



## Republican Party of Rutherford County

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7/28/2010

### ***FOR IMMEDIATE RELEASE***

Contact: Jimmy Evans, Chairman – 210-1370

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The Republican Party of Rutherford County Executive Committee unanimously passed a resolution asking for the immediate resignation/removal of Truman Jones as Sheriff for failing to meet the minimum and legal requirements to both serve as Sheriff and be a candidate for Sheriff at its regular monthly meeting held at GOP headquarters on 7/27/2010.

We find it ironic that Truman Jones attempted to use his position with the P.O.S.T. Commission (Peace Officers Standards & Training Commission) to disqualify Robert Arnold as a candidate for Sheriff all the while being an unqualified candidate for Sheriff under P.O.S.T. Commission & Tennessee law at the same time. “Truman Jones has not met the minimal requirements to be a candidate for Sheriff since 1993 and the P.O.S.T. Commission has been covering it up. The P.O.S.T. Commission should be investigated for their cover-up.” Said Jimmy Evans, Chairman of the Republican Party of Rutherford County.

“What we have here is an assault on the democratic process. A Sheriff is entrusted to uphold the law. When you have both a Sheriff serving illegally, and the government agency entrusted with oversight of the Sheriff refusing to enforce the law, you put both our judicial system and our democracy in question.” Said Felicia Hix, Vice Chairwoman of the Republican Party.

The following resolution breaks down the laws Truman Jones and the P.O.S.T. Commission have broken. It is irrefutable under any interpretation.



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### “Resolution”

#### “DISQUALIFICATION & REMOVAL OF TRUMAN JONES AS SHERIFF”

WHEREAS, there are several statutory criteria for being appointed or elected to the office of Sheriff, all of which are codified in TCA §8-8-102. Subsection (a) of this statute states, in part, “After May 30, 1997, to qualify for election or appointment to the office of sheriff a person shall...Have been certified by a qualified professional in the psychiatric or psychological fields to be free of all apparent mental disorder as described in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM-III), or its successor, of the American Psychiatric Association.” This particular requirement dates back to at least 1993; and

WHEREAS, there are certain forms that must be filed with the Peace Officers Standards & Training Commission (hereafter, “P.O.S.T.”), including a Verification of Psychological Evaluation form, as well as an Affidavit of compliance with TCA §8-8-102(a) sworn to under oath by each candidate. Once the P.O.S.T. receives all the information they require from each candidate, it is the duty of the P.O.S.T. to verify said information and perform background checks on each candidate. For each candidate who is verified by P.O.S.T. to meet the qualifications of TCA §8-8-102, the P.O.S.T. shall issue a Certificate of Compliance to the local election commission, who then shall require certain other information from each candidate. Once the election commission has received certification from P.O.S.T., as well as other documents required to be submitted to the election commission, then the election commission will “qualify” each candidate for placement on the ballot; and

WHEREAS, the psychological evaluation form filed by Truman Jones with the P.O.S.T. Commission for the 2010 election is a photocopy of the form he filed in 2002 and again in 2006. However, this form is invalid, and therefore, void for several reasons. First, and foremost, the form requires certification from a licensed psychiatrist or psychologist and states the following: “I have evaluated tests administered to the reference[d] individual and find that this officer is...Qualified...to be certified under the provisions of TCA §8-8-102. The results of my evaluation are being forwarded to the employing agency.” It further states, “Any person who, with intent to deceive, makes any false statement on this document commits the offense of perjury pursuant to TCA §39-16-702.” This document was signed by one Robert W. Scollon, Ph.D., on August 7, 2001, who was unlicensed to practice psychology at that time; this form references a psychological evaluation administered to Truman Jones on October 28, 1976, which was some 25 years prior to the date it was signed; and

WHEREAS, Mr. Scollon retired and allowed his professional psychology license to expire effective December 31, 1989, which was almost 12 years prior to illegally signing Truman Jones' psychological evaluation form. Therefore, being unlicensed to practice psychology in 2001, he was unable to legally administer any tests to Truman Jones, and he was unable to legally sign any type of medical document at that time. Consequently, this renders Truman Jones' psychological evaluation form invalid. Engaging in the practice of psychology without a license is a Class B Misdemeanor, pursuant to TCA §63-11-206; and

WHEREAS, the second reason the psychological evaluation form is invalid is due to the actual evaluation administered to Truman Jones. The evaluation administered to Mr. Jones 34 years ago, in 1976, would have been administered according to the guidelines of the DSM-II (published in 1968), which is quite antiquated when compared to the DSM-III (published in 1980) and its successors. State law (TCA §8-8-102) clearly requires that the test administered to candidates for the office of sheriff must be conducted under the guidelines of the DSM-III or its successor; the DSM-III revolutionized the world of psychiatry, adding almost 400 pages, as well as 80 diagnoses; additionally, the DSM-III introduced a multi-axial system of diagnosis, which the DSM-II did not do. Furthermore, the P.O.S.T. Regulations and the P.O.S.T.'s own form hold the referenced individual to an even higher standard, requiring that the psychological evaluation be completed under the guidelines of the "current edition" of the DSM and that, "Applicants must be certified as meeting those criteria [TCA §8-8-102] by a Tennessee Licensed Health Care Provider qualified in the psychiatric or psychological fields." The current edition of the DSM in 2010 is the DSM-IV-TR (text revision); which was published in 2000 and is also the edition that was in effect at the times Mr. Jones' form was illegally signed by Mr. Scollon in 2001; and

WHEREAS, it is the opinion of the Tennessee Attorney General's office as stated in TN AG Opinion 02-009 that "the individual signing the form must be able to certify that the representations the form includes are accurate as of the date he or she signs the form." Mr. Scollon clearly was not a 'licensed health care provider', as required by law and the P.O.S.T.'s own form, and he had not been licensed for almost 12 years; therefore, he could not 'certify' anything in 2001; and

WHEREAS, the filing deadlines for documents required to be submitted in elections are mandatory, pursuant to TCA §2-1-108; see also *Koella v. State ex rel. Moffett*, 218 Tenn. 629, 405 S.W.2d 184 (1966). Filing a void, illegal document does not allow one the opportunity to go and complete the task and then re-file it, having the benefit of the original filing date; and

WHEREAS, due to the proper psychological evaluation having not been completed and the form having been signed illegally by a then-unlicensed psychologist, the form is invalid, thereby rendering Truman Jones ineligible to be appointed or elected to the office of sheriff, pursuant to the requirements of TCA §8-8-102; and

WHEREAS, the term for the office of sheriff in Tennessee is four (4) years. Each candidate—whether incumbent or not—has to 'qualify' for his or her name to be placed on the ballot each time; in doing so, he or she must meet the statutory requirements of TCA §8-8-102 for each and every election every four years. Truman Jones did not meet the requirement of Subsection (8) or the requirement of the P.O.S.T.'s own form; and

WHEREAS, a psychologist “signing off on” a 34-year-old psychological evaluation is not an acceptable medical standard in the field of psychology. Many factors affect a person’s psyche, which can change in a short period of time; and

WHEREAS, Truman Jones signed an Affidavit, under oath, stating the following: “I, Truman L. Jones, Jr., do hereby swear or affirm that I possess all the Qualifications required for the office of sheriff. By means of this Affidavit, I certify that the following statements are true...I have been certified by a qualified professional in the psychiatric or psychological fields to be free of all apparent mental disorder as described in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM-III), or its successor, of the American Psychiatric Association...All as required by TCA §8-8-102.” A candidate commits perjury (a Class A misdemeanor) if he or she willfully makes a false statement under oath in the Affidavit required by TCA §8-8-102.

WHEREAS, the election statutes state in TCA §2-19-102 that “A person commits a Class C misdemeanor if such person knowingly does any act prohibited by this title, or if such person knowingly fails to do any act which such person is required to do by this title, or if such person knowingly does any act with the intent that another shall do an act prohibited by this title.”

WHEREAS, the requirements stated in TCA §8-8-102 (including having a sheriff who is certified to be currently free from any mental disorder or defect) are required for the public’s welfare; and

WHEREAS, the sheriff takes an oath of office to uphold the laws of the Constitutions, the State, and the county in which he or she serves; the sheriff is not to be above the law, but is subject to the same laws as each and every citizen of this county, this state, and this great nation.

THEREFORE, BE IT RESOLVED THAT Truman L. Jones, Jr., has been ineligible for the office of sheriff of Rutherford County since at least 1993. As such, he has been serving as sheriff illegally and never should have been certified by P.O.S.T. or qualified by the election commission for placement on the ballot for the following elections: 1994, 1998, 2002, 2006, or 2010. Mr. Jones is currently illegally running for election to the office of sheriff without meeting the minimal requirements to be a candidate for this office under Tennessee law. Hence, Mr. Jones should resign from office immediately or risk being removed from office forthwith and without further ado. Furthermore, Mr. Jones should be disqualified as a candidate for the office of sheriff immediately.

Passed by the Executive Committee of the Republican Party of Rutherford County, Tennessee, on 7-27-2010.