

## **Skyrocketing numbers plague jails**

### **Hamilton County lockup's inmate count may reach record high**

By Andy M. Drury Staff Writer

EDITOR'S NOTE: This is the first in a series of stories on jail overcrowding in Hamilton County.

Hamilton County is on pace to shatter its record for the number of inmates booked annually into its jail, a troubling statistic for county leaders struggling with jail overcrowding.

Through November, 23,037 inmates had been processed into the downtown facility this year, up from 18,448 in 1996, county jail chief Jim Hart said.

"I anticipate hitting the 25,000 mark before the end of the year," he said. "It's definitely an issue." The jail, built in 1975, was under a federal court order to reduce overcrowding from 1989 until 1992. Renovated and expanded in 1994 to house a state-mandated maximum of 489 inmates, the facility has averaged 638 inmates each day this year, according to jail records.

"There's not enough beds to hold the inmates," Chief Hart said. "Some are in holding cells not designed for permanent housing or in day rooms sleeping on stacking bunks."

The consistently high jail population has caused concern among county officials ranging from the security of inmates and corrections officers to the possibility of the state revoking the jail's certification.

County Commissioner Larry Henry, who heads the county's Security and Corrections Committee, said officials must work to find ways to curb the rising number of inmates.

"It's something we've got to nail down," he said. "There's no doubt we can't sit on our hands any longer. We've got to do something about it."

Some officials said the jail is a powder keg waiting to ignite. "The conditions in the Hamilton County Jail are extremely serious, and a jail official informed me only last month that we have the luckiest corrections officers in the world," General Sessions Court Judge Bob Moon said. "We've had permanent disfigurement and serious injury in the Hamilton County Jail, but only by luck and circumstance have we not had a death."

**THE DANGERS WITHIN** Although jail overcrowding long has been a problem in Hamilton County, the issue took on a renewed importance this fall when Judge Moon announced his decision to delay sending nonviolent offenders to the jail.

"It wasn't just the numbers that were the reason for my decision," he said in October. "It was the dangerous dynamics of that jail."

Judge Moon cited at least three incidents of inmates attacking jailers, including the high-profile case of Dexter Harris. Mr. Harris was charged with attempted first-degree murder after officials said he strangled jailer Janine Mollica when she opened his cell to let him out for exercise. Jail officials accused Mr. Harris of using clothing fibers to make the rope used in the June attack. Mr. Harris is being held on a \$70,000 bond on a charge of attempted first-degree murder. Chief Hart said an increasing jail population is associated with internal safety risks.

"Although they're incarcerated, they do need elbow room," he said. "The more people you have in here, the more of a risk they are to jailers and themselves. When you combine all the other stressors with crowded inmates, it creates a tension environment, and our officers have to be alert to hot spots inside the facility."

As the number of inmates continues to surpass the jail's maximum capacity, there has been no corresponding rise in the number of jail personnel, Chief Hart said.

"At worst, we're looking at one officer per 127 inmates," he said. "On average, we have one officer per floor, except in the maximum-security area where we have two officers per floor." The Tennessee Corrections Institute, the state agency that certifies county jails, has warned the county that too many inmates and not enough officers could breed dangerous conditions. "Assaults on inmates and officers and escape attempts are to be expected," TCI assistant director Peggy Sawyer wrote in a 1999 inspection report. Two years later, she repeated the warning: "Both the officers and the inmates are in a very dangerous situation."

Chief Hart said he has asked for more workers, but the county has not agreed to pay for additional jail employees. Last year, county commissioners denied a request for six new correctional officer positions, four food-service employees, five record clerks and a sergeant to help with booking inmates, he said.

"We've asked over the last few years, but it hasn't been a priority," Chief Hart said of the staffing concerns. "We've been told by (state inspectors) that even if the facility was at 489 inmates, you have insufficient staff to run it."

Commission Chairman Richard Casavant said the Hamilton County Sheriff's Department received an increase in funding last year even during a tight budget cycle. "I don't think you can point the finger back at the County Commission," he said. "If (new jail positions are) extremely important, maybe some of the other positions could be reallocated."

**CERTIFICATION CONCERNS** The last time the jail's daily population dipped below capacity was in July 1997, but the jail has retained its state certification every year since.

State inspectors reviewed the jail in late October and again found too few employees and too many inmates, Ms. Sawyer said. A final inspection for the year was Friday, but a decision on whether the jail will remain certified won't be made until the spring by the TCI Board of Control, she said.

In a Dec. 6 letter to TCI, Sheriff John Cupp said the county is working to fix the overcrowding problems by expanding its Silverdale correctional facility by 128 beds to house federal inmates and by seeking a corrections master plan that will provide the county with a top-to-bottom look at the local justice system, expected to be complete by next May or June.

"This project will assess jail crowding, the jail's physical plant, alternate sentencing/diversion programs, and the Sessions and Criminal Court process," Sheriff Cupp said in the letter. "The outcomes anticipated are to expand alternatives to confinement programs, streamline the court process and develop a short and long-range plan for housing inmates in Hamilton County." County Executive Claude Ramsey would not discuss problems at the jail or the possibility of losing jail certification, saying his comments could be used against the county in possible lawsuits.

As in previous years, the county's officials will have the opportunity to explain their strategy for reducing overcrowding. That plan of action could buy them more time to find a fix without facing jail decertification, officials said. "More than likely this letter from the sheriff would be enough for the inspector to recommend certification," Ms. Sawyer said. "The inspector may recommend certification, but that doesn't necessarily mean the board is going to go along with it."

State records show that of the 126 facilities inspected by TCI, 28 are not certified. In Southeast Tennessee, the Sequatchie, Bledsoe, Van Buren and Grundy County jails are aging, overcrowded and have lost state certification due to staffing issues, records show. The Rhea County Jail was certified recently and McMinn County has a facility built in 1991. The Meigs County Jail is being expanded and upgraded.

Of the 110 county jails tracked by the Tennessee Department of Corrections, 61 of them were operating over capacity last month, according to the department's Internet site.

If certification of the Hamilton County Jail is revoked next spring, the county would be more open to lawsuits, and insurance underwriters could drop their coverage or raise premiums, Ms. Sawyer said. In some cases, the state keeps three-fourths of the per diem for housing state prisoners to help remedy jail deficiencies, she said.

**LOOKING FOR THE PROBLEM** County leaders said they're planning to target the root of the overcrowding problem with a comprehensive review of the county's justice system.

"We're going to look at everything — from the time arrests are made, the booking process, the jails, the courts, the (Silverdale) workhouse — to see where we can be better," Mr. Ramsey said. "We've got more prisoners than we've got space, and we're going to have to make adjustments."

Judge Moon said the problem has grown because the criminal justice system "hasn't been able to modify and reorganize" at the same speed as increasing caseloads.

"The founding fathers of this country never in their wildest imaginations considered there would ever be this much crime in our country," he said. "We are operating under a criminal justice system that is essentially unchanged in 200 years."

Mr. Henry, the newest member of the nine-member County Commission, said there are too many cases involving minor misdemeanor violations such as shoplifting or bad checks that are clogging the system.

"The judges in most cases could use more alternative sentencing," Mr. Henry said. "Until we come to the realization that we need to put people in intervention programs, it's not going to get any better."

Criminal Court Judge Rebecca Stern said there are "a lot of contributing factors" to the rise in the jail population.

"I know different judges disagree about jail overcrowding," she said. "But as a judge, I don't think it's my business when making a sentencing decision to consider whether the jail is overcrowded or not."

Judge Stern said she makes decisions based on the law and uses alternative sentencing when it's allowed.

"Jail overcrowding cannot have any influence on a particular person's disposition," she said.

Mr. Henry said he used to believe anyone who commits a crime needed to be incarcerated. "That's no longer my feeling," said Mr. Henry, who toured the jail twice this fall. "My opinion changed when I saw the deplorable, overcrowded conditions in that jail."

Judge Stern said there are many reasons for the overcrowding problem, including a higher crime rate, more arrests, lawyers spending more time with their cases and delays in paperwork processing.

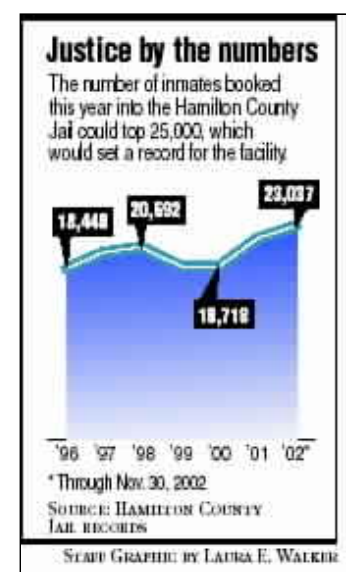
"There are so many factors contributing to the problem," she said. "I think it's a huge mix of problems."

Judge Moon said the upcoming study, expected to be complete by late next spring, must look at the whole problem, not just part of it.

"It's going to take both county and state officials working in unison," he said. "A judge can't do it alone. The County Commission can't do it alone. Every moving part of the judicial system is going to have to be scrutinized, from the bondsmen to the magistrates to the governor." E-mail Andy M. Drury at [adrury@timesfreepress.com](mailto:adrury@timesfreepress.com) Hamilton County Jail staffing Full-time staffing: Inmate accounts: 1 Correctional supervisors: 16 Total: 159 Correctional officers: 127 Administrative supervisors: 1 Other staffing: Chaplains: 1 Case managers: 1 for 40 Clerks: 8 hours a week Dentist: 8 hours a week Food service supervisors: 1 Psychiatrist: 3 hours a week Classification specialists: 2 week Counselors: 1 Secretaries: 1 Source: Hamilton County Jail officials Fiscal year 2002 operating costs Total: \$11,459,201 Less revenues, reimbursements: \$2,845,545 Net operating costs: \$8,613,656 Average daily cost per inmate: \$50.03 Source: Hamilton County Jail records



Staff Photo by Sean McRae Loftin A Hamilton County Jail inmate sits on his bed on the floor of a temporary housing room which has been set up because of overcrowding in the jail.



Scope of the problem

Monday  
Who's in the jail?

Tuesday  
Possible solutions

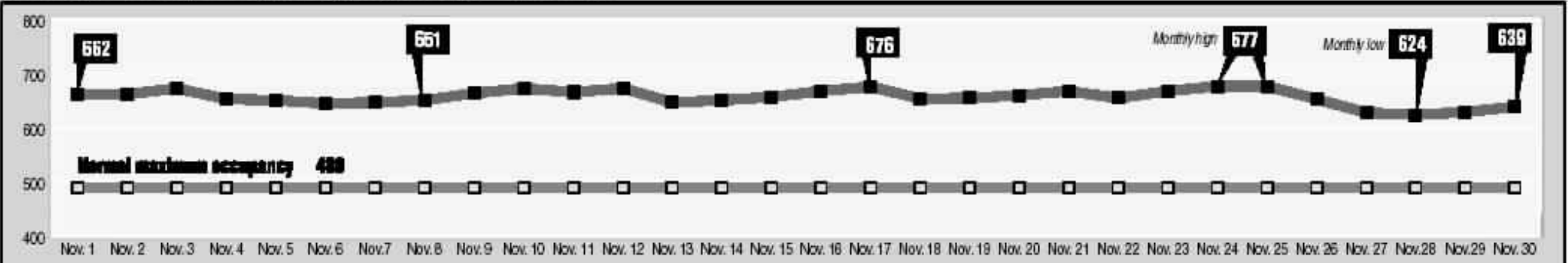
**INSIDE**

■ Area counties also have crowded jails. All



Staff Photo by Sean McRae Loftin A Hamilton County Jail inmate sleeps on a mattress on the floor outside a group of cells because of jail overcrowding.

### November daily occupancy, Hamilton County Jail



SOURCE: HAMILTON COUNTY RECORDS

STAFF GRAPHIC BY LAURA E. WALKER



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