



MEMORANDUM

TO: Hamilton County General Sessions Judges, Magistrates, Criminal Court Judges, Sheriff, Public Defender, District Attorney, Mayor, County Attorney, County Commissioners

FROM: Civil Rights Corps

RE: Observations Of Unlawful Procedures In Hamilton County’s Pretrial System

DATE: May 1, 2024

TABLE OF CONTENTS

I. Introduction	2
II. Hamilton County violates the law by jailing legally innocent people for up to 14 days before they are granted assistance of defense counsel or procedural due process solely because they cannot afford money bail.	3
A. The County has a policy/practice of jailing legally innocent people for up to 14 days if they cannot afford the money bail that a magistrate sets in their cases.	3
B. The County violates federal law by jailing legally innocent people before they receive assistance of defense counsel.	4
C. The County violates state and federal law by jailing legally innocent people without procedural due process.	7
III. Hamilton County could remedy its legal violations and overcome logistical and financial hurdles by implementing an automatic pretrial release order for people charged with misdemeanors.	9
A. An automatic release order would save the County hundreds of thousands of dollars while simultaneously increasing County employees’ capacity.	9
B. County representatives should respond with their proposed edits and questions to the proposed automatic pretrial release order by May 31, 2024.	10

I. Introduction

Civil Rights Corps (“CRC”) is a non-profit organization that challenges systemic injustice in the criminal legal system. CRC recently received a summary judgment decision regarding the constitutionality of certain bail practices in Hamblen County, Tennessee. *See Torres v. Collins*, 2023 WL 6166523 (E.D. Tenn. Sept. 21, 2023). CRC sent a memo to Hamilton County (the “County”) on January 17, 2024, outlining legal violations in the County’s pretrial system and proposing an automatic release order for all misdemeanor defendants.¹ Although potential plaintiffs who have standing can legally challenge the County’s pretrial system, this memo is neither a demand letter nor a threat of impending litigation from CRC. Rather, this memo serves as an invitation for the County to work collaboratively with CRC to ensure that the County’s pretrial system complies with state and federal law by enforcing existing cite-and-release laws and implementing an automatic pretrial release order for all misdemeanor defendants.

This memo outlines CRC’s observations of the County’s pretrial system from March 25 to March 27, 2024, and offers a draft of a proposed automatic pretrial release order for people charged with misdemeanors (*see infra* pages 12-14). CRC invites judges, magistrates, attorneys, commissioners, and other County employees to submit their edits and questions about the proposed automatic release order to CRC at kiah@civilrightscorps.org by May 31, 2024. CRC will consider the proposed edits and send an amended version for the County’s review thereafter. County employees who would prefer to discuss the automatic pretrial release order over a virtual meeting may contact kiah@civilrightscorps.org with their availability.

¹ Appendix A (“Memorandum re: Unlawful Procedures in Hamilton County’s Pretrial System”)

II. Hamilton County violates the law by jailing legally innocent people for up to 14 days before they are granted assistance of defense counsel or procedural due process solely because they cannot afford money bail.

- A. The County has a policy/practice of jailing legally innocent people for up to 14 days if they cannot afford the money bail that a magistrate sets in their cases.

The County has a policy/practice of jailing legally innocent people charged with misdemeanors for up to 14 days if they cannot afford the money bail amount that a magistrate set in their case. A County employee confirmed the existence of this policy/practice during General Sessions Court on Tuesday, March 26. Another County employee confirmed the existence of this policy/practice during a meeting in the Hamilton County Jail and Detention Center on Wednesday, March 27. This County employee stated that a computer algorithm sets a date for an initial appearance in General Sessions Court two to three months into the future if an arrestee pays their money bail within 48 hours of arrest. The algorithm sets an initial appearance date for 14 days into the future if an arrestee cannot pay their money bail within 48 hours of arrest. The County employee stated if people are unable to pay money bail within 48 hours of arrest, the County incarcerates them at least until their initial appearances in General Sessions Court.

Observations of General Sessions Court proceedings corroborate the County's policy/practice of jailing legally innocent people for up to 14 days when they cannot afford money bail. The Hamilton County Sheriff's Office ("HCSO") transports people who could not afford money bail from the jail to General Sessions Court for their initial appearances. During General Sessions proceedings on March 25 and March 26, CRC observed legally innocent people who could not afford money bail attend their initial appearances wearing orange jumpsuits from the jail, handcuffs on their wrists, and shackles on their ankles. Many of these people had only been

charged with misdemeanor offenses. The following chart shows legally innocent people² whom the County jailed on misdemeanor charges for four to 12 days before their initial appearance in General Sessions Court, presumably because these people could not afford the money bail set by a magistrate:

Charge	Arrest date	Booking date	General Sessions initial appearance	# of days jailed before General Sessions appearance	Money bail amount
Criminal trespass	3/14/2024	3/14/2024	3/25/2024	11	\$500
Disorderly conduct	3/12/2024	3/13/2024	3/25/2024	12	\$1,500
Driving on revoked, suspended, or canceled license	3/19/2024	Sometime before 3/22/24	3/25/2024	≥ 4	\$5,500
Leaving the scene of an accident	6/17/2022	Sometime before 3/22/24	3/25/2024	≥ 4	\$2,000

B. The County violates federal law by jailing legally innocent people before they receive assistance of defense counsel.

Jailing legally innocent people before they receive assistance from defense counsel violates federal law. In *Torres v. Collins*, the United States District Court for the Eastern District of Tennessee found that, “hearings where a judicial officer will determine whether to detain an arrestee prior to trial constitute a ‘critical stage’ that triggers the Sixth Amendment right to counsel. 2023 WL 6166523, at 12. The *Torres* court went on to say that “[w]ithout the assistance of counsel at pretrial detention hearings, there is a reasonable probability that an arrestee’s case can suffer

² CRC possesses docket numbers for the people represented in this table. CRC declines to include those docket numbers in this public memo out of respect for privacy, but can provide them upon request.

significant consequences. Erroneous pretrial detention can negatively impact an arrestee's ability to meet with counsel, result in subjection to physical and psychological burdens that can obstruct trial preparation with counsel, and heighten the possibility that an arrestee will accept a plea agreement he would have otherwise rejected but for his erroneous pretrial detention." *Id.* at 11. The Supreme Court has stated the same rule, explaining that "a criminal defendant's initial appearance before a judicial officer, where he learns the charge against him *and his liberty is subject to restriction*, marks the start of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel." *Rothgery v. Gillespie Cnty, Tex.*, 554 U.S. 191, 213 (2008) (emphasis added).

Legally innocent Hamilton County defendants do not have the assistance of defense counsel before the County jails them pretrial. The County jails people for up to 14 days if they cannot afford the money bail amount that a magistrate sets in their magistrate hearing (*see supra* pages 3-4), making the magistrate hearing the point at which a person's "liberty is subject to restriction" and marking "the start of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel." *Rothgery*, 554 U.S. at 213. A County employee stated in a March 27 meeting at the Hamilton County Jail and Detention Center that the County has a policy/practice of holding magistrate hearings without the assistance of defense counsel. The County employee stated that magistrates have a policy/practice of assigning defense counsel to arrestees *after* setting bail in an arrestee's case. They explained that magistrates email the Public Defender's Office with the names of arrestees who have been assigned to a public defender up to 48 hours after those arrestees' magistrate hearings. During a meeting on March 25, a County employee confirmed that public defenders do not receive case assignments until *after* a magistrate sets bail in those cases.

The County’s policy/practice of holding magistrate hearings without the assistance of defense counsel aligns with observations of magistrate hearings, General Sessions Court, and individual people’s criminal case files. There was neither a defense attorney nor a prosecutor present at the magistrate hearing that CRC observed.³ While observing General Sessions proceedings on March 25 and 26, CRC observed that several jailed people had not been appointed counsel at the beginning of their initial appearances.⁴ The “Judgment” sheet in criminal case files has a space for magistrates to indicate whether or not they assigned defense counsel after (or while) they set bail. For example, the middle columns of the following two Judgment sheets show that a magistrate simultaneously assigned a money bail amount and a public defender for legally innocent misdemeanor arrestees:

³ See Appendix A (“Memorandum re: Unlawful Procedures in Hamilton County’s Pretrial System”) at 5.

⁴ CRC possesses docket numbers for cases in which jailed people were unrepresented by counsel at their initial appearances in General Sessions Court on March 25 and March 26, 2024. CRC declines to include those docket numbers in this memo out of respect for privacy, but can provide them upon request.

JUDGMENT

Case dismissed with hearing proof motion of State Defense

Case dismissed upon payment of costs

Case dismissed for failure of proof beyond a reasonable doubt

Upon evidence heard Defendant is bound over to the Grand Jury Bond \$

Preliminary hearing waived Defendant is bound over to the Grand Jury Bond \$

Guilty

On waiver of indictment & trial by jury & upon evidence heard

Offense reduced to TCA

Per plea agreement

Fine \$

Serve months and days with the following conditions: *30(5) with Chattanooga Hotel*

Self Report Date *3-25-24*

Sentence is suspended upon completion of costs for months and days *30(5)*

Costs Waived

Jail Fees Waived

Ham Co Probation months days

Level

Drug Screens months days

Public Works 2 days

House Arrest months days

Restitution \$ payable to

through Clerk's office through probation

Defendant should serve % or days of sentence before being eligible for rehabilitative programs

Defensive Driving School

Diversion TCA 40-35-313

Eligibility denied by TBI Date

Partial Payment

Judgment assessed Jury Demand

Bond \$

Sherry Jones 3/25/24

Judge General Sessions Court Date

DOCKET NO [REDACTED]

Chg DISORDERLY CONDUCT
TIB/STCA 39170305 Fel/Mis
Arrest Date 3/12/2024 Off Date 3/12/2024
Officer PUGLISE, MATTHEW #645 646
Arrest Agcy CHATTANOOGA PD
D O B 10/21/1997 Race B Sex M
Under 18 No
On Probation Yes (No) Fend Cases Yes (No)
Domestic Yes (No) Conditions Yes (No)
Handgun Permit Yes No
Public Defender Yes No
Bond Amount \$1,500.00

Bonding Co
Magistrate *Erin Lee Collins*
New Bond \$ Date
By

Court Date 5/8/2024 Time 1:30 PM
Room 1
Continuances
by State/Defense/Court 3-25-24 8:30
by State/Defense/Court 4/24/24
by State/Defense/Court 5/24/24

Post Judgment Court Date
Post Judgment Court Date
Post Judgment Court Date
District Attorney N. Davis
Defense Attorney PD

PROBATION ACTIONS

Probation Revoked Yes No Date

By Hearing By Agreement

Date

Defendant's Signature
Factual Basis

Further Orders:

Judge Signature
Date

Judge Signature
Date

Judge Signature
Date

Judge Signature
Date

Case Notes

WAIVER OF PRELIMINARY HEARING

The defendant after being informed of his/her rights to a preliminary hearing by the Court waived said hearing and is held to the Grand Jury

Defendant

WAIVER OF INDICTMENT & TRIAL

The defendant after being fully advised of his/her rights by the Court waives his/her right to indictment or presentment by the Grand Jury and to trial by jury and requests that by this Court

Defendant

Objected to by the District Attorney or representative

WAIVER OF COUNSEL

The defendant after being fully advised of his/her rights to the aid of counsel in every stage of the proceedings and further having been advised that if necessary an attorney will be appointed to represent the defendant hereby waives his/her right to counsel

Defendant

ENHANCEMENT WAIVER

I understand that my conviction in this case may be used as an enhancement factor in any subsequent charges against me and can increase the punishment of future convictions

Defendant

19 DAY WAIVER

Defendant

Attorney for Defendant

Attorney for State

In conclusion, the County violates the law by jailing legally innocent people pretrial before they receive the assistance of defense counsel. The County's unconstitutional practice exposes the County to legal liability under the Sixth Amendment.

C. The County violates state and federal law by jailing legally innocent people without procedural due process.

Jailing legally innocent people without procedural due process violates state and federal law. The federal court in *Torres v. Collins* found that bail-setting hearings must have the procedural protections of notice, findings on the record, the assistance of defense counsel, and the ability to confront the state's evidence to ensure that counties are "detaining properly only those arrestees whose specific circumstances warrant a pre-trial deprivation of liberty." 2023 WL 6166523, at 10. The Tennessee Supreme Court also grants procedural due process protections from pretrial detention, holding that "[b]efore pretrial [release] can be revoked, the defendant is entitled to an evidentiary hearing," and the defendant "must be provided an effective opportunity to be heard,

defend against any adverse witnesses, make arguments, and present evidence.” *State v. Burgins*, 464 S.W.3d 298 at 301, 308 (Tenn. 2015).⁵ *Id.* at 310 (In order to rebut the presumption that a person will be released on their own recognizance, the state is required to “present testimony from a corroborating witness or witnesses as to facts supporting the allegations contained in the documents.”). The Tennessee Code Annotated grants everyone a rebuttable presumption of release on recognizance that can only be revoked through specific procedural processes. Tenn. Code Ann. § 40-11-115 through § 40-11-118; TN LEGIS 612 (2024). Federal law also requires due process before detaining a person. *Bearden v. Georgia*, 461 U.S. 660 (1983); *Tate v. Short*, 401 U.S. 395 (1971); *Williams v. Illinois*, 399 U.S. 235 (1970).

Hamilton County defendants do not receive the required procedural due process protections of findings on the record and the ability to confront evidence. Hamilton County jails people who cannot afford the money bail set by a magistrate, making the magistrate hearing the point at which people are entitled to procedural due process “[b]efore pretrial [release] can be revoked.” *Burgins*, 464 S.W.3d at 301. *See also* Tenn. Code Ann. § 40-11-115 through § 40-11-118; TN LEGIS 612 (2024). Hamilton County defendants cannot have adversarial evidentiary magistrate hearings because they do not have the assistance of defense counsel at those hearings. *See supra* pages 4-7. A County employee stated during the March 27 meeting that, as a matter of policy/practice, magistrates do not create findings on the record at magistrate hearings. This County employee stated it does not matter if arrestees make incriminating statements during their magistrate hearings because their statements will neither be transcribed nor recorded. On March 25, County employees corroborated the County’s policy/practice of holding magistrate hearings off the record by stating that the Criminal Division of the General Sessions Court Clerks’ office did not possess any

magistrate hearing transcripts or recordings. There were no magistrate hearing transcripts inside of the criminal case files that CRC observed.⁶ None of the observed criminal case files contained any evidence or rationale used at magistrate hearings to justify magistrates' decisions to set money bail at a certain amount. None of the observed criminal case files contained records from magistrate hearings noting peoples' ability or inability to afford money bail. The only written record of magistrate hearings appears to be in the middle column of the "Judgment" sheet in case files (*see supra* pages 6-7), which contains the following information:

- The defendant's charge, arrest date, and offense date
- The arresting officer and agency
- The defendants' DOB, race, sex, and whether they are under 18 years old
- Whether the defendant is on probation, has pending cases, and/or has a handgun permit
- Whether the defendant's charge is "domestic"
- Whether or not the magistrate set "conditions"

In conclusion, the County violates state and federal law and exposes itself to legal liability by detaining legally innocent people without required procedural due process protections.

III. Hamilton County could remedy its legal violations and overcome logistical and financial hurdles by implementing an automatic pretrial release order for people charged with misdemeanors.

A. An automatic release order would save the County hundreds of thousands of dollars while simultaneously increasing County employees' capacity.

An automatic pretrial release would honor the capacity of magistrates, attorneys, judges, and sheriff's deputies and save the County hundreds of thousands of dollars. Two separate meetings with County employees on March 25 and 27 revealed that the County does not have the physical or temporal capacity to give an adversarial evidentiary bail-setting hearing with the assistance of defense counsel to every single person whom law enforcement arrests. Two County

⁶ CRC possesses full case files for four people charged with misdemeanors in which there are no magistrate hearing transcripts. CRC declines to include those case files with this memo out of respect for privacy, but can provide them upon request.

employees communicated that there are not enough lawyers, magistrates, hours in the day, or physical space to hold so many constitutionally-sufficient hearings in an efficient and timely manner. According to the Office of the County Auditor, the jail costs the County an exorbitant \$83,000 per day,⁷ or \$80⁸ per inmate⁹ per day. The County is spending the vast majority of that money on jailing legally innocent people – 84%¹⁰ of people in the Hamilton County Jail are there pretrial. An automatic release order solves all of the aforementioned problems by releasing all misdemeanor defendants on their own recognizance, which frees up money in the County’s budget and time for magistrates, lawyers, judges, and sheriff’s deputies. An automatic release order also remedies the County’s legal violations; automatically releasing misdemeanor defendants on their own recognizance without having an evidentiary hearing first does not violate the law. *See* Tenn. Code Ann. § 40-11-115 through § 40-11-118.

In conclusion, Hamilton County violates the law by detaining legally innocent people for up to 14 days without assistance of defense counsel or procedural due process. Hamilton County’s legal violations not only expose the County to liability – they unnecessarily burden the County’s budget and the capacity of the County’s judges, magistrates, attorneys, and sheriff’s deputies.

B. County representatives should respond with their proposed edits and questions to the proposed automatic pretrial release order by May 31, 2024.

CRC drafted a proposed automatic release order (*see infra* pages 12-14) for the County’s convenience. CRC invites judges, magistrates, attorneys, commissioners, and other County employees to submit their edits to or questions about the order to CRC at

⁷ Appendix B (March 24, 2024 Memorandum from Hamilton County Auditor Chris McCollough to the Hamilton County Mayor, Sheriff, and Commission re: Average Daily Cost to House Prisoners as of 6/30/23)

⁸ *Id.*

⁹ CRC recognizes that this word can be derogatory and offensive, but uses it here for clarity.

¹⁰ Tennessee Department of Corrections Decision Support and Training. “Tennessee Jail Summary Report.” February 2023. <https://www.tn.gov/content/dam/tn/correction/documents/JailFebruary2023.pdf>

kiah@civilrightscorps.org by May 31, 2024. CRC will take all of the County stakeholders' edits into account and send an amended version for the County's consideration thereafter. County stakeholders who would prefer to discuss the automatic pretrial release order over a virtual meeting may contact kiah@civilrightscorps.org with their availability.

IN THE GENERAL SESSIONS COURT OF HAMILTON COUNTY, TENNESSEE

IN RE: AUTOMATIC PRETRIAL
RELEASE FOR MISDEMEANOR
CHARGES

[DATE]

GENERAL SESSIONS COURT JUDGES

1. **New misdemeanor arrests:** Any individual arrested for a misdemeanor offense shall be released on their own recognizance pursuant to Tenn. Code Ann. § 40-11-115 and TN LEGIS 612 (2024). Magistrates shall release people arrested on misdemeanor charges without conditions unless those people are granted a hearing in which a neutral fact-finder puts findings on the record for all of the factors listed in Tenn. Code Ann. § 40-11-115(b) within 48 hours of arrest. To preserve pretrial resources, any person released on a Class B or C misdemeanor will not be placed under pretrial supervision unless they are first granted a hearing in which a neutral fact-finder puts findings on the record for all of the factors listed in Tenn. Code Ann. § 40-11-115(b) within 48 hours of arrest.
2. **Failures to appear:** Any individual arrested on a charge of failure to appear in court (Tenn. Code Ann. § 39-16-609) for an underlying misdemeanor charge shall be released on their own recognizance pursuant to Tenn. Code Ann. § 40-11-115 and TN LEGIS 612 (2024). Magistrates shall release people arrested on a charge of failure to appear in court without conditions unless those people are granted a hearing in which a neutral fact-finder puts findings on the record for all of the factors listed in Tenn. Code Ann. § 40-11-115(b) within 48 hours of arrest.
3. **New violations of probation:** Any individual arrested for a violation of probation for an underlying misdemeanor charge shall be released on their own recognizance pursuant to

Tenn. Code Ann. § 40-11-115 and TN LEGIS 612 (2024) if the violation 1) alleges a failed drug screen, 2) alleges absconding for less than three months, 3) alleges the failure to satisfy obligations in any form, and/or 4) any other alleged technical violation.

4. **Driving on a suspended, canceled, or revoked license:** “Any person charged only with a violation of § 55-50-504 whose driving privilege was canceled, suspended, or revoked under § 40-24-105 solely because of a failure to pay litigation taxes, court costs, or fines assessed as a result of the disposition of any offense under the criminal laws of this state, and who does not have a prior *conviction* for failure to appear under § 39-16-609 within the previous ten (10) years, must be ordered released pending trial on the person's personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the magistrate.” Tenn. Code Ann. § 40-11-115(c) (emphasis added).
5. **Pretrial incarceration:** This Order does not limit the Hamilton County District Attorney (“District Attorney”) from seeking to implement pretrial incarceration in individual misdemeanor cases pursuant to Tenn. Code Ann. § 40-11-141. When the District Attorney seeks to implement pretrial incarceration in individual cases, the District Attorney must request a hearing in front of a neutral fact-finder that shall include the assistance of defense counsel and findings on the record for all of the factors listed in Tenn. Code Ann. § 40-11-115(b) and Tenn. Code Ann. § 40-11-118 within 48 hours of arrest.

This Order shall take effect immediately.

IT IS SO ORDERED:

Larry Ables
General Sessions Court, Division__

Alex McVeagh
General Sessions Court, Division__

Lila Statom
General Sessions Court, Division__

Gary Starnes
General Sessions Court, Division__

Christie Sell
General Sessions Court, Division__

APPENDIX A



**MEMORANDUM RE: UNLAWFUL PROCEDURES IN HAMILTON COUNTY’S
PRETRIAL SYSTEM**

TO: Hamilton County General Sessions Judges, Sheriff, Public Defender, District Attorney, Mayor, County Attorney, County Commissioners, and CALEB

FROM: Civil Rights Corps

DATE: January 17, 2024

Table of Contents

I. Introduction	2
II. Factual Background	4
III. State and federal law require the County to preserve defendants’ right to a rebuttable presumption of release on recognizance (“ROR” or an “OR bond”)	5
A. Legal Analysis	5
B. Because there is neither counsel nor findings on the record at magistrate hearings, defendants cannot meaningfully assert their right to a presumption of ROR	7
IV. State law requires the County to determine the least restrictive conditions of pretrial release - not pretrial detention.	7
A. Legal Analysis	7
B. The County violates state law when it fails to consider the least restrictive conditions of release before detaining a person	9
V. State and federal law require the County to hold an adversarial evidentiary hearing to determine if detention is necessary to serve a compelling government interest.	10
A. Legal Analysis	10
B. The County violates state and federal law by detaining people pretrial without ever providing defense counsel, an evidentiary hearing, or a finding that detention is necessary.	11
VI. In order to uphold state and federal law, the County should enforce existing cite-and-release laws and implement an automatic release order for all misdemeanor defendants	13
A. Implementation guidance for enforcing cite and release	13
B. Implementation guidance and examples for automatic release orders	14
VII. Conclusion	15

I. Introduction

Civil Rights Corps (“CRC”) is a non-profit organization that challenges systemic injustice in the criminal legal system, and that received a preliminary injunction and summary judgment decision regarding constitutional bail issues in Hamblen County.¹ Although potential plaintiffs who have standing can legally challenge the Hamilton County (“County”) pretrial system, this memo is neither a demand letter nor a threat of impending litigation from CRC. Rather, this memo serves as an invitation for the County to work collaboratively with CRC to ensure that the County’s pretrial system upholds state and federal law by enforcing existing cite-and-release laws and implementing an automatic pretrial release order for all misdemeanor defendants.

CRC observed initial appearances and a magistrate hearing in the County during May of 2023 and January of 2024. CRC’s observations revealed that the County has a policy of detaining misdemeanor defendants for up to 14 days pretrial without the assistance of counsel solely because they cannot afford money bail, which is typically set by magistrates and affirmed by General Sessions Judges (“judges”). This policy is unnecessary. Approximately 75%² of the County’s misdemeanor defendants succeed in returning to court on time, and approximately 64%³ of those defendants receive nonviolent charges. This policy also has devastating consequences for indigent defendants. 57%⁴ of the County’s misdemeanants still do not have assistance of counsel at their first appearance in front of a judge, and 45%⁵ of the County’s misdemeanants are detained for longer than 3 days before seeing a judge. The practice of detaining people pretrial and without counsel solely because they cannot afford money bail is not

¹ See generally Appendix A (*Torres v. Collins*, 2:20-CV-00026-DCLC-CRW (E.D. Tenn. September 21, 2023)).

² See Appendix B at 35 (Crime and Justice Institute. “Hamilton County Pretrial Data Findings.” October 2020)

³ Appendix B at 8

⁴ Appendix B at 12

⁵ Appendix B at 19

only inefficient and unnecessary; it violates Tennessee state law, Tennessee state court precedent, and the U.S. Constitution. This memo will highlight the state and federal law that clearly gives defendants the right to counsel and the right to an evidentiary hearing before the County detains them pretrial.

Although the aforementioned pretrial protections are legally required, they are logistically difficult. In many counties, there simply are not enough attorneys to staff magistrate hearings 24 hours a day, 7 days a week. In order to maintain efficiency, uphold the law, and promote fiscal responsibility, CRC recommends that the County adopt clear, expansive policies for automatic pretrial release. CRC further recommends that the County implement the following three-step process for each pretrial defendant who the County does not automatically release via an automatic release order, as required by state and federal law:

1. Consider release on recognizance (“ROR or an “OR bond”) at the magistrate level as required by Tenn. Code Ann. § 40-11-115;
2. If a defendant cannot be released on an OR bond, release them on the least restrictive conditions of release as required by Tenn. Code Ann. § 40-11-116 through § 40-11-118.
3. If a defendant cannot be released with conditions pursuant to Tenn. Code Ann. § 40-11-116 through § 40-11-118, execute an adversarial hearing that meets the requirements listed in *Torres*,⁶ which include:
 - Assistance of defense counsel;
 - A finding on the record that the money bail is unaffordable and therefore a barrier to release;

⁶ Appendix A at 18-20 (Stating that when a defendant’s liberty is at risk, they are entitled to “notice,” “an opportunity to be *heard* in a *meaningful* manner” as well as “disclosure of the evidence to be presented by the government, the right to confront and cross-examine adverse witnesses . . . a neutral factfinder that makes findings on the record,” and “the presence of counsel”); *id.* at 21 (citing *Rothgery v. Gillespie Cnty, Tex.*, 554 U.S. 191, 213 (2008)) (“The Supreme Court has explained that “a criminal defendant’s initial appearance before a judicial officer, where he learns the charge against him *and his liberty is subject to restriction*, marks the start of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel (emphasis added)).

- A finding on the record of whether the money bail amount is necessary to ensure the defendant's appearance; and
- Notice;
- Disclosure of the evidence to be presented by the government;
- The ability to confront and cross-examine adverse witnesses;
- A neutral fact finder.

CRC looks forward to having the opportunity to collaborate with the County. If you would like to meet with CRC to discuss any questions or comments that you have about this memo, please contact kiah@civilrightscorps.org with your availability.

II. Factual Background

CRC observed the following facts about the County's pretrial system after witnessing initial appearances held at General Sessions Court and a magistrate hearing held at the County jail during May of 2023 and January of 2024, respectively:

1. CRC observed that arrestees are taken to a magistrate shortly after arrest. CRC observed one magistrate hearing in which an arrestee talked to a magistrate through a glass window in a small concrete room.
2. CRC observed no counsel – neither for the arrestee nor the State – present at the arrestee's meeting with the magistrate. The meeting only included the arrestee, the arresting police officer, and the magistrate.
3. CRC observed the magistrate read the arrestee's police report, ask the arresting officer for clarification, and talk directly with the officer through the glass window. CRC observed the magistrate look at and describe the arrestee's criminal history.
4. CRC observed the magistrate ask the arrestee to provide the following information:
 - a. The arrestee's address, the length of time they've lived there, and who lives at that address with them
 - b. The arrestee's age
 - c. The length of time that the arrestee has lived in the County
 - d. The arrestee's family ties in the County
 - e. Whether or not the arrestee has children in the County
 - f. The arrestee's last criminal charge
 - g. Whether or not the arrestee has pending charges in any other County
5. Although magistrates have access to a risk assessment tool that could help them make their bail determination,⁷ they use that tool less than 50% of the time.⁸ It is unclear whether or not the magistrate used the risk assessment tool in the magistrate hearing that CRC observed.
6. CRC then observed the magistrate give the arrestee a money bail amount of \$3,000 without giving any reasoning or stating whether or not the arrestee qualified for Release on Recognizance ("ROR" or an "OR bond"). CRC observed the magistrate state that the arrestee could pay \$300 to a bail bondsman to be released, or that the County would automatically detain the arrestee for up to 14 days until their appearance in front of a General Sessions judge if they could not afford to pay.

⁷ Appendix B at 22-23

⁸ Appendix B at 24

7. Because no counsel was present at the arrestee's meeting with the magistrate, there were no adversarial evidentiary arguments about why the arrestee should or should not be detained pretrial.
8. CRC observed Sheriff's Deputies drive people who are detained solely because they cannot afford bail from the jail to the General Sessions Court, and bring these people before the judge in their jail uniform, handcuffs, and sometimes shackles.
9. CRC observed that many defendants who have been detained pretrial are not assigned counsel until after the judge affirms their money bail in the initial appearance.
10. CRC observed judges perfunctorily affirm the money bail amount set by magistrates without an adversarial evidentiary hearing, without asking if the defendant can afford their bail amount, and without a determination that pretrial detention is necessary.
11. If the arrestee cannot afford the money bail amount that the judge affirms at their initial appearance, they will return to jail to continue their pretrial detention.

III. State and federal law require the County to preserve defendants' right to a rebuttable presumption of release on recognizance ("ROR" or an "OR bond")

A. Legal Analysis

According to the Tennessee Supreme Court and the Tennessee Constitution, the right to pretrial release on recognizance ("ROR" or an "OR bond") is a rebuttable presumption that can only be revoked through an evidentiary hearing to determine the least restrictive conditions of release. The Tennessee Supreme Court holds, "the Tennessee Constitution guarantees a defendant the right to pretrial release on bail, but this right is not absolute . . . Before pretrial bail can be revoked, the defendant is entitled to an evidentiary hearing." *State v. Burgins*, 464 S.W.3d 298 at 301 (Tenn. 2015). In order to satisfy defendants' procedural and substantive due process rights, defendants at bail hearings "must be provided an effective opportunity to be heard, defend against any adverse witnesses, make arguments, and present evidence." *Id.* at 308. In order to rebut the presumption that the defendant will be released on an OR bond, the *state* is required to "present testimony from a corroborating witness or witnesses as to facts supporting the allegations contained in the documents." *Id.* at 310.

Tennessee state law also recognizes that the right to ROR is a rebuttable presumption that can only be revoked through an evidentiary hearing to determine the least restrictive conditions of release. According to Tennessee Code Annotated, “[a]ny person charged with a bailable offense may, before a magistrate authorized to admit the person to bail, be ordered released pending trial on the person's personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the magistrate.” *See* Tenn. Code Ann. § 40-11-115. In determining whether or not a defendant shall be released, “and if so, the least restrictive conditions of release that will reasonably ensure the appearance of the defendant as required and the safety of the community, the magistrate must consider any available results of a validated pretrial risk assessment conducted regarding the defendant for use in the jurisdiction and the defendant's financial resources.” *Id.*

Federal law also recognizes defendants’ “fundamental” right to pretrial liberty. *United States v. Salerno*, 481 U.S. 739, 750 (1987); *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) (“Freedom from bodily restraint,” the Supreme Court has explained, “has always been at the core of the liberty protected by the Due Process Clause.”); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Reno v. Flores*, 507 U.S. 292, 302 (1993). Consistent with that principle, the Court has recognized a “‘general rule’ of substantive due process that the government may not detain a person prior to a judgment of guilt in a criminal trial” in the absence of a compelling state interest. *Salerno*, 481 U.S. at 749.

B. Because there is neither counsel nor findings on the record at magistrate hearings, defendants cannot meaningfully assert their right to a presumption of ROR

Defendants cannot meaningfully assert their right to a presumption of ROR because no attorneys are present when magistrates set bail in the County.⁹ Magistrates may consider an arrestee’s criminal record, risk assessment data, and demographic information,¹⁰ but magistrates often set a money bail without a finding on the record that the arrestee is ineligible for ROR.¹¹ If an arrestee cannot afford the money bail that the magistrate sets, the County will automatically detain them for up to 14 days until an initial appearance in front of a Judge.¹² The County therefore violates Tennessee Code Annotated by neglecting to consider defendants’ rebuttable presumption of ROR.

IV. State law requires the County to determine the least restrictive conditions of pretrial release - not pretrial detention.

A. Legal Analysis

If a defendant does not qualify for release on their own recognizance under Tenn. Code Ann. § 40-11-115 “then the magistrate shall impose the least onerous conditions reasonably likely to assure the defendant's appearance in court.” *Id.* at § 40-11-116. The options under Tenn. Code Ann. § 40-11-116 include:

- “Releas[ing] the defendant into the care of some qualified person or organization responsible for supervising the defendant and assisting the defendant in appearing in court,” keeping in mind that “[t]he department of correction and its officers are not to be considered an appropriate qualified organization or person under this section;

⁹ See *supra* Section II ¶ 2, 7; Appendix B at 12

¹⁰ See *supra* Section II ¶ 3-5

¹¹ See *supra* Section II ¶ 6

¹² See *supra* Section II ¶ 6

- “Impos[ing] reasonable restrictions on the activities, movements, associations and residences of the defendant; and/or
- “Impos[ing] any other reasonable restriction designed to assure the defendant's appearance, including, but not limited to, the deposit of bail pursuant to § 40-11-117.”

Tennessee Code Annotated requires that the court only imposes monetary conditions of release (“money bail”) *after* determining that ROR or non-monetary conditions listed in § 40-11-116 will not reasonably ensure the defendant’s appearance. *See* Tenn. Code Ann. § 40-11-117 (“Absent a showing that conditions on a release on recognizance will reasonably assure the appearance of the defendant as required, the magistrate shall, in lieu of the conditions of release set out in § 40-11-115 or § 40-11-116, require bail to be given.”)

Tennessee Code Annotated requires bail to be set “as low as the court determines is necessary to reasonably assure the appearance of the defendant as required.” *Id.* § 40-11-118. In order to determine “the amount of bail necessary to reasonably assure the appearance of the defendant while at the same time protecting the safety of the public,” magistrates are required to consider:

1. The defendant's length of residence in the community;
2. The defendant's employment status and history and financial condition;
3. The defendant's family ties and relationships;
4. The defendant's reputation, character and mental condition;
5. The defendant's prior criminal record, record of appearance at court proceedings, record of flight to avoid prosecution or failure to appear at court proceedings;
6. The nature of the offense and the apparent probability of conviction and the likely sentence;

7. The defendant's prior criminal record and the likelihood that because of that record the defendant will pose a risk of danger to the community;
8. The identity of responsible members of the community who will vouch for the defendant's reliability; however, no member of the community may vouch for more than two (2) defendants at any time while charges are still pending or a forfeiture is outstanding; and
9. Any other factors indicating the defendant's ties to the community or bearing on the risk of the defendant's willful failure to appear.

Id. See also State v. Carter, No. W2021-00997-CCA-R8-CO (Tenn. Crim. App. Sept. 2021) (Tennessee Appellate Court granted a bond reduction to a defendant because “the State failed to present any evidence at all to support its request for such a significant bond amount, with the trial court relying exclusively on its reading of a probable cause statement that was not made a part of the record.”)¹³

B. The County violates state law when it fails to consider the least restrictive conditions of release before detaining a person

County magistrates sometimes consider an arrestee’s criminal record, risk assessment data, and some of the factors listed in Tenn. Code Ann. § 40-11-118 when deciding whether or not that arrestee could be released with conditions.¹⁴ However, magistrates often set a money bail without a finding on the record that the arrestee is ineligible for ROR or pretrial release with non-monetary conditions.¹⁵ Money bail could technically be a condition of pretrial *release* pursuant to Tenn. Code Ann. § 40-11-116, but the County automatically *detains* arrestees for up

¹³ Appendix E at 6 (*State v. Carter*, No. W2021-00997-CCA-R8-CO (Tenn. Crim. App. Sept. 2021))

¹⁴ See *supra* Section II ¶¶ 3-5

¹⁵ See *supra* Section II ¶ 6

to 14 days if they cannot afford the money bail set in their case.¹⁶ In other words, magistrates lock indigent defendants up on the spot instead of imposing the least restrictive conditions of release solely because they cannot afford bail. The County therefore violates the Tennessee Code Annotated by violating defendants' right to receive the least restrictive conditions of release that will ensure their appearance in court.

V. State and federal law require the County to hold an adversarial evidentiary hearing to determine if detention is necessary to serve a compelling government interest.

A. Legal Analysis

When a person cannot afford the money bail amount set in their case, they are detained. Tennessee state law prohibits pretrial detention solely because of a person's inability to afford bail. The Tennessee Court of Criminal Appeals has explicitly stated that it is "unconstitutional to fix excessive bail to assure that a defendant will not gain his freedom." *State ex rel. Hemby v. O'Steen*, 559 S.W.2d 340, 342 (Tenn. Crim. App. 1977). *See also State v. Kizzie*, No. W2015-01977-CCA-R8-CO (Tenn. Crim. App. Dec. 2015) (the purpose of money bail "is to ensure a defendant's appearance in court – NOT to ensure that punishment is meted out to a person who is not yet convicted.");¹⁷ *Carter*, No. W2021-00997-CCA-R8-CO ("[t]he trial court seemed to misconstrue the purpose of a bond when it stated that there was no bond amount it could 'impose that would erase the damage that [the Defendant] did over a number of years' and that there was 'absolutely no indication that if I release [the Defendant] on bond, that he's going to right his ways.'");¹⁸ *Tidwell v. State*, 922 S.W.2d 497, 501 (Tenn. 1996) (stating that a criminal defendant "is presumed by law to be innocent until proven guilty.")

¹⁶ See *supra* Section II ¶ 6

¹⁷ Appendix F (*State v. Eric Kizzie*, No. W2015-01977-CCA-R8-CO (Tenn. Crim. App. Dec. 3, 2015))

¹⁸ Appendix E at 7

Federal law also requires due process before detaining a person pretrial and prohibits detaining a person solely because they cannot afford a secured money bond. *Bearden v. Georgia*, 461 U.S. 660 (1983); *Tate v. Short*, 401 U.S. 395 (1971); *Williams v. Illinois*, 399 U.S. 235 (1970). Accordingly, in *Torres*, the District Court found that “when an arrestee requests a bail modification, either informally or in writing, due process requires a prompt and individualized hearing at which an arrestee is given the opportunity to show (1) that they cannot afford the bail amount initially set in their case and, as a result, it acts as a barrier to release, and (2) that the amount is not necessary to assure their appearance. Without this opportunity to be heard, there is a substantial risk that arrestees will be erroneously deprived of their pretrial liberty.”¹⁹ The District Court’s summary judgment decision held that the Sixth and Fourteenth Amendments require courts to provide rigorous procedural protections and make appropriate factual findings before any person can be detained pretrial.²⁰ These procedures include:

- Representation by defense counsel *id.* at 20;
- A finding that the money bail is unaffordable and therefore a barrier to release, *id.* at 18;
- A finding of whether the money bail amount is necessary to ensure the defendant’s appearance, *id.*;
- The ability to confront adverse witnesses, *id.* at 19;
- The ability to produce evidence, *id.*;
- A neutral factfinder, *id.*;
- Findings on the record. *Id.*

¹⁹ Appendix A at 18

²⁰ Appendix A at 15-23

B. The County violates state and federal law by detaining people pretrial without ever providing defense counsel, an evidentiary hearing, or a finding that detention is necessary.

Magistrates do not observe an adversarial evidentiary hearing about the necessity of an arrestee's pretrial detention because no counsel – neither for the defendant nor for the State – is present during magistrate hearings.²¹ Magistrates do not make a finding on the record about whether or not pretrial detention is necessary to ensure the defendant's appearance in court, nor about whether or not the defendant can afford the money bail set in their case.²² Despite the lack of evidence, counsel, and findings on the record, the County automatically detains arrestees for up to 14 days if they cannot afford the money bail that a magistrate sets.

Defendants – many of whom have already been detained for days or weeks before their first appearance in front of a judge – do not have an opportunity to meaningfully challenge their pretrial detention at that first appearance. Defense counsel do not represent more defendants at their first appearance in front of a judge, so defendants cannot meaningfully challenge their money bail with evidence, witnesses, or cross-examination.²³ In fact, judges often assign counsel *after* affirming the money bail amount that a magistrate set in a defendant's case.²⁴ CRC did not observe judges ask whether a detained person can afford the money bail that a magistrate set in their case or ask the State if detention was necessary.²⁵ The County therefore violates Tennessee Code Annotated and the U.S. Constitution by detaining people solely because of their inability to pay a money bail amount that was set and affirmed without a constitutionally-sufficient hearing.

²¹ See *supra* Section II ¶¶ 2, 7; Appendix B at 12

²² See *supra* Section II ¶ 6

²³ See *supra* Section II ¶¶ 8-10; Appendix B at 12

²⁴ See *supra* Section II ¶ 9; Appendix B at 12

²⁵ See *supra* Section II ¶ 10

VI. In order to uphold state and federal law, the County should enforce existing cite-and-release laws and implement an automatic release order for all misdemeanor defendants.

State and federal law clearly state that defendants have a right to counsel and an evidentiary hearing before they are detained pretrial. Although these protections are constitutionally required, they are logistically difficult. In many counties, there simply are not enough attorneys to staff magistrate hearings twenty-four hours a day, seven days a week. Therefore, in order to maintain efficiency and uphold the law, the County must adopt a clear, expansive policy for automatic pretrial release. An automatic pretrial release policy would maintain judicial efficiency, preserve public safety, and uphold defendants' rights. Notably, approximately 75 percent²⁶ of the County's misdemeanor defendants succeed in returning to court on time and approximately 64 percent²⁷ of defendants receive nonviolent charges. Reducing the jail population could also save the County a significant amount of money, as it currently spends over \$28 million on the jail.²⁸ Below, CRC has provided implementation guidance and examples for enforcing cite-and-release laws and implementing an automatic release order.

A. Implementation guidance for enforcing cite and release

Tennessee law requires law enforcement to cite and release most people charged with misdemeanor offenses. *See* Tenn. Code Ann. § 40-7-118(b) (West) (“A peace officer who has arrested a person for the commission of a misdemeanor committed in the peace officer's presence, or who has taken custody of a person arrested by a private person for the commission

²⁶ *See* Appendix B at 35 (Crime and Justice Institute. “Hamilton County Pretrial Data Findings.” October 2020)

²⁷ *See* Appendix B at 8

²⁸ *See* Hamilton County, Tennessee Budget, Fiscal Year Ending June 30, 2024 at GF-44
<https://www.hamiltontn.gov/PDF/FY%202024%20Proposed%20Budget.pdf>

of a misdemeanor, shall issue a citation to the arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate.”). The law does have some exceptions to its cite-and-release requirement, but the burden is on the State to show that the officer was “objectively reasonable” in determining the exception’s existence under the circumstances. *State v. Walker*, 12 S.W.3d 460, 464 (Tenn. 2000); Tenn. Att’y Gen. Op. No. 10-31 (March 11, 2010). If the State fails to meet its burden, the seizure of the individual and any search incident to the arrest is deemed unconstitutional under the Fourth Amendment and cannot be used in court to show the individual’s guilt. *Walker*, 12 S.W.3d at 465, 7.

Hamilton County should develop a clear plan to enforce Tennessee’s existing cite-and-release laws as written. Such a plan may include a simple form that officers can use when citing individuals, developed with professional expertise, to ensure that arrestees clearly understand their legal obligations upon their release. If law enforcement officers find the need to book someone who the statute covers, the County could provide officers with a form delineating their specific justification for not using cite-and-release.

B. Implementation guidance and examples for automatic release orders

Judges should sign a permanent standing order that requires all people with misdemeanor charges to receive an OR bond if law enforcement has not already cited and released them. As stated in this memo’s legal analysis, automatically giving defendants an OR bond without having an evidentiary hearing first does not violate state or federal law.

The Knox County General Sessions Judges have already implemented an automatic pretrial release order for certain offenses.²⁹ Knox County has an automatic release order for the majority of misdemeanor charges and limits the DA’s power to seek money bail for those

²⁹ See Appendix C (2022 Knox County Pretrial Release Order)

charges.³⁰ Knox County’s automatic release order also includes many non-violent felony offenses.³¹ The offenses for which Knox County will automatically grant OR bonds are “[n]ew misdemeanor arrests: any individual arrested for a misdemeanor offense that does not involve domestic assault, violation of the sex offender registry law, or DUI.”³² The Shelby County General Sessions Judges have likewise implemented a standing pretrial release order.³³ Instead of immediately having money bail hearings, Shelby County requires all defendants to have a “release screening” to determine the defendant’s conditions of release within 12 hours of entry to the jail.³⁴

Lastly, Hamilton County should also build on its existing plan for supporting individuals who are cited-and-released or ROR’d, namely through providing a robust set of pretrial supports such as transportation to court and court-date reminders. It is important, however, that an arrested individual’s refusal to accept pretrial support should never be construed as a reason not to continue with citing-and-releasing the individual.

VII. Conclusion

In conclusion, the County’s practice of detaining people on unaffordable bail amounts contributes to jail overcrowding, violates Tennessee Code Annotated, violates Tennessee state court precedent, and violates the U.S. Constitution. To ensure compliance with the law, the County should implement an automatic release order and enforce existing cite-and-release laws. For defendants who are not automatically released, the County should implement the following three-step process:

³⁰ See Appendix C ¶¶ 2

³¹ See Appendix C ¶¶ 4, 6

³² See Appendix C ¶¶ 2

³³ See Appendix D (2022 Shelby County Pretrial Release Order)

³⁴ See Appendix D at 2

1. Consider release on recognizance (“ROR or an “OR bond”) at the magistrate level as required by Tenn. Code Ann. § 40-11-115;
2. If the defendant cannot be released on an OR bond, release them on the least restrictive conditions of release as required by Tenn. Code Ann. § 40-11-116 through § 40-11-118;
3. If a defendant cannot be released with conditions pursuant to Tenn. Code Ann. § 40-11-116 through § 40-11-118, execute an adversarial hearing that meets the requirements listed in *Torres*.

CRC would appreciate the opportunity to collaborate with the County. If you would like to meet with CRC to discuss any questions or concerns that you have about this memo, please contact kiah@civilrightscorps.org with your availability.

APPENDIX B

WESTON WAMP
COUNTY MAYOR

BOARD OF COMMISSIONERS
D.C. (CHIP) BAKER
GREG BECK
MIKE CHAUNCEY
JEFF EVERSELE
JOE GRAHAM
LEE HELTON
STEVE HIGHLANDER
WARREN MACKEY
DAVID SHARPE
GENE-O SHIPLEY
KEN SMITH



CHRIS MCCOLLOUGH, CPA, CCFO
COUNTY AUDITOR

AUSTIN DURALL, CFE, CGFM, CCFO
AUDIT MANAGER

AUDIT STAFF
J.C. CLONTS
PHILLIP EDWARDS, CPA, CFE, CCFO
JAMESSETTA GRAY, CCFO
TRACY HOLL, CGFM, CCFO
ROGER KINCER, CGFM, CCFO
MARICELA MADERA
JOHNETTA TRUSS, CCFO

HAMILTON COUNTY, TENNESSEE

OFFICE OF THE COUNTY AUDITOR

TO: Weston Wamp, County Mayor
Jeff Eversole, Commission Chairman
Hamilton County Board of Commissioners
Sheriff Austin Garrett

FROM: Chris McCollough, County Auditor *cm*

DATE: March 4, 2024

SUBJECT: "Average Daily Cost" to House Prisoners as of 6/30/23

The attached schedule was updated as of June 30, 2023, and shows five years of cost data for housing prisoners in Hamilton County, Tennessee. The "Average Daily Cost" increased approximately \$6,800 daily (from \$76,830 at the end of fiscal year 6/30/22 to \$83,627 at the end of fiscal year 6/30/23). This was primarily due to increased direct operating costs for inmate care and facilities.

We would like to thank Carolyn Catchings for her input, assistance, and review of the attached FY2023 cost calculations. If you have any questions, contact Austin Durall at 209-6211 or me at 209-6212.

cc: Claire McVay, Chief of Staff
David Roddy, Chief Operating Officer
Lee Brouner, Chief Financial Officer
Vonda Patrick, Deputy Chief Financial Officer
Mary Frances Hoots, Director of Communications
Deputy Chief Shaun Shepherd
Ron Bernard, Chief of Staff-Sheriff's office
Carolyn Catchings, Senior Accounting Manager-Sheriff's office

Hamilton County Jail & Detention Center
Average Daily Cost to House Inmates
Five Fiscal Years 2019 - 2023

	Hamilton County Jail & Detention Center				JAIL & SILVERDALE COMBINED					
	Totals	Cost Per	Totals	Cost Per	Totals	Cost Per	Totals	Cost Per		
	6/30/2023	Inmate Day 6/30/2023	6/30/2022	Inmate Day 6/30/2022	6/30/2021	Inmate Day 6/30/2021	6/30/2020	Inmate Day 6/30/2020		
	6/30/2019	Inmate Day 6/30/2019								
COST CATEGORIES:										
Direct Costs-Pers. & Benefits	\$ 16,692,988	\$ 43.81	\$ 16,125,999	\$ 43.66	\$ 14,827,413	\$ 38.66	\$ 13,163,504	\$ 29.22	\$ 14,061,751	\$ 27.33
Direct Costs-Inmate Care, Facilities	12,579,554	33.02	10,980,224	29.73	3,049,279	7.95	2,498,716	5.55	2,244,564	4.36
Prorated Costs/Contracts/Consultants	756,075	1.98	736,537	1.99	6,905,318	18.01	3,997,331	8.87	3,767,173	7.32
CORE Civic Contract	-	-	-	-	7,241,166	18.88	15,990,493	35.49	17,027,401	33.10
Equipment Cost	174,655	0.46	241,217	0.65	671,662	1.75	210,312	0.47	190,207	0.37
Building Depreciation	414,584	1.09	610,391	1.65	621,556	1.62	851,646	1.89	972,318	1.89
Indirect Costs	1,814,528	4.76	1,712,581	4.64	1,774,841	4.63	1,828,306	4.06	1,900,488	3.69
Total Operating Costs	32,432,384	85.12	30,406,949	82.33	35,091,235	91.51	38,540,308	85.54	40,163,902	78.07
Less: Revenues/Reimbursements	(1,908,678)	(5.01)	(2,364,093)	(6.40)	(3,431,653)	(8.95)	(4,046,411)	(8.98)	(3,383,125)	(6.58)
Net Operating Costs	30,523,706	\$ 80.11	28,042,856	\$ 75.93	31,659,582	\$ 82.56	34,493,897	\$ 76.56	36,780,777	\$ 71.49
Total Inmate Days	389,204		389,088		418,106		495,453		565,945	
Less: Federal Inmate Days	(8,188)		(19,745)		(34,617)		(44,889)		(51,486)	
Net Inmate Days	381,016		369,343		383,489		450,564		514,459	
Avg. Daily Cost per Inmate	\$ 80.11		\$ 75.93		\$ 82.56		\$ 76.56		\$ 71.49	
AVERAGE DAILY COST	\$ 83,627		\$ 76,830		\$ 86,739		\$ 94,505		\$ 100,770	