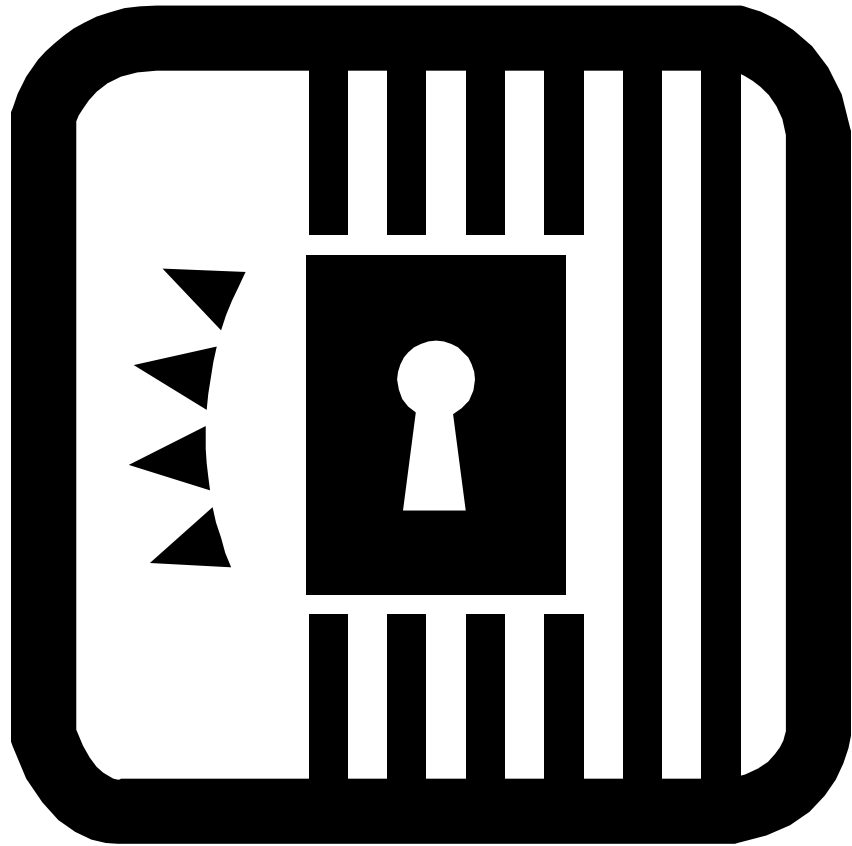


# **The State of Tennessee's Jails**



**John G. Morgan**  
**Comptroller of the Treasury**  
**Office of Research**  
**State of Tennessee**

August 2003



STATE OF TENNESSEE

John G. Morgan     **COMPTROLLER OF THE TREASURY**  
Comptroller

STATE CAPITOL  
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August 29, 2003

The Honorable John S. Wilder  
Speaker of the Senate  
The Honorable Jimmy Naifeh  
Speaker of the House of Representatives  
and  
Members of the General Assembly  
State Capitol  
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is a report prepared by the Office of Research concerning conditions in Tennessee county jails. The study analyzes overcrowding, jail inspections, and jail funding, and provides recommendations for consideration.

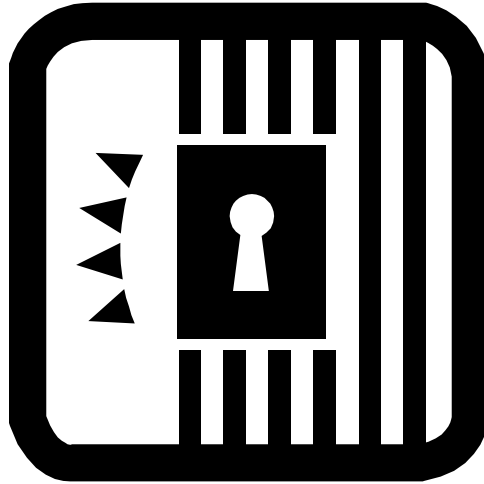
Sincerely,

A handwritten signature in cursive script that reads "John G. Morgan".

John G. Morgan  
Comptroller of the Treasury

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# The State of Tennessee's Jails



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John G. Morgan  
Comptroller of the Treasury

August 2003

## **Executive Summary**

Over the past several decades, courts have found that conditions of confinement in many U.S. jails violate constitutional rights contained in the Eighth Amendment (banning cruel and unusual punishment) and the Fourteenth Amendment (which guarantees due process rights). In some cases, including in Tennessee, courts have ordered counties to make extensive changes, costing extraordinary amounts, to deal with matters such as medical care, staffing, overcrowding, sanitation, religion, nutrition, recreation, safety, and security.

Although state law gives sheriffs responsibility to manage county jails, some state agencies impact their operations—most frequently, the Tennessee Corrections Institute, the Department of Correction, and the Department of Mental Health and Developmental Disabilities. The Tennessee Corrections Institute inspects jails; the Department of Correction holds some state inmates in jails; and the Department of Mental Health and Developmental Disabilities is responsible for serving inmates with mental illnesses.

This report concludes:

**Many Tennessee jails are overcrowded.** Overcrowding presents many implications for governments. It strains county and state budgets and severely limits a facility's capacity to provide adequate safety, medical care, food service, recreation, and sanitation. The total number of inmates in Tennessee's jails increased 56 percent, from 13,098 in fiscal year 1991-92 to 20,393 in fiscal year 2002-03. Local jails held an average of 2,301 Department of Correction inmates awaiting transfer to state prisons during FY02-03. By June 2003, the department had 1,956 inmates awaiting transfer.

During fiscal year 2000-01, 47 Tennessee county facilities operated at an average capacity of 100 percent or greater and 12 operated at an average capacity of 90-99 percent. The number operating at 100 percent or greater rose to 60 in fiscal year 2001-02, and declined to nine operating at an average capacity of 90-99 percent.

A National Institute of Corrections publication states that jail crowding is a criminal justice *system* (emphasis added) issue, and its roots lie with decisions made by officials outside the jail, such as police, judges, prosecutors, and probation officers. Like some other communities, Shelby and Davidson Counties have created criminal justice coordination committees to examine jail crowding and other criminal justice issues. The committees provide a forum for key justice system professionals (such as law enforcement officials, judges, prosecutors, and public defenders) and other government officials to discuss justice system challenges. Committees analyze the implications that individual agency decisions impose on the entire criminal justice system. (See pages 7-10.)

**Tennessee's continuing failure to provide adequate capacity in state prisons has contributed to overcrowding in some jails. Tennessee statutes address only state prison overcrowding, but offer no contingencies for overcrowded local jails.** Inmate lawsuits against Tennessee resulted in several pieces of legislation that allowed the state to respond to prison overcrowding. These laws specify that the governor can declare a state of overcrowding under certain conditions and may direct the Commissioner of

Correction to notify all state judges and sheriffs to hold certain inmates until state facilities have lowered their population to 90 percent of capacity. The department has operated under this statute continuously since the 1980s. (See pages 10-11.)

**Tennessee statutes governing the transfer of state prisoners from county jails conflict with each other.** *T.C.A.* 41-8-106 (g) requires the department to take into its custody all convicted felons within 14 days of receiving sentencing documents from the court of counties not under contract with the County Correctional Incentives Program. On the other hand, *T.C.A.* 41-1-504 (a)(2) allows the department to delay transfer of felons who had been released on bail prior to conviction for up to 60 days until prison capacity drops to 90 percent.

In 1989, Hamilton, Davidson, Knox, and Madison Counties sued the state for shifting its overcrowding burden onto their facilities. A federal court placed certain limits on the number of inmates that each of those jails could hold. The Department of Correction takes inmates from those facilities before those from other jails when transferring inmates to state facilities. (See pages 11-12.)

**In spite of *T.C.A.* 41-4-141, which allows two or more counties to jointly operate a jail, no Tennessee counties have done so.** As a result, some counties miss the opportunity to save county funds and to lower their liability risks. A regional jail is defined as a correctional facility in which two or more jurisdictions administer, operate, and finance the capital and operating costs of the facility. (See page 12.)

**Comptroller's staff observed unsafe and unsanitary conditions in some of the jails visited during this study.** Comptroller's staff visited 11 jails during this study. Staff selected rural, urban, and medium sized counties in all three grand divisions of the state. Additionally, staff chose some counties recommended as model facilities and others described as substandard. Two of the jails were new with no visible problems. In others, however, research staff observed conditions that pose danger or violate standards. (See pages 13.)

**The Tennessee Corrections Institute has no power to enforce its standards, resulting in conditions that endanger inmates, staff, and the public.** In 2002, 25 county jails failed to meet certification standards. Without sanctions, counties often fail to correct conditions that may be dangerous and likely to result in costly lawsuits. Several other states impose an array of sanctions for facilities that do not meet standards. In 2001 the General Assembly considered, but did not pass, a bill that would have given TCI more enforcement authority. House Bill 398/Senate Bill 764 would have allowed TCI to:

- issue provisional certifications;
- decertify facilities;
- exclude counties from participating in the County Correctional Incentives Act of 1981; and
- ask the Attorney General and Reporter to petition circuit courts to prohibit inmates from being confined in facilities that do not meet standards or impose threats to the health or safety of inmates.

At least 53 sheriffs report that inmates have sued their facilities in the last five calendar years, but that most suits are frivolous and eventually dismissed. As of calendar year 2001, at least nine jails are under a court order or consent decree. (See pages 13-14.)

**TCI continues to certify inadequate and overcrowded jails that do not meet state standards.** State law prohibits TCI from decertifying deficient facilities if the county submits a plan within 60 days of the initial inspection to correct deficiencies related to square footage and or/showers and toilets as well as jail capacity. Many counties delay implementing their plans indefinitely, yet TCI continues to certify the facilities. (See pages 14-15.)

**TCI standards do not appear to meet the level of quality mandated by T.C.A. 41-4-140.** The law requires that TCI standards approximate, as closely as possible, those standards established by the inspector of jails, federal bureau of prisons, and the American Correctional Association. However, TCI standards are minimal and are not as comprehensive as those of the American Correctional Association. TCI omits ACA standards dealing with monthly fire and safety inspections, prerelease programs, population projections, staffing patterns, and administrators' qualifications. (See page 15.)

**TCI has not developed minimum qualification standards for local correctional officers and jail administrators.** Few local correctional officer positions are civil service. Newly elected sheriffs usually hire new officers. TCI standards require that correctional officers receive 40 hours of basic training within the first year of employment. According to several jail administrators and sheriffs, newly hired correctional officers frequently report on their first day with no experience or training on how to perform their duties or handle unruly inmates and emergencies. (See pages 15-16.)

**The Tennessee Corrections Institute appears to have inadequate staff to fulfill its mandate.** TCI reduced its staff from 26 positions in 1982 to 11 positions in 2002 because of forced budget cuts. The agency's staff now consists of only six inspectors, an executive director, and clerical staff. The six inspectors must cover all 95 county jails, nine county jail annexes, 14 city jails, and eight correctional work centers. The lack of staff contributes to conditions that negatively affect the quality of jail inspections.

The six inspectors provide training and technical assistance to jail staff as well as conducting inspections. Mixing regulatory and assistance functions can result in a lack of objectivity by inspectors. (See pages 16-17.)

**TCI inspection practices appear inadequate to ensure safe and secure jails.** Office of Research staff observed several problems with TCI's inspection practices during jail inspections, including differences in interpreting standards, timing of inspections, assigning inspectors, and quality of inspections.

Although TCI inspections are unannounced, they generally occur within the same or an adjacent month of the previous year's inspection. As a result, jail staff can anticipate inspections and present themselves in ways during the inspections that do not reflect their normal routines and practices. (See pages 17-18.)

**TCI inspectors provide minimal training to correctional officers (jailers), who must attend 40 hours of basic training during their first year of employment. TCI provides no training to sheriffs and jail administrators.** As a result, some correctional officers begin work with no preparation and, in fact, may never receive training, increasing the potential of liability. Training is critical to protect both inmates and correctional officers. Newly elected sheriffs without previous law enforcement certification must attend training provided by the Peace Officers Standards and Training Commission. However, most of this training relates to law enforcement activities, with little time devoted to jail management. (See pages 18-19.)

**The state does not evaluate the reimbursement process for housing state inmates in local correctional facilities as required by T.C.A. 41-1-405, enacted in 1983.** Although the various reports submitted by counties to determine reimbursements are reviewed, the overall reimbursement process is not continually evaluated. The statute explains the General Assembly's intent: "a continuing evaluation of the impact of the state correction system upon local correction systems is essential to determine the method and amount of assistance, financial or otherwise, necessary to equitably compensate such local systems for their continuing role in the overall correction system of this state." The statute suggests that a "task force composed of all facets of the criminal justice system" conduct the evaluation. Because the process has not been continually reviewed the current method may not comply with the General Assembly's intent to equitably compensate local correctional systems. Any evaluation should include an analysis of marginal and fixed costs which can help to determine if the reimbursement process is equitable to the counties and the state. (See pages 19-20.)

**Low funding for jails contributes to unsafe facilities, high correctional officer turnover, and staff shortages in some jails.** Most sheriffs interviewed by Office of Research staff noted strained relationships with county executives and county commissions regarding jail funding. The sheriffs believe that these county officials have other budgetary priorities and do not fully appreciate the liability issues caused by underbudgeting. Inadequate funding usually leads to unsafe conditions, including critical understaffing or physical plant deterioration that endangers inmates and jail personnel. Most sheriffs report a high correctional officer turnover rate because of low salaries. (See pages 20-21.)

**No state agency enforces or monitors compliance with T.C.A. 41-8-107 (c), which requires non-certified facilities to use 75 percent of the state reimbursement to improve correctional programs or facilities.** These facilities may remain in poor and uncertifiable conditions. In FY 2001-02, DOC paid \$3,515,426 to county jails that were not certified; 75 percent of this amount is \$2,636,569. (See page 22.)

**The Criminal Justice/Mental Health Liaison program helps divert inmates with mental illnesses from jail in specific areas of the state. Statewide, however, Tennessee continues to lack adequate community services and institutional placements for inmates with mental illnesses held in jail.** Both mental health professionals and sheriffs agree that some inmates with mental illnesses would be better served by community resources than by placing them in jails for minor offenses possibly



caused by manifestations of their illnesses. Other offenders may need the treatment environment of a mental health facility. In at least one case, a Davidson County judge ruled that the right to a speedy trial for an inmate with a mental illness had been violated after the inmate spent over a year in jail awaiting a competency hearing.

In an attempt to relieve jails housing inmates who need treatment in mental health institutes, Public Chapter 730 of 2002 specifies that the Commissioner of Mental Health and Developmental Disabilities (DMHDD) must exert all reasonable efforts to admit such an inmate within five days of receiving a commitment order.

The Department of Mental Health and Developmental Disabilities (DMHDD) established a Criminal Justice/Mental Health Liaison pilot project to improve communication and coordination among the community, the criminal justice system, and the mental health system, and to establish diversion activities. Although the liaison program is too new to determine the impact of its criminal justice activities, many jail staff told researchers that the program is an asset. (See pages 22-24.)

**Office of Research staff were unable to determine whether sheriffs comply with federal and state special education mandates.** In 2003, the Department of Education sent a copy of the department's Policy and Procedure for Incarcerated Children with Disabilities to all county sheriffs and local education agencies (LEAs). State policies and procedures follow the directives of the federal law. The policy applies to all students with disabilities, who are legally mandated to receive an education in Tennessee through their 22<sup>nd</sup> birthday. Most sheriffs and jail administrators denied that they hold inmates who are eligible for special education services. However, most smaller jails do not use a classification system to identify eligible inmates. Thus, some eligible students may not receive services to which they are entitled. Providing special education programming could help such inmates as well as protect jail staff from suits for failing to ensure that they identify such children. (See pages 24-25.)

**Most jails do not help inmates access social or health services upon release.** Most jails do not offer help to inmates to prepare them to reenter society, often resulting in inmates who are unprepared for the challenges they encounter. On the other hand, Davidson County officials are committed to assisting inmates scheduled for release to help them avoid reincarceration. Officials expressed concerns about inmates being disenrolled from TennCare upon incarceration and the difficulties in reenrolling them upon release. They also believe that the Department of Human Services should be more involved in assisting released inmates to access its services, such as food stamps, TANF, or vocational rehabilitation. An American Correctional Association standard recommends prerelease planning.

An ACA non-mandatory standard suggests facilities adopt a written policy, procedure, and practice to provide continuity of care from admission to discharge from the facility, including referral to community care. Some criminal justice and mental health professionals expressed concern that inmates with mental illnesses receive services in jails, but upon release, are not always linked to community resources to provide continued services. Because of a potential lapse in services, these same persons may return to the criminal justice system. (See page 25.)

Recommendations begin on page 26.

### **Legislative Recommendations**

- The General Assembly may wish to authorize the Tennessee Corrections Institute to ask the state's Attorney General and Reporter to petition circuit courts to close jails that fail to correct unsafe conditions.
- The General Assembly may wish to enact legislation prohibiting state prisoners from being held in facilities that are not certified by TCI because of safety issues.
- The General Assembly may wish to clarify statutory language regarding the transfer of state prisoners from county jails.
- The Select Oversight Committee on Corrections may wish to review the current process to reimburse local governments for housing state inmates in local correctional facilities.

### **Administrative Recommendations**

- Local governments should establish ongoing avenues of communication such as councils or committees composed of criminal justice agencies to seek solutions to problems such as overcrowding.
- The Department of Correction should make every effort to transfer state inmates held in non-certified jails as quickly as possible
- The Department of Correction should not contract with overcrowded jails to hold state inmates.
- Some Tennessee counties should consider the feasibility of establishing regional jails.
- The Tennessee Corrections Institute should review its standards and inspection practices annually, revising them as needed to adequately protect jails from liability.
- The Tennessee Corrections Institute should provide training to sheriffs, jail administrators, and other supervisory personnel.
- The Tennessee Corrections Institute should request reinstatement of the positions it lost because of budget reductions in the 1980s and 1990s.
- The Tennessee Corrections Institute should establish two distinct divisions within the agency – one for inspections and the other for training and technical assistance because mixing regulatory and assistance functions can reduce inspectors' objectivity.

- The Tennessee Corrections Institute should vary its inspection cycle and rotate inspector assignments from year to year.
- The state should enforce the statute requiring counties with noncertified jails to use 75 percent of their DOC reimbursements to improve correctional programs and facilities.
- The Department of Mental Health and Developmental Disabilities should determine the impact of its criminal justice activities in local jails. If warranted, DMHDD should seek additional federal funds to expand the Mental Health Liaison Program statewide and increase the availability of mobile crisis teams.
- The Department of Mental Health and Developmental Disabilities should prioritize bed space to ensure that inmates awaiting competency hearings are evaluated in a timely manner.
- Sheriffs and jail administrators should provide discharge planning for inmates with mental illnesses who need continued care upon release.
- Sheriffs and jail administrators should report all inmates who may be eligible for special education services to the LEA.
- State agencies such as the Bureau of TennCare and the Department of Human Services should work more closely with jail personnel to reinstate benefits inmates lose while incarcerated.

Agency responses to this report are in Appendices G-J.

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*If the public, through its judicial and penal system, finds it necessary to incarcerate a person, basic concepts of decency, as well as reasonable respect for constitutional rights, require that he be provided a bed.*

Judge William P. Gray  
Stewart v. Gates, 1978<sup>1</sup>

## **Introduction**

Contrary to Judge Gray's opinion, some Tennessee jails are unable to furnish a bed for each inmate. Overcrowding is only one issue that places some Tennessee counties at risk of lawsuit by inmates.

Over the past several decades, courts have found that conditions of confinement in many U.S. jails violate constitutional rights contained in the Eighth Amendment (banning cruel and unusual punishment) and the Fourteenth Amendment (which guarantees due process rights). In some cases, including in Tennessee, courts have ordered counties to make extensive changes, costing extraordinary amounts, to address medical care, staffing, overcrowding, sanitation, religion, nutrition, recreation, safety, and security.

The Tennessee Constitution requires each county to elect a sheriff and other officials, whose qualifications and duties are determined by the General Assembly.<sup>2</sup> *T.C.A.* 41-4-101 places sheriffs in charge of county jails and all their prisoners. The sheriff may appoint a jailer, but the sheriff is civilly responsible for the jailer's acts. Tennessee jails hold inmates who:

- have been committed for trial for public offenses,
- have been sentenced to a penitentiary, but await transfer to the prison,
- have been committed for contempt or on civil process,
- have been committed for failure to give security for their appearances as witnesses in criminal cases,
- have been charged with or convicted of criminal offenses against the United States,
- are awaiting transfer to a mental health facility, or
- have otherwise been committed by authority of law.<sup>3</sup>

## **Objectives**

The Office of Research undertook this study with the following objectives:

- to determine the nature and extent of conditions in Tennessee jails that leave counties at risk of lawsuits;
- to determine risks these conditions pose to inmates and the public;
- to determine the extent that state practices contribute to such conditions;
- to determine whether county jails have adequate funding to provide sufficient staff, essential inmate services, and safety precautions; and
- to examine best practices shown to protect both inmates and the public.

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<sup>1</sup> Wayne N. Welsh, *Counties in Court*, Temple University Press, 1995, p. 3.

<sup>2</sup> *Constitution of the State of Tennessee*, Article VII, Section 1.

<sup>3</sup> *T.C.A.* 41-4-103.

## **Methodology**

The conclusions reached and recommendations made in this report are based on the following:

- review of state statutes related to county jails,
- interviews with state officials, including the Tennessee Corrections Institute (TCI), the Department of Correction (DOC), the Department of Mental Health and Developmental Disabilities (DMHDD), and the Tennessee County Technical Assistance Service (CTAS),
- interviews with selected sheriffs and jail administrators,
- interviews with others knowledgeable about jail conditions, including the American Civil Liberties Union, a consultant to the Select Oversight Committee on Corrections, and plaintiffs' attorneys,
- on-site visits to selected jails,
- observations of selected jail inspections,
- review of jail standards and analysis of Tennessee Corrections Institute (TCI) inspection reports,
- analysis of Department of Correction population projection reports,
- review of court settlements related to jail conditions, and
- review of various journals and newspaper articles.

In May 2002, researchers mailed surveys to 95 sheriffs responsible for 106 jails and workhouses on the following issues:

- facility construction/expansion plans,
- facility beds and population,
- federal inmates,
- TCI certification,
- funding/budgets,
- staff issues,
- legal actions,
- inmate programs, and
- safety issues.

County officials returned 79 (75 percent) survey forms. A copy of the survey is in Appendix A. Survey results are included throughout the analysis section of this report.

### **Why examine conditions in local jails?**

The Office of Research staff undertook this study after reading numerous newspaper articles highlighting problems in Tennessee's jails. In some cases, the U.S. Department of Justice investigated allegations of unconstitutional conditions. In addition, several local jails have been involved in federal suits because of overcrowding and other safety issues. Shelby and Morgan Counties have both been involved in long-term legal action because of safety issues. In some cases, lawsuits may be more costly to counties than correcting the underlying conditions.

Tennessee Corrections Institute staff have the duty to inspect local correctional facilities and recommend certification or non-certification to the TCI Board of Control. Facilities meeting all TCI standards are certified. During calendar year 2002, TCI did not certify 25 county correctional facilities.

## Shelby County

The Shelby County Criminal Justice Center, which has not been certified since 1989, is under a consent decree because of a suit, *Darius D. Little vs. Shelby County, et al.*, stemming from situations that include rape by gang members; absence of guards to assist inmate Little while he was raped; rare presence of guards to observe inmates; overcrowding; failure to properly classify inmates before deciding which inmates should be housed together; gang violence, such as beatings and stabbings; and inmates posting orders and rules in the cell block that are imposed on other inmates.<sup>4</sup>

The court ordered the jail to classify inmates within 90 days of entry, never house inmates classified as violent in a cell with more than one other inmate, assign a separate cell block officer to each of the cell blocks in which inmates are incarcerated, and continuously observe inmates directly.<sup>5</sup>

Other Shelby County inmates filed suits for unconstitutional conditions, mostly because of violent gang activity in the jail. In August 2000, the U.S. Department of Justice (DOJ) notified the county that it would investigate conditions pursuant to the Civil Rights of Institutionalized Persons Act.<sup>6</sup> The allegations centered around:

- inadequate supervision of inmates;
- excessive levels of violence;
- inadequate mental health and medical care; and
- deficient sanitation and environmental health.

The DOJ toured the facility with expert consultants in prison security, correctional health care, mental health care, and environmental health and safety. The investigation concluded that certain jail conditions violated inmates' constitutional rights. The investigation found:

- deficient security and supervision and protection from harm (e.g., inmate-on-inmate violence; inmates not supervised adequately; failure to classify inmates effectively; failure to discipline inmates who violate jail rules; failure to control dangerous contraband, tools, or keys; and excessive use of force),
- constitutionally deficient mental health and medical care (e.g., deficient access to care; deficient medication administration; inadequate suicide precautions; and medical safety and related security concerns), and
- inadequate food, clothing, and shelter (e.g., unsafe food handling and food service; inadequate pest control and sanitation; inadequate lighting, sanitation, and laundry service in housing units; improper storage and handling of hazardous materials; deficient

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<sup>4</sup> Findings of Fact and Conclusions of Law in Support of Order Granting Injunctive Relief to Remedy Unconstitutional Conditions in the Shelby County Jail, *Darius D. Little vs. Shelby County, et al.*, Western District of Tennessee, United States District Court, Civil Action No. 96-2520 TUA.

<sup>5</sup> Order Granting Injunctive Relief to Remedy Unconstitutional Conditions in Shelby County Jail, *Darius D. Little vs. Shelby County, et al.*, Western District of Tennessee, United States District Court, Civil Action No. 96-2520 TUA.

<sup>6</sup> "The Civil Rights of Institutionalized Persons Act," *U.S.C.A.*, Title 42, Chapter 21, Subchapter I-A, § 1997, accessed July 27, 2001, <http://www.ncd.gov/resources/cripa.html>.

fire safety and prevention; insufficient access to the courts; and insufficient access to exercise.)<sup>7</sup>

In August 2002, the DOJ announced an agreement to drop its lawsuit against Shelby County because the county had initiated efforts to remedy deficiencies at the jail, especially related to inmate supervision and revision of the jail's policies and procedures.<sup>8</sup>

### Morgan County

The Justice Department had also filed suit against Morgan County for failing to maintain proper living and health care standards. The DOJ and Morgan County subsequently entered a joint motion for conditional dismissal of the suit in June 2000. The agreement required Morgan County to:

- renovate or replace the jail to ensure adequate health, safety, and sanitation;
- construct an addition to contain cells and showers for women inmates a multipurpose area for visitation, indoor recreation, and medical examinations;
- ensure compliance with life safety and fire protection codes;
- provide adequate staff and supervision;
- ensure that all jailers receive adequate training;
- allow inmates to be given exercise five days a week for one hour a day;
- provide adequate access to legal materials;
- provide medical and dental care;
- provide adequate mental health care;
- maintain the jail in a clean and safe physical condition and provide adequate clothing, bedding, hygiene, and cleaning materials;
- ensure that inmates are not subject to unreasonable uses of force or chemical agents; and
- revise the jail manual to explicitly define and prohibit sexual misconduct and sexual harassment.<sup>9</sup>

The Morgan County sheriff indicates the suit has cost Morgan County in excess of \$2 million.<sup>10</sup>

### **Background**

Although state law gives sheriffs responsibility to manage county jails, some state agencies impact their operations—most frequently, the Tennessee Corrections Institute (TCI), the Department of Correction (DOC), and the Department of Mental Health and Developmental Disabilities (DMHDD.)

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<sup>7</sup> Letter from Department of Justice to Shelby County Mayor Jim Rout re Investigation of Shelby County Jail. (accessed via web on August 28, 2001; accesses no longer available.)

<sup>8</sup> News Release, U. S. Department of Justice, "Justice Department Reaches Agreement with Shelby County Tennessee, Concerning Conditions of Confinement at Shelby County Jail," August 12, 2002.

<sup>9</sup> United States of America vs. Morgan County, Tennessee, et.al., Eastern District of Tennessee, United States District Court, Civil Action No. 3:00 – CV 89.

<sup>10</sup> Telephone conversation with Morgan County Sheriff, Bobby Clinton, October 16, 2002.



The General Assembly created the Tennessee Corrections Institute in 1974 to:

- train correctional personnel to deliver correctional services in state, municipal, county, and metropolitan jurisdictions,
- evaluate correctional programs in state, municipal, county, and metropolitan jurisdictions, and
- conduct studies and research in the area of corrections and criminal justice to make recommendations to the Governor, the Commissioner of Correction, and the General Assembly.<sup>11</sup>

In 1980, the legislature gave TCI the additional responsibility to inspect all county and state penal institutions, jails, workhouse detention facilities, or any other correctional facility.<sup>12</sup> The 1984 General Assembly removed TCI's responsibility for inspecting state facilities and training their staffs.<sup>13</sup> TCI staff inspect local correctional facilities using standards approved by the Board of Control, the agency's governing body. Staff recommend to the Board certification or non-certification based on compliance or non-compliance. TCI staff told researchers that non-certified facilities are likely less defensible in a lawsuit and could lose insurance coverage.<sup>14</sup> Exhibit 1 illustrates those counties with non-certified jails. A list of non-certified county jails is in Appendix B. The 2002-03 budget for TCI is \$691,500.<sup>15</sup>

The Department of Correction pays local jails to house inmates for various reasons. In some cases felons await transfer to penitentiaries to serve their sentences, but remain in local facilities for extended periods because state facilities lack space. The Department of Correction also contracts with some local jails to hold state prisoners to alleviate overcrowding in state facilities. In other cases, judges sentence felons to serve their terms in county facilities. In FY 2002, DOC paid \$104,266,652 to 102 local facilities.

Sheriffs report that the number of local inmates with mental illnesses or disabilities and/or substance abuse has increased. The Department of Mental Health and Developmental Disabilities (MHDD) is responsible for court ordered forensic evaluations to determine a defendant's competency to stand trial and/or mental condition at the time of the offense. Regional Mental Health Institutes, administered by DMHDD, serve pre-trial individuals from jails who meet emergency involuntary commitment standards. Defendants ordered for forensic evaluations or other pre-trial defendants are admitted without regard to bed availability upon meeting standards for emergency involuntary commitment. DMHDD has created a diversion program with community mental health centers to serve inmates in selected areas of the state.<sup>16</sup> In these programs, criminal justice/mental health liaisons work to find alternative placements and services for inmates with mental illnesses. The program's budget is \$770,000 (\$294,000 in state funds, and \$476,000 in federal block grant funds).<sup>17</sup> In addition, mental health mobile crisis teams conduct evaluations in jails, but responsiveness varies from team to team.

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<sup>11</sup> Public Chapter 733, Acts of 1974.

<sup>12</sup> Public Chapter 913, Acts of 1980.

<sup>13</sup> Public Chapter 938, Acts of 1984.

<sup>14</sup> Interview with Roy Nixon, former Executive Director, Tennessee Corrections Institute, July 31, 2001.

<sup>15</sup> TCI 2002-03 Budget.

<sup>16</sup> Interview with Liz Ledbetter, Mental Health Specialist, Department of Mental Health and Developmental Disabilities, July 26, 2002.

<sup>17</sup> TDMHDD 2002-03 Budget.



## Analysis and Conclusions

### Overcrowded Jails

**Many Tennessee jails are overcrowded.** Overcrowding presents many implications for governments. It strains county and state budgets and severely limits a facility's capacity to provide adequate safety, medical care, food service, recreation, and sanitation. In 1992, 27 percent of the nation's large jails (those with 100 inmates or more) were under court order to reduce overcrowding and/or improve general conditions of confinement.<sup>20</sup>

- The number of inmates in Tennessee's local correctional facilities increased 56 percent, from 13,098 in fiscal year 1991-92 to 20,393 in fiscal year 2002-03.<sup>21</sup> This increase is the result of various factors, including:
  - DOC inmates awaiting transfer to the penitentiaries
  - some judges not allowing bail for pre-trial misdemeanants,
  - some judges requiring sentenced misdemeanants to serve their full sentences,
  - changes in law enforcement practices leading to more arrests,
  - increase in the number of felons ordered to serve their sentences locally, and
  - trial/hearing postponements.
- During fiscal year 2000-01, 47 Tennessee county facilities operated at an average capacity of 100 percent or greater, and 12 operated at an average capacity of 90-99 percent. The number operating at 100 percent or greater rose to 60 in fiscal year 2001-02. The number operating at an average capacity of 90-99 percent declined to nine.<sup>22</sup> The number of rated beds ranges from 7 in Pickett County to 2,797 at the Shelby County Criminal Justice Center. (See Appendix C.)
- In fiscal year 2002-03, local jails held an average of 2,301 DOC inmates awaiting transfer to state prisons. According to the June 2003 Tennessee Jail Summary Report, DOC had 1,956 inmates awaiting transfer from jails to state facilities.<sup>23</sup>
- The total number of state and local inmates in county jails has increased by almost 56 percent since fiscal year 1992. Although DOC prisoners awaiting transfer to penitentiaries have increased by about 13 percent since 1992, local felons have increased by almost 58 percent. Exhibit 2 shows the increase in jail inmates from FY1991-92 through FY2002-03.

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<sup>20</sup> Wayne N. Welsh, *Counties in Court*, Temple University Press, 1995, p. 4.

<sup>21</sup> Tennessee Department of Correction Monthly Jail Reports. Data in the TDOC monthly jail report is received from each of the county jails. On the third Friday of every month, each of the county jails in Tennessee completes and submits a monthly jail report form to the district Parole Officer. The officer then faxes each of the jail reports without modification to the Tennessee Department of Correction (TDOC) and the information is recorded and reproduced without modification.

<sup>22</sup> TDOC Monthly Jail Report. TDOC maintains data on facilities in Johnson City and Kingsport but these were excluded from analysis because they are municipal facilities and this project focused on county operated facilities and facilities in which the county contracts with a private prison company.

<sup>23</sup> Tennessee Department of Correction, *Tennessee Jail Summary Report*, June 2003, accessed July 15, 2003, [http://www.state.tn.us/correction/pdf/jail\\_jun03.pdf](http://www.state.tn.us/correction/pdf/jail_jun03.pdf).

- Even if the Department of Correction removed all its prisoners awaiting transfer, some counties would be overcrowded. (See Exhibit 3.)
- According to a 2002 Office of Research survey of sheriffs, overcrowding is one condition named in at least 19 percent of lawsuits brought against facilities and in six percent of consent decrees or court orders. Of the 79 responding sheriffs, 48 (61 percent) believe that overcrowding is one of the most important issues facing jails in the next five years. Federal courts have ordered a number of counties, including Shelby, Madison, Knox, Hamilton, and Davidson, to reduce the number of inmates.
  - An attorney who sued Knox County in 1986 because of jail overcrowding announced in October 2002 that he expects to ask the U.S. District Court to hold the county and its sheriff in contempt of court because the jail repeatedly exceeded a mandated 215-prisoner limit. In 1997, a judge found the county in contempt for violating the cap and threatened to fine the county until it found a solution. Attempts to build a new justice center have collapsed.<sup>24</sup>
  - The Hamilton County jail could lose its certification because it failed to relieve overcrowding. The average population in FY 2002 was approximately 578 with an average capacity of 497.<sup>25</sup> TCI has repeatedly certified the facility because officials promised to correct the problems. In 2001, TCI certified the facility based on a planned expansion of the Silverdale Workhouse for federal prisoners, which is expected to be completed in 2003.<sup>26</sup> A Hamilton County general sessions judge, citing concerns regarding overcrowding and safety in the jail, began delaying the date some non-violent offenders must report to the jail to serve their sentence and placing these offenders in community corrections programs until the inmate population at the jail decreases.<sup>27</sup> The Chattanooga police chief announced a new alternative sentencing program called Project Transformation that offers drug offenders counseling and job training classes rather than jail time.<sup>28</sup>
  - In Davidson County, federal court supervision ended in March 2002, 12 years after the court imposed population limits on two of its facilities. However, in October 2002, the Davidson County General Sessions Court began conducting Saturday sessions to move misdemeanants through the system more quickly because the facility was becoming overcrowded again. The Saturday sessions handle offenders who are arrested on the weekend, but must appear before a judge to have bail set. Before the court began weekend sessions, defendants who might otherwise be out on bail were held in the overcrowded jail.<sup>29</sup>

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<sup>24</sup> Randy Kenner and Jamie Satterfield, "Full Jail Puts County on Spot," *Knoxville News-Sentinel*, October 18, 2002.

<sup>25</sup> Tennessee Department of Correction Monthly Jail Reports.

<sup>26</sup> "Hamilton Jail Recertification May Be In Trouble Because of Overcrowding," *Knoxville News-Sentinel*, October 23, 2002.

<sup>27</sup> Telephone interview with Judge Bob Moon, Hamilton County General Sessions Judge, March 24, 2003.

<sup>28</sup> "Hamilton Jail Tries Alternative Sentencing With Drug Offenders," *Knoxville News-Sentinel*, October 25, 2002.

<sup>29</sup> "Saturday Court is Helpful," *Tennessean*, October 25, 2002.

Davidson County has also established a drug court that offers treatment as an alternative to incarceration.<sup>30</sup> Davidson County has funded approximately \$38 million toward the renovation of and addition to the Criminal Justice Center and the Correctional Work Center for an additional 1,000 beds.<sup>31</sup>

- From 1996-2001, 24 counties increased jail capacity by building new jails, 19 counties renovated existing facilities, and 14 added new space to existing facilities.
- According to the officials responding to the survey, 10 counties have immediate plans to construct new jails, 14 counties plan to expand existing jails, and 11 will renovate existing jail space. Over the years, some counties have added to their capacities by converting non-traditional space, such as chapels, recreation areas, a library, and hallways, into dorms.

Exhibit 2 includes the statewide Tennessee jail population by inmate category from FY 91-92 to FY 01-02. Analysis of this data can help identify past trends and anticipate future needs.

**Exhibit 2: Jail Inmates from FY1991-92 through FY2002-03**

Fiscal Year	TDOC Backups	Local Felons	Other Convicted Felons	Others	Convicted Mis-demeanants	Pre-trial Felons	Pre-trial Mis-demeanants	Total
FY 91-92	2,041	2,638	1,222	285	3,098	3,000	814	13,098
FY 92-93	1,227	2,725	989	289	3,192	2,638	831	11,890
FY 93-94	1,156	2,920	1,073	273	3,371	2,756	904	12,451
FY 94-95	1,773	3,221	937	346	3,712	3,225	1,063	14,277
FY 95-96	2,042	3,350	1,082	330	3,956	3,452	1,287	15,499
FY 96-97	1,894	3,447	1,010	496	4,415	3,563	1,572	16,397
FY 97-98	1,617	3,515	1,070	632	4,613	3,972	1,739	17,160
FY 98-99	1,941	3,758	1,125	623	4,944	4,267	1,732	18,390
FY 99-00	1,927	3,917	1,136	797	4,821	4,538	1,802	18,935
FY 00-01	1,737	3,743	634	730	4,659	5,123	1,881	18,507
FY 01-02	2,143	4,137	555	811	4,982	5,333	2,158	20,118
FY 02-03	2,301	4,159	459	811	4,780	5,652	2,232	20,393
<b>Change from FY 91-92 to FY 02-03</b>	<b>13%</b>	<b>58%</b>	<b>-62%</b>	<b>185%</b>	<b>54%</b>	<b>88%</b>	<b>174%</b>	<b>56%</b>

Source: Tennessee Department of Correction, *Tennessee Jail Summary Report*, June 2003, accessed July 15, 2003, [http://www.state.tn.us/correction/pdf/jail\\_jun03.pdf](http://www.state.tn.us/correction/pdf/jail_jun03.pdf).

A National Institute of Corrections publication states that jail crowding is a criminal justice *system* (emphasis added) issue, and its roots lie with decisions made by officials outside the jail, such as police, judges, prosecutors, and probation officers.<sup>32</sup> Like some other communities, Shelby and Davidson Counties have created criminal justice coordination committees to examine

<sup>30</sup> Telephone interview with David Byrne, Director of Court Annexed Programs, Davidson County Drug Court, March 25, 2003.

<sup>31</sup> Memorandum to Margaret Rose, Office of Research, from Karla Crocker, Communications Manager/Legislative Liaison, Davidson County Sheriff's Office, Feb. 6, 2003.

<sup>32</sup> U.S. Department of Justice, National Institute of Corrections (Mark Cuniff- National Association of Criminal Justice Planners), *Jail Crowding: Understanding Jail Population Dynamics*, January 2002, p. 16. <http://www.nicic.org/pubs/2002/017209.pdf>. (accessed February 1, 2002).

jail crowding and other criminal justice issues. The committees provide a forum for key justice system professionals (such as law enforcement officials, judges, prosecutors, and public defenders) and other government officials to discuss justice system challenges. Committees analyze the implications that individual agency decisions impose on the entire criminal justice system. Office of Research staff interviewed representatives from the two Tennessee committees and a similar group in Louisville. Members usually serve the same persons in the criminal justice system, albeit in different capacities. Communities often form this type of committee in response to a crisis rather than as a preventive measure.

**Exhibit 3: Overcrowded Jails (Excludes DOC Backups)**

Facility	Percent Capacity Excluding DOC Backups	Facility	Percent Capacity Excluding DOC Backups
Bedford	108%	Houston	113%
Bledsoe	189%	Humphreys	102%
Bradley	163%	Jackson	114%
Campbell	260%	Jefferson	118%
Carter	192%	Johnson	129%
Claiborne	182%	Lawrence	165%
Davidson CJC	104%	Loudon	204%
Davidson HD1	102%	Marshall	111%
Davidson CWC	103%	Monroe	109%
Davidson CCA	143%	Perry	106%
Fentress	115%	Pickett	133%
Gibson	114%	Polk	133%
Greene	153%	Roane	126%
Hamblen	110%	Scott	119%
Hamilton Jail	127%	Sequatchie	113%
Hardin	187%	Sumner	139%
Hawkins	102%	Warren	191%
Henderson	115%	Wayne	179%
Hickman	102%		

Note: Only includes June 2003 data.

Source: Tennessee Department of Correction, *Tennessee Jail Summary Report*, June 2003, accessed July 15, 2003, [http://www.state.tn.us/correction/pdf/jail\\_jun03.pdf](http://www.state.tn.us/correction/pdf/jail_jun03.pdf).

**Tennessee’s continuing failure to provide adequate capacity in state prisons has contributed to overcrowding in some local jails. Tennessee statutes address only state prison overcrowding but offer no contingencies for overcrowded local jails.** Inmate lawsuits against Tennessee resulted in several pieces of legislation that allowed the state to respond to prison overcrowding. These laws, combined with “The Reduction of Prison Overcrowding Act,” specify that the governor can declare a state of overcrowding when the prison population exceeds 95 percent of capacity for 30 days or when there are reasonable grounds to believe that within 30

days capacity will be 95 percent. The statute allows the governor to direct the Commissioner of Correction to notify all state judges and sheriffs to hold certain inmates until state facilities have lowered their population to 90 percent of capacity.<sup>33</sup> The department has operated under this statute continuously since the 1980s. The County Correctional Incentives Program (CCIP) provides financial incentives for counties to hold felony offenders locally.<sup>34</sup>

*T.C.A.* 41-4-140 (b)(2) and (e) specify that TCI cannot deny certification solely because of overcrowding caused by DOC prisoners held in local jails. When determining compliance with certain standards, TCI does not count DOC inmates awaiting transfer if the number is greater than six percent of the county's total average prisoner population over the preceding 90 days.<sup>35</sup>

In Michigan, the County Jail Overcrowding State of Emergency Statute requires sheriffs to notify judges, county executives, and other officials when the county jail population exceeds 100 percent of capacity for seven consecutive days. The Michigan statute outlines actions that officials may take to reduce the population.<sup>36</sup>

**Tennessee statutes governing the transfer of state prisoners from county jails conflict with each other.** *T.C.A.* 41-8-106(g) requires the department to take into custody all convicted felons within 14 days of receiving sentencing documents from the courts of counties not under contract with the County Correctional Incentives Program. On the other hand, *T.C.A.* 41-1-504 (a)(2) allows the department to delay transfer of felons who had been released on bail prior to conviction for up to 60 days until the prison capacity drops to 90 percent. As a result, some counties operate overcrowded facilities and often request other counties to hold some of their inmates.

In the 1989 case, *Dalton Roberts et. al v. Tennessee Department of Correction, et al.*, Hamilton, Davidson, Knox, and Madison Counties sued the state for shifting its overcrowding burden to their facilities. The Middle Tennessee District of the U.S. District Court placed certain limits on the number of inmates that could be held in those facilities.<sup>37</sup> Because of the suit, the Department of Correction gives priority to inmates in those facilities when deciding which inmates to transfer to state facilities.

In late October 2002, the department began placing inmates in the Whiteville Correctional Facility.<sup>38</sup> The Whiteville Correctional Facility in Hardeman County is owned by Corrections Corporation of American (CCA).

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<sup>33</sup> *T.C.A.* 41-1-501 et.seq.

<sup>34</sup> *T.C.A.* 41-8-101 et.seq.

<sup>35</sup> Rules of the Tennessee Corrections Institute, Correctional Facilities Inspection, Chapter 1400-1 Minimum Standards for Local Correctional Facilities, pp. 2-3 accessed July 27, 2001  
<http://www.state.tn.us/sos/rules/1400/1400-01.pdf>

<sup>36</sup> *Michigan Compiled Laws* § 801.55 and 801.56.

<sup>37</sup> *Dalton Roberts, et.al. v. Tennessee Department of Correction, et.al.*, United States District Court Middle Tennessee District, Nashville Division, 1989, No. 3-89-0893.

<sup>38</sup> Email to Brian Doss, Office of Research, from Howard Cook, Director of Classification and Acting Assistant Commissioner of Operations, Tennessee Department of Correction, March 24, 2003.

Other recent additions to DOC capacity include:

- 1,536 new beds by construction at West Tennessee in 1998,
- 188 new beds by construction at DeBerry Special Needs Facility in 1998,
- 500 beds by expanding the Hardeman County contract in 1999,
- 256 beds by construction at the Tennessee Prison for Women in 2001, and
- 170 beds by double-celling at the Northeast Correctional Facility in 2002.<sup>39</sup>

DOC and the Department of Finance and Administration have unsuccessfully attempted to locate a suitable site for a new prison to increase capacity for a number of years. Plans being considered are contingent on sites being conducive to construction and occupation. Administration officials will report back to the Select Oversight Committee on Corrections when recommendations are final.

**In spite of T.C.A. 41-4-141, which allows two or more counties to jointly operate a jail, no Tennessee counties have done so.** As a result, some counties miss the opportunity to save county funds and to lower their liability risks. A regional jail is defined as a correctional facility in which two or more jurisdictions administer, operate, and finance the capital and operating costs of the facility.<sup>40</sup>

Authorities in other states use various approaches to operating regional jails; for example, in some areas the agreement may specify that one jurisdiction may actually operate the facility, but all participating jurisdictions equally share policy and decision-making responsibilities. In other jurisdictions, adjoining counties may contract with a single county to house their prisoners and relinquish their authority regarding policy and decision-making. Another option occurs when each participating county operates its own facility for pre-trial inmates, but joins with other jurisdictions for post-conviction incarcerations.

Sheriffs and county executives in some Tennessee counties have discussed the possibility of creating regional jails, but could not reach agreement. Any attempt to establish a regional jail calls for an examination of several issues. Some of these issues are:

- a perceived loss of authority by some county officials;
- a perception that not all counties are contributing equally;
- differing management styles;
- an increase in transportation costs;
- attorney complaints; and
- disagreements over the location of the facility.

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<sup>39</sup> Telephone conversation with Sindy Parker, Assistant to the Deputy Commissioner, Tennessee Department of Correction, October 24, 2002.

<sup>40</sup> National Institute of Corrections, *Briefing Paper: Regional Jails*, January 1992, p.1 <http://www.nicic.org/pubs/1992/010049.pdf> (accessed February 4, 2002).



## **Jail Conditions, Standards, Inspections, and Training**

### **Conditions**

**Comptroller's staff observed unsafe and unsanitary conditions in some of the jails visited during this study.** Comptroller's staff visited 11 jails during this study. Staff selected rural, urban, and medium sized counties in all three grand divisions of the state. Additionally, staff chose some counties recommended as model facilities and others described as substandard. Two of the jails were new with no visible problems. Researchers observed the following conditions that pose danger or violate TCI standards in some of the other facilities:

- overcrowding with inmates sleeping on the floor in cell areas or in hallways, blocking exits;
- lack of clear markings for emergency exits;
- lack of male/female sight and sound separation;
- lack of sight and sound separation for juveniles;
- inability to separate inmates classified as violent from those determined to be non-violent;
- excessive personal items;
- items that could be used for suicide or assaults, such as ropes for hanging towels, glass mirror in maximum security cells, exposed television cords and cables, other electrical cords;
- bare light bulb with exposed wiring hanging from ceiling;
- darkened cell blocks;
- no visual contact except during walk-throughs;
- lack of adequate exercise areas; and
- faulty plumbing.

### **Standards**

**The Tennessee Corrections Institute has no power to enforce its standards, resulting in some jail conditions that endanger inmates, staff, and the public.** In 2002, 25 county jails failed to meet certification standards. Without sanctions, counties often fail to correct conditions that may be dangerous and likely to result in costly lawsuits. Fifty-three sheriffs (67 percent of respondents) reported on the Comptroller's survey that inmates have sued their facilities within the last five calendar years. According to most sheriffs and jail administrators interviewed, many suits are frivolous and eventually dismissed; however as of calendar year 2001, nine sheriffs (11 percent) stated their jails are under a court order or consent decree.

However, *T.C.A.* 41-7-101 et. seq., which created TCI, does not stipulate sanctions against facilities not meeting standards. *T.C.A.* 41-4-140(a)(4) states that TCI has the power to establish and enforce procedures to ensure compliance with its standards to guarantee the welfare of persons in institutions. TCI personnel define that enforcement authority as the denial of certification.<sup>41</sup> Non-certified facilities are likely less defensible in a lawsuit and could lose insurance coverage.

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<sup>41</sup> Telephone conversation with Peggy Sawyer, Assistant Director, Tennessee Corrections Institute, Oct. 2, 2002.

Other Tennessee regulatory staff, including nursing home inspectors, food establishment inspectors, and fire marshals, have authority to penalize non-compliant facilities with sanctions such as fines, restricted admission, or closure.

Sanctions imposed in other states for non-certification vary. For example,

- Kentucky can close facilities.
- Louisiana places the facility on a 120-day notice and removes inmates if non-compliance continues.
- Maryland requires jails to develop a compliance plan and reassesses the facility after six months with continued follow-ups until the facility is in compliance; ultimately the state can close facilities.
- Nebraska can terminate state reimbursements for inmates or close facilities.
- South Carolina employs a range of intermediate sanctions and can ultimately close facilities.
- Virginia may place facilities on probation, decertify them, or close them.<sup>42</sup>

In 2001 the General Assembly considered, but did not pass, a bill that would have given TCI more enforcement authority. House Bill 398/Senate Bill 764 would have allowed TCI to:

- issue provisional certifications;
- decertify facilities;
- exclude counties from participating in the County Correctional Incentives Act of 1981; and
- ask the Attorney General and Reporter to petition circuit courts to prohibit inmates from being confined in facilities that do not meet standards or impose threats to the health or safety of inmates.

**TCI continues to certify inadequate and overcrowded jails that do not meet state standards.** *T.C.A.* 41-4-140(d) prohibits TCI from decertifying deficient facilities if the county submits a plan within 60 days of the initial inspection to correct its “fixed ratio deficiencies.” Fixed ratio deficiencies refer to square footage and/or showers and toilets as well as jail capacity. TCI accepts plans that include:

- transferring inmates to the Department of Correction,
- asking judges to grant early release of some inmates,
- lowering bonds of some inmates,
- contracting with other counties to house inmates,
- renovating to add beds,
- adding to an existing facility, or
- building a new facility.<sup>43</sup>

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<sup>42</sup> Judith T. Nestrud and Thomas A. Rosazza, Rosazza Associates, Inc., *State Inspection and Standard Program Survey*, July, 1999, p. 19-21.

<sup>43</sup> Memorandum from Peggy Sawyer, Assistant Director, TCI, to Brian Doss, Office of Research, October 3, 2002.

Many counties delay implementing their plans indefinitely, yet TCI continues to certify the facilities. For example, the Department of Correction might be unable to accept enough inmates to eliminate an overcrowding deficiency or judges might refuse to grant early releases or lower bonds. Plans to build a new facility or expand housing units in an existing jail may be postponed for years because of a lack of funding, yet TCI certifies the facility because county officials submit evidence of discussing the issue.

The Knox County Grand Jury of the November-December 2002 term visited the Knox County Jail and documented several areas of concern including no emergency lighting in the pods, an easily accessible waste receptacle containing used needles in the medical area, and the need for an upgraded ventilation system.<sup>44</sup> The county scrapped plans to build a new facility in 2000.<sup>45</sup> Regardless, TCI certified this facility in calendar year 2002.

**TCI standards do not appear to meet the level of quality mandated by T.C.A. 41-4-140.** This section requires that: “Such standards shall be established by the Tennessee Corrections Institute and shall approximate, insofar as possible, those standards established by the inspector of jails, federal bureau of prisons, and the American Correctional Association's Manual of Correctional Standards, or such other similar publications as the institute shall deem necessary.”

However, TCI standards are minimal and not as comprehensive as those of the American Correctional Association. For example, ACA standards include items that TCI standards omit, such as:

- a written policy, procedure, and practice for monthly inspections by a qualified fire and safety officer for compliance with safety and fire prevention standards;
- programs to prepare inmates for release;
- population projection plans to anticipate future needs;
- formulas to determine the number of staff needed for essential positions; and
- qualifications for jail administrators.

As a result, Tennessee jails may be substandard in comparison to jails that comply with ACA standards.<sup>46</sup>

**TCI has not developed minimum qualification standards for correctional officers and jail administrators.** Few local correctional officer positions are civil service. Newly elected sheriffs usually hire new officers. TCI standards require that correctional officers receive 40 hours of basic training within the first year of employment. According to several jail administrators and

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<sup>44</sup> Knox County Grand Jury, Report of the Knox County Grand Jury of Their Visits of Knox County Institutions and Knox County-Operated Facilities During the November–December 2002 Term, p. 1.

<sup>45</sup> Randy Kenner, “Report: County Jail Has Health, Security Woes,” *The Knoxville News-Sentinel*, October 31, 2002.

<sup>46</sup> To be ACA accredited, a facility must comply with 100 percent of all applicable mandatory standards and at least 90 percent of all non-mandatory standards. The ACA Adult Local Detention Facilities manual has 440 standards (41 mandatory and 399 non-mandatory standards.) For those non-mandatory standards not in compliance, there must be a plan of action to bring them into compliance within a reasonable time or a request for the noncompliance to be waived.

sheriffs, newly hired correctional officers frequently report on their first day with no experience or training on how to perform their duties or handle unruly inmates and emergencies.

### **Inspections**

#### **The Tennessee Corrections Institute appears to have inadequate staff to fulfill its mandate.**

TCI gradually reduced its staff from 26 positions in 1982 to 11 in 2002 because of forced budget cuts.<sup>47</sup> The agency's staff now consists of only six inspectors, an executive director, and clerical staff. The lack of staff results in the following conditions that affect the quality of jail inspections:

- The six inspectors provide training and technical assistance to jail staff as well as conducting inspections. Mixing regulatory and assistance functions can result in a lack of objectivity by inspectors.
- Inspectors may have inadequate time to perform quality inspections within statutory time limits. The six inspectors must cover 14 city jails, 95 county jails, nine jail annexes, and eight correctional work facilities within each calendar year. If a facility fails its initial inspection, inspectors must revisit the facility within 60 days to assess whether the jail has corrected violations.<sup>48</sup> To comply with the law, inspectors must complete all initial inspections by November 1. In addition to conducting inspections, TCI staff train correctional officers, testify in court, provide technical assistance to jail administrators, and approve plans for new facility construction or renovation.
- Having so few positions prevents TCI from employing staff with specialized qualifications. The inspectors cannot be expected to have expert knowledge in all aspects of jail management and facility design, such as reading blueprints, wiring, and plumbing.
- The low number of staff can also result in less than thorough inspections. TCI staff evaluate facilities on 136 standards: physical plant; administration and management; personnel; security; discipline; sanitation and maintenance; food services; mail and visitation; medical services; inmate supervision; classification; hygiene; programs and activities; and admissions, records, and release.<sup>49</sup>
- Office of Research staff accompanied TCI inspectors on three inspections, each completed in approximately four hours by a single inspector. Because of the numerous standards, four hours may not be sufficient to complete a comprehensive inspection. Under these conditions, staff may not be able to thoroughly examine compliance with each standard.
- Lone TCI inspectors conduct most jail inspections. Working in teams can result in a more thorough inspection and discovery of standards violations. A team of two may inspect larger facilities. However, in such instances the inspectors examine different

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<sup>47</sup> Interview with Roy Nixon, former Executive Director, and Peggy Sawyer, Assistant Director, Tennessee Corrections Institute, Sept. 19, 2002.

<sup>48</sup> T.C.A. 41-4-140 (b)(1).

<sup>49</sup> Rules of the Tennessee Corrections Institute, Correctional Facilities Inspection, <http://www.state.tn.us/sos/rules/1400/1400-01.pdf> (accessed July 27, 2001).

aspects of the facility. In other words, one inspector observes the physical plant while the other inspector reviews records.<sup>50</sup> Inspectors in 13 other states inspect jails alone; inspectors in 11 states inspect jails in teams; and in six states either one inspector or a team inspects jails.<sup>51</sup>

**TCI inspection practices appear inadequate to ensure safe and secure jails.** Office of Research staff observed several problems with TCI's inspection practices during jail inspections:

- Inspectors conduct their examinations and interpret agency standards in various ways. TCI's executive director allows the inspectors to interpret the standards as they understand them as long as they can defend their decisions in court. Non-uniform interpretation of standards may result in inconsistency across the state and the certification of some facilities that may not fully meet standards. Office of Research staff members accompanied inspectors to three jails and observed that the tone and thoroughness of the inspections varied.
- Although TCI inspections are unannounced, they generally occur within the same or an adjacent month of the previous year's inspection. As a result, jail staff can anticipate inspections and present themselves in ways during the inspections that do not reflect their normal routines and practices.
- TCI generally assigns inspectors to the same jails every year. This practice can result in close relationships with jail staff that may compromise the integrity of inspections and certification. The TCI director explained that inspectors live across the state and generally inspect facilities in the regions where they live, with the exception of their home counties. This practice reduces travel time and expenditures.
- When researchers accompanied TCI staff on inspections, some inspectors exhibited a lack of attention to detail. For example, on one inspection, TCI staff did not point out numerous safety hazards, such as exposed wiring, nor did that inspector advise jail personnel to remove dangerous objects. Both the inspector and the jail administrator acknowledged that the facility was uncertifiable because of physical plant conditions. In spite of this, both parties should take steps to ensure the safety of staff and inmates.

Staff in one jail indicated that the local fire and health departments and the county risk manager also conduct annual inspections to ensure that the facility is safe regardless of TCI's report. Fire department staff examine inmate living areas, office space, and chemical storage to advise jail staff of potential fire hazards. The health department inspects inmate living areas, heating and ventilation units, food services, and pharmaceutical control. The county risk manager primarily screens for interests such as equipment safety and electrical hazards.<sup>52</sup>

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<sup>50</sup> Interview with Roy Nixon, former Executive Director, and Peggy Sawyer, Assistant Director, Tennessee Corrections Institute, Sept. 19, 2002.

<sup>51</sup> Judith T. Nestrud and Thomas A. Rosazza, State Inspection and Standard Program Survey, July 1999, p. 18.

<sup>52</sup> Telephone conversation with Jim Hart, Chief of Corrections, Hamilton County Sheriff's Department, October 23, 2002.

The former sheriff of Shelby County, forced to spend millions of dollars as a result of court action, told researchers that the impact of the lawsuit could have been lessened if TCI had been more thorough in its inspections.<sup>53</sup> The U.S. Department of Justice cited the facility for numerous violations not recorded by the jail inspector. Other sheriffs, however, commented on improvements in TCI practices in the last two years.

**Training**

**TCI inspectors provide minimal training to correctional officers (jailers), who must attend 40 hours of basic training during their first year of employment. TCI provides no training to sheriffs and jail administrators.** As a result, some correctional officers begin work with no preparation and, in fact, may never receive training, increasing the potential of liability.

Although the American Correctional Association requires 120 hours of first-year training for all offender supervision staff, TCI requires only 40 hours. The Tennessee Department of Correction requires state correctional officers to attend six weeks of pre-service training before working in an institution.

One jail administrator in an uncertified facility told researchers that she had not sent her staff to training for the past four years. Lack of training in proper restraint of unruly or disturbed inmates could result in injury to officers, inmates, or the public.

Exhibit 4 compares American Correctional Association (ACA) training standards with those of TCI.

**Exhibit 4: Comparison of ACA and TCI Training Hours**

Type of Staff	ACA			TCI		
	Orientation	First year	Annual	Orientation	First year	Annual
All offender supervision staff	40	120	40	Not specified	40	40
Administrative Management Personnel	Not specified	40	40	Not specified	None	None

*Source:* American Correctional Association, *2002 Standards Supplement*, 2002, and TCI Minimum Standards.

Training is critical to protect both inmates and correctional officers. Failure to train can result in federal litigation for violation of constitutional rights and abuse of inmates. Of the 79 sheriffs responding to the Office of Research survey, 53 (67 percent) reported that they believe that correctional officers received adequate training to manage inmates. On the other hand, at least three sheriffs’ departments provide their own training academies because they do not believe TCI training quality and quantity is sufficient. At least two facilities require correctional officers to complete 10 weeks of pre-service and on-the-job training. TCI staff annually train (including basic and in-service) approximately 2,000 jail staff.<sup>54</sup> TCI’s Executive Director said he would provide more training if he had more staff.

<sup>53</sup> Interview with A.C. Gillis, former Shelby County Sheriff, August 13, 2002.

<sup>54</sup> Interview with Roy Nixon, former Executive Director, and Peggy Sawyer, Assistant Director, Tennessee Corrections Institute, Sept. 19, 2002.

Newly elected sheriffs without previous law enforcement certification must attend training provided by the Peace Officer Standards and Training Commission (POST). However, most of this training relates to law enforcement activities, with little time devoted to jail management.<sup>55</sup>

## **Jail Funding**

**The state does not evaluate the reimbursement process for housing state inmates in local correctional facilities as required by T.C.A. 41-1-405, enacted in 1983.** Although the various reports submitted by counties to determine reimbursements are reviewed, the overall reimbursement process is not continually evaluated. T.C.A. 41-1-401 stresses the need for statutory policies regarding certain important correctional issues such as inmate labor, classification system, sentencing, and the impact on local correction systems to guide present and future correction administrations. Further, “the general assembly also encourages the department to initiate innovative programs, administrative policy, and management techniques...”

T.C.A. 41-1-405 explains the General Assembly’s intent for “a continuing evaluation of the impact of the state correction system upon local correction systems is essential to determine the method and amount of assistance, financial or otherwise, necessary to equitably compensate such local systems for their continuing role in the overall correction system of this state.” The statute suggests that a “task force composed of all facets of the criminal justice system” conduct the evaluation. Because the process has not been continually reviewed the current method may not comply with the General Assembly’s intent to equitably compensate local correctional systems. Any evaluation should include an analysis of marginal and fixed costs which can help to determine if the reimbursement process is equitable to the counties and the state.

The Department of Correction varies reimbursement rates for counties housing state inmates. Twenty-four county facilities contract with the department to hold state prisoners under the County Correctional Incentive Program.<sup>56</sup> Sixteen of the county facilities under contract agree to a flat, or fixed, rate ranging from \$20 to \$35 per prisoner per day.<sup>57</sup> Eight county facilities under contract submit reports detailing their actual expenses and the state pays their “reasonable and allowable” costs, not to exceed \$35 a day.<sup>58</sup> However, DOC paid the Shelby Penal Farm \$47.82 a day and the Davidson County Detention Facility \$38.10 a day in fiscal year 2001. Corrections Corporation of America manages the Davidson County Detention Facility.

The department pays 69 other facilities through board bills. The amount is based on reasonable

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<sup>55</sup> *Tennessee Law Enforcement Training Academy, New Sheriff School, Session 1050, 08/19/02 – 08/23/02.*

<sup>56</sup> Counties can request to contract with the state, but the state determines if it is in the state’s best interest to contract with a county. Email to Brian Doss, Office of Research, from Judy Lambert, Judicial Cost Accountant, Tennessee Department of Correction, May 15, 2003. The Department also contracts with the Johnson City jail.

<sup>57</sup> The flat rate is the amount the county charges the state and is not based on actual costs. Email to Brian Doss, Office of Research, from Judy Lambert, Judicial Cost Accountant, Tennessee Department of Correction, May 16, 2003.

<sup>58</sup> Reasonable and allowable costs are defined as “actual, reasonable, and necessary costs incurred by a county in operating a local jail, workhouse, or penal farm, adjusted for unallowable costs...” State of Tennessee, Department of Correction and Comptroller of the Treasury, *Guidelines For Determining Reasonable and Allowable Cost For State Prisoners*, April 2001, p. 4.

and allowable costs, but capped at \$35.<sup>59</sup> Eight county commissions adopted resolutions not to participate in the County Correctional Incentive Act. They are paid as follows:

- \$18 per diem if the TCI rated capacity is less than 100,
- \$20 per diem if the TCI rated capacity is 100 or more.<sup>60</sup>

A DOC budget official told researchers that the department annually reviews cost reports submitted by counties but has not adjusted a \$35 per diem cap placed on most contracts. The per diem paid to each county is included in Appendix D.

All sheriffs interviewed agreed that medical and dental costs for state prisoners cause them to overspend their budgets. Counties must ensure that inmates receive medical care or risk liability for not doing so.<sup>61</sup> *T.C.A.* 41-4-115 (b) stipulates that the state is “liable for expenses incurred from emergency hospitalization and medical treatment rendered to any state prisoner incarcerated in a county jail or workhouse, provided such prisoner is admitted to the hospital.”<sup>62</sup> Inmates are not eligible for TennCare benefits.<sup>63</sup> As a result, sheriffs must absorb these costs or risk liability for not providing medical services.

Contracted counties include some medical care in cost reports to determine their reasonable and allowable costs. In twenty-two counties which contract, the county is responsible for providing routine medical, mental health, and dental services at a cost not to exceed \$1,000 per inmate per year. The state is responsible for providing services which exceed \$1,000. Non-contracted counties paid through board bills can include some medical care costs to determine their reasonable and allowable costs. DOC staff state that they transfer chronically ill patients to a state facility as quickly as possible.<sup>64</sup>

**Low funding for jails contributes to unsafe facilities, high correctional officer turnover, and staff shortages in some jails.** The 79 officials responding to the Office of Research survey reported budgets ranging from \$70,000 in Perry County to \$74.6 million in Shelby County facilities operated by the sheriff. The workhouse run by the Shelby County mayor reported a \$43.6 million budget.

The operating budget in Sequatchie County is so low that the sheriff leaves the night shift unmanned and relies on the dispatcher to call in deputies to handle any disturbances or

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<sup>59</sup> Letter from former TDOC Commissioner Christine Bradley to County Executives and Sheriffs, February 28, 1994.

<sup>60</sup> State of Tennessee, Department of Correction and Comptroller of the Treasury, *Guidelines For Determining Reasonable and Allowable Cost For State Prisoners*, April 2001, p. 24.

<sup>61</sup> *T.C.A.* 41-4-115(a).

<sup>62</sup> Emergency hospitalization is defined as “services required for alleviation of severe pain; or immediate diagnosis and treatment unforeseen medical conditions which, if not immediately diagnosed and treated, would lead to disability and/or death.” State of Tennessee, Department of Correction and Comptroller of the Treasury, *Guidelines For Determining Reasonable and Allowable Cost For State Prisoners*, February 2001, p. 11.

<sup>63</sup> An inmate is defined as an individual confined for a criminal offense in a local, state, or federal prison, jail, youth development center, or other penal or correctional facility, including a furlough from such facility. Rules of Tennessee Department of Finance and Administration, Bureau of TennCare, <http://www.state.tn.us/sos/rules/1200/1200-13/1200-13-12.pdf> (accessed May 20, 2003).

<sup>64</sup> Interview with Judy Lambert, Judicial Cost Account, Department of Correction, July 26, 2001.



emergencies. If inmates need assistance, they must bang on the cell bars and yell to get the attention of a dispatcher who in turn calls a deputy in from rounds.<sup>65</sup> Several other counties schedule a single correctional officer to work alone during a shift, leaving him/her without backup for assistance if overtaken by inmates.

Sheriffs responding to the survey reported average correctional officer tenure ranging from three months to ten years. Sheriffs ranked low salaries as the most prevalent reason for high turnover rates. Beginning salaries ranged from \$11,440 to \$27,060; average salaries ranged from \$14,227 to \$32,555; and maximum salaries ranged from \$14,500 to \$38,781.

Exhibit 5 compares local correctional officer salaries in Tennessee to national figures.

**Exhibit 5: Comparison of Local Jail Correctional Officer Salaries  
in Tennessee and the U.S.**

<b>Salary</b>	<b>Tennessee State Range</b>	<b>Tennessee State Average</b>	<b>United States Average</b>
Beginning	\$11,440 - \$27,060	\$19,502	\$26,078
Average	\$14,227 - \$32,555	\$21,047	\$31,260
Maximum	\$14,500 - \$38,781	\$23,588	\$38,944

*Source: Tennessee data obtained from Office of Research Survey, May 2002. United States data found in The Criminal Justice Institute, "The Corrections Yearbook 2000 Jails", pp. 80-84.*

Many Tennessee jails suffer staff shortages because of underfunding. The 79 facilities that responded to the Office of Research survey reported 4,043 full-time officers, including supervisors, in charge of an average daily population of 17,246. Researchers did not attempt to calculate staff to inmate ratios because of variations in the numbers of shifts jails use. A Hamilton County General Sessions judge announced that he would defer sentencing nonviolent offenders to the county jail until conditions improve, calling his decision a matter of safety. He said that it is dangerous and unreasonable to expect one corrections officer to supervise and control 150 inmates in that jail.<sup>66</sup>

Most sheriffs interviewed by Office of Research staff noted strained relationships with county executives and county commissions regarding jail funding. The sheriffs believe that these county officials have other budgetary priorities and do not fully appreciate the liability issues caused by underbudgeting. Inadequate funding usually leads to unsafe conditions, including critical understaffing or physical plant deterioration that endangers inmates and jail personnel.

Several sheriffs interviewed explained that county executives and commissioners often complain about having to subsidize the state's overcrowding problem. The Office of Research survey showed that 27 of 79 sheriffs responding (34 percent) have asked for supplemental appropriations from their county commissions at least once in the last five years. The number of sheriffs needing additional local funds rose from 14 in 1997 to 26 in 2001.

<sup>65</sup> Interview with Brian Cagle, Chief Deputy, Sequatchie County Sheriff's Department, August 20, 2002.

<sup>66</sup> "Judge Defers Sentences Because of Crowded Jail," *The Oak Ridger Online*, October 16, 2002.

**No state agency enforces or monitors compliance with T.C.A. 41-8-107(c), which requires non-certified facilities to use 75 percent of the state reimbursement to improve correctional programs or facilities.** Therefore, these jails may remain in poor and uncertifiable condition. The General Assembly passed the County Correctional Incentives Program not only to help reduce overcrowding in state prisons, but to assist counties in upgrading local facilities and programs. The law allows certified facilities to use their entire reimbursement for current operating expenses.<sup>67</sup>

In FY 2001-02, DOC paid \$3,515,426 to county jails that were not certified; 75 percent of this amount is \$2,636,569.<sup>68</sup> Appendix E shows the amounts that DOC paid to each noncertified jail and the 75 percent that should have been used to correct deficiencies.

### **Mental Illness, Special Education, and Post-Release Issues**

**The Criminal Justice/Mental Health Liaison program helps divert inmates with mental illnesses from jail in specific areas of the state. Statewide, however, Tennessee continues to lack adequate community services and institutional placements for inmates with mental illnesses held in jail.** A Comptroller's Office Performance Audit from 2001 reports that the large number of incarcerated persons with mental illness is attributed to several factors including a lack of community services and the lack of a statewide program to help divert persons with mental illnesses from the criminal justice system.<sup>69</sup> Both mental health professionals and sheriffs agree that some offenders with mental illnesses would be better served by community resources than by placing them in jails for minor offenses possibly caused by manifestations of their illnesses. Other offenders may need the treatment environment of a mental health facility. In at least one case, a Davidson County judge ruled that the right to a speedy trial for an inmate with a mental illness had been violated after the inmate spent over a year in jail awaiting a competency hearing.

In an attempt to relieve jails housing inmates who need treatment in mental health institutes, Public Chapter 730 of 2002 specifies that the Commissioner of Mental Health and Developmental Disabilities (DMHDD) must exert all reasonable efforts to admit such an inmate within five days of receiving a commitment order. The General Assembly passed the bill because of sheriffs' complaints about the length of time inmates wait in jail for transfer to the institutes, but DMHDD does not have enough bedspace to readily admit such inmates. If, while pending admission to an institute, an inmate's condition deteriorates to the standards for emergency admission, the law requires the commissioner to admit the inmate immediately upon receiving the commitment order.<sup>70</sup>

Nationally, 16 percent of inmates in local jails reported having either a mental condition or an overnight stay in a mental hospital.<sup>71</sup> A 2002 survey of Tennessee jails found that approximately

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<sup>67</sup> T.C.A. 41-8-101 et.seq.

<sup>68</sup> Data obtained from Judy Lambert, Judicial Cost Accountant, Tennessee Department of Correction.

<sup>69</sup> Performance Audit, "Department of Mental Health and Mental Retardation and the Board of Trustees," Comptroller of the Treasury Division of State Audit, February 2001, p. 19  
<http://comptroller.state.tn.us/sa/reports/pa99105.pdf> (accessed March 27, 2003).

<sup>70</sup> Conversation with Joy Spivey, Director of Forensic/Juvenile Services, Department of Mental Health and Developmental Disabilities, November 4, 2002.

<sup>71</sup> U.S. Department of Justice, Bureau of Justice Statistics, *Mental Health and Treatment of Inmates and Probationers*, July 1999, p. 1. <http://www.ojp.usdoj.gov/bjs/pub/pdf/mhtip.pdf> (accessed September 24, 2002).

18 percent of Tennessee's inmates have a serious mental illness.<sup>72</sup> Sixty-four of the 79 sheriffs responding to the Office of Research survey reported that the population of inmates with mental illnesses has increased in the last five years.

In most cases, Tennessee's local correctional officers are not adequately trained to deal with prisoners who suffer from mental illnesses and may not respond appropriately. Consequently, many inmates with mental illnesses are not afforded suitable treatment. To address this issue, the Department of Mental Health and Developmental Disabilities (DMHDD) established a Criminal Justice/Mental Health Liaison pilot project in FY2000-01. The department created the project to improve communication and coordination among the community, the criminal justice system, and the mental health system, and to establish diversion activities. The program initially served 17 counties, but expanded by four counties in FY2002-03. Exhibit 6 shows those counties served by liaisons. A list of the counties and providers is in Appendix F.

Liaison responsibilities include:

- assessing adults with mental illnesses who are incarcerated or who are at risk of becoming incarcerated;
- fostering communication among the criminal justice and mental health systems and the community;
- managing cases for adults with mental illness involved with the criminal justice system; and
- providing training for jail personnel.

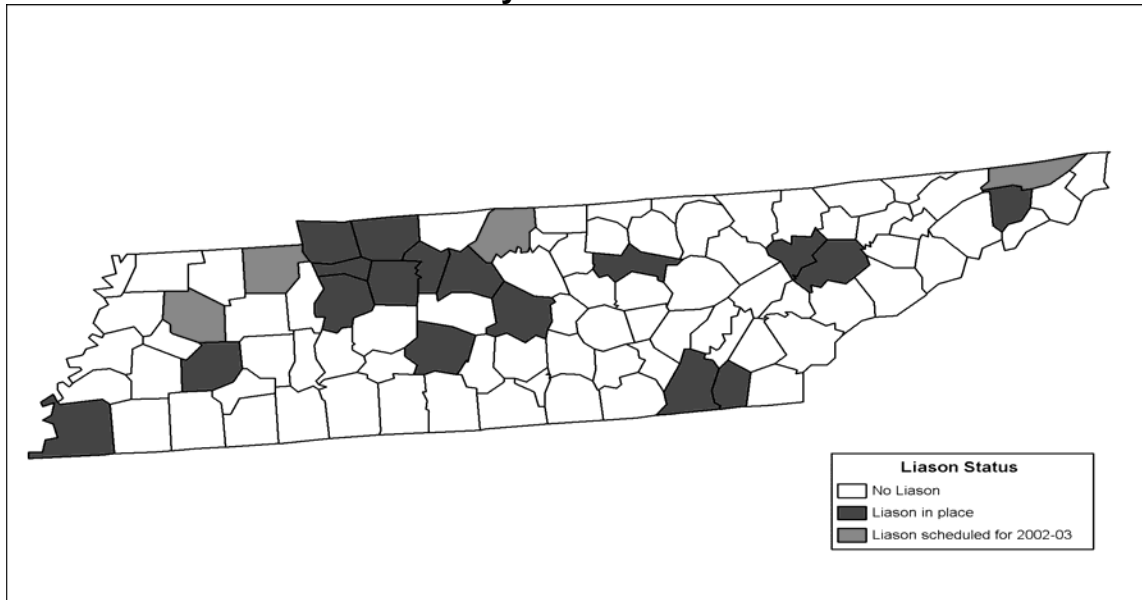
Although the liaison program is too new to determine the impact of its criminal justice activities, many jail staff told researchers that the program is an asset. Liaisons are often able to locate other, more appropriate, placements such as supportive living facilities or alcohol and drug treatment centers for some inmates.

TennCare's Behavioral Health Organizations contract with community mental health centers to provide a variety of community services, including mobile crisis teams which perform mental health evaluations in jails. Sheriffs and jail administrators mostly agreed that mobile crisis teams are responsive, but others told researchers that the teams are located over an hour away from the jail and cannot arrive in time to help significantly. Other jail personnel think that mobile crisis teams place their priorities on other populations, such as the homeless, and do not respond quickly to requests from the jails. One interviewee told researchers that the mobile crisis team members in her catchment area consider inmates to be "safe" in jail because they have food and a place to sleep. The interviewee, however, considers jail to be unsafe for inmates with mental illnesses because overcrowded conditions can exacerbate mental disorders.

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<sup>72</sup> Sita Diehl and Elizabeth Hiland, "A Survey of County Jails in Tennessee: Four Years Later, A Descriptive Study of Services to People with Mental Illness and Substance Abuse Problems," February 2003, p. 5.

## Exhibit 6: Counties Served by TDMHDD Liaison Positions As of 2001-2002



*Source:* Map created by Office of Research using information provided by the Tennessee Department of Mental Health and Developmental Disabilities.

**Office of Research staff were unable to determine whether sheriffs comply with federal and state special education mandates.** Most sheriffs and jail administrators interviewed denied that they hold inmates who are eligible for special education services. However, most smaller jails do not use a classification system to identify inmates eligible for special education services. Thus, some eligible students may not receive services to which they are entitled. Providing special education programming could help such inmates as well as protect jail staff from suits for failing to ensure that they identify such children. According to the 2001 Annual Report of the Tennessee Council of Family and Juvenile Court Judges, at least 194 juveniles were held in adult jails prior to an adjudicatory hearing, but it is not known how many were eligible for special education services.

In 2003, the Department of Education sent a copy of the department's Policy and Procedure for Incarcerated Children with Disabilities to all county sheriffs and local education agencies (LEAs). State policies and procedures follow the directives of the federal law. The policy applies to all students with disabilities, who are legally mandated to receive an education in Tennessee through their 22<sup>nd</sup> birthday. The state's policy specifies that if a person will be detained for 10 days or longer, the local facility must implement a referral process to assure that persons with disabilities or who are suspected of having disabilities are referred to the LEA. The policy includes a form for the jail to forward to the LEA, which is responsible for providing educational services to eligible inmates who desire the service.

TCI standard 1400-1-.14 requires the facility to complete an intake form for each person admitted to the facility. This form must contain items such as the person's name, address, age, occupation, and education. According to TCI staff, this standard requires only that jail staff ask inmates to provide their level of education and does not require them to screen for persons who

may be eligible for special education services. TCI standard 1400-1-.17 (1) requires jails to classify inmates according to the level of custody required, housing assignment, and participation in correctional programs. Correctional programs include work release, trustee programs, and Alcoholics Anonymous, but education is omitted. TCI staff were unaware of the state's special education policy until questioned by researchers. When training jail staff, TCI employees instruct them that they have a responsibility to notify the school board only of inmates subject to the mandatory attendance laws (those under age 18) and must provide room for instruction.<sup>73</sup>

**Most jails do not help inmates access social or health services upon release.** An ACA non-mandatory standard suggests facilities adopt a written policy, procedure, and practice to provide continuity of care from admission to discharge from the facility, including referral to community care.<sup>74</sup> Some criminal justice and mental health professionals expressed concern that inmates with mental illnesses receive services in jails, but upon release, are not always linked to community resources to provide continued services. Because of a potential lapse in services, these same persons may return to the criminal justice system.

Most jails do not offer help to inmates to prepare them to reenter society. On the other hand, Davidson County officials are committed to assisting inmates scheduled for release to help them avoid reincarceration. Officials expressed concerns about inmates being disenrolled from TennCare upon incarceration and the difficulties in reenrolling them upon release. They also believe that the Department of Human Services should be more involved in assisting released inmates to access its services, such as food stamps, TANF, or vocational rehabilitation. The Sheriff's Department has attempted to organize a network of community service providers, including mental health agencies, to help inmates, but has met with mixed results.

American Correctional Association non-mandatory standards recommend that facilities provide pre-release programs for all inmates.<sup>75</sup> According to the Office of Research survey, most jails offer some education, mental health, and other programs to inmates; however, few counties provide pre-release programs. One exception is the Davidson County Sheriff's Anti-Violence Effort (SAVE) program, a six-week program for violent offenders involving group sessions, guest speakers, and other activities. The program includes assessment for chemical dependency, job readiness, and GED programs. An aftercare coordinator assists inmates in accessing employment, mental health services, halfway houses, and other services before they are released. Inmates who successfully complete the in-house program are referred to a 52-week Day Reporting Center program upon release.<sup>76</sup>

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<sup>73</sup> Telephone conversation with Peggy Sawyer, Assistant Director, Tennessee Corrections Institute, Oct. 10, 2002.

<sup>74</sup> American Correctional Association, *Standards for Adult Local Detention Facilities, Third Edition*, 1991, p. 89.

<sup>75</sup> *Ibid*, p. 107.

<sup>76</sup> Davidson County Sheriff's Office, Inmate Program Details, [http://www.nashville-sheriff.net/inmate\\_programs\\_details.htm](http://www.nashville-sheriff.net/inmate_programs_details.htm) (accessed August 28, 2002).

## Recommendations

### Legislative

**The General Assembly may wish to authorize the Tennessee Corrections Institute to ask the state's Attorney General and Reporter to petition circuit courts to close jails that fail to correct unsafe conditions.** Although jails inherently present some risks, county officials frequently fail to ensure that staff and inmates are not subjected to unnecessary threats. Some county officials resist building new facilities or spending additional county funds on jail operations. Nonetheless, lawsuits are more likely to result in expenditures that would exceed preventive measures. Moreover, county governments have a legal obligation to provide humane and sanitary conditions for inmates.

**The General Assembly may wish to enact legislation prohibiting state prisoners from being held in facilities that are not certified by TCI because of safety issues.**

Such action would reduce the risk of costly suits against the state as well as help protect state inmates from injury or death. Researchers observed several problems such as overcrowding, lack of sight and sound separation for juveniles, inability to separate violent inmates from the non-violent, unsanitary conditions, and items that could be used for suicide or assaults.

**The General Assembly may wish to clarify statutory language regarding the transfer of state prisoners from county jails.** *T.C.A.* 41-8-106(g) requires the department to take into its custody all convicted felons within 14 days of receiving sentencing documents from the courts in counties not participating in the County Correctional Incentives Program. On the other hand, *T.C.A.* 41-1-504 (a)(2) allows the department to delay transfer of felons released on bail before their convictions for up to 60 days until the prison capacity drops to 90 percent. The state thus shifts its burden of overcrowded facilities to local governments.

**The Select Oversight Committee on Corrections may wish to review the current process to reimburse local governments for housing state inmates in local correctional facilities.** In *T.C.A.* 41-1-405, the General Assembly stated its intent to continually evaluate the impact of the state correction system on local correction systems, which includes the method and amount of financial or other assistance to compensate local systems. This evaluation should include an analysis of marginal and fixed costs which can help to determine if the reimbursement process is equitable to the counties and the state.

### Administrative

**Local governments should establish avenues of communication such as councils or committees composed of criminal justice agencies to seek solutions to problems such as overcrowding.** Jail crowding is a criminal justice *system* issue. Criminal justice coordination committees can effectively examine jail crowding and other criminal justice issues by analyzing the implications that individual agency decisions impose on the entire criminal justice system. Community groups can seek alternatives to pre-hearing incarceration, such as pretrial diversion, house arrest, electronic monitoring, and other avenues to reduce overcrowding.

**The Department of Correction should make every effort to transfer state inmates held in non-certified jails as quickly as possible.** State inmates are at risk of harm in some county jails and some pose a threat to other local inmates. The administration should make adding bed space

in its prison system a priority so that state inmates can be transferred to state facilities in accordance with the law.

**The Department of Correction should not contract with overcrowded jails to hold state inmates.** Because these facilities already hold too many inmates, incarcerating state inmates in these facilities only exacerbates overcrowding and contributes to unsafe conditions.

**Some Tennessee counties should consider the feasibility of establishing regional jails.** A regional jail is defined as a correctional facility in which two or more jurisdictions administer, operate, and finance the capital and operating costs of the facility. Regional jails could result in cost savings and lowered risk for liability.

**The Tennessee Corrections Institute should review its standards and inspection practices annually, revising them as needed to adequately protect jails from liability.** Reviewing standards and inspection practices could help TCI improve its operations and better assist in protecting jails, their inmates, and staff. TCI last revised its standards in June 2000. TCI should include a standard requiring jail staff to screen inmates to determine eligibility for special education services. TCI should ensure that its sanitation and fire safety standards are consistent with health and fire codes.

**The Tennessee Corrections Institute should provide training to sheriffs, jail administrators, and other supervisory personnel.** The state provides limited jail management training to sheriffs through the POST Commission, but the majority of POST training deals with law enforcement activities. Jail administrators and other supervisory personnel receive no training other than that offered to line correctional officers. TCI's Executive Director said he would provide more training if he had enough staff.

**The Tennessee Corrections Institute should request reinstatement of the positions it lost because of budget reductions in the 1980s and 1990s.** Increasing the number of TCI staff would allow the agency to reorganize into separate divisions for inspections and training as well as allow staff to conduct more thorough inspections. TCI reduced its staff from 26 in 1982 to 11 positions in 2002 because of forced budget cuts. The agency's six staff members inspect 14 city jails, 95 county jails (some of which have annexes) and eight correctional work centers/workhouses/penal farm, reinspect facilities when necessary, conduct basic and annual in-service training for correctional officers, and provide technical assistance on varied subjects. Jail inspections average four hours each, plus travel, report-writing, and follow-up; additional staff would offer more time for thoroughness.

**The Tennessee Corrections Institute should establish two distinct divisions within the agency – one for inspections and the other for training and technical assistance.** Such action would eliminate a potential appearance of bias and provide for staff specialization. TCI may better serve the local correctional system by creating two distinct divisions as long as it employs qualified staff to ensure improved expertise when providing guidance for jail staff.

**The Tennessee Corrections Institute should vary its inspection cycle and rotate inspector assignments from year to year.** This change would reduce close relationships between inspectors and jail personnel and improve the integrity of the inspection process. Inspectors live

across the state and generally inspect facilities located in the regions where they live, with the exception of their home counties. Even though inspections are unannounced, they generally occur within the same or an adjacent month of the previous year's inspection. Hence, jail staff can anticipate inspections and present themselves in ways during the inspections that do not reflect their normal routines and practices.

**The state should enforce the statute requiring counties with noncertified jails to use 75 percent of their DOC reimbursements to improve correctional programs and facilities.** In spite of state and county budget constraints, the state is obligated to ensure the safety and security of its citizens. Overcrowded, unsanitary, and dilapidated conditions in some jails place communities at both physical and financial risk.

**The Department of Mental Health and Developmental Disabilities should determine the impact of its criminal justice activities in local jails. If warranted, DMHDD should seek additional federal funding to expand the Mental Health Liaison Program statewide and increase the availability of mobile crisis teams.** Although the liaison program is too new to determine the impact of its criminal justice activities, many jail staff told researchers that the program is an asset. Liaisons are often able to locate other, more appropriate, placements such as supportive living facilities or alcohol and drug treatment centers for some inmates. Through their activities, the liaisons help to reduce the jail population and potentially reduce the likelihood of inmates returning to jail.

**The Department of Mental Health and Developmental Disabilities should prioritize bed space to ensure that inmates awaiting competency hearings are evaluated in a timely manner.** However, DMHDD does not have enough bed space in its institutes to readily admit such inmates. At least one judge dismissed charges against an inmate who was incarcerated for over one year awaiting a competency hearing. The judge ruled that the inmate's right to a speedy trial was violated.

**Sheriffs and jail administrators should provide discharge planning for inmates with mental illnesses who need continued care upon release.** Some jails arrange for inmates with mental illnesses to receive services in jails, but rarely link them with community resources to provide continued services upon release. Because of a lack of stability in services, these inmates are likely to recidivate.

**Sheriffs and jail administrators should report all inmates who may be eligible for special education services to the LEA.** Department of Education policy and federal regulations apply to all students with disabilities who are legally eligible to receive an education in Tennessee through their 22<sup>nd</sup> birthday. Providing special education programming could help such inmates in general as well as protect jail staff from suits for failing to ensure that they identify such children.

**State agencies such as the Bureau of TennCare and the Department of Human Services should work more closely with jail personnel to reinstate benefits inmates lose while incarcerated.** In many cases, inmates are released with no assistance from community agencies. Some inmates are unable to function or succeed in a free environment without assistance. Helping inmates access services upon release from jail could help prevent them from reoffending.



## Appendix A: Office of Research Jail Survey



**STATE OF TENNESSEE  
COMPTROLLER OF THE TREASURY  
OFFICE OF RESEARCH  
505 Deaderick Street, Suite 1700  
Nashville, Tennessee 37243-0268  
Phone 615/401-7911  
Fax 615/532-9237**

May 17, 2002

Dear Sheriff:

The Office of the Comptroller is conducting a study of conditions in local correctional facilities. The enclosed survey will provide a centralized source of data regarding jails and workhouses and allow our staff to better understand some of the challenges facing Tennessee's jails and workhouses.

Please complete the enclosed survey and return it to our office by June 10, 2002. Although multiple staff members may help in compiling information, please designate only one person to complete the survey. The survey can be returned in the enclosed business reply envelope. **If more than one facility in the county is under your authority, please complete a survey form for each facility. Please feel free to attach additional sheets as needed.**

If you have questions about the survey, please feel free to contact Brian Doss at (615) 401-7873 or Margaret Rose at (615) 401-7884. We appreciate your assistance.

With kind regards,

Ethel Detch  
Director

Name of county \_\_\_\_\_

Name of sheriff \_\_\_\_\_

Name of facility \_\_\_\_\_

Name, title, and phone number of person completing survey \_\_\_\_\_

**I. Facility**

1. Does the county have immediate plans to construct a new jail? \_\_\_\_ Yes \_\_\_\_ No

If yes, what is the number of anticipated beds? \_\_\_\_\_

When is the anticipated completion date? \_\_\_\_\_

2. Does the county have immediate plans to expand an existing jail? \_\_\_\_ Yes \_\_\_\_ No

If yes, what is the number of anticipated beds? \_\_\_\_\_

When is the anticipated completion date? \_\_\_\_\_

3. Does the county have immediate plans to renovate existing jail space? \_\_\_\_ Yes \_\_\_\_ No

If yes, when is the anticipated completion date? \_\_\_\_\_

**II. Facility Beds and Population**

**A. General**

Type	Average Daily Population (during calendar year 2001)	Rated TCI Capacity (during calendar year 2001)	Beds Planned/Under Construction (if applicable)
General Population – Male			
General Population – Female			
Special Purpose – Male			
Special Purpose – Female			
<b>Total</b>			

4. Does the facility ever hold inmates who are under 18 years of age? \_\_\_\_ Yes \_\_\_\_ No

If yes, what was the monthly average during calendar year 2001? \_\_\_\_\_

**B. Federal Inmates**

5. Does the facility ever house inmates for federal authorities? \_\_\_\_ Yes \_\_\_\_ No (If no, go to # 9)

If yes, what was the monthly average during calendar year 2001? \_\_\_\_\_

6. Has this number significantly increased over the past five calendar years?  Yes  No

7. For which federal authorities does the facility house inmates? (check all that apply):

U.S. Marshals Service  Bureau of Prisons  Immigration and Naturalization Service

Other (please specify):

\_\_\_\_\_

8. How much compensation did you receive during calendar year 2001 to house inmates for federal authorities per day?

\_\_\_\_\_

### III. Tennessee Corrections Institute (TCI) Certification

9. Was the facility certified in calendar year 2001?  Yes  No

If no, what were the violations from the 2001 TCI inspection?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How have the violations been addressed?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### IV. Funding/Budget

10. What is the facility's total operating budget for fiscal year 2001? \_\_\_\_\_

11. Has the county appropriated additional dollars for the jail to complete a fiscal year's operations within the last five fiscal years?  Yes  No

If yes, for which fiscal years?  1997  1998  1999  2000  2001

**V. Staff Issues**

**A. Correctional officers**

12. How many full-time correctional officers did you employ during calendar year 2001? \_\_\_\_\_
13. How many full-time correctional officers left during calendar year 2001? (include retirements, resignations, terminations)  
\_\_\_\_\_
14. What is the average length of employment (in years) for full-time correctional officers? \_\_\_\_\_
15. Please describe reasons contributing to turnover.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. Does your department have a plan to determine needed jail staffing ratios? \_\_\_\_ Yes \_\_\_\_ No
17. What is the beginning salary for a full-time correctional officer? \_\_\_\_\_
18. What is the maximum salary for a full-time correctional officer? \_\_\_\_\_
19. What is the average salary earned by full-time correctional officers? \_\_\_\_\_

**B. Training**

20. Do you believe your correctional officers receive adequate training to manage inmates? \_\_\_\_ Yes \_\_\_\_ No

If no, in which of the following areas is more training needed? (choose all that apply):

- \_\_\_\_ Intervention with mentally ill inmates
  - \_\_\_\_ Intervention with mentally retarded inmates
  - \_\_\_\_ Restraint of inmates/ use of force
  - \_\_\_\_ Disturbance control
  - \_\_\_\_ Inmates with communicable diseases
  - \_\_\_\_ Other (please specify) \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_

**VI. Legal actions**

21. Has any inmate(s) initiated legal proceedings against the facility within the past five calendar years? \_\_\_\_ Yes \_\_\_\_ No

Please check the applicable allegations made in such legal proceedings:

- \_\_\_\_ Overcrowding \_\_\_\_ Lack of medical treatment \_\_\_\_ Education or training programs
  - \_\_\_\_ Security \_\_\_\_ Other (please specify): \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_

22. Is the facility under a Federal, State, or local court order or consent decree related to specific conditions of confinement? \_\_\_\_\_  
Yes \_\_\_\_\_ No

If yes, what are the specific conditions (mark all that apply)

\_\_\_\_ Overcrowding \_\_\_\_ Lack of medical treatment \_\_\_\_ Education or training programs  
\_\_\_\_ Security \_\_\_\_ Other (please specify):

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**\*\*Please include copies of court orders and/or consent decrees.**

## VII. Inmate Programs

### A. Education

23. Does the facility provide educational programs to inmates? \_\_\_\_ Yes \_\_\_\_ No

If yes, what types of educational programs are offered?

\_\_\_\_ Basic adult education \_\_\_\_ GED \_\_\_\_ Special education \_\_\_\_ Vocational education

\_\_\_\_ Other (please explain) \_\_\_\_\_

### B. Mental health

24. What was the average monthly number of diagnosed mentally ill inmates in your jail during calendar year 2001?

\_\_\_\_\_

(For this survey, mentally ill is defined as inmates receiving:

- psychotropic medication,
- mental health therapy or counseling services, or
- 24-hour mental health care in a special housing or a psychiatric unit on or off jail grounds)

25. Has the population of mentally ill inmates increased in the past five calendar years? \_\_\_\_ Yes \_\_\_\_ No

26. Are mental health services provided to inmates? \_\_\_\_ Yes \_\_\_\_ No (If no, go to # 29)

27. If yes, what types of mental health services are provided? (check all that apply)

\_\_\_\_ Screening at intake \_\_\_\_ Psychiatric or psychological evaluations \_\_\_\_ Therapy  
\_\_\_\_ Other (please specify):

---

28. Do you believe that mental health services in your facility are adequate? \_\_\_\_ Yes \_\_\_\_ No

If no, please explain.

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29. Is training provided for correctional officers to manage inmates with mental illnesses? \_\_\_\_ Yes \_\_\_\_ No

**C. Other programs**

30. Please list any other programs offered to inmates:

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**VII. Safety issues**

31. Does your jail keep records of incidents that result in harm to the staff and/or inmates? \_\_\_\_ Yes \_\_\_\_ No

If yes, please provide copies of incident summary reports your facility maintains for calendar years 1997-2001.

**VIII. Other**

32. What do you foresee as the most important issues facing jails in the next five years?

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**Please return by June 10, 2002 to:  
Margaret Rose or Brian Doss  
State of Tennessee  
Comptroller of the Treasury  
Office of Research  
505 Deaderick Street, Suite 1700  
Nashville, Tennessee 37243-0268**

**Appendix B: County Jails Not Certified in 2002 by TCI**

Facility Name	
Bledsoe County Jail	Johnson County Jail
Bradley County Jail	Marion County Jail
Campbell County Jail	McNairy County Jail
Claiborne County Jail	Perry County Jail
Clay County Jail	Pickett County Jail
Cocke County Jail & Annex	Polk County Jail
Decatur County Jail	Sequatchie County Jail
Grainger County Jail	Union County Jail
Grundy County Jail	Van Buren County Jail
Hardin County Jail	Warren County Jail
Hickman County Jail	Wayne County Jail
Humphreys County Jail	White County Jail
Jackson County Jail	

*Source: Tennessee Corrections Institute.*

**Appendix C: Average Total Population and Average Total Rated Beds of Tennessee Local Correctional Facilities during FY 2001 and FY 2002**

<b>Facility</b>	<b>Average Total Jail Population FY 2001</b>	<b>Average Total Beds* FY 2001</b>	<b>Percent Capacity FY 2001</b>	<b>Average Total Jail Population FY 2002</b>	<b>Average Total Beds* FY 2002</b>	<b>Percent Capacity FY 2002</b>
Anderson County Jail	103	208	50%	129	207	62%
Bedford County Jail	123	88	140%	151	91	166%
Benton County Jail	51	92	56%	64	92	70%
Bledsoe County Jail	16	9	174%	21	9	238%
Blount County Jail	274	295	93%	305	350	87%
Bradley County Jail	167	123	135%	198	123	161%
Campbell County Jail	81	48	168%	87	48	183%
Cannon County Jail	37	42	87%	38	42	91%
Carroll County Jail	75	112	67%	114	112	102%
Carter County Jail	139	88	158%	159	88	180%
Cheatham County Jail	105	120	88%	122	120	101%
Chester County Jail	20	24	85%	26	24	111%
Claiborne County Jail	45	33	136%	56	33	171%
Clay County Jail	11	18	61%	10	18	58%
Cocke County Jail	117	116	101%	115	116	99%
Coffee County Jail	119	132	90%	169	137	123%
Crockett County Jail	47	62	76%	59	62	95%
Cumberland County Jail	106	122	87%	102	122	84%
Davidson Justice Center	635	691	92%	631	613	103%
Davidson Hill Detention (HD1)	315	333	95%	429	486	88%
Davidson Work Center	553	600	92%	604	600	101%
Davidson HD2**	25	163	15%	0	163	0%
Davidson CCA	1,145	1,113	103%	1,212	1,095	111%
Decatur County Jail	14	24	58%	18	24	77%
DeKalb County Jail	48	46	103%	52	47	110%
Dickson County Jail	177	170	104%	181	173	104%
Dyer County Jail	106	88	121%	131	88	150%
Fayette County Jail	81	97	84%	86	97	89%
Fentress County Jail	28	20	138%	33	20	164%
Franklin County Jail	63	108	58%	111	107	104%
Gibson County Jail	153	149	102%	170	149	114%
Giles County Jail	84	89	94%	107	81	132%
Grainger County Jail	25	18	138%	27	18	153%
Greene County Jail	179	159	113%	250	159	157%
Grundy County Jail	35	34	103%	38	34	112%



<b>Facility</b>	<b>Average Total Jail Population FY 2001</b>	<b>Average Total Beds* FY 2001</b>	<b>Percent Capacity FY 2001</b>	<b>Average Total Jail Population FY 2002</b>	<b>Average Total Beds* FY 2002</b>	<b>Percent Capacity FY 2002</b>
Hamblen County Jail	157	157	100%	155	157	99%
Hamilton Jail	572	498	115%	578	497	116%
Hamilton Penal Farm CCA	514	683	75%	604	674	90%
Hancock County Jail	114	99	115%	119	100	119%
Hardeman County Jail	70	74	94%	76	75	101%
Hardin County Jail	57	38	149%	69	38	183%
Hawkins County Jail	43	64	67%	53	63	84%
Haywood County Jail	96	136	70%	106	136	78%
Henderson County Jail	55	52	106%	57	52	109%
Henry County Jail	100	72	139%	116	80	144%
Hickman County Jail	49	48	102%	52	48	109%
Houston County Jail	19	17	111%	31	17	186%
Humphreys County Jail	46	44	104%	48	48	101%
Jackson County Jail	22	26	85%	23	26	88%
Jefferson County Jail	69	52	133%	96	52	186%
Johnson County Jail	50	38	131%	50	38	131%
Knox Justice Center	194	215	90%	233	215	108%
Knox Detention Center	462	676	68%	532	677	79%
Knox Work Release Center	72	188	38%	49	178	27%
Lake County Jail	26	32	80%	43	32	133%
Lauderdale County Jail	104	139	74%	108	144	75%
Lawrence County Jail	46	34	136%	50	34	147%
Lewis County Jail	40	45	89%	39	45	87%
Lincoln County Jail	86	117	73%	107	117	92%
Loudon County Jail	72	56	129%	84	56	150%
Macon County Jail	38	32	118%	62	39	159%
Madison County Jail	302	320	94%	327	326	100%
Madison Penal Farm	86	112	76%	73	112	65%
Marion County Jail	61	38	160%	84	45	188%
Marshall County Jail	63	63	100%	73	63	116%
Maury County Jail	142	186	77%	155	186	84%
McMinn County Jail	116	202	58%	137	200	68%
McNairy County Jail	67	86	78%	78	86	91%
Meigs County Jail	35	36	98%	39	36	109%
Monroe County Jail	82	72	114%	104	72	145%
Montgomery County	328	296	111%	347	294	118%
Moore County Jail	15	20	75%	15	20	73%
Morgan County Jail	22	27	81%	24	27	89%
Obion County Jail	75	150	50%	86	150	58%
Overton County Jail	28	20	139%	90	30	297%

<b>Facility</b>	<b>Average Total Jail Population FY 2001</b>	<b>Average Total Beds* FY 2001</b>	<b>Percent Capacity FY 2001</b>	<b>Average Total Jail Population FY 2002</b>	<b>Average Total Beds* FY 2002</b>	<b>Percent Capacity FY 2002</b>
Perry County Jail	12	16	75%	13	16	79%
Pickett County Jail	5	7	68%	5	7	65%
Polk County Jail	40	35	113%	44	35	127%
Putnam County Jail	147	172	86%	168	175	97%
Rhea County Jail	61	53	115%	86	62	140%
Roane County Jail	62	57	109%	70	57	123%
Robertson County Jail	172	212	81%	168	212	79%
Rutherford County Jail	549	484	113%	729	510	143%
Rutherford Work House	152	260	58%	187	255	73%
Scott County Jail	34	42	80%	46	42	109%
Sequatchie County Jail	16	31	51%	19	31	61%
Sevier County Jail	170	156	109%	189	156	121%
Shelby County Jail	2,380	2,797	85%	2,122	2,792	76%
Shelby County Work Center	2,662	3,570	75%	2,722	3,569	76%
Smith County Jail	33	34	98%	31	34	90%
Stewart County Jail	14	21	65%	11	21	54%
Sullivan County***	418	253	165%	447	296	151%
Sumner County Jail	304	213	143%	332	213	156%
Tipton County Jail	83	124	67%	105	124	85%
Trousdale County Jail	29	37	77%	33	37	89%
Unicoi County Jail	35	46	77%	34	46	73%
Union County Jail	30	26	117%	33	26	125%
Van Buren County Jail	26	30	87%	23	30	79%
Warren County Jail	177	107	164%	184	108	170%
Washington County Jail	368	320	115%	384	322	119%
Wayne County Jail	24	24	99%	34	24	143%
Weakley County Jail	65	125	52%	79	125	63%
White County Jail	84	42	199%	107	52	206%
Williamson County Jail	273	446	61%	286	446	64%
Wilson County Jail	132	124	107%	155	124	126%
<b>Total</b>	<b>18,507</b>	<b>20,944</b>	<b>88%</b>	<b>20,118</b>	<b>21,162</b>	<b>95%</b>

Source: Office of Research compilation of Tennessee Department of Correction Monthly Jail Reports for Fiscal Year 2001 and 2002.

\*The total number of beds as rated by The Tennessee Corrections Institute may increase or decrease during the course of a year.

\*\*HD1 was combined with HD2 during the above time period.

\*\*\*The Tennessee Department of Correction Monthly Jail Reports separates the Sullivan County Jail from the Workhouse. However a Sullivan County Jail official explained the workhouse is a considered an annex and for purposes of this report, annexes are not considered separate facilities.

**Appendix D: Rates Paid by the Tennessee Department of Correction To House State Inmates in Local Facilities in Fiscal Year 2001**

**Facilities Contracting With DOC**

Flat Rate Negotiated Between DOC and County		Reasonable and Allowable Rate Determined by DOC	
Facility Name	Rate Paid	Facility Name	Rate Paid
Carter County Jail	\$29.40	Davidson County Detention Facility <sup>1</sup>	\$38.10
Cocke County Jail	\$20.00	Fentress County Jail	\$28.86
Fayette County Jail	\$26.53	Greene County Jail	\$35.00
Hamblen County Jail	\$20.00	Haywood County Jail	\$31.35
Hancock County Jail	\$31.00	Overton County Jail <sup>2</sup>	\$35.00
Hickman County Jail	\$25.00	Sevier County Jail	\$32.14
Johnson County Jail	\$26.00	Shelby County Work Center	\$47.82
Lake County Jail	\$35.00	Washington County Jail	\$35.00
Lauderdale County Jail	\$35.00		
Lewis County Jail	\$35.00		
Lincoln County Jail	\$35.00		
McMinn County Jail	\$35.00		
Scott County Jail	\$35.00		
Smith County Jail	\$35.00		
Sumner County Jail	\$30.00		
Trousdale County Jail	\$35.00		

Source: Judy Lambert, Judicial Cost Accountant, Tennessee Department of Correction.

<sup>1</sup> Davidson County Detention Facility is operated by CCA.

<sup>2</sup> Overton County changed from Resolution to the Reasonable and Allowable method on July 1, 2001 and the contract began January 1, 2002.

### Facilities Not Contracting With DOC

Reasonable and Allowable Rate Determined by DOC			
Facility Name	Rate Paid	Facility Name	Rate Paid
Anderson County Jail	\$35.00	Madison County Jail	\$35.00
Bedford County Jail	\$32.54	Madison County Penal Farm	\$35.00
Benton County Jail	\$35.00	Marion County Jail	\$29.88
Bledsoe County Jail	\$34.90	Marshall County Jail	\$35.00
Blount County Jail	\$35.00	Mauzy County Jail	\$35.00
Bradley County Jail	\$35.00	McNairy County Jail	\$35.00
Campbell County Jail	\$34.88	Meigs County Jail	\$25.46
Cannon County Jail	\$35.00	Monroe County Jail	\$34.69
Carroll County Jail	\$23.71	Montgomery County Jail	\$35.00
Cheatham County Jail	\$35.00	Montgomery County Workhouse	\$35.00
Claiborne County Jail	\$26.91	Moore County Jail	\$35.00
Clay County Jail	\$35.00	Morgan County Jail	\$35.00
Crockett County Jail	\$31.61	Obion County Jail	\$35.00
Cumberland County Jail	\$35.00	Perry County Jail	\$35.00
Davidson County Jail	\$35.00	Polk County Jail	\$30.53
Decatur County Jail	\$35.00	Putnam County Jail	\$35.00
DeKalb County Jail	\$30.35	Rhea County Jail	\$30.35
Dickson County Jail	\$35.00	Roane County Jail	\$35.00
Franklin County Jail	\$35.00	Robertson County Jail	\$30.29
Gibson County Jail	\$24.19	Rutherford County Jail	\$35.00
Giles County Jail	\$35.00	Sequatchie County Jail	\$35.00
Grainger County Jail	\$30.74	Shelby County Jail	\$35.00
Grundy County Jail	\$26.77	Stewart County Jail	\$35.00
Hamilton County Jail	\$35.00	Sullivan County Jail	\$30.30
Hamilton Penal Farm CCA	\$35.00	Tipton County Jail	\$35.00
Hawkins County Jail	\$35.00	Unicoi County Jail	\$35.00
Henderson County Jail	\$23.18	Union County Jail	\$20.70
Henry County Jail	\$35.00	Van Buren County Jail	\$22.71
Houston County Jail	\$35.00	Warren County Jail	\$26.27
Jackson County Jail	\$35.00	Wayne County Jail	\$29.69
Jefferson County Jail	\$34.43	Weakley County Jail	\$35.00
Knox County –Combined*	\$35.00	White County Jail	\$25.75
Lawrence County Jail	\$35.00	Williamson County Jail	\$35.00
Loudon County Jail	\$18.00	Wilson County Jail	\$35.00
Macon County Jail	\$35.00		
Resolution Rate Accepted by Counties			
Facility Name	Rate Paid	Facility Name	Rate Paid
Chester County Jail	\$18.00	Hardin County Jail	\$18.00
Coffee County Jail	\$20.00	Humphreys County Jail	\$18.00
Dyer County Jail	\$18.00	Pickett County Jail	\$18.00
Hardeman County Jail	\$18.00	Rutherford County Workhouse	\$20.00

Source: Judy Lambert, Judicial Cost Accountant, Tennessee Department of Correction.\*Knox County combines all of their facilities into one Final Cost Settlement so all facilities are paid at the same rate.

**Appendix E: Amount Paid by TDOC to House State Inmates in Non-Certified Facilities**

<b>Facilities Not Certified by TCI in CY 2002</b>	<b>Amount Paid to Facilities in FY 2002</b>	<b>Total required to be used in accordance with TCA 41-8-107(c)</b>
Bledsoe County Jail	\$63,736.45	\$47,802.34
Bradley County Jail	\$625,975.00	\$469,481.25
Campbell County Jail	\$358,514.23	\$268,885.67
Claiborne County Jail	\$132,962.48	\$99,721.86
Clay County Jail	\$23,625.00	\$17,718.75
Cocke County Jail	\$351,802.79	\$263,852.09
Decatur County Jail	\$51,339.72	\$38,504.79
Grainger County Jail	\$67,000.18	\$50,250.14
Grundy County Jail	\$61,102.49	\$45,826.87
Hardin County Jail	\$93,546.00	\$70,159.50
Hickman County Jail	\$268,925.00	\$201,693.75
Humphreys County Jail	\$50,616.00	\$37,962.00
Jackson County Jail	\$62,860.00	\$47,145.00
Johnson County Jail	\$128,778.00	\$96,583.50
Marion County Jail	\$86,592.24	\$64,944.18
McNairy County Jail	\$263,627.10	\$197,720.33
Perry County Jail	\$21,945.00	\$16,458.75
Pickett County Jail	\$2,214.00	\$1,660.50
Polk County Jail	\$234,287.22	\$175,715.42
Sequatchie County Jail	\$64,330.00	\$48,247.50
Union County Jail	\$48,313.80	\$36,235.35
Van Buren County Jail	\$25,117.26	\$18,837.95
Warren County Jail	\$237,638.42	\$178,228.82
Wayne County Jail	\$36,077.58	\$27,058.19
White County Jail	\$154,500.00	\$115,875.00
<b>Total</b>	<b>\$3,515,425.96</b>	<b>\$2,636,569.47</b>

Source: from Judy Lambert, Judicial Cost Accountant, Tennessee Department of Correction.

Note: Total required to be used in accordance with TCA 41-8-107(c) calculated by Office of Research Staff.

## Appendix F: Criminal Justice/Mental Health Liaisons

County Served by Liaisons	Agency Responsible for Providing Services
Anderson	Ridgeview
Bradley	Volunteer
Cheatham, Dickson, Houston, Humphreys, and Stewart	Centerstone
Davidson	Mental Health Cooperative
Gibson and Henry	Carey Counseling Center
Hamilton	Volunteer
Knox	Helen Ross McNabb
Madison	Pathways
Maury	Centerstone
Montgomery	Centerstone
Putnam	Volunteer
Rutherford	Volunteer
Shelby*	Shelby County Government
Sullivan	Frontier
Sumner	Volunteer
Washington	Frontier

\*Contract with Shelby County Government includes liaison activities and a release planner in the Mental Health Section of the Pretrial Release Program.

Source: Document from Liz Ledbetter, Mental Health Specialist, Tennessee Department of Mental Health and Developmental Disabilities.

## Appendix G: Response from the Tennessee Department of Correction



STATE OF TENNESSEE  
DEPARTMENT OF CORRECTION  
4<sup>TH</sup> FLOOR RACHEL JACKSON BLDG.  
320 SIXTH AVENUE NORTH  
NASHVILLE, TENNESSEE 37243-0465

TELEPHONE (615) 741-1000 ~ Ext.4002

FAX (615) 532-8281

### MEMORANDUM

TO: Ethel Detch, Director of Office of Research and Education Accountability  
Office of the Comptroller of the Treasury

FROM: Linda A. Dodson, Deputy Commissioner

DATE: August 26, 2003

SUBJECT: Draft Report – “State of Tennessee Jails”

The departmental staff have reviewed the draft report, “State of Tennessee Jails”.

With few exceptions, the report accurately reflects comments made and procedures followed by the department in reference to local jails.

While the Department has no jurisdiction to mandate any specific requirements or conditions related to county jails it would be expected that those incarcerated are provided humane conditions in a safe environment.

The department has relied on county jails to hold convicted felons that cannot be immediately transferred to Correction for many years and will most likely in the future have some dependency for housing felons beyond the required 14 days.

The Department concurs with the report recommendations that TCA 41-8-107(c) need greater enforcement. We also concur that the reimbursement rate paid to jails need periodic review.

We appreciate the opportunity to review and comment.

LAD:PJ

## Appendix H: Response from the Tennessee Corrections Institute



STATE OF TENNESSEE  
TENNESSEE CORRECTIONS INSTITUTE  
8TH FLOOR, ANDREW JACKSON BUILDING  
500 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243- 1420  
(615) 741-3816 FAX: (615) 532-2333

PHIL BREDESEN  
GOVERNOR

CHARLES DAVID HENSLEY  
EXECUTIVE DIRECTOR

June 23, 2003

TO: Ethel Detch  
Office of Research  
Comptroller of the Treasury

### Response to the State of Tennessee Comptroller's Draft Jail Report

#### **1. The Tennessee Corrections Institute has no power to enforce its standards, resulting in conditions that endanger inmate's staff and the public.**

The Tennessee Corrections Institute's authority is limited to certification.

#### **2. TCI continues to certify inadequate and overcrowded jails that do not meet state standards.**

Each county and each county jail facility is unique in its individual operation. All possible considerations are given to the validity of the efforts of the county officials to solve the problems before a recommendation is made to the TCI Board of Control to certify or decertify a facility. Only the inspector familiar with the ongoing efforts can make this determination.



**3. TCI standards do not appear to meet the level of quality mandated by T.C.A. 41-4-140.**

Tennessee County Adult Detention Facilities do not have to meet ACA Standards. Those facilities wishing to achieve accreditation through ACA must meet only a percentage of ACA's standards. Facilities working toward accreditation from ACA must first meet TCI's standards. It is my understanding that an ACA audit begins with a copy of the last TCI inspection report.

In the 3<sup>rd</sup> Edition of ACA's Standards for Adult Local Detention Facilities there are 421 standards listed. Only 35 of those standards listed are mandatory. TCI has 136 standards and all are mandatory. While TCI standards are minimum in definition they have held up in many court cases to be constitutional.

Most Tennessee counties could not certify if asked to meet all mandatory and non-mandatory ACA standards.

**4. TCI has not developed minimum qualification standards for local correctional officers and jail administrators.**

TCI recommends that the sheriffs use the same qualifications as stated in 41-1-116. Qualifications of Corrections Officers.

**5. The Tennessee Corrections Institute has inadequate staff to fulfill its mandate.**

Inspections - The last audit finding revealed that only two facilities failed to get inspected. This was due to an oversight. The audit for the years ended June 1999 revealed that one facility's reinspection went beyond the 60-day limit. The Executive Director has since implemented a policy that will prevent that from happening in the future.

The Board of Control of the Tennessee Corrections Institute hopes that the inspectors can develop, when carrying out the responsibilities of the Tennessee Code 41-4-140, avenues of communication and cohesiveness with local agencies that will tend to upgrade the correctional system in the State of Tennessee. The inspectors are sometimes criticized for appearing overly friendly when the intent is to open the lines of communication. Since TCI has no authority, it seems to be the best way to approach the local officials.

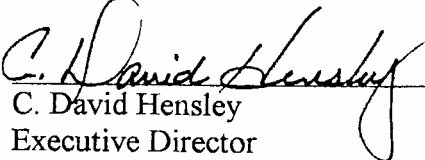
TCI does practice team inspections in some of the larger facilities. The information obtained by each inspector must be compiled into one report to be submitted to the Board of Control. Each inspector has been trained to inspect according to the standards. The completeness or quality of an inspection must be determined by the inspector and his/her ability to testify to its validity.

Training - The TCI staff train all corrections officers that sign up for classes. Small classes may be cancelled and rescheduled due to TCI's small budget and travel expenses. Additional TCI staff would allow more classes. The 40 hours of Basic training

conducted within the first year of employment is quality training designed to accompany the pre-service orientation program required by Standard 1400-1-.06 PERSONNEL (2). TCI also has Training for Trainers classes to train jail personnel to comply with the above standard.

Additional staff would allow more time for the detention facility specialist to do research, write lesson plans, provide technical assistance to the counties, visit construction sights, attend training sessions, monitor training sessions and many other activities that they do not have the time to do.

If TCI increased its staff from five to ten detention facility specialists, TCI could implement an inspection division and a training division. This would require an increase in the existing annual budget of \$650,000 to at least \$1,000,000 to account for payroll and travel.

  
C. David Hensley  
Executive Director

## Appendix I: Response from the Tennessee Department of Education



TENNESSEE STATE DEPARTMENT OF EDUCATION  
Division of Special Education  
5th Floor, Andrew Johnson Tower  
710 James Robertson Parkway  
NASHVILLE, TENNESSEE 37243

### MEMORANDUM

TO: Ethel Detch, Director  
Office of Research and Education Accountability

FROM: Joseph Fisher, Assistant Commissioner  
Department of Education

DATE: June 25, 2003

RE: FAPE for Incarcerated Youth in County Jails and Detention Centers

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#### Summary Report

This memorandum is in response to your “draft” report concerning education for incarcerated youth as indicated on pages 6 and 24.

#### **Office of Research staff was unable to determine whether sheriffs comply with federal and state special education mandates:**

The Tennessee Department of Education, Division of Special Education, has devised a plan to assure that educational services are being provided to individuals who are incarcerated under the age of twenty-two years of age. Presently this task is being coordinated by an education consultant, for the State of Tennessee. Each year one-third of local county facilities will be monitored, including juvenile detention centers.

In 2003, a revision of the Policy, FAPE for Incarcerated Children with Disabilities, constituted an update to the existing policy originally implemented in 1996. As a means to assure that this information was available to all parties concerned, a massive mail out was undertaken by the Department of Education, Division of Special Education. The Policy and Procedures were distributed to the Commissioner of the Department of Children Services, Commissioner of Corrections, Local School Superintendent/Directors, Local Special Education Directors/Supervisors, County Sheriffs and Juvenile Detention Centers.

During the monitoring process, prior to touring the facility a meeting is held to discuss the Education Policy and Procedures for Incarcerated Children with Disabilities. County Jail Facility Administrators are encouraged to develop and implement a policy and procedure that can be utilized to identify detainees that are eligible for Special Education services. Included in the Education Policy and Procedures for Incarcerated Children with Disabilities, FORM A may be utilized to obtain identification information from detainees. Every Sheriff's Department is strongly encouraged to develop a plan of action to assure this information after being obtained is communicated in a timely manner to the Local Education Agency (LEA).

JF: dh

Enclosure

## Appendix J: Response from the Tennessee Department of Mental Health and Developmental Disabilities



**STATE OF TENNESSEE**  
**DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES**  
CORDELL HULL BUILDING, THIRD FLOOR  
425 FIFTH AVENUE, NORTH  
NASHVILLE, TENNESSEE 37243

PHIL BREDESEN  
GOVERNOR

VIRGINIA TROTTER BETTS, MSN, JD, RN, FAAN  
COMMISSIONER

June 25, 2003

Ms. Ethel Detch, Director  
Office of Research  
Comptroller of the Treasury  
505 Deaderick Street, Suite 1700  
Nashville, TN 37243-0268

Dear Ms. Detch:

We were very pleased to have the opportunity to review your Jail Report Draft of May 30, 2003. Liz Ledbetter, Marthagem Whitlock and Sita Diehl, (a new staff member who is working on a training curriculum for our criminal justice/mental health project), reviewed the Report Draft. Consistently, the staff was very pleased with the report and felt it accurately reflected comments made and conditions or situations in which the Department is involved. It is also generally very informative.

There are a few areas for comment. In general, we hope you will adjust your terminology to use "people first" language so, for example, it is not "mentally ill adults" but rather "adults with mental illness." We feel this helps with the very difficult task of reducing the stigma of mental illness.

On page 5, last paragraph, you might wish to use the current terminology "substance abuse" rather than "substance abuse addictions." In the same paragraph, TDMHDD is responsible for court ordered forensic evaluations to determine a defendant's competency to stand trial and/or mental condition at the time of the offense. In addition, pre-trial individuals from jails who meet emergency involuntary commitment standards are served in Regional Mental Health Institutes administered by DMHDD. Either the defendant who is ordered for forensic evaluation or other pre-trial defendants are admitted without regard to bed availability when emergency involuntary commitment standards are met.

Page 8 identifies two alternative programs focused on drug offenders. The Jail Report indicates only that the number of inmates with substance abuse has increased but does not address that a high number/percentage of inmates have substance abuse problems with few services. For this report, you might wish to consider whether there should be a recommendation around substance abuse services and whether specific inquiry in future surveys in this area would be useful.

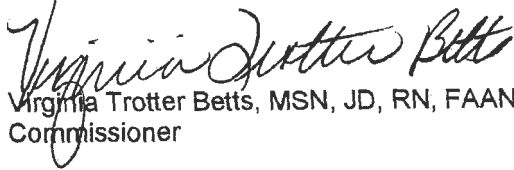
Letter to Ms. Detch  
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Page 2

On page 22, the 1998 survey of Tennessee jails conducted by the TennCare Partners Roundtable was cited. A new survey has been completed and is now available if you wish to use it. On the same page, in the last paragraph, you may wish to update the term "prisoners who suffer from mental illnesses, " to "prisoners with mental illnesses."

On page 23, liaisons are responsible for assessing, rather than examining, whether an adult with mental illness who is incarcerated or who is at risk of incarceration requires specific mental health examination. On page 42, the Shelby contract includes liaison activities in addition to the release planner noted in the footnote.

Again, thank you for the opportunity to review this draft. We are excited that a report of this caliber has been completed to address a very crucial area.

Sincerely yours,



Virginia Trotter Betts, MSN, JD, RN, FAAN  
Commissioner

VTB/mw

cc: Liz Ledbetter  
Marthagem Whitlock  
Sita Diehl  
Commissioner Quenton White

## **Appendix K: Persons Interviewed**

Jerry Abston  
Former Sheriff  
Putnam County

Bob Asbury  
Major  
Rutherford County Sheriff's Department

Christy Ballard  
Staff Attorney  
Department of Education

Bob Bass  
Jail Inspector  
Tennessee Corrections Institute

Brian Cagle  
Chief Deputy  
Sequatchie County

Billy Center  
Director of Information Systems  
Tennessee Council of Family and Juvenile Court Judges

Gabrielle Chapman  
Director of Planning and Research  
Department of Correction

Lois Cooper  
Administrative Service Assistant 3  
Department of Correction

Karla Crocker  
Communications Manager/Legislative Liaison  
Davidson County Sheriff's Department

John Cupp  
Former President, Tennessee Sheriffs' Assn.  
Sheriff  
Hamilton County

Rick Curran  
Mental Health Specialist  
Davidson County Mental Health Court

Ben Dishman  
Assistant Commissioner  
Department of Mental Health and Developmental Disabilities

Claire Drowota  
Executive Director  
Select Oversight Committee on Corrections

John Eldridge  
Attorney  
Eldridge, Irvine & Hendricks

Pat Evans  
Jail Administrator  
Bledsoe County Sheriff's Department

Joseph Fisher  
Director of Special Education  
Department of Education

John Ford  
Chief Deputy  
Davidson County Sheriff's Department

Beth Gentry  
Program Manager  
Davidson County Sheriff's Department

A.C. Gilliss  
Former Sheriff  
Shelby County

Jo Gustafson  
Corrections Specialist  
National Institute of Corrections

John Hannah  
Jail Inspector  
Tennessee Corrections Institute

Terry Hazard  
Criminal Justice Consultant  
County Technical Assistance Service

Blake Harrison  
Crime and Justice Issue Specialist  
National Conference of State Legislatures



Fred Hix  
Assistant Commissioner, Administrative Services  
Department of Correction

Truman Jones  
Sheriff  
Rutherford County

David Kozlowski  
Attorney  
Legal Aide Society  
Columbia, TN

Harvey Kennedy  
Former Administrator of Finance  
Shelby County Correctional Work Center

Judy Lambert  
Judicial Cost Accountant  
Department of Correction

Liz Ledbetter  
Mental Health Liaison  
Department of Mental Health and Developmental Disabilities

Robert Meeks  
Sheriff  
Grundy County

David Nicholson  
Executive Director  
Louisville-Jefferson County Crime Commission  
Louisville, KY

Roy Nixon  
Former Executive Director  
Tennessee Corrections Institute

Laura Quinn  
Mental Health Coordinator  
Davidson County Sheriff's Department

Jim Rose  
Former Assistant Commissioner  
Department of Correction

Peggy Sawyer  
Assistant Director  
Tennessee Corrections Institute

Sandy Schilling  
Corrections Specialist  
National Institute of Corrections

Neal Shay  
Assistant Chief  
Shelby County Sheriff's Department

Joy Spivey  
Director of Forensics/Juvenile Services  
Department of Mental Health and Developmental Disabilities

Don Stoughton  
Consultant  
Don Stoughton and Associates

Constance Taite  
Legal Coordinator  
Davidson County Sheriff's Department

Marsha Travis  
Program Manager  
Davidson County Sheriff's Department

Hedy Weinberg  
Executive Director for Tennessee  
American Civil Liberties Union

Marthagem Whitlock  
Deputy Assistant Commissioner, Mental Health Services Division  
Department of Mental Health and Development Disabilities

# Offices of Research and Education Accountability Staff

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◆Margaret Rose

◆Greg Spradley

Emily Wilson

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◆Brian Doss

Kevin Krushenski

Russell Moore

Alisa Palmisano

Melissa Jo Smith

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◆Bintou Njie

## **Executive Secretary**

◆Sherrill Murrell

◆indicates staff who assisted with this project