



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Jail Specifications

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Jail Specifications

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The county jail must be of sufficient size and strength to contain and keep securely the inmates confined therein and must contain at least two apartments, one for males and one for females. The jail must be properly heated and ventilated, and have sufficient sewerage to ensure the health and comfort of the inmates. T.C.A. § 5-7-110. See also Rules of the Tennessee Corrections Institute, Rule 1400-1-.04.

Article I, Section 32, of the Tennessee Constitution provides that the erection of safe and comfortable prisons, the inspection of prisons, and the humane treatment of prisoners, shall be provided for. This provision has never been construed in any reported case. However, it has been held that Article I, Section 32, of the Tennessee Constitution does not afford any greater protection than is now available for prisoners under the aegis of the Eighth Amendment of the United States Constitution. *Grubbs v. Bradley*, 552 F.Supp. 1052, 1125 (M.D. Tenn. 1982).

The Eighth Amendment clearly requires states to furnish its inmates with "reasonably adequate food, clothing, shelter, sanitation, medical care, and personal safety." *Newman v. Alabama*, 559 F.2d 283, 291 (5th Cir. 1977). Those areas are generally considered as the "core" areas entitled to Eighth Amendment protections. They are the basic necessities of civilized life, and are, during lawful incarceration for conviction of a crime, wholly controlled by prison officials. Inmates must necessarily rely upon prison officials and staff to ensure that those basic necessities are met.

A corollary to the state's obligation to provide inmates with constitutionally adequate shelter is the requirement of minimally adequate living space that includes "reasonably adequate ventilation, sanitation, bedding, hygienic materials, and utilities (i.e., hot and cold water, light, heat, plumbing)." *Ramos v. Lamm*, 639 F.2d 559, 568 (10th Cir. 1980), cert. denied, 450 U.S. 1041, 101 S.Ct. 1759, 68 L.Ed.2d 239 (1981). Other courts have held that adequate shelter must include adequate provisions for fire safety. *Leeds v. Watson*, 630 F.2d 674, 675-76 (9th Cir. 1980); *Ruiz v. Estelle*, 503 F.Supp. 1265, 1383 (S.D. Tex. 1980), aff'd in part, rev'd in part and remanded, 679 F.2d 1115 (1982); *Gates v. Collier*, 349 F.Supp. 881, 888 (N.D. Miss. 1972), aff'd, 501 F.2d 1291 (5th Cir. 1974).

On the other hand, constitutionally adequate housing is not denied simply by uncomfortable temperatures inside cells, unless it is shown that the situation endangers inmates' health. *Smith v. Sullivan*, 553 F.2d 373, 381 (5th Cir. 1977). Similarly, high levels of noise are not, without more, violations of the Eighth Amendment. *Hutchings v. Corum*, 501 F.Supp. 1276, 1293 (W.D. Mo. 1980). As noted by the Supreme Court in *Rhodes*, the Constitution simply does not require complete comfort and does not prohibit double celling *per se*. 452 U.S. at 349, 101 S.Ct. at 2400, 69 L.Ed.2d at 70.

The Eighth Amendment, as noted, does require the maintenance of reasonably sanitary conditions in prisons, especially in the housing and food preparation and service areas. *Ramos, supra*, 639 F.2d at 569-72. In general, conditions must be sanitary enough so that inmates are not exposed to an unreasonable risk of disease. *Id.*; *Lightfoot v. Walker*, 486 F.Supp. 504, 524 (E.D. Wis. 1980). Inmates must be furnished with materials to keep their cells clean, *Ramos*, 639 F.2d at 570, and for the maintenance of personal hygiene. *Sweet v. South Carolina Department of Corrections*, 529 F.2d 854, 860 n. 11 (4th Cir. 1975).

Id. at 1122 - 1123.

Cell Square Footage Requirements

T.C.A. 41-4-140(f) provides that local correctional facilities shall meet the square footage requirements for single occupancy or multi-occupancy cells contained in the minimum standards required by the Tennessee Corrections Institute that were in effect at the time of the construction of the facility, or it may elect to conform to a more recent minimum standards required by the American Correctional Association in order to accommodate a larger inmate population. Also provides that a local correctional facility constructed before the effective date of any minimum standards required by the Tennessee Corrections Institute shall be exempt from the square footage requirements described in this subsection (f), unless the exemption poses a serious life, safety, or security hazard as determined by the Board of Control of the Tennessee Corrections Institute. Enacted as Public Chapter 535 (March 12, 2014). Each facility relying on regular access to additional living space to comply with minimum cell size requirements under Rules of the Tennessee Corrections Institute, Rule 1400-1-.04 shall maintain a written policy regarding the number of hours of access to additional living space outside an inmate's cell that inmates will be allowed. This policy should take into consideration any relevant factors regarding inmates, including but not limited to inmate classifications. Records shall be maintained on the number of hours per day inmates have access to

additional living areas in such facilities. Rules of the Tennessee Corrections Institute, Rule 1400-1-.05(11).

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