

Alabama sheriffs pocket money meant to feed county jail inmates

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Three sheriffs in Alabama have admitted to pocketing money allocated for feeding inmates in county jails in response to a lawsuit brought against 49 county sheriffs by poverty advocacy groups.

On January 5, the Southern Center for Human Rights (SCHR) and the Alabama Appleseed Center for Law and Justice (AACLJ) jointly filed a lawsuit against the sheriffs for failing to comply with a public records request concerning their usage of jailhouse food funds.

Many sheriffs contend that their usage of these funds is legal under Alabama law.

"I do it just like the law tells us to. That's about all I have to say about that," Monroe County Sheriff Thomas Tate told AL.com last week. "We feed all our inmates good and the excess goes to the sheriff. If you declare it excess, you take it and you pay taxes on it."

The ledgers Tate handed over in response to the lawsuit reveal that of the \$423,364.60 of federal, state, and municipal funds allocated to feed inmates in his jail between 2014 and 2017, \$110,459.77 was declared "excess." Monroe County jail's excess food funds rose each year between 2014 and 2016.

"The law says it's a personal account and that's the way I've always done it and that's the way the law reads and that's the way I do business," Etowah County Sheriff Todd Entrekin responded. "That's the way the law's written."

Although Entrekin protested that he asked the County Commission to handle the funds for feeding inmates, he has still not turned over his records. Entrekin paid a high school student to mow his lawn with checks marked "Sheriff Todd Entrekin Food Provision Account," and the address on the checks is his home address.

The SCHR and AACLJ disagree with Tate and Entrekin on the legality of such practices. "Our position

is that this practice is illegal now, but it's clear that many sheriffs believe its legal for them to do this," Aaron Littman, a staff attorney for the SCHR, said in an interview with AL.com.

"Clearly this is a practice which is problematic because it creates an incentive for sheriffs to spend as little as possible on feeding folks... and obviously, when a minimal amount of money is approved for something and less than that is spent, the quality suffers."

This issue is not a new one for Alabama. In 2009, a US District judge ordered court security to arrest Morgan County Sheriff Greg Bartlett after prisoners testified about meals consisting of thin bologna, cold grits, and corn dogs. Bartlett testified that he and a sheriff from a neighboring county split the costs of an 18-wheeler full of corn dogs, which they fed to the inmates in their jails twice a day; Bartlett pocketed the excess of the money allocated for inmates' food—about \$112,000 over three years.

US District Judge U.W. Clemon stated in his ruling that, while he was bound to rule only upon a court order, dating from 2001, he thought that the Alabama law was "probably unconstitutional." Inmates at the hearing appeared visibly thin and provided evidence to show that they spent hundreds of dollars of their own money at a for-profit jailhouse store because they were so hungry. One inmate's records showed a weight loss of 35 pounds over three months.

In 2017, Morgan County Sheriff Ana Franklin was held in contempt of court for violating the consent decree in Clemon's 2009 judgment. A series of posts on a blog called "The Morgan County Whistleblower" raised concerns over discrepancies between what Franklin was paid to feed inmates and the quality of food the inmates were offered. Franklin had siphoned

\$160,000 from the funds earmarked for jailhouse food, investing \$150,000 into a car dealership—which subsequently went bankrupt—run by a convicted bank swindler.

Franklin's own testimony revealed that she had been aware of the consent decree, explaining that she had asked, before winning the election, if Clemon's consent decree in the Bartlett case applied to her. According to Franklin, she said she did not believe she was bound by the decree, even though the decree specifies that the Morgan County sheriff is required to spend all allocated funds, including the excess, on inmate nutrition only.

The law cited by the sheriff dates to the Depression era. Alabama's constitution, by design, gives county sheriffs great leeway; lawyers for the Southern Poverty Law Center have compared Alabama counties to feudal "fiefdoms" where the sheriff is given broad license—at the expense of residents—to profit from county funds. Like many aspects of Alabama's constitution, it is based upon a concept of local sovereignty that has undergirded laws designed to disenfranchise poor black and white residents.

The sheriffs remain a force unto themselves. The Alabama Attorney General's office has deferred all the media's requests for comments to the Alabama Sheriff's Association (ASA) while the ASA has declined to be interviewed on this issue. Their position, however, is well known; after "Corn-dog Sheriff" Bartlett was jailed, the organization's director told reporters that prisoners all around the state complained about the food, then dismissed the complaints, saying, "You're never going to be able to satisfy them."

Inmates continue to speak about the poor provisions in Alabama's county jails.

A young mother living in Decatur, Alabama, in Morgan County, related to the WSWs how she was recently taken into custody in the neighboring county for unpaid traffic fines. She was placed a cold jail cell when she could not pay the \$200 bail in addition to her fines and forced to sleep on a Styrofoam mat on a concrete floor in jail.

"Food was barely food," she said. "Off-brand bologna with every meal, just milk and later only water to drink." Neither she nor the other inmates were provided with basic toiletries, either; the only amenity was bar soap. She recalls struggling to wash her hair

with the bar soap, then sitting wet and cold in a poorly heated cell until a nurse could look her over.

The young mother mentioned above is currently homeless and, although she was released after spending a night in jail, hundreds of dollars have been added to her traffic fines and court fees, and should she be unable to pay those, she will end up in jail again. It is at the expense of these people that sheriffs such as Thomas Tate, Todd Entrekin, Ana Franklin, and 46 others line their pockets.

"The Alabama Public Records Law exists so that we can hold our government accountable. Unfortunately, a number of sheriffs have decided that our public records law does not apply to them," SCHR's Frank Knaack stated in a press release. Alabama's sheriffs, though, are accustomed to an impunity that they will not hand over easily.



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