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Food and Bedding

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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Pursuant to T.C.A. § 41-4-109, the jailer must furnish adequate food and bedding for the inmates. See Rules of the Tennessee Corrections Institute, Rule 1400-1-.10 and .15. See also *Leach v. Shelby County Sheriff*, 891 F.2d 1241, 1247 (6th Cir. 1989) (Tennessee law provides that the sheriff has a duty to provide adequate food and bedding, maintain cleanliness and provide toiletries and showers.); *State v. Trotter*, 218 S.W. 230 (Tenn. 1920) (It is the duty of the sheriff to see that prisoners in a county jail are supplied with wholesome drinking water, but he need not furnish such water at his own expense.); *Grubbs v. Bradley*, 552 F.Supp. 1052, 1122 (M.D. Tenn. 1982) (The Eighth Amendment clearly requires states to furnish its inmates with reasonably adequate food.). Each inmate who is detained overnight shall be provided with the following standard issue:

- One clean fire-retardant mattress in good repair;
- One clean mattress cover;
- If pillows are provided, they shall be fire-retardant and a clean pillowcase shall be provided;
- Sufficient clean blankets to provide comfort under existing temperature conditions; and,
- One clean bath-size towel. Rules of the Tennessee Corrections Institute, Rule 1400-1-.15(6).
- Further, the Rules of the Rules of the Tennessee Corrections Institute, Rule 1400-1-.15(7). requires that facilities maintain an adequate supply of bedding and towels so that the following laundry or cleaning frequencies may be adhered to: (a) Sheets, pillowcase, mattress covers, and towels shall be changed and washed at least once a week; (b) All mattresses shall be disinfected quarterly and documented; and, (c) Blankets shall be laundered monthly and sterilized before re-issue.

The failure to properly prepare and serve nutritionally adequate food to inmates who are unable, due to their confinement, to seek alternative sources of nutrition can constitute a violation of the inmates' Eighth and Fourteenth Amendment rights. *Nicholson v. Choctaw County*, 498 F.Supp. 295, 309 (S.D. Ala. 1980). See also *Trotter v. Engelsjerd*, 2004 WL 2567632, *3 (E.D. Mich. 2004) ("The Supreme Court has held that the Eighth Amendment imposes upon prison officials the duty to 'provide humane conditions of confinement,' and that among the obligations attendant to the discharge of that duty is to 'ensure that inmates receive adequate food, clothing, shelter, and medical care.'") citing *Farmer v. Brennan*, 511 U.S. 825, 832, 114 S.Ct. 1970, 128 L.Ed.2d 811 (1994); *Aldridge v. 4 John Does*, 2005 WL 2428761 (W.D. Ky. 2005).

The Eighth Amendment to the Constitution requires only that states provide an inmate with "nutritionally adequate food." *State v. York*, 701 N.E.2d 463, 469 (Ohio App. 1997) citing *Ramos v. Lamm*, 639 F.2d 559, 570-571 (10th Cir. 1980), cert. denied, 450 U.S. 1041, 101 S.Ct. 1759, 68 L.Ed.2d 239 (1981); *Newman v. Alabama*, 559 F.2d 283, 291 (5th Cir. 1977), rev'd in part on other grounds, *Alabama v. Pugh*, 438 U.S. 781, 98 S.Ct. 3057, 57 L.Ed.2d 1114 (1978) ("If the State furnishes its prisoners with reasonably adequate food, ... that ends its obligations under Amendment Eight."). "A well-balanced meal, containing sufficient nutritional value to preserve health, is all that is required." *Smith v. Sullivan*, 553 F.2d 373, 380 (5th Cir. 1977). "The Eighth Amendment does not require prisons to provide prisoners with more salubrious air, healthier food, or cleaner water than are enjoyed by substantial numbers of free Americans." *Carroll v. DeTella*, 255 F.3d 470, 472 (7th Cir. 2001) (citations omitted).

Food Service Operations

Food service guidelines and a menu pattern approved by a dietician, at least annually, shall be used by each facility in the preparation of meals. Menu evaluations shall be conducted, at least quarterly, by food service supervisory staff to verify adherence to the established basic dietary servings. Working inmates shall receive at least three meals every twenty-four hours with no more than fourteen hours between any two meals. At least two of these meals shall be hot. Non-working inmates shall receive at least two meals every twenty-four hours with no more than fourteen hours between any two meals. Variations may be allowed based on weekend and holiday food service demands, as long as basic nutritional goals are met. All meals shall be prepared (except when catered) and served under the direct supervision of staff. Written policy and procedure shall require that accurate records are maintained on the number of meals served per day, the actual food served, and meal schedule. Rules of the Tennessee Corrections Institute, Rule 1400-1-.10(2), (3), (4), and (6).

Inmates involved in the preparation of the food shall receive an agency-approved pre-assignment medical screening to ensure freedom from illness transmittable by food or utensils. Facilities shall have a policy to

insure those currently assigned to food service preparation duties that are identified by food service staff as having an illness or infection shall be removed from those duties. Rules of the Tennessee Corrections Institute, Rule 1400-1-.10(5).

Facilities shall inspect all food service areas on a weekly basis, including dining and food preparation areas and equipment by administrative, medical, or food service personnel. Rules of the Tennessee Corrections Institute, Rule 1400-1-.10(7).

Written policy shall require that food shall never be used as a reward or disciplinary measure. Rules of the Tennessee Corrections Institute, Rule 1400-1-.10(7).

Modified diets shall be prepared for inmates when requested by medical staff or by a physician's order and all reasonable efforts shall be made to accommodate dietary needs of a religion. Rules of the Tennessee Corrections Institute, Rule 1400-1-.10(9).

Shelf goods shall be maintained between forty-five degrees and eighty degrees Fahrenheit; refrigerated goods between thirty-five degrees and forty degrees Fahrenheit; and frozen foods at zero degrees Fahrenheit or below. Refrigerators shall be clean and contain a thermometer. All food products shall be stored at least six to eight inches off the floor on shelves or in shatter-proof containers with tight fitting lids. Rules of the Tennessee Corrections Institute, Rule 1400-1-.10(10), (12), and (13)

The preparation or storage of open food, other than a reasonable amount of commissary food, shall not be permissible in the immediate housing area. Rules of the Tennessee Corrections Institute, Rule 1400-1-.10(11)

Insecticide, cleaning agents and poisonous substances shall be plainly labeled and stored away from food. Culinary equipment (knives and other sharp instruments) shall be securely stored, inventoried and their use controlled. Stoves shall be equipped with operable hooded exhaust systems and the filters shall be kept clean. Rules of the Tennessee Corrections Institute, Rule 1400-1-.10(14), (15), and (16)

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