



**STATE OF TENNESSEE**  
**DEPARTMENT OF COMMERCE AND INSURANCE**  
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April 19, 2016

Mr. John D. McAfee

RE: Claiborne County Jail

Dear Mr. McAfee:

In reference to your inquiry on the Claiborne County Jail and its relationship with the Tennessee Corrections Institute (TCI); attention should be focused on the powers and duties afforded to TCI and the TCI Board of Control (BOC) which are set out in Tennessee Code Annotated (TCA) § 41-7-101. The specific powers of TCI to oversee jails and similar facilities, including the Claiborne County Facility, may be found at TCA § 41-4-140. The powers provided for in TCA § 41-4-140, specifically clarify that TCI has no authority to enforce any deficiencies or infractions TCI may find in the course of jail or facility inspections. If TCI Inspectors, known as Detention Facility Specialists (DFS), find a facility is not in compliance with TCI standards, the DFS will report this fact to the BOC. The BOC will request the non-compliant agency to send a representative to the next scheduled BOC Meeting. At that BOC Meeting, the BOC will ask for the agency to respond to the report of findings filed by the DFS and advise them what needs to be done to correct the deficiency. The BOC will grant the facility 60 days to submit a plan of action to correct to the board on how they plan to correct the matter or show the matter has been corrected. If the non-compliant agency does not correct the deficiency or does not wish to tell the BOC how they plan to correct the matter within the 60 days allotted, the BOC will list the agency as "not in compliance." The deficient agency will stay in this classification until the next annual inspection. At the next annual inspection, if the agency is still not in compliance, it will go through the same process again until the deficiency is corrected or remain in non-compliance status until the following year where the process will repeat. TCI has no authority to shut down, fine, or implement any form of punitive sanction other than listing the facility as "not in compliance." The only real form of forced compliance that can be used to correct any issues concerning health and safety is through the Fire Marshal or applicable codes department, and only if they choose to get involved; but, TCI has no authority to force compliance or to punish

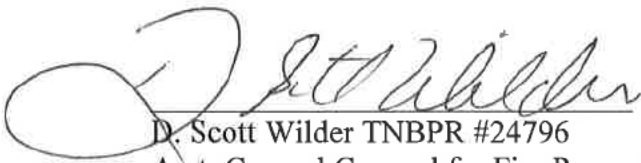
offenders that fail to meet standards. TCI is, in essence, an inspection and resource service that only makes recommendations, offers training, and provides "best practices" if deficiencies are discovered related to corrections personnel and facilities, but any deficient agency head has to want and request this assistance; TCI cannot force it on them.

Over time it has been discovered the indirect consequence of not meeting TCI Inspection Standards has, on occasions, resulted in a facilities insurance rates increasing; however; TCI has no bearing or control over this fact. There are several facilities within in the State of Tennessee that have never passed a TCI Inspection and choose to go forward with business without ever achieving compliance. This is completely their decision and TCI has no authority to force them to accept TCI guidelines.

In reference to the *Claiborne Progress* newspaper article regarding \$700,000 in state mandated renovations to the Claiborne County Jail; TCI and the Department of Commerce and Insurance which oversees TCI, has absolutely no knowledge of the origin of this statement and only ask that you contact the media outlet to determine its point of initiation. No mandate has ever or will come from this section or Department mandating changes or renovations to jails or facilities as referenced in the TCA above.

Should you have any further questions concerning the legal authority of TCI or its relationship to local facilities and jails please do not hesitate to contact me or this office.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Scott Wilder". The signature is written in a cursive style with a large, looping initial "D".

D. Scott Wilder TNBPR #24796  
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cc. Beth Ashe  
William Wall