

Tennessee Corrections Institute
Board of Control Minutes
September 2, 2015
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The Board of Control of the Tennessee Corrections Institute met on Wednesday, September 2, 2015, at 10:00 a.m., at the Tennessee Law Enforcement Training Academy Annex, 3025 Lebanon Road, Nashville, Tennessee.

Chairman Bill Oldham called the meeting to order and noted a quorum was present.

BOARD MEMBERS PRESENT

Bill Oldham – Sheriff, Shelby County
Armando Fontes – Sheriff, Cocke County
Derrick Schofield – Commissioner, Department of Corrections
Dan Hughes – Mayor, Henderson County
Buddy Lewis – Chief, Covington Police Department
Don Johnson – Governor's Office

TCI STAFF PRESENT

Beth Ashe - Executive Director
William Wall – Deputy Director
Jerry Scott – Training Coordinator
Joanne Pogue – Administrative Assistant
Ian Karssen – Administrative Assistant 3
Marian Hickman – Admin. Secretary
William R. Kane – DFS
Miller Meadows – DFS
Denise Messer – DFS
Tonya Webb – DFS
Joseph Underwood – Attorney – C&I
Scott Wilder – Attorney - C&I

OTHERS PRESENT

Steve Ross – Sheriff, Polk County
Teresa Hammons – Jail Administrator, Polk County
Jan Johnson – Assist. Jail Administrator, Polk County
Billy Breeding – Sheriff, Union County
Jessie Ellis – Jail Administrator, Union County
Jimmy Brown – Sheriff, Lawrence County
T. R. Williams – Mayor, Lawrence County
Jamie Mahare - Lieutenant, Lawrence County
James Lafferty – Administrative Assistant, Shelby County
Evin Baylis – H.R. Specialist, Davidson County SO
Byron Grizzle – H.R. Director, Davidson County SO
Jack Stockton – Sheriff, Roane County
Tim Phillips – Chief Deputy, Roane County
Rick Baker – Lieutenant, Roane County
Garvin Morris – Chief Deputy, Roane County

Kevin Arnold – Chief, Smyrna PD
Jeffrey Peach – Attorney, Town of Smyrna
Tim G. Fuller – Sheriff, Franklin County
Scotty McKay – Jail Administrator, Franklin County
David Ray – Sheriff, Claiborne County
Wayne Lee – Chief Deputy, Claiborne County
Larry Martin, Lieutenant, Claiborne County
James Yarbrough – Civilian, Davidson County SO
Austin Swing – Sheriff, Bedford County
Mary West – Assistant Jail Administrator, Bedford County
Jason Williams – Chief Deputy, Bedford County

Chairman Oldham noted that all board members had received the Minutes from the June 3, 2015 meeting and entertained a motion. Mayor Hughes moved to approve, seconded by Commissioner Schofield. There being no questions or discussion, the motion to approve carried.

Waivers for Pre-Employment Requirements was the next item to be considered. Mr. Byron Grizzle, H.R. Director for the Davidson County Sheriff's Office, was present along with Mr. James Yarbrough seeking a waiver for Mr. Yarbrough for a DUI conviction he received in 2000. Mr. Grizzle told the board that Mr. Yarbrough has nothing on his record since that time. Background check revealed no other problems that would keep Mr. Yarbrough from serving as a correctional officer in Davidson County. Mr. Yarbrough addressed the board and thanked them for meeting with him. He said he did plead guilty to a DUI. He noted that since that point, he has turned his life around and admitted he had made a huge transgression in his life at that time and is still paying for it. Mr. Yarbrough said he has attained his bachelor's degree in criminal justice and has recently received his master's degree in homeland security emergency management. He also has extensive experience in the private security field and wants to pursue a career with the Davidson County Sheriff's Office.

Chairman Oldham entertained a motion. Sheriff Fontes moved to approve the waiver, seconded by Commissioner Schofield. There being no further discussion, the motion carried.

The next item on the agenda was Plan of Action Presentations for consideration. Unicoi County Jail. There were no representatives from Unicoi County Jail. Deputy Director William Wall addressed the board on Unicoi County's behalf and noted Unicoi County Jail was under a plan of action for overpopulation and for a medical log deficiency. Upon reinspection, there were no findings of deficiencies. Unicoi County Jail is requesting to be released from their plan of action.

DFS Tonya West commented that Unicoi County has done everything that TCI has asked of them above and beyond. She said that due to financial reasons, representatives from Unicoi County were unable to be present but wanted the board to understand they would appreciate being released from the plan of action.

Chairman Oldham entertained a motion. Sheriff Fontes moved to release Unicoi County Jail from their plan of action, seconded by Commissioner Schofield. There being no further discussion, the motion

carried.

Bedford County Detention Center – DFS Miller Meadows told the board that the initial inspection found overcrowding, which is a recurring theme throughout Middle Tennessee. Upon reinspection, all items were corrected with the exception of overcrowding. DFS Meadows said he recommended that Bedford County Detention Center go under a plan of action. They have done a lot of work to meet the new 2015 standards and are doing maintenance on a facility that is outdated. There have been leadership changes with a new sheriff and they are doing a good job. DFS Meadows said he is recommending the standard plan of action.

Sheriff Austin Swing was present along with Mary West, Assistant Jail Administrator. The sheriff responded that they have been working with DFS Meadows, Bob Bass and Jim Hart. Sheriff Swing noted that he had met with Mr. Hart the past Monday, and the county is striving to get started on a new jail. The sheriff said that twenty plus building sites have been narrowed down to approximately four. The mayor is keeping things rolling in that regard.

Chairman Oldham commended the sheriff for the effort the department has put into getting things in order and added he believes the plan of action is a good step. The chairman entertained a motion. Commissioner Schofield moved for approval, seconded by Sheriff Fontes. There being no discussion, the motion passed.

Claiborne County Justice Center – Sheriff David Ray was present along with his chief deputy and lieutenant. He noted that Claiborne County Justice Center has been under a plan of action for about a year. The sheriff thanked the chairman and every member of the board and added he believes the governor did the right and honorable thing to help every county in the state. Sheriff Ray said he knows that had it not been for the board and the partnership that was entered, Claiborne County would not have made the progress that has been made.

DFS Kane reported that he has worked with Claiborne County through the POA process and the CCP process and Claiborne County has done everything TCI has asked of them. Architectural plans have been drawn and the final plans are being reviewed by the Fire Marshal and by TCI, although those plans have not been reviewed by the full county commission at the present time. There was a matter of some electronics that have been added to the current POA which was outside of their ability to fix in a timely manner. DFS Kane added he is comfortable with everything that has been completed.

Mr. Wayne Lee, Chief Deputy, commented that he and Jail Administrator Larry Martin are appreciative of being allowed to attend and asked the board to allow Claiborne County to continue with their plan of action. He pointed out also that they have been under the plan of action since March of 2012. Significant progress has been made with the county commission allocating funds in phases to pay for the expansion. To date, the commission has expended \$350,000 toward the development of a set of blueprints for a preliminary site plan. He said this came about when DFS Kane and Bob Bass made several presentations to the county commission and told the commission that this is their problem and what needed to be done to fix it. Deputy Lee said they have a contract with Cope Architecture out of Knoxville. The jail presently has 210 beds. The expansion will create a total of 455 beds, which they

hope will take care of the jail population for many years. Deputy Lee asked that the plan of action, which was previously submitted in July, be allowed to be amended in that their intercom system that they had hoped to have fixed that day, the company that initially installed the system in 2005-2006 has declared the system to be irreparable. The county commission will be asked at the September meeting for \$40,000 to replace those electronics. Deputy Lee added that Mr. Kane also pointed out in the reinspection, which occurred in July, was that there were people on the floor. The center has received stack bunks in order to get the people off the floor. He said as of Monday, September 1, everyone was off the floor. He added that the architect has met with Mr. Wall. There were minor changes requested by TCI in regard to some lighting in a medical and a holding facility.

Sheriff Fontes asked Deputy Lee if they have any idea how much the expansion will cost. Deputy Lee answered that this will be in the neighborhood of twelve million dollars. He added that the expansion process started in 2012 and commented that the wheels of legislation turn somewhat slowly in the political process. Because of that delay, the cost has increased. They are expecting the final plans to go to bid around the first of October. That process will last five to six weeks. The project is expected to be presented to the county commission in December.

Sheriff Fontes moved to approve, seconded by Commissioner Schofield. The motion carried

Lawrence County Detention Center – DFS Meadows reported that initial inspection revealed some minor deficiencies with policies. The biggest problem is inmate overcrowding with a population of 282 and certified for 261. There are 28 state inmates farmed out to other county jails in order to alleviate the overcrowding. DFS Meadows said they are trying to do everything they can to get their population down, which is almost impossible. They have reached out to the court system regarding early release, bonding issues, electronic monitoring and other things. He complimented the jail administrator in that the detention center was one of the first jails to be totally ready in 2015 with the new policies and procedures. The jail is spotless and the medical staff is professional. DFS Meadows said it is a good facility and he would recommend certification.

Sheriff Jimmy Brown added that Lt. Jamie Mahare does an excellent job. There is a doctor that oversees the medical staff. The sheriff remarked that five years ago, they had 94 inmates. Currently, they range in the 300s. The center is short of beds. The sheriff added that the mayor, who is present, is working with the facility and knows what has to be done. The sheriff said he knows they have an issue and will be meeting with the law enforcement agencies in the county and will be doing everything possible to reduce the population.

Mayor T. R. Williams told the board that they are looking at other options to increase the capacity. They have started conversations with the district attorney and the judges to help reduce the population.

Chairman Oldham congratulated the sheriff for the job he has done thus far. He noted that in Shelby County, they also went to the law enforcement agencies and asked for relief in any way they could give it and added that that is the first step.

Chairman Oldham entertained a motion for approval of the plan of action. Commissioner Schofield

moved to approval, seconded by Sheriff Fontes. The motion carried.

Lincoln County Jail – DFS Meadows reported that Lincoln County is a success story. Construction is almost complete on a new 100-bed addition. The inspection and measurement of the addition should take place the following Tuesday. The facility was placed on a plan of action because of overcrowding. They meet all other applicable standards. DFS Meadows added the staff has gone above and beyond what is needed in order to be certified. Director Ashe remarked she has spoken with the sheriff in the last few days. The POA form has been turned in and they are continuing with the same plan. The sheriff questioned why he had to submit a plan that is the same. Director Ashe said it was explained that there have been several counties that started in one direction and when there is a delay, materials cost more as the process goes on. Director Ashe said that Lincoln County's plan of action has not changed. She added that the sheriff also has gone above and beyond what was required to meet the 2015 standards and feels confident that they will continue with their current plan. Deputy Director Wall commented that the sheriff also requested that the Fire Marshal report to TCI the progress of the construction of their jail. He said they are looking at less than two months out before they are ready to move in.

Chairman Oldham entertained a motion to approve the plan of action. Sheriff Fontes moved to approve, seconded by Chief Lewis. There being no further discussion or questions, the motion carried.

Roane County Jail – DFS Denise Messer reported that she is recommending Roane County Jail for certification under their new plan of action. They are working under a CCP with Bob Bass and CTAS very actively. On initial inspection, there were a few deficiencies that were corrected on reinspection. The overcrowding issue pertains to females.

Sheriff Jack Stockton addressed the board concerning the plan of action. He said the chief deputy has been working diligently in preparing a plan and working with Mr. Bass. Currently, the jail is under the population standards. The facility contains 172 beds with a current population of 170. There are 38 beds for females and the current population is 40 females. Chief Deputy Tim Phillips told the board when Roane County Jail was present before the board in 2014, they had talked about a unit that was used primarily for trustees which was re-purposed because it met the standards of sight and sound and separation from males. They now have 40 beds that meet the TCI standards. Also, Roane County had wanted to start a program for the females but needed to get funding. The program was presented to the county commission, which entails a 125,000 dollar budget, which was approved. They are now in the process of getting with WesCare, which is a long-term, in-house rehab organization in order to try to cut down on recidivism. He noted this would not totally fix the problem but would be a good start in that direction.

Deputy Phillips added that they are in a unique situation in that there is a retail store attached to the jail. The county executive and the county commission know that the best option for expansion is to acquire that retail building and turn it into room for female beds. He noted that the county executive and the commission are working toward that goal. The retail space is currently under a lease and the jail will be buying that lease out, which would be ideal for the jail and alleviate the crowding for some time in the female population.

Chairman Oldham commended the sheriff for what they have done and what they propose to do as far as the rehabilitation program and noted that other departments would be watching to see how that program goes and would probably try to emulate them.

Sheriff Stockton added that DFS Messer is very thorough and does a good job.

Chairman Oldham entertained a motion to continue the plan of action. Mr. Johnson moved to approve, seconded by Sheriff Fontes. The motion carried.

Franklin County Jail – DFS Meadows reported that Franklin County Jail has been on a plan of action for three years. There have been numerous county commission meetings attended. They are now in the process of looking at hiring an engineer to do site prep for possible expansion. The issue is overcrowding. There are 14 state inmates located in other counties. Weekly calls are made to TDOC about availability of beds in order to try to move some of those state inmates out. DFS Meadows added Franklin County Jail has met all standards for 2015 and has done an excellent job and recommended certification.

Sheriff Tim Fuller was present along with Capt. Scotty McKay, Jail Administrator. Sheriff Fuller acknowledged the jail has been under a plan of action for the last three years. He reported that the CCP is working well. They meet thirty minutes before the county commission meetings. The county commission is kept apprised of the numbers. In the last budget cycle, funds were appropriated to hire architectural services. Due to health problems experienced by the mayor, the process has been put on hold until he has recuperated. The sheriff said they are doing all they can currently to alleviate the problem. Sheriff Fuller remarked that if it were not for their drug court and reentry program, the numbers would be beyond where they are currently. The population is at 150. The facility is certified for 114. The sheriff said if it were not for the drug court and the reentry program, he feels the numbers would be over 200. Sheriff Fuller said that if he can move inmates to other counties, that is what he does. He recognized Coffee County for taking approximately ten inmates after their new facility was opened. The sheriff said the county commission has helped out with funds for maintenance in order to continue to keep the facility maintained and to make improvements, but the facility is just not big enough.

Capt. McKay added that the jail is steadily trying to maintain what they have. He thanked DFS Miller, Bob Bass and Jim Hart for their resources. Capt. McKay said that those individuals always have an answer and if not, they will find out and call him back.

Chairman Oldham commended Franklin County for everything they are doing in a difficult situation and for working with their judicial system to make sure they are doing everything they can to alleviate the population. Sheriff Fontes asked what the appropriation was by the county commission. Sheriff Fuller answered that \$20,000 were appropriated. Sheriff Fuller added that he did not have a number when he made the proposal and threw the number out to them. The sheriff said it was in his budget to do this, but the commission wanted to move it to the county buildings budget.

Chairman Oldham entertained a motion. Mr. Johnson moved to approve the request, seconded by Sheriff Fontes. The motion carried.

Blount County Criminal Justice Center – DFS Robert Kane reported that Blount County has done a fantastic job in working with the CCP process and the POA process. They meet on a regular basis and are overcoming a lot of hurdles within the commission. Blount County has submitted an updated plan of action and shows the progress that has been made. Mr. Wall commented that Blount County did not pass the initial inspection, nor did they pass the reinspection. However, since that time, they have taken many steps to try to get back in line and they have done that. DFS Kane has gone out on multiple occasions to insure that they are doing everything they need to do. The recommendation is to certify with a plan of action. Even though the initial reinspection recommended decertification, they have taken every step necessary. Mr. Wall noted that sometimes the sixty days is short and that is what they ran into in trying to resolve some of the issues. DFS Kane added that there were two areas that fell short. One of those issues dealt with fire drills. Since reinspection, every person outside of military leave or sick or personal leave has satisfied that standard. The second dealt with shower issues. They are now taking bids, which has been added to the existing POA, to have those covered in stainless steel and fixing everything. DFS Kane said it is his recommendation for certification and for Blount County to continue under the plan of action.

Sheriff James Berrong noted that he came in as sheriff in 1989 and inherited a facility that was already overcrowded. He said he is finding out that building a new facility is the most unpopular expenditure of tax dollars there is unless you are a victim of a crime and that they are running into issues with the county commission and legislative issues. Sheriff Berrong said he addressed the board three years ago and at that time said that the mayor did not think he had a problem but rather thought the sheriff had a problem. Since that time, the mayor is on board 100 percent and called the sheriff the previous day and told the sheriff that one million dollars had been escrowed and earmarked for a new jail and plan to do the same thing next year. The sheriff said they are making great strides and progress with cooperation between the jail and the mayor's office. He added that they also have a commission that does not believe there is a problem.

Sheriff Berrong introduced Chief Deputy Jeff French and Deputy Chief Chris Cantrell, who has taken over the jail responsibility in December of 2014. Director Ashe added that TCI received notification from the state Office of Criminal Justice Programs in relation to the pretrial risk assessment pilot sites for fiscal year 2016, there were eight letters of interest that were received prior to the August 31st deadline. One of those letters of intent came from Blount County. She congratulated Blount County for having the foresight to be proactive in trying to gain funding to alleviate the overcrowding as it currently exists.

There being no further questions or discussion, Chairman Oldham entertained a motion. Mr. Johnson moved to approve, seconded by Sheriff Fontes. The motion carried.

The next item on the agenda was for certification of facilities. DFS Kane reported that Polk County Justice Center had a reinspection and all deficiencies were corrected with the exception of some areas in documentation. Since the reinspection in the last four weeks, DFS Kane said he has reviewed

numerous amounts of documentation and returning to Polk County the prior week and reviewing documentation as well. He said they have done a fantastic job and have done a 180 turnaround in their documentation, including putting checks and balances in place to insure that the documentation will be as it should be. DFS Kane remarked they are now completely compliant in documentation and it is his recommendation for certification at this time. Polk County Justice Center has also reached out to CTAS to conduct a staffing analysis on TCI's recommendation. Those results will be reviewed in the next fiscal budget year.

Sheriff Steve Ross was present along with Teresa Hammons, Jail Administrator, and Jan Johnson, Assistant Jail Administrator. He commended his staff for getting the work done and said he is appreciative of the staff at TCI.

Chairman Oldham commented that it was a difficult task and under time constraints, but in correcting the problem, Sheriff Ross has shown his expertise and commitment and congratulated him for that. Chairman Oldham entertained a motion for certification. Sheriff Fontes moved to approve, seconded by Chief Lewis. There being no discussion or questions, the motion carried.

Union County Jail Certification – DFS Robert Kane reported Union County Jail is a success story and is a story he did not think he would be telling as far as recommending certification. He said TCI has not been able to find that Union County has ever been certified. This is an older facility built in the 70s and renovated in 2006. The basement had some cells put in. It is an old, aging, dilapidated facility. DFS Kane said the sheriff, jail administrator and staff have done a remarkable job and have done everything that TCI has asked them to do, going above and beyond in some areas. They are also looking at doing some additions to the jail, knowing that down the road they will have to do something else. DFS Kane encouraged people to go out and see what Union County Jail has accomplished and added that they are not stopping yet. They have joined the CCP process and working with Mr. Bob Bass and DFS Kane. There are some overcrowding issues, although currently their numbers are where they should be. Everything that can possibly be fixed within the facility has been fixed. DFS Kane added that that goes to the testament and resolve and leadership of the sheriff's department and the county commission and it shows they can come together and work together and have a good outcome. DFS Kane said he is recommending certification and added that he is proud and honored to be a part of it.

Sheriff Billy Breeding was present along with Jail Administrator Jesse Ellis. Sheriff Breeding said he just took office this year. He explained that while at the New Sheriffs' School, he met Jim Hart who handed the sheriff a Jail Needs Assessment at the facility and told the sheriff they have problems. Sheriff Breeding said it was pretty bad. He said his first order of business on taking office was to get with Mr. Ellis and telling him they had a lot of work to do. The sheriff said they went down the needs assessment and fixed all the deficiencies they could. Sheriff Breeding said he then met with DFS Kane, who is very thorough. There were lots of issues in the facility and they corrected all of those deficiencies. Sheriff Breeding asked the board for certification. Director Ashe said TCI did check the records and they reflect it has been about thirty years since the jail was certified. The director said with the 2015 standards, it is a major accomplishment for Union County and added she feels they need a standing ovation, which was given. Sheriff Breeding commented that he appreciates everything

and that it has been a long, hard road.

Chairman Oldham commended Director Ashe and the TCI staff. He noted that her leadership regarding CCPs and POAs have lead them to where they are today. Chairman Oldham added that the job that the DFSs do every day is a testament to their commitment. The chairman congratulated Sheriff Breeding and Mr. Ellis for the tremendous accomplishment and one they should be proud of. Sheriff Breeding responded that he is extremely proud of his staff and could not have done it without them.

Chairman Oldham entertained a motion for certification. Commissioner Schofield moved to approve, seconded by Mr. Johnson. There being no further discussion, the motion carried.

Chairman Oldham read the list of facilities that are being recommended for certification, which consisted of the following: Bradley County Justice Center, Johnson City PD, Davidson County Criminal Justice Center, Macon County Justice Center, Lewis County Jail, Kingsport PD, Henderson County Jail, Gatlinburg PD, McMinn County Jail, McNairy County Jail, Smith County Justice Center, Collierville PD, Bartlett PD, Anderson County Detention Center, Shelby County Annex, Shelby County Jail East, Shelby County Criminal Justice Center, Hardeman County Criminal Justice Center, Sequatchie County Justice Center, Hawkins County Justice Center, DeKalb County Jail/Annex, Jackson County Criminal Justice Center, Hardin County Corrections Facility, White County Jail, Gibson County Corrections Complex, Scott County Corrections Facility, Sumner County Jail, Decatur County Jail, Haywood County Justice Complex, Montgomery County Work House, Overton County Justice Center, Maury County Jail, Chester County Detention Center, Carroll County Jail, Dyer County Jail Annex, Unicoi County Jail, Unicoi County Annex, Henry County Jail, Robertson County Jail.

Chairman Oldham called for a motion. Mayor Hughes moved for approval, seconded by Sheriff Fontes. The motion carried.

Non-Certification list of Facilities read by Chairman Oldham consisted of Hamblen County Jail and Cannon County Jail.

Mr. Wall reported it has been years since Hamblen County Jail has had certification. There are multiple issues. Hamblen County has not made an effort to reach out to TCI to attain certification, however, the CCP is currently working with the National Institute of Corrections to do a special study at the mayor's direction. During the inspection, there were many life safety issues. TDOC has worked to remove many of the state inmates out of the jail. TCI requested that all state inmates be removed to help alleviate overcrowding. The Fire Marshal has had multiple findings on the jail and are currently working on a corrective plan of action. Mr. Wall added that even with the work that the mayor's office has done, TCI cannot recommend certification because of too many life safety issues. Director Ashe added that TCI is fortunate to have the same legal representation as Fire Safety and asked Mr. Joseph Underwood if Hamblen County Jail has submitted a plan to the Fire Marshal's Office. Mr. Underwood replied that a plan has been submitted and is in the process of being reviewed. The jail will have sixty days to fix problems regarding the life safety issues.

Cannon County Jail – DFS Miller Meadows reported he is recommending decertification. The jail is certified for forty-two inmates – thirty-four males and eight females. The inspection revealed fifty-two male inmates and fifteen female inmates. He said that TDOC backup is not a problem for Cannon County. The jail is an old facility, having being built in 1993. However, life safety issues is not a huge problem. The building is well-maintained, food service is good, as well as basic medical needs for inmates. DFS Meadows remarked that the jail does not want certification. CCP has been started, stopped and began. He said that he and Bob Bass have attended CCP meetings. DFS Meadows said he believes a new approach needs to be taken with Cannon County and he does not have an answer.

Director Ashe commented TCI is working with Cannon County. She said it has been a long process. There have been some changes in the structure of the county commission and the government setting, although the sheriff is still the same. Director Ashe said she feels they have made some progress within the last couple of weeks and feels there will be a positive outcome. There is some litigation within the facility which has heightened their sense of awareness that they need to consider certification. She said that litigation may be the driving point. She said TCI has expended all the resources they can and has provided all the technical assistance that can be given at this point. Director Ashe stated TCI never gives up on a facility. Whether the facility wants to be certified or not, TCI will do the inspections as they are authorized, required and mandated by statute to conduct inspections. Whether the jail passes or not is completely up to the government entity. She added TCI will pursue working with Cannon County to try to attain certification.

Chairman Oldham entertained a motion for decertification on Hamblen County and Cannon Cannon. Chief Lewis moved to decertify, seconded by Sheriff Fontes. There being no further questions or discussion, the motion carried unanimously.

Rutherford County Adult Detention Center - Director Ashe reported there was a situation where TCI conducted the inspection and reinspection where a current audit is being conducted by the Comptroller's Office. The director asked the board to defer action until the December board meeting with the hopes that the audit would be completed by that time. Chairman Oldham commented that until such time as the audit is complete, TCI cannot complete their inspection. Director Ashe said the DFS spoke with the mayor and she met with the mayor. The mayor disclosed the information to TCI. The Comptroller's Office was contacted and TCI was told that the Comptroller's Office work product was not discoverable. Therefore, there is no information that can be forwarded to the Board of Control at this time. Once it becomes public record, the information will be accessible to the board and the board can utilize that information to determine certification.

Chairman Oldham entertained a motion to defer until the December meeting. Mayor Hughes moved to defer, seconded by Mr. Johnson. The motion carried.

Director Ashe reported the staff of TCI completed their ID Security Training, making sure that their laptops and iPhones are not vulnerable to any outside recovery of data that would be supplied unless it is a public records request. Title VI training has been completed, which is required since the Department of Commerce & Insurance receives some federal funding, although TCI does not receive federal funds.

Director Ashe reported the DFS manager positions in the eastern and western portions of the state have not been posted. She said one employee did take the buyout and the funds have to be used as a payout for any annual leave or leave time. Once that amount is calculated, TCI is waiting on Finance & Administration on when that position can be classified to a lower classification and utilize the money to open up the two managers' positions.

The Annual Performance Evaluation Ratings from the C&I Commissioner are due on September 16th. Information will be provided to administration as well as TCI staff who will be evaluated by supervisors who are responsible for those staff.

Director Ashe reported that the FTO awards were presented at the annual conference. Awards went to Sullivan County, Knox County and Henry County FTOs.

The "Train The Trainer" course will take place October 19-23 in Madison County for the first time, as they asked to host one this year.

TCI is partnering with the Tennessee Prison Outreach Ministry Agency. There is a meeting scheduled in September to conduct TCI standards training for chaplains. Director Ashe said they will try to do this on a regional basis. She said there are different groups that provide chaplain training. One group focuses specifically on the inmates. There is very little training on working with correctional officers. She said she feels like TCI could provide two different tracks for those who work with staff and those who work with inmates. Funds will be used from the Correctional Officer Training Fund.

Director Ashe reported TCI is also developing the TCI Supervision and Leadership Training, which will provide opportunities in order to enhance career development. This will help with retention of correctional officers on the adult level. Regional training will be held for the local agencies and departments.

The local correctional officer training fund collections has increased. Director Ashe reported that in 2014 after the first quarter, there was an approximate 5,000 dollar increase. She said in the second quarter from 2014 to 2015, there has been an almost 10,000 dollar increase. There are now 129 facilities included in this program, thus the increase in funds.

Director Ashe asked the board to consider a motion to utilize the training officer fund to continue to offer the Public Safety Network Crisis Management Critical Incident Training. The approximate cost is \$25,000. That money will be allocated through the fund. She asked if the board would like to consider continuing that service to the correctional officers. She added that 2014 was the first year there was just strictly a correctional officer training, which was very well received. The officers have asked if there will be another training, as well as the sheriffs. Director Ashe said she felt this board needed to vote on whether they wish to spend the funds on that program. The director added that the evaluations received were very positive. This training would be open to police departments and sheriffs departments.

Chairman Oldham asked if there was any time frame concerning the posting of the two DFS manager positions. Director Ashe answered TCI is waiting on Commerce & Insurance. She said at her last meeting with C&I, there was discussion concerning whether those positions are considered critical. Director Ashe said she understands that the payout has to take place first and initially she was told that TCI would not be able to hire those individuals until all the money was paid out to the individual who was leaving in the buyout. Director Ashe noted that they have talked about the positions for over a year. She said they had the opportunity to use the buyout procedure. Director Ashe remarked that the budget report is positive but TCI cannot carry over any funds. Chairman Oldham responded that he would write a letter to Commissioner McPeak and Fiscal Officer Robert Wright requesting that they take a look at filling these positions, especially since TCI has been waiting over a year.

Chairman Oldham remarked that on the CISD training, all communications from personnel who have gone through the training have come back refreshed and saying what that training has done for them. He noted that the Chattanooga individuals who were involved in the situation there were debriefed and the CISD is very valuable. The chairman said he is very supportive of it and asked if any of the board members wished to express their opinions about that training. Chief Lewis added that while he was sheriff of Tipton County, there was an incident with a Covington police officer who was shot and killed who happened to be the brother of the current sheriff and was an employee of the police department at the time. That sheriff would say that that work that CISD did helped save his life. Chief Lewis remarked that he is very much in support and that it is money very well spent. Chairman Oldham added that his department has four or five employees that would say the same thing. Ms. Pogue remarked that there are sufficient funds in the training fund to provide for this training.

Chairman Oldham entertained a motion of approval for \$25,000 to be allocated for the CISD training. Chief Lewis moved to approve, seconded by Mr. Johnson. The motion carried.

Director Ashe reported there are twenty CCPs certified with board approved POAs. Twelve were removed from their POAs and were certified since June of 2013. There were fifteen construction plan reviews that took place. The new jails that have opened since 2012 are Campbell, Carroll, Carter, Coffee, Fentress, with Grundy opening in 2016, and Stewart opening in October of 2015. Expansions since 2012 under the CCP consist of Dyer, Anderson, Humphreys, McMinn, Sevier; Lincoln in the next 3-4 weeks; Tipton is in progress, and Moore is in progress. Director Ashe reported that the counties that have reached out this year for future CCP assistance in 2015 have been Cheatham, Hamilton – which is contemplating privatization over expansion or building a new facility, Giles and White Counties.

Director Ashe turned the floor over to Deputy Director William Wall for the report on the DFS activity. Mr. Wall reported that through August 28, 2015, there have been 4,610 instances of technical assistance, which is the number of times TCI staff have gone out to assist with providing information for research or assisting with local jails. There have been 2,319 technical assistance hours providing technical assistance to the jails, police departments and detention facilities across the state. In 2014, there were 5,120 instances and 3,259 hours for the entire year. Mr. Wall said TCI is on pace to far exceed last year's totals. He reported that the amount of work that the DFSs are doing, as well as the Nashville office, has been outstanding. To date, there have been 48 mock inspections compared to 28

for all of 2014. There have been 93 initial inspections completed to date. This is behind 2014's pace because the standards were not approved until January. Technical assistance was focused on during the first part of the year to insure that TCI was assisting the agencies as much as possible. Mr. Wall said the largest increase has been seen in the number of people who have been made contact with. In 2014, there were 8,129 contacts made by TCI. To date, the number is 29,672 contacts. Mr. Wall said this increase is attributed to being more effective in communicating with sheriffs, county officials, city officials, volunteers, contracted agencies, police departments and the public, as well as an improved tracking mechanism, which gives improved data. Mr. Wall noted that all of TCI has performed at an extremely high level and that he is proud of all the DFSs in the field and in the Nashville office for the amount of work they have done.

Mr. Wall turned the floor over to Mr. Jerry Scott, Training Coordinator, for his report. Mr. Scott reported the annual FTO workshop was a great success. There were approximately 310 attendees, including TCI staff, with approximately 50 attendees with vendors. Mr. Scott said that everyone has been impressed with what TCI has been able to accomplish. The way in which the conference was publicized was changed in that email blasts were sent, along with flyers. Mr. Scott said this was tracked with a new computer program showing who received the email and which departments opened or did not open their emails. Comments received about the workshop were positive, saying that this was the best ever workshop. TCI received 97 percent good and excellent comments from the attendees. He reported that the Acadis portal has been a success. The vice-president of the Acadis company was brought to the workshop to explain what the system does and can do. Mr. Scott said the new update should be released soon. Mr. Scott added that the Fire Division and POST also receive the benefits of the custom development that TCI has done with Acadis. Mr. Scott reported that the 2016 tentative schedule is ready for the Executive Director to look at, which is about sixty days ahead of normal and three months ahead of the requirement. He said this has a lot to do with the DFSs in the field getting their work completed early. Mr. Scott said they are targeting more on the local officer, asking them how they feel and if they are taking care of themselves, can they be helped with correctional fatigue syndrome, how can the officer be helped, and leadership. Mr. Scott reported that overwhelmingly comments came in requesting leadership training. He added that new hires in local offices need to be looked at for their potential and make that person the best they can be and not lose them. Mr. Scott said that leadership training is being developed and TCI is reaching out to experts for guidance in that regard.

Executive Director Ashe added because of the success of the CCPs, TCI has had national organizations to reach out and ask that TCI conduct presentations. She said at this point she is hesitant to do that because a lot of times people will go out and talk about how great and wonderful something is, but then lose sight of what they started out doing. Their time and energy then is not spent to continue to nurture those programs so that the programs continue to be successful. Director Ashe remarked that until she feels comfortable that TCI has reached the target that staff is comfortable with, she feels that if those people want to come and observe and see how the CCPs work, that that would be a better approach rather than TCI going out and saying here is what we are doing and here is how successful we are. Director Ashe said she feels right now, their target should be the local facilities and getting them trained and making sure they have the best correctional officers there can be and not flying across the country. She said this is one reason at the conference the attendees were asked what topics are needed in their

individual correctional facility that will help them do a better job. This input will be instrumental in working on the next in-service and Jail Issues Conference in 2016.

Mr. Scott remarked to date, the DFSs have trained approximately 3,700 correctional officers. He said there is an estimation of 7,000 to 9,000 persons being trained this year with TCI developed training. There have been 146 trainings completed. There were 152 scheduled, so training is being added as needed. There has been some targeted training. Mr. Scott estimated they will have close to 200 training opportunities in 2015.

Ms. Joanne Pogue reported she has been working with Mr. Robert Wright, who is Chief of Fiscal Services for C&I. She said they are working on completing the report which will be sent to Finance & Administration for the reserve on the local correctional officer training fund for 2014-2015. She said this is the same report sent to Rept. Charles Sargent, chairman of the House Finance Ways & Means Committee; Sen. Randy McNally, chairman of the House Local Government Committee; and Sen. Ken Yeager, chairman of the Senate State & Local Government Committee. The beginning balance of the fund on 7/1/14 was \$1,021,558. There were receipts for 2014/15 of \$697,696. Expenditures equaled \$380,892, which leaves a reserve balance as of June 30, 2105 of \$1,338,362. Ms. Pogue reported that a little over \$350,000 is encumbered to be used for the training portal. She added that hopefully in 2016-17, they will have encumbered the remaining balance for the training portal and possibly some new added development. TCI anticipates the training fund to be very successful in providing the extra training needed for the facilities. Ms. Pogue reported the fiscal year 2014/15 budget has been completed. TCI was under budget in senate appropriations of approximately \$24,000. The remaining training dollars will stay in the training reserve and does not go back to the general fund. Ms. Pogue said she is currently working on the 2016-2017 budget with projections of \$1,828,000. Of that amount, the state appropriations will be \$1,074,000. The local correctional officers training fund will be \$754,000, which are collections that are provided to be used only for training.

Chairman Oldham noted it was commented to everyone who had appeared before the board of how appreciative the board was of the work the facilities had done as it relates to what they had to do as well as the implementation of the new regulations in 2015. He said he felt the only reason they are talking about that is because of the effort and work that TCI has done and that it is reflected in all the comments that he receives from all the sheriffs when he attends meetings. Those sheriffs have commented that the TCI staff is excellent to work with, they are professional, and they enhance what is needed in the state of Tennessee in the area of corrections. Chairman Oldham said he hopes he is speaking on behalf of the board when he says job well done. The board applauded TCI's efforts.

Director Ashe noted she recently had foot surgery, which did not slow her down in the past three weeks. She reported during that time in tracking some legislation, in reference to Rept. Hulsey's House Bill 0785 from the last legislative session as it relates to jailer qualifications, this would still impact waivers. She said she had spoken with Sheriff Jeff Long from Williamson County, who is the chairman of the TN Sheriffs Association's Legislative Committee. They met with TCI, TBI, and the Tennessee Police Chiefs Association's Maggie Duncan, as well as some of their legal representation personnel and legislative aides. Director Ashe said there has been no action taken since then. The plan was at the end of the last session, the bill was to be calendared in the first committee meeting of

the Criminal Justice Committee. She said she is not sure where the bill stands currently, but if there is information she will give the board an update at the December meeting.

Director Ashe recognized board member Don Johnson to give an update as it relates to the recent Higher Education membership appointment to the Board of Control by the governor. Mr. Johnson reported that a candidate was interviewed the previous week and he will be presenting information to the governor in the next couple of weeks. Mr. Johnson said if the governor makes a decision on that person, he feels that the position would be filled by the next board meeting.

Director Ashe mentioned that on the pretrial assessment of pilot sites, there were deadline letters received from Shelby, Madison, Rutherford, Lawrence, Blount, Knox and Washington County facilities, and also the Metro Nashville Davidson County sent in a letter of intent.

Director Ashe reported under New Business that the Sheriff of the Year was awarded to Sheriff Bill Oldham. One of the criteria for the award is serving on other boards and being very active in all aspects of being a sheriff. She commended the sheriff and asked the TCI staff to give Sheriff Oldham a round of applause. The director said there are several people who have received this award in the past and that she was very impressed by the way Sheriff Oldham received the award in being humble and thanked everyone who works for him to give him the ability to be the leader that he is. Director Ashe said TCI feels it has made so much progress since Sheriff Oldham has been in the role of chairman. With his leadership, he has been a driving force and has worked very well with TCI. She also thanked the other board members for their service and in working with TCI.

Director Ashe clarified information in the board's packets concerning the Local Government Insurance Pool that insures quite a number of the jails. She said TCI has asked them in the past to concentrate on jail liability. She remarked that the insurance company is notified when a jail is decertified. TCI receives a number of calls from insurance companies wanting to know what decertification means. It can affect premiums and it is something that affects the whole insurance industry. Mr. Jim Hart will be speaker this year. TCI staff members are attending each of the seminars in the event there are questions asked about liability. Director Ashe noted the seminar she attended last year at Vol State was the best attended. Mr. Wall remarked that TCI's presence was requested this year at the seminars in an effort to assist the jails to understand the liability aspects of the new standards.

In further new business, the Smyrna Police Department was classified as a Type 3. Director Ashe reminded the Board that TCI, CTAS, MTAS, Tennessee Police Chiefs Association, the Tennessee Sheriffs Association, and the County Government Officials Association met and developed the 2015 standards. There were representatives from each of those agencies on the standards committee. Some standards were not changed for some types of those facilities within the standards. If there were questions, TCI went before the sheriffs and police chiefs and Director Ashe presented to the county mayors and went over what was going to happen and that each agency would be given adequate time in 2014 and 2015 to familiarize themselves with the standards. The DFSs offered training, and the inspection reports and checklists were synchronized to meet the standards so everyone would know what was expected during the inspection. Director Ashe said that the police chief of Smyrna PD had asked for an opportunity to come before the board to speak about his department and she asked

Chairman Oldham if the board would consider hearing from Chief Arnold. Chairman Oldham agreed to allow Chief Arnold to address the board.

Chief Kevin Arnold of Smyrna PD was present along with town counsel Jeffrey Peach. Chief Arnold said he was present to express his dismay and to appeal the ruling of Smyrna PD being called a Type 3 correctional facility and to express his opinion that it is not a Type 3 facility. Chief Arnold said he believes Smyrna is a facility that primarily does the fingerprinting, photographing, interviewing and interrogation. No one is held at the department. Chief Arnold explained that in 1994, the town counsel decided Smyrna needed a general sessions court for convenience for the citizens. Citizens and police officers were having to go to Murfreesboro to a very busy court where officers and citizens alike could be there anywhere from four to eight hours to hear one case due to the volume of cases going to Murfreesboro.

Chief Arnold remarked that at that point in time, Smyrna's booking process changed. The arresting officer makes an arrest and brings the individual into the police department. The individual is fingerprinted, photographed and the booking process is completed. The individual is given an opportunity to make bond there at the police department. There is a phone list and a bondsman list on the wall. If the individual can make bond, they are allowed to make bond there strictly for the convenience of the citizen. Chief Arnold said fifteen miles does not sound like a long way, however, with a population of close to 300,000 in Rutherford County, sometimes it can take thirty to forty minutes to get to Murfreesboro. If an individual cannot make bond or if they tell the officer right away that they will not make bond, they are transported to the Rutherford County Sheriff's Office to be held for court or to make bond later. Chief Arnold turned the floor over to Attorney Jeffrey Peach.

Mr. Peach replied that he has spoken with Mr. Underwood and Mr. Wilder. The conversations have not been adversarial. He said that it is not Smyrna's intention to cause problems or trouble on any front. However, they do believe the regulations have been misapplied. Mr. Peach explained that the booking procedure at Smyrna PD is a one-on-one process in that an officer will bring a person in. As soon as that person arrives, they are told there is a telephone on the wall and the officer tells the person to get on the phone and if they can get a bondsman there by the time the officer finishes the paperwork and getting pertinent information, then the person can bond out in Smyrna. Otherwise, the person will be taken to the Rutherford County Jail. Mr. Peach said that the luxury that a police department will never possess is having enough police officers. That being said, the reason that Smyrna does not keep people at the department longer than forty-five minutes to an hour is because the police officer, who is one-on-one with this individual, has left his zone uncovered so that another officer has to come over and cover that zone. The supervisors and the chief have mandated that the officer will not sit around and wait on a bondsman to arrive. If the bondsman is not there by the time the paperwork is completed, the person will be taken to the jail, just as any other police department would after the booking process, and the officer will get back to Smyrna and be in service so that he can cover his zone.

Mr. Peach said that when he has spoken with different representatives from TCI and asked what is the reason that Smyrna has been deemed a Type 3 and heard a couple of different reasons. One was because Smyrna bonds and another reason is because there is a general sessions court there. In speaking with Mr. Underwood, Mr. Peach said he was told it is really about the amount of time that the

people are there. Mr. Peach said he would agree with Mr. Underwood that it is about the time and in the regulations it states that it is about the time an individual is there, and that determines whether it is a Type 1, 2 or 3. Mr. Peach said that where the defendant winds up has nothing to do with whether the facility is a Type 1, 2 or 3 and that there is nothing in the regulations that would say that. Also, whether the individual bonds out from the facility is also not a reason why it is a Type 3. Mr. Peach said there is nothing in the regulations that mentions bonding or where the defendant winds up in court.

Mr. Peach remarked that when he and Chief Arnold first talked about coming to address the board, the first thing they think of is money and taxpayer funds and how this is going to affect the budget. He said at first, they were getting lost in that and thinking about the capital improvements that would need to be made to meet the Type 3 standards. Those improvements would have to be quite substantial. He asked what is the number one thing that affects a department's budget more than anything and commented that it is not capital improvements but personnel because those costs spiral each year. Mr. Peach said that while the training may be free in some instances, covering those positions while an officer is in training is not free but rather is time and a half. Mr. Peach said there is going to be questions about how many officers will have to be certified and will it be every officer that deals with the prisoner. Mr. Peach said Smyrna is not that type of facility. It does not have a kitchen. They do not keep people there for a long period of time. He said they are kept just like any other police department would for booking procedures. When the booking is completed, they are carried to Murfreesboro just like Lavergne does.

Mr. Peach said when he and the chief began talking about the financial burden, he said he told the chief that the financial burden really does not have anything to do with it. Mr. Peach said he believes the regulations are good regulations and they do not disagree with them. He said their issue is that Smyrna is not a Type 3 department, so those regulations should not apply. Mr. Peach said he could not find anything in the regulations or the Tennessee Code or any other publications that deal with Tennessee Corrections Institute that indicate there are any factors or indicators with the town of Smyrna that would throw them into this Type 3 designation. Mr. Peach asked that the board reevaluate and reconsider the designation that has been placed on Smyrna PD and added that it is his opinion that just about every police department that does not contract with a county sheriff's office that the individual will go straight there, and most departments in Tennessee do not do that, that every police department that brings someone to their office for photographing and fingerprinting would not meet the criteria for a Type 3. Mr. Peach said it is about the time and he did not feel that they spend that much with the prisoners and asked the board for their reconsideration.

Mr. Underwood acknowledged that he has talked with Mr. Peach and they have had good conversations. Mr. Underwood said when the amended rules were finalized and became official in January 2015, at that time the definition of a Type 3 facility was added, and it was clarified that a Type 3 facility is a facility that would keep an individual one hour to twelve hours. That does not include interviewing and interrogating suspects but would allow fingerprinting and photographing. Prior to that, a Type 3 was defined as any facility holding people for twelve hours. Smyrna would have been under that consideration as a Type 3 prior to January 2015, therefore, compliance should have been going on for a long time. Mr. Underwood said with the changing of the rules, Mr. Peach is correct that the regulations do not mention booking or bonding. He said he believes the intent is once the

department brings in a person and keeps them and becoming now a suspect and being incarcerated, that would be housing an inmate or housing an arrestee or a person who no longer has the freedom to move about. Mr. Underwood said he thinks that was the intent of the board in making that rule but to allow that one-hour time for someone who is just photographing and fingerprinting. Anything further than that was not addressed.

Mr. Underwood explained there was a questionnaire mailed to the departments across the state and the departments responded appropriately and some have not. He said Smyrna tried to do the right thing in their response. Mr. Wall commented that Smyrna was notified in March of 2014 that they are a Type 3 facility. Mr. Underwood noted that Mr. Peach spoke specifically about booking. Mr. Underwood remarked there are specific items that are required during the booking process. To the point that a person is not free to leave, it is the opinion that Smyrna is a detention facility and TCI inspects for specific items on booking, which is in the Booking and Release section of the standards. Mr. Underwood said the one-hour rule was inserted to prevent people from misconstruing and saying that they were just fingerprinting and photographing someone. There is an actual arrest, the person is detained and given a court date and has an opportunity to bond. Mr. Underwood said he feels the one-hour rule is insignificant when they talk about detaining individuals and not having the freedom to leave without having them taken to what is determined as a correctional facility.

Mr. Underwood noted that Smyrna is a small police department. When an officer brings a person into the department and an emergency comes up, the officer has to leave the prisoner there and go and respond to the call. How long that person would be detained would definitely be more than an hour and locked up and detained without having adequate facilities. Mr. Underwood acknowledged that that is a worse case scenario.

Director Ashe noted that there are five departments classified as Type 3, which include Germantown, Gatlinburg, Midland, Trenton and Smyrna. There was a police department that came before the board previously that asked not to be inspected and the board's response was they had to be inspected.

Chief Lewis commented that he can appreciate what Chief Arnold is going through and understands the situation. The bottom line is that the board heard several sheriffs at the meeting talk about the bonding process and that is one of the avenues that is being used to eliminate overcrowding in the county facilities. Chief Lewis said that to Chief Arnold's credit, what he is trying to do is to alleviate overcrowding in the Rutherford County Jail by allowing the person to be bonded out and not have to go to the jail and increase the population. Chief Lewis said he also understands about the time an officer has to take to carry someone to jail and what the chief is saying. In this case, however, the legal minds dictate what the rule means and how it is carried out.

Chairman Oldham asked Chief Arnold if his officers do arrest more than one person at a time at some points. Chief Arnold acknowledged that that could happen. Chairman Oldham asked the chief what happens when that occurs and if another officer is called in. Chief Arnold said another officer is not called in. The prisoners are brought in and there is a railing with a bench. They are handcuffed to the railing in the room. Sheriff Fontes asked if there is a cell in the facility. Chief Arnold answered there are three cells but very seldom is anyone ever put into them.

DFS Meadows said during the mock inspection and then the original inspection, he observed there are two holding cells that have concrete beds in them and a commode. Across the hallway, there is what he believes is called a juvenile holding cell, but it is not. It is a room that has a tile floor and a chair so that if a juvenile suspect is brought in, they are placed there. There is not a medical questionnaire in the booking process. There are no medical facilities, there is not a kitchen and no food preparation takes place. There is no policy for correctional staff at all, no certified correctional officers at all. All the officers are POST certified police officers. There is no correctional training and no FTO certified through TCI- conducted training. DFS Meadows said he also understands the issue when Mr. Peach talks about money. In order to bring the facility up to standards, it will take time and money to get those things done.

Director Ashe said they have the same situation with the other facilities that are Type 3, but they are all certified. She said that not many of those standards changed as it relates to any of those facilities.

Sheriff Fontes asked if all the information that is gathered at the Smyrna PD is forwarded to the Rutherford County Sheriff's Department electronically. Chief Arnold said it is only forwarded if the person is transported to the jail and the paperwork goes with person hand-delivered, not electronically.

Mr. Wall said another thing that concerns TCI is that Smyrna is detaining individuals and booking and bonding them with no medical screening, and the liability potential with that is extreme. Chairman Oldham asked Chief Arnold when there is an altercation in the field and an officer has to use force and the individual is injured, where do they go. Chief Arnold answered they are taken to the emergency room by ambulance. DFS Meadows said he asked those questions also. If a person comes in and gets sick while being processed, 911 is called.

Chairman Oldham asked if there were any other questions or discussions. He commented that the way he reads the definition, Smyrna PD is a Type 3 and does not see any recourse other than to address it as such. Director Ashe remarked that Smyrna's reinspection will be on Friday, September 4th. They will be back before the board in December for certification or non-certification, depending on whatever action the facility wants to take. The statute dictates that the board sets the standards.

Mr. Underwood said it would be good to have a motion on the decision that the board is making.

Chief Lewis added that as part of the motion, would the board allow Smyrna time to develop a plan. Director Ashe answered at the next meeting after the reinspection comes up, the board can make such a recommendation. Mr. Underwood remarked that Smyrna would be under the same procedures the board would allow anyone else to operate under.

Chairman Oldham entertained a motion that Smyrna PD remain classified as a Type 3 facility. Sheriff Fontes so moved, seconded by Commissioner Schofield. There being no further discussion, the motion carried.

Mr. Peach asked if the board or TCI would issue any type of written statement that he can use. Mr.

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Underwood said he could summarize in a letter to Mr. Peach regarding the matter in case he has an issue that comes up regarding this.

Chairman Oldham entertained a motion for adjournment. Sheriff Fontes moved to adjourn, seconded by Mr. Johnson. The motion carried.

The meeting adjourned.