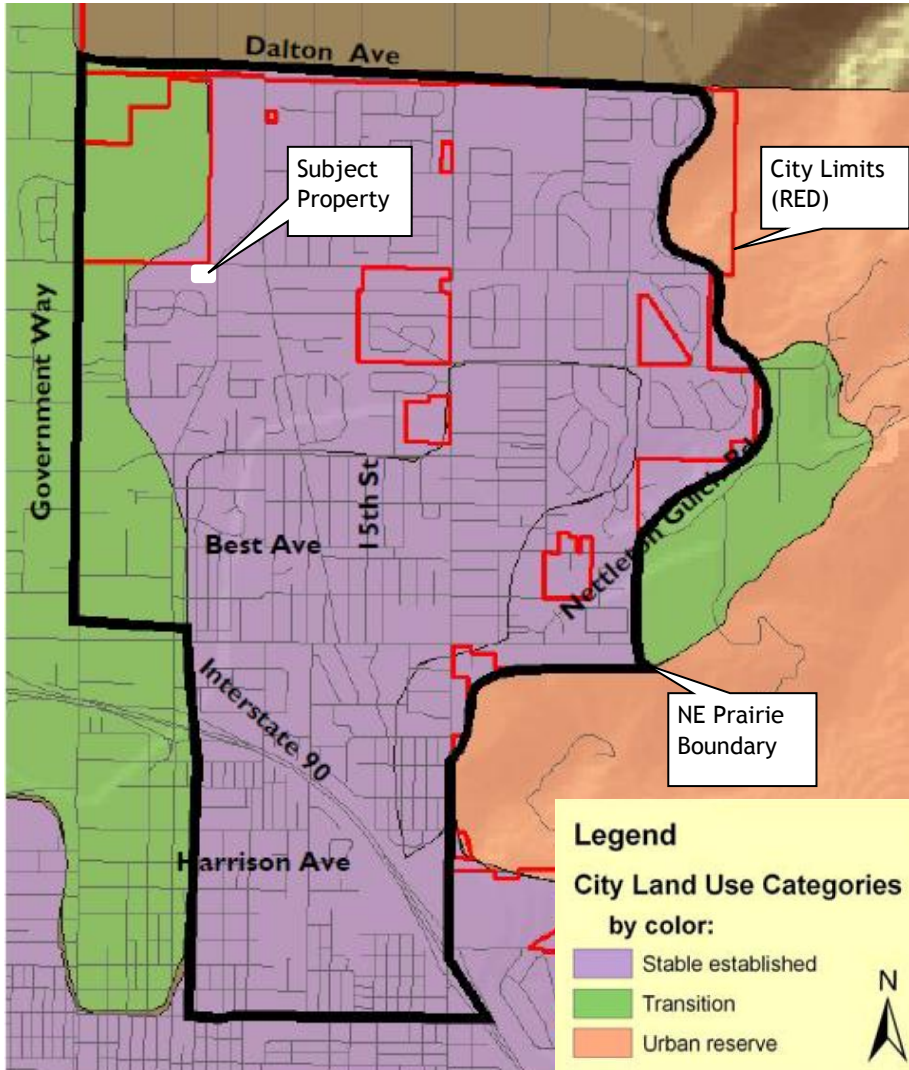
SP-7-83	Community Education	10.11.83	Approved
SP-1-93	Fence Height	2.9.93	Approved
SP-14-93	Religious Assembly	2.8.94	Approved
SP-1-96	Water Well & Pump Station	2.29.96	Approved
SP-3-03	Commercial Recreation	5.13.03	Approved
SP-7-03	Food & Beverage (Off-site)	12.9.03	Approved
SP-6-04	Convenience Service	12.14.04	Approved
SP-6-06	Automotive Sales/Service	5.9.06	Approved

## PERFORMANCE ANALYSIS:

A. **Finding #B8A: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.**

The subject property is within the existing city limits.

The City Comprehensive Plan Map designates this area as NE Prairie:



***Stable Established:***

*These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots, and general land use are not expected to change greatly within the planning period.*

## 2007 COMPREHENSIVE PLAN DETAILS:

**NE Prairie Today:**

This area is composed of a variety of zoning districts with a majority of residential density at three to eight units per acre (3-8:1). Lower density development becomes more prominent moving north. The NE Prairie provides a range of housing choices that includes a number of large recreation areas and small pocket parks.

Canfield Mountain and Best Hill act as the backdrop for this portion of the prairie. Much of the lower lying, less inhibitive areas have been developed. Pockets of development and an occasional undeveloped lot remain.

**NE Prairie Tomorrow:**

It is typically a stable established housing area with a mix of zoning districts. The majority of this area has been developed. Special care should be given to the areas that remain such as the Nettleton Gulch area, protecting the beauty and value of the hillside and wetlands.

**The characteristics of NE Prairie neighborhoods will be:**

- That overall density may approach three to four residential units per acre (3-4:1), however, pockets of higher density housing and multi-family units are appropriate in compatible areas.
- Commercial uses are concentrated in existing commercial areas along arterials with neighborhood service nodes where appropriate.
- Natural vegetation is encouraged and should be protected in these areas.
- Pedestrian connections and street trees are encouraged in both existing neighborhoods and developing areas.
- Clustering of smaller lots to preserve large connected open space areas as well as views and vistas are encouraged.
- Incentives will be provided to encourage clustering.

**Significant Comprehensive Plan policies for consideration:****Objective 1.06****Urban Forests:**

Enforce minimal tree removal, substantial tree replacement, and suppress topping trees for new and existing development.

**Objective 1.14****Efficiency:**

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

**Objective 1.16****Connectivity:**

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trail systems.

**Objective 2.01****Business Image & Diversity:**

Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.

**Objective 2.02****Economic & Workforce Development:**

Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.

**Objective 2.05****Pedestrian & Bicycle Environment:**

Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

**Objective 3.05****Neighborhoods:**

Protect and preserve existing neighborhoods from incompatible land uses and developments.

**Objective 3.06****Neighborhoods:**

Protect the residential character of neighborhoods by allowing residential/ commercial/ industrial transition boundaries at alleyways or along back lot lines if possible.

**Objective 3.07****Neighborhoods:**

Emphasize a pedestrian orientation when planning neighborhood preservation and revitalization.

**Objective 4.01****City Services:**

Make decisions based on the needs and desires of the citizenry.

**Objective 4.06****Public Participation:**

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

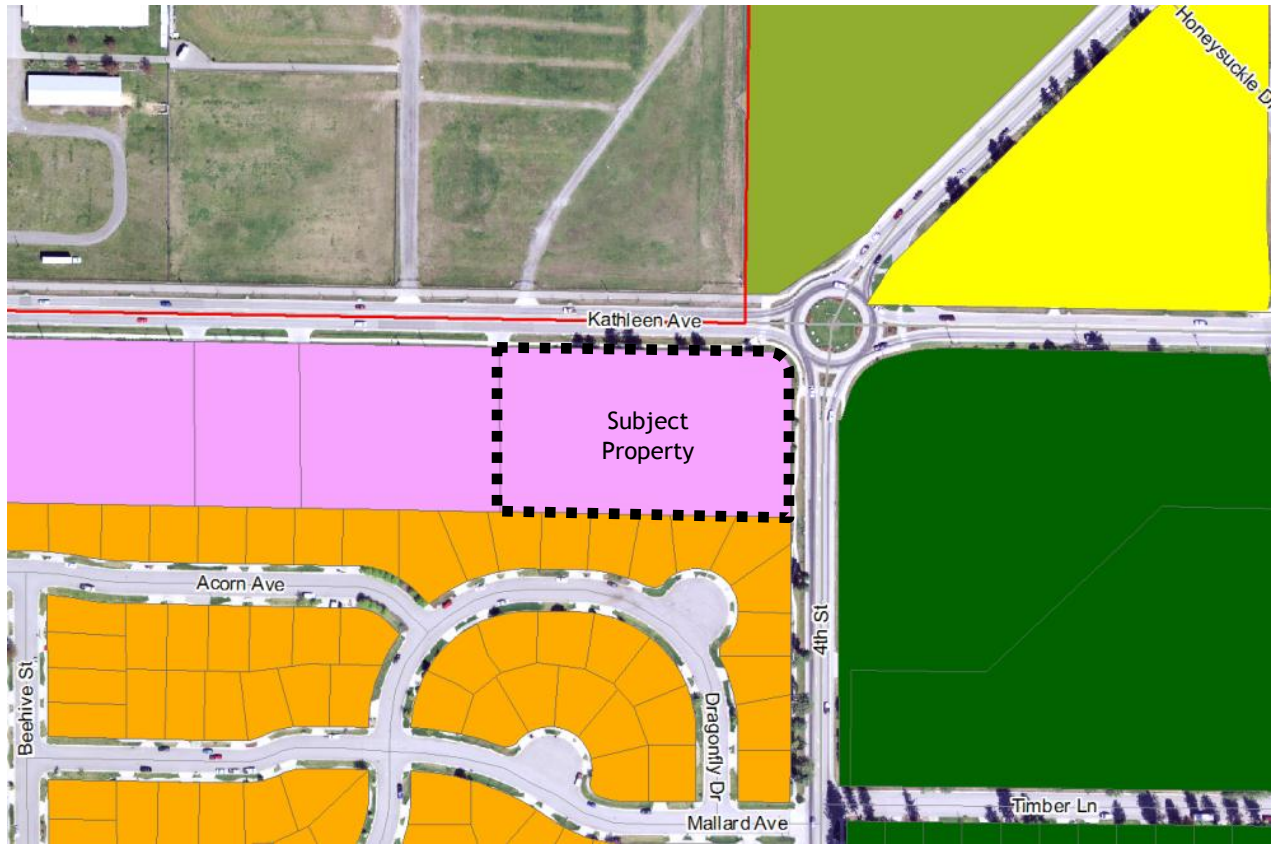
*Evaluation: The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*





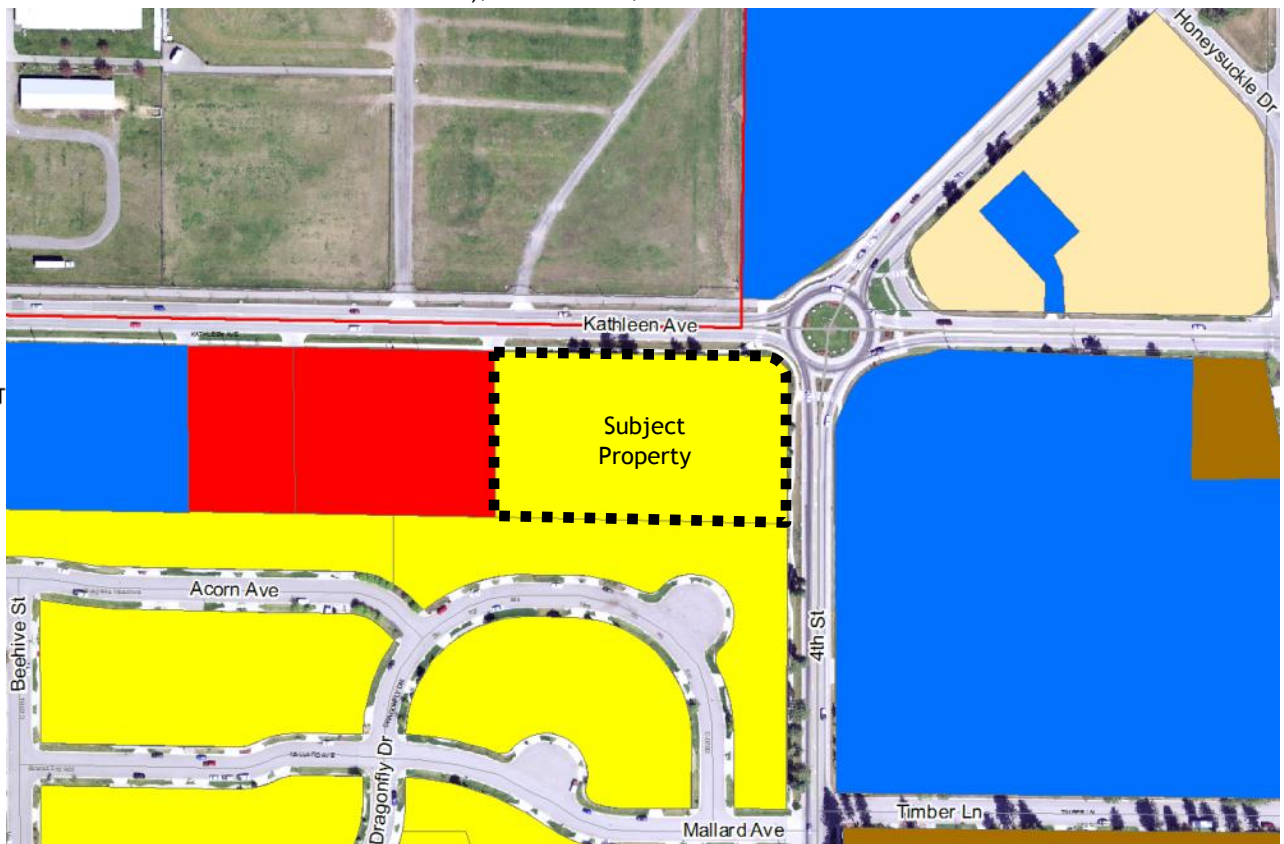
**Zoning:** The subject property is zoned C-17L.

- ☒ zoning
- C-17
  - C-17L
  - C-17LPUD
  - C-17PUD
  - DC
  - DCPUD
  - LM
  - M
  - MH-8
  - MH-8PUD
  - NC
  - NW
  - R-1
  - R-12
  - R-12PUD
  - R-17
  - R-17PUD
  - R-1PUD
  - R-3
  - R-3PUD
  - R-5
  - R-5PUD
  - R-8
  - R-8PUD
  - R-85F



**Generalized land use pattern:** Existing land uses in the area include: Civic (school, church, essential service), commercial, residential and vacant land.

- ☒ Land Use
- SFA
  - SFD
  - DUPLEX
  - MH
  - MHP
  - MFD
  - CIVIC
  - COMM
  - MFGR
  - AGRICULT
  - VACANT





Aerial view:



Oblique view:





**Site Pictures:**

Yellowstone Pipeline warning sign at shared approach along Kathleen Ave. (Looking East):



Subject property along Kathleen from shared approach (Looking East):





Subject property along Kathleen from shared approach (Looking Southeast):



Subject property along Kathleen from shared approach (Looking South):



Residential home on subject property (Looking Southeast):



Kootenai County Fairgrounds across Kathleen Ave. from subject property (Looking Northwest):





Coeur d'Alene High School across Kathleen Ave. from subject property (Looking North/Northeast):



Round-a-bout at Kathleen Ave. and 4th Street (Looking East):



Subject property from round-a-bout at Kathleen Ave. and 4th Street (Looking Southwest):



Subject property along Kathleen from shared approach (Looking East):





Church grounds across 4<sup>th</sup> Street from subject property (Looking East):



Church grounds across 4<sup>th</sup> Street from subject property (Looking Southeast):



Fence between R-17 and C-17 zones (Looking Southeast into subject property):



Fence between R-17 and C-17 zones (Looking Southwest into subject property):



*Evaluation: The Planning Commission must determine, based on the information before them, whether the design and planning of the site is compatible with the location, setting, and existing uses on adjacent properties.*

**C. Finding #B8C: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities and services.**

**Staff Comments:**

**WATER:** The property in question is fronted by 12" water mains on Kathleen Avenue and 4th Street. According to our records, the property currently does not have domestic service. The property will require new domestic, irrigation and possibly fire services to be installed by the developer dependent on the proposed use. If the property is broken into individual lots, each lot would require its own service(s). If any lots do not have street frontage, a main extension may be necessary in a public utility easement to serve any potential land locked lots.

*- Submitted by Terry Pickel, Assistant Water Superintendent*

**SEWER:** Public sewer in the area is of adequate capacity to support this project and will need to be extended east from Manhole GOV1-04K1 (South of 360 Kathleen) per City Standards and Requirements within the existing 20' Access and Utility Easement to serve the project. Said easement was granted to the City. Inspection will be required.

*- Submitted by Michael Becker, Utility Project Manager*

**ENGINEERING:** The streets adjoining the subject property are fully developed street sections that are constructed to City standards. No alterations will be required with the development. ITE Trip Generation estimates are based upon specific uses for developed properties, however, since there is not a defined use for the site, vehicle trip projection would not be possible. Nevertheless, there will be an increase in traffic flow, and any change in use and related traffic impacts are evaluated prior to issuance of building permits. The Development Impact Fee Ordinance requires any extraordinary traffic impacts to be mitigated by the applicant as a condition of permit issuance, therefore potential traffic impacts need not be addressed at this time.

*- Submitted by Chris Bates, Engineering Project Manager*

**FIRE:** No comment.

*Evaluation: The Planning Commission must determine, based on the information before them, whether the location, design, and size of the proposal are such that the development will be adequately served by existing streets, public facilities and services.*

**Proposed conditions:**

1. The access to the site will be restricted per City Code Section 17.44.280(D). A point of access in addition to the existing shared approach on the westerly boundary of the subject property may be allowed, however, the easterly edge of its location shall be no closer than one hundred twenty feet (120') from the terminus of the westerly "splitter" island for the Kathleen Ave./4<sup>th</sup> St. round-about.
2. To avoid vehicle conflicts with traffic entering and leaving the southerly leg of the round-about, no access will be allowed on the 4th Street frontage.
3. The applicant has requested a "Veterinary Office" use. Because the definition of Veterinary Activities include two distinct ways in which the activity can be operated (indoor/outdoor), excluding "Veterinary Hospital (outdoor)" is warranted due to the proximity of the abutting neighborhood.

**Ordinances and Standards Used In Evaluation:**

- 2007 Comprehensive Plan
- Municipal Code
- Idaho Code
- Wastewater Treatment Facility Plan
- Water and Sewer Service Policies
- Urban Forestry Standards
- Transportation and Traffic Engineering Handbook, I.T.E.
- Manual on Uniform Traffic Control Devices

**ACTION ALTERNATIVES:**

The Planning Commission must consider this request and make appropriate findings to approve, deny or deny without prejudice. The findings worksheet is attached.



**Justification:**

Proposed Activity Group: (From the C-17 Permitted Uses List)

**Sales Activities:**

3. Business Supply Retail Sales
5. Convenience Sales
8. Food and Beverage Sales (on and off site consumption)
10. Home Furnishing Retail Sales
11. Finished Goods Retail Sales
12. Specialty Retail Sales

**Service Activities:**

8. Business Support Service
12. Consumer Repair Service
13. Convenience Service
22. Veterinary Clinic (indoor)

*Prior to approving a special use permit the Planning Commission is required to make Findings of Fact. Findings of Fact represent the official decision of the Planning Commission and specify why the special use permit is granted. The **BURDEN OF PROOF** for why the special use permit is necessary rests on the applicant. Your narrative should address the following points (attach additional pages if necessary):*

**A. A description of your request:** To allow the above retail uses from the C-17 Permitted Use List on this particular property zoned C-17L. Our request is for various low intensity retail uses and does not include high intensity retail uses such as automotive sales or repair, gasoline, farm equipment, kennels, etc.

**B. Explain how your request conforms to the 2007 Comprehensive Plan**  
**Goal #1 – Natural Environment**

Objectives 1.06, Urban Forests, 1.08 Forests & Natural Habitats: The site plan shows the location and number of trees to be preserved; the 10' buffer on the south property line will include as many existing trees and vegetation as possible, retaining the tree cover that already exists.

Objective 1.11 & 1.12 Community Design: The site plan shows the pedestrian access. The project will include bike racks and, depending on the final tenant mix, we intend to include an outdoor seating/neighborhood gathering place. The uses requested on this property discourage sprawl by bringing services and activities to the neighborhood, within walking or biking distance for the residents and students.

Objective 1.14 – Efficiency (use of existing infrastructure): No new offsite infrastructure is expected at this time. 4<sup>th</sup> & Kathleen have been upgraded and include a traffic circle, water and gas are already available on the site, sewer access is on the adjoining site to the west. We will install an additional fire hydrant to service our development and adjacent property.

Objective 1.15 – Natural Terrain: The site is reasonably level now and we will not alter the existing terrain beyond the need for proper drainage and a level building site.

Objective 1.16 – Connectivity: The site has excellent sidewalks abutting the property with good pedestrian and bicycle access from the residential area. The existing traffic circle controls the speed at the intersection makes ingress and egress fit easily in the traffic flow.

Objective 1.18 – Night Sky: All parking lot lights and building lights will be directed down to the parking or pedestrian areas at the minimum levels required. Shades will be installed to confine the light where appropriate.

### **Goal #2 – Economic Environment**

Objective 2.04 – Downtown and Neighborhood Service Nodes: The uses requested in this Special Use Permit are consistent with a Neighborhood Service Node. Athletics, food, and various services will be part of this node.

Objective 2.05 – Pedestrian and Bicycle Environment: This site is well positioned to provide multiple choices to *“live, work, and recreate within comfortable walking/biking distances.”*

### **Goal #3 – Home Environment**

Objective 3.06 – Neighborhoods: The southern lot line and adjoining 10' dense buffer fits this objective well: *“Protect the residential character of neighborhoods by allowing residential /commercial/industrial transition boundaries at alleyways or along back lot lines if possible.”* This transition to light retail use is a good fit with the neighborhood and the buffer.

NE Prairie Land Use: From the comp plan: *“The characteristics of the NE Prairie Neighborhoods will be: Commercial uses are concentrated in existing commercial areas along arterials with neighborhood service nodes where appropriate.”* The subject is on two arterials: 4<sup>th</sup> & Kathleen. The property west of the subject is fully developed with commercial uses including a hair salon, engineering firm, chiropractor, and further down the block, assisted living. The addition of low intensity retail to this area will enhance the neighborhood services, providing more services closer to home for the NE Prairie neighborhood.

Landscaping: We embrace the landscaping requirements and suggestions of the Comprehensive Plan. We tend to do more landscaping than required and maintain to high standards to provide a welcoming and comfortable atmosphere for our tenants and their customers.

### **C. Explain how the design and planning of the site is compatible with the location, setting and existing uses on adjacent properties:**

Design: The building design will be compatible with the combined residential and light commercial nature of the neighborhood. If we have a neighborhood eatery the site plan might include a common outdoor seating area for tenants and their clients and customers use. Our architect has wide experience in



both commercial and residential work and our direction to him is to design a building that fits comfortably in the neighborhood and maintains as much Urban Forest as possible as desired in the Comp Plan. The final design will be based on these parameters, as well as our tenants and their needs.

Adjacent properties:

Property to the south – R17: There is a 10' buffer next to the adjacent R17 zone. Currently this area includes dense trees and bushes, our intention is to keep as much vegetation as possible and create a natural area between the R17 area and our building. Lighting will be directed away from the R17 area.

Property to the west – C17L: The property to the west is already developed with commercial uses including retail and office uses. The building and landscaping are good to excellent quality; our intent is to enhance the neighborhood with similar or better building quality and landscaping.

Property to the north& east – This is a corner site so there is no adjacent property to the north or east. The high school soccer fields and the fair grounds are to the north across Kathleen, the Nazarene Church baseball field is to the east across 4<sup>th</sup>.


**D. Explain how the location, design, and size of the proposal will be adequately served by the existing streets, public facilities and services:**

The existing arterials of 4<sup>th</sup> & Kathleen serve the property and no changes are required. The traffic circle calms the traffic on two sides of the site, allowing easy ingress and egress with minimal disruption to traffic flow. The property will share an access on Kathleen with the adjoining property to the west. We will add one additional access point on Kathleen to minimize congestion

We believe all utilities have been stubbed to the site or are available through an existing easement with the adjoining property; no additional capacity is anticipated at this time.

**E. Any other information that you feel is important and should be considered by the Planning Commission in making their decision:**

We believe that this project, with its neighborhood focused retail business, is exactly what the Comprehensive Plan supports. As a nation we are moving back into the neighborhoods and away from the intense retail strip development that exists on Highway 95 and Government Way. Our goal for this neighborhood center is to service the existing traffic & residences by offering an alternative to the large commercial developments on 95 and Government Way. The location, site plan, and design will encourage walking and biking, enhance the overall neighborhood, provide a higher quality of life and contribute positively to the economy of the region. Over time we hope this project will provide a neighborhood gathering place and encourage everyone's sense of community.



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**COEUR D'ALENE PLANNING COMMISSION  
FINDINGS AND ORDER**

**A. INTRODUCTION**

This matter having come before the Planning Commission on August 13, 2013, and there being present a person requesting approval of ITEM SP-5-13, for additional commercial and service uses in a C-17L zone by way of special use permit.

APPLICANT: SELKIRK DEVELOPMENT, LLC

LOCATION: 380 E. KATHLEEN - APPROX 2.241 ACRES

**B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS  
RELIED UPON**

**(The Planning Commission may adopt Items B1 to B7.)**

- B1. That the existing land uses are Civic (school, church, essential service), commercial, residential and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is C-17L.
- B4. That the notice of public hearing was published on, July 27, 2013 , which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on August 4, 2013, which fulfills the proper legal requirement.
- B6. That 73 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on July 26, 2013.
- B7. That public testimony was heard on August 13, 2013.
- B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal **(is) (is not)** in conformance with the comprehensive plan, as follows:

B8B. The design and planning of the site **(is) (is not)** compatible with the location, setting, and existing uses on adjacent properties. This is based on

**Criteria to consider for B8B:**

1. Does the density or intensity of the project "fit " the surrounding area?
2. Is the proposed development compatible with the existing land use pattern i.e. residential, commercial, residential w churches & schools etc?
3. Is the design and appearance of the project compatible with the surrounding neighborhood in terms of architectural style, layout of buildings, building height and bulk, off-street parking, open space, and landscaping?

B8C The location, design, and size of the proposal are such that the development **(will)** **(will not)** be adequately served by existing streets, public facilities and services. This is based on

**Criteria to consider B8C:**

1. Is there water available to meet the minimum requirements for domestic consumption & fire flow?
2. Can sewer service be provided to meet minimum requirements?
3. Can police and fire provide reasonable service to the property?

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of **SELKIRK DEVELOPMENT, LLC** for a special use permit, as described in the application should be **(approved)(denied)(denied without prejudice)**.

Special conditions applied are as follows:

**Proposed conditions:**

1. The access to the site will be restricted per City Code Section 17.44.280(D). A point of access in addition to the existing shared approach on the westerly boundary of the subject property may be allowed, however, the easterly edge of its location shall be no closer than one hundred twenty feet (120') from the terminus of the westerly "splitter" island for the Kathleen Ave./4<sup>th</sup> St. round-about.
2. To avoid vehicle conflicts with traffic entering and leaving the southerly leg of the round-about, no access will be allowed on the 4th Street frontage.
3. The applicant has requested a "Veterinary Office" use. Because the definition of Veterinary Activities include two distinct ways in which the activity can be operated (indoor/outdoor), excluding "Veterinary Hospital (outdoor)" is warranted due to the proximity of the abutting neighborhood.

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to adopt the foregoing Findings and Order.

**ROLL CALL:**

Commissioner Bowlby	Voted _____
Commissioner Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Soumas	Voted _____
Commissioner Haneline	Voted _____

Chairman Jordan Voted \_\_\_\_\_ (tie breaker)

Commissioners \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_\_ to \_\_\_\_\_ vote.

\_\_\_\_\_  
CHAIRMAN BRAD JORDAN

**PLANNING COMMISSION  
STAFF REPORT**

**DATE:** AUGUST 13, 2013  
**FROM:** PLANNING DEPARTMENT  
**SUBJECT:** PUD-1-83m.3 – MODIFICATION OF COEUR D'ALENE RESORT PUD  
**LOCATION:** 6.5 ACRES KNOWN AS THE COEUR D'ALENE RESORT

**Applicant:**  
JRB Properties LLC  
P.O. Box 6000  
Coeur d'Alene, ID

**Owner:**  
Hagadone Hospitality Co.  
P.O. Box 6200  
Coeur d'Alene, ID

**DECISION POINT:**

JRB Properties LLC on behalf of Hagadone Hospitality is requesting approval of a modification of the Coeur d'Alene Resort Planned Unit Development (PUD).

A. The following summarizes requested modifications to the "Coeur d'Alene Resort PUD":

1. Removal of circular parking lot of the Plaza and replacing with landscaped open space;
2. Removal of certain walkways and Centennial Trail connection and replacing with new walkways and trail alignment;
3. Modifying the vehicular access to the site;
4. Removal of on-site bus loading area and replacing with landscaping;
5. Changes in landscaping areas including the removal of street trees; and,
6. Addition of former railroad right-of-way into the PUD.

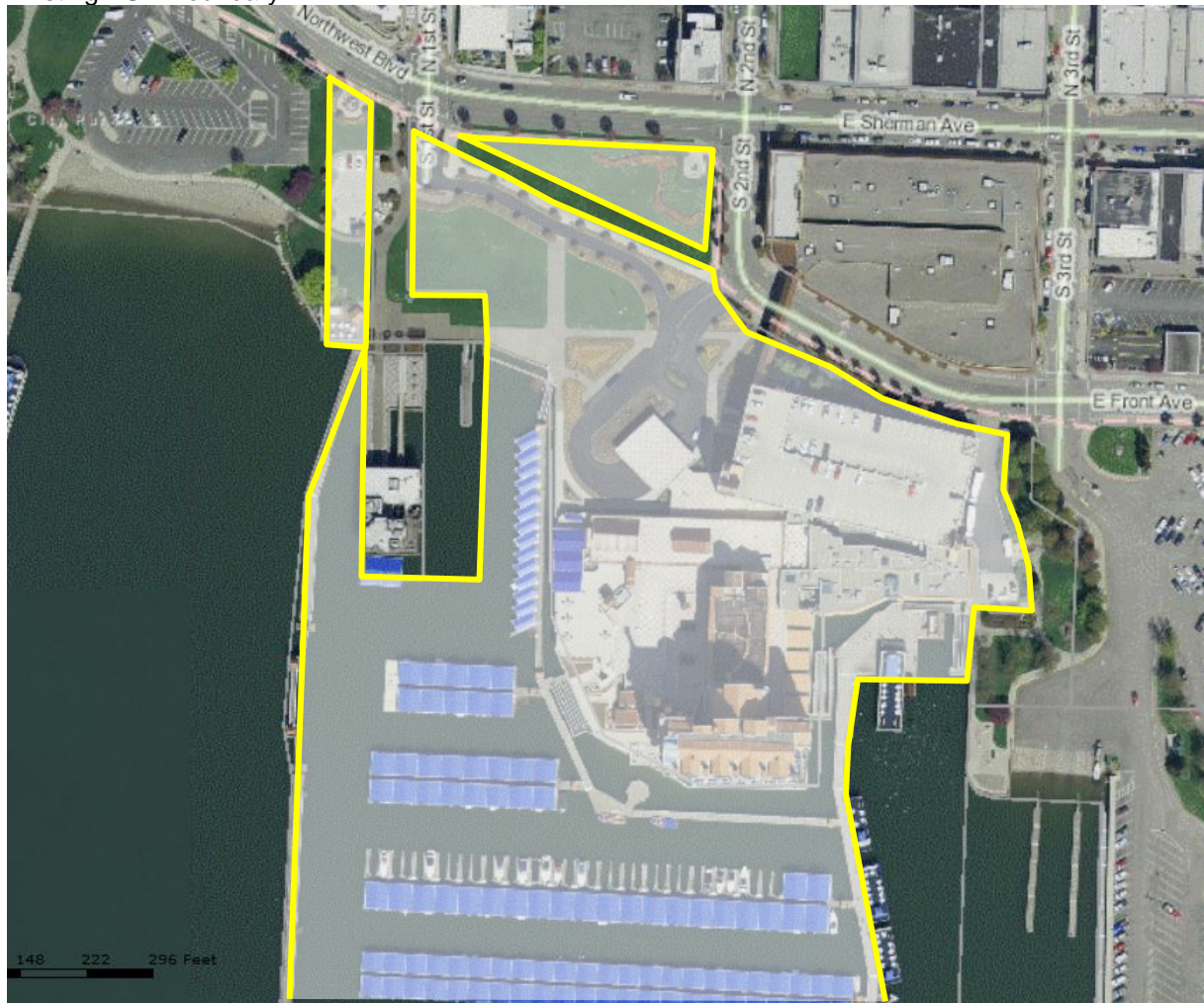
**GENERAL INFORMATION:**

The original Coeur d'Alene Resort PUD was approved in 1983 and revised in 1994 and 1996. The 1996 revision approval resulted in the plaza and Front Avenue design that exists today.

The purpose of the current request is to modify the development's street tree, Centennial Trail and walkways for the plaza and Front Street as part of a larger project off the PUD site that reconfigures the design of the resort's access and the change of character for Front Street,



Existing PUD Boundary

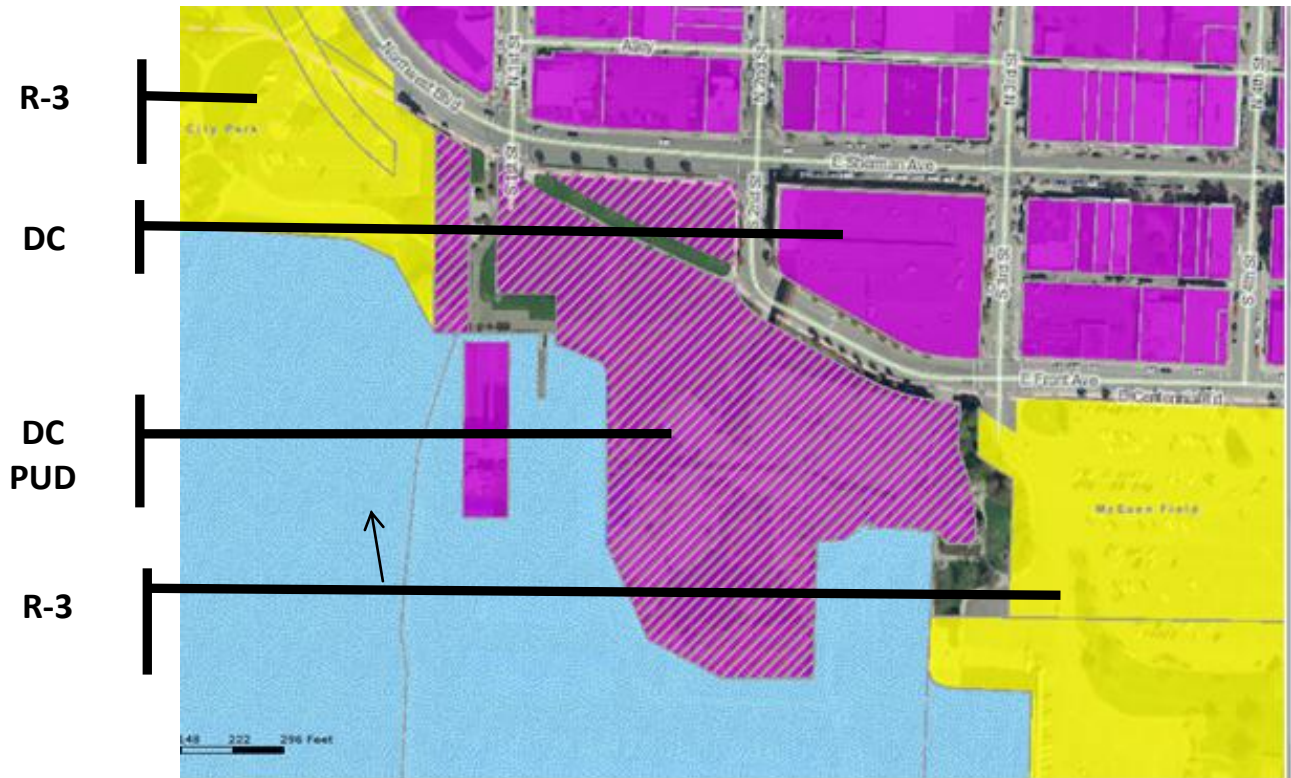


Aerial of Site



Existing zoning:

The zoning pattern (see zoning map) in the surrounding area shows R-3, DC, and the Resort's PUD overlay zoning.



Proposed Modifications

NOTE: The Planning Commission's review is limited to the design features within the PUD boundaries. The design features outside of the PUD boundary are provided only to give context.



Overall context map



PUD context map



## PUD FINDING ANALYSIS:

**Finding #B8:** The proposal is in conformance with the comprehensive plan.

2007 Comprehensive Plan designation - Stable Established – Downtown

### Land Use: Downtown Coeur d'Alene





## Stable Established Areas

These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots and general land use are not expected to change greatly within the planning period.


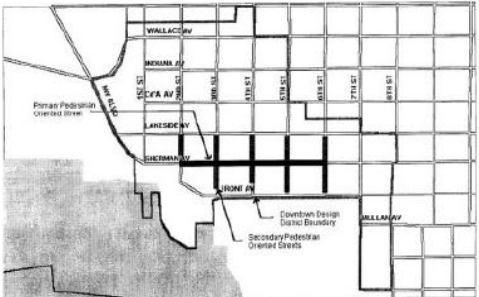

## Downtown Coeur d'Alene Tomorrow

Downtown Coeur d'Alene is envisioned to have the highest intensity uses for retail, office, residences, and hotels contained within low-rise, mid-rise and high-rise buildings. The city will continue to encourage urban mixed-use, pedestrian-friendly development using both private and public investment. The city seeks to provide an atmosphere of sustainable quality in growth designed to give locals and tourists alike a multitude of choices for recreation, commerce, and entertainment.

## The characteristics of Downtown Coeur d'Alene will include:

- That major public spaces and buildings anchor this district with shops and restaurants located along key streets.
- That parking is increasingly located within structures.
- Partnering with existing groups to coordinate exceptional development.
- Producing a concentration and a mixture of viable commercial, office, retail, residential, and public uses.
- Developing a downtown that supports pedestrian movement and use of
- public transit.
- Retaining existing civic uses and encourage new government services, and state, county, and federal functions.
- Creating a distinct, strong identity for downtown.

## Downtown Core Special Area

	Page 30	The City of Coeur d'Alene
<b>Special Areas: Areas of Coeur d'Alene Requiring Unique Planning</b>		
<p><b>Downtown Core</b></p> <p>Downtown Coeur d'Alene is the historic center of a growing metropolitan area with much of its original turn-of-the-century masonry architecture intact. The downtown core functions as a multi-use center with people living, walking, shopping, running errands, and enjoying restaurants. It is a social center as well, with people strolling, window shopping, meeting friends, and socializing.</p> <p>Promoting an attractive mixed-use atmosphere, our downtown maintains its unique ambiance while retaining its pedestrian-friendly pathways. Progressive rather than restrictive codes allow flexibility to local and incoming businesses/developers, maintaining and increasing what makes Coeur d'Alene one of the most livable cities in the USA.</p> <p><b>Downtown Design Standards:</b></p> <p>Following extensive public comment and participation, Coeur d'Alene has adopted an ordinance that controls the height, bulk, and design of buildings located in the Downtown Core (DC) zone district. The purpose of these development regulations is to create a distinct, strong identity for the downtown core, while preserving a civic heart for Coeur d'Alene.</p>	<p><b>Design Guidelines:</b></p> <p>New construction and redevelopment located within this designated area must conform to our Design Guidelines. The purpose of these guidelines is to encourage high intensity, pedestrian-oriented retail, service, and residential use, and to protect public views, while preserving property values and character.</p> <p><b>Policy:</b></p> <ul style="list-style-type: none"><li>• Promote a strong, vibrant downtown through increased housing, shops, restaurants, cultural, and entertainment opportunities.</li></ul> <p><b>Methods:</b></p> <ul style="list-style-type: none"><li>• We will work in conjunction with the Lake City Development Corporation (LCDC) and apply applicable codes to ensure compatible and appropriate growth.</li><li>• Employ downtown development standards and design guidelines.</li><li>• Provide structured parking in downtown when opportunity exists.</li></ul> <p><b>Related Objectives:</b></p> <ul style="list-style-type: none"><li>• 1.03, 1.04, 1.05, 1.06, 1.07, 1.08, 1.09, 1.11, 1.12, 1.13, 1.14, 1.16, 1.18, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 3.08, 3.10, 3.11, 3.12, 3.13, 3.14, 3.15, 3.17, 4.06</li></ul>	 <p><i>Downtown Coeur d'Alene Core (illustrative only)</i></p>  <p><i>Sherman Avenue streetscape</i></p>

**Downtown Core Special Area Significant policies:**

**Objective 1.03**

**Waterfront Development:**

Encourage public and private development to incorporate and provide ample public access, both physical and visual, to the lakes and rivers.

**Objective 1.04**

**Waterfront Development:**

Provide strict protective requirements for all public and private waterfront developments.

**Objective 1.05**

**Vistas:**

Protect the key vistas and view corridors of the hillsides and waterfronts that make Coeur d'Alene unique.

**Objective 1.06**

**Urban Forests:**

Enforce minimal tree removal, substantial tree replacement, and suppress topping trees for new and existing development.

**Objective 1.07**

**Urban Forests:**

Restrict tree removal in city rights-of-way and increase tree planting in additional rights-of-way.

**Objective 1.09**

**Parks:**

Provide an ample supply of urbanized open space in the form of squares, beaches, greens, and parks whose frequent use is encouraged by placement, design, and access.

**Objective 1.11**

**Community Design:**

Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.

**Objective 1.16**

**Connectivity:**

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trail systems.

**Objective 2.01**

**Business Image & Diversity:**

Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.

**Objective 2.04**

**Downtown & Neighborhood**

**Service Nodes:**

Prioritize a strong, vibrant downtown and compatible neighborhood service

**Objective 2.05**

**Pedestrian & Bicycle**

**Environment:**

Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

**Objective 2.06****Cooperative Partnerships:**

Encourage public/private partnerships to procure open space for the community while enhancing business opportunities.

**Objective 3.14****Recreation:**

Encourage city-sponsored and/or private recreation facilities for citizens of all ages.

This includes sports fields and facilities, hiking and biking pathways, open space, passive parks, and water access for people and boats.

**Coeur d'Alene Bikeways Plan:****MISSION:**

The essence of the City bicycle plan is to provide bike lanes on arterial and major collector streets to provide direct, continuous, and convenient transportation access to all parts of the community.

**GOAL:**

The plan should be used to require dedication of right-of-way with land partitions or street construction with all new subdivisions, roadway improvement projects and wherever possible with land use applications.

This practical solution will provide bicycles and pedestrians with access into all residential, commercial and industrial areas of the community thereby encouraging use of bicycles for all type of trips, to decrease reliance on the automobile and to provide low cost transportation options for people without cars – the young, the elderly, the poor and the disabled. To coordinate the City of Coeur d'Alene Bicycle Plan with other cities, districts and state agencies to develop a regional network of bicycle transportation facilities.

The applicant has provided a plan that modifies the pedestrian and bicycle traffic on and through the site.

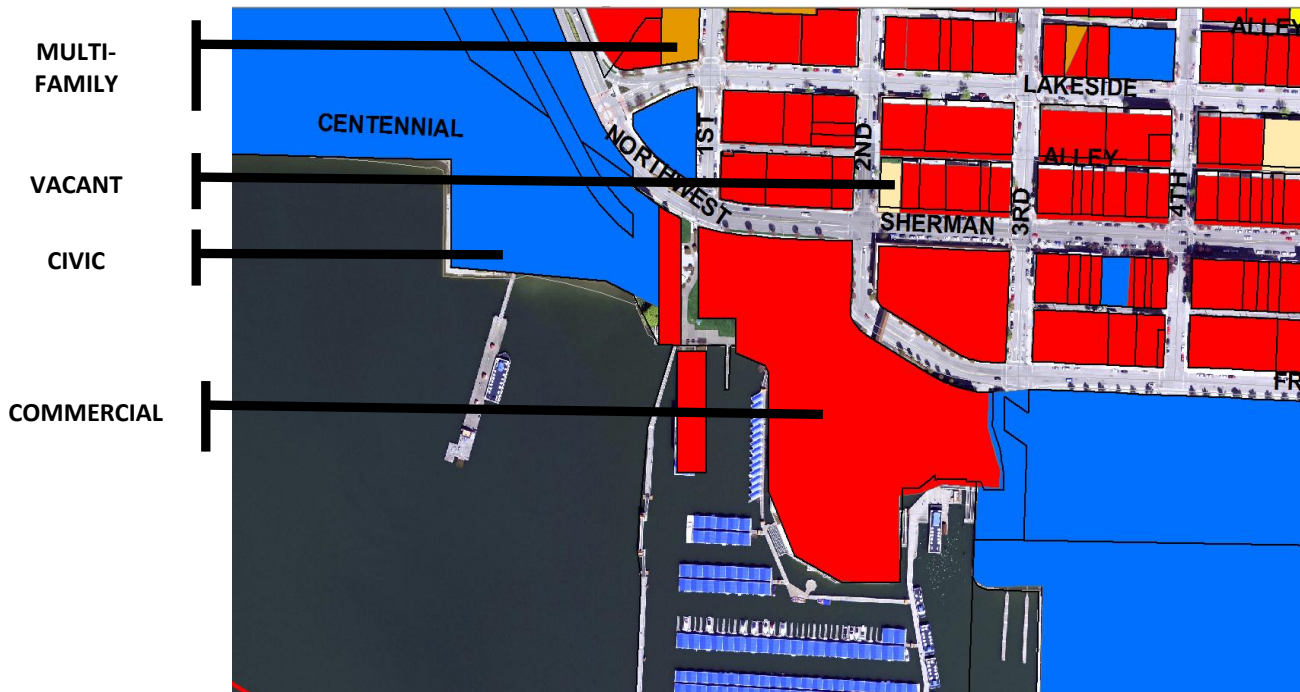
**Evaluation:** The Planning Commission must determine, based on the evidence before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.

**Finding #B9: The design and planning of the site is compatible with the location, setting and existing uses on adjacent properties.**

The Coeur d'Alene Resort development was designed and developed as a destination resort that focuses primarily on waterfront access with secondary access to the Sherman Avenue commercial core.

The applicant's attached narrative provides further observations about the design and planning.

C. Generalized GIS land use.



## Urban Forestry

The Urban Forestry Committee has approved the concept of removing the red maple street trees within the PUD along Sherman Ave. and 2nd Street. For the street trees on the north side of Sherman Ave. that the applicant references in its application, the Urban Forestry Committee has likewise approved the concept of removing the trees but the applicant will need to submit a formal application to the Committee for a removal request and/or a request to not plant replacement trees. Replacement street trees will most likely be required by the city code. Katie Kosanke, Urban Forestry Coordinator

**Evaluation:** The Planning Commission must determine, based on the evidence before them whether the design and planning of the site is compatible with the location, setting and existing uses on adjacent properties

**Finding #B10: C. The proposal is compatible with natural features of the site and adjoining properties**

The subject property is relatively flat developed property and has no physical features that need to be preserved or that would minimize development of the proposed improvements.

**Evaluation:** The Planning Commission must determine, based on the evidence before them, whether the physical characteristics of the site make it suitable for request at this time.



**Finding #B11: D. The location, design, and size of the proposal are such that the development will be adequately served by existing streets, public facilities and services.**

**Wastewater Department:**

Public sewer is available and of adequate capacity to support this project. Mike Becker, Utility Project Manager

**Water Department:**

The property is currently adequately served by a 12" main in Front Avenue and 12" and 6" mains extended within public utility easements in the park area and 1<sup>st</sup> St ROW to the northwest of the Resort. The proposed changes do not change the adequacy of the water service. The Water Department requires that all mains will be under asphalt or concrete for maintenance access and purposes. Terry W. Pickel, Assistant Water Superintendent

**Engineering Department:**

Since the proposed action is only impacting the Resort proper (the area between the westerly boundary and the westerly r/w of 2nd St), and not affecting the areas of 2nd Street or Front Avenue, Engineering has no comments or issues to address. Chris Bates, Engineering Project Manager

**Trails**

Trail Interface Recommendations:

This proposal was presented to the Pedestrian/Bicycle Committee on July 17, 2013. The Committee requested that where the trail enters the Resort PUD from 2<sup>nd</sup> Street, the curve to the north along 2<sup>nd</sup> Street should have a gentler radius to reduce the grade of the path up to Sherman Ave.

Monte McCully, Trails Coordinator

**Fire**

There were no requirements/comments pertaining to the PUD portion of the design

**Evaluation:** The Planning Commission must determine, based on the evidence before them, that public facilities and utilities are or are not available and adequate for the proposed use.

**E. The proposal provides adequate private common open space area, as determined by the commission, no less than ten percent (10%) of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes.**

**OPEN SPACE:**

The existing development provides open space that includes landscaped areas and a number of pedestrian walkways that are accessible to the public, including a 12-foot floating walkway/breakwater. With the addition of the circular parking lot, the open space provided on land is 2.15 acres or 33% of the land area.

**Evaluation:** The Planning Commission must determine that the open space is accessible to all users of the development and usable for open space and recreational purposes.

**Finding #B8F: Off street parking provides parking sufficient for users of the development.**

The existing PUD has a 550-space parking garage. The proposed change would replace the ten space circular parking lot with landscaping. Approximately three (3) of those ten (10) spaces are located on the First Street ROW. Removal of these spaces does not affect the Coeur d'Alene Resort's ability to meet parking requirements. The circular parking lot was programmed to be removed if a restaurant approved in the original PUD was ever constructed.

Evaluation: All uses within the development have complied with on-site parking requirements.

**Finding #B8G: That the proposal (does) (does not) provide for an acceptable method for the perpetual maintenance of all common property.**

A development agreement was established with the original PUD to maintain all common property. An additional agreement is being drafted to address the changes.

**PROPOSED CONDITION:**

1. Where the trail enters the Resort PUD from 2<sup>nd</sup> Street, the curve to the north along 2<sup>nd</sup> Street should have a gentler radius to reduce the grade of the path up to Sherman Ave.

**Ordinances and Standards Used In Evaluation:**

Comprehensive Plan - 2007.  
Coeur d'Alene Trails and Bikeways Master Plan  
Municipal Code.  
Idaho Code.  
Wastewater Treatment Facility Plan.  
Water and Sewer Service Policies.  
Urban Forestry Standards.  
Transportation and Traffic Engineering Handbook, I.T.E.  
Manual on Uniform Traffic Control Devices.

**ACTION ALTERNATIVES:**

The Planning Commission must consider these requests and make appropriate findings to approve, deny or deny without prejudice. The findings worksheets are attached.

**NARRATIVE IN SUPPORT OF APPLICATION FOR  
AMENDMENT TO DEVELOPMENT PLAN FOR  
THE COEUR D'ALENE RESORT PUD**

**BACKGROUND**

Application is being made by Hagadone Hospitality Co. for amendment to the approved development plans for the Coeur d'Alene Resort Planned Unit Development (the "Resort PUD") to accommodate changes in circulation for motor vehicles, bicycles and pedestrians in conjunction with the re-development of McEuen Park, and the decision by the Coeur d'Alene City Council to limit vehicular access, and enhance pedestrian circulation, along Front Avenue between 2nd and 3rd Streets.

In addition, it should be noted that since the last amendment to the PUD, the applicant has acquired title to the former railroad right of way through the Resort property. The legal description provided as a part of this application no longer excepts that right of way, and therefore it is also requested that the PUD be amended to include that former railroad right of way as within the PUD boundaries.

The Resort PUD was originally approved in 1983, resulting in a Development Agreement between the property owner and the City of Coeur d'Alene which allowed for the construction of an eighteen (18) story tower in exchange for preservation of a significant amount of open space and green space for the benefit of the public. With the enlargement of the open space, views and vistas, primarily of Lake Coeur d'Alene from the adjacent downtown core along Sherman Avenue, were enhanced and preserved. Public enjoyment of the waterfront was further enhanced by the construction of the floating boardwalk.

Subsequent amendments to the development plan included improvements to the grounds and public spaces, following the underlying premise of preserving and enhancing views and vistas. Over the years, the goals of enhancing the public views and vistas, as well as public use of the waterfront via the floating boardwalk, have been largely achieved. Events such as the 4th of July fireworks and Christmas lighting ceremonies often involve crowds from 15,000 to 30,000 people. An electronic counter has recorded in excess of 1,000,000 pedestrians each year walking the boardwalk.

Over the past three (3) years, The City engaged in extensive planning and design work for the redevelopment of McEuen Park. In May of 2011, the City Council approved a master plan that included a strong pedestrian corridor through the Resort grounds, allowing users a real connection between City Beach and the new McEuen Park. While that concept was initially abandoned in favor of retaining the existing vehicular traffic flow, it was resurrected during discussions of the Local Improvement District for Front Street improvements from 2nd Street to 7th Street. In January of this year, the City Council revisited the concept of removing vehicular traffic from Front Avenue between 2nd and 3rd Streets. This was strongly supported by staff, with concerns for safety over conflicts between pedestrian and vehicular use as this portion of

Front Street becomes the focal point for pedestrian flow from the new McEuen Park, through the Resort grounds, to City Beach and beyond. Traffic studies showed that the impacts from the closure of Front Street to general vehicular traffic between 2nd and 3rd Street could be mitigated through relatively simple modifications to 3rd Street, and the Resort committed to paying for the improvements to Front Avenue between 2nd and 3rd Street *over and above* its assessment for the LID.

### PROPOSED AMENDMENTS

As noted, the changes within the PUD boundaries are intended to accommodate the changes in circulation resulting from the elimination of general vehicular traffic along Front Avenue between 2nd and 3rd Streets, and the enhancement of pedestrian and bicycle circulation through that area. If this amendment to the PUD is approved, completion of the improvements within the PUD will be contingent upon the applicant and the City reaching a separate agreement with respect to the scope and cost of the improvements to the public rights of way affected by the closure, primarily Front Avenue between 2nd and 3rd Streets, and 2nd Street from Front Avenue to Sherman. The plan for all of the improvements has been developed under the guidance and recommendations of staff and the City's design team. The City Engineer has carefully coordinated the new traffic flows and loads created with the redevelopment of McEuen Park. The City's Parks Director and Planning Director have provided in put in order to coordinate with short term and long term master plans. Staff has met with and consider the input from the Centennial Trail and Urban Forestry committees as well.

The fundamental principles of the original PUD – enhancing view and vistas – have guided the effort. Open spaces will be enhanced and enlarged. Trees that were originally planted will be removed, opening up even better view of the lake and mountains. Current paved areas will be taken out and replaced with landscaped areas of lawns and planting beds. Other planted areas will be significantly enlarged. The Centennial Trail through the Resort property will be improved from a shared 6' – 8' wide trail to a minimum 15' of shared trail. The Front Avenue stretch from 2nd to 3rd Streets will be a shared space approximately 80' in width. New lighting, benches, and opened up view corridors, will all contribute to making the connection between McEuen Park and City Beach a true community experience.

The changes will further accommodate not only the increase in pedestrian traffic with the Resorts planned addition of a 200 room addition at the west end of the Resort Shops, as well as developments that have been rumored to be on the drawing board by other property owners in the vicinity. While the exact date of the expansion is unknown at this time, the Resort's planned expansion alone would add 300-400 new pedestrians to the area. The new design has been engineered to accommodate this increase in public and pedestrian use between McEuen Park, through the Resort, to City Beach and beyond.

### PHYSICAL LAND ALTERATIONS


The physical land alterations are generally depicted on the site plan provided as a part of this application. The actual changes to the lands within the PUD being requested by this application are fairly nominal. No structural or utilities changes are proposed. Grades will be

substantially the same, with some slight cuts and fills to accommodate the re-routing of the Centennial Trail. The existing frontage trees along the south side of Sherman Avenue will be removed (and, while not a part of this application, the Urban Forestry committee has also approved the concept of removing the trees along the north side of Sherman Avenue as well). The circular parking area off of the 1st Street right of way will be taken out, and replaced with .2 acres of additional lawn and landscaping. Sections of the city right of way along 2nd Street and Sherman Avenue will become open green space, allowing for the enlargement of the Centennial Trail from a 6'-8' wide trail to a new shared 15' wide trail. The new green space and landscaping to be installed, along with street and path lighting, up-lighting of trees, benches and other features, will fit with the overall quality and character of the Resort property, creating an outstanding community focal point for years to come.

#### PRELIMINARY DEVELOPMENT SCHEDULE

All work is to be completed in the fall of 2013, to coincide with the opening of McEuen Park in the spring of 2014. As noted previously, this amendment is contingent upon a concurrent agreement between the applicant and the City for the right of way improvements.

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**COEUR D'ALENE PLANNING COMMISSION  
FINDINGS AND ORDER**

**A. INTRODUCTION**

This matter having come before the Planning Commission on August 13, 2013, and there being present a person requesting approval of item: PUD-1-83m.3 a request for a modification to a planned unit development known as The Coeur d'Alene Resort PUD"

APPLICANT: JRB PROPERTIES, LLC

LOCATION: 6.5 ACRES KNOWN AS THE COEUR D'ALENE RESORT

**B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS  
RELIED UPON**

**(The Planning Commission may adopt Items B1-through7.)**

- B1. That the existing land uses are off-street parking, hotel, motel, restaurant/lounges, convention center, marina and retail sales.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is DC PUD.
- B4. That the notice of public hearing was published on, July 27, 2013, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on August 5, 2013, which fulfills the proper legal requirement.
- B6. That 129 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on July 26, 2013.
- B7. That public testimony was heard on August 13, 2013.
- B8. Pursuant to Section 17.07.230, Planned Unit Development Review Criteria, a planned unit development may be approved only if the proposal conforms to the following criteria to the satisfaction of the Planning Commission:

B8A. The proposal **(is) (is not)** in conformance with the Comprehensive Plan. This is based upon the following policies:

B8B. The design and planning of the site **(is) (is not)** compatible with the location, setting and existing uses on adjacent properties. This is based on

**Criteria to consider for B8B:**

- |                            |                |
|----------------------------|----------------|
| 1. Density                 | 6. Open space  |
| 2. Architectural style     | 7. Landscaping |
| 3. Layout of buildings     |                |
| 4. Building heights & bulk |                |
| 5. Off-street parking      |                |

B8C. The proposal **(is) (is not)** compatible with natural features of the site and adjoining properties. In the case of property located within the hillside overlay zone, does not create soil erosion, sedimentation of lower slopes, slide damage, or flooding problems; prevents surface water degradation, or severe cutting or scarring; reduces the risk of catastrophic wildfire in the wildland urban interface; and complements the visual character and nature of the city. This is based on

**Criteria to consider for B8C:**

- |                      |                                |
|----------------------|--------------------------------|
| 1. Topography        | 3. Native vegetation           |
| 2. Wildlife habitats | 4. Streams & other water areas |



B8D The location, design, and size of the proposal are such that the development **(will)** **(will not)** be adequately served by existing streets, public facilities and services. This is based on

**Criteria to consider for B8D:**

1. **Is there water available to meet the minimum requirements for domestic consumption & fire flow?**
2. **Can sewer service be provided to meet minimum requirements?**
3. **Can the existing street system accommodate the anticipated traffic to be generated by this development?**
4. **Can police and fire provide reasonable service to the property?**

B8E The proposal **(does)** **(does not)** provide adequate private common open space area, as determined by the Commission, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes. This is based on

B8F Off-street parking **(does)****(does not)** provide parking sufficient for users of the development. This is based on

B8G That the proposal **(does)** **(does not)** provide for an acceptable method for the perpetual maintenance of all common property. This is based on

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of **JRB PROPERTIES, LLC** for approval of the planned unit development, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are:

1. Where the trail enters the Resort PUD from 2<sup>nd</sup> Street, the curve to the north along 2<sup>nd</sup> Street should have a gentler radius to reduce the grade of the path up to Sherman Ave.

Motion by \_\_\_\_\_ seconded by \_\_\_\_\_ to adopt the foregoing Findings and Order.

**ROLL CALL:**

Commissioner Bowlby	Voted _____
Commissioner Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Soumas	Voted _____
Commissioner Haneline	Voted _____

Chairman Jordan Voted \_\_\_\_\_ (tie breaker)

Commissioners \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

\_\_\_\_\_  
CHAIRMAN BRAD JORDAN

**PLANNING COMMISSION  
STAFF REPORT**

FROM: TAMI STROUD, PLANNER  
DATE: AUGUST 13, 2013  
SUBJECT: S-2-13 – “GILBERT TRACTS” - 11-LOT PRELIMINARY PLAT SUBDIVISION  
LOCATION – +/- 0.88 ACRE PARCEL NEAR THE INTERSECTION OF 15<sup>th</sup> ST. AND  
GILBERT AVE. (2801 N. 15<sup>th</sup> ST.)

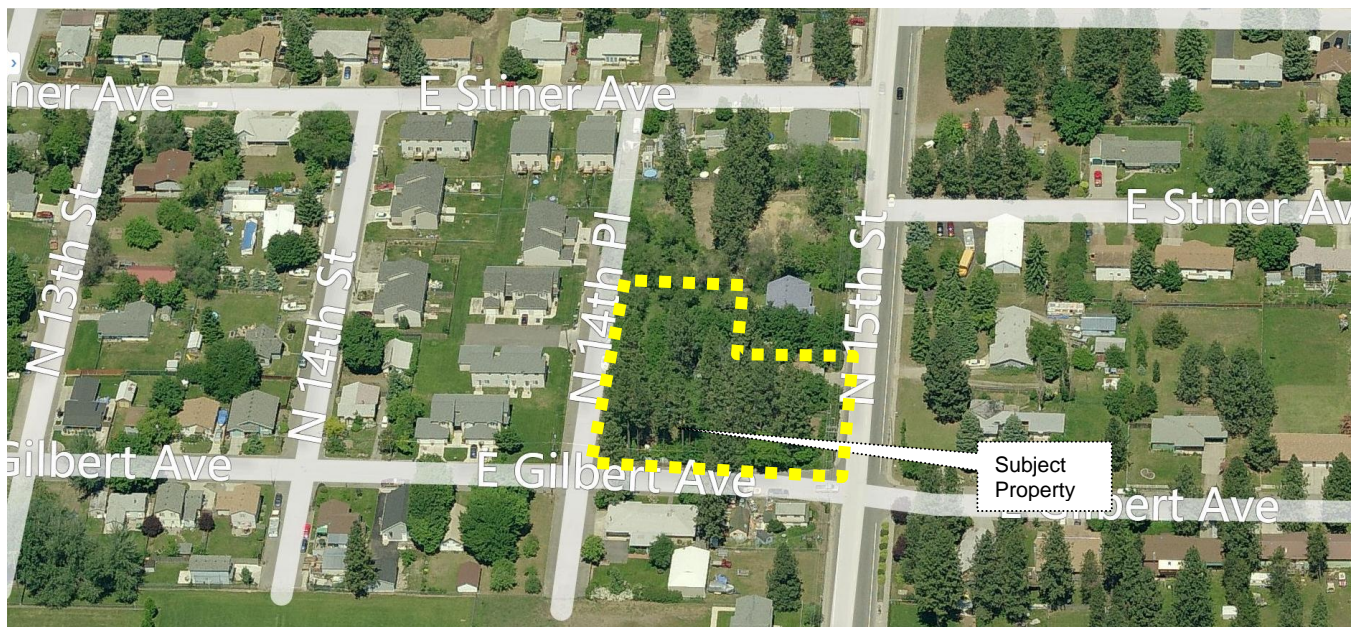
**DECISION POINT:**

Hat Trick Investments, LLC is requesting the following:

- Approval of "Gilbert Tracts" an 11 lot Preliminary Plat Subdivision in the R-12 (Residential at 12 units/acre) zoning district.
- Approval of “Gilbert Tracts” subdivision request which would allow for Pocket Housing at this location. All 11 lots have street frontage, however; street frontage is not a requirement for pocket housing development per 17.10.1010: F. Frontage: Frontage on a public street is not required for lots in a pocket housing development provided that the planning and zoning commission determines through the subdivision process that the development provides for adequate access to the lot via easements, shared driveways or other means.

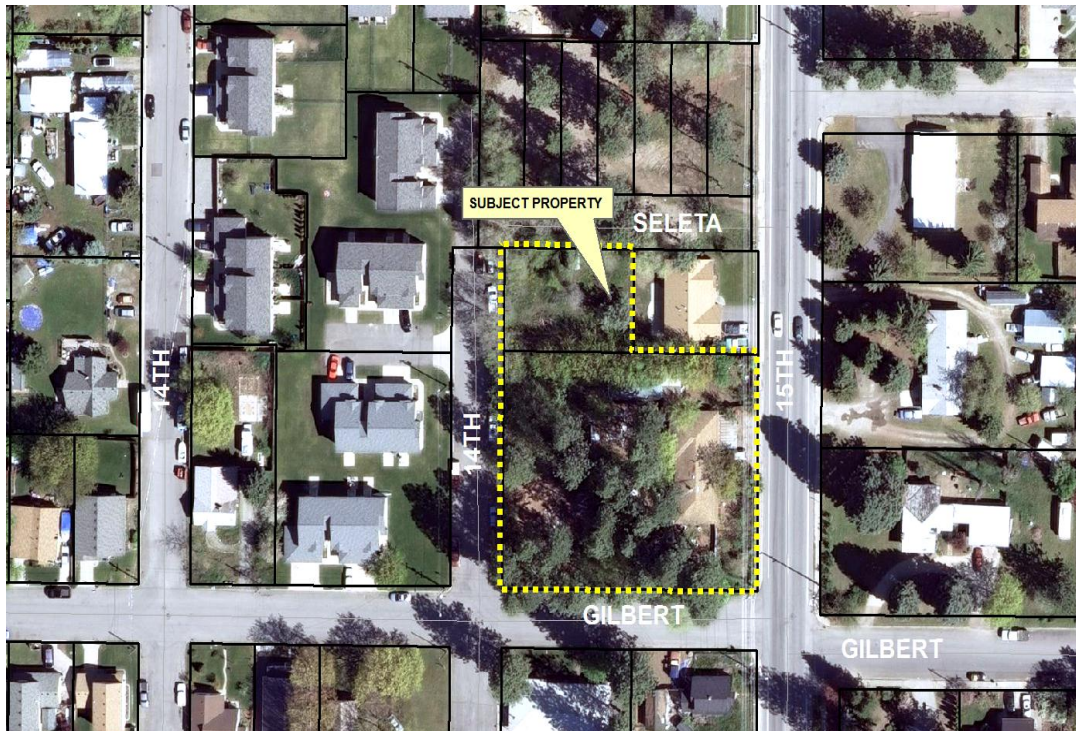
**SITE PHOTOS:**

- A. Aerial photo





B. Subject property:



Subject property from 14<sup>th</sup> Place looking southwest:





Subject property from 14<sup>th</sup> Place looking north:



Subject property from 14<sup>th</sup> Place looking west:



B. Generalized land use pattern and zoning:

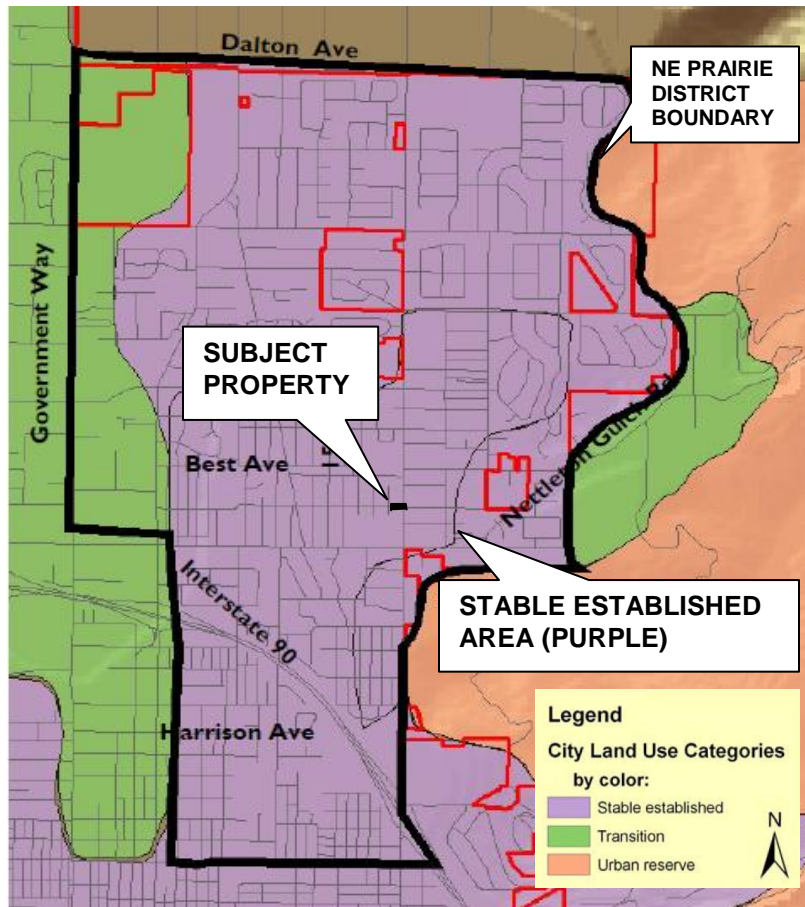


Zoning:





C. 2007 Comprehensive plan – Stable Established – NE Prairie District:

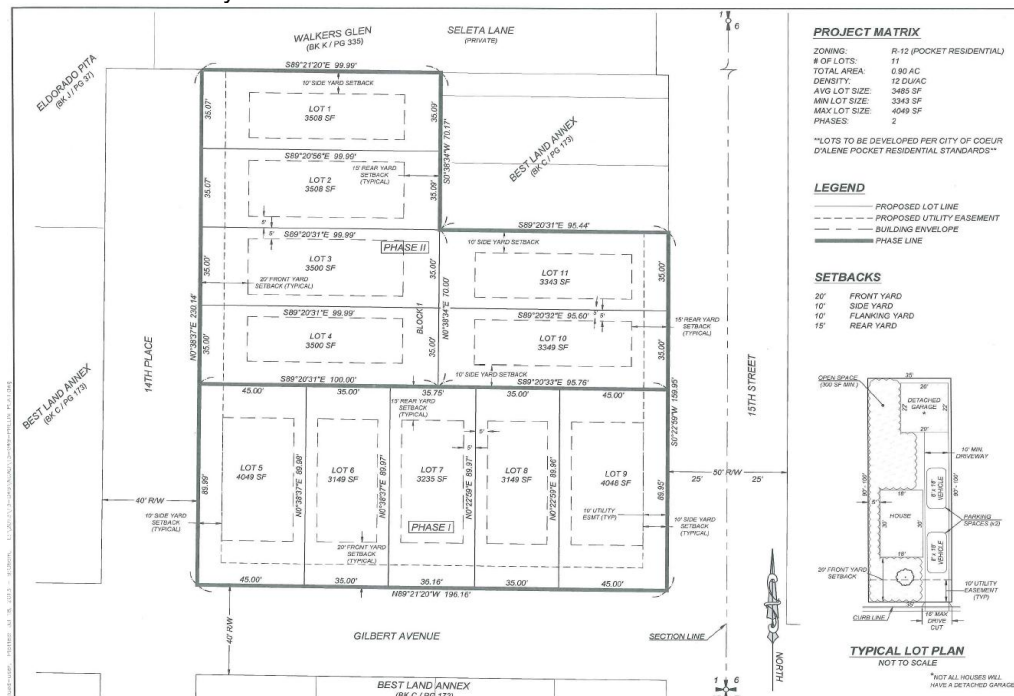


**Stable Established:**

These areas are where the character of neighborhoods has largely been established and, in general, should be maintained.

The street network, the number of building lots and general land use are not expected to change greatly within the planning period.

D. Preliminary Subdivision of "Gilbert Tracts"



E.      Owner/:            Hat Trick Investments, LLC  
Applicant            11741 W. Romin Road  
                                 Post Falls, ID 83854

G.      Land uses in the area include residential - single-family, duplex, multi-family, civic, and vacant land.

H.      The subject property has been cleared (vacant).

#### **REQUIRED FINDINGS:**

A.      **Finding #B8A: That all of the general preliminary plat requirements (have) (have not) been met, as attested to by the City Engineer.**

*Evaluation:        Per Gordon Dobler, City Engineer, the preliminary plat submitted contains all of the general information required by Section 16.12.020 of the Municipal Code, General Requirements.*

B.      **Finding #B8B: That the provisions for streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, and utilities (are) (are not) adequate.**

#### **WATER:**

The property is fronted by 6" water mains on 14th Place and Gilbert Avenue and a 12" main on 15th St. The property is currently served by two domestic services. If the property is broken into 11 individual lots for residential purposes, each lot would require installation of its own domestic service if not already existing. Additional fire hydrants may also be required for the density. These costs are all borne by the developer.

*-Submitted by Terry Pickel, Assistant Water Superintendent*

#### **SEWER:**

1. Public sewer is available and of adequate capacity to support this project as described in S-2-13.
2. Sewer CAP Fees are \$3,325 for each Single Family Dwelling (SFD) and will be assessed during the permitting process.
3. Each lot will need an individual sewer lateral per City Standards and Requirements.

*-Submitted by Michael Becker, Utility Project Manager*

#### **UTILITIES SUMMARY**

##### **Stormwater**

City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site.

##### **Evaluation**

1. The proposed subdivision is located in an area of the City that has existing hard pipe stormwater facilities therefore curb adjacent drainage swales will not be required to be installed.
2. All residential drainage is required to be contained on each individual lot and shall not migrate to any adjoining lot. Individual site drainage is required to be contained within the



lot perimeter, either in on-site landscaping, or, through the use of drainage structures (i.e.: drywells, swales, or, swale drains).

3. Best Management Practices (BMP's) shall be implemented to protect the existing hard pipe stormwater drainage system that serves vicinity impacted by the proposed development. BMP's shall be installed prior to the commencement of any construction activity on the subject property.

#### Traffic

The ITE Trip Generation Manual estimates the project may generate approximately 8.5 trips per day during A.M. peak hour periods (7-9 A.M.), and, 11.2 trips per day during P.M. peak hour periods (4-6 P.M.).

#### Evaluation

The subject property is situated on one of the City's major north/south collector streets that provides direct access to east/west collector streets, a complete network of local streets, and, U.S. Interstate 90. The proximity to the major collector intersection of 15th Street and Best Avenue, which is a fully signalized intersection, also assists in the dispersion of vehicles. These elements of the local transportation network will accommodate additional traffic volume.

#### Streets

The proposed subdivision is bordered by 15th Street on the east, Gilbert Avenue on the south, and 14th Place on the west. The current right-of-way widths are fifty feet (50') for 15th St., and, forty feet (40') for both Gilbert Ave. and 14th Place. There is no sidewalk on either the Gilbert or 14th Place frontages, however it is in place along the 15th Street frontage.

#### Evaluation:

Although the right-of-way widths are less than the current City standard, the pavement sections are developed to City standards, and, no change is expected to them since they are in established neighborhoods with adequate levels of service. No additional right-of-way dedications will be required. Since other than the 15th Street frontage, there is no sidewalk along any of the streets in the surrounding neighborhoods, therefore, per City Code Section 12.28.210 (C), sidewalk will not be required on either Gilbert Avenue or 14th Place.

#### Subdivision Improvements

1. Lot frontages on all three streets are less than the minimum required.

#### Evaluation

Due to the fact that the subdivision is a "pocket housing" development, reduced frontages are allowed without having to utilize the deviation process.

2. Due to the reduced frontages on the lots, driveway width will be restricted to the minimum standard size that is allowed for access by City Code. This will restrict the driveway width to sixteen feet (16') total width, which allows for a ten foot (10') driveway throat with two, three foot (3') "wing" tapers. Per City Code, the approach is also required to be five feet (5') off of the property line which allows for a ten foot (10') separation between the adjoining approaches. If the developer, builder, or, subsequent property owner desires a larger approach, the utilization of a joint access approach will be required, and, a recorded easement between the adjoiners will also be required.

## APPLICABLE CODES AND POLICIES

### Utilities

1. All proposed utilities within the project shall be installed underground.
2. All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.
3. All required utility easements shall be dedicated on the final plat.

### Streets

4. All required street improvements shall be constructed prior to issuance of building permits.
5. An encroachment permit shall be obtained prior to any work being performed in the existing right-of-way.

### Stormwater

6. All site drainage is required to be contained on the individual lots and shall not drain to adjoining properties. Best Management Practices (BMP's) shall be installed prior to the commencement of any construction activity on the subject property.

### Fire Protection

7. Fire hydrants on adjacent corners at 14th Place, and, 15th Street & Gilbert Avenue meet the spacing requirements of the City Fire Department.

### General

8. The final plat shall conform to the requirements of the City.
9. Prior to approval of the final plat, all required improvements must be installed and accepted by the City. The developer may enter into an agreement with the City guaranteeing installation of the improvements and shall provide security acceptable to the City in an amount equal to 150 percent of the cost of installation of the improvements as determined by the City Engineer. The agreement and security shall be approved by the City Council prior to recording the final plat.

*-Submitted by Chris Bates, Engineering Project Manager*

Fire:

There are plenty of fire hydrants in the area and access is good.

*-Submitted by Bobby Gonder, Fire Inspector/Investigator*

### C. **Finding #B8C: That the preliminary plat (is) (is not) in conformance with the Comprehensive Plan as follows:**

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates the subject property as Stable Established – NE Prairie District, as follows:

#### **NE Prairie Tomorrow:**

It is typically a stable established housing area with a mix of zoning districts. The majority of this area has been developed. Special care should be given to the areas that remain such as the Nettleton Gulch area, protecting the beauty and value of the hillside and wetlands.

**The characteristics of NE Prairie neighborhoods will be:**

- That overall density may approach three to four residential units per acre (3-4:1), however, pockets of higher density housing and multi-family units are appropriate in compatible areas.
- Commercial uses are concentrated in existing commercial areas along arterials with neighborhood service nodes where appropriate.
- Natural vegetation is encouraged and should be protected in these areas.
- Pedestrian connections and street trees are encouraged in both existing neighborhoods and developing areas.
- Clustering of smaller lots to preserve large connected open space areas as well as views and vistas are encouraged.
- Incentives will be provided to encourage clustering.

**Significant 2007 Comprehensive Plan policies for your consideration:**

- Objective 1.02 - Water Quality:  
*Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer.*
- Objective 1.11- Community Design:  
*Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.*
- Objective 1.12 - Community Design:  
*Support the enhancement of existing urbanized areas and discourage sprawl.*
- Objective 1.13 - Open Space:  
*Encourage all participants to make open space a priority with every development and annexation.*
- Objective 1.14 - Efficiency:  
*Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.*
- Objective 1.16 - Connectivity:  
*Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trail systems.*
- Objective 1.18 – Night Sky:  
*Minimize glare, obtrusive light, and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary.*
- Objective 2.02 - Economic & Workforce Development:  
*Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.*
- Objective 2.05 - Pedestrian & Bicycle Environment:  
*Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances*
- Objective 3.01 - Managed Growth:  
*Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.*
- Objective 3.04 - Neighborhoods:  
*Encourage the formation of active neighborhood associations and advocate their participation in the public process. .*

- Objective 3.05 - Neighborhoods:  
*Protect and preserve existing neighborhoods from incompatible land uses and developments.*
- Objective 3.08 - Housing:  
*Design new housing areas to meet the city's need for quality neighborhoods for all income and family status categories.*
- Objective 3.10 - Affordable & Workforce Housing:  
*Support efforts to preserve and provide affordable and workforce housing.*
- Objective 3.16 - Capital Improvements:  
*Ensure infrastructure and essential services are available prior to approval for properties seeking development.*
- Objective 3.18 - Transportation:  
*Provide accessible, safe and efficient traffic circulation for motorized, bicycle and pedestrian modes of transportation, requesting input from authoritative districts and neighboring communities when applicable.*
- Objective 4.02 - City Services:  
*Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling and trash collection).*

#### TRANSPORTATION PLAN POLICIES:

The Transportation Plan is an addendum to the Comprehensive Plan and is a policy document that is intended to guide decisions that affect transportation issues. Its goal is to correct existing deficiencies and to anticipate, plan and provide for future transportation needs.

33A: "Safe vehicular and pedestrian circulation should be enhanced through careful design and active enforcement."

*Evaluation: The Planning Commission must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

#### D. **Finding #B8D: That the public interest (will) (will not) be served.**

The proposed subdivision is within the corporate limits, and is in conformance with the Comprehensive Plan policies and the NE Prairie District Plan by providing opportunities for additional residential development along 15<sup>th</sup> Street.

*Evaluation: The Planning Commission must determine, based on the information before them, whether the request will or will not serve the public interest. Specific ways in which this request does or does not should be stated in the finding.*

#### E. **Finding #B8E: That all of the required engineering elements of the preliminary plat (have) (have not) been met, as attested to by the City Engineer.**

*Evaluation: A preliminary plat and utility design was submitted indicating that all subdivision code design standards and improvement requirements have been met and approved by the City Engineer.*

#### F. **Finding #B8F: That the lots proposed in the preliminary plat (do) (do not) meet the requirements of the applicable zoning district.**

Zoned R-12, this proposed subdivision is planned for a Pocket Housing development. All lots will have ROW frontage on 15th Street, Gilbert Avenue or 14<sup>th</sup> Place. Gilbert Tracts is proposed as two phases: Phase 1, 4-lots, Phase II, 6 lots.

17.07.1010: BASIC DEVELOPMENT STANDARDS F.) - Frontage: Frontage on a public street is not required for lots in a pocket housing development provided that the planning and zoning commission determines through the subdivision process that the development provides for adequate access to the lot via easements, shared driveways or other means.

*Evaluation: The 11 lots proposed in the preliminary plat meet the minimum lot size requirements. Zero frontage lots may be approved for Pocket Housing.*

**G. Finding #B9: That the proposal (would) (would not) adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character, and existing land uses.**

The subject property is zoned R-12 and will not change with this request. Development in the area consists of a mix of multi-family, duplex, and single family residential units. The adjacent and connecting streets will accommodate the additional traffic volume.

**PROPOSED CONDITIONS**

1. Best Management Practices (BMP's) shall be implemented to protect the existing hard pipe stormwater drainage system that serves vicinity impacted by the proposed development. BMP's shall be installed prior to the commencement of any construction activity on the subject property.
2. Driveway width will be restricted to sixteen feet (16') total width, which allows for a ten foot (10') driveway throat with two, three foot (3') "wing" tapers. If the developer, builder, or, subsequent property owner desires a larger approach, the utilization of a joint access approach will be required, and, a recorded easement between the adjoiners will also be required.

**ORDINANCES AND STANDARDS USED IN EVALUATION:**

- Comprehensive Plan - Amended 2007.
- Transportation Plan
- Municipal Code.
- Idaho Code.
- Wastewater Treatment Facility Plan.
- Water and Sewer Service Policies.
- Urban Forestry Standards.
- Transportation and Traffic Engineering Handbook, I.T.E.
- Manual on Uniform Traffic Control Devices.
- Coeur d'Alene Bikeways Plan
- Kootenai County Assessor's Department property records
- Resolution No. 09-021 Complete Street Policy

**ACTION ALTERNATIVES:**

The Planning Commission must consider this request and make appropriate findings to approve, deny or deny without prejudice. The findings worksheets are attached.

## PROPERTY INFORMATION

1. Gross area: (all land involved): 0.88 acres, and/or \_\_\_\_\_ sq.ft.
2. Total Net Area (land area exclusive of proposed or existing public street and other public lands): 0.88 acres, and/or \_\_\_\_\_ sq. ft.
3. Total length of street frontage: 585 ft., and/or \_\_\_\_\_ miles.
4. Total number of lots included: 11
5. Average lot size included: 3,480 sf  
minimum lot size: 3,143 sf  
maximum lot size: 4,048 sf
6. Existing land use: Vacant - Residential


## SEWER AND WATER REIMBURSEMENT POLICY

Over sizing of utilities will not be eligible for reimbursement from the city unless a request is approved in writing by the City Council prior to issuance of Building Permits or the start of construction, whichever comes first.

## PROJECT DESCRIPTION:

Please describe the concept of the proposed subdivision:

This project consists of the re-platting of 10 existing  
residential lots, into 11 single-family residential lots  
for the purpose of a Pocket Residential Development.



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**COEUR D'ALENE PLANNING COMMISSION  
FINDINGS AND ORDER**

**A. INTRODUCTION**

This matter having come before the Planning Commission on, August 13, 2013, and there being present a person requesting approval of ITEM: S-2-13 a request for preliminary plat approval of "Gilbert Tracts" an 11 lot Preliminary Plat Subdivision in the R-12 (Residential at 12units/acre) zoning district.

APPLICANT: HAT TRICK INVESTMENTS, LLC

LOCATION: LOCATION – +/- 0.88 ACRE PARCEL NEAR THE INTERSECTION OF 15<sup>th</sup> AND GILBERT AVE. (2801 N. 15<sup>th</sup> ST.)

**B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON**

**(The Planning Commission may adopt Items B1-through7.)**

- B1. That the existing land uses are residential - single-family, duplex, multi-family, civic, and vacant land
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is R-12.
- B4. That the notice of public hearing was published on July 27, 2013, which fulfills the proper legal requirement.
- B5. That the notice was not required to be posted on the property.
- B6. That 49 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on July 26, 2013.
- B7. That public testimony was heard on August 13, 2013.
- B8. Pursuant to Section 16.10.030A.1, Preliminary Plats: In order to approve a preliminary plat, the Planning Commission must make the following findings:
  - B8A. That all of the general preliminary plat requirements **(have) (have not)** been met as attested to by the City Engineer. This is based on



B8B. That the provisions for sidewalks, streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities, and utilities **(are) (are not)** adequate. This is based on

B8C. That the preliminary plat **(is) (is not)** in conformance with the Comprehensive Plan as follows:

B8D. That the public interest **(will) (will not)** be served based on

**Criteria to consider for B8D:**

1. Does this request achieve the goals and policies of the comp plan?
2. Does it provide for orderly growth and development that is compatible with uses in the surrounding area?
3. Does it protect the public safety by providing adequate public utilities and facilities to mitigate any development impacts?
4. Does the it protect and preserve the natural beauty of Coeur d'Alene?
5. Does this have a positive impact on Coeur d'Alene's economy?
6. Does it protect property rights and enhance property values?

B8E. That all of the required engineering elements of the preliminary plat **(have) (have not)** been met, as attested to by the City Engineer. This is based on

B8F That the lots proposed in the preliminary plat **(do) (do not)** meet the requirements of the applicable zoning district for the following reasons:

**Criteria to consider for B8F:**

1. Do all lots meet the required minimum lot size?
2. Do all lots meet the required minimum street frontage?
3. Is the gross density within the maximum allowed for the applicable zone?

B9. That the proposal **(would) (would not)** adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character, and existing land uses because

**Criteria to consider for B9:**

1. Can the existing street system support traffic generated by this request?
2. Does the density or intensity of the project "fit " the surrounding area?
3. Is the proposed development compatible with the existing land use pattern? i.e. residential, commercial, residential w churches & schools etc.
4. Is the design and appearance of the project compatible with the surrounding neighborhood?

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of **HAT TRICK, LLC** for preliminary plat of approval as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied to the motion are:

1. Best Management Practices (BMP's) shall be implemented to protect the existing hard pipe storm water drainage system that serves vicinity impacted by the proposed development. BMP's shall be installed prior to the commencement of any construction activity on the subject property.
2. Driveway width will be restricted to sixteen feet (16') total width, which allows for a ten foot (10') driveway throat with two, three foot (3') "wing" tapers. If the developer, builder, or, subsequent property owner desires a larger approach, the utilization of a joint access approach will be required, and, a recorded easement between the adjoiners will also be required.

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Bowlby	Voted _____
Commissioner Evans	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Messina	Voted _____
Commissioner Soumas	Voted _____
Commissioner Haneline	Voted _____

Chairman Jordan Voted \_\_\_\_\_ (tie breaker)

Commissioners \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

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CHAIRMAN BRAD JORDAN