County Technical Assistance Service

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Classification of Inmates

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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 e-Li material.

Sincerely,

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Table of Contents

Classification of Inmates 3

Classification of Inmates

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The jailer is authorized to evaluate inmates for purposes of classification, management, care, control and cell assignment.T.C.A. § 41-4-103(b). Pursuant to state regulations each jail must have a written plan for prisoner classification. The plan must specify the criteria and procedures for classifying prisoners in terms of level of custody required, housing assignment and participation in correctional programs. The plan shall include a process for review and appeal of classificatThis plan ensures total sight, sound or physical contact separation between male and female inmates and between adults and juveniles being tried as adults. ion decisions. Rules of the Tennessee Corrections Institute, Rule 1400-1-.17(2) and (3).

Inmates with disabilities, including temporary disabilities, shall be housed and managed in a manner that provides for their safety and security. Housing used by inmates with disabilities, including temporary disabilities, shall be designed for their use and shall provide for integration with other inmates. Program and service areas shall be accessible to inmates with disabilities. Rules of the Tennessee Corrections Institute, Rule 1400-1-.17(4).

“The courts accord wide-ranging deference to correction officials in adopting and administering policies that, in the officials' judgment, are needed to preserve internal order and discipline and to maintain institutional security.” *Utley v. Tennessee Dept. of Correction*, 118 S.W.3d 705, 713 (Tenn. Ct. App. 2003) *citing Jones v. North Carolina Prisoners' Labor Union, Inc.,* 433 U.S. 119, 126, 97 S.Ct. 2532, 2538, 53 L.Ed.2d 629 (1977); *Bell v. Wolfish*, 441 U.S. 520, 548, 99 S.Ct. 1861, 1879, 60 L.Ed.2d 447 (1979); *Jaami v. Conley,* 958 S.W.2d 123, 125 (Tenn. Ct. App. 1997) (recognizing prison officials' broad authority regarding prisoner classification). “Accordingly, the courts consistently decline to substitute their judgment for that of prison officials when it comes to difficult and sensitive matters of prison administration.” *Utley* at 713, *citing O'Lone v. Estate of Shabazz,* 482 U.S. 342, 353, 107 S.Ct. 2400, 2407, 96 L.Ed.2d 282 (1987).

The classification of prisoners is a matter largely within the discretion of prison officials. A prisoner has no right to any particular security classification level. *Makoka v. Cook*, 2002 WL 31730880, *2 (Tenn. Ct. App. 2002) *citing Olim v. Wakinekona,* 461 U.S. 238, 245, 103 S.Ct. 1741, 1745 (1983); *Montayne v. Haymes,* 427 U.S. 236, 242-243, 96 S.Ct. 2543, 2547 (1976); *Beard v. Livesay,* 798 F.2d 874, 876 (6th Cir.1986). “[P]risoners have no liberty interest in the procedure affecting his or her classification because the resulting restraint does not impose an atypical and significant hardship in relation to the ordinary incidents of prison life. *Henderson v. Mills*, 2005 WL 2104958, *6 (Tenn. Ct. App. 2005), *citing Sandin v. Conner*, 515 U.S. 472, 482, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995). *See also Jaami v. Conley,* 958 S.W.2d 123, 125 (Tenn. Ct. App. 1997) (Though regulations for the classification of prisoners normally take into account the inmate's crime and sentence, their primary purpose is not punishment, but security. A state prison inmate has no right to a particular classification under state law, and prison officials must have broad discretion, free from judicial intervention, in classifying prisoners in terms of their custodial status.); *Thompson v. County of Medina*, 29 F.3d 238 (6th Cir, 1994) (Pretrial detainees challenging county's failure to properly classify inmates according to seriousness of charged crimes failed to adequately allege that classification system violated their Eighth Amendment right to personal safety, absent any claim that they ever suffered injury as result of jail's classification system or showing of causal link between alleged fights and assaults among other inmates and classification system.); *Burciaga v. County of Lenawee*, 123 F.Supp.2d 1076, 1078 (E.D. Mich. 2000) (Although neither the court nor the parties have found binding precedent squarely on point, the overwhelming weight of persuasive authority holds that unless the state has an intent to punish, or at least displays an indifference toward potential harm to an inmate, pretrial detainees have no due process right to be housed separately from sentenced inmates. Conversely, neither the state nor its agents may place a pretrial detainee in certain housing conditions if their intent is to punish that detainee or if their decision is made in a manner that is deliberately indifferent to the safety of that detainee.) (citations omitted).

The state, by its own actions, may create liberty interests protected by the due process clause. *Beard v. Livesay*, 798 F.2d 874, 876 (6th Cir. 1986) *citing Hewitt v. Helms*, 459 U.S. 460, 469, 103 S.Ct. 864, 870, 74 L.Ed.2d 675 (1983); *Bills v. Henderson*, 631 F.2d 1287, 1291 (6th Cir.1980). In *Olim v. Wakinekona*, 461 U.S. 238, 249, 103 S.Ct. 1741, 1747, 75 L.Ed.2d 813 (1983), the United States Supreme Court described when the action of a state will create such an interest. The state creates a protected liberty interest by placing substantive limitations on official discretion. *Olim* at 249. *Doe v. Sullivan County*, 956 F.2d 545, 557 (6th Cir. 1992) (This court has stated that "where substantive limitations have in fact been

placed on the discretion of prison officials in classifying inmate's [sic] security status, a protectible liberty interest has been created."). “If the decisionmaker is not ‘required to base its decisions on objective and defined criteria,’ but instead ‘can deny the requested relief for any constitutionally permissible reason or for no reason at all,’ *ibid.,* the State has not created a constitutionally protected liberty interest.” *Connecticut Board of Pardons v. Dumschat*, 452 U.S. 458, 466-467, 101 S.Ct. 2460, 2465, 69 L.Ed.2d 158 (1981) (BRENNAN, J., concurring). *See Vitek v. Jones*, 445 U.S. 480, 488-491, 100 S.Ct. 1254, 1261-1262, 63 L.Ed.2d 552 (1980) (summarizing cases). "Prison administrators therefore should be accorded wide-ranging deference in the adoption and execution of policies and practices that in their judgement are needed to preserve internal order and discipline and to maintain institutional security." *Bell v. Wolfish*, 441 U.S. 520, 547, 99 S.Ct. 1861, 60 L.Ed.2d 447 (1979).
