

LAW ENFORCEMENT COMMITTEE

December 3, 2019

6:00 P.M.



RECEIVED
12-11-19 @ 3:30pm
AF

PRESENT: Robert Acuff, Mike Hill, Brad Johnson, Austin Jaynes, Ginger Holdren, Randall Jenkins, Ray Lyons and Robin McKamey

ABSENT: none

CALL TO ORDER: Mike Hill, Chairman

ROLL CALL: Quorum Present

- Approval of Agenda: Motion was made by Ginger Holdren, seconded by Ray Lyons to approve the agenda as presented. By voice roll call vote, motion carried.
- Approval of Minutes: Motion was made by Ginger Holdren, seconded by Ray Lyons to approve the minutes of the November 2019, meeting as presented. By voice roll call vote, motion carried.
- Public Comments: TLC Director Angie Odom informed the committee that in the room tonight there were representatives of the Drug Task Force to do a presentation, the Tennessee State Environment Department, the Sheriff and the Regional Manager. She stated they were there to bring to light to how to address the families currently living in homes quarantined for drugs/meth.
- Old Business: none
- New Business: Chairman Hill introduced Carlos Gutierrez, Assistant Special Agent of the Dangerous Drug Task Force who gave a presentation on the process of quarantining a dwelling and what the responsibilities of the owner, renter, lien holder, law enforcement, etc. were in this process. Attached to the minutes is a copy of TCA 68-212-501 thru 509 which contains the information presented by Mr. Gutierrez's. As there is a list compiled of quarantined properties in the county, Chief Parrish stated his department would coordinate with the city to take on the task of visiting each site, determining the status and report back at the next meeting.

Chief Parrish informed the committee there was a couple of very large acquisition projects currently in progress at the Sheriff's Department. He explained the company presently used for their records management system possibly was going "belly up" and could leave them without a functionable system. He stated the Sheriff's Department appreciated the flexibility given them by the committee and the commissioners by allowing them to maintain a portion of the State and Federal inmates board bill. He said this would allow them to purchase the records management system without having to request additional funds from the county.

Chief Parrish stated at the last meeting the hiring of a structural engineer to do an assessment for the Sheriff's Department was discussed. He said the U.S. Marshall's Office had asked the county to consider them helping pay for an expansion of those spaces in our jail designed for expansion in order to provide more Federal inmate beds. He stated it was not "primetime" for the project now but he wanted the committee to be informed. He said the project would not be considered until after fall.

Regarding the communications issue, Chief Parrish stated every entity in the county had their own communications system and they suffered with lack of the intergration of these systems.

He stated if the Sheriff's Department had to respond to a school emergency, they wanted to do so quickly and clearly. He said they also would like to communicate with all school officials and not just the one school with the emergency. He stated a common failure in all school's with a major emergency in the past fifteen (15) years was communications failure. He stated Captain Smith had taken on the task of looking at the communications challenge at the county level and was working with a consultant to get everybody's requirements together. He further stated after the records management system was paid for and additional funds available, they could possibly be used to help fund a county wide system.

Edward Jordan and Mike McDonald with Keep Carter County Beautiful addressed the committee asking for help in tightening the enforcement of county litter codes, especially along highways. Chief Parrish stated private contractors, who pick up individual's garbage and do not properly "tarp" their load to keep trash from falling out, was a lot of the problem. He said the Sheriff's Department would concentrate their efforts especially on them.

- Sheriff's Report: Chief Parrish informed the committee the Sheriff's Department was currently focusing on reducing the number of individuals living in our community with active arrest warrants. He said they had reduced the number from 4500 individuals to 748 individuals with active arrest warrants. He stated that due to their efforts, burglaries and crime had decreased in the county.
- Potential Research and Study Topics for Committee: Chairman Hill asked Chief Parrish what the Sheriff's Department needed from the Law Enforcement Committee and was told helping to provide efficiency across the county with a county wide communications system would be appreciated.

Robin McKamey asked Chief Parrish how they were handling the animal control calls for service. She was told when a call came in from the "com" center on an animal issue, an officer was dispatched to assess the situation and make a judgement call as to whether or not the animal needed to be picked up. If he determines the animal does need picking up, the Animal Control Officer is contacted. Ms. McKamey stated that due to the fact the deputies were not trained in animal control, a bad judgement call could be made and the animal suffers. Chairman Hill informed Ms. McKamey that animal control was already on the agenda for next month's meeting.

- The consideration of splitting the four (4) committee meeting into two (2) separate committee meetings and setting a time, place and frequency for the meetings was put on hold until the next meeting.

On motion by Austin Jaynes, seconded by Robert Acuff, the meeting was adjourned by a voice roll call vote.

Respectfully submitted,

Suzi Wallace

Approved for entry:

Mike Hill, Chairman

TITLE 68 - HEALTH, SAFETY AND ENVIRONMENTAL PROTECTION: CHAPTER 212 - HAZARDOUS WASTE MANAGEMENT: PART 5 - PROPERTY WHERE METHAMPHETAMINE MANUFACTURED

68-212-501. "Commissioner" defined.

As used in this part, the "commissioner" means the commissioner of environment and conservation

68-212-502. List of certified industrial hygienists - Testing of properties.

The commissioner shall compile and maintain a list of certified industrial hygienists and such other persons or entities the commissioner certifies as qualified to perform the services of industrial hygienists. Such persons will test properties in which a process intended to result in the manufacture of methamphetamine has occurred, as defined by § 39-17-435, to determine if a property is safe for human use. Such property may include, but is not limited to, leased or rented property such as a hotel or motel room, rented home or apartment, or any residential property. The commissioner shall also compile and maintain a list of persons authorized to perform clean-up of property where such a process has occurred. Such lists may be posted on the website maintained by the commissioner.

68-212-503. Quarantine of property.

(a) The purpose of the quarantine provided for in this section is to prevent exposure of any person to the hazards associated with methamphetamine and the chemicals associated with the manufacture of methamphetamine.

(b) Any property, or any structure or room in any structure on any property wherein the manufacture of a controlled substance listed in § 39-17-408(d)(2) is occurring or has occurred, may be quarantined by the local law enforcement agency where such property is located. The law enforcement agency which quarantines the property shall be responsible for posting signs indicating that the property has been quarantined and, to the extent they can be reasonably identified, for notifying all parties having any right, title or interest in the quarantined property, including any lienholders.

(c) (1) Any person who has an interest in property quarantined pursuant to this section may file a petition in the general sessions, criminal, circuit or chancery court of the county in which the property is located. Such a petition shall be for the purpose of requesting that the court order the quarantine of such property be lifted for one (1) of the following reasons:

(A) That the property was wrongfully quarantined; or

(B) That the property has been properly cleaned, all hazardous materials removed and that it is now safe for human use but the law enforcement agency who imposed the quarantine refuses to lift it.

(2) The court shall take such proof as it deems necessary to rule upon a petition filed pursuant to this section and, after hearing such proof, may grant the petition and lift the quarantine or deny the petition and keep the quarantine in place.

(d) It is prohibited for any person to inhabit quarantined property, to offer such property to the public for temporary or indefinite habitation, or to remove any signs or notices of the quarantine. Any person who willfully violates this subsection (d) commits a Class B misdemeanor.

68-212-504. Rules and regulations.

The commissioner is authorized to promulgate rules concerning the inspection, testing and quarantine of property affected by this part.

68-212-505. Testing of property - Certification that property safe.

Once the property has been quarantined, any party having a right, title or interest in the quarantined property, including any lienholders, may contact either a certified industrial hygienist or other person or entity certified as qualified from the list maintained by the commissioner to perform appropriate testing on the property to determine whether hazardous waste is present on the property, or a contractor from the list maintained by the commissioner for clean-up and removal of all hazardous waste from the property. The property must remain quarantined until a certified industrial hygienist or other person or entity named on the commissioner's list compiled pursuant to § 68-212-502 certifies to the quarantining agency that the property is safe for human use.

68-212-506. Calculation of restitution.

Any inspection, testing or quarantine conducted pursuant to this part shall be considered when calculating the appropriate restitution under § 39-17-417(c)(2)(B).

Name of Certified Industrial Hygienist or Other Authorized Person and Company

Signature of Certified Industrial Hygienist
or Other Authorized Person

Date

Notary Acknowledgement or Two Subscribing Witnesses as provided in Tennessee Code Annotated, title 66, chapter 22.

68-212-509. Submission of information regarding quarantined site - Registry of quarantined sites.

(a) Within seven (7) days of issuing an order of quarantine, the law enforcement agency that issued the order shall transmit to the commissioner at least the following information regarding the site:

- (1) The date of the quarantine order;
- (2) The county;
- (3) The address;
- (4) The name of the owner of the site; and
- (5) A brief description of the site, such as single family home, apartment, motel, wooded area, etc.

(b) The department of environment and conservation shall maintain a registry of all properties reported by a law enforcement agency that have been under order of quarantine for at least sixty (60) days. The registry shall be available for public inspection at the department and shall be posted on its website. Listed properties shall be removed from the registry when a law enforcement agency reports that the quarantine has been lifted in accordance with this part.