



STATE OF TENNESSEE
DEPARTMENT OF CORRECTION
6th FLOOR RACHEL JACKSON BUILDING
320 SIXTH AVENUE NORTH
NASHVILLE, TENNESSEE 37243-0465
OFFICE (615) 741-1000 • FAX (615) 741-3087

July 25, 2006

Melody Fowler-Green
American Civil Liberties Union of Tennessee
P.O. Box 120160
Nashville, TN 37212

Dear Ms. Fowler-Green:

Your letter to Commissioner Little requesting the opportunity to inspect and copy public records has been referred to me for response.

The following records have been identified as responsive to your request:

1. Department of Correction Internal Affairs investigative record, Case No. 96-28
2. Due Process letter issued by Warden Ricky Bell to Sergeant Franklin Dale Hunt dated January 17, 1998
3. Suspension letter issued by Warden Ricky Bell to Sergeant Franklin Dale Hunt dated January 22, 1998

In accordance with T.C.A. § 10-7-501(a)(8), the Internal Affairs investigative record is confidential and not open to public inspection. Copies of the due process and suspension letters are enclosed.

Sincerely,

Debra K. Inglis

Debra K. Inglis
General Counsel

Enclosures



STATE OF TENNESSEE
 DEPARTMENT OF CORRECTION
 RIVERBEND MAXIMUM SECURITY INSTITUTION
 7475 COCKRILL BEND INDUSTRIAL ROAD
 NASHVILLE, TENNESSEE 37243-0471
 TELEPHONE (615) 350-3100 • FAX (615) 350-3400

January 22, 1998

Franklin Dale Hunt, Sergeant
 Riverbend Maximum Security Institution
 7475 Cockrill Bend Industrial Road
 Nashville, TN 37243

Re: Due Process Hearing - Conduct Unbecoming an Officer

Dear Sgt. Hunt:

On this date a due process hearing was held with you in my office to discuss possible disciplinary action resulting from your alleged involvement in the physical and mental abuse of inmate Richard Taylor, an inmate under the sentence of death. The abuse occurred at the now-closed Tennessee State Penitentiary from 1981 until inmate Taylor was moved to Riverbend in 1989.

In June of 1996, you provided a sworn affidavit to the attorneys of inmate Richard Taylor. In that deposition you implicated yourself in the physical and mental abuse of this inmate. In the deposition you stated:

1. You were only physically abusive to inmate Richard Taylor when he was taken out of his cell for a shower and that's when you would kind of smack him around a little.
2. You would get in the air chamber and cut his water on and off while telling him things like, "Jesus Christ is coming to see you," and that this would make him go crazy. You tried to make him a lot crazier than he was.
3. When he refused to do something you took the phone book out and put it on his head and hit the phone book with a billy club. You did these kinds of things because you didn't want to leave any marks on him.
4. You would rip his clothes up, would not feed him, and would refuse his outside recreation. You had segregation sheets and you would mark down that he had refused whether he had or not. Even if he wanted to go to recreation, he was marked 'refused.' There were times when you would not feed him for a couple of days, then feed him a little something, then take it away again, then feed him lettuce or a piece of bread, then a meal, then start back up again.

Donal Campbell

741-9280
 Hunt due process
 96-95 susp
 Deb Inglis

This went on for a long time.

5. You would bypass his cell and refuse to let him take a shower for a couple of weeks at a time and that you did everything you could do to make him go off on you so you would have an excuse to do something to him.
6. After the policy was developed that required you to handcuff inmates before they came out of their cells, you would always do something to him when he came out, like smack him in the back of his head, especially if he was acting strange this day.

During the hearing today you were given the opportunity to present any witnesses present any statements, documents, or witnesses in your behalf concerning your involvement. No evidence was submitted other than you indicated that the dates were wrong and that the dates were actually 1981 to 1983.

After careful evaluation of the facts in this case, it is my decision to suspend you for three working days for Conduct Unbecoming a Correctional Officer. At your request, the suspension will be effective today and will also include January 25 and 26.

The type behavior displayed toward inmate Taylor in the time frame in question cannot be tolerated. You are guilty not only of conduct unbecoming an officer, but also of violating the oath of office which you took when you were hired. I expect you to take steps to insure that your conduct in the future is professional and in line with established departmental policies and procedures. Future incidents such as this will result in further disciplinary action up to and including termination.

You may appeal this decision through the grievance procedure. If you wish to appeal, you should obtain a grievance form from the Personnel Office, review the Rules of the Tennessee Department of Personnel, chapter 1120-11, and file any such grievance within fifteen (15) work days. If you have questions concerning your appeal rights, you should contact the State Employee Information Line at 615/741-1859.

Sincerely,


Ricky J. Bell, Warden

RJB/md

pc: Robert Waller, Deputy Warden
Personnel File

RECEIVED:



DATE:

1-22-98

State of Tennessee

615-350-3100

Department of Correction
Division of Adult InstitutionsRiverhead Maximum Security Institution
7475 Cockrill Bend Industrial Road
Nashville, Tennessee 37243-0471

To: Franklin Dale Hunt, Sergeant
From: Ricky J. Bell, Warden
Subject: Due Process Hearing - January 29, 1998
Conduct Unbecoming an Officer
Date: January 17, 1998

MEMORANDUM

On June 22, 1996, you gave a sworn affidavit to the attorneys of death sentenced inmate, Richard Taylor. In this affidavit you made statements admitting your involvement in the mental mistreatment and physical abuse of inmate Taylor while he was housed at the now closed Tennessee State Prison between the years of 1981 and 1989. The admissions you made in this affidavit resulted in a Departmental Internal Affairs investigation.

On February 12, 1997, you were interviewed by TBI Special Agent Howard Patterson and TDOC Investigator Debby Copeland concerning the same inmate. You made many admissions of your involvement during the affidavit on June 22, 1996, that are of great concern to me and to this department. The subsequent Internal Affairs investigation sustained the issues brought out in the deposition which are listed below. In the deposition you stated:

1. You were only physically abusive to inmate Richard Taylor when he was taken out of his cell for a shower and that's when you would kind of smack him around a little bit.
2. You would get in the air chamber and cut his water on and off while telling him things like, "Jesus Christ is coming to see you", and that this would make him go crazy. You tried to make him a lot crazier than he was.
3. When he refused to do something you took the phone book out and put it on his head and hit the phone book with a billy club. You did these kind of things because you didn't want to leave any marks on him.
4. You would rip his clothes up, would not feed him, and would refuse his outside recreation. You had segregation sheets and you would mark down that he had refused whether he had or not. Even if he wanted to go to recreation, he was marked refused. There were

Franklin Dale Hunt, Sergeant
Page 2
January 17, 1998

times when you would not feed him for a couple of days, then feed him a little something, then take it away again, then feed him lettuce or a piece of bread, then a meal, then start back up again. This went on for a long time.

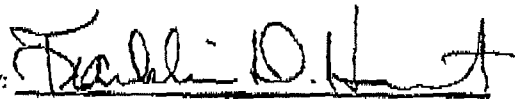
5. You would bypass his cell and refuse to let him take a shower for a couple of weeks at a time and that you did everything you could do to make him go off on you so you would have an excuse to do something to him.
6. After the policy was developed that required you to handcuff inmates before they came out of their cell, you would always do something to him when he came out, like smack him in the back of his head, especially if he was acting strange this day.

Reading statements such as this made by a career employee is very disturbing. Although these incidents occurred at another institution, it is necessary that I have a hearing regarding this matter because actions such as this simply can not and will not be tolerated. The issues addressed in this due process letter is a blatant violation of the sworn oath of office that you took upon employment with this department. Disciplinary action is being considered against you for the charge of Conduct Unbecoming a Correctional Officer.

Prior to any decision being made in this matter, a hearing will be conducted as to the facts in this case. The hearing will be held on Thursday, January 22, 1998, at 1:00 PM in my office. At this time you should be prepared to present any statements, witnesses or documentation you may have concerning this matter. I must inform you that disciplinary action is being considered against you up to and including termination. If you feel that you need more time to prepare for this hearing, it will be granted upon written request to my office at least twenty-four hours prior to the hearing date.


Ricky J. Bell, Warden

Received By:



Date:

1-21-98

STATE OF TENNESSEE



DEPARTMENT OF CORRECTION
DIVISION OF ADULT SERVICES

Tennessee State Penitentiary

STATION A
NASHVILLE, TENNESSEE 37219-5255

TO: OFFICE OF THE SECRETARY OF STATE
FIRST FLOOR, STATE CAPITAL
NASHVILLE, TENNESSEE 37219

OATH

"I DO SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL FULLY, FAITHFULLY, IMPARTIALLY, AND DILIGENTLY PERFORM ALL THE DUTIES REQUIRED OF ME AS AN EMPLOYEE IN THE PENITENTIARY, THAT I WILL EXECUTE THE LAWS AND REGULATIONS PRESCRIBED FOR THE GOVERNMENT OF SAID AGENCY OR INSTITUTION, SO FAR AS CONCERNS MY OFFICE; THAT I WILL ACCEPT NO BRIBE, OR OTHER COMPENSATION DURING MY CONTINUANCE IN OFFICE, OTHER THAN SUCH COMPENSATION AS IS ALLOWED BY LAW; AND THAT I WILL ON NO OTHER OCCASION, ILL TREAT OR ABUSE ANY CONVICT UNDER MY CARE, BEYOND THE PUNISHMENT ORDERED BY LAW, OR THE RULES AND REGULATIONS OF THE INSTITUTION."

Franklin D. Hunt
EMPLOYEE SIGNATURE

2/8/90
DATE

SWORN TO AND SUBSCRIBED BEFORE ME THIS
8th DAY OF February, 1990

Ernestine C. Heek
NOTARY PUBLIC

MY COMMISSION EXPIRES:

March 3, 1992