

# State to move 99 Blount County prisoners to other facilities

By Joel Davis [joeld@thedailytimes.com](mailto:joeld@thedailytimes.com) | Posted: Tuesday, June 28, 2016 12:00 am

State officials confirm that a number of state inmates currently held in the Blount County Adult Detention Center can be accommodated elsewhere.

The Tennessee Department of Correction (TDOC) is removing 99 inmates from the Blount County jail, according to the Blount County Sheriff's Office. The move comes after a recent state attorney general's opinion on whether the state could require local governments to hold prisoners.

"We have 99 TDOC inmates who are sentenced to more than one year," Blount County Sheriff's Office spokeswoman Marian O'Briant said Monday afternoon. "We received word from TDOC last week that they were going to start picking up 25 inmates per week until they are gone. This will help our inmate population numbers. However, it will have a great impact on our inmate workforce, which provides workers for the kitchen, laundry, garage, the BCSO training facility, litter crew, maintenance around the Justice Center property, sewing, the county carwash, animal shelter and the workers we've provided to the city of Friendsville for labor."

During a follow-up to a recent Tennessee Attorney General's opinion that local jails cannot be required to hold state inmates sentenced to more than a year of confinement unless they contract to do so, TDOC spokeswoman Neysa Taylor told The Daily Times that some of those held in Blount County could be transferred to other facilities.

"TDOC utilizes effective bed management strategies when housing inmates," she said. "If Blount County no longer housed the TDOC inmates eligible for movement, then TDOC would place them in other facilities appropriate for their risk level."

## 'Overcrowding emergency' exception

In the June 6 opinion, Tennessee Attorney General Herbert Slatery III wrote that without a contract to house felons, counties could not be required to hold them. "Pursuant to Tenn. Code Annotated § 41-8-106(a), no county may be required to house convicted felons who have been sentenced to more than one year of continuous confinement unless the county has contracted with TDOC for the purpose of housing certain felons."



## Blount County Justice Center

A spokesperson for the Tennessee Department of Correction has confirmed some state inmates currently held in the Blount County Adult Detention Center, located at the back of the Justice Center, can be moved elsewhere.

An exception exists in the event of an “overcrowding emergency,” as defined by Tennessee Code Annotated § 41-1-503(a), “in which case the governor may require county jails to house convicted felons until the overcrowding emergency has been remediated,” Slattery wrote.

According to Alison Randgaard of the TDOC Communications Division, the state has been working under an ongoing overcrowding emergency declaration for more than 30 years.

“In 1985, Gov. Lamar Alexander declared a state of overcrowding emergency for Tennessee prisons and issued a directive implementing ‘safety valve’ dates for eligible offenders,” she said. “The TDOC has operated under this declaration since that time.

“In short, the declaration was implemented once the state prison population reached 95 percent capacity and remains in effect until numbers are reduced to 90 percent capacity. While this declaration is in effect we must note that it is ideal to keep the prisons at around 97-98 percent operating capacity in order to best utilize our resources through the use of effective, evidence-based bed management.”

### **Monroe: pull federal, state**

Blount County Commissioner Tona Monroe used the release of the opinion to once again push for the removal of all federal and state inmates from the jail.

“It has been shown that both arrangements are a loss to the taxpayers of Blount County,” Monroe said in a statement to the media. “Now a new opinion by the Tennessee Attorney General makes it clear that the county is not obligated to house the state prisoners either. This eliminates any need to spend huge amounts of money to expand the Blount County Adult Detention Facility. Based on the most recent month’s jail population statistics, if the federal and state prisoners were removed, the Blount County jail would be well under capacity.”

In a statement, Sheriff James Berrong said it’s not that simple. “While the Attorney General’s opinion contains some valid and logical information, most local jails would not be able to adhere to those guidelines. The majority of local jails in Tennessee and beyond are overcrowded. Ideally, the Blount County Sheriff’s Office would prefer to send TDOC convicted felons who are sentenced to more than one year of continuous confinement to a TDOC facility. However, Tennessee’s prison system is also overpopulated. Tennessee’s prison system is facing an overcrowding emergency. There is nowhere to send these convicted felons.

“The Blount County Sheriff’s Office does not have the option of releasing these convicted felons onto the streets. Further, these state inmates that Commissioner Monroe is referring to are Blount County inmates who committed crimes here, and then prosecuted and sentenced here. We are not housing state inmates for other agencies. Perhaps Commissioner Monroe would like to house them on her property?”

Not housing state and federal inmates would have an immediate effect on Blount County government’s bottom line. In the upcoming 2016-2017 fiscal year budget, for instance, officials have budgeted about \$1.6 million in anticipated income from state prisoners and \$2.2 million in income from federal prisoners.

“Over the years, we have drastically decreased the number of federal inmates we accept due to our overcrowding issue,” Berrong said. “There are 68 federal inmates in the Blount County Jail today (June 23, 2016). At the federal inmate rate of \$75 per day, that is \$5,100 a day that the U.S. Marshals Service is paying to Blount County. At a little more than \$3 a day to feed an inmate plus a few other minor expenses per inmate, Blount County is making money by housing these inmates. That money goes directly into the general fund, and it goes a long way to lessen the burden on Blount County’s taxpayers.

“We have asked Commissioner Monroe repeatedly for ideas on how to generate those funds if we discontinued housing federal inmates. So far she has not responded. Federal inmates generate millions of dollars for Blount County. She also continues to point out what she feels are problems in the county, but she has offered no realistic and legal solutions.”

## **No proposal to expand**

There is currently no proposal to expand the jail, but the County Commission on April 18 approved allowing the Purchasing Department to seek outside firms to evaluate possible new programs or design facilities to deal with overcrowding.

Last year, the Blount County Mayor’s Office assigned \$1 million in fund balance for the commission to use in addressing jail overcrowding. An additional \$500,000 could be set aside this year for the effort.

“I will make do with whatever the county provides for us,” Berrong said. “I have not recently asked the Blount County Commission for a new or larger jail facility since moving into the Justice Center. I provide the Blount County Corrections Partnership and the County Commission with updated jail population statistics as well as the ramifications if we continue with the overcrowding issue.”

According to reports from the TDOC, there are 22,881 total beds available for inmates in state facilities, but there are an average of 29,064 inmates sentenced to state custody.

“Regarding the numbers, there are approximately 20,000 felons in TDOC facilities,” Taylor said. “There are approximately another 4,500 felons that are classified as TDOC backup. These offenders are housed in county jails. Finally there are approximately 5,000 additional felons who were ‘locally sentenced’ and must serve their time in the county facility.”

The current Blount County Adult Detention Center opened in 1999. The jail, which is only certified for 350 inmates, failed a Tennessee Corrections Institute inspection in June 2012 due to overcrowding. As of May 4, there were 487 inmates in the jail, including 71 federal inmates and 136 Tennessee Department of Correction inmates who have been sentenced and are awaiting beds in a state facility.

The state inmates in local jails are people who were charged or sentenced in those counties for crimes committed in those counties. Many are waiting for a bed to open in a state facility.

Some of these state inmates have been sentenced to what is called “split confinement.” According to the TDOC website, that is a type of release where they must spend some time in jail before being released to probation.