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April 10, 2015

Mayor Ernest G. Burgess  
County Courthouse  
One Public Square  
Murfreesboro, TN 37130

In re: DUI Education Center

Dear Mayor Burgess:

DUI Education Center has operated without incident for twenty (20) years under the names Rutherford County Alcohol and Drug Center, Inc, Swaim Center, and currently DUI Education Center. Since the business was transferred by contract between DUI Education Center and Larry Swaim, we have had approximately 3,200 offenders serve their time at our state of the art, secure facility. Most of these offenders spend between seven and fifteen days at the center.

Over the course of the last twenty years of operation, the Courts have approved both men and women to serve their jail time at our facility for offenses including Reckless Driving, Reckless Endangerment, and DUI 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> offenses.

The original contract between the County and Rutherford County Alcohol and Drug Center, Inc. allowed for women to attend the center in lieu of going to jail on DUI 1<sup>st</sup> offense convictions. That contract was approved by Mayor Allen and the County Commission. Shortly thereafter, the Judges asked Dr. Swaim to house male offenders; unfortunately, no contract was ever done evidencing the agreement between the judges and Dr. Swaim regarding the housing of male offenders. Over the course of the last eighteen and a half years, however, both men and women have been allowed to attend our program and receive jail credit for the days they spent at the DUI Education Center.

DUI Education Center, in addition to alleviating overcrowding at our current Adult Detention Center, also alleviates a financial burden to the taxpayers of Rutherford County by significantly reducing the number of inmates housed at the Rutherford County Adult Detention Center. Additionally, offenders serving their time at DUI Education Center also fulfill their required alcohol education hours and victim impact panel.

I would like to be placed on the Public Safety agenda for April 27<sup>th</sup> and would respectfully request that a resolution or agreement be adopted allowing the aforementioned offenders to continue to attend DUI Education Center and receive credit as if they have served their time in the Rutherford County Adult Detention Center.

I have enclosed herewith a letter from Sheriff Robert Arnold wherein he gives his express support for the program and its continued use. I appreciate your attention to this information, and I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bert W. McCarter', with a long, sweeping horizontal stroke extending to the right.

Bert W. McCarter

BWM/kjs

Enclosure as stated herein



# RUTHERFORD COUNTY SHERIFF'S OFFICE

DEDICATED TO PUBLIC SAFETY

Sheriff Robert F. Arnold

March 31, 2015

To whom it may concern,

There exists an acute shortage of space available at the Rutherford County Adult Detention Center. Because of this overcrowding, I support and approve DUI Education Center, formerly known as the Swaim Center and Rutherford Alcohol and Drug Center Inc., as an alternative facility at which offenders convicted of DUI and related or similar offenses shall serve their sentences.

Given the serious and significant overcrowding at the Rutherford County Adult Detention Center, space is not available to allow an offender convicted of a violation of Tennessee Code Annotated 55-10-401 to commence at the Detention Center his or her service of the sentence imposed. As such, I approve the use of an alternative facility, namely DUI Education Center, for the incarceration of such offenders. If all offenders convicted of DUI offenses and related or similar offenses, including but not limited to DUI 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> offenses, were required to serve their sentences at the Rutherford County Adult Detention Center, our current overcrowding issues would only multiply and would likely cause significant and unnecessary delay in the service of such sentences.

DUI Education Center has operated without incident for twenty (20) years under the names Rutherford County Alcohol and Drug Center Inc., Swaim Center and currently, DUI Education Center. DUI Education Center has a state-of-the-art, secure facility which complies with all required standards related to accessibility, Americans with Disabilities Act requirements, and other associated state regulations implemented by the State of Tennessee.

In my opinion, it is in the best interest of the citizens of Rutherford County for DUI Education Center to be an approved alternative facility at which the aforementioned offenders shall serve their sentences and receive jail credit for each day served. I expressly give my approval for DUI Education Center to be an approved alternative facility for the same. Such a facility, in addition to alleviating overcrowding at our current Adult Detention Center, also alleviates a financial burden to the taxpayers of Rutherford County by significantly reducing the number of inmates housed at the Rutherford County Adult Detention Center.

In conclusion, let me reiterate that I fully support and approve DUI Education Center as an alternative facility at which offenders convicted of DUI, multiple DUI offenses, and related or similar offenses shall serve their sentences and shall be given jail credit as if their sentences were served at the Rutherford County Adult Detention Center.

Sincerely,

A handwritten signature in black ink, appearing to read "R. F. Arnold", written over a horizontal line.

Sheriff Robert F. Arnold