

February 19, 2014

City of Hohenwald Tennessee
Mayor Johnny Clayton
118 W. Linden Avenue
Hohenwald, Tennessee 38462

VIA ELECTRONIC MAIL

Dear Mayor Clayton:

We recently discussed a situation wherein the Lewis County Sheriff's Department will no longer assign inmates to work at the municipal golf course following an injury to a worker, and your subsequent refusal to enter into an agreement to become financially responsible for any medical expenses occurring while inmates are working for the city. The purpose of this letter is to memorialize those earlier discussions.

A number of statutes allow municipalities to use inmates or probationers on public service projects. They include:

- TCA § 41-3-107 - municipal offenders
- TCA § 41-2-123 - prisoners in county jails
- TCA § 41-9-104 - work by probationers
- TCA § 41-22-127(a)(2) - state prisoners
- TCA § 37-1-131(a)(7) - juveniles

In general, these statutes provide immunity for the municipality with regard to any injuries sustained by the inmate or probationer, and with regard to any liability exposure created by the inmate or probationer.

With regard to medical expenses of prisoners hurt while on work detail, TCA § 9-8-307(a)(2) provides that the state is responsible for these expenses for state prisoners. TCA §§ 41-4-115 and 41-2-118 provide that counties are responsible for providing medical care for all prisoners confined in the county jail or workhouse. In turn, TCA §§ 41-4-115 and 41-11-101 and the following sections provide that counties can seek to recover these expenses from the inmates themselves. Accordingly, Lewis County is statutorily responsible for the medical care of those placed in their custody.

As you are aware, the TML Risk Management Pool (TMLRMP) provides insurance coverage for the City of Hohenwald. The TMLRP has developed loss control guidelines for members that use inmate labor for public works projects. A copy of the guidelines is enclosed for ease of reference.

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TMLRMP Member Services Representative Halie Gallik was contacted who offered the following:

“We always remind members that signing an agreement that makes the city responsible for inmate medical expenses does not mean that The Pool will pay for those expenses through our liability or workers compensation policies. Legally, inmate medical expenses are the responsibility of the housing facility.”

Please let me know if you require any additional assistance on this matter.

Very truly yours,



Jeffrey J. Broughton
Municipal Management Consultant