

Greater General Sessions Court
White and Van Buren Counties

111 Depot Street, Suite 2
Sparta, Tennessee 38583

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Sam Benningfield, Judge

In early May of this year I was visited in my office by representatives of the Tennessee Department of Health. They wished for me to assist them in their efforts to counsel and educate inmates at the White County Jail regarding Neonatal Abstinence Syndrome. This educational program outlines problems associated with mothers using drugs while pregnant. Along with this, the department was also offering free contraceptives. They showed me that one other local judge was giving inmates two day jail credits for accepting the counseling and education. I agreed to do the same.

As I contemplated this program it occurred to me that many of the same women I had incarcerated were the very same from whom I was having to remove their children in my role as the Juvenile Judge because they were born addicted to drugs or dependant and neglected as a result of the drug use of the parents. I had many women with multiple children incarcerated for committing various crimes, most of those being repeat offenders. Most offenses were drug related or had drug use as one of its components. It was not uncommon for the fathers to also be incarcerated at the same time. Many of the male population had multiple children for whom they were constantly in trouble for not supporting. Because of this circumstance I decided to go a step further and offer a 30 day jail credit to those inmates who would receive the free contraceptive services. 30 days seemed to be enough to get attention and consideration but not enough to be an offer too good to resist. This was primarily aimed at the female population because they are the only ones who can potentially birth children addicted to drugs or suffering the consequences of drug exposure while in the womb. It was extended to the men primarily in an effort to avoid discrimination based on gender.

Participation is strictly voluntary. No one is forced to participate. It is never ordered as part of a sentence. It is only available to those sentenced out of the General Sessions Court which means none of those to whom it is available are serving sentences for serious felony offenses. It is in no way a eugenic program. Sterilization is never involved and is not an option as all procedures offered are reversible. No male under 21 may participate and can only have the procedure after a full physical exam and must wait 30 days before having said procedure. The health department provides these services free of charge and to my understanding they are freely available to the public.

The primary purpose in this was to try to reduce the number of children born drug dependant or suffering the consequences of in vitro drug exposure. I thought it would also reduce the number of children who would eventually wind up in foster care. I hoped inmates, while thinking soberly, might be encouraged to take control of their lives, reproductive and otherwise, rather than suffering the consequences of allowing life to just happen to them. Unplanned and unwanted children and the resulting obligations complicate their lives and make their reintegration into society more difficult.

I have been amazed at the attention this decision has brought about. That same month I made this decision publicly in open court in the presence of the District Attorney's Office, the

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Public Defender's Office and several members of the local bar. I never received an objection from any of them. I had hoped to encourage and reward inmates for acting responsibly and maturely. The offer is in no way coercive - I do not know who accepts it - and is one of several other jail incentive programs available to inmates. I do not believe it violates any constitutional or other legal rights. My purpose was to protect children and help people in their rehabilitation efforts. I have no other agenda.

Sam Benningfield