

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

LAYLA SOLIZ,

Plaintiff,

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v.

Case No.: _____

KNOX COUNTY, TENNESSEE,
TOM SPANGLER, and
JONATHAN BURGESS,

Defendants.

JURY DEMANDED

COMPLAINT

For her Complaint against the Defendants, the Plaintiff states to the Court and the Jury as follows:

I. INTRODUCTION

1. Plaintiff Layla Soliz is an observant Muslim woman.
2. In accordance with her deeply held and sincere religious beliefs, Mrs. Soliz wears a hijab every day. Doing so expresses her faith, maintains her modesty, and prevents men outside her family from seeing her hair.
3. On May 15, 2024—for no valid or compelling penological reason—Knox County Sheriff’s Office employees demanded that Mrs. Soliz remove her hijab and be photographed without it for a booking photo.
4. Afterward—for no valid or compelling penological reason, and also in direct violation of official Knox County Sheriff’s Office policy—Knox County Sheriff’s Office employees published Mrs. Soliz’s uncovered booking photo to the Knox County Sheriff’s

Office's public website for anyone with an internet connection to see.

5. Afterward, at least hundreds of people viewed Mrs. Soliz's uncovered booking photo. An unknowable number of people—including at least one third-party website—also downloaded it. That website then published Mrs. Soliz's uncovered photo to its own audience and uploaded it to its public mugshot database for the world to see.

6. The Defendants' mistreatment of Mrs. Soliz and their disrespect for her religious rights has scarred her. The Defendants' misbehavior was also illegal. The federal Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc, *et seq.*, and Tenn. Code Ann. § 4-1-407—Tennessee's Preservation of Religious Freedom Act—flatly prohibited the Defendants from burdening Mrs. Soliz's free exercise of her religion in the manner they did.

7. Indeed, even the Defendants' own operational policy forbade the misconduct that transpired here. *See Ex. 1* (Policy and Procedures, Knox County Sheriff's Office Corrections Division, Chapter 9: Inmate Processing Subsection: 9.04 Identification), at 4.

8. As a result—because the Defendants have inexplicably refused to redress Mrs. Soliz's grievances without litigation—this lawsuit followed.

II. PARTIES

9. Plaintiff Layla Soliz is a citizen of Tennessee and a resident of Knox County, Tennessee. She may be contacted through counsel.

10. Defendant Knox County, Tennessee is a county government in Tennessee. Knox County may be served with process through its counsel or upon Glenn Jacobs, Knox County Mayor, 400 Main Street, Suite 615, Knoxville, Tennessee 37902.

11. Defendant Tom Spangler is the Sheriff of Knox County, Tennessee.

Defendant Spangler has final decision-making authority over policy in the Knox County Sheriff's Office. Defendant Spangler may be served through counsel or wherever he may be found.

12. Defendant Jonathan Burgess is a Sergeant and employee of the Knox County Sheriff's Office. Despite repeated instructions not to do so, and in contravention of official Knox County Sheriff's Office policy, Defendant Burgess published the Plaintiff's uncovered booking photo to the Knox County Sheriff's Office's public website, where it was then viewed and downloaded by members of the public. Defendant Burgess may be served through counsel or wherever he may be found.

III. JURISDICTION AND VENUE

13. The Plaintiff brings this civil-rights lawsuit pursuant to the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc, *et seq.*; 42 U.S.C. § 1983; Tennessee's Preservation of Religious Freedom Act, Tenn. Code Ann. § 4-1-407; Tenn. Code Ann. § 1-3-121, and Tennessee common law.

14. This Court has original jurisdiction over the federal questions presented in this lawsuit under 28 U.S.C. § 1331 and supplemental jurisdiction over the Plaintiff's state law claims under 28 U.S.C. § 1367.

15. Venue lies in this Court pursuant to 28 U.S.C. 1391(b)(1)–(2).

IV. FACTUAL ALLEGATIONS

16. Plaintiff Layla Soliz is an observant Muslim woman.

17. In keeping with her religious faith, Mrs. Soliz wears a hijab every day.

18. A hijab is a traditional Muslim headscarf that is worn by observant Muslim women in the presence of men who are not family members.

19. Requiring an observant Muslim woman to remove her hijab in the presence

of men who are not her family members substantially burdens her religious faith.

20. Requiring an observant Muslim woman to remove her hijab in front of men who are not her family members is humiliating and degrading—akin to requiring a woman to take off her shirt in public.

21. On May 15, 2024, Mrs. Soliz gathered with other activists during a pro-Palestine demonstration in Knoxville, Tennessee.

22. In connection with the demonstration, Mrs. Soliz—along with other demonstrators in the group—was arrested on the University of Tennessee campus for a minor misdemeanor charge.

23. Mrs. Soliz and the group of arrestees waited several hours in a van with their hands bound before reaching the Knox County Detention Facility.

24. After being arrested, Mrs. Soliz was searched for contraband. The search included searching her hijab. Mrs. Soliz had no contraband.

25. The arrestees—including Mrs. Soliz—were then booked by the Knox County Sheriff's Office at the Knox County Detention Facility.

26. The booking process included taking a booking photo, commonly known as a “mugshot.”

27. Prior to Mrs. Soliz arriving at booking, an attorney arrived and advised Knox County Sheriff's Office employees on behalf of Mrs. Soliz that Mrs. Soliz was an observant Muslim woman who wore a hijab for religious purposes.

28. The attorney emphasized to Knox County Sheriff's Office employees both the importance of not forcing Mrs. Soliz to remove her hijab and refraining from publishing a public photograph of Mrs. Soliz in which she was not wearing her hijab.

29. Nevertheless, when Mrs. Soliz was brought into booking, she was forced

over her objections to remove her hijab and to take a booking photo without wearing it.

30. The intake officer also took a booking photo of Mrs. Soliz *with* her hijab.

31. Knox County Sheriff's Office Policy and Procedure 9.04, concerning "identification" during the booking process, defines a "religious head covering" as "[a]ny headscarf or covering worn in one's religious faith practice[.]" and it expressly recognizes a "hijab" as an example of a religious head covering. **Ex. 1** at 2 (highlight added).

32. The policy further explains how religious head coverings should be treated during the booking process, stating:

D. Religious Head Coverings

The dignity and religious rights of arrestees who wear religious head coverings will be respected while maintaining the facility's safety and security.

1. Sallyport Pat-down

- a. At least two (2) officers of the same gender as the arrestee shall conduct the patodown search. No opposite persons shall be present in the sallyport while searching.
- b. The head covering will be removed, searched for contraband, and returned to the arrestee.

2. Identification

- a. The arrestee will be taken to the identification area after the pat-down search. An officer of the same gender will be responsible for completing the identification process of the arrestee. No staff member, inmate, or arrestee of the opposite gender is present in the identification area while the identification process is conducted.
- b. The identification officer will take photographs of the arrestee with and without the head covering.
- c. The arrestee's photograph wearing the religious head covering will be the only photograph released and made viewable by the general public.

- d. **Only** the arrestee's photograph wearing the religious head covering will be displayed on the inmate's facility identification.
- e. The arrestee's photograph without the head covering will be stored in the Dataworks Plus identification system for documentation purposes only.

Id. at 3–4 (highlights added; emphasis in original).

33. Knox County Sheriff's Office Policy and Procedure 13.4 further provides:

4. Religious Property

The KCSO Corrections Division shall permit inmates to possess religious property essential for the practice of their faith unless the Chief of Corrections determines that having such items would threaten the institution's security, safety, or good order. Such property includes but is not limited to religious head coverings and prayer rugs.

Ex. 2 (Policy and Procedures, Knox County Sheriff's Office Corrections Division, Chapter 13: Inmate Processing Subsection 13.4 Religious Services), at 5 (highlight added).

34. Worried that her uncovered booking photograph would be viewed in contravention of her religious rights and disseminated publicly, Mrs. Soliz asked the intake officer to confirm that her uncovered booking photograph would never be released to male officers or made available to the public.

35. The intake officer assured Mrs. Soliz that her uncovered booking photograph would not be viewable by male officers.

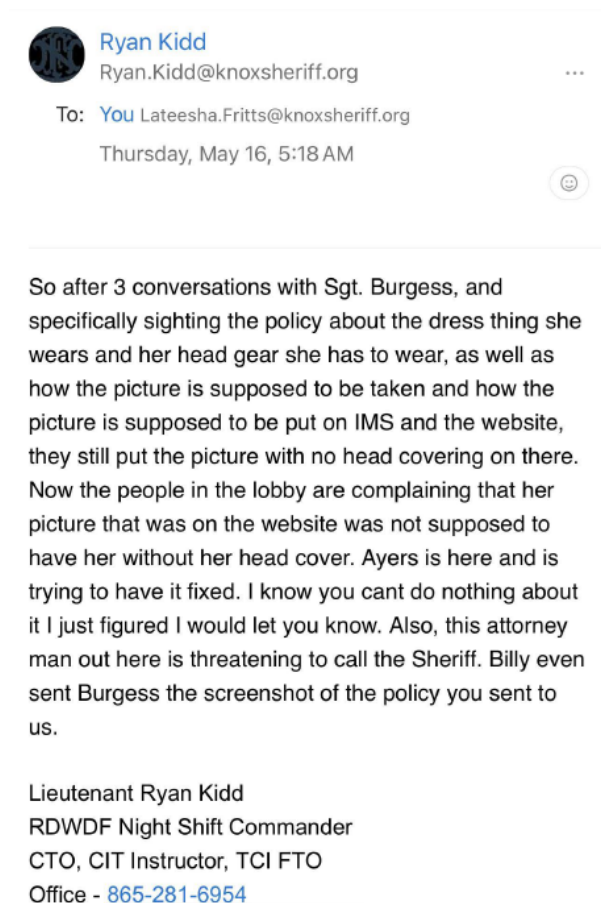
36. The officer also assured Mrs. Soliz that her uncovered booking photograph would never be made available to the public or published online.

37. Despite those assurances, Mrs. Soliz's uncovered booking photograph was later viewed by male officers.

38. Despite those assurances—and in direct violation of Knox County Sheriff's

Office Policy and Procedure 9.04(III)(D)(2)(c) and 9.04(III)(D)(2)(e)—Defendant Burgess, acting as an employee of Defendant Knox County, uploaded and published Mrs. Soliz’s uncovered booking photograph to the Knox County Sheriff’s Office’s public website.

39. Defendant Burgess published the booking photo of Mrs. Soliz without her hijab on the Knox County Sheriff’s Office’s public website “after 3 conversations” with Knox County Sheriff’s Office Night Shift Commander and Lieutenant Ryan Kidd, who specifically instructed Defendant Burgess that he was not to publish Mrs. Soliz’s photo to the public:



Ex. 3 (Kidd email)

40. Lieutenant Kidd acknowledged in an email that despite “sighting [sic] the

policy about the dress thing [Mrs. Soliz] wears and her head gear she has to wear, as well as how the picture is supposed to be taken and how the picture is supposed to be put on IMS and the website, they still put the picture with no head covering on there.” *Id.*

41. Anyone with an internet connection was able to access the Knox County Sheriff’s Office public website and view Mrs. Soliz’s uncovered booking photo at the time it was published.

42. Mrs. Soliz’s uncovered booking photo was published to the public in contravention of her religious rights.

43. At least one third-party mugshot website obtained Mrs. Soliz’s uncovered booking photo from the Knox County Sheriff’s Office website after it was published, and that website then uploaded the photo to its own website and republished it to its own audience.

44. After booking, Mrs. Soliz was released from custody.

45. Mrs. Soliz was never incarcerated at the Knox County Detention Facility or moved into jail housing.

46. No valid or compelling penological reason required Defendant Knox County to take Mrs. Soliz’s uncovered booking photo in the first place.

47. No valid or compelling penological reason required Defendant Knox County to publish Mrs. Soliz’s uncovered booking photo.

48. At minimum, after Mrs. Soliz was released from custody, no valid or compelling penological reason required the Defendants to retain Mrs. Soliz’s uncovered booking photo.

49. Despite having no valid or compelling penological interest in retaining Mrs. Soliz’s uncovered booking photo, Defendant Knox County—at the behest of its

policymaker, Defendant Tom Spangler—has retained Mrs. Soliz’s uncovered booking photo and refused to destroy it.

50. Despite having no valid or compelling penological interest in retaining Mrs. Soliz’s uncovered booking photo, Defendant Knox County—at the behest of its policymaker, Defendant Tom Spangler—has retained Mrs. Soliz’s uncovered booking photo notwithstanding demands from Mrs. Soliz to destroy it.

51. Defendant Knox County’s official policy—which has been promulgated and implemented by its on-site policymaker, Defendant Tom Spangler—is to retain Mrs. Soliz’s uncovered booking photo despite having no valid or compelling penological interest in doing so.

52. Given that her booking photo has already at least once been released to the public by the Defendants and viewed by male officers in contravention of her religious rights, Mrs. Soliz lives in daily fear that her uncovered booking photo will continue to be published, disseminated, and viewed in contravention of her religious faith.

53. This action for injunctive, declaratory, and monetary relief followed.

V. CAUSES OF ACTION

COUNT I (AS TO DEFENDANT KNOX COUNTY AND DEFENDANTS SPANGLER AND BURGESS IN THEIR OFFICIAL CAPACITIES): **42 U.S.C. § 2000CC & 42 U.S.C. § 1983**

54. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

55. “RLUIPA prohibits a [government actor] from imposing ‘a substantial burden on the religious exercise of a person residing in or confined to an institution’ unless the government shows that the burden furthers ‘a compelling governmental interest’ and ‘is the least restrictive means’ of doing so.” *Cavin v. Michigan Dep’t of Corr.*,

927 F.3d 455, 458 (6th Cir. 2019) (citing 42 U.S.C. § 2000cc-1(a)).

56. At all times relevant to this Complaint, the Plaintiff exercised—and she continues to exercise—her religious faith based on her sincerely-held religious beliefs.

57. The Plaintiff's exercise of her Muslim faith includes wearing a hijab to prevent men outside her family from seeing her hair.

58. By requiring the Plaintiff to remove her hijab, Defendant Knox County—pursuant to a booking policy promulgated and implemented by Defendant Spangler, its on-site policymaker—substantially burdened the Plaintiff's religious exercise.

59. By requiring the Plaintiff to be photographed without wearing her hijab, Defendant Knox County and Defendant Spangler substantially burdened the Plaintiff's religious exercise.

60. By publishing to the public the Plaintiff's uncovered booking photograph, Defendant Knox County and Defendant Burgess substantially burdened the Plaintiff's religious exercise.

61. Defendants Knox County and Spangler had no valid or compelling penological reasons for requiring the Plaintiff to remove her hijab.

62. Defendants Knox County and Spangler had no valid or compelling penological reasons for requiring the Plaintiff to be photographed without wearing her hijab.

63. Defendants Knox County and Burgess had no valid or compelling penological reasons for uploading and publishing the Plaintiff's uncovered booking photograph to the Knox County Sheriff's Office's public website.

64. Knox County's own formal policy forbade uploading and publishing the Plaintiff's uncovered booking photograph to the Knox County Sheriff's Office's public

website. *See Ex. 1* at 4.

65. Even so, Defendant Burgess—while acting as an agent and employee of Defendant Knox County, and while exercising his official duties as an employee—published the Plaintiff’s uncovered booking photograph to the Knox County Sheriff’s Office’s public website.

66. The Knox County Sheriff’s Office has agreed through its own policy that there is no valid or compelling penological need to publish the Plaintiff’s uncovered booking photo to the public. *Id.*

67. Requiring the Plaintiff to remove her hijab for her booking photo did not further any compelling governmental interest.

68. Requiring the Plaintiff to remove her hijab for her booking photo was not the least restrictive means of furthering any governmental interest.

69. Requiring the Plaintiff to be photographed without her hijab for her booking photo did not further any compelling governmental interest.

70. Requiring the Plaintiff to be photographed without her hijab for her booking photo was not the least restrictive means of furthering any compelling governmental interest.

71. Publishing the Plaintiff’s uncovered booking photo to the Knox County Sheriff’s Office’s public website did not further any compelling governmental interest.

72. Publishing the Plaintiff’s uncovered booking photo to the Knox County Sheriff’s Office’s public website was not the least restrictive means of furthering any governmental interest.

73. After the Plaintiff was released from custody, Defendant Knox County had no valid or compelling penological reason to retain Mrs. Soliz’s uncovered booking photo.

74. Defendant Knox County’s retention of Mrs. Soliz’s uncovered booking photo—which can be and has been viewed by male officers—substantially burdens the Plaintiff’s religious exercise.

75. Defendant Knox County’s retention of Mrs. Soliz’s uncovered booking photo does not further any compelling governmental interest.

76. Defendant Knox County’s retention of Mrs. Soliz’s uncovered booking photo is not the least restrictive means of furthering any governmental interest.

77. Despite having no compelling interest in retaining Mrs. Soliz’s uncovered booking photo, Defendant Knox County continues to retain Mrs. Soliz’s uncovered booking photo at the behest of Defendant Spangler and its other policymakers

78. Given these circumstances, the Plaintiff is entitled to “obtain appropriate relief against” Defendant Knox County and the additional Defendants in their official capacities under 42 U.S.C.A. § 2000cc-2(a).

79. The Plaintiff is entitled to relief against the Defendants under 42 U.S.C.A. § 2000cc-2(a) that includes, without limitation, an order that the Defendants destroy her booking photo and an injunction forbidding the Defendants’ further publication and dissemination of it.

80. The Plaintiff also expressly preserves a claim for money damages against Defendant Knox County under RLUIPA.¹

¹The Plaintiff acknowledges that the Sixth Circuit has foreclosed claims for money damages under RLUIPA. See *Haight v. Thompson*, 763 F.3d 554, 568 (6th Cir. 2014); but see *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 290 (5th Cir. 2012) (permitting money damages against municipalities under RLUIPA); *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma*, 651 F.3d 1163, 1168–69 (9th Cir. 2011) (“The City of Yuma, therefore, may be liable for monetary damages under RLUIPA . . .”); *Lighthouse Inst. For Evangelism, Inc. v. City of Long Branch*, 510 F.3d 253, 261–73 (3d Cir. 2007) (permitting a claim for compensatory damages under RLUIPA to proceed against a municipality). Because *Haight*’s holding is incompatible with the U.S. Supreme Court’s later decision in *Tanzin v. Tanvir*, 141 S.Ct. 486, 492, 208 L. Ed. 2d 295 (2020), though, the Plaintiff expressly preserves a claim of money damages against Knox County and asserts that *Haight* should be overruled.

COUNT II (DEFENDANT KNOX COUNTY):
TENN. CODE ANN. § 4-1-407

81. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

82. Tennessee's Preservation of Religious Freedom Act, codified at Tenn. Code Ann. § 4-1-407, provides that:

(b) Except as provided in subsection (c), no government entity shall substantially burden a person's free exercise of religion even if the burden results from a rule of general applicability.

(c) No government entity shall substantially burden a person's free exercise of religion unless it demonstrates that application of the burden to the person is:

- (1) Essential to further a compelling governmental interest; and
- (2) The least restrictive means of furthering that compelling governmental interest.

Id.

83. Defendant Knox County's decision to require Mrs. Soliz to remove her hijab for a booking photo was not essential to further any compelling governmental interest.

84. Defendant Knox County's decision to require Mrs. Soliz to remove her hijab for a booking photo was not the least restrictive means of furthering any compelling governmental interest.

85. Defendant Knox County's decision to publish to the public Mrs. Soliz's uncovered booking photo in violation of official Knox County Sheriff's Office policy was not essential to further any compelling governmental interest.

86. Knox County Sheriff's Office Policy 9.04 acknowledges that at least one less restrictive mean of furthering the government's interest in taking booking photos is available. *See Ex. 1* at 4 ("The identification officer will take photographs of the arrestee

with and without the head covering. . . . **The arrestee’s photograph wearing the religious head covering will be the only photograph released and made viewable by the general public. . . . The arrestee’s photograph without the head covering will be stored in the Dataworks Plus identification system for documentation purposes only.**”) (emphasis added).

87. Knox County officials are required by policy to employ these less restrictive means of furthering the government’s interest in taking booking photos.

88. Defendant Knox County’s decision to publish to the public Mrs. Soliz’s uncovered booking photo in violation of official Knox County Sheriff’s Office policy was not the least restrictive means of furthering any compelling governmental interest.

89. Defendant Knox County’s decision to retain Mrs. Soliz’s uncovered booking photo after her release from custody was not—and is not—essential to further any compelling governmental interest.

90. Defendant Knox County’s decision to retain Mrs. Soliz’s uncovered booking photo after her release from custody was not—and is not—the least restrictive means of furthering any compelling governmental interest.

91. Unlike prisons—which are responsible for the long-term custody of convicted inmates and are responsible for monitoring their real-time whereabouts at all times—non-inmates like Mrs. Soliz do not remain in the government’s physical custody; they need not have their whereabouts accounted for in the same manner; and they are presumed to be innocent.

92. The Knox County Sheriff’s Office thus has no compelling interest comparable to that of a prison in maintaining uncovered booking photographs of released religious arrestees.

93. Because municipal officials have no compelling interest in maintaining uncovered booking photographs of released religious arrestees, other Sheriffs' Offices in Tennessee—including the Rutherford County Sheriff's Office and the Davidson County Sheriff's Office—do not needlessly burden religious arrestees' closely-held religious views in the manner that the Knox County Sheriff's Office does. *See, e.g. Ex. 4* (Rutherford County Sheriff's Office Booking Policy), at 4 (“Arrestees and citation recipients are not required to remove religious head coverings for booking photos as long as the view of the face and profile are not obstructed by religious attire.”), *available at* <https://horwitz.law/wp-content/uploads/9.1402-Admission-24JAN24.pdf>; **Ex. 5** (Davidson County Sheriff's Office Booking Policy), at 1 (“Individuals photographed pursuant to booking procedures are not required to remove religious head coverings as long as facial features are clearly visible.”), *available at* <https://horwitz.law/wp-content/uploads/DCSOREligiousAccommodationPolicy.pdf>.

94. Many other law enforcement entities around the country similarly do not require Muslim women like Mrs. Soliz to remove their hijabs for booking photographs, both because it is not necessary to further any compelling interest and because RLUIPA requires otherwise. *See, e.g., Chaaban v. City of Detroit*, No. 20-CV-12709, 2021 WL 4060986, at *6, n.5 (E.D. Mich. Sept. 7, 2021) (observing that “some police departments have updated their policies to state that Muslim women are not required to remove religious head coverings like hijabs for booking photographs.”).

95. For these reasons, the Knox County Sheriff's Office never had any lawful basis for requiring Mrs. Soliz to remove her hijab for a booking photograph in the first place.

96. As such, forcing Mrs. Soliz to remove her hijab and to be photographed

without it—even for internal use—itself violated Mrs. Soliz’s religious rights.

97. For the same reasons, Defendant Knox County’s continued retention of Mrs. Soliz’s uncovered booking photograph and its refusal to destroy that illicit photograph continue to violate Mrs. Soliz’s religious rights.

98. Under Tenn. Code Ann. § 4-1-407(e), Mrs. Soliz is entitled to receive declaratory relief, money damages, and recover her reasonable costs and attorney’s fees for Defendant Knox County’s violation of Tennessee’s Preservation of Religious Freedom Act. *See id.* (“A person whose religious exercise has been burdened by government in violation of this section may assert that violation as a claim or defense in any judicial or administrative proceeding and may obtain such declaratory relief, monetary damages as may properly be awarded by a court of competent jurisdiction, or both declaratory relief and monetary damages. A person who prevails in any proceeding to enforce this section against a government entity may recover the person’s reasonable costs and attorney’s fees.”).

99. Mrs. Soliz seeks a declaration that: (1) Defendant Knox County’s continued retention of her booking photograph; (2) its policy of taking and then “stor[ing] in the Dataworks Plus identification system for documentation purposes” booking photos of observant Muslim women in which they are depicted without their hijabs, *see Ex. 1* at 4; and (3) its publication and dissemination of Mrs. Soliz’s uncovered booking photo all violate Tennessee’s Preservation of Religious Freedom Act.

100. Mrs. Soliz further seeks an award of compensatory damages, including, without limitation, all damages associated with the Defendant’s violation of her religious rights; all damages necessary to have the Plaintiff’s booking photo permanently removed to the extent feasible from third-party publishers who obtained it; and all damages,

including emotional distress damages, caused by Knox County's violation of the Plaintiff's free exercise rights.

101. Mrs. Soliz additionally seeks an award of reasonable attorney's fees.

**COUNT III (AS TO DEFENDANT KNOX COUNTY, TENNESSEE AND DEFENDANTS
SPANGLER AND BURGESS IN THEIR OFFICIAL CAPACITIES):
TENN. CODE ANN. § 1-3-121**

102. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

103. Tenn. Code Ann. § 1-3-121 affords aggrieved citizens robust statutory authority to obtain injunctive relief in any action brought regarding the legality of a governmental action. *See id.* (“a cause of action shall exist under this chapter for any affected person who seeks declaratory or injunctive relief in any action brought regarding the legality or constitutionality of a governmental action.”).

104. Mrs. Soliz is “affected” by the illegal actions of Defendant Knox County and the other Defendants, in their official capacities, substantially burdening her free exercise rights within the meaning of Tenn. Code Ann. § 1-3-121.

105. Mrs. Soliz is entitled to complete injunctive relief enjoining further harm arising from the Defendants' illegal actions, including, without limitation, an order that the Defendants destroy her uncovered booking photo; an injunction forbidding continued enforcement of Defendant Knox County's policy of taking and then “stor[ing] in the Dataworks Plus identification system for documentation purposes” booking photos of observant Muslim women in which they are depicted without wearing their hijabs, *see Ex. 1* at 4; and an injunction forbidding the Defendants' further retention, publication, and dissemination of Mrs. Soliz's uncovered booking photo.

COUNT IV (DEFENDANT BURGESS IN HIS INDIVIDUAL CAPACITY):
NEGLIGENCE

106. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

107. Under Tennessee's Governmental Tort Liability Act, when Knox County's immunity from liability is removed for an employee's tortious act, Knox County's employees are immune from individual liability.

108. By the same token, when Knox County's immunity from liability is *not* removed for an employee's tortious act, its employees are *not* immune from individual liability.

109. Under Tenn. Code Ann. § 29-20-205(2), Defendant Knox County's immunity is not removed for injuries that arise out of "civil rights[.]"

110. Mrs. Soliz's injuries arise out of civil rights.

111. Thus, Defendant Knox County retains its immunity for Defendant Burgess's negligence, and Defendant Burgess is liable to Mrs. Soliz individually.

112. "A negligence cause of action has five essential elements: (1) a legally recognized duty owed by the defendant to the plaintiff, (2) the defendant's breach of that duty, (3) an injury or loss, (4) causation in fact, and (5) legal cause." *Timmons v. Metro. Gov't of Nashville & Davidson Cty.*, 307 S.W.3d 735, 741 (Tenn. Ct. App. 2009) (collecting cases).

113. As an employee of the Knox County Sheriff's Office, Defendant Burgess had a legally recognized duty to Mrs. Soliz to comply with official Knox County Sheriff's Office policy and refrain from publishing Mrs. Soliz's uncovered booking photo to the public.

114. Defendant Burgess had a legal and non-discretionary duty to comply with

Knox County Sheriff's Office Policy and Procedure 9.04(III)(D)(2)(c) and 9.04(III)(D)(2)(e).

115. Defendant Burgess nevertheless breached that duty by uploading Mrs. Soliz's uncovered booking photo to the Knox County Sheriff's Office's website and publishing Mrs. Soliz's uncovered booking photo to the public at large.

116. As of the filing of this Complaint, all indications are that Defendant Burgess did not intentionally violate Knox County Sheriff's Office Policy and Procedure 9.04(III)(D)(2)(c) and 9.04(III)(D)(2)(e); instead, he unthinkingly and unreasonably uploaded the wrong photograph despite multiple specific reminders not to do so.

117. As a result of Defendant Burgess breach of his duty of care to Mrs. Soliz, Mrs. Soliz has suffered injury and loss.

118. Mrs. Soliz's injury and loss were caused, both in fact and proximately, by Defendant Burgess's breach of his duty of care to Mrs. Soliz.

119. As both a direct and proximate result of Defendant Burgess's breach of his duty of care to Mrs. Soliz, Mrs. Soliz has suffered actual damages for which Defendant Burgess is liable.

120. In uploading and publishing Mrs. Soliz's uncovered booking photograph to the Knox County Sheriff's Office's public website despite multiple reminders not to do so, Defendant Burgess acted recklessly.

121. Despite multiple attempts by Mrs. Soliz to resolve her claims pre-suit without litigation, through counsel, Defendant Burgess has refused to make a prompt and fair settlement for the actual harm he caused Mrs. Soliz.

122. Indeed, through counsel, Defendant Burgess has refused to make *any* offer of settlement for Mrs. Soliz's actual harm caused despite the admitted and indisputably

tortious nature of his conduct here.

123. For these reasons, Mrs. Soliz is entitled to an award of punitive damages under Tenn. Code Ann. § 29-39-104.

VI. PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for the following relief:

1. That proper service issue and be served upon the Defendants, and that the Defendants be required to appear and answer this Complaint within the time required by law;

2. That the Court issue an injunction: (1) compelling the Defendants to expunge the Plaintiff's uncovered booking photograph; (2) forbidding the Defendants' further publication and dissemination of the Plaintiff's uncovered booking photograph; and (3) enjoining Knox County's policy of taking and then "stor[ing] in the Dataworks Plus identification system for documentation purposes" booking photographs of observant Muslim women in which they are depicted without their hijabs;

3. That this Court declare that Knox County's continued retention of the Plaintiff's uncovered booking photograph and Knox County's publication and dissemination of her uncovered booking photograph violate Tennessee's Preservation of Religious Freedom Act;

4. That the Plaintiff be awarded all compensatory, consequential, and incidental damages to which the Plaintiff is entitled an amount not less than \$250,000.00 and to be shown at trial;

5. A maximum award of punitive damages as permitted by Tenn. Code Ann. § 29-39-104.

6. That the Court tax costs and discretionary costs to the Defendants;

7. That the Court award the Plaintiff pre-judgment and post-judgment interest;
8. That the Plaintiff be awarded reasonable attorney's fees under 42 U.S.C. § 1988(b) and Tenn. Code Ann. § 4-1-407(e); and
9. That the Plaintiff be awarded all further relief the Court deems proper.

Respectfully submitted,

/s/ Daniel A. Horwitz
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SHERIFF TOM SPANGLER

Effective Date: July 1995
 Revision Date: June 9, 2022
 Supersedes 9.4 December 5, 2021

Chief Counsel

Policy and Procedures

Knox County Sheriff's Office Corrections Division

Chapter 9: Inmate Processing Subsection: 9.04 Identification

Related Standards

ALDF	CORE	PREA	TCI	TCA
2A-21	None	None	None	38-3-122

I. Policy:

It is the policy of the Knox County Sheriff's Office Corrections Division to identify and book arrestees in compliance with TCA 38-3-122. The Knox County Sheriff's Office has a Livescan Fingerprint System designed exclusively for law enforcement agencies that will capture, store, retrieve and print high-quality fingerprints and mug shots, allowing for greater identification of the arrestees. The Knox County Sheriff's Office transmits criminal charges electronically to the Tennessee Bureau of Investigation and receives electronic responses based upon TBI, FBI, and AFIS searches.

II. Definitions:

TBI: Tennessee Bureau of Investigation. Tennessee's State repository for fingerprints and criminal histories.

FBI: Federal Bureau of Investigation. Federal repository for fingerprints and criminal histories.

Livescan: The workstation where all images and data are entered using computer hardware, software, and video camera.

DataWorks Plus: Vendor currently used for Livescan workstations.

State Control Number (SCN): Unique 12-digit number assigned to all fingerprint cases transmitted to TBI. The Livescan workstation automatically assigns this number.

JIMS: Justice Information Management System

ICE: Immigration and Customs Enforcement

IDN: Inmate Identification Number

LESC: Law Enforcement Support Center

SID: State Identification

Religious Head Covering: Any headscarf or covering worn in one's religious faith practice. Religious head coverings include but are not limited to the taqiya, and yarmulke, worn by males, and the hijab, niqab, and burqa, worn by females.

III. Procedures

A. Submitting Data

1. Upon receiving the arrest report or KCSO Jail Transport Ticket of a new arrestee, the Identification Officer will issue a booking number through the pre-booking process.
2. The Identification Officer will enter all information in the Data works plus Fingerprint and Photo Capturing System. Fingerprints, palm prints, and photos will then be captured and transmitted to TBI along with charge information.
3. In addition, photos of any scars, marks, or tattoos the arrestee has will be taken. For male arrestees, it is permissible to take photos of scars, marks, or tattoos located on the arrestees' chest or back area. For female arrestees', photos of scars, marks, and tattoos will only be taken in areas of the body that do not require the complete removal of a shirt above the stomach area. Photos will not be taken of any area below the waistline to above the thigh or genital areas. A copy of the arrestee's images will be printed out along with a wristband photo. One photocopy will be placed in the inmate's file, and an armband will be made and applied to the arrestee.
<4-ALDF-2A-21>
4. All new charges will be fingerprinted and submitted to TBI except Public Intoxication, VOP, CAPIAS, and FTA.
 - a. The Identification Officer may only photograph the arrestee if they are charged only with Public Intoxication, VOP, CAPIAS, or FTA, and fingerprints are already on file.
 - b. The Identification Officer must document a prior booking where fingerprints were taken and verify the image. Where past fingerprinting AND matching photo requirements cannot be satisfied, the arrestee shall be fingerprinted.

B. Responses

1. Plus machine on which the arrestee was fingerprinted.

2. Once the TBI/FBI response is received, the Identification Officer will compare and enter the SID and FBI numbers for the arrestee into JIMS. The Identification Officer then signs and dates the response and places it in the inmate's file.
3. ICE (Immigration and Customs Enforcement), LESC (Law Enforcement Support Center): Upon identifying an arrestee as a possible citizen of another country, the Identification officer will alert the booking officer to run a query through the LESC.
4. The Identification Officer will place a copy of the mug shot into the arrestee's folder.
5. The Identification Supervisor should be notified if submitting fingerprint cards to electronic submission is unsuccessful. A determination to re-submit or re-print the Inmate will be made. All rejected cases will be reported to the Identification Supervisor and evaluate why each was rejected. This information will be included in the Monthly Identification Report.
6. In any case, where no TBI/FBI response is received, staff will use the following other methods to determine the identity of the arrestee:
 - a. Staff will search for two prior arrest photos on the Image force system and/or previous fingerprint records saved on Livescan or printed cards located in inmate files.
 - b. Search for a Criminal History Record for the arrestee. If a record is found, the fingerprint pattern will be compared.
 - c. If all other methods of obtaining a match are unsuccessful, a fingerprint card will be faxed/transmitted to FBI Fingerprint Processing Center for an AFIS search.
 - d. Identification Officers will enter the State Control Number of each case into JIMS under the Booking Screen to associate the assigned SCN to the Booking Number in JIMS. This process will ensure the SCN can be applied to each criminal warrant/booking.

C. Additional Charges

Additional charges for existing inmates will be processed as received. An Identification Officer will submit a set of fingerprints with a new SCN with the new additional charges attached for each case. If the inmate had fingerprints and submitted via Livescan to TBI during the current arrest, the new charge(s) may be submitted by letter to TBI using the SCN transmitted at the time of the arrest.

D. Religious Head Coverings

The dignity and religious rights of arrestees who wear religious head coverings will be

respected while maintaining the facility's safety and security.

1. **Sallyport Pat-down**

- a. At least two (2) officers of the same gender as the arrestee shall conduct the pat-down search. No opposite persons shall be present in the sallyport while searching.
- b. The head covering will be removed, searched for contraband, and returned to the arrestee.

2. **Identification**

- a. The arrestee will be taken to the identification area after the pat-down search. An officer of the same gender will be responsible for completing the identification process of the arrestee. No staff member, inmate, or arrestee of the opposite gender is present in the identification area while the identification process is conducted.
- b. The identification officer will take photographs of the arrestee with and without the head covering.
- c. The arrestee's photograph wearing the religious head covering will be the only photograph released and made viewable by the general public.
- d. **Only** the arrestee's photograph wearing the religious head covering will be displayed on the inmate's facility identification.
- e. The arrestee's photograph without the head covering will be stored in the Dataworks Plus identification system for documentation purposes only.



SHERIFF TOM SPANGLER

Effective Date: July 1995
 Revision Date: June 9, 2022
 Supersedes 13.4 May 12, 2022

Chief Counsel

Policy and Procedures

Knox County Sheriff's Office Corrections Division

Chapter 13: Inmate Services and Programs Subsection 13.4 Religious Services

Related Standards

ALDF	CORE	PREA	TCI	TCA
5C-17, 5C-18, 5C-19, 5C-20, 5C-21, 5C-22, 5C-23, 5C-24	None	None	1400-1-.12 (4)	None

I. Policy:

It is the policy of the Knox County Sheriff's Office Corrections Division to recognize inmates' rights to practice the religion of their choice. Programs and services will be made available to the maximum extent possible, provided the inmate's religion is a recognized religion and the safety and security of the facility are not jeopardized. The Programs Director designates a staff member to coordinate all religious activities for inmates. ~~<4-ALDF-5C-18>~~,

II. Definitions:

Chaplain: A clergyman or layman authorized to lead religious services in an assembly

Lay Worker: A volunteer of a religious practice who counsels and offers support to inmates. The Facility Chaplain and Programs Manager must approve lay workers.

Religious Rite: An established ceremony prescribed by religion and approved by the Facility Chaplain and Programs Director

Religious Property: Inmate religious property is any item essential for faith practice approved by the Facility Chaplain and Programs Director.

Sacred Texts: Includes, but is not limited to, Bible, Koran, and Tanakh (Jewish holy text).

III. Procedures

A. Space and Equipment

The Facility Commander will ensure the facility provides adequate space and equipment for conducting and administering religious programs. Equipment shall

include television, DVD, and CD player. The facility provides for the availability of non-inmate clerical staff for confidential material. <4-ALDF-5C-23>

B. Services Available

1. Religious programs are voluntary and will be offered a minimum of once per week and include, but are not limited to, the following: <TCI-1400-01-.12(4)>
 - a. Self-Study Sacred Text Course
 - b. Group Sacred Text Study
 - c. Worship Services
 - d. Religious Counseling
 - i. The Facility Chaplain or designee will answer any requests of a religious nature. An inmate may submit proposals for religious counseling on the inmate kiosks.
 - ii. Inmates may also talk with the religious volunteers holding religious services in their units.
 - iii. Inmates will have the opportunity to participate in practices of their religious faith that are deemed essential by the faith's judicatory, limited only by documentation showing the threat to the safety of inmates involved in such activity or that the activity itself disrupts order in the facility. <4-ALDF-5C-17>, <1-CORE-5C-06>

C. Facility Chaplain's Responsibilities

1. The Facility Chaplain, or their designee, in cooperation with the Programs Religious Services Coordinator or their designee, will plan, direct, and supervise all aspects of the religious program, including approval and training of lay and clergy volunteers from faiths represented in the faiths, the inmate population. <4-ALDF-5C-20>
2. In cooperation with the Programs Director and the Security Director, the Facility Chaplain develops and maintains communications with faith communities and approves donations of equipment or materials for religious programs. <4-ALDF-5C-24>
3. The Facility Chaplain has the minimum or equivalent specialized training and endorsement by the appropriate religious certifying body. The Chaplain assumes equal status and protection for all religions. <4-ALDF-5C-19>

D. Access To Facility

1. The Chaplain and Religious Coordinator shall have physical access to all facility areas appropriate to minister to inmates and staff. <4-ALDF-5C-21>

2. Religious programs will **not** be canceled without prior approval from the Chief of Corrections.
3. An inmate's clergy, with proper identification, may have a **one-time** non-contact visit. All other visits must be pre-approved by the Facility Chaplain or Programs Director. Denied clergy visits shall be documented.
4. Individuals who wish to become volunteers (i.e., religious or educational) must submit a [Volunteer Application \(Form 1311\)](#). If the applicant is approved, they must attend a mandatory orientation. All approved volunteers will be issued a photo identification card required to enter any Knox County Correctional Facility.

E. Religious Accommodation

1. Faith Representation

- a. An inmate may request to speak to the Chaplain. The Chaplain, or designee, will be notified and respond based on urgency.
- b. All information discussed with the Chaplain will be kept confidential unless it affects the safety and security of the facility.
- c. When a clergyman of an inmate's faith is not represented through the religious programs, the Facility Chaplain, or their designee, will assist the inmate in contacting such a person. That person shall have the appropriate credentials from the faith judicatory and may minister to the inmate under the supervision of the Chaplain. ~~4-ALDF-5C-22~~

2. Religious Observances

Inmates shall be free to practice and adhere to the requirements of a personal religious belief within the limitations of this policy. No inmate shall be required to, or coerced into, adopting or participating in any religious belief or practice. Access to practice personal religious beliefs, including approved religious diets, sacred texts, and religious property, within the limitations of this policy, will not be withheld as punitive measures in the disciplinary process.

a. Religious Diets

- i. KCSO will make reasonable attempts to provide an inmate with a religious diet based on the following standards. If the inmate's religious beliefs require a religious diet as a central belief to the religion, the inmate's request will be accommodated unless:
 - a) KCSO would be substantially burdened by providing the diet; or

- b) KCSO has a compelling interest in not providing the requested diet.
- ii. If appropriate, regular menu items from authorized vendors may be utilized to accommodate the religious diet.
- iii. Religious dietary accommodations shall be based upon information provided to the Facility Chaplain and reviewed by the facility dietitian for nutritional adequacy. Any changes to the approved religious diet may be made only with authorization from the Facility Chaplain.
- iv. Religious diets will be distributed at regular meal times unless otherwise advised by the Facility Chaplain or Programs Director.
- v. Once a religious diet is confirmed, a member of the Programs Staff will enter the special diet into the appropriate computer system.
- vi. Approved religious diets may be suspended by the Facility Chaplain or Programs Director if the inmate who participates in a religious diet and is discovered to be consuming inappropriate foods or failing to fast in violation of the religious diet through:
 - a) The taking of unsuitable food items from the standard meal tray; or
 - b) The presence of unsuitable food items in their cell, box, or on their person
 - c) The purchase of unsuitable food items from the Commissary
- vii. Inmates suspended from a religious diet by the Facility Chaplain or Programs Director or who voluntarily withdraw their religious diet may not be eligible for reinstatement of their religious diet during the current incarceration period.
- viii. The Facility Chaplain will assist the Food Services Director in identifying the established religions which justify developing a religious diet, including foods prepared for religious holidays.
- ix. Religious diets will be served in the inmate's housing unit unless authorized by the Facility Commander.

3. Religious Texts and Publications

Only sacred paperback texts received directly from the publisher will be permitted. Sacred texts cannot be larger than 6" by 9 ¾" x 2". Many texts fit these dimensions, including large print Bibles, Catholic Bibles, and Korans. Hardback,

bonded leather, imitation leather, leatherette, pleather, gold leaf, or silver leaf Bibles will not be permitted. Incoming religious publications will be opened and inspected by the Facility Mail Clerk for contraband, then forwarded to the Religious Services Coordinator for distribution. Incoming materials may be rejected if they could reasonably be considered to:

- a. Be an attempt to incite violence based on race, religion, sex, creed, or nationality.
- b. Advocate, facilitate, or otherwise present a risk of lawlessness, violence, anarchy, or rebellion against government authority, facility staff, or other inmates.
- c. Be an attempt to incite disobedience toward law enforcement officials or staff.
- d. Be an attempt to give instructions for the manufacturing or using intoxicants, weapons, explosives, drugs, drug paraphernalia, other unlawful articles or substances, or any other items considered contraband.
- e. Contain plans to escape, unauthorized entry into any correctional facility, or information or maps that might aid an escape attempt.
- f. Contain information relating to security threat group activity or codes or symbols associated with security threat groups.
- g. Contain sexually explicit material or material that features nudity that threatens the institution's security, good order, or discipline or facilitates criminal activity.
- h. KCSO is not liable for lost, damaged, or stolen material.

4. Religious Property

The KCSO Corrections Division shall permit inmates to possess religious property essential for the practice of their faith unless the Chief of Corrections determines that having such items would threaten the institution's security, safety, or good order. Such property includes but is not limited to religious head coverings and prayer rugs.

- a. The Religious Services Coordinator will obtain directly from the representatives of the inmate's faith group or other appropriate sources concerning the religious significance of the items.
- b. Religious property may be donated, purchased through Commissary, or brought into the facility by a friend or family member. All such items shall be approved by the Facility Chaplain or Programs Director.

- c. Religious property altered from its original state or used for anything other than its intended purpose will be considered contraband and result in disciplinary action.

5. Religious Rites

The Religious Services Coordinator will organize religious rites when requested. The Facility Chaplain and Programs Director shall approve such rites, including but not limited to marriage ceremonies, communions, and baptisms. Scheduling and performing such activities will be a coordinated effort of the Programs and Security Staff so as not to compromise the facility's safety, security, and good order.

F. Death Notifications To Inmates

1. Death notifications will only be made in the death of an inmate's immediate family member, including grandparents, parents, siblings, and children. Death notifications will not be made if the death is of an aunt, uncle, cousin, etc. (Please refer to [Policy 13.1 "Inmate Services and Programs Guidelines,"](#) for specific Death Notification procedures to be followed.)
 - a. The Shift Commander will notify the Facility Chaplain of the inmate's need for grief counseling.
 - b. Upon notification, the Facility Chaplain, or a member of his religious volunteer staff, will provide grief counseling to the inmate.
 - c. Inmates who are already aware of the death of an immediate family member may receive Grief Counseling by
2. If an inmate is notified of the death by a third party that is not a facility Chaplain, the inmate can receive Grief Counseling by submitting a request to the Religious Services Coordinator. Staff may also refer an inmate to the Religious Services Coordinator for grief counseling.

Note: If further clarification is needed regarding a Death Notification or Grief Counseling, the Shift Commander will contact Chaplain.



Ryan Kidd

Ryan.Kidd@knoxsheriff.org

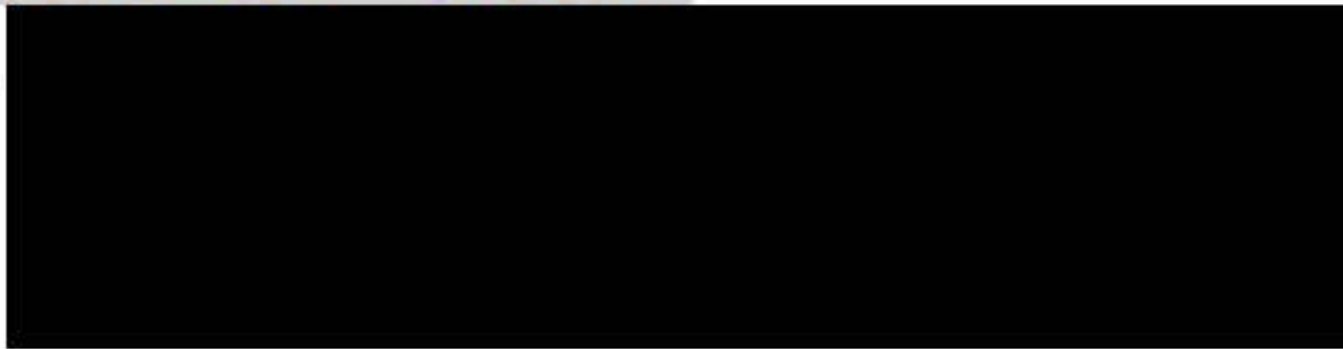


To: You Lateesha.Fritts@knoxsheriff.org

Thursday, May 16, 5:18 AM



So after 3 conversations with Sgt. Burgess, and specifically sighting the policy about the dress thing she wears and her head gear she has to wear, as well as how the picture is supposed to be taken and how the picture is supposed to be put on IMS and the website, they still put the picture with no head covering on there. Now the people in the lobby are complaining that her picture that was on the website was not supposed to have her without her head cover. Ayers is here and is trying to have it fixed. I know you cant do nothing about it I just figured I would let you know. Also, this attorney man out here is threatening to call the Sheriff. Billy even sent Burgess the screenshot of the policy you sent to us.

Lieutenant Ryan Kidd
RDWDF Night Shift Commander
CTO, CIT Instructor, TCI FTO
Office - [865-281-6954](tel:865-281-6954)
Work Cell 



Reply



Mail




Calendar



Feed



Apps

 DETENTION PROTOCOL		Detention Protocol #9.1402 ADMISSION
Chapter 9.1400	Admission, Records and Release	Effective Date: 24JAN24
Supersedes #.14-02 Admission		Revised Date: 03/27/2013, 08/01/2015, 07/26/2018, 08/21/2018, 24JAN24
TCI Standards: 1400-01-.05; (6), 1400-01-.07; (2, 3), 1400-01-.08; (2), 1400-01-.12; (5c), 1400-01-.13; (9, 11, 31), 1400-01-.14; (3, 4), 1400-01-.15; (6)		
Page 1 of 8	Approved By:	Date: 24JAN24

I. PURPOSE

- A. To process new or returning inmates in an efficient and orderly manner, while providing reasonable and necessary security for employees, deputies and other inmates.

II. PROTOCOL

- A. Admittance and processing of arrestees and inmates into the Rutherford County Adult Detention Center (RCADC) includes the verification of legal confinement, screening, classification, searching, and issue of clothing and sundry items while maintaining security and the operational integrity of the jail.
- B. This protocol is reviewed annually

III. DEFINITIONS

For the purpose of this protocol, the following definitions apply:

- A. **Deputy** – For this protocol, “deputy” shall apply to deputized employees of the Rutherford County Sheriff’s Office who work within the Adult Detention Center.
- B. **Inmate / Arrestee / Intake / Prisoner** – Any person confined to this jail, any arrested person being placed into the custody of this jail, or any person being transferred to or from the custody of this jail. These terms may be used interchangeably throughout this protocol.

- C. **Peace Officer** – A Law Enforcement Officer whose duties include the enforcement of laws. This includes deputies, police officers, transportation officers, and any other lawfully appointed person tasked with the custody of inmates.

IV. PROCEDURAL GUIDELINES

- A. During initial intake, the Booking deputy beginning the intake process shall ensure that each inmate received is committed under proper legal authority.
[TCI 1400-01-.14; (3)]
- B. When an arrestee arrives, the booking deputy will examine the arrestee for any signs of obvious injury, profuse bleeding and gauge any existing degree of intoxication.
1. A photograph shall be taken of all visible injuries.
 2. If the arrestee cannot walk into the facility on his/her own, or has an injury requiring immediate attention, the shift supervisor and/or a staff member from medical will be notified.
 - a) If the Shift Supervisor and/or Medical personnel feel the arrestee needs to be taken to the hospital, the arrestee will be refused. The arresting deputy/officer will be instructed to take the arrestee to the hospital.
 - 1) Upon return of the arrestee, the arresting deputy will be required to submit documentation of medical treatment.
 - b) If the arrestee refuses medical treatment at the hospital or by EMS/ambulance personnel, the arresting deputy will provide Intake/Release personnel with a Medical Refusal Form before the arrestee will be accepted.

3. If the Shift Supervisor and/or Medical personnel feel the arrestee's injuries and/or degree of intoxication do not require any further treatment, the arrestee will be accepted.
- C. At the time of booking, a free telephone shall be made available in the Booking area for intake use. The detainee shall be allowed at least one (1) hour to complete a telephone call to the person of his/her choice.
1. Pursuant to T.C.A. § 40-7-106(b), no person under arrest by any officer or private citizen shall be named in any book, ledger, or any other record until after the person has successfully completed a telephone call to an attorney, relative, minister, or any other person that the person shall choose, without undue delay.
 - a) One (1) hour shall constitute a reasonable time without undue delay. After this hour, or if the arrested person chooses not to make a telephone call, then the person may be booked or docketed immediately.
- [TCI 1400-01-.14; (4)]**
2. A Telecommunications Device for the Deaf (TDD) shall be available in the Booking area to assist inmates/intakes with hearing and/or speech impairments.
[TCI 1400-01-.12; (5c)]
- D. The Booking deputy shall:
1. Pat search the arrestee immediately upon his/her entry into the admission area, regardless of whether the arresting Peace Officer has previously conducted a search.
 - a) The search will include any reasonable and lawful means to determine that no weapon or contraband is introduced into the holding area.
 - b) Searches of newly admitted intakes shall be documented.
- [TCI 1400-01-.07; (2, 3)]**

- c) More thorough or extensive searches may be conducted in accordance with RCADC Protocol 9.0703 *Inmate Searches*.
 - d) As part of the booking process, persons wearing religious head coverings must remove the covering and allow the head to be searched. The search should be conducted outside the presence of members of the opposite sex. After the search, the head covering may be placed back on for the remainder of the booking process.
2. Inspect the intake's property.
 3. Require that the Peace Officer delivering the inmate must present all appropriate documentation as required by RCADC Protocol 9.1401 *Inmate Record Keeping*.
 4. Fingerprint and photograph the intake.
 - a) Copies of the fingerprints should be forwarded to the proper state and federal authorities.
 - b) Arrestees and citation recipients are not required to remove religious head coverings for booking photos as long as the view of the face and profile are not obstructed by religious attire.
 5. Monitor the welfare of all intakes by observing every intake frequently enough so that not more than one hour passes between observations.
 - a) More frequent observation shall be provided for intakes who are violent, suicidal, mentally ill, intoxicated, and for intakes with other special problems or needs.
 - b) The time of all such checks shall be logged, as well as the results.
 6. Assure that an intake form is completed for each person admitted to the facility.

- E. Inmates will not be accepted into the RCADC, and are to remain in the custody of the arresting peace officer, under the following conditions:
1. Inaccuracies exist in the intake's paperwork;
 2. There is a question as to the identity of the intake in comparison to the accompanying paperwork;
 3. The Peace Officer refuses, or cannot furnish, reasonable background data about the intake;
 4. The intake has made an outcry, and there are indications that the arresting or transporting Peace Officer has brutalized the intake or violated the intake's civil or constitutional rights;
 - a) If such an outcry is made, or the booking deputy has reason to suspect this has happened, he/she shall notify their supervisor to investigate or resolve the complaint.
 - b) The arrestee may not be admitted into RCADC until the situation is resolved.
 5. The intake is in need of emergency medical care; and or,
 6. The intake requires special needs that the facility cannot reasonably provide.
- F. All property an intake has on him/her shall be collected by a Booking deputy and inventoried. It will be stored in the Property Room until the inmate is released or he/she releases the property to another person. See RCADC Protocol #9.1404 *Inmate Property* and Cell Storage for more information on personal property.
- G. Background checks are completed for each intake during the intake process.
1. These include local and state checks, as well as a National Crime Information Computer (NCIC) check.

2. The results of these background checks shall be included in the classification process.
- H. During the intake process, before the intake leaves the Booking area, he/she shall be provided the following information from the Inmate Rules and Regulations, and will acknowledge receipt of this in writing.
1. The facility's violations and corresponding sanctions;
[TCI 1400-01-.08; (2)]
 2. Basic sexual assault fact and tips for avoiding sexual assault;
 - a) At minimum, this will include prevention/intervention steps, methods of self-protection, how to report sexual abuse/assault, and treatment and counseling options.
[TCI 1400-01-.13; (31)]
 3. Items allowed in the cells;
[TCI 1400-01-.05; (6)]
 4. The grievance process;
 5. How to access medical care; and,
[1400-01-.13; (11)]
 6. His or her responsibility for reading the entire Rules and Regulations within forty-eight (48) hours of being housed in the facility.
- I. In addition to the initial screening during the booking process, a more complete examination shall be completed on inmates within fourteen (14) days of the initial confinement date.
[1400-01-.13; (9)]
1. If the facility can document that a health appraisal was conducted within the previous ninety (90) days, this fourteen (14) day physical is not required unless medical conditions dictate otherwise.

2. This examination shall be performed by a physician or a person who has been designated by a physician as capable of performing such examination.

a) If a designee performs the examination, he/she must do so under supervision of a physician and with a protocol or set of instructions and guidelines from the physician.

3. This examination shall include:

a) Inquiry into current illness and health problems, including those specific to women;

b) Inquiry into medications taken and special health requirements;

c) Screening of other health problems designated by the responsible physician;

d) Behavioral observation, including state of consciousness and mental status;

e) Notification of body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.

f) Condition of skin and body orifices, including rashes and infestations;

g) Disposition/referral of inmates to qualified medical personnel on an emergency basis;

h) A review of the initial intake receiving screening; and,

i) An individual treatment plan as appropriate.

J. All intakes will be classified and housed based on the criteria found in RCADC Protocol 9.1701 *Inmate Classification*.


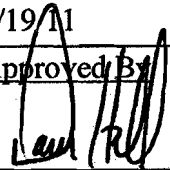
K. Any intake detained overnight will be issued the following:

1. One (1) clean fire-retardant mattress in good repair;

2. One (1) clean sheet;
3. One (1) clean blanket; and,
4. One (1) clean towel.

[TCI 1400-01-.15; (6)]

- L. If it is determined an intake will be housed within the facility, he/she will be given a shower and issued the following supplies:
1. A complete facility uniform;
 2. Two towels;
 3. An all-purpose tumbler and spork;
 4. Basic hygiene supplies;
 5. Paper, pen and two stamped envelopes for correspondence; and,
 6. A sheet and blanket.

 Davidson County Sheriff's Office	<u>Chapter</u> Institutional Operations	<u>Page</u> 1 of 6
	<u>Subject</u> Religious Accommodation	<u>Effective Date</u> 8/19/11
<u>Index Number</u> 1-3.600	<u>Related Standards</u> ACA 4-ALDF-5A-03, 5C-17-24; 2-CO-4B-04, 4F-01, 5E-01	<u>Approved By</u> 
<u>Supersedes</u> Policy # 1-3.600	<u>Subject</u> Religious Accommodation	<u>Effective</u> 12/31/10

PURPOSE

To provide guidelines that ensure access to religious resources for inmates of all religions, and to describe the nature and limitations of religious accommodations offered to inmates, individuals who pass through security checkpoints, and individuals booked for criminal citations.

POLICY

Neither the Davidson County Sheriff's Office (DCSO) nor its employees will promote or condemn any religious faith or absence of religious beliefs. No bona fide faith will be singled out for unfavorable treatment or privileged status. Inmates shall be free to exercise their religions when religious practices do not impede DCSO's compelling interests in maintaining security, safety, discipline and orderly jail operation. If limits on religious exercise are warranted, they will be administered in the least restrictive means necessary under the circumstances. Persons who pass through security checkpoints wearing religious attire are searched only as needed to protect safety and security interests. Individuals photographed pursuant to booking procedures are not required to remove religious head coverings as long as facial features are clearly visible.

This policy is reviewed annually.

DEFINITIONS

Bona fide Religious Faith - A system of genuine, spiritually oriented beliefs that are usually expressed by observing certain customs and practices such as gathering with like minded believers for worship, wearing special-clothing or celebrating religious holidays.

Chaplain - A staff member with the two minimum qualifications of clinical pastoral education or equivalent specialized training and endorsement by the appropriate religious certifying body.

Chaplain Services Coordinator - A staff member who coordinates religious activities through the facility chaplains or facility program managers and who oversees the volunteer applications, training, and orientation.

Clergy - For the purpose of this policy, "clergy" is an all-encompassing term that includes, for example, ministers, priests, imams, pastors, rabbis, lamas and others who are ordained to perform religious services.

Faith Group - Major faith groups include but are not limited to Buddhist, Catholic, Jewish, Muslim, Native American, and Protestant. Faith subgroups are commonly called denominations (e.g., Baptist, Lutheran, Methodist, etc.). Groups with any purpose other than religious exercise are not faith groups.

<u>Index Number</u> 1-3.600	<u>Effective Date</u> 8/19/11	<u>Subject</u> Religious Accommodation	<u>Page</u> 2 of 6
<u>Supersedes</u> Policy # 1-3.600	<u>Effective</u> 12/31/10	<u>Subject</u> Religious Accommodation	<u>Page</u> 2 of 6

Religious Practice - Spiritually oriented study, worship, prayer, meditation, or observance of particular customs or practices related to a bona fide religious faith.

Religious Volunteer - Anyone who enters the facilities for the purpose of assisting or ministering spiritually to inmates and is not employed by the DCSO.

PROCEDURAL GUIDELINES

Chaplain Staff and Inmate Religious Programs

The chaplain possesses the minimum qualifications of clinical pastoral education or equivalent specialized training, and endorsement by the appropriate religious-certifying body. The chaplain will assure equal status and protection for all religions. The DCSO will allow inmates to identify religious preferences and will provide a process where preferences may be changed (juveniles will be required to obtain parental or legal guardian consent to change preference). The DCSO will ensure that inmates are not subjected to coercion, harassment, or ridicule due to religious affiliation.

Chaplains or the chaplain coordinator, in cooperation with the facility administrator and/or designee, coordinate and oversee religious programs and scheduled group activities such as worship services. Chaplains or the chaplain coordinator approve applications submitted by potential religious volunteers, provide orientation classes for clergy and religious volunteers and develop community resources to meet inmates' religious needs.

The religious staff will include the chaplain services coordinator and any facility chaplain. The chaplain staff shall be responsible for providing religious activities and developing community resources to meet the religious needs of all inmates. The chaplain services coordinator/designee will work in conjunction with the facility program manager, facility chaplain, and with the approval of the facility administrator.

Inmates who wish to participate in special religious observances coordinated by DCSO chaplains must notify their case manager or chaplain two weeks before the observance begins. In the event the facility chaplain is unavailable, the facility administrator will designate a staff member or volunteer to coordinate inmate religious programs.

Volunteers for religious assignments and religious program interns shall work under the supervision of the chaplain services coordinator/designee. Anyone involved in religious programming or conducting individual clergy visits shall complete a volunteer agreement, a release of liability, and a statement of understanding regarding contraband. The chaplain services coordinator on all religious volunteers requesting admittance to the facility will conduct a background check.

The chaplain services coordinator shall be responsible for initiating programs and submitting reports. The chaplain services coordinator/designee shall attend appropriate staff meetings and work with other staff for the well being of the inmates and the institution.

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In the event an inmate's immediate family member becomes critically ill or dies, a referral is made to chaplain/case management services and the emergency escort form will be completed if a visit outside the facility falls within policy guidelines. (Refer to DCSO policy # 1-3.131, "Emergency Escorts.")

The chaplain services staff shall have physical access to all areas of each facility to minister to staff and inmates, and will be available to counsel inmates on request. Crisis intervention services are also available to inmates via mental health care providers, and to employees via Metro's employee assistance program.

Chaplains shall avoid attempting to convert inmates to any faith.

The chaplain services coordinator/designee shall develop and maintain an updated religious activities schedule and shall ensure that information regarding opportunities for religious activities is available to inmates.

When a clergy person or spiritual advisor of an inmate's faith is not accessible through the chaplaincy staff or volunteers, the chaplain coordinator or chaplain will assist the inmate in contacting a qualified person to minister to the inmate.

The DCSO shall not impose on a chaplain any duties that are in conflict with his/her faith group (e.g., marriage, baptism, communion, etc.). If a conflict arises, the chaplain shall try to locate another chaplain or volunteer clergy to fulfill the request.

The chaplain services coordinator/designee shall conduct an annual evaluation and adjust religious programming accordingly. Needs of inmates in small faith groups may be met by individual visits from their clergy.

Volunteer/Visiting Clergy

Inmates may receive visits from religious lay volunteers and clergy. Names of clergy and other religious volunteers who have been screened and approved will be entered into the Jail Management System (JMS). The list will be monitored and maintained by the chaplain services coordinator. Under special circumstances the facility chaplain, chaplain services coordinator, or facility program manager may approve visits with clergy who have not completed the screening and orientation process required for volunteers or clergy who request regular access to the facility.

All religious volunteers must comply with DCSO policy # 1-1.700, "Volunteers." Clergy and religious volunteers who provide ongoing religious programming or counseling shall complete a volunteer agreement, a release of liability, and a statement of understanding regarding contraband and sexual interaction with inmates. Clergy and religious volunteers permitted to enter secured areas are subject to a background check. Religion may be a factor in recruiting and selecting volunteers, either to maintain a balance between faith groups or to recruit a leader for a specific faith group.

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Religious volunteers and clergy are not permitted into inmate housing areas for the purpose of making unsolicited contact with inmates. Volunteers may speak positively about their own faith but are not to condemn or speak negatively of other faiths.

Volunteers, clergy, and other visitors will not bring food or drinks into a secured area of any jail facility. Clergy members may wear religious vestments and/or insignia absent overriding safety or security concerns. Religious volunteers and clergy should notify the chaplain of any additional needs for ministering to inmates.

Group Worship and Study

The chaplain services coordinator/designee will schedule appropriate group worship and study opportunities to meet the needs of inmates. The groups shall be inclusive and led by chaplains or volunteer leaders. Adequate space and equipment will be provided for conducting and administering religious programs, and for storing related materials.

Chaplain and volunteer worship leaders must agree to teach the central and inclusive doctrines common to the major faith group without degrading the traditions of others. Individual inmate needs or traditions specific to a particular faith group may be met by individual visits with clergy of the inmate's denomination.

Inmates will not be placed in a position of religious leadership or authority over other inmates. Group worship services shall be available to all inmates unless safety or security concerns such as limited seating or attendance of known enemies make it necessary to limit participation. Inmate attendance shall be voluntary. Corrections staff will monitor group worship or religious programming as needed to maintain safety and order.

Inmates are also free to participate in religious study or worship during free time in their housing areas as long as it neither interferes with the peace and privacy of other inmates nor poses security concerns.

The chaplain or volunteers may conduct extra worship services for special observances, religious holidays, and fasts. Any service, visit or scheduled religious program is subject to cancellation in case of emergency. The reason for cancellation shall be documented.

Inmates in special management units and in-cell lockdown may not participate in religious group worship or study activities that take place outside the housing unit. All segregated inmates may receive visits from the chaplain and approved clergy. Segregated inmates may possess religious literature and accessories within security guidelines. Other religious requests may be referred to chaplain services for evaluation.

Inmate Religious Diets

An inmate who wants a special religious diet may submit a request to the case manager, who will forward it to the chaplain for approval. If the chaplain approves the request it will then be forwarded to food services staff. The requesting inmate will be given notice that a religious diet

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may be discontinued if he or she violates the dietary guidelines, e.g., by consuming vending items containing pork after requesting a pork-free religious diet.

Inmate Religious Materials, Attire, and Devotional Accessories

Inmates may possess religiously significant articles such as rosary beads and prayer rugs. However, such items must meet security guidelines and are subject to search.

Inmates may wear recognized religious head coverings that do not obstruct a clear view of any part of the face in front of the hairline or above the neck. However, if the wearer uses the head covering to conceal or transport contraband, that individual will no longer be allowed to wear the head covering outside his or her housing unit.

Approved religious head coverings worn by female inmates will be searched by female staff members outside the view of male employees, visitors or inmates. As in the case of cross gender strip searches, searches of religious head coverings worn by females may be conducted by male staff only where no female officer is available and there is an urgent, legitimate need for the search to take place.

Inmate Access to Religious Materials, Accessories, and Attire

The DCSO provides and facilitates access to religious materials and accessories but does not purchase such items with government funds. All religious reading materials not sent directly from a publisher are accepted and distributed by the facility chaplain or the chaplain coordinator. Such materials and accessories may include, but are not limited to, reading materials, e.g., Bibles, Korans or other spiritually oriented publications, and items used to practice an individual's faith, e.g., rosary beads or prayer rugs.

DCSO will provide food and drink for religious observances through the contracted food services provider. Supplies for religious observances will be stored in a secured accessible location at each facility.

Chaplain are to develop and maintain communications with faith communities and, in cooperation with the facility administrator or facility program manager, approves donations of equipment or materials for use in religious programs. Religious materials and items intended for use by the general inmate population may be donated by religious or other organizations.

Only clergy members may deliver religious materials and devotional accessories intended for a specific individual. Arrangements to do so are facilitated by DCSO chaplains.

Family or friends may order religious reading materials from publishers using the "publisher only" procedure for other reading materials. For security reasons, prayer rugs and religious attire such as kufis and yarmulkes cannot be sent to inmates directly from manufacturers, family, or friends. If such items are received by mail they will be placed in the inmate's property until screened and approved by a facility chaplain.

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Security Checkpoints

Visitors and members of the public wearing religious attire who are screened at security checkpoints will be searched to the extent necessary to maintain security standards. Persons wearing religious head coverings that are not traditionally removed in the presence of the opposite sex will be searched by an officer of the same gender in a private setting. Once searched, members of the public will be permitted to wear their religious head coverings.

Booking Photos

Individuals surrendered to DCSO custody by criminal law enforcement authorities, or who appear at the citations office to be booked on a criminal citation, are photographed as part of the booking process. Arrestees and citation recipients are not required to remove religious head coverings for booking photos as long as the view of the face and profile are not obstructed by religious attire. If an arrestee or citation recipient is also wearing a veil that covers or partially covers the face, two booking photos will be taken, one with the veil in place and another without. The unveiled photo will be taken in by a DCSO employee outside the presence of members of the opposite sex.

The MNPD's ARMS system, which stores booking images, will store the unveiled photo as a confidential record that is not released or shared unless directed by judicial order.