

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

**JONATHON SCOTT BROWN,)
LEVI MULLINS, KEVIN HARRISON,)
LUCAS TRACY, TIMOTHY MANN,)
ROY GARDNER, WILLIAM ROWE,)
SHAWN FEINSTEIN, and JOHN DOE,)**

Plaintiffs,

v.

**THE MACON COUNTY SHERIFF'S,)
DEPARTMENT d/b/a MACON,)
COUNTY JAIL, SHERIFF MARK)
GAMMONS, SCOTTY SUTTON, JEFF)
WILSON, TONY PARKER, MACON)
COUNTY, KIM SUMMERS, WILLIAM)
WALL, and JOHN DOE,)**

Defendants.

CASE NO.: 2:21-cv-00009

JURY DEMAND

FIRST AMENDED COMPLAINT

COMES NOW, Plaintiff, Jonathon Scott Brown, et. al by and through their attorney of record and in accordance with Fed. R. Civ. P. 15 files this First Amended Complaint.

INTRODUCTION

Plaintiffs bring this action under 42 U.S.C. § 1983 to uphold the Eighth and Fourteenth Amendments of the United States Constitution. Plaintiffs collectively report the same treatment, the same conditions of the housing of inmates while waiting for proper adjudication of their criminal charges, the handling of reporting said treatment and conditions to jail administration, the handling of ADA related requests, and the overall constitutional violations that subjected each Plaintiff to an unreasonable degree of inhumane treatment that was inflicted upon each of them

while in the custody of Macon County Jail. The complaints illustrated in this First Amended Complaint show a complete and utter disregard for sanitation and the elements that are required to get the proper detention center certification necessary to satisfy state requirements. The uninhabitable or unfit for decent habitation environment these Plaintiffs experienced were despicable, ongoing, and should be addressed and alleviated in a timely manner as there are still individuals that are forced to live in the conditions depicted in this First Amended Complaint. The complete and utter disregard for the rules and regulations set forth in many legal cannons that define not only the preservation of our liberties and freedoms but also dictate in detail minimum requirements the Defendant facility should adhere to in day-to-day operations are simply ignored in the management of operations at the Defendant facility. Some of the Plaintiffs in this case had not yet been to trial. Because of that they are presumed “innocent until proven guilty.” While there are some Plaintiffs in this subject matter lawsuit that had their criminal charges fully adjudicated, and they were doing the time for their sentence. In both scenarios they are human beings and as such deserve to be treated in a humane manner. Preservation of certain liberties are not convoluted and are simply common sense. In the United States, many of our fundamental cannons by which laws, codes, and procedures are based on are on a layman basis. The treatment detailed in this First Amended Complaint shows a complete lack of concern for the human beings the respective detention facility is there to serve. The treatment is more like a war prisoner situation rather than a civilized society’s detention facility. Plaintiffs were indeed treated like animals, housed like swine in a barn, and treated so poorly they have suffered long-term mental capacity damages that only passage of time can dictate the healing of if that is even possible.

PARTIES

1. Plaintiff Jonathon Scott Brown (hereinafter “Plaintiff Brown” or collectively as “Plaintiffs”) is a resident and citizen of the State of Tennessee and at all times relevant hereto remained a citizen and resident. Further, Plaintiff Brown was incarcerated at all times complained of herein, but more specifically in and around January 2020 until late February 2020. Process can be served to Plaintiff Brown by and through his attorney of record. His address is 1097 Woodsferry Road, Lot 19, Gallatin, Tennessee 37066;

2. Plaintiff Levi Mullins (hereinafter “Plaintiff Mullins” or collectively as “Plaintiffs”) is a resident and citizen of the State of Tennessee and at all times relevant hereto remained a citizen and resident. Further, Plaintiff Mullins was incarcerated at all times complained of herein, but more specifically in and around January 2020 until late February 2020. Process can be served to Plaintiff Mullins by and through his attorney of record. His address is 263 Ferguson Road, Lafayette, Tennessee 37183;

3. Plaintiff Kevin Harrison (hereinafter “Plaintiff Harrison” or collectively as “Plaintiffs”) is a resident and citizen of the State of Tennessee and at all times relevant hereto remained a citizen and resident. Further, Plaintiff Harrison was incarcerated at all times complained of herein, but more specifically in and around January 2020 until late February 2020. Process can be served to Plaintiff Harrison by and through his attorney of record. His address is 755 Trent Road, Lafayette, Tennessee 37083;

4. Plaintiff Lucas Tracy (hereinafter “Plaintiff Tracy” or collectively as “Plaintiffs”) is a resident and citizen of the State of Tennessee and at all times relevant hereto remained a citizen and resident. Further, Plaintiff Tracy was incarcerated at all times complained of herein, but more specifically in and around January 2020 until late February 2020. Process can be served to Plaintiff

Tracy by and through his attorney of record. His address is 1164 Sialen Church Road, Westmoreland, Tennessee 37186. Currently Mr. Tracy is still incarcerated at Macon County Jail;

5. Plaintiff Timothy Mann (hereinafter “Plaintiff Mann” or collectively as “Plaintiffs”) is a resident and citizen of the State of Tennessee, and at all times relevant hereto remained a citizen and resident. Further, Plaintiff Mann was incarcerated at all times complained of herein, but more specifically in and around January 2020 until late February 2020. Process can be served to Plaintiff Mann by and through his attorney of record. His address is 1780 Fort Blount Road, Hartsville, Tennessee 37074;

6. Plaintiff Roy Gardner (hereinafter “Plaintiff Gardner” or collectively as “Plaintiffs”) is a resident and citizen of the State of Utah and at all times relevant hereto was incarcerated at the Macon County Jail, but more specifically in and around January 2020 until late February 2020. Process can be served to Plaintiff Gardner by and through his attorney of record. His address is 255 West 2770 North, Apartment 6, North Ogden Utah, 84414;

7. Plaintiff William Rowe (hereinafter “Plaintiff Rowe” or collectively as “Plaintiffs”) is a resident and citizen of the State of Tennessee and at all times relevant hereto remained a citizen and resident. Further, Plaintiff Rowe was incarcerated at all times complained of herein, but more specifically in and around January 2020 until late February 2020. Process can be served to Plaintiff Rowe by and through his attorney of record. His address is 1003 Red Boiling Springs Road, Lafayette, Tennessee 37083;

8. Plaintiff Shawn Feinstein (hereinafter “Plaintiff Feinstein” or collectively as “Plaintiffs”) is a resident and citizen of the State of Tennessee and at all times relevant hereto remained a citizen and resident. Further, Plaintiff Feinstein was incarcerated at all times complained of herein, but more specifically in and around January 2020 until late February 2020. Process can be served to

Plaintiff Feinstein by and through his attorney. His address is 201 Willis Knights Drive, Red Boiling Springs, Tennessee 37150;

9. At the time of all events or incidents complained about in this First Amended Complaint, all Plaintiffs listed herein and above were residents of the State of Tennessee and were or are currently incarcerated at Macon County Jail located at 902 Highway 52 Bypass East, Lafayette, Tennessee 37083;

10. The Macon County Jail (hereinafter “detention facility” or “facility”) is the lock-up facility operated by Macon County, Tennessee and Sheriff Mark Gammons along with his staff. At all times relevant to the events or incidents complained about herein the First Amended Complaint, Defendants were employed or contracted by Macon County, Tennessee at the Macon County Jail;

11. Sheriff Mark Gammons (hereinafter “Defendant Gammons” or collectively “Defendants”) is a resident and citizen of Macon County, Tennessee and proper service of process can be made at the Macon County Jail (address listed in ¶ 9);

12. Jail Administrator, Scotty Sutton (hereinafter “Defendant Sutton” or collectively “Defendants”), is the individual appointed to oversee the operation and supervision of staff and inmates at the Macon County Jail. Mr. Sutton was responsible for implementing the policies and procedures of the jail and ensuring that the inmates were housed in a civilized manner, inmates that required *ADA* accommodations had access to said accommodations, inmates that required medication or medical attention were provided same, and further Mr. Sutton was responsible for overseeing the everyday schedules, issues, inmate complaints, and anything relating to the day-to-day functions of the jail facility. Proper service of process can be made at the Macon County Jail (address listed in ¶ 9);

13. Assistant Jail Administrator, Jeff Wilson (hereinafter “Defendant Wilson” or collectively “Defendants”), is the individual appointed to assist Defendant Sutton with overseeing the day-to-day supervision of staff, contractors, visitors, and inmates at the Macon County Jail. Proper service of process can be made at the Macon County Jail (address listed in ¶ 9);

14. The Tennessee Commissioner of Corrections, Tony Parker (hereinafter “Defendant Parker” or collectively “Defendants”), is the current commissioner whose responsibilities include head of the Tennessee Department of Corrections, which is a “cabinet-level” agency within the Tennessee State Government responsible for oversight of inmates and training of municipality employees of Macon County and other respective counties in the State of Tennessee. Proper service of process can be made to Mr. Parker at the 6th Floor of Rachel Jackson Building located at 320 6th Avenue North, Nashville, Tennessee 37219;

15. Macon County Government is a governmental municipality that houses the Macon County Jail facility. Macon County Government can be served proper process through the Mayor of Macon County’s Office c/o Mayor Steve N. Jones 201 County Courthouse, Lafayette, Tennessee 37083;

16. Kim Summers (hereinafter “Defendant Summers” or collectively as “Defendants”) is a citizen and resident of Macon County, Tennessee, and proper service of process can be obtained at her residence located at 3515 Highland Road, Lafayette, Tennessee 37083. Ms. Summers was a CO at the time of all matters complained about herein but is believed to no longer employed at the detention facility;

17. William Wall (hereinafter “Defendant Wall” or collectively as “Defendants”) is a citizen and resident doing business in Davidson County, Tennessee as the Executive Director of the

Tennessee Corrections Institute. Proper service can be made to Defendant Wall at 279 D Stewarts Ferry Pike, Nashville, Tennessee 37214;

18. John Doe (hereinafter “Defendants”) is utilized for Defendants that may not be named herein in this First Amended Complaint. Further investigation and discovery will name Defendant Doe, which will more than likely be Defendant Correctional Officers, witnesses, visitors, or other staff members such as nurses or medical staff;

19. The Defendants in this cause of action have been specified in accordance with this Honorable Court’s request (see Doc. 8). All named Defendants herein and in this First Amended Complaint were acting in the course and scope of their employment or appointment and under the color of law. Further, all named and unnamed Defendants owed a *duty of care* to provide the inmates with the State specified regulated cells, including but not limited to, sanitary clean running water, plumbing for toilets, the ability to wash hands, because of the development and onslaught of the deadly virus COVID-19 Plaintiffs should have been afforded PPE or *Personal Protective Equipment*, CDC literature on how to sanitize and remain safe while in a detention facility, and the ability to practice daily hygiene;

JURISDICTION

20. In accordance with U.S.C. 42 § 1983, this Honorable Court has jurisdiction over the matters complained about in the original Complaint filed by *pro se* Plaintiff, Jonathon Scott Brown (Doc. 1) and in this First Amended Complaint. Further, this Honorable Court is the correct venue for such matters protected under the Eighth Amendment and the Fourteenth Amendment of the U.S. Constitution. Lastly, this Honorable Court is the correct venue and jurisdiction to hear all *ADA* complaints and matters concerning the same in accordance with (Pub. L. 101-336, 104 Stat. 327, 42 U.S.C. § 12101-12213 and 47 U.S.C. § 225 and 611);

21. This Court has proper venue for this action pursuant to 28 U.S.C. § 1441(a) because of the facts that gave rise to the Plaintiffs' allegations all occurred in the State of Tennessee;

FACTUAL ALLEGATIONS

22. This Honorable Court issued a Memorandum and Order on March 17, 2021 (Doc. 5), wherein it provided to the Plaintiff who had filed his Complaint *pro se* and to correct fundamental procedural errors. Plaintiff retained counsel (Doc. 8). Plaintiff has now included more inmate Plaintiffs as listed herein and above that were housed in and around the same time period as Plaintiff Brown, corroborated his statements and accounts of treatment, and further provided additional information as to the treatment and violations of civil rights the Plaintiffs endured through the course and scope of their imprisonment at the facility;

23. This is a claim brought pursuant to 42 U.S.C. § 1983 for violations of constitutional rights under the Eighth and Fourteenth Amendments to the United States Constitution;

24. Further, this is a claim that is brought pursuant to 18 U.S.C. § 242, whereby the Defendants deliberately and willfully deprived Plaintiffs with fundamental rights secured and protected by The Constitution of the United States while acting in the course and scope of their employment through the Macon County Jail detention facility and Macon County Jail is vicariously liable for the acts and omissions of their employees;

25. All known Defendants have been named in accordance with Fed. R. Civ. P. 15(1)(d). Any Defendant not known has been named "John Doe" and shall be amended to reflect his or her name in accordance with proper legal process;

26. Defendant Gammons was informed countless times by the Plaintiffs of the conditions that existed in the jail that he was responsible for overseeing and deliberately denied any sort of adjudication to Plaintiffs by repeatedly ignoring the pleas from Plaintiffs;

27. Defendant Gammons who was visible day-to-day by the inmates has been named in this Amended Complaint (see ¶ 3). He was first elected Sheriff of Macon County in 2006, and has remained an elected official acting under the color of law since that time;

28. The Macon County Jail employs men and women that have displayed proper civic worthiness in accordance with internal policies and procedures. The First Amended Complaint has identified personnel that were employed from January 2020 until February 2020, which is the time period *most* of the named Plaintiffs were housed. Defendant CO(s) were all employees or subcontractors of the Macon County Jail at the time of all incidents complained of herein;

29. These employees had knowledge either through direct contact with the inmates or by reviewing cameras in the “watchtower” where all rooms have at least one or two cameras for the purpose of watching the inmates while in their cells;

30. This Court has original federal question jurisdiction over this action under 28 U.S.C. §§ 1331 as Plaintiffs allege multiple counts arising under 42 U.S.C. § 1983. The specific counts arising under 42 U.S.C. § 1983 are counts I, II, III, IV.

31. Each Defendant named herein and above are sued in their appointed or employed capacity as specifically stated in each count below.

**COUNT I – 42 U.S.C.s. 1983 – DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL
NEEDS AGAINST THE CORRECTIONAL OFFICERS OF THE JAIL**

32. All prior paragraphs are incorporated herein by reference;

33. Plaintiff Brown requested access to the *ADA* coordinator and was denied access on the premise that no such person existed. In accordance with 42 U.S.C. § 12132 and also 28 C.F.R. §§ 35.130(a) 35.152(b)(1), No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity;

34. Plaintiff Brown had a record of mental impairments and due to the environment he was subjected to started experiencing anxiety and panic attacks. These attacks affected his breathing and at times his vision. The environment and unnecessary inhumane treatment was the direct and proximate cause of his sudden onset attacks;

35. Upon information and belief, other Plaintiffs named herein were similarly situated in that they had mental impairments and exposure to the extreme and stressful conditions of the environment exacerbated their conditions and brought on aggravated symptoms. Further investigation and discovery is necessary to provide proof thereof;

36. Plaintiff Brown requested to see the *ADA* coordinator to request a reasonable modification from the environment in which he was being subjected to and to report what he and the other Plaintiffs living conditions were. While it was unreasonable that the environment was in existence, he sought the *ADA* coordinator to help him as the attacks he was experiencing were causing him extreme distress and symptoms difficult to manage without medical assistance. The environment was the direct and proximate cause of his symptomology;

37. In accordance with Center for Disease Control (hereinafter “CDC”) guidelines provided in and around January 2020, detention facilities were requested and encouraged through informative directives to educate the inmate population and provide PPE (personal protective equipment). Lack of education caused the spread of the virus very rapidly nationwide. The unsanitary conditions in the Macon County Jail caused a rise in the cases reported;

38. Plaintiffs assert no such guidelines were provided and no PPE was issued to any inmates. Denial of PPE equipment put the inmates at a higher risk of contracting the deadly virus;

39. Further, Plaintiffs were only allowed to wash their hands once every few days depending on the Correctional Officer that allowed them to use the bathroom. This unsanitary practice is counterproductive in management of germs and viruses;

40. Defendant Summers provided Plaintiffs with a milk jug in which to urinate in;

41. Plaintiffs were forced to defecate in trash bags as they had no other means of recourse;

42. Plaintiffs lacked basic needs that included clean sanitized water for hand washing or drinking, plumbing for toilets to dispose of human waste, and lastly, COVID-19 PPE (personal protective equipment) as set forth through the directives provided by the (hereinafter “CDC”);

43. During a time of a pandemic wherein cleanliness is the main fighting mechanism humans had to fight off the virus, Defendants refused to house the Plaintiffs where a sink was made available to wash their hands, brush their teeth, and overall remain as clean as possible and Plaintiffs were consistently denied clean water;

44. CDC made informative directives for detention facilities available in January 2020;

45. CDC’s mandates and directives were completely **ignored** by Defendants as Plaintiffs reported never being briefed, educated, or even provided with copies for their own viewing in addition to absolutely no PPE;

46. CDC’s directive of issuance regarding usage of PPE were **ignored** and that in and of itself was very counterproductive in the management of the spread of this killer virus. The lack of response and lack of care put forth by management was the direct and proximate cause of an influx within the detention facility as cases were reported;

47. The violation of the collective Plaintiffs constitutional rights caused their pain, suffering, and caused the injuries and damages to the collective Plaintiffs.

48. The violation of the collective Plaintiffs constitutional rights entitle collective Plaintiffs to an award of punitive damages.

**COUNT II – 42 U.S.C.S. 1983 – DELIBERATE INDIFFERENCE TO REQUIRED
ASPECT OF INMATE DWELLING**

49. All prior paragraphs are incorporated herein by reference;

50. Plaintiffs are now or once were incarcerated at the Macon County Jail facility;

51. Plaintiffs were forced to urinate in a milk jug that was provided to Plaintiffs by Defendant Doe and Defendant Summers;

52. Plaintiffs, having no access to the proper human waste receptacle and with no access to any sort of plumbing in which to rid their waste in (defecate), did so in trash bags, which were the only container they could utilize. The mental trauma associated with some of the post-traumatic stress disorder like symptoms was a direct and proximate cause from the humiliation suffered while being forced to use the bathroom in such conditions;

53. Plaintiffs had no hand washing abilities and had to ask to wash their hands sometimes being denied access for upwards of two to three (2-3) days at a time and resorted to beating on the door or covering the camera that monitored the Plaintiffs to get the attention of the guards that were watching in the tower;

54. Plaintiffs had no bed that lifted them off the floor;

55. Plaintiffs were given a pillow and a wool blanket along with a thin mat in which to sleep on the floor with;

56. Plaintiffs were housed with ten to fifteen (10-15) other men at any given time in the MPR room;

57. There was a room called the “ISO” room or isolation room that inmates were housed in similar to the “MPR” room;

58. The ISO room had no running water;

59. The ISO room had no human waste toilet;

60. Plaintiffs would defecate in a drain located in the middle of the room;

61. Plaintiffs would eat in this room while their waste was in the middle of the floor as none would clean the area after Plaintiffs were forced to defecate in the drain;

62. Defendants treated Plaintiffs in a cruel and inhumane way by expecting Plaintiffs to urinate in milk jugs and by forcing defecation in trash bags. The mental distress many Plaintiffs reported are a direct and proximate cause of the detailed treatment herein.

63. The violation of the collective Plaintiffs constitutional rights caused their pain, suffering, and caused the injuries and damages to the collective Plaintiffs.

64. The violation of the collective Plaintiffs constitutional rights entitle collective Plaintiffs to an award of punitive damages.

COUNT III – 42 U.S.C.s. 1983 – UNCONSTITUTIONAL CONDITIONS OF CONFINEMENT

65. All prior paragraphs are incorporated herein by reference;

66. Defendants treated Plaintiffs in a cruel and inhumane way, violated their Eight Amendment rights to be adjudicated in the legal system without cruel and inhumane treatment by forcing Plaintiffs to rid themselves of their human waste in receptacles other than those designed to provide waste removal with plumbing, refusal to wash hands, refusal to have access to clean sanitary water for daily hygiene activities such as teeth brushing, and refusal to provide inmates a bed that was off the floor. These tools for inhumane treatment and for comedy to the employee CO9s) is a direct and proximate cause for the humiliation, degradation, and overall hopelessness that the inmates reported to have during their time spent at the Macon County Jail facility;

67. Plaintiffs' **severely** lacked access to clean water and plumbing on a daily basis and the access denial was intentional as many Plaintiffs asked numerous times on a daily basis;

68. Plaintiffs' **severely** lacked access to toilet facilities to rid themselves of their waste on a daily basis. The denial for plumbing and toilet receptacles was intentional as Plaintiffs requested usage of same many times on a daily basis;

69. Often Plaintiffs were punished for requesting access to plumbing because they covered the cameras to gain the attention of Correctional Officers. Until they would cover the cameras, they were **denied** fundamental plumbing access or simply **ignored** all together;

70. The Macon County Jail is certified as a detention facility once per calendar year through Tennessee Correctional Institute (hereinafter referred to as "TCI");

71. All Macon County Jail CO(s) are supposed to be certified through TCI once per calendar year;

72. The conditions described above, had they been observed by TCI, did not conform with the "Sanitation/Maintenance" section as well as "medical Services," "Hygiene," and "Basic Information" as appearing in **Exhibit 1**;

73. Not only do the physical facilities have minimum standards as set forth by the TCI for operational purposes, but in order to receive the yearly certification from TCI, which aides in substantiating funding for the Jail, the Jail must exhibit specific and required square footage for inmate dwelling as well as a urinal and sinks in each and every cell. The minimum standards as set forth in accordance with T.C.A. § 41-4-140(a), specifically, the Tennessee Corrections Institute has the power and duty to:

(1) Establish minimum standards for local jails, lock-ups, and workhouses, including, but not limited to, standards for physical facilities and standards for correctional programs of treatment, education and rehabilitation of inmates, and standards for the safekeeping, health and welfare of inmates....

(3) Inspect all local jails, lock-ups, workhouses and detention facilities at least once a year and publish the results of such inspections. Inspections must be based on the established standards mentioned above; and

(4) Have full authority to establish and enforce procedures to ensure compliance with the standards as set out above so as to ensure the welfare of all persons committed to such institutions. Failure on the part of the county to maintain the standards established under T.C.A. § 41-4-140 must be reported by the Board of Control of the institute to the commissioner of correction, sheriff, judge or mayor, as appropriate, in the county in which the jail or penal institution is located. This report must specify the deficiencies and departures from the standards and order their correction.

...”The TCI’s establishment of minimum jail standards does not fit within any of the exceptions of T.C.A. § 4-5-102(12). Establishing jail standards does “impact private rights, privileges or procedures available to the public.” T.C.A. 4-5-102(12)(a) and is more than a mere statement concerning inmates of a correctional or detention facility. See e.g. *Abdur’ Rahman v. Bredesen*, 181 S.W. 3d 292, 311-12 (Tenn. 2005).

Macon County Government and any officer that was tasked with inspection or monitoring of the facility failed to inspect the detention facility and all areas that housed inmates and no report of the conditions has ever been made and has been ongoing, as some Plaintiffs can attest, for years. The conditions are reprehensible and the humans that must dwell within those conditions are blatantly not considered in any manner and not treated with any dignity or respect. Because Plaintiffs awaiting criminal adjudication are presumed “innocent until proven guilty” there is no excuse to house the innocent in such reprehensible conditions.

All named Plaintiffs, in the course and scope of their incarceration were subjected to or experienced the same conditions. The aftermath of said exposure to such cruel and unusual treatment shall determine in some respects their ability to maintain a successful rehabilitation into a law abiding society, if such rehabilitation was ever reached. Failure to follow simple guidelines of basic dignity in the treatment of individuals can literally make or break a person’s mind. Long term exposure to many of the conditions described herein can have adverse effects on not only

mental health, but colon health, intestinal issues, gallbladder issues, and wide variety of bacterial infections. As previously stated, TCI provides the training and certification required for operation of detention facilities. Through adoption of “minimum standards for local adult correctional facilities.” Some of these standards as indicated in the TCI training materials are as follows (attached hereto as **Exhibit 1**);

74. The manual further sets out their statutory authority under T.C.A. § 41-4-140 to “establish minimum standards for the inspection of local jails, lock-ups, workhouses and detention facilities.” (**Exhibit 1**). Classification of the various jails, lock-ups, etc., throughout this respective State are further defined in that “primarily adult jails or workhouses which house inmates for over seventy-two (72) hours are considered Type I..., which can be adjudicated to include the Macon County Detention Facility. The TCI manual goes on to state:

“All types of facilities shall comply with applicable standards, state law and adopted rules, and the Tennessee Corrections Institute has the authority to inspect all facilities annually to verify compliance and report results of inspections to the Board of Control.”

Existing facilities face inspection or they shall not receive certification and in essence that would dictate funding or lessor funding. Concerning certification, the manual states:

“Facilities that meet all applicable standards as determined by an annual inspection by Tennessee Corrections Institute shall be recommended for certification by the inspecting party – to the Tennessee Corrections Institute – Board of Control during the first board meeting following the completion of the inspection.”

In the same manual, correctional institutes are taught under “Basic Information” that under the statutory authority:

The standards contained in this document are authorized pursuant to T.C.A. § 41-4-140 to establish minimum standards for the inspection of local jails, lock-ups workhouses and detention facilities.

Categories Covered by Standards: The minimum standards established and recorded herein will cover the following categories: ...

- (e) Discipline
- (f) Sanitation/Maintenance
- (g) Food Services
- (I) Hygiene

In short, the Macon County Jail failed to follow the rules, regulations, protocols, and procedural instruction that was provided by the same institution that gave them the power to operate;

75. Certification from TCI is required for state funding;

76. TCI certification was provided to Macon County Jail employees on a yearly basis;

77. In accordance with T.C.A. § 41-4-140, the class that is required to obtain certification taught by TCI provided a manual of reference and is attached hereto in whole as **Exhibit 1**;

78. After certification employee correctional officers should have working knowledge and competency as to the minimum requirements TCI sets forth as a foundation for operation of detention facilities. Macon County Correctional Officers received yearly certifications;

79. The violation of the collective Plaintiffs constitutional rights caused their pain, suffering, and caused the injuries and damages to the collective Plaintiffs.

80. The violation of the collective Plaintiffs constitutional rights entitle collective Plaintiffs to an award of punitive damages.

COUNT IV – NEGLIGENCE AGAINST DEFENDANTS

81. Through the course and scope of the existence of the detention facility, the Defendants owed a *duty of care* to conduct themselves as a civilized facility providing the minimum requirements and by treating the prisoners with at a minimum respect not to be housed as animals or to be forced to live in conditions not fit for a human being;

82. Failure to house inmates with adequate living quarters and in the manner which has been described above is a direct violation of the Eighth Amendment of the U.S. Constitution where the *duty of care* is fundamentally defined that there shall be no cruel or unusual punishment within the justice system or through deprivation of liberty because of criminal code violations. This *duty of care* is fundamental in a civilized society and further promised to all citizens facing detainment from a misdemeanor to felony status of criminal charges and as such a certain level of dignity in facing adjudication of same should be adhered to and it was blatantly ignored;

83. Title 42 U.S.C. § 1983 provides an action against any person who, acting under color of state law, abridges “rights, privileges, or immunities secured by the Constitution and laws ...” Plaintiffs in this matter were deprived their liberties by the Defendants while Defendants were acting in the course and scope of their employment under the color of law. The deprivation was intentional and said intent can be corroborated by video footage of Defendant CO(s) laughing at Plaintiffs for holding a sign stating the particular inmate had to take a s***;

84. The *Tennessee Department of Corrections* is the organization utilized to govern and prohibit the local county municipalities and the respective jails from denying or diminishing any rights to any individual while incarcerated. The rights that are fundamentally provided by the Constitution of the United States and the Constitution of Tennessee. All named Defendants were acting in the course and scope of their employment under the color of law;

56. If in fact, the Macon County Jail had certification, the “MPR” room where the complaints herein and above occurred, could not have been determined to house inmates for any reason whatsoever for the lack of running water, hand washing station/sink, or toiletry receptacle. Jail Administration knew the room was unworthy of inmate dwelling space, but utilized it nonetheless.

housing inmates in the manner in which Plaintiffs experienced is negligent on part of all Defendants acting under the color of law;

85. After requesting *ADA* coordinator meeting, Plaintiff Brown was denied. He was not provided a questionnaire or any material in which to determine the necessity of the *ADA* personnel and any directive determination designed to adjudicate necessity. His mental status as well as several Plaintiff Inmates' mental status rapidly declined and deteriorated due to the conditions they were being housed in. It was torture-like behavior to humiliate the Plaintiffs in the manner in which they were and then when it was too much to stand Plaintiffs were punished for getting attention to the room by covering cameras and sent to a room called the "ISO" room as punishment. That room was even worse than the "MPR" room and the torture did not end it was merely moved. Deprivation to the human body to rid itself of its waste is painful on many levels, and very unhealthy to do to the human body over long periods of time. To avoid defecation in trash bags, the Plaintiffs would make their bodies hold in the waste, which caused further abdominal issues and hard time became even worse to bare;

86. In accordance with *ADA* standards as specifically set forth in *Americans with Disabilities Act* (Pub. L. 101-336, 104 Stat. 327, 42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611) *emphasis added*, Plaintiffs were denied the ability to obtain treatment for any mental dysfunctions, declinations, and pre-existing conditions. The inhumane conditions they were forced to dwell in along with the lack of clean water, plumbing facilities, and the ability to have daily hygiene exacerbated all conditions each individual plaintiff had with regard to mental capacity and incapacity. Further, Plaintiffs all exhibit symptoms of post traumatic disorder syndrome in their thoughts and internal processing of incarceration for any crimes they were accused of within society;

87. Non-conforming *ADA* standards and the repercussions for same are specifically set out in the respective code as cited above, Defendants' guilt on blatant non-conformity is obvious and speaks for itself. They simply do not follow federal guides nor do they have a fear of repercussions associated with noncompliance. Plaintiffs were expected to live like animals and were treated as such with no regard for their mental capacity or lack of mental capacity in the exposure to these conditions;

88. Defendants violated the *Constitution* and the Eighth and Fourteenth Amendments respectively, and specifically have no regard for the timeless document. Said timeless document protects the fundamental right to freedoms such as liberty, a fair and speedy trial by which damages can be mitigated, and freedom from oppression or inhumane treatment at the hands of the government or those acting under the color of law. Said *duty of care* extends to each and every branch of the government including, but not limited to municipalities, local, state, and federal bodies and those hired or appointed to represent those bodies;

89. Each body of government has a *duty of care* to remain fair and equitable to each and every citizen it serves. In this case, the Sheriff's office has a *duty of care* to both "protect and serve" the citizens by incarcerating criminals that portray a behavior that is not conducive with a civilized society or that break any criminal code set forth in governance of the respective community it serves, and it owes a *duty of care* to the citizens it detains with respect to incarceration for any given criminal code that the particular individual violates or is accused of violating. The *duty of care* was ignored;

90. In the United States and in this respective State, once charged with violating a criminal code we are presumed "innocent until proven guilty." The Plaintiffs of this lawsuit were treated with a degree of guilt and forced to live like animals in an uninhabitable environment where

protocols set forth by the governing entity that allowed for the detention center to operate were unadhered to and ignored;

91. Further, during the start of a pandemic where the focus of keeping clean and disinfecting was at the utmost center of the issue and the main defense to an invisible killer, the Macon County Jail had inmates that went a week at times without the simple ability to wash their hands. There was no personal protective equipment available issued for free or to buy on commissary. The Plaintiffs used the bathroom in milk jugs when urinating and ate with the same hands with the milk jugs stored just feet away. To expect any person to defecate in a trash bag or any other container not designed for said act and to urinate in milk jugs is ghastly and the issues at the center of the basis of this lawsuit;

92. In one of Plaintiff Brown's initial pleadings (Doc. 4), Plaintiff Brown states that the "MPR" room is not equipped to house inmates and that it is normally used for church. He further states that it has no running water, no toiletry facility, and no shower areas. The assertions are all true and correct;

93. The egregious conditions are torturous that are present in the Macon County Jail. The unsanitary condition aggravated by no running water or plumbing was inconceivable during the pandemic where COVID-19 was discovered and sanitation was nationwide;

94. The psyche of all Plaintiffs drastically declined during their incarceration and no rehabilitative methods were provided with regard to instruction; and,

95. Due to the conditions described herein and above, Plaintiffs aver that negligence on part of the Sheriff who was visibly seen on a day-to-day basis for hiring and retention of correctional officers;

90. The breaches of the *duty of care* were committed by and through the agents, employees,

or contractors of Macon County, Macon County Sheriff's Department, Sheriff Mark Gammons, Tennessee Department of Corrections and the Tennessee Corrections Institute. The agents, employees, or contractors who committed the breaches are both those individuals names in the complaint, and persons not yet known or named who were acting on behalf of Macon County, Macon County Sheriff's Department, Sheriff Mark Gammons, Tennessee Department of Corrections and the Tennessee Corrections Institute and for whom Macon County, Macon County Sheriff's Department, Sheriff Mark Gammons, Tennessee Department of Corrections and the Tennessee Corrections Institute are liable. The breaches of the *duty of care* owed by Macon County, Macon County Sheriff's Department, Sheriff Mark Gammons, Tennessee Department of Corrections and the Tennessee Corrections Institute were the actual and proximate cause of the Plaintiffs pain and suffering and caused the injuries and damages to the Plaintiffs.

91. Macon County, Macon County Sheriff's Department, Sheriff Mark Gammons, Tennessee Department of Corrections and the Tennessee Corrections Institute are further vicariously liable for the breaches of the *duty of care* committed by the individuals named in this Complaint, and any of their other agents, employees, or contractors who interacted with the Plaintiffs.

CLOSING

The Plaintiffs that have come forward to let the public know what the actual conditions are of this particular county jail, subjectively, and their experience in said facility throughout the Court ordered term of stay, have done a civil service to their community, because these conditions are unacceptable and should not be tolerated in modern society.

For a modern society to not have toiletry receptacles in a detention facility where the inmates are left alone for up to twenty-three (23) hours a day with only meals being handed to them is appalling. To be forced to urinate in a milk jug, defecate in a trash bag, and to be punished for

requesting to go to the bathroom is inconceivable. During a pandemic where sanitation was one of the main avenues to fight an invisible virus that was killing people, the Plaintiffs were denied any protection by failure to allow them to simply wash their hands. Jail administration had a blatant disregard for procedures set forth that enabled their funding by housing inmates in rooms not fit for dwelling and hiding it during the yearly certification. Human dignity and the preservation of same is what the United States is founded upon. Further, preservation of the cannon “innocent until proven guilty” is fundamental in realizing fair and equitable criminal adjudication and is imperative in the Constitution that this country has built its firm foundation upon. The gross negligence of the officials in their appointed or hired capacity along with the employees they manage and/or supervise is inconceivable if you value democracy at all. The twisted views of how a detention facility should operate by those employed to operate the Macon County Jail are severely lacking in satisfaction to the guides, protocols and procedural methods set forth that each and every detention facility in the State of Tennessee operate under. There really is no viable excuse to house people like animals or war prisoners or even worse as if they do not matter at all.

WHEREFORE, Plaintiffs pray for the following relief:

1. The process and summons issue, as provide by law, requiring Defendants to appear and Answer Plaintiffs’ Complaint;
2. That service be had upon Defendants as provided by law;
3. That the Court award and enter a judgment in favor of the Plaintiffs and against the Defendants for compensatory damages in an amount that will fully compensate;
4. That the Court award and enter a judgment in favor of the Plaintiffs and against the Defendant for punitive damages, costs, and attorney fees;

5. For the finding that the Macon County Jail were in direct violation of the protocols that allow yearly certification and the revocation of said certification until all matters and injustices complained of herein are addressed and fully alleviated;

6. Declaration that the policies, practices, and protocols the Jail Administration operates under the course and scope of through their respective employees, agents, officials, and subcontractors as described herein be declared a violation of the Constitutional rights of the Plaintiffs and all others currently similarly situated at the detention facility, and for mandate of prohibition of infliction of the cruel and unusual punishments as described herein that are done under the color of law;

7. Monetary awards provided to each Plaintiff in the sum of twenty-five (25) million dollars for the cruel and inhumane punishment inflicted upon them;

8. Award of the costs associated with the litigation of this matter including, but not limited to, the costs associated with filing this Complaints as well as any other amended Complaint this respective court provides leave to file, discretionary costs, administrative costs of the court, attorneys fees, and any other costs deemed appropriate by this Honorable Court;

9. A jury of twelve (12) appointed to hear all subject matter complaints in this lawsuit at the time of trial; and,

10. All other relief, legal or equitable, that this Honorable Court deems just and proper.

Respectfully submitted on the 7th day of May, 2021.

/s/ Phillip S. Georges, Esq.

Phillip S. Georges, Esq. BPR 038360

Attorney for Plaintiffs

2303 21st Avenue South, Suite 204

Nashville, Tennessee 37212

P: (615) 577-1011

F: (629) 205-6709

Email: phil@wolfpacklawyers.com



Tennessee Corrections Institute

CHAPTER 1400-01

MINIMUM STANDARDS FOR LOCAL ADULT CORRECTIONAL FACILITIES

Tennessee Corrections Institute | Authority *T.C.A. §41-4-140*. | Revised January 2018

Rules of the Tennessee Corrections Institute

Correctional Facilities Inspection

Table of Contents

1400-01-.01	Preface	3
1400-01-.02	Basic Information	4-6
1400-01-.03	Definitions	7-12
1400-01-.04	Physical Plant	13-17
1400-01-.05	Administration/Management	18-19
1400-01-.06	Personnel	20-23
1400-01-.07	Security	24-27
1400-01-.08	Discipline	28-29
1400-01-.09	Sanitation/Maintenance	30
1400-01-.10	Food Services	31-32
1400-01-.11	Mail and Visiting	33-34
1400-01-.12	Inmate Programs and Activities	35-36
1400-01-.13	Medical Services	37-42
1400-01-.14	Admission, Records and Release	43-46
1400-01-.15	Hygiene	47-48
1400-01-.16	Supervision of Inmates	49-50
1400-01-.17	Classification	51



1400-1-.01 Preface

- (1) Under the authority of T.C.A. 41-4-140, the Tennessee Corrections Institute is required to establish minimum standards for local jails, lock-ups, workhouses and detention facilities in the state and conduct an annual inspection of each facility.
- (2) Local correctional facilities are the first step in the handling of the arrested offender and in it he receives his first impression of the correctional process. His experience in a county jail or a municipal lock-up facility will be a potent force molding his attitude toward law enforcement officials, the correctional system and the community itself.
- (3) The Board of Control of the Tennessee Corrections Institute hopes that in carrying out the responsibilities of Tennessee Code Annotated 41-4-140, avenues of communication and cohesiveness will be developed with local agencies that will tend to upgrade the correctional system in the State of Tennessee.

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed August 8, 1982; effective September 9, 1982. Repeal and new chapter filed June, 1984; effective September 11, 1984.



1400-1-.02 Basic Information

- (1) Statutory Authority: The standards contained in this document are authorized pursuant to T.C.A. § 41-4-140 to establish minimum standards for the inspection of local jails, lock-ups, workhouses and detention facilities.
- (2) Categories Covered by Standards: The minimum standards established and recorded herein will cover the following categories:
 - (a) Physical Plant
 - (b) Administration/Management
 - (c) Personnel
 - (d) Security
 - (e) Discipline
 - (f) Sanitation/Maintenance
 - (g) Food Services
 - (h) Mail and Visiting
 - (i) Inmate Programs and Activities
 - (j) Medical Services
 - (k) Admission Records and Release
 - (l) Hygiene
 - (m) Supervision of Inmates
 - (n) Classification
- (3) Other Standards: Nothing contained in these standards shall be construed to prohibit a city, county, or city and county agency operating a local correctional agency from adopting standards governing its personnel and facility, provided such standards meet or exceed and do not conflict with the standards established and recorded herein. Nor shall these standards be construed as authority to violate any state fire safety standards, building standards or health and safety codes.
- (4) Validity: In determining the application of these minimum facility standards, the Tennessee Corrections Institute Board of Control has enacted the following:
 - (a) Standards contained herein shall apply to specific types of local correctional facilities as noted at the end of each standard. For the purpose of this document, primarily adult jails or workhouses which house inmates for over seventy-two (72) hours will be considered Type I; primarily adult jails which house inmates for no more than seventy-two (72) hours will be considered Type II; and primarily adult jails which house inmates no more than twelve (12) hours will be considered Type III. Type III does not include facilities used primarily for fingerprinting, photographing, interviewing or interrogating. A Type IV Facility is a municipal government facility, either permanent or mobile, used for in-processing, booking, fingerprinting, photographing, and bonding, of primarily

adults and where they shall be released or transferred to another type of facility within two (2) hours of arrest. A Type IV Facility shall submit a Letter of Assurance to the Tennessee Corrections Institute outlining the facility's intent to adhere to all applicable standards and required time parameters. All types of facilities shall comply with the applicable standards, state law and adopted rules, and the Tennessee Corrections Institute has the authority to inspect all facilities annually to verify compliance and report results of inspections to the Board of Control.

- (b) Detention facilities shall be classified according to construction date. Facilities constructed after June 2000, shall be considered as new, while facilities constructed prior to or during the month of June 2000, shall be considered existing facilities.
 - (c) An existing facility must meet all applicable standards referring to such facilities and all other applicable standards. A new facility must comply with all applicable standards referring to such facilities and all other applicable standards.
 - (d) Any additions or renovations to existing facilities must comply with all applicable standards for new facilities.
 - (e) The number of inmates awaiting transfer to the Department of Correction penal system may be discounted from any computations used to determine compliance with standards (2), (3), (4), (5), (6), and (7) of Section 1400-01-.04 Physical Plant under the following conditions:
 - 1. The Governor must have invoked the power of delayed intake pursuant to T.C.A. § 41-1-504(a) (2) and/or a federal or state court has delayed intake into the Department of Correction penal system and,
 - 2. More than six percent (6%) of the county's total average inmate population over the preceding ninety (90) days in all of its correctional facilities consists of inmates sentenced to the Department of Corrections whose commitments have been delayed pursuant to 1. then,
 - 3. The number of inmates awaiting transfer to the Department of Correction at a particular facility in excess of six percent (6%) shall not be used in any computations used to determine compliance with the above stated standards.
- (5) Certification of Facilities: Facilities that meet all applicable standards as determined by an annual inspection by Tennessee Corrections Institute shall be recommended for certification by the inspecting party - to the Tennessee Corrections Institute- Board of Control during the first board meeting following the completion of the inspection. Facilities that do not meet all applicable standards shall be recommended for non-certification. Facilities whose annual inspections are completed prior to the fifteenth (15th) of the month shall be recommended for certification or non-certification to be effective on the first (1st) day of the month during which the inspection was completed. Facilities whose annual inspections are completed after the fifteenth (15th) of the month shall be recommended for certification or non-certification to be effective on the first (1st) day of the month following the month in which the inspection was completed. The Judicial Cost Accountant in the Office of the Comptroller shall be immediately notified of any proposed change in a facility's status.

- (6) No currently certified local facility shall be decertified if the local government has submitted a plan of action within sixty (60) days of the initial annual inspection that is reasonably expected to eliminate fixed ratio deficiencies in that facility and cause that facility to remain certified.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Amendment filed March 4, 1988; effective April 18, 1988. Amendment filed April 3, 1988; effective July 27, 1988. Amendment filed July 31, 2000; effective November 28, 2000. Amendment filed July 29, 2004; effective November 26, 2004. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.



1400-01-.03 DEFINITIONS.

- (1) Basic Training - The introductory training provided by the Tennessee Corrections Institute which prepares a facility employee with general and specific knowledge about the detention of inmates in a local facility.
- (2) Booking - An official recording of an arrest and the identification of the person, place, time, arresting authority, and the reason for the arrest. It is the procedure for the admission of a person charged with or convicted of an offense, which includes searching, fingerprinting, photographing, medical screening, and collecting personal history data. Booking also includes the inventory and storage of the individual's personal property.
- (3) Cell Block - A separate, secure group or cluster of single and/or multiple occupancy cells or detention rooms immediately adjacent and directly accessible to a day or activity room. In some facilities the cell block consists of a row of cells fronted by a dayroom or corridor-like proportion.
- (4) Censor - To read communications such as letters to delete material which might be considered harmful to the interests of the organizations, agency or facility.
- (5) Chemical Agent - An active substance, such as pepper spray, used to deter acts that might cause personal injury or property damage.
- (6) Classification - A process for determining the needs and requirements of those for whom confinement has been ordered and for assigning them to housing units and programs according to their needs and existing resources.
- (7) Clear Floor Space - Floor space that is free of obstructions such as bunks, showers, commodes, and lavatories.
- (8) Contraband - An item that has not been approved for possession or use by inmates or detainees by those legally charged with the responsibility for administration and operation of the facility.
- (9) Control Center - A secure, self-contained unit designed to maintain the security of the facility. Policies governing the design, staffing, and accessibility of the control center should ensure that it cannot be commandeered by unauthorized persons.
- (10) Correctional Employee - Full and part time employees on the facility payroll, or reserve personnel, whose primary duties include the industry, custody, or treatment of prisoners.
- (11) Criminal History Check - An informational inquiry through the NCIC Database (FBI/TBI) regarding a detainee's or inmate's background to identify conviction history for housing classification purposes as well as the presence of any outstanding victim notifications, warrants, wants, or detainers through local and federal indices. A Criminal History Check as it relates to correctional employees is an informational inquiry through the NCIC Database to determine the suitability for employment in a correctional setting.
- (12) Corporal Punishment - Any act of inflicting punishment directly on the body, causing pain or injury.

- (13) Daily Log - A record of all significant activities that take place during the course of a day.
- (14) Dayroom - A secure area directly adjacent to inmate living area, to which inmates may be admitted for activities such as bathing, exercise, recreation and dining. Spaces originally designed for circulation, such as corridors, are not dayrooms.
- (15) Detainee - A person confined in a local facility not serving a sentence for a criminal offense.
- (16) Detainer - A writ or instrument, issued or made by a competent officer, authorizing the keeper of a prison/jail to keep in his custody a person therein named.
- (17) Detention - The confinement of an inmate in a secure area (usually pretrial inmates).
- (18) Detention Facility - A confinement facility, usually operated by a local law enforcement agency, which holds persons detained pending adjudication and/or persons committed after adjudication.
- (19) Detention Officer - A person who is employed or authorized to detain or guard inmates.
See Correctional Employee.
- (20) Disciplinary Action - An action taken upon an inmate that is intended to correct or discipline.
- (21) Disciplinary Hearing - A non-judicial administrative procedure to determine if substantial evidence exists to find an inmate guilty of a rule violation.
- (22) Disciplinary Report - An account, or announcement that is prepared, presented or delivered, usually in formal or organized form based on the possibility of a rule violation.
- (23) Disciplinary Segregation - A form of separation from the general population in which inmates who committed serious violations of conduct regulations are confined for short periods of time to individual cells separated from the general population by the disciplinary committee or other authorized group. Placement in disciplinary detention may only occur after a finding of a rule violation at an impartial hearing and when there is not an adequate alternative disposition to regulate the inmate's behavior.
- (24) Document - To support with written sources.
- (25) Due Process Guarantees - Those procedures that ensure just, equal, and lawful treatment of an individual involved in all stages of the criminal justice system, such as a notice of allegations, impartial and objective fact finding, a written record of the proceedings, a statement of any disposition ordered with the reasons for it, and the right to confront accusers, call witnesses, and present evidence.
- (26) Existing Facility - Detention facility built prior to or during the month of June 2000.
- (27) Facility Administrator - An official who has primary responsibility for managing and operating a local detention facility.
- (28) Flushable Drain - A pipe or channel which is cleaned by a rapid, brief gush of water which can be mechanically operated from outside the cell.

- (29) Foot-candle - A unit for measuring the intensity of illumination; the amount of light thrown on a surface one foot away from the light source.
- (30) Furnishings - Applies to all living quarters and includes, but is not limited to, draperies, curtains, furniture, mattresses and bedding, upholstered or cushioned furniture, wastebaskets, decorations, and similar materials that can burn.
- (31) General Population - A group of individuals confined in an institution who have no institutional restrictions on them, such as segregation.
- (32) Grievance/Grievance Process - A circumstance or action considered to be unjust and grounds for complaint or resentment and/or a response to that circumstance in the form of a written complaint filed with the appropriate body.
- (33) Health/Medical Screen - A structured inquiry and observation to prevent newly arrived offenders who pose a health and safety threat to themselves or others from being admitted to the general population and to identify offenders who require immediate medical attention. The screen can be initiated at the time of admission by health care personnel or by a health- trained correctional officer.
- (34) Housing Area - A high-security, medium-security, or low-security cell or room, excluding holding, detoxification, infirmary, and segregation cells or rooms.
- (35) Impartial Disciplinary Officer - An officer appointed by facility administration to the disciplinary review board who is responsible for conducting disciplinary hearings. In order to maintain impartiality, the designated disciplinary officer must not have any connection or involvement to the incident requiring the disciplinary hearing.
- (36) Informed Consent - The agreement by a patient to a treatment, examination, or procedure after the patient receives the material facts regarding the nature, consequences, risks, and alternatives concerning the proposed treatment, examination, or procedure.
- (37) Inmate - A person, whether in pretrial, un-sentenced, or sentenced status, who is confined in a correctional facility.
- (38) In-Service Training - Training which is given to an employee on an annual basis to reinforce or add to his basic training.
- (39) Jail - A confinement facility, usually operated by a local law enforcement agency, which holds persons detained pending adjudication and/or persons committed after adjudication. Jails, while intended for the confinement of adults, may also confine juveniles.
- (40) Jailer - A person who is charged by an institution to detain or guard inmates.
- (41) Library Service - A service that provides reading materials for convenient use; circulation of reading materials; service to help provide users with library materials, educational and recreational materials, or a combination of these services.
- (42) Medical Records - Records of medical examinations and diagnoses maintained by the responsible medical provider for each inmate separate from the inmate's file. Medical records shall include the date and time of the medical examination and copies of standing or direct medical orders from the physician.
- (43) Medication Receipt System - A method that accounts for the administering of medications.

- (44) Menu Pattern - The outline of food items to be included in each meal.
- (45) Monitor - To keep watch over, supervise.
- (46) New Facility - Detention facility built after June 2000.
- (47) Non-Facility Support Staff - Staff not on the facility payroll who work for or volunteer through an agency outside the local correctional facility who have regular or daily contact with inmates. Volunteers, contractors, professionals, health care personnel, clergy, etc. are examples of persons labeled as non-facility support staff.
- (48) Physical Force - Any use of firearms, chemical agents, clubs or other devices in controlling an inmate. Also, any situation which requires an officer to make physical contact with an inmate or the use of physical force which subjects an inmate to pain, discomfort or -incapacitation.
- (49) Physical Plant - A building, set of buildings, portion of a building, or area that is used for the lawful custody and/or treatment of individuals.
- (50) Plan of Action - A written plan that will eliminate or correct deficiencies noted in the annual inspection.
- (51) Potentially Hazardous Food - Any food that consists, in whole or in part, of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. This does not include clean, whole, un-cracked, odor-free shell eggs, foods which have a pH level of 4.6 or below, or a water activity (aw) value of 0.85 or less.
- (52) Pre-Service Orientation - Training accomplished prior to assignment of duty, which is intended to familiarize new employees with the operations of the particular jail to which they are to be assigned.
- (53) Preventative Maintenance - A system designed to enhance the longevity and/or usefulness of buildings or equipment in accordance with a planned schedule.
- (54) Range of Sanctions - The various penalties for noncompliance of rules specified by the facility administrator.
- (55) Receiving Area - The point of inmate entry into a jail or detention facility where an inmate undergoes admission processing, which may include orientation and initial classification prior to regular assignment to the housing area.
- (56) Receiving Screening - An observation/initial health assessment to identify newly-arrived inmates who pose a health or safety threat to themselves or others.
- (57) Regular Access - The documented number of hours an inmate may utilize additional living space available as described by facility policy.
- (58) Sally Port - An enclosure situated either in the perimeter wall or fence of the facility or within the interior of the facility, containing gates or doors at both ends, only one of which opens at a time and ensures there will be no breach in the perimeter or interior security of the facility.

- (59) Security Devices - Locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers used to confine and control inmates. Also, electronic monitoring equipment, security alarm systems, security light units, auxiliary power supply, and other equipment used to maintain facility safety.
- (60) Security Perimeter - Outer portions of a facility which provide for secure confinement of inmates. This perimeter may vary for individual facilities, depending upon their security classification.
- (61) Segregation - Confinement of an inmate to an individual cell separated from the general population.
- (62) Sick Call - A function which provides inmates the opportunity to receive required medical attention.
- (63) Special Purpose Cell - A cell used for the short term detention of persons under the influence of intoxicants until they are cleared by medical personnel for release or transfer to another detention or medical facility.
- (64) Strip Search - Examination of an inmate's naked body for weapons, contraband, and physical abnormalities and includes a thorough search of all of the individual's clothing while it is not being worn.
- (65) Structural Projections - Some part of the construction that protrudes with sharp or pointed edges.
- (66) Support Employee - Full and part time employees on the facility payroll, or reserve personnel who have periodic but minimal contact with inmates.
- (67) Temporary Holding Cell - A cell used to detain a person for minimal periods of time until cleared to transition to general population or transfer to another facility.
- (68) Trusty - An inmate, usually in a minimum security classification, who is responsible for performing various maintenance tasks under supervision in a jail. May also be referred to as "Trustee".
- (69) Type I Facility - A detention facility housing primarily adults for more than seventy-two (72) hours.
- (70) Type II Facility - A detention facility housing primarily adults for not more than seventy-two (72) hours.
- (71) Type III Facility - A detention facility housing primarily adults that are detained no more than twelve (12) hours and does not include detention facilities used primarily for fingerprinting, photographing, interviewing or interrogating.
- (72) Type IV Facility - A municipal government facility, permanent or mobile, used for in- processing, booking, fingerprinting, photographing, and bonding of arrestees and where an arrestee shall be released or transferred to another type of facility within two (2) hours of arrest.
- (73) Unencumbered Space - Usable space that is not encumbered by furnishings or fixtures. In determining unencumbered space in the area, the total square footage is obtained and the square footage of fixtures and equipment is subtracted. All fixtures and equipment must be in operable position.
- (74) Work Stoppage - A halt by those employed by the facility; usually refers to a strike.

- (75) Workhouse - A county detention facility operated by or for a county which holds primarily sentenced, minimum security inmates.
- (76) Working Inmate - An inmate who has been screened, selected, and assigned to a formal jail work program (occurring within the security area of the jail, or external to the jail). This includes those inmates who are taken out by various persons/agencies to work offsite (for example, a county employee comes to the jail each day to take a group of inmates to work at a recycling center).

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Amendment filed March 4, 1988; effective April 18, 1988. Amendment filed July 31, 2000; effective November 28, 2000. Amendment filed July 29, 2004; effective November 26, 2004. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.



1400-01-.04 PHYSICAL PLANT.

- (1) Type I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) Facilities shall meet the following requirements:
 - (a) New and existing facilities shall have, on average, lighting of at least twenty (20) foot candles in activity areas to be measured three (3) feet off the floor.
 - (b) New and existing facilities shall have forced air ventilation in sleeping and activity areas.
 - (c) New facilities shall have access to natural light in sleeping and activity areas.
 - (d) New and existing facilities shall have a temperature of not less than sixty-five (65) degrees Fahrenheit and not more than eighty (80) degrees Fahrenheit in sleeping and activity areas.
 - (e) New facilities shall have lighting of not less than five (5) average foot-candles in sleeping areas to be measured three (3) feet off the floor.

These requirements apply only to Type I, II, and III Facilities.

- (3) In new and existing facilities, the minimum size of a single-occupancy cell shall be thirty-five (35) square feet of clear floor space with a ceiling height of not less than eight (8) feet. At least seventy (70) square feet of total floor space shall be provided when the occupant is confined for more than ten (10) hours per day. All dimensions of cell length and width for both single and multiple-occupancy cells shall allow for a reasonable amount of usable floor space for any in-cell activities of inmates. Each cell shall contain a bunk, sink and toilet. Any questions pertaining to sufficiency of cell dimensions shall be decided by the Tennessee Corrections Institute.

This requirement applies only to Type I, II, and III Facilities.

- (4) In new and existing facilities, the minimum size of a multiple-occupancy cell (2-64 occupants) shall be twenty-five (25) square feet of clear floor space for each occupant in the sleeping areas, with a ceiling elevation of not less than eight (8) feet. At least thirty-five (35) square feet of clear floor space shall be provided for each occupant when the occupant is confined for more than ten (10) hours per day.

This requirement applies only to Type I, II, and III Facilities.

- (5) In new jails and workhouses, dormitories shall be designed to accommodate not more than sixty-four (64) persons. A minimum of twenty-five (25) square feet of clear floor space for each inmate must be provided in the housing area with a ceiling elevation of not less than eight (8) feet.

In existing jails and workhouses, dormitories shall provide not less than twenty-five (25) square feet of floor space per occupant, exclusive of the area occupied by bunks, and a ceiling height of not less than eight (8) feet. If an inmate who occupies a dormitory has

regular access to additional living areas, the additional area may be added on a pro rata basis to the square footage available to an inmate.

A dayroom is required with thirty-five (35) square feet per inmate for the maximum number of users at one time.

This requirement applies only to Type I Facilities.

- (6) New facilities shall have a dayroom for each cell block or cluster of cells, which has a minimum of thirty-five (35) square feet of floor space per inmate.

Existing facilities are not required to provide dayrooms.

This requirement applies only to Type I Facilities.

- (7) Inmates, including those in medical housing units or infirmaries, shall have access to toilets and sinks with temperature-controlled hot and cold running water twenty-four (24) hours per day. All facilities shall provide operable toilets and sinks to inmates on a ratio of at least one (1) toilet and sink to every twelve (12) male inmates and one (1) toilet and sink for every eight (8) female inmates and one (1) toilet and sink accessible to occupants of any single-occupancy cell without their having to leave their cell. Urinals may be substituted for up to one-half of the toilets in male facilities. Inmates shall be able to use toilet facilities without staff assistance when they are confined in their cells/sleeping areas. All new facilities constructed after January 1, 2015 shall be required to provide an unbreakable toilet and sink in maximum security areas.

This requirement applies only to Type I, II, and III Facilities.

- (8) Jails shall have at least one (1) operable shower for every sixteen (16) inmates, which shall be accessible to inmates without their having to leave their cell block.

Workhouses shall have at least one (1) operable shower for every sixteen (16) inmates, which shall be accessible to inmates on a daily basis.

This requirement applies only to Type I and II Facilities.

- (9) New facilities shall have at least one (1) single cell for the separation and control of problem inmate(s). The cell shall conform to the single-occupancy cell dimensions and shall have, at a minimum:

- (a) High security light fixture;
- (b) Unbreakable toilet and sink with control valve located outside the cell;
- (c) Forced air ventilation; and,
- (d) Concrete bed, a minimum of twelve (12) inches off of the floor and no higher than sixteen (16) inches off of the floor, with rounded edges.

The cell shall contain no structural projections or furnishings that would allow the inmate to harm himself/herself. The cell shall be located to allow continuous monitoring by detention officers.

These requirements apply only to Type I, II, and III Facilities.

- (10) (a) All facilities shall have at least one (1) special purpose cell for males and one (1) special purpose cell for females to provide for the temporary detention of persons under the influence of intoxicants. The special purpose or temporary holding cells shall conform to multiple occupancy cell dimensions and capacity. These cells shall have, at minimum:
1. Flushable drain or unbreakable toilet and sink;
 2. High security light fixture;
 3. Forced air ventilation; and,
 4. No structural projections.
- (b) New facilities shall also provide a concrete bed in the special purpose cell, a minimum of twelve (12) inches off of the floor and no higher than sixteen (16) inches off of the floor with rounded edges.
- (c) In new facilities, this cell shall be located so as to allow continuous monitoring by detention officers.
- (d) The requirement for one (1) special purpose cell applies only to facilities that have construction plans reviewed and approved by the Tennessee Corrections Institute after June 1, 2000. The requirement for two (2) special purpose cells applies to plans reviewed and approved after January 1, 2015.
- (11) New facilities shall provide space inside the security perimeter, separate from inmate living areas and administrative offices, for inmate processing as inmates are received and discharged from the facility. This space shall have the following components:
- (a) Pedestrian and/or vehicle sally port; (b)
- Telephone facilities for inmate use;
- (c) Temporary holding rooms which have fixed benches to seat inmates; and, (d)
- A shower, toilet and sink.
- Existing facilities shall provide space where inmates are received, searched, showered, and issued clothing (if provided by the facility) prior to assignment to the living quarters.
- These requirements apply only to Type I and II Facilities.
- (12) Provisions shall be made for a visiting area which shall allow each inmate at least one (1) hour of visitation each week.

This requirement applies only to Type I Facilities.

- (13) Provisions shall be made for a private interview room for the use of attorneys and for interrogation of inmates by law enforcement agencies.

This requirement applies only to Type I, II, and III Facilities.

- (14) New facilities shall have at least one (1) multi-purpose room for conducting programs and for inmate exercise.

This requirement applies only to Type I Facilities.

- (15) New facilities shall provide a secure outdoor recreation area with dimensions of at least nine hundred (900) square feet. Covered/enclosed exercise areas in facilities where less than one hundred (100) inmates utilize one recreation area shall have fifteen (15) square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than five hundred (500) square feet of unencumbered space.

This requirement applies only to Type I Facilities.

- (16) Facilities shall have space where a physician may conduct sick call, examine patients in privacy and render routine medical treatment.

This requirement applies only to Type I, II, and III Facilities.

- (17) Facilities shall have a secure control center, manned twenty-four (24) hours per day, through which telephone and other communications are channeled. The location of the control center shall provide good visibility or be equipped with a monitoring device. The control center shall monitor the operation of various systems, including fire alarm, smoke and thermal detection, public address, radio and other mechanical and electrical systems as warranted.

This requirement applies only to Type I, II, and III Facilities.

- (18) Access to potable water shall be located in all housing areas. In existing facilities, if the water from sinks is potable, drinking cups must be made available.

This requirement applies only to Type I, II, and III Facilities.

- (19) Facilities shall have an emergency power source of sufficient capacity to operate security and evacuation electrical devices and equipment and to provide minimum lighting within the facility and its perimeter at times of power failure. The power source shall be checked for functional readiness quarterly and the dates logged.

- (20) Facilities shall be constructed with correctional security grade walls, ceilings, floors, doors, locks, windows and glass glazing throughout the security perimeter and inmate housing or holding units. Facilities shall provide that any electric locks have the capability for manual operation.

- (21) Facilities shall have exit signs at each exit which are distinctly marked and continuously illuminated. Exits shall be kept clear and in usable condition to insure the timely evacuation of inmates and staff in the event of fire or other emergency.

This requirement applies only to Type I, II, and III Facilities.

- (22) Facilities shall have documentation of compliance with applicable sanitation and fire safety standards.

This requirement applies only to Type I, II, and III Facilities.

- (23) All kitchens, dining rooms, multiple toilet areas and corridors shall contain operable floor drains.

This requirement applies only to Type I, II, and III Facilities.

- (24) Facilities shall have cells to accommodate the facility's classification plan. Facilities that house males and females, and juveniles and adults shall have provisions to separate accordingly. Such provisions shall not allow physical contact or sight and sound communication. Provisions shall also be made to separate minimum, medium, and maximum security inmates.
- (25) Plans for any new facility to be built and for any existing facility to be renovated shall be in compliance with minimum standards recorded herein and be submitted to the Tennessee Corrections Institute for review and the State Fire Marshal's Office for review and approval pursuant to Tenn. Comp. R. & Regs 0780-02-03.

Plans for the construction of any new facility and the renovation of any existing facility shall state whether the facility's function will be for temporary holding or for permanent confinement of inmates. The facility's primary function may encompass both of these functions.

A plan for operating the facility shall be developed in the initial stages of planning the facility so that the facility can be designed around the operating plan, rather than the reverse. This approach will contribute to the simplification of design and effective use of operating controls.

- (26) Any temporary inmate housing shall meet all standards for existing facilities. Temporary housing for inmates shall not be in use for more than eighteen (18) months unless an extension is approved by the Tennessee Corrections Institute Board of Control.

This requirement applies only to Type I, II, and III Facilities.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Amendment filed March 4, 1988; effective April 18, 1988. Amendment filed April 23, 1990; effective July 29, 1990. Amendment filed December 10, 1992; effective March 31, 1993. Amendment filed July 31, 2000; effective November 28, 2000. Amendment filed July 29, 2004; effective November 26, 2004. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.



1400-01-.05 ADMINISTRATION/MANAGEMENT.

- (1) Type I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) Facilities shall maintain fiscal records which clearly indicate the total cost for operating the facility according to generally accepted accounting principles. Such records shall have an itemized breakdown of the total operating expenses, such as wages and salaries, food, and operating supplies.

This requirement applies only to Type I, II, and III Facilities.

- (3) Facilities shall maintain written policies and procedures governing the facility's operations. The policies and procedures 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 facility employees.
- (4) Facilities shall maintain written plans developed in advance for dealing with emergencies such as escape, inmate disturbances, assaults on facility employees, hostage taking, and emergency evacuation plans. The written plans shall be incorporated into the facility's manual. Each facility employee shall be familiar with these plans.
- (5) Facilities shall maintain a written policy and procedure to provide for fire drills every three (3) months for all staff members on every shift and document dates of said drills.

- (6) Facility administrators shall develop a list of articles and materials that shall be allowed in the cell area. Inmates shall be informed of this list upon admission.

This requirement applies only to Type I and II Facilities.

- (7) Facilities shall have a written and graphic evacuation plan posted in the housing area, as well as any other specified locations. The plan shall be approved by a contractor or local fire inspector trained in the application of fire safety codes and shall be reviewed annually by facility administration to ensure accuracy.
- (8) Written policy and procedure shall ensure that inmates shall not be subjected to discrimination based on race, national origin, color, creed, sex, economic status or political belief. When both males and females are housed in the same facility, available services and programs shall be comparable.

This requirement applies only to Type I and II Facilities.

- (9) A facility preventative maintenance and repair program shall be in place.

This requirement applies only to Type I, II, and III Facilities.

- (10) 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.
- (11) Each facility relying on regular access to additional living space to comply with minimum cell size requirements under Tenn. Comp. R. & Regs. 1400-01-.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.

This requirement applies only to Type I and II Facilities.

- (12) Facilities shall provide an inmate grievance procedure to all inmates. The grievance procedure must include at least one (1) level of appeal.

This requirement applies only to Type I, II, and III Facilities.

Authority: T.C.A. Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Amendment filed July 31, 2000; effective November 28, 2000. Amendment filed July 29, 2004; effective November 26, 2004. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.



1400-01-.06 PERSONNEL.

- (1) Type I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) After providing notice and obtaining consent in writing, a criminal history 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 history check includes comprehensive identifier information to be collected and run against law enforcement indices. If suspect information on matter with potential terrorism connections is returned on the person, this information shall be forwarded to the local Joint Terrorism Task Force (JTTF) or other similar agency.

This requirement applies only to Type I, II, and III Facilities.

- (3) Facilities shall develop 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.

These requirements apply only to Type I Facilities.

- (4) 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 through 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.

These requirements apply only to Type I, II, and III Facilities.

- (5) 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 the Trainer (3T) course and attend the annual FTO Conference conducted by the Tennessee Corrections Institute.

This requirement applies only to Type I, II, and III Facilities.

- (6) All support employees who have minimal inmate contact shall receive at least sixteen (16) hours of facility training during their first year of employment. All employees in this category shall receive an additional sixteen (16) hours of facility training each subsequent year of employment.

This requirement applies only to Type I, II, and III Facilities.

- (7) All non-facility support staff who have regular or daily inmate contact, shall receive a minimum of four (4) 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.

These requirements apply only to Type I, II, and III Facilities.

- (8) All detention or correctional 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 (40) hours and provided or approved by the Tennessee Corrections Institute.

This requirement applies only to Type I, II, and III Facilities.

- (9) All detention or correctional 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 (40) hours with at least sixteen (16) of these hours provided or approved by the Tennessee Corrections Institute. The remaining twenty-four (24) hours may be provided by the facility if course content is approved and monitored by the Tennessee Corrections Institute.

This requirement applies only to Type I, II, and III Facilities.

- (10) 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 Control.

This requirement applies only to Type I, II, and III Facilities.

- (11) 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.

This requirement applies only to Type I and II Facilities.

- (12) Facilities shall maintain records on the types and hours of training completed by each correctional employee, support employee and non-facility support staff.

This requirement applies only to Type I, II, and III Facilities.

- (13) Tennessee P.O.S.T. certified officers may perform the basic functions outlined within the standards, if the correctional facility has been approved as a Type IV facility by the Tennessee Corrections Institute Board of Control. Any employee who does not possess or maintain a P.O.S.T. Certification as specified in this rule, shall be required to comply with all training and reporting standards outlined within the minimum jail standards and policy contained in Tenn. Comp R. & Regs. 1400-06. Under no circumstances shall any employee of a correctional facility be allowed to perform correctional functions without possessing a valid Tennessee P.O.S.T. Certification (for Type IV Facility) or certification from the Tennessee Corrections Institute (All Facilities) as it relates to the duties of a correctional employee.

This requirement applies only to Type IV Facilities.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new chapter filed June 29, 1984; effective September 11, 1984. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.



1400-01-.07 SECURITY.

- (1) Types I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) Each newly admitted inmate shall be thoroughly searched for weapons and other contraband immediately upon arrival in the facility, regardless of whether the arresting officer previously conducted a search.
- (3) A record shall be maintained on a search administered to a newly admitted inmate.
- (4) Facilities shall maintain policy and procedures to require that all inmates, including trustees, shall be searched thoroughly by detention officers when the inmates enter and leave the security area.

This requirement applies only to Type I Facilities.

- (5) Facilities shall maintain a written policy and procedure to provide for searches of the facilities and inmates to control contraband.

This requirement applies only to Type I Facilities.

- (6) Procedure shall differentiate between the searches allowed (orifice, pat, or strip) and identify when these shall occur and by whom such searches may be conducted. All orifice searches shall be done under medical supervision. Inmates shall be searched by facility employees of the same sex, except in emergency situations.

This requirement applies only to Type I, II, and III Facilities.

- (7) Facilities shall maintain a written policy and procedure for key control, including the inventory and use of keys, and the operator of the control center shall have knowledge of who has the keys in use and the location of duplicate keys. All day-to-day operations shall be centralized and controlled through the control center.

This requirement applies only to Type I Facilities.

- (8) There shall be one (1) full set of well-identified keys, other than those in use, secured in a place accessible only to facility personnel for use in the event of an emergency. These keys shall be easily identifiable by sight and touch under adverse conditions.
- (9) Written policy and procedures shall govern the availability, control, inventory, storage, and use of firearms, less-lethal weapons, and related security devices, and specify the level of authority required for their access and use. Chemical agents and electrical disablers shall be used only with the authorization of the facility administrator or designee. Access to storage areas shall be restricted to authorized facility employees and the storage space shall be located in an area separate from and apart from inmate housing or activity areas. A written report shall be submitted to the facility administrator when such weapons are used.

This requirement applies only to Type I, II, and III Facilities.

- (10) Facilities shall develop a written policy and procedure to require that firearms, chemical agents, and related security and emergency equipment are inventoried and tested at least

quarterly to determine the condition and expiration dates. This written policy and procedure shall provide for regular inspection of ABC type fire extinguishers, smoke detectors, and other detection and suppression systems.

This requirement applies only to Type I, II, and III Facilities.

(11) All tools, toxic, corrosive and flammable substances and other potentially dangerous supplies and equipment shall be stored in a locked area which is secure and located outside the security perimeter of the confinement area. Tools, supplies and equipment which are particularly hazardous shall be used by inmates only under direct supervision.

This requirement applies only to Type I and II Facilities.

- (12) Facilities shall develop a written policy and procedure to require at least weekly inspection of all security facilities and documentation of the dates of inspections.

This requirement applies only to Type I and II Facilities.

- (13) Facilities shall develop a written policy and procedure to provide for continuous inspection, inventory, and maintenance of all locks, tools, kitchen utensils, toxic, corrosive, and flammable substances and other potentially dangerous supplies and equipment.

This requirement applies only to Type I Facilities.

- (14) Facilities shall develop a written plan that provides for continuing operations in the event of a work stoppage or other job action. Copies of this plan shall be available to all supervisory personnel who are required to familiarize themselves with it.

This requirement applies only to Type I Facilities.

- (15) Detention officer posts shall be located in close proximity to inmate living areas to permit officers to see or hear and respond promptly to emergency situations. There shall be written orders for every detention officer duty and post.

This requirement applies only to Type I, II, and III Facilities.

- (16) The facility administrator or designee shall visit the facility's living and activity areas at least weekly which shall be documented.

This requirement applies only to Type I, II, and III Facilities.

- (17) The security perimeter shall ensure that inmates are secured and that access by the general public without proper authorization is denied.

- (18) All inmate movement from one area to another shall be controlled by facility employees.

- (19) Facility employees shall maintain a permanent log and prepare shift reports that record routine information, emergency situations, and unusual incidents.

This requirement applies only to Type I, II, and III Facilities.

- (20) Facilities shall have sufficient staff, including a 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.

This requirement applies only to Type I, II, and III Facilities.

- (21) Restraint devices shall never be applied as punishment. Facilities shall define circumstances under which supervisory approval is needed prior to application.

This requirement applies only to Type I, II, and III Facilities.

- (22) Four/five-point restraints shall be used only in extreme instances and only when other types of restraints have proven ineffective. Advance approval shall be secured from the facility administrator/designee before an inmate is placed in a four/five-point restraint. Subsequently, the health authority or designee shall be notified to assess the inmate's medical and mental health condition, and to advise whether, on the basis of serious danger to self or others, the inmate should be in a medical/mental health unit for emergency involuntary treatment with sedation and/or other medical management, as appropriate. If the inmate is not transferred to a medical/mental health unit and is restrained in a four/five-point restraint, the following minimum procedures shall be followed:

- (a) Continuous direct visual observation by facility employees prior to an assessment by the health authority or designee;
- (b) Subsequent visual observation is made at least every fifteen (15) minutes;
- (c) Restraint procedures are in accordance with guidelines approved by the designated health authority; and
- (d) Documentation of all decisions and actions.

These requirements apply only to Type I, II, and III Facilities.

- (23) The use of firearms shall comply with the following requirements:

- (a) A written policy and procedure that governs the availability, control, and use of chemical agents and firearms;
- (b) Firearms, chemical agents, and related security and emergency equipment are inventoried and tested at least quarterly;
- (c) Weapons are subjected to stringent safety regulations and inspections;
- (d) A secure weapons locker is located outside the secure perimeter of the facility;
- (e) Except in emergency situations, firearms and authorized weapons are permitted only in designated areas to which inmates have no access;
- (f) Facility employees supervising inmates outside the facility perimeter follow procedures for the security of weapons;

- (g) Facility employees are instructed to use deadly force on inmates only after other actions have been tried and found ineffective, unless the employee believes that a person's life is immediately threatened;
- (h) Facility employees on duty use only firearms or other security equipment that has been approved by the facility administrator;
- (i) Appropriate equipment is provided to facilitate safe unloading and loading of firearms; and,
- (j) A written report shall be submitted to the facility administrator when such weapons are used.

These requirements apply only to Types I, II, and III Facilities.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Amendment filed July 2, 1985; effective October 14, 1985. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.



1400-01-.08 DISCIPLINE.

- (1) Type I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) Facilities shall maintain policies and procedures to insure that written or electronic facility rules along with the corresponding range of sanctions for rule violations and disciplinary procedures to be followed shall be provided to each inmate during the booking process prior to being placed into the general population. A record shall be maintained of this transaction. Socially, mentally, or physically impaired inmates shall be assisted by facility employees in understanding the rules. The rules and regulations shall be available for viewing during confinement and shall be translated into those languages spoken by a significant number of inmates.

This requirement applies only to Type I Facilities.

- (3) Disciplinary reports shall be prepared by facility employees and must include, but are not limited to, the following information:
 - (a) Names of persons involved;
 - (b) Description of the incident;
 - (c) Specific rule(s) violated;
 - (d) Employee or inmate witnesses;
 - (e) Any immediate action taken, including use of force; and,
 - (f) Reporting staff member's signature, date and time report is made.

This requirement applies only to Type I Facilities.

- (4) Facilities shall maintain written policies and procedures governing disciplinary actions, administrative actions, and criminal offenses. Each county is required by T.C.A § 41-2-111 to have a disciplinary review board.

This requirement applies only to Type I Facilities.

- (5) Facilities shall maintain written policies and procedures to provide for disciplinary hearings, which shall be presided over by a disciplinary board or impartial disciplinary officer, to be held in cases of alleged violations of inmate conduct rules. Hearings shall include the following administrative procedures:
 - (a) An inmate shall receive written notice of charges and time of hearing;
 - (b) An inmate shall be allowed time, not less than twenty-four (24) hours, to prepare for an appearance before an impartial disciplinary officer or board;
 - (c) An inmate shall have the right to call and cross examine witnesses and present evidence in his/her own defense, when permitting him/her to do so will not be unduly hazardous to institutional safety or correctional goals;
 - (d) An inmate may be excluded during testimony. An inmate's absence or exclusion shall be documented;

- (e) The reasons for any limitations placed on testimony or witnesses shall be stated in writing by the hearing officer;
- (f) There must be a written statement by the fact finders to include, at a minimum, evidence relied on and reasons for the disciplinary action; and,
- (g) An appeals process is available.

These requirements apply only to Type I Facilities.

- (6) Facilities shall maintain a written policy and procedure to allow inmates to receive a hearing prior to segregation, except in cases where the security of the facility is threatened, as determined by the facility administrator or his/her designee.

This requirement applies only to Type I Facilities.

- (7) For segregated inmates, a disciplinary hearing must be held within seventy-two (72) hours of placement in segregation, excluding holidays, weekends and emergencies, and for other inmates, a disciplinary hearing must be held within seven (7) days of the disciplinary incident.

This requirement applies only to Type I Facilities.

- (8) The facility shall give the inmate a copy of the disciplinary decision and the facility shall keep a copy of the disciplinary decision in the inmate's record.

This requirement applies only to Type I Facilities.

- (9) Facilities shall maintain a written policy and procedure to provide that the disciplinary reports are removed from all files on inmates found not guilty of an alleged violation.

This requirement applies only to Type I Facilities.

- (10) Corporal punishment is not permitted under any circumstance in a disciplinary proceeding.

This requirement applies only to Type I, II, and III Facilities.

- (11) Use of physical force may be used when authorized and shall be thoroughly documented with detailed account of who was involved, the force that was used, and justification for its use. This report shall be submitted to the facility administrator. Force may be used to:

- (a) Overcome resistance;
- (b) Repel aggression;
- (c) Protect life; and,
- (d) Retake inmate or property.

These requirements apply only to Type I Facilities

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Amendment filed July 31, 2000; effective November 28, 2000. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.

1400-01-.09 SANITATION/MAINTENANCE.

- (1) Type I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) Facilities shall be clean and in good repair. Floors throughout the facility shall be kept clean, dry, and free of any hazardous materials or substance.
- (3) A facility employee shall make daily sanitation and safety inspections. Dates of inspections shall be recorded and conditions noted. Any maintenance problems shall be recorded on a regular maintenance report.

This requirement applies only to Type I Facilities.

- (4) Facilities shall provide for regularly scheduled disposal of liquid, solid, and hazardous material complying with applicable government regulations.

This requirement applies only to Type I Facilities.

- (5) Facilities shall provide for control of vermin and pests and shall remove inmates from treatment areas if there is a risk of illness.
- (6) Inmate housing and temporary holding area walls shall be kept clean and free of pictures or other objects which provide hiding places for vermin or create a fire hazard.
- (7) All walls, ceilings, floors, showers, and toilets shall be kept free from mold and mildew.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Amendment filed July 31, 2000; effective November 28, 2000. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.



1400-01-.10 FOOD SERVICES.

- (1) Type I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) 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.

This requirement applies only to Type I Facilities.

- (3) Working inmates shall receive at least three (3) meals every twenty-four (24) hours with no more than fourteen (14) hours between any two (2) meals. At least two (2) of these meals shall be hot. Non-working inmates shall receive at least two (2) meals every twenty-four (24) hours with no more than fourteen (14) hours between any two (2) meals. Variations may be allowed based on weekend and holiday food service demands, as long as basic nutritional goals are met.

This requirement applies only to Type I Facilities.

- (4) All meals shall be prepared (except when catered) and served under the direct supervision of staff.

This requirement applies only to Type I, II, and III Facilities.

- (5) 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 who are identified by food service staff as having an illness or infection shall be removed from those duties.

This requirement applies only to Type I, II, and III Facilities.

- (6) 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.

This requirement applies only to Type I Facilities.

- (7) 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.

This requirement applies only to Type I, II, and III Facilities.

- (8) Written policy shall require that food shall never be used as a reward or disciplinary measure.

This requirement applies only to Type I and II Facilities.

- (9) 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 the dietary needs of a religion.

This requirement applies only to Type I and II Facilities.

- (10) Shelf goods shall be maintained between forty-five (45) degrees and eighty (80) degrees Fahrenheit; refrigerated foods between thirty-five (35) degrees and forty (40) degrees Fahrenheit; and frozen foods at zero (0) degrees Fahrenheit or below.

This requirement applies only to Type I, II, and III Facilities.

- (11) The preparation or storage of open food, other than a reasonable amount of commissary food, shall not be permissible in the immediate housing area.

This requirement applies only to Type I, II, and III Facilities.

- (12) Refrigerators shall be clean and contain a thermometer.

This requirement applies only to Type I, II, and III Facilities.

- (13) All food products shall be stored at least six (6) to eight (8) inches off the floor on shelves or in shatter-proof containers with tight fitting lids.

This requirement applies only to Type I, II, and III Facilities.

- (14) Insecticide, cleaning agents and poisonous substances shall be plainly labeled and stored away from food.

This requirement applies only to Type I, II, and III Facilities.

- (15) Culinary equipment (knives and other sharp instruments) shall be securely stored, inventoried and their use controlled.

This requirement applies only to Type I, II, and III Facilities.

- (16) Stoves shall be equipped with operable hooded exhaust systems and the filters shall be kept clean.

This requirement applies only to Type I, II, and III Facilities.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Amendment filed July 31, 2000; effective November 28, 2000. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.



1400-01-.11 MAIL AND VISITING.

- (1) Type I, II, III, and IV facilities shall meet the following requirements unless otherwise specified.
- (2) Facilities shall maintain a written policy outlining the facility's procedures governing inmate mail.

This requirement applies only to Type I Facilities.

- (3) Facilities shall develop a written policy governing the censoring of mail. Any regulation for censorship must meet the following criteria:
 - (a) The regulation must further an important and substantial governmental interest unrelated to the suppression of expression (e.g., detecting escape plans which constitute a threat to facility security and/or the well-being of employees and/or inmates); and
 - (b) The limitation must be no greater than is necessary for the protection of the particular governmental interest involved.

These requirements apply only to Type I Facilities.

- (4) Both incoming and outgoing mail shall be inspected for contraband items prior to delivery, unless received from the courts, attorney of record, or public officials, where the mail shall be opened in the presence of the inmate.

This requirement applies only to Type I Facilities.

- (5) Outgoing mail shall be collected and incoming mail shall be delivered without unnecessary delay.

This requirement applies only to Type I Facilities.

- (6) An inmate and his/her correspondent shall be notified if either person's letter is rejected and given a reasonable opportunity to protest the rejection to an impartial official prior to the facility returning the letter to its sender.

This requirement applies only to Type I Facilities.

- (7) Written policy and procedure shall provide that the facility permits postage for two (2) free personal letters per week for inmates who have less than two dollars (\$2.00) in their account. Facilities shall also provide postage for all legal or official mail.

This requirement applies only to Type I Facilities.

- (8) Facilities shall maintain a written policy to define the facility's visitation policies which shall include, at a minimum:
 - (a) One (1) hour of visitation each week for each inmate;
 - (b) A list of possible visitors;
 - (c) Children shall be allowed to visit their parents;

- (d) Visitors shall register before admission and may be denied admission for refusal to register, for refusal to consent to search, or for any violation of posted institutional rules; and,
- (e) Probable cause shall be established in order to perform a strip or body cavity search of a visitor. When probable cause exists, the search shall be documented and performed by the proper authority and by authorized personnel.

These requirements apply only to Type I Facilities.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new chapter filed June 29, 1984; effective September 11, 1984. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.



1400-01-.12 INMATE PROGRAMS AND ACTIVITIES.

- (1) Type I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) Library services shall be made available to all inmates.

This requirement applies only to Type I Facilities.

- (3) Inmates shall have access to exercise and recreation opportunities. A written plan shall provide that all inmates have the opportunity to participate in an average of one (1) hour of physical exercise per day outside the cell. Outdoor recreation may be available when weather and staffing permit.

This requirement applies only to Type I Facilities.

- (4) Written policy and procedure requires that the facility shall provide for inmates to voluntarily participate in religious activity at least once each week.

This requirement applies only to Type I Facilities.

- (5) Policy and procedure shall provide that the inmates have reasonable access to a telephone. Telephone procedure, including any limitations, shall be in writing and posted so as to be conspicuous to inmates. The procedure shall include, at a minimum:

- (a) The hours during which such access shall generally be provided;
- (b) A statement regarding the privacy of telephone communication; and,
- (c) Inmates with hearing and/or speech disabilities shall be afforded access to a Telecommunications Device for the Deaf (TDD), or comparable equipment. Public telephones with volume control shall be made available to inmates with a hearing impairment. Information regarding the availability of TDD communication devices shall be posted. Inmates with hearing and/or speech impairments shall be afforded access similar to those inmates without impairments.

These requirements apply only to Type I, II, and III Facilities.

- (6) Release programs shall require:
 - (a) Written operational procedures;
 - (b) Careful screening and selection procedures;
 - (c) Written rules of inmate conduct;
 - (d) A system of supervision to minimize inmate abuse of program privileges;
 - (e) A complete record-keeping system;
 - (f) A system for evaluating program effectiveness; and,
 - (g) Efforts to obtain community cooperation and support.

These requirements apply only to Type I Facilities.

- (7) Written policy shall provide that inmates be allowed to have confidential access to attorneys and their authorized representatives at any reasonable hour.
- (8) Inmates shall have unrestricted and confidential access to the courts. Inmates shall have the right to present any issue before a court of law or governmental agency. The facility shall establish reasonable hours during which attorneys may visit and/or telephonically communicate. Inmates shall have access to legal materials.

This requirement applies only to Type I, II, and III Facilities.

- (9) Written policy shall provide that pretrial detainees shall not be required to work, except to do personal housekeeping.

This requirement applies only to Type I and II Facilities.

- (10) Foreign nationals shall have access to the diplomatic representatives of their country of citizenship through the State Department consular notification protocols and contact information.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.



1400-01-.13 MEDICAL SERVICES.

- (1) Type I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) The provision of medical services for the facility shall be the responsibility of a designated health authority such as a hospital, clinic, or physician. There shall be an agreement between the governmental funding agency responsible for the facility and the hospital/clinic/physician responsible for such services. The designated health authority must be notified in instances where an inmate may be in need of medical treatment and the facility shall document this notification. The health authority shall meet with the Sheriff and/ or facility administrator at least annually.

This requirement applies only to Type I, II, and III Facilities.

- (3) Medical decisions are the sole province of the responsible health care provider and shall not be countermanded by non-medical personnel.

This requirement applies only to Type I, II, and III Facilities.

- (4) All health care professional staff shall comply with applicable state and federal licensure, certification, or registration requirements. Verification of current credentials shall be available upon request from the provider. Health care staff shall work in accordance with profession-specific job descriptions approved by the health authority. If inmates are assessed or treated by non-licensed health care personnel, the care shall be provided pursuant to written standing or direct orders by personnel authorized to give such orders.

This requirement applies only to Type I, II, and III Facilities.

- (5) Continuity of care is required from admission to transfer or discharge from the facility, including referral to community-based providers, when indicated. When health care is transferred to providers in the community, appropriate information shall be shared with the new providers in accordance with consent requirements. Prior to release from custody or transfer, inmates with known serious health conditions shall be referred to available community resources by the facility's health care provider currently providing treatment.

This requirement applies only to Type I, II, and III Facilities.

- (6) Written policy and procedure shall prohibit inmates from performing patient care services, scheduling health care appointments or having access to medications, health records or medical supplies and equipment.

This requirement applies only to Type I Facilities.

- (7) First aid kits shall be available and a physician shall approve the number, contents, and location of such kits on an annual basis. Documentation of such approval must be in the facility's permanent records or attached to the kit itself.

This requirement applies only to Type I, II, and III Facilities.

- (8) Receiving screening shall be performed on all inmates upon admission to the facility and before placement in the general housing area. The findings shall be recorded on a printed screening form. The officer performing this duty shall check for:
- (a) A serious illness;
 - (b) A comatose state;
 - (c) Obvious wounds;
 - (d) Prescribed medications; and,
 - (e) Suicide risk assessment, including suicidal ideation or history of suicidal behavior or other mental health illness.

These requirements apply only to Type I, II, and III Facilities.

- (9) A more complete examination shall be completed on inmates within fourteen (14) days of the inmate's initial confinement date. If the facility can document that a health appraisal was conducted within the previous ninety (90) days, this fourteen (14) day physical is not required unless medical conditions dictate otherwise. This examination shall be performed by a physician or a person who has been designated by a physician as capable of performing such examination. If a designee performs the examination, he/she must do so under supervision of a physician and with a protocol or set of instructions and guidelines from the physician. This examination shall include:
- (a) Inquiry into current illness and health problems, including those specific to women;
 - (b) Inquiry into medications taken and special health requirements;
 - (c) Screening of other health problems designated by the responsible physician;
 - (d) Behavioral observation, including state of consciousness and mental status;
 - (e) Notification of body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.
 - (f) Condition of skin and body orifices, including rashes and infestations;
 - (g) Disposition/referral of inmates to qualified medical personnel on an emergency basis;
 - (h) A review of the initial intake receiving screening; and,
 - (i) An individual treatment plan as appropriate.

These requirements apply only to Type I Facilities.

- (10) All intersystem transfer inmates (transferred from one confinement facility to another within the same county's jurisdiction) shall receive a health screening by trained or qualified health care personnel, which commences on their arrival at the facility. All findings are recorded on a screening form approved by the health authority. At a minimum, the screening includes the following:
- (a) A review of the inmate's medical, dental, and mental health problems;
 - (b) Current medications; and,

(c) Current treatment plan.

These requirements apply only to Type I, II, and III Facilities.

- (11) Sick call, conducted by a physician or other person designated by a physician as capable of performing such duty, shall be available to each inmate according to written procedure for sick call. The inmate shall be informed of these procedures, including any copayment requirements, as well as procedures for submitting grievances, upon admission.

This requirement applies only to Type I, II, and III Facilities.

- (12) Inmates shall have access to mental health services as clinically warranted in accordance with protocols established by the health authority that include:

- (a) Screening for mental health problems;
- (b) Referral to outpatient services, including psychiatric care;
- (c) Crisis intervention and management of acute psychiatric episodes;
- (d) Stabilization of the mentally ill and prevention of psychiatric deterioration in the facility;
- (e) Referral and admission to inpatient facilities; and,
- (f) Informed consent for treatment.

These requirements apply only to Type I, II, and III Facilities.

- (13) A suicide prevention program shall be approved by the health authority and reviewed by the facility administrator. All facility employees responsible for supervising suicide-prone inmates shall be trained annually on program expectations.

This requirement applies only to Type I, II, and III Facilities.

- (14) All facilities shall have a suicide prevention plan which must include specific procedures for handling intake, screening, identifying, and continually supervising the suicide-prone inmate.

- (15) At least one (1) person per shift, assigned to work at the facility, shall be trained in First Aid/CPR, as defined by the American Red Cross or American Heart Association, and CPR, as defined by the American Red Cross or American Heart Association. Training shall also cover:

- (a) Awareness of potential emergency situations;
- (b) Transfer to appropriate health care provider;
- (c) Recognition of symptoms of illness most common to the facility; and,
- (d) Giving of medication to inmates.

In addition, the health authority shall approve policies and procedures that insure that emergency supplies and equipment are readily available and in working order.

These requirements apply only to Type I, II, and III Facilities.

- (16) Detoxification from alcohol, opiates, hypnotics, and other stimulants shall be conducted under medical supervision in accordance with local, state, and federal laws. When performed at the

facility, detoxification shall be prescribed in accordance with clinical protocols approved by the health authority. Specific criteria shall be established for referring symptomatic inmates suffering from withdrawal or intoxication for more specialized care at a hospital or detoxification center.

This requirement applies only to Type I, II, and III Facilities.

- (17) Facilities shall provide dental treatments, not limited to extractions, when the health of the inmate would otherwise be adversely affected during confinement, as determined by a physician or dentist.

This requirement applies only to Type I Facilities.

- (18) Facilities shall confiscate all medications in the possession of an inmate at the time of admission to the facility. The identification of and the need for such medication shall be verified by a physician or qualified health care personnel before it is administered.

This requirement applies only to Type I, II, and III Facilities.

- (19) Medications issued to inmates shall be strictly controlled and shall be kept in a secure place within the administrative or medical offices in the facility.

This requirement applies only to Type- I and II Facilities.

- (20) All medications shall be prescribed by a physician or his/her designee at the time of use. An officer or qualified health care personnel shall verify that the medication is taken as directed and a medication receipt system established. This shall include controlled drugs and injections.

This requirement applies only to Type I and II Facilities.

- (21) Medical and mental health records on the inmate's physical condition on admission, during confinement, and at discharge shall be kept in a separate file from the inmate's other facility records. The medical record shall indicate all medical orders issued by the facility's physician and/or any other health care personnel who are responsible for rendering health care services. These medical records shall be retained for a period of ten (10) years after the inmate's release.

This requirement applies only to Type I, II, and III Facilities.

- (22) Informed consent standards of the jurisdiction shall be observed and documented for inmate care in a language understood by the inmate. In the case of minors, the informed consent of a parent, guardian, or a legal custodian applies when required by law. Inmates routinely have the right to refuse medical interventions. When health care is rendered against the inmate's will, it shall be in accordance with state and federal laws and regulations.

This requirement applies only to Type I, II, and III Facilities.

- (23) Involuntary administration of psychotropic medication(s) to inmates shall be authorized by a physician and provided in accordance with policies and procedures approved by the health authority, and in accordance with applicable laws and regulations of the jurisdiction.

This requirement applies only to Type I, II, and III Facilities.

- (24) The use of inmates in medical, pharmaceutical, or cosmetic experiments is prohibited. This does not preclude inmate access to investigational medications on a case-by-case basis for therapeutic purposes in accordance with state and federal regulations.

This requirement applies only to Type I, II, and III Facilities.

- (25) In case of medical emergencies, there shall be specific information readily accessible to all employees, such as telephone numbers and names of persons to be contacted, so that professional medical care can be received. There shall also be available the names and telephone numbers of persons to contact in case of death.

- (26) Inmates suffering from communicable diseases and those who are sick but do not require hospitalization shall be housed separate from other inmates as recommended by health care authorities.

This requirement applies only to Type I, II, and III Facilities.

- (27) When an inmate is placed in segregation for health concerns, health care personnel shall be informed as soon as practical and provide assessment and review as indicated by the protocols established by the health authority.

This requirement applies only to Type I and II Facilities.

- (28) Medical/dental instruments and supplies (syringes, needles, and other sharp instruments) shall be inventoried, securely stored, and their use shall be controlled.

This requirement applies only to Type I and II Facilities.

- (29) Pregnant inmates shall have access to obstetrical services (prenatal, partum, and post-partum care) by a qualified health care provider.

This requirement applies only to Type I and II Facilities.

- (30) Inmates with chronic medical conditions, such as diabetes, hypertension, and mental illness shall receive periodic care by a qualified health care provider in accordance with individual treatment plans that include monitoring of medications and laboratory testing.

This requirement applies only to Type I, II, and III Facilities.

- (31) Information shall be provided to inmates about sexual abuse/assault including:

- (a) Prevention/ intervention;
- (b) Self-protection;
- (c) Reporting sexual abuse/assault; and,
- (d) Treatment and counseling.

This information shall be communicated in writing or electronically, in a language clearly understood by the inmate, upon arrival at the facility.

These requirements apply only to Type I, II, and III Facilities.

- (32) Sexual conduct between facility employees, volunteers or contract personnel and inmates is prohibited and subject to administrative, disciplinary and criminal sanctions. The prohibition applies regardless of consent.
- (33) The health authority shall develop and approve protocols for identifying and evaluating major risk management events related to inmate health care, including inmate deaths, preventable adverse outcomes, and serious medication errors.

This requirement applies only to Type I, II, and III Facilities.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Amendment filed July 2, 1985; effective October 14, 1985. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.



1400-01-.14 ADMISSION, RECORDS AND RELEASE.

- (1) Type I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) An intake form shall be completed for every inmate, except detainees, admitted to the facility and shall contain the following information, unless otherwise prohibited by statute:
 - (a) Picture;
 - (b) Booking number;
 - (c) Date and time of intake;
 - (d) Name and aliases of person;
 - (e) Last known address;
 - (f) Date and time of commitment and authority therefore;
 - (g) Names, title, signature and authority therefore;
 - (h) Specific charge(s);
 - (i) Sex;
 - (j) Age;
 - (k) Date of birth;
 - (l) Place of birth;
 - (m) Race;
 - (n) Occupation;
 - (o) Last place of employment;
 - (p) Education;
 - (q) Name and relationship of next of kin;
 - (r) Address of next of kin;
 - (s) Driver's license and social security numbers;
 - (t) Disposition of vehicle, where applicable;
 - (u) Court and sentence (if sentenced inmate);
 - (v) Notation of cash and property;
 - (w) Bonding company;
 - (x) Amount of bond;
 - (y) Date of arrest;
 - (z) Warrant number;
 - (aa) Court date and time;
 - (bb) Cell assignment;
 - (cc) Fingerprints; and
 - (dd) Criminal history check.
- (3) The admitting officer shall ensure that each inmate received is committed under proper legal authority.

This requirement applies only to Type I, II, and III Facilities.

- (4) At the time of booking, a telephone shall be available within the receiving or security area. The detainee shall be allowed to complete at least one (1) telephone call to the person of his/her choice. Pursuant to T.C.A. § 40-7-106(b), no person under arrest by any officer or private citizen shall be named in any book, ledger, or any other record until after the person has successfully completed a telephone call to an attorney, relative, minister, or any other person that the person shall choose, without undue delay. One (1) hour shall constitute a reasonable time without undue delay.
- (5) Cash and personal property shall be taken from the inmate upon admission, listed on a receipt form in duplicate, and securely stored pending the inmate's release. The receipt shall be signed by the receiving officer and the inmate, the duplicate given to the inmate, and the original kept for the record. If the inmate is in an inebriated state, there shall be at least one witness to verify this transaction. As soon as the inmate is able to understand what he/she is doing, he/she shall sign and be given the duplicate of the receipt.

This requirement applies only to Type I, II, and III Facilities.

- (6) Facilities shall maintain 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. This requirement applies only to Type I, II, and III Facilities.
 - (c) Cash and property receipts.
 - (d) Reports of disciplinary actions, grievances, incidents, or crime(s) committed while in custody. This requirement applies only to Type I, II, and III Facilities.
 - (e) Disposition of court hearings. This requirement applies only to Type I, II, and III Facilities.
 - (f) Records of program participation. This requirement applies only to Type I, II, and III Facilities.
 - (g) Work assignments. This requirement applies only to Type I, II, and III Facilities.
 - (h) Classification records. This requirement applies only to Type I, II, and III Facilities.

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.

- (7) Written policy and procedure shall ensure that inmate records are current and accurate.

This requirement applies only to Type I, II, and III Facilities.

- (8) Inmate records shall be safeguarded from unauthorized and improper disclosure.
- (9) As part of the inmate accounting system, facilities shall maintain on a daily basis the following information:

(a) Admissions

1. Adult - Juvenile
2. Male - Female
3. Race
4. Charge

(b) Releases

1. Adult - Juvenile
2. Male - Female
3. Race
4. Charge

(c) Inmate Population

1. Sentenced - Non-sentenced
2. Adult - Juvenile
3. Male - Female
4. Felons - Misdemeanants
5. Race

These requirements apply only to Type I Facilities.

(10) 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.

These requirements apply only to Type I Facilities.

(11) The administrator of a facility or designee shall maintain a record which indicates:

- (a) When an inmate is to be discharged and under what conditions;
- (b) If any detainers or pending detainers are placed against the inmate and if so, the appropriate authorities to be notified of his/her release date; and,
- (c) The time when and the authority by which the inmate was released.

These requirements apply only to Type I Facilities.

(12) 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. This requirement applies only to Type I, II, and III Facilities;
- (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.

This requirement applies only to Type I, II, and III Facilities;

- (g) Provision of a listing of available community resources.

This requirement applies only to Type I, II, and III Facilities; and,

- (h) Provision of medication as directed by the health authority.

This requirement applies only to Type I, II, and III Facilities.

- (13) 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 in the permanent records of the facility.

This requirement applies only to Type I, II, and III Facilities.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Amendment filed July 31, 2000; effective November 28, 2000. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017



1400-01-.15 HYGIENE.

- (1) Type I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) Inmates shall be issued clothing within a reasonable time frame that is properly fitted and suitable for the climate and shall include the following:
 - (a) Clean socks;
 - (b) Clean undergarments;
 - (c) Clean outer garments; and,
 - (d) Footwear.
 - (e) Inmates' personal clothing (if available and clean) may be substituted for institutional clothing at the discretion of the facility administrator.

These requirements apply only to Type I and II Facilities.

- (3) Provisions shall be made so that inmates can regularly obtain the following minimum hygiene items:
 - (a) Soap;
 - (b) Toothbrush;
 - (c) Toothpaste or toothpowder;
 - (d) Comb;
 - (e) Toilet paper;
 - (f) Hygiene materials for women; and,
 - (g) Shaving equipment.
 - (h) These items or services shall be made available at the inmate's expense unless the inmate cannot afford to pay, in which case the inmate shall be provided the item or services free of charge.

These requirements apply only to Type I and II Facilities.

- (4) An inmate commissary may be available by which inmates can purchase approved items that are not furnished by the facility. The commissary operations shall be strictly controlled using standard accounting procedures.

This requirement applies only to Type I and II Facilities.

- (5) Inmates shall be allowed freedom in personal grooming except when a valid governmental interest justifies otherwise. However, in no event shall a substantial burden be imposed on an inmate's exercise of a sincerely held religious belief, unless it is: (1) in furtherance of a compelling governmental interest; and, (2) the least restrictive means of furthering that compelling governmental interest. Arrangements for haircuts shall be made available, at the inmate's expense, on a regular basis. If an inmate cannot afford this service, it shall be provided free of charge.

This requirement applies only to Type I Facilities.

- (6) Each inmate who is detained overnight shall be provided with the following standard issue:
- (a) One (1) clean fire-retardant mattress in good repair;
 - (b) One (1) clean mattress cover or sheet;
 - (c) If pillows are provided, they shall be fire-retardant and a clean pillowcase shall be provided;
 - (d) Sufficient clean blankets to provide comfort under existing temperature conditions; and,
 - (e) One (1) clean bath-size towel.

These requirements apply only to Type I and II Facilities.

- (7) Facilities shall maintain an adequate supply of bedding and towels so that the following laundry or cleaning frequencies may be adhered to:
- (a) Sheets, pillowcases, 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.

These requirements apply only to Type I Facilities.

- (8) Inmate clothing, whether personal or institutional, shall be exchanged and cleaned at least twice weekly unless work, climatic conditions or illness necessitate more frequent change. This requirement applies to Type I Facilities.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Amendment filed July 31, 2000; effective November 28, 2000. Repeal and new rule Filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.



1400-01-.16 SUPERVISION OF INMATES.

- (1) Type I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) All inmates shall be personally observed by a facility employee at least once every hour on an irregular schedule. More frequent observation shall be provided for inmates who are violent, suicidal, mentally ill, intoxicated, and for inmates with other special problems or needs. The time of all such checks shall be logged, as well as the results.
- (3) The facility shall have a system to physically count inmates and record the results on a twenty-four (24) hour basis. At least one (1) formal count shall be conducted and documented for each shift.
This requirement applies only to Type I, II, and III Facilities.

- (4) Incidents which involve or endanger the lives or physical welfare of staff or inmates shall be recorded in a daily log and retained. Incidents shall include, at a minimum:
 - (a) Death;
 - (b) Attempted suicide;
 - (c) Escape;
 - (d) Attempted escape;
 - (e) Fire;
 - (f) Riot;
 - (g) Battery on a staff member or inmate;
 - (h) Serious infectious disease within facility; and,
 - (i) Sexual assault.
 1. An investigation shall be conducted and documented whenever a sexual assault or threat is reported; and,
 2. Victims of sexual assault are referred under appropriate security provisions to a community facility for treatment and gathering of evidence.

These requirements apply only to Type I, II, and III Facilities.

- (5) Facilities that are utilized for the confinement of females shall have a trained female officer on duty or on call when a female is confined in the facility, to perform the following functions:
 - (a) Searches; and,
 - (b) Health and welfare checks.

These requirements apply only to Type I, II, and III Facilities.

- (6) Inmates shall not be permitted to supervise, control, assume or exert authority over other inmates.
This requirement applies to Type I Facilities.



- (7) Nonsmoking inmates shall not be exposed to second-hand smoke.

This requirement applies only to Type I, II, and III Facilities.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.



1400-01-.17 CLASSIFICATION

- (1) Type I, II, III, and IV Facilities shall meet the following requirements unless otherwise specified.
- (2) There shall be a written plan for inmate classification specifying criteria and procedures for classifying inmates in terms of level of custody required, housing assignment and participation in correctional programs. The plan shall include a process for review and appeal of classification decisions.

This requirement applies only to Type I, II, and III Facilities.

- (3) This plan ensures total sight, sound or physical contact separation between male and female inmates and between adults and juveniles being tried as adults.

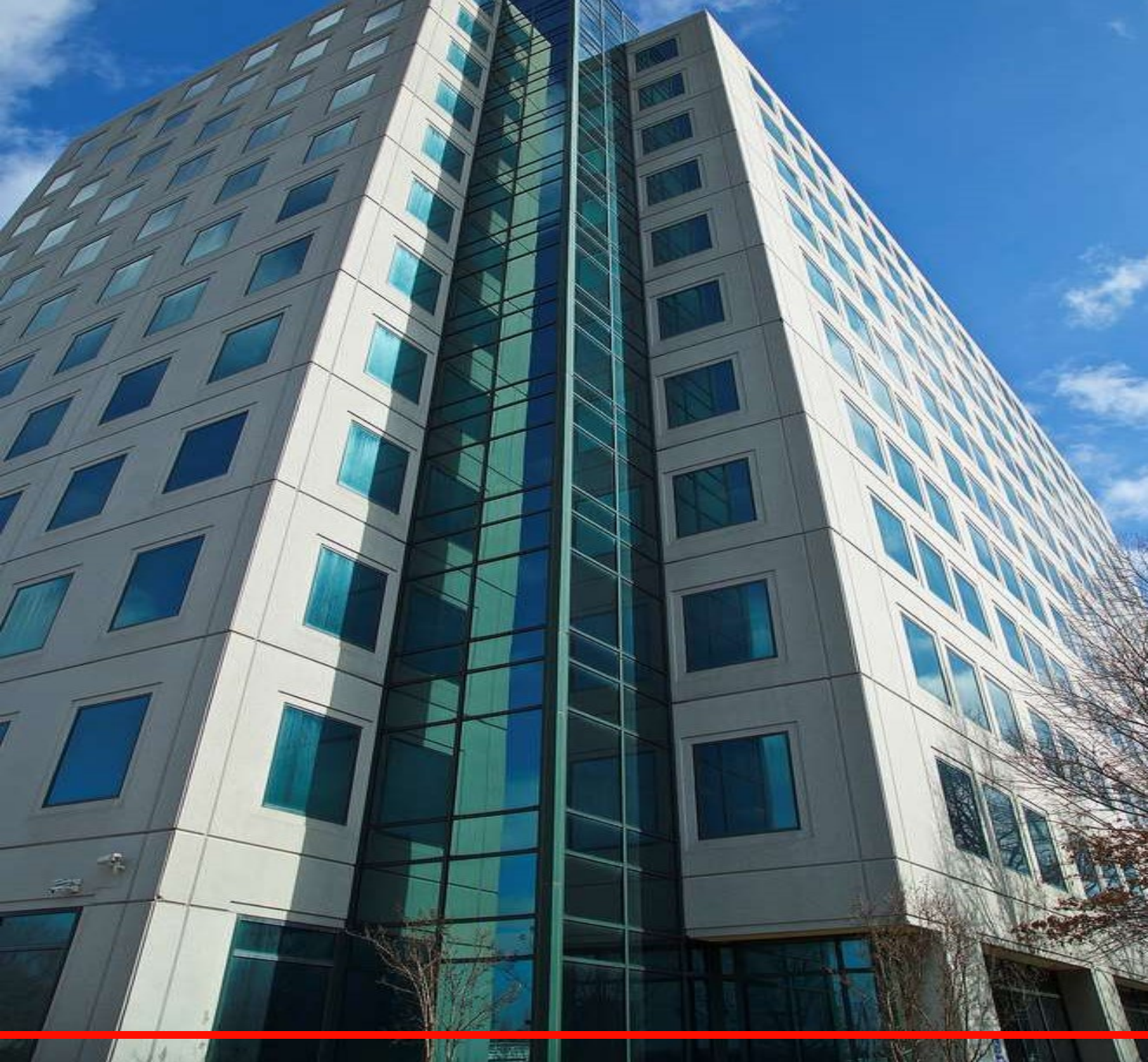
This requirement applies only to Type I, II, and III Facilities.

- (4) Inmates with disabilities, including temporary disabilities, shall be housed and managed in a manner that provides for their safety and security. Housing used by inmates with disabilities, including temporary disabilities, shall be designed for their use and shall provide for integration with other inmates. Program and service areas shall be accessible to inmates with disabilities.

This requirement applies only to Type I, II, and III Facilities.

Authority: T.C.A. § 41-4-140. **Administrative History:** Original rule filed August 9, 1982; effective September 8, 1982. Repeal and new rule filed June 29, 1984; effective September 11, 1984. Amendment filed July 31, 2000; effective November 28, 2000. Repeal and new rule filed October 29, 2014; effective January 27, 2015. Amendment filed September 1, 2017; effective November 30, 2017.





Tennessee Corrections Institute

500 James Robertson Parkway

Nashville, TN 37243

(615) 741-3816

<http://www.tn.gov/commerce/section/corrections-institute>

