



March 12, 2025

Jail Management

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 Management

Reference Number: CTAS-1333

Facilities shall maintain fiscal records which clearly indicate the total cost for operating the facility according to the county's accounting principles. Such records shall have an itemized breakdown of the total operating expenses, such as wages and salaries, food, and operating supplies. Rules of the Tennessee Corrections Institute, Rule 1400-1-.05(1).

The Rules of the Tennessee Corrections Institute, Rule 1400-1-.06(3). requires that facilities have a personnel policy manual made available to each employee, and which provides information on the following subjects:

- (a) Description of organizational structure;
- (b) Position descriptions;
- (c) Personnel rules and regulations;
- (d) Recruitment procedures;
- (e) Equal employment opportunity provisions;
- (f) Work hours;
- (g) Personnel records;
- (h) Employee evaluation;
- (i) In-Service training;
- (j) Hostage policy; and,
- (k) Use of force.

The facility administrator or designee shall visit the facility's living and activity areas at least weekly. Rules of the Tennessee Corrections Institute, Rule 1400-1-.07(16).

Facilities shall have sufficient staff, including designated supervisor, to provide, at all times, the performance of functions relating to the security, custody, and supervision of inmates as needed to operate the facility in conformance with the Standards of the Tennessee Corrections Institute. Rules of the Tennessee Corrections Institute, Rule 1400-1-.07(20).

Jail Record Keeping

Tennessee Code Annotated § 10-7-504(m)(1) states information and records that are directly related to the security of any government building shall be maintained as confidential and shall not be open to public inspection. For purposes of this subsection (m), "government building" means any building that is owned, leased, or controlled, in whole or in part, by the state of Tennessee or any county, municipality, city or other political subdivision of the state of Tennessee. Such information and records shall include, but are not limited to:

- (A) Information and records about alarm and security systems used at the government building, including codes, passwords, wiring diagrams, plans and security procedures and protocols related to the security systems;
- (B) Security plans, including security-related contingency planning and emergency response plans;
- (C) Assessments of security vulnerabilities;
- (D) Information and records that would identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, the services provided by a governmental entity; and
- (E) Surveillance recordings, whether recorded to audio or visual format, or both, except segments of the recordings may be made public when they include an act or incident involving public safety or security or possible criminal activity. In addition, if the recordings are relevant to a civil action or criminal prosecution, then the recordings may be released in compliance with a subpoena or an order of a court of record in accordance with the Tennessee rules of civil or criminal procedure. The court or administrative judge having jurisdiction over the proceedings shall issue appropriate protective orders, when necessary, to ensure that the information is disclosed only to appropriate persons. Release of any segment or segments of the recordings shall not be construed as waiving the confidentiality of the remaining segments of the audio or visual tape.

Information made confidential by this subsection (m) shall be redacted wherever possible and nothing in this subsection (m) shall be used to limit or deny access to otherwise public information because a file or document contains confidential information.

Facilities shall maintain current and accurate custody records on all inmates committed to or assigned to the facility, which shall include but are not limited to the following:

- (a) Intake/booking information;
- (b) Court generated background information;
- (c) Cash and property receipts;
- (d) Reports of disciplinary actions, grievances, incidents, or crime(s) committed while in custody;
- (e) Disposition of court hearings;
- (f) Records of program participation;
- (g) Work assignments; and,
- (h) Classification records.

Inmates shall have reasonable access to information in their records. Access is only limited due to safety or security concerns for the inmate, other inmates, or the facility. Further, inmate records shall be safeguarded from unauthorized and improper disclosure. Rules of the Tennessee Corrections Institute, Rule 1400-1-.14(6), (7), and (8).

The Rules of the Tennessee Corrections Institute, Rule 1400-1-.14(9) requires as part of the inmate accounting system, facilities shall maintain on a daily basis the following information:

- Admissions
 - Adult – Juvenile
 - Male – Female
 - Race
 - Charge
- Releases
 - Adult – Juvenile
 - Male – Female
 - Race
 - Charge
- Inmate Population
 - Sentenced – Non-sentenced
 - Adult – Juvenile
 - Male – Female
 - Felons – Misdemeanants
 - Race

Facilities shall keep records on each inmate specifying:

- (a) Date of confinement;
- (b) Length of sentence;
- (c) Reduction of sentences provided by statutes; and,
- (d) Release date. Rules of the Tennessee Corrections Institute, Rule 1400-1-.14(10).

The Rules of the Tennessee Corrections Institute, Rule 1400-1-.14(11), (12) and (13) require that facilities shall maintain written policy and procedures for releasing inmates from the facility which include but are not limited to, the following:

- (a) Identification of outstanding warrants, wants, or detainers;
- (b) If released into the custody of another officer, appropriate credentials must be reviewed;
- (c) Positive identification of the inmate by the releasing officer;
- (d) Verification of release papers;
- (e) Completion of release arrangements, including notification of the parole authorities in the jurisdiction of release, if required;
- (f) Return of personal property including cash. All items shall be inventoried on a receipt and witnessed by the releasing officer. This receipt shall be kept in the permanent records of the facility;
- (g) Provision of a listing of available community resources; and,
- (h) Provision of medication as directed by the health authority.

Further, all inmates released from the facility shall sign a receipt for property, valuables and cash returned at the time of release. All items shall be carefully inventoried on the receipt and witnessed by the releasing officer. The receipt shall be kept I the permanent records of the facility.

Changing Sex Designation on Certain Government Records

Under Tenn. Code Ann. § 68-3-203(d), “[t]he sex of an individual shall not be changed on the original certificate of birth as a result of sex change surgery.” This Office has previously opined that a court could conclude, on the basis of § 68-3-203(d), that “a person’s sex under Tennessee law is determined at birth” and that “sex reassignment surgery would not alter the sex of a person for purposes of marriage.” Tenn. Att’y Gen. Op. 88-43 (Feb. 29, 1988). See also Tenn. Code Ann. § 4-21-102(20) (added by 2011 Tenn. Pub. Acts, ch. 278, § 2) (for purposes of Tennessee Human Rights Act, “sex” means and refers only to the designation of an individual person as male or female as indicated on the individual’s birth certificate”).

Changing the designation of a person’s sex on existing police booking sheets, warrants, and other court records would require the alteration of such records. A court would likely conclude, based on § 68-3-203(d), that where the designation of a person’s sex has been made on police booking sheets, warrants, and other court records in accordance with the person’s birth certificate, the police booking sheets, warrants, and other court records may not be altered as a result of sex-change surgery. See Op. Tenn. Att’y. Gen. No. 14-70, July 16, 2014.

Duty to Build and Maintain Jail

Reference Number: CTAS-1334

It is the duty of the county legislative body to erect a jail and to keep it in order and repair at the expense of the county, and it may levy a special tax for this purpose. T.C.A. §§ 5-7-104 and 5-7-106. *Ellis v. State*, 20 S.W. 500 (Tenn. 1892); *Henry v. Grainger County*, 290 S.W. 2 (Tenn. 1926); *Storie v. Norman*, 130 S.W.2d 101 (Tenn. 1939) (It is the duty of the county court to erect a jail and keep it in repair at the expense of the county, and it may levy a special tax for that purpose.); *Brock v. Warren County*, 713 F.Supp. 238, 243 (E.D. Tenn. 1989) (holding county liable for commissioners' failure to provide sufficient funds for a habitable jail or training of guards). A facility preventative maintenance program shall be in place. All equipment shall be in working order. Safety and security equipment shall be repaired or replaced without undue delay. The use of padlocks and/or chains to secure inmate cells or housing area doors is prohibited. Rules of the Tennessee Corrections Institute, Rule 1400-1-.05(9) and (10).

In construing the provisions of similar Alabama statutes (compare T.C.A. §§ 5-7-104, 5-7-106, and 5-7-110 with Ala. Code §§ 11-14-10 and 11-14-13), the Alabama courts have made it clear that the duty of the county to erect and maintain a county jail pertains exclusively to the physical plant of the jail. The duty to "maintain a jail" under § 11-14-10 is merely the duty to keep the "jail and all equipment therein in a state of repair and to preserve it from failure or decline." *Turquitt v. Jefferson County*, 137 F.3d 1285, 1290 (11th Cir. 1998) citing *Keeton v. Fayette County*, 558 So.2d 884, 886 (Ala. 1989). Accordingly, "the County will have violated Plaintiffs' Eighth Amendment rights if its failure to maintain the Jail constituted deliberate indifference to a substantial risk of serious harm to the prisoners." *Marsh v. Butler County*, 268 F.3d 1014, 1027 (11th Cir. 2001).

Where a municipal body is vested with this sort of fiscal obligation to a jail, its liability for insufficient funding or maintenance will depend on its knowledge of conditions at the jail. *O'Quinn v. Manuel*, 773 F.2d 605, 609 (5th Cir. 1985) (Clearly the [municipality] had a duty to fund and maintain the Jail.). In *Strandell v. Jackson County*, 634 F.Supp. 824, 830 (S.D. Ill. 1986), the court found that the allegations in the complaint, that Jackson County provided inadequate funding for its jail facility and had failed to maintain the jail facility in conformity with state law and constitutional standards, were sufficient to satisfy the "custom" requirement, and that plaintiffs had therefore stated a cause of action against the county. And in *Littlefield v. Deland*, 641 F.2d 729, 732 (10th Cir.1981), the court upheld a finding of county liability for grossly inadequate facilities for mentally ill detainees where the "nature and extent of jail facilities" were under the county commissioners' control. Even though the facilities' inadequacy had been repeatedly brought to the county commissioners' attention, the county had "pursued a policy of indifference" that justified holding the county liable for damages under 42 U.S.C. § 1983 based upon the failure of its commissioners to adequately fund the county jail.

In a more recent case, *May v. County of Trumbull*, 127 F.3d 1102 (Table) (6th Cir. 1997), the plaintiff argued "that inadequate funding of the jail and the resulting understaffing of the facility rose to the level of deliberate indifference sufficient to support § 1983 liability for Trumbull County." The Sixth Circuit held that the county's policy decisions and allocation of resources could not form the basis for municipal liability under § 1983 because the evidence presented did not show that the county "made its funding and staffing decisions with a known risk of the potential for detainees' suicides and a conscious disregard of that risk." *Id.* at *3, citing *Roberts v. City of Troy*, 773 F.2d 720, 725 (6th Cir. 1985) (holding that funding and staffing decisions, even where they did not comply with regulations, could not form the basis for a charge of deliberate indifference because intent and cause had not been demonstrated). See also *Gaston v. Ploeger*, --- F.Supp.2d ----, 2005 WL 3079099, *11 (D. Kan. 2005) (entering summary judgment in favor

of county commissioners in their official capacity on plaintiff's § 1983 claims based upon inadequate funding).

Nevertheless, if the county chooses to run a jail it must do so without depriving inmates of the rights guaranteed to them by the federal Constitution. "It is well established that inadequate funding will not excuse the perpetuation of unconstitutional conditions of confinement nor will an allegedly contrary duty at state law." *Smith v. Sullivan*, 611 F.2d 1039, 1043-1044 (5th Cir. 1980) (citations omitted). See also *Newman v. State of Alabama*, 559 F.2d 283, 286, 291 (5th Cir. 1977) (It should not need repeating that compliance with constitutional standards may not be frustrated by legislative inaction or failure to provide the necessary funds.); *Williams v. Edwards*, 547 F.2d 1206, 1213 (5th Cir. 1977) (Thus lack of funds does not justify operating a prison in an unconstitutional manner.); *Laube v. Haley*, 234 F.Supp.2d 1227, 1252 (M.D. Ala. 2002) (Courts have repeatedly made clear that cost is not a defense to constitutional violations.); *Nicholson v. Choctaw County*, 498 F.Supp. 295, 311 (S.D. Ala. 1980) (The decision to withhold resources from the jail cannot be an adequate justification for depriving inmates of their constitutional rights and of their rights under state law.).

Litigation Tax for Jail and Workhouse Construction

Reference Number: CTAS-2135

See County Litigation Taxes

Location of Jail

Reference Number: CTAS-1335

The jail, unlike most other county buildings, may be erected outside the limits of the county town but it must be within the boundaries of the county. However, if two or more counties enter into an interlocal agreement providing for a jail to serve the counties that are parties to the agreement, then a county that is a party to the agreement is not required to have a jail located within the boundaries of the county, but any jail serving more than one county must be located within the boundaries of one of the counties that is a party to the agreement. T.C.A. § 5-7-105. See Op. Tenn. Atty. Gen. No. 03-060 (May 6, 2003).

Jail Specifications

Reference Number: CTAS-1336

The county jail must be of sufficient size and strength to contain and keep securely the inmates confined therein and must contain at least two apartments, one for males and one for females. The jail must be properly heated and ventilated, and have sufficient sewerage to ensure the health and comfort of the inmates. T.C.A. § 5-7-110. See also Rules of the Tennessee Corrections Institute, Rule 1400-1-.04.

Article I, Section 32, of the Tennessee Constitution provides that the erection of safe and comfortable prisons, the inspection of prisons, and the humane treatment of prisoners, shall be provided for. This provision has never been construed in any reported case. However, it has been held that Article I, Section 32, of the Tennessee Constitution does not afford any greater protection than is now available for prisoners under the aegis of the Eighth Amendment of the United States Constitution. *Grubbs v. Bradley*, 552 F.Supp. 1052, 1125 (M.D. Tenn. 1982).

The Eighth Amendment clearly requires states to furnish its inmates with "reasonably adequate food, clothing, shelter, sanitation, medical care, and personal safety." *Newman v. Alabama*, 559 F.2d 283, 291 (5th Cir. 1977). Those areas are generally considered as the "core" areas entitled to Eighth Amendment protections. They are the basic necessities of civilized life, and are, during lawful incarceration for conviction of a crime, wholly controlled by prison officials. Inmates must necessarily rely upon prison

officials and staff to ensure that those basic necessities are met.

A corollary to the state's obligation to provide inmates with constitutionally adequate shelter is the requirement of minimally adequate living space that includes "reasonably adequate ventilation, sanitation, bedding, hygienic materials, and utilities (i.e., hot and cold water, light, heat, plumbing)." *Ramos v. Lamm*, 639 F.2d 559, 568 (10th Cir. 1980), *cert. denied*, 450 U.S. 1041, 101 S.Ct. 1759, 68 L.Ed.2d 239 (1981). Other courts have held that adequate shelter must include adequate provisions for fire safety. *Leeds v. Watson*, 630 F.2d 674, 675-76 (9th Cir.1980); *Ruiz v. Estelle*, 503 F.Supp. 1265, 1383 (S.D. Tex. 1980), *aff'd in part, rev'd in part and remanded*, 679 F.2d 1115 (1982); *Gates v. Collier*, 349 F.Supp. 881, 888 (N.D. Miss. 1972), *aff'd*, 501 F.2d 1291 (5th Cir. 1974).

On the other hand, constitutionally adequate housing is not denied simply by uncomfortable temperatures inside cells, unless it is shown that the situation endangers inmates' health. *Smith v. Sullivan*, 553 F.2d 373, 381 (5th Cir. 1977). Similarly, high levels of noise are not, without more, violations of the Eighth Amendment. *Hutchings v. Corum*, 501 F.Supp. 1276, 1293 (W.D. Mo. 1980). As noted by the Supreme Court in *Rhodes*, the Constitution simply does not require complete comfort and does not prohibit double celling *per se*. 452 U.S. at 349, 101 S.Ct. at 2400, 69 L.Ed.2d at 70.

The Eighth Amendment, as noted, does require the maintenance of reasonably sanitary conditions in prisons, especially in the housing and food preparation and service areas. *Ramos, supra*, 639 F.2d at 569-72. In general, conditions must be sanitary enough so that inmates are not exposed to an unreasonable risk of disease. *Id.*; *Lightfoot v. Walker*, 486 F.Supp. 504, 524 (E.D. Wis. 1980). Inmates must be furnished with materials to keep their cells clean, *Ramos*, 639 F.2d at 570, and for the maintenance of personal hygiene. *Sweet v. South Carolina Department of Corrections*, 529 F.2d 854, 860 n. 11 (4th Cir. 1975).

Id. at 1122 - 1123.

Cell Square Footage Requirements

T.C.A. 41-4-140(f) provides that local correctional facilities shall meet the square footage requirements for single occupancy or multi-occupancy cells contained in the minimum standards required by the Tennessee Corrections Institute that were in effect at the time of the construction of the facility, or it may elect to conform to a more recent minimum standards required by the American Correctional Association in order to accommodate a larger inmate population. Also provides that a local correctional facility constructed before the effective date of any minimum standards required by the Tennessee Corrections Institute shall be exempt from the square footage requirements described in this subsection (f), unless the exemption poses a serious life, safety, or security hazard as determined by the Board of Control of the Tennessee Corrections Institute. Enacted as Public Chapter 535 (March 12, 2014). Each facility relying on regular access to additional living space to comply with minimum cell size requirements under Rules of the Tennessee Corrections Institute, Rule 1400-1-.04 shall maintain a written policy regarding the number of hours of access to additional living space outside an inmate's cell that inmates will be allowed. This policy should take into consideration any relevant factors regarding inmates, including but not limited to inmate classifications. Records shall be maintained on the number of hours per day inmates have access to additional living areas in such facilities. Rules of the Tennessee Corrections Institute, Rule 1400-1-.05(11).

Replacement of Jail

Reference Number: CTAS-1337

Whenever, in the opinion of a majority of the members of the county legislative body, two-thirds of them being present, the site of a jail is unhealthy, insecure or inconvenient in its location to the county, the town, or inhabitants of the town in which it is situated, or the interest and convenience of the town would be promoted by the removal of any of the same, the members may order a sale of the site and of the whole or part of the materials used in its construction; and they may also order that a more eligible, convenient, healthy or secure site be purchased and cause to be erected thereon a new jail better suited to the convenience of the town, and to secure the safe custody, health and comfort of inmates. T.C.A. § 5-7-111. *Henry v. Grainger County*, 290 S.W. 2 (Tenn. 1926) (By statute provision is made for the sale of a courthouse or jail under certain circumstances and the purchase of another site and the erection of a new building.); *Jackson v. Gardner*, 639 F.Supp. 1005 (E.D. Tenn. 1986) (holding that the county must reduce the jail population and build a new workhouse).

Appointment of Jailer

Reference Number: CTAS-1338

Under the common law the sheriff had the right to appoint a jailer. *Felts v. City of Memphis*, 39 Tenn. 650 (1859). The right of the sheriff to appoint a jailer has been codified in T.C.A. § 41-4-101, wherein it states that the sheriff is authorized to appoint a jailer for whose acts the sheriff is civilly responsible.

Under Tennessee law, "[t]he sheriff of the county ... may appoint a jailer, for whose acts the sheriff is civilly responsible." Tenn.Code Ann. § 41-4-101 (1997). Jailers are charged with the following responsibilities: to receive and safely keep convicts on their way to the state or federal penitentiary, to file and keep safe under the sheriff's direction the mittimus or process by which a prisoner is committed or discharged from jail, to determine within their discretion what type of precautions to take for guarding against escape and to prevent the importation of drugs, to provide support, to furnish adequate food and bedding, to enforce cleanliness in the jails, to convey letters from prisoners to their counsel and others, and to admit persons having business with the prisoner.

Sowards v. Loudon County, 203 F.3d 426, 436 (6th Cir. 2000). See also *United States v. Hill*, 60 F. 1005, 1009 (6th Cir. 1894) (... the Tennessee statute makes the sheriff civilly responsible for the acts of the jailer whom he appoints.). See also *Davis v. Hardin County*, 2002 WL 1397276, *3 - *4 (W.D. Tenn. 2002), for a discussion of the differences between deputies and jailers for the purposes of the Tennessee Governmental Tort Liability Act.

See Jailer Qualifications

Jailer Qualifications and Training Requirements

Reference Number: CTAS-1241

It is the duty of the sheriff to take charge and custody of the jail and of the prisoners therein. The sheriff is charged with keeping the prisoners personally or by deputies or jailer until they are lawfully discharged. T.C.A. § 8-8-201(a)(3). Pursuant to T.C.A. § 41-4-101 the sheriff has the authority to appoint a jailer for whose acts the sheriff is civilly responsible. See *Davis v. Hardin County*, 2002 WL 1397276, *3 - *4 (W.D. Tenn. 2002), for a discussion of the differences between deputies and jailers for the purposes of the Tennessee Governmental Tort Liability Act.

The Tennessee Corrections Institute defines a jailer as "one who is charged by an institution to detain or guard inmates." Rules of the Tennessee Corrections Institute, Rule 1400-1-.03 (40). The attorney general has opined that a jailer is one whose primary duty is to confine and control persons held in lawful custody. Op. Tenn. Atty. Gen. 85-222 (July 29, 1985).

Minimum Qualifications

(a) After July 1, 2006, any person employed as a jail administrator, jailer, corrections officer, or guard in a county jail or workhouse shall:

1. Be at least eighteen (18) years of age;
2. Be a citizen of the United States;
3. Be a high school graduate or possess its equivalency, which shall include a general educational development (GED) certificate;
4. Not have been convicted of, or pleaded guilty to, or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or municipal ordinances relating to force, violence, theft, dishonesty, gambling, liquor, controlled substances or controlled substance analogues;
5. Not have been released or discharged under any other than honorable discharge from any of the armed forces of the United States;
6. Have the person's fingerprints on file with the Tennessee bureau of investigation;
7. Have passed a physical examination by a licensed physician;
8. Have a good moral character as determined by a thorough investigation conducted by the sheriff's office; and
9. Have been certified by a Tennessee licensed health care provider qualified in the psychiatric or psychological field as being free from any impairment, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association at the time of the examination, that would, in the professional

judgment of the examiner, affect the person's ability to perform an essential function of the job, with or without a reasonable accommodation.

(b)

1. Requirements for minimum qualifications as set forth in subsection (a) shall be mandatory and binding upon any municipality, county or political subdivision of this state.
2. Any person who appoints any applicant, who, to the knowledge of the appointer, fails to meet the minimum qualifications as set forth in subsection (a), and any person who signs the warrant or check for the payment of the salary of any person who, to the knowledge of the signer, fails to meet the minimum qualifications as set forth in this section, commits a Class A misdemeanor and upon conviction shall be subject to a fine not exceeding one thousand dollars (\$1,000).
3. This section shall not apply to any jail administrator, jailer, corrections officer, or guard hired by any municipality, county, or political subdivision of this state prior to July 1, 2006.

(c) Nothing in this chapter shall be construed to preclude an employing agency from establishing qualifications and standards for hiring and training jail or workhouse employees that exceed those set forth in this section.

TCA 41-4-144 [Acts 2006, ch. 859, § 1]

A criminal record check shall be conducted on all new facility employees, service providers with continuous access to restricted areas, contractors, and volunteers prior to their assuming duties to identify if there are criminal convictions that have a specific relationship to job performance. This criminal record check includes comprehensive identifier information to be collected and run against law enforcement indices. If suspect information on matters with potential terrorism connections is returned on the person, this information shall be forwarded to the local Joint Terrorism Task Force or other similar agency. Rules of the Tennessee Corrections Institute, Rule 1400-1-.06(2).

Minimum Qualifications – Waivers

The Board of Control of the Tennessee Corrections Institute is empowered to and shall establish criteria for determining whether to waive the minimum qualifications required to be a jail administrator, workhouse administrator, jailer, corrections officer, or guard in a county jail or workhouse, as provided in T.C.A. § 41-4-144.

The board shall not grant waivers for any person hired as a jail administrator, workhouse administrator, jailer, corrections officer, or guard in any county jail or workhouse who has been dishonorably discharged from the military, has any mental impairment which affects the person's ability to perform any essential function of the job with or without a reasonable accommodation, has a conviction for domestic assault or a felony conviction.

The board's decision to grant waivers is appealable to the chancery court.

T.C.A. § 41-7-106.

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.

Training Requirements

Prior to assuming duties, all detention facility employees, support employees and non-facility support staff shall receive orientation training regarding the functions and mission of the facility under the supervision of a qualified detention officer. This training may be accomplished thorough classroom instruction, supervised on-the-job training, an individual review of policies and procedures, or any combination of the three and shall include:

- (a) Facility policies and procedures;
- (b) Suicide prevention;
- (c) Use-of-force;
- (d) Report writing;
- (e) Inmate rules and regulations;
- (f) Key control;
- (g) Emergency plans and procedures;
- (h) Cultural diversity;
- (i) Communication skills; and,
- (j) Sexual misconduct. Rules of the Tennessee Corrections Institute, Rule 1400-1-.06(4).

A facility training officer (FTO) shall coordinate the staff development and training program. This person

shall have specialized training for that position (assigned as a primary or additional duty). The FTO shall complete the Training for Trainer (3T) course and attend the annual FTO Conference conducted by the Tennessee Corrections Institute. Rules of the Tennessee Corrections Institute, Rule 1400-1-.06(5)..

All support employees who have minimal inmate contact shall receive at least sixteen hours of facility training during their first year of employment. All employees in this category shall receive an additional sixteen hours of facility training each subsequent year of employment. Rules of the Tennessee Corrections Institute, Rule 1400-1-.06(6).

All non-facility support staff who have regular or daily inmate contact, shall receive a minimum of four hours continuing annual training, which may include:

- (a) Security procedures and regulations;
- (b) Supervision of inmates;
- (c) Signs of suicide risk;
- (d) Suicide precautions;
- (e) Use-of-force regulations and tactics;
- (f) Report writing;
- (g) Inmate rules and regulations;
- (h) Key control;
- (i) Rights and responsibilities of inmates;
- (j) Safety procedures;
- (k) All emergency plans and procedures;
- (l) Interpersonal relations;
- (m) Social/cultural lifestyles of the inmate population;
- (n) Cultural diversity;
- (o) CPR/first aid;
- (p) Counseling techniques;
- (q) Sexual harassment/sexual misconduct awareness;
- (r) Purpose, goals, policies, and procedures for the facility and the parent agency;
- (s) Security and contraband regulations;
- (t) Appropriate conduct with inmates;
- (u) Responsibilities and rights of employees;
- (v) Universal precautions;
- (w) Occupational exposure;
- (x) Personal protective equipment;
- (y) Bio-hazardous waste disposal; and,
- (z) Overview of the correctional field. Rules of the Tennessee Corrections Institute, Rule 1400-1-.06(7).

All detention facility employees, including part-time employees, whose primary duties include the industry, custody, or treatment of inmates shall be required during the first year of employment to complete a basic training program consisting of a minimum of forty hours and provided or approved by the Tennessee Corrections Institute. Rules of the Tennessee Corrections Institute, Rule 1400-1-.06(8).

All detention facilities employees, including part-time employees, whose primary duties include the industry, custody, or treatment of inmates shall be required to complete an annual in-service program designed to instruct them in specific skill areas of facility operations. This annual in-service shall consist of forty hours with at least 16 of these hours provided or approved by the Tennessee Corrections Institute. The remaining twenty-four 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(9).

A minimum number of hours of training and any additional courses for basic and in-service training shall be in compliance with the requirements established by the Tennessee Corrections Institute Board of Controls. Rules of the Tennessee Corrections Institute, Rule 1400-1-.06(10).

All facility employees who are authorized to use firearms and less lethal weapons shall receive basic and ongoing in-service training in the use of these weapons. Training shall include decontamination procedures for individuals exposed to chemical agents. All such training shall be recorded with the dates completed and kept in the employee's personnel file. Rules of the Tennessee Corrections Institute, Rule 1400-1-.06(11).

Facilities shall maintain records on the types and hours of training completed by each correctional employee, support employee and non-facility support staff. Rules of the Tennessee Corrections Institute, Rule 1400-1-.06(12).

Bond

There is no general law requirement that deputy sheriffs who work in the jail be bonded. However, in 2013, the Legislature amended T.C.A. § 8-19-101 to require county governments to obtain and maintain blanket surety bond coverage for all county employees not covered by individual bonds referenced elsewhere in statute. The minimum amount of such blanket bonds is one hundred fifty thousand dollars. T.C.A. § 8-19-101(e).

Certain Persons Disqualified as Bondsmen

Reference Number: CTAS-2139

The following persons or classes shall not be bail bondsmen or agents of bail bondsmen or surety companies and shall not directly or indirectly receive any benefits from the execution of any bail bond: jailers, attorneys, police officers, convicted felons, committing magistrates, municipal or magistrate court judges, clerks or deputy clerks, sheriffs, deputy sheriffs and constables, and any person having the power to arrest or having anything to do with the control of federal, state, county or municipal prisoners. T.C.A. 40-11-128. T.C.A. 40-11-313(a) states that it is unlawful for any person while serving as a constitutionally elected peace officer, or as such officer's deputy, or any duly elected or appointed county official to act as a professional bondsman, directly or indirectly.

Jail Policies and Procedures

Reference Number: CTAS-2187

Tennessee's Minimum Standards for Local Correctional Facilities, 1400-1-.05(3) and (4) mandates that each jail shall have written policies and procedures governing the facility's operations. They shall be reviewed at least annually and updated as needed. These policies and procedures shall be approved by the sheriff, chief, or warden and shall be made available to all employees. Further, there shall be written plans developed in advance for dealing with emergencies such as escape, prisoner disturbances, assaults on employees, hostage taking, and emergency evacuation plans. These shall be incorporated into the facility's manual. Each employee shall be familiar with these plans.

TCA 10-7-504(a)(14) states: All riot, escape and emergency transport plans which are incorporated in a policy and procedures manual of county jails and workhouses or prisons operated by the department of correction or under private contract shall be treated as confidential and shall not be open for inspection by members of the public.

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