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Jail Personnel

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Jail Personnel

Reference Number: CTAS-1240
Jailer Qualifications

Guard

Reference Number: CTAS-1242

The sheriff is authorized by statute to employ guards to:

1. Protect a defendant from violence, and to prevent the defendant's escape or rescue in all cases where a defendant charged with the commission of a felony is committed to jail, either before or after trial, and the safety of the defendant, or the defendant's safekeeping, requires a guard;
2. Transport a prisoner to another jail when the county jail is insufficient for the safekeeping of the prisoner; and
3. Transport a prisoner charged with a crime from one county to another for trial or safekeeping.

T.C.A. §§ 41-4-118, 41-4-121, and 41-4-126.

Minimum Qualifications

After July 1, 2006, any person employed as a corrections officer or guard in a county jail or workhouse must have the same minimum qualifications as a jailer. T.C.A. § 41-4-144.

Oath

Jail deputies must take the same oaths as the sheriff, which are certified, filed, and endorsed in the same manner as the sheriff's. T.C.A. § 8-18-112. See Oaths under General Information tab of the County Offices topic for additional information.

Nurse and Cook

Reference Number: CTAS-1243

Nurse

The sheriff is authorized to hire a female registered nurse and a male registered nurse who are authorized to make complete physical examinations of all people committed to the custody of the sheriff for the purpose of preventing the spread of any contagious disease. T.C.A. § 41-4-138. See *Haywood County v. Hudson*, 740 S.W.2d 718, 719 (Tenn. 1987); *George v. Harlan*, 1998 WL 668637, *4 (Tenn. 1998) ("[I]t is clear that the Circuit Court has the power to authorize employment of personnel necessary to properly perform the duties of the office of the sheriff and the legislative body has the duty to provide the funds to carry out the order of the Circuit Court.").

Cook

Pursuant to statute, the jailer has a duty to furnish adequate food to prisoners in the jail. T.C.A. § 41-4-109. Tennessee courts have recognized that cooks are necessary for the operation of a jail. See *Jones v. Mankin*, 1989 WL 44924, *7 (Tenn. Ct. App. 1989).

Training

Reference Number: CTAS-1244

Each facility is required to offer jail personnel a pre-service orientation program designed to familiarize each person with the functions and mission of the facility. All personnel whose duties include the industry, custody, or treatment of prisoners are required to complete a 40-hour basic training program during the first year of employment. This training is provided by the Tennessee Corrections Institute. Rules of the Tennessee Corrections Institute, Rule 1400-1-.06 (2) and (3). *But see Russell v. Robertson County*, 99 F.3d 1139 (Table) (6th Cir. 1996) citing *Beddingfield v. City of Pulaski*, 861 F.2d 968, 971 (6th Cir. 1988) (The City's decision to exclude its jail personnel from TCI training did not amount to a constitutionally impermissible failure to train "because the City provided its own in-house training program.").

In-Service Training

All personnel whose duties include the industry, custody, or treatment of prisoners are required to complete 40 hours of in-service training each year covering the specific skill areas of jail operations. At

least 16 hours will be provided by the Tennessee Corrections Institute. The remaining 24 hours may be provided by the facility if course content is approved and monitored by the Tennessee Corrections Institute. Rules of the Tennessee Corrections Institute, Rule 1400-1-.06 (4).

The county legislative body may by resolution choose, by a two-thirds vote of its entire membership to establish an in-service training program for certified correction officers employed by the county. Each participating county is required to establish criteria and rules and regulations governing its own program. T.C.A. § 38-8-111(d).

Training in Use of Firearms and Chemical Agents

All jail personnel who are authorized to use firearms or chemical agents must receive basic and ongoing in-service training in the use of these weapons. All such training must be recorded with the dates completed and kept in the officer's personnel file. Rules of the Tennessee Corrections Institute, Rule 1400-1-.06 (6).

Salary Supplement-Jail Personnel

Reference Number: CTAS-1245

The attorney general has opined that jailers are not entitled to receive the salary supplement provided for in T.C.A. § 38-8-111(a)-(c) because the primary duty of a full-time jailer is the confinement and control of persons held in lawful custody, not the prevention and detection of crime. Only full-time police officers, as defined in T.C.A. § 38-8-101, whose primary responsibility is the prevention and detection of crime, are eligible for the salary supplement provided for in T.C.A. § 38-8-111. Op. Tenn. Atty. Gen. 85-222 (July 29, 1985). *See also* Op. Tenn. Atty. Gen. 77-235A (July 22, 1977).

However, pursuant to T.C.A. § 38-8-111(d), the county legislative body may by resolution choose by a two-thirds vote of its entire membership to establish a cash supplement along with an in-service training program for certified correction officers employed by the county. Each participating county is required to establish criteria and rules and regulations governing its own program.

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