



# TACIR

The Tennessee Advisory Commission  
on Intergovernmental Relations



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## ***MEMORANDUM***

**TO:** Commission Members

**FROM:** Cliff Lippard *Cliff*  
Executive Director

**DATE:** 6 December 2016

**SUBJECT:** State Prisoners in County Jails—Update and Panel Discussion

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At the May 2016 Commission meeting, members requested that staff revisit the Commission's 2007 report, *Beyond Capacity: Issues and Challenges Facing County Jails*, to examine the current state of jails in Tennessee, how housing state prisoners in county jails affects county governments, and whether an updated study is warranted. At the August 2016 meeting, staff presented a draft research plan for a new study, and commission members requested revisions to the plan to provide additional research on how the state chooses which prisoners are sent to county jails, explore how state prisoners are assigned jobs like cooking or laundry service, and determine whether state law places contractual obligations or limitations on housing state prisoners in prisons operated for counties by private contractors. The revised research plan is attached.

Since the Commission's 2007 report, a number of developments and initiatives have shaped the corrections landscape in Tennessee:

- 2008—Attorney General's Opinion 08-103 clarified that the Tennessee Department of Corrections is directed by statute "to take into physical custody felons sentenced to more than one (1) year of continuous confinement within fourteen (14) days after the department has received all certified sentencing documents from the clerk of the sentencing court unless the county has contracted with or expressed an intent to contract with the state to house certain prisoners."
- 2011—Governor Bill Haslam created a public safety subcabinet, comprised of commissioners and directors from 11 state agencies, which developed a multi-year public safety action plan.
- 2012—In response to the plan, the General Assembly passed the Tennessee Prescription Safety Act (Public Chapter 880, Acts of 2012), and other measures intended to curb prescription drug abuse and methamphetamine production.

- 2012—the General Assembly increased the maximum amount counties can be reimbursed for housing state prisoners, from \$35/day to \$37. (Public Chapter 1029, Acts of 2012)
- 2014—Governor Haslam convened a larger task force on sentencing and recidivism.
- 2015—Final report of the task force on sentencing and recidivism published, making several recommendations regarding sentencing reform, data collection, and alternatives for probation and parole violations.
- 2016—The public safety subcabinet released a new 2016–2018 Public Safety Action Plan.
- 2016—Enactment of the Public Safety Act of 2016 (Public Chapter 906, Acts of 2016), which will implement components of the task force recommendations, including: addressing domestic violence; “smart” changes in sentencing; use of a single, validated risk and needs assessment tool; and instituting community supervision reforms for violators of probation and parole who don’t commit new crimes.
- 2016—Attorney General’s Opinion 16-21 stated that, “no county may be required to house convicted felons who have been sentenced to more than 1 year of continuous confinement unless the county has contracted with TDOC for the purpose of housing certain felons.” The Attorney General also reaffirmed the opinion from 2008, but noted that “an exception to the fourteen-day removal period exists in the event of an “overcrowding emergency,” as defined by Tenn. Code Ann. § 41-1-503(a), in which case the governor may require county jails to house convicted felons until the overcrowding emergency has been remediated.”

TACIR staff is researching these changes and how they will affect county jails as part of this study.

Several panelists have been invited to provide relevant information to and address questions from the Commission:

- Debbie Inglis, General Counsel, Tennessee Department of Correction
- Wes Landers, Chief Financial Officer, Tennessee Department of Correction
- Ellen Abbott, Director of Criminal Justice Services, Tennessee Department of Mental Health and Substance Abuse Services
- Terry Ashe, Executive Director, Tennessee Sheriffs’ Association
- Jeff Box, Dyer County Sheriff
- David Connor, Executive Director, Tennessee County Services Association
- Jim Hart, Jail Management Consultant, University of Tennessee County Technical Assistance Service