



Carmage Walls
Commentary Prize

2019 Entry Form

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What is the subject/title of the entry? Actions by Ana Franklin as Morgan County sheriff didn't serve the public

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Is your newspaper under 50,000 circulation or above 50,000 circulation? Under

Please give a brief explanation of issues discussed and the results achieved. (This space will expand as you type in your comments.)

These editorials dealt with actions by Ana Franklin, who was Morgan County sheriff until January when her term ended. She used money intended to feed prisoners for other expenses, and her department obtained a search warrant to get information on a blog critical of her. A Circuit Court judge later criticized the manner in which the warrant was obtained. As a result of the newspaper's editorials and coverage, the sheriff did not seek re-election and Morgan County voters approved a local amendment in November that took away future Morgan sheriffs' authority to handle inmate food money. Additionally, Alabama's governor, partially in response to Franklin's actions, took steps to limit the practice of sheriffs statewide keeping leftover inmate food money for personal use.

Sheriff's secrecy an affront to public

THE ISSUE

There may be arguments about whether sheriffs are entitled to keep leftover inmate-food money as compensation, but there is no valid argument that records concerning these taxpayer funds should be hidden from the public.

Morgan County Sheriff Ana Franklin, through her lawyer, last week joined 49 other Alabama sheriffs in taking the position that she has a right to hide information on the disposition of taxpayer funds from the public. The argument is an affront to her constituents.

Morgan County long has been at the center of a statewide debate over whether an antiquated statute allows sheriffs to personally keep unspent money designated for feeding jail inmates. The statute in question states that sheriffs "shall be entitled to keep and retain ... amounts received for feeding prisoners." A lone 2008 attorney general's opinion has interpreted this language as meaning that sheriffs can keep any money left over after feeding inmates as supplemental compensation. Attorney generals' opinions in 2000 and 2011 came to the more sensible conclusion that sheriffs' offices, not sheriffs personally, can keep and retain any excess money. The governor and state comptroller recently have spoken out against a system that incentivizes sheriffs to under-feed their inmates.

While there may be an argument that the law is properly interpreted as providing sheriffs with a salary supplement, sheriffs should not use that argument as a cloak to hide information from the public on the use of public funds.

On May 21, according to a warrant produced by the state comptroller, Franklin deposited \$19,708.50 into a Peoples Bank of Alabama account labeled "Morgan County Sheriff's Food Account." The Decatur Daily requested bank statements relating to the account.

"Unfortunately, documents reflecting the use of these funds are not public records and would therefore not be subject to a public records request," her lawyer responded.

His response mimics the response of 49

sheriffs who refused to produce records on inmate-food accounts in response to a request from Alabama Appleseed Center for Law and Justice and the Southern Center for Human Rights. The convoluted argument unashamedly asserts the proposition that even though a sheriff's salary is a public record, the compensation he or she receives from taxpayer funds designated as food money is not.

However weak the legal argument is that records on such funds are not public, the ethical argument is weaker.

No law prevents Sheriff Franklin or other sheriffs from being transparent in the handling of these taxpayer funds. Her lawyer's use of the word "unfortunately" as a preface to refusing to produce the records is disingenuous. If the sheriff believes it to be unfortunate that state law does not require her to produce such records, she can easily remedy that problem by producing them.

If the sheriff is personally keeping taxpayer money designated for the feeding of inmates, she has an obligation to her constituents to reveal how much. This is true of all sheriffs, but especially of the sheriff of Morgan County.

Since 2009, when former Sheriff Greg Bartlett ended up in jail after keeping \$212,000 in taxpayer money while under-feeding inmates, Morgan County has been the embarrassing center of the statewide dispute. Sheriff Franklin continued this trend in 2015 when she converted \$160,000 in inmate-food money to personal use, in violation of the court order prompted by Bartlett.

In Morgan County and elsewhere, the inevitable result of secrecy is corruption. Instead of focusing on whether her lawyers can find a legal justification for hiding information from the public, Sheriff Franklin should be focused on being transparent to the public she is sworn to serve.

Promising start for new Morgan sheriff

THE ISSUE

For years, Morgan County residents have had to wonder about the integrity of the elected sheriff. It's early, but the new sheriff seems determined to restore the public's trust.

There's a new sheriff in town. If the claims made last week by a fired Morgan County sheriff's deputy are accurate, residents of the county have one more indication that honor is being restored to the Sheriff's Office.

Former deputy Robert Wilson, a longtime confidant of former Sheriff Ana Franklin, was deeply immersed in her effort to bring charges against her former jail warden and in the volatile conflict with a Falkville blogger who helped pull the plug on the two-term Franklin administration. The credibility of Wilson — along with Franklin and Deputy Blake Robinson — was questioned in a court order last year dismissing the charges against the warden.

Wilson alleged in a lawsuit that the new sheriff last month read him his walking papers.

"'You're no use as a deputy,'" newly installed Sheriff Ron Puckett told Wilson, according to the lawsuit. "'You can't testify in court, today. The DA's office wouldn't hear your testimony. As far as a useful deputy, you can't even arrest anybody. You could, but because of the court order, the DA's not going to hear your testimony. I recognize that it may be a matter of opinion, but opinion matters:'"

Those words came Jan. 15, according to Wilson, Puckett's first day in office. Robinson, also a plaintiff in the lawsuit, alleged he resigned before Puckett took office with considerable encouragement from the incoming sheriff.

Puckett and District Attorney Scott Anderson are not defendants in the lawsuit, and they declined to comment on the accuracy of the complaint. If the allegations are accurate

— and Puckett's confirmation that he terminated Wilson and that Robinson resigned add credence to the claims — then both Puckett and Anderson are helping to steer the Morgan County Sheriff's Office toward a long-abandoned righteous path.

The taint of greed and corruption has fouled the Morgan County Sheriff's Office for years. Even before Franklin took office in 2011, her predecessor spent a night in jail when it was revealed to a federal judge that he had pocketed money issued by the state for feeding inmates.

Franklin continued her predecessor's penchant for jail-food money — she invested some of the cash into a used car and title loan business run by an ex-felon — and her lapses in judgment soon cascaded into a torrent of questionable conduct that snared some deputies, and left others humiliated by the taint on their honorable work.

Puckett's first days in office were not just spent ridding the county of personnel who could no longer serve the county effectively. In a long-overdue step, he also increased efficiency by shutting down the duplicative Sheriff's Office dispatching function, moving it to Morgan County 911.

On Jan. 27, Puckett administered the oath of office to deputies.

"On my honor, I will never betray my badge, my integrity, my character or the public trust," the deputies swore. "I will always have the courage to hold myself and others accountable for our actions."

It's an honorable oath, and early indications are that Puckett and his deputies take it seriously.