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County Jail Inspectors

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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County Jail Inspectors

Reference Number: CTAS-1427

The county legislative body may, at its January term each year, appoint three householders or freeholders, residents of the county, of lawful age, to act as jail inspectors for the ensuing year, or the court may appoint such inspectors at any other time to act for a shorter period. The county mayor is an *ex officio* inspector of the jail in each county. T.C.A. § 41-4-116(a) and (b).

It is the duty of the inspectors appointed to:

1. Visit and examine the county jail at least once each month;
2. Make rules and regulations to preserve the health and decorum of the prisoners;
3. Decide all disputes between the jailer and the prisoners;
4. Provide for the restraint by ironing or segregation of prisoners who offer violence to fellow prisoners or to the jailer or the jailer's assistants, or for attempting to break jail; and
5. Make a report at each meeting of the county legislative body of the state and condition of the prisoners and the jail.

T.C.A. § 41-4-116(c).

The county commission may not appoint commission members as jail inspectors under T.C.A. § 41-4-116. Op. Tenn. Atty. Gen. No. 04-070 (April 21, 2004).

Jail inspectors do not have the authority to audit or otherwise inquire into the use of county drug funds held under T.C.A. §§ 39-17-328 or 39-17-420. Op. Tenn. Atty. Gen. No. 04-070 (April 21, 2004).

In *Connell v. Davidson County Judge*, 39 Tenn. 189 (1858), the Tennessee Supreme Court held that "[t]he power conferred upon Jail Inspectors, to 'make rules and regulations for the preservation of the health and decorum of the prisoners,' is confined to general sanitary and police regulations. It does not authorize them to charge the county with physicians' bills for medical attention to the prisoners."

The attorney general has opined that the appointed jail inspectors must exercise their powers consistently with other applicable provisions of state law. For example, any rules made by these inspectors must be consistent with standards adopted by the Tennessee Corrections Institute under T.C.A. § 41-4-140 to the extent that statute applies to the county jail. Furthermore, the county legislative body may not expand the jail inspectors' duties beyond those in the statute and consistent with other state laws. Op. Tenn. Atty. Gen. No. 99-153 (August 16, 1999).

The attorney general has opined that whenever the jail inspectors convene to make a decision or to deliberate toward a decision, their gathering is a meeting subject to the notice and other requirements of the Open Meetings Act. At the same time, on-site inspections of the jail, whether the inspectors conduct them alone or with one another, would ordinarily not be meetings subject to the Open Meetings Act so long as the inspectors do not, in conjunction with the inspection, deliberate toward a decision. Op. Tenn. Atty. Gen. No. 04-070 (April 21, 2004).

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