

HUMAN RIGHTS DEFENSE CENTER

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March 8, 2012

SENT VIA MAIL AND FAX

Commissioner Derrick Schofield
Tennessee Dept. of Correction
320 6th Avenue North
Rachel Jackson Building
Nashville, TN 37243-0465

Dear Commissioner Schofield:

We, the undersigned, represent a coalition of Tennessee-based organizations engaged in criminal justice-related issues, services and programs. We are contacting you due to our concerns about certain policy changes implemented by your administration and the impact of those changes on the safety of prisoners, TDOC employees and the public.

Since you were appointed Commissioner of the TDOC in January of last year you have instituted a number of policy changes at the institutional level that directly effect both prisoners and staff members. Those policy changes include the following:

- Inmates are required to walk in single-file under escort on the compound, a specified distance apart. Inmates are not allowed to talk while under escort.
- Inmates are not allowed to have their hands in their pockets while under escort, even during cold weather, and the TDOC has not issued gloves to all inmates.
- Inmates must be neatly dressed and keep their cells in an orderly condition with beds made, and must stand at attention during morning inspections without speaking, engaging in any other activity or making eye contact with the inspectors. This includes inmates who work night shifts who do not get off work until early in the morning, yet must be out of bed for inspection.
- When inmates are called to meals, they are required to line up and wait outside until it is their turn to go to the dining hall, even when it is pouring rain (this has occurred at Turney Center; TDOC escort staff had to wait in the rain, too).
- Inmates must keep their property in specific locations in their cells, and property storage rules have been changed multiple times in an apparently arbitrary manner, leading to confusion and frustration among both inmates and staff.

- Inmates may no longer possess coat hangers, which makes it difficult to dry wet towels, as nothing is allowed to be hung on cell walls. Permissible items on the property list have been changed and rather than being grandfathered in, items that are no longer allowed have been confiscated or required to be mailed out (e.g., more than one bowl or one cup).
- Inmates are required to greet certain staff members with designated phrases (such as “good morning warden”), and staff members are likewise required to recite specific phrases when encountering certain administrative officials or visitors (e.g., the institutional motto).
- Arts and crafts programs have been curtailed at some facilities, including in-cell arts and crafts; also, access to musical instruments has been restricted.
- Wardens have been transferred to different facilities, and our understanding is that you intend to continue transferring wardens every few years, which may have an adverse impact on institutional stability.
- There are daily cell inspections, including by wardens and deputy wardens, which means that all of a facility’s highest-ranking administrators are on the compound at the same time, which may constitute a security risk.

We take no position as to the benefit or practicality of some of these policy changes – with the exceptions of 1) not allowing prisoners to keep their hands in their pockets while outside during cold weather while concurrently failing to provide gloves to all inmates, which is disingenuous in light of Tennessee’s typically cold winters; 2) requiring night shift inmate workers to be out of bed for inspection only hours after they have left work and gone to sleep; and 3) requiring inmates and staff to wait outside in inclement weather until it is their unit’s turn to eat at the dining hall.

We believe that the policy changes you have implemented may have significant unintended consequences. Nor are we alone in our concerns. At least four wardens have resigned or retired since you were appointed Commissioner, some due to the implementation of your new policies. Also, a number of TDOC staff, from the warden level down, have contacted us to express their concerns about the effect your policy changes have had on both inmates and TDOC staff in terms of frustration and discontent among prisoners and decreased morale among employees. None of the TDOC staff members who spoke with us were willing to publicly identify themselves, citing fear of retaliation.

We are further concerned that the militaristic policy changes described above, which are widely perceived as being punitive, are causing an increase in violence and misconduct among prisoners while failing to facilitate the rehabilitation of prisoners and negatively impacting the safety of both inmates and staff. Indeed, if some of the policy changes are intended to improve safety and security at TDOC facilities, they may be having the exact opposite effect.

According to the TDOC’s own statistics for inmate-on-inmate assaults, inmate-on-staff assaults and institutional disturbances from January 2009 through December 2011, TDOC facilities have experienced a higher average number and rate of such violent incidents since you were appointed Commissioner. For example, in 2010 the average number of violent incidents per month system-wide at the 14 facilities housing Tennessee state prisoners (including CCA-operated prisons) was 310.4, with an average of 22.17 incidents per facility per month. The average rate of violent incidents per 1,000 prisoner population in the TDOC was 15.57 in 2010.

From January 2011 through December 2011, while you have served as Commissioner, the average number of violent incidents per month system-wide increased to 329.33; the average number of incidents per facility per month increased to 23.52; and the average rate of violent incidents per 1,000 prisoner population rose to 16.42. Significantly, the average number of assaults on TDOC staff members, which was fairly stable from 2009 to 2010 at 54.75 and 55.0 incidents per month, jumped to 62.16 incidents per month in 2011 during your tenure as Commissioner. Please see the attached chart, which is based on TDOC data produced pursuant to public records requests.

Therefore, to the extent that the policy changes you have implemented are contributing to higher levels of violence, they are endangering both prisoners and staff members, which we believe is unacceptable and deserving of review. As just one example, in May 2011 a female TDOC officer at the Turney Center prison was stabbed over a dozen times by two prisoners and hospitalized – a very rare occurrence in the TDOC.

We assume you are aware of the increase in violence at TDOC facilities, as the increase has been cited in internal TDOC documents – such as a June 2011 report on “Class A & Selected Other Incidents.” That report, for example, noted that “During June 2011, assaults on staff incidents rate increased by 11.9% from the previous month and is 60.2% greater than June 2010. June’s rate is also 59.0% higher than the FY 2010 monthly average.”

We are further concerned that the policy changes you have implemented reflect an effort on your part to remake the TDOC in the image of Georgia’s corrections system, where you were employed prior to your appointment as TDOC Commissioner. We submit that Georgia’s prison system is no panacea, and policy changes that make TDOC prisons more like Georgia’s ignore significant problems that have occurred in the Georgia DOC.

In fact, Georgia’s prison system has recently experienced a number of violent incidents. An August 28, 2011 article in the *Valdosta Daily Times* cited high levels of violence and a lack of institutional control at the Ware and Valdosta State Prisons. The article stated, “Recent incidents include an inmate being sliced open from his head all the way down his body. An inmate had his throat sliced from ear to ear. A guard was stabbed repeatedly in the head. An inmate was sliced open so savagely that he died from his wounds.”

On November 25, 2011, prison officials lost control at the Hancock State Prison; a dozen prisoners were injured and two were airlifted to local hospitals. Inmates set fires, broke into an administrative office and caused extensive property damage at the prison. That incident occurred just days after three prisoners were hospitalized and an officer injured during a riot at the Telfair State Prison. A prisoner was killed at the Smith State Prison on November 28. Notably, according to an *Atlanta Journal-Constitution* article, such incidents were related to “... protests of new prison rules.”

And, of course, in December 2010 inmates in at least seven Georgia prisons staged a coordinated protest seeking improved living conditions – including better food, more educational programs and various policy changes. The protests resulted in lockdowns at several facilities and, disturbingly, retaliatory beatings by staff that led to the indictment and arrest of seven correctional officers at

Macon State Prison in February 2011. On February 17, 2012, a federal lawsuit filed by prisoners who claimed they were beaten, kicked and knocked unconscious by guards at Hays State Prison settled for \$93,000.

Simply put, we do not want to see similar violent incidents occur in Tennessee's prison system due to policy changes implemented by your administration that do not accomplish the goals of institutional safety and security or the rehabilitation of prisoners.

In the latter regard, the militaristic policies you have implemented seem to reflect those used in boot camp-style programs (e.g., single-file movement, standing at attention, cell inspections, reciting specified phrases to staff, etc.). However, research by the National Institute of Justice, among other agencies, has found that boot camp-type programs generally fail to reduce recidivism. This is in part because the strict discipline and militaristic policies imposed during incarceration are absent after prisoners are released, when they return to an unstructured environment.

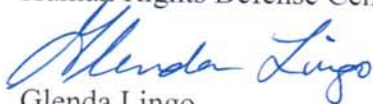
We want to bring the above concerns to your attention now rather than wait for another serious incident to occur at a TDOC facility that results in further injury to prisoners or staff.

Thank you for your attention to the important issues raised in this letter. Representatives from our organizations would like to meet with you to discuss your response to our concerns. If you are amenable to such a meeting, please contact Glenda Lingo at (615) 498-5957.

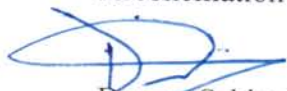
Sincerely,



Alex Friedmann,
Human Rights Defense Center



Glenda Lingo,
Reconciliation Ministries



Denver Schimming,
Tennessee Alliance for Reform



Terrell Scruggs
TN CURE (Citizens United for Rehabilitation of Errants)

cc: Governor Bill Haslam
Senator Mae Beavers
Senator Eric Stewart
Rep. Eric Watson

TDOC INCIDENTS REPORTED, JANUARY 2009 THROUGH DECEMBER 2011
(includes inmate-on-inmate assaults, inmate-on-staff assaults, institutional disturbances)

2009		Total Incidents	Public Prisons	Private Prisons	All Staff Assaults	Total Prison Population	Private Population	Total rate per 1000	Public rate per 1000	Private rate per 1000
January	2009	278	188	90	64	19147	5079	14.5192	13.3637	17.7200
Feb	2009	267	188	79	49	19184	5073	13.9178	13.3229	15.5726
March	2009	306	204	102	70	19240	5076	15.9044	14.4027	20.0946
April	2009	278	182	96	60	19245	5073	14.4453	12.8422	18.9237
May	2009	268	168	100	45	19227	5077	13.9387	11.8728	19.6967
June **	2009	300	205	95	54	19153	5081	15.6633	14.5679	18.6971
July	2009	292	198	94	54	19156	5069	15.2433	14.0555	18.5441
August	2009	309	216	93	55	19306	5074	16.0054	15.1771	18.3287
Sept	2009	279	173	106	34	19416	5055	14.3696	12.0465	20.9693
Oct	2009	329	224	105	53	19564	5057	16.8166	15.4408	20.7633
Nov	2009	278	183	95	51	19724	5040	14.0945	12.4625	18.8492
Dec	2009	338	257	81	68	19763	5063	17.1027	17.4830	15.9984
TOTAL		3522	2386	1136	54.75	19343.75	5068	15.1684	13.9198	18.6798
AVG# / MONTH		293.5	198.8333	94.66667	Average	Average	Average	Average	Average	Average
AVG# / FACILITY *		20.24138	17.28986	31.55556						

* Based on 11.5 state prisons and 3 private prisons, average incidents per facility per month

** Brushy Mt. state prison phased out in June 2009; number of state facilities for 2009 is calculated at 11.5

2010		Total Incidents	Public Prisons	Private Prisons	All Staff Assaults	Total Prison Population	Private Population	Total rate per 1000	Public rate per 1000	Private rate per 1000
January	2010	297	203	94	51	19800	5046	15.0000	13.7590	18.6286
Feb	2010	266	189	77	55	19949	5062	13.3340	12.6956	15.2114
March	2010	303	220	83	51	20020	5074	15.1349	14.7197	16.3579
April	2010	282	202	80	43	20032	5073	14.0775	13.5036	15.7698
May	2010	337	228	109	46	19907	5106	16.9287	15.4044	21.3474
June	2010	339	239	100	51	19855	5085	17.0738	16.1814	19.6657
July	2010	350	232	118	57	19920	5089	17.5703	15.6429	23.1873
August	2010	345	235	110	73	19945	5089	17.2976	15.8185	21.6152
Sept	2010	296	202	94	51	19893	5087	14.8796	13.6431	18.4785
Oct	2010	347	242	105	63	19961	5090	17.3839	16.2733	20.6287
Nov	2010	294	197	97	56	20016	5081	14.6882	13.1905	19.0907
Dec	2010	269	195	74	63	19903	5079	13.5156	13.1543	14.5698
TOTAL		3725	2584	1141	55.00	19933.42	5080	15.5737	14.4989	18.7126
AVG# / MONTH		310.4167	215.3333	95.08333	Average	Average	Average	Average	Average	Average
AVG# / FACILITY *		22.17262	19.57576	31.69444						

* Based on 11 state prisons and 3 private prisons, average incidents per facility per month

2011		Total Incidents	Public Prisons	Private Prisons	All Staff Assaults	Total Prison Population	Private Population	Total rate per 1000	Public rate per 1000	Private rate per 1000
January	2011	267	178	89	58	19838	5072	13.4590	12.0547	17.5473
Feb	2011	295	219	76	46	19894	5071	14.8286	14.7743	14.9872
March	2011	294	221	73	53	19915	5078	14.7627	14.8952	14.3757
April	2011	313	213	100	45	20135	5094	15.5451	14.1613	19.6309
May	2011	371	277	94	74	20132	5093	18.4284	18.4188	18.4567
June	2011	337	237	100	83	20176	5098	16.7030	15.7183	19.6155
July	2011	354	257	97	78	20143	5085	17.5743	17.0673	19.0757
August	2011	355	260	95	59	20186	5096	17.5864	17.2300	18.6421
Sept	2011	305	204	101	54	20174	5089	15.1185	13.5234	19.8467
Oct	2011	347	241	106	74	20079	5083	17.2817	16.0710	20.8538
Nov	2011	356	267	89	61	20014	5104	17.7875	17.9074	17.4373
Dec	2011	358	262	96	61	19853	5097	18.0325	17.7555	18.8346
TOTAL		3952	2836	1116	62.16667	20044.92	5088	16.4257	15.7981	18.2753
AVG# / MONTH		329.3333	236.3333	93.00	Average	Average	Average	Average	Average	Average
AVG# / FACILITY *		23.52381	21.48485	31.00						

* Based on 11 state prisons and 3 private prisons, average incidents per facility per month