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Jail employee charged with sexual battery has prior arrest

by Beth Burger
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A Hamilton County Sheriff's Office corrections corporal who was arrested last week on a sexual battery charge had a prior assault arrest and twice has been ordered to undergo anger management training, according to his personnel file.



Cpl. Jerry Melbert, 42, is accused of pulling the zipper on a woman's blouse and placing his finger in the woman's cleavage at The Palms, located at 6925 Shallowford Road, while he was on the dance floor, according to a Chattanooga Police Department arrest report.

Melbert, who is on paid leave from his job at the Hamilton County Jail, is scheduled to appear before General Sessions Court Judge Christine Sell on Aug. 17.

He could not be reached for comment.

His personnel file with the sheriff's office shows Melbert was previously charged with an assault charge while working with the sheriff's department in Madison County, Ala., but the charge was dropped upon the completion of anger management course in August 1998.

"He's been with us quite awhile. That may have occurred before I became sheriff," Sheriff Jim Hammond said Tuesday.

Melbert originally resigned from the sheriff's office in 1997, saying he wanted to pursue other opportunities in law enforcement, according to his resignation letter. He later reapplied and was reinstated in October 1998 by former Sheriff John Cupp.

Hammond noted that corrections officers are sworn positions but are not held to the same standards as certified law enforcement officers who work on patrol or come in contact with the general public.

"In the first place, if they are being hired for a certified law enforcement position, that [arrest record] would just about always knock you out," he said. "For other jobs that are noncertified, we would weigh the totality of the situation and the circumstances."

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Law enforcement officers with arrest records are not uncommon, one expert said.

"It does happen. It does not happen in the professional departments where they have some standards and do some serious background checks," said Samuel Walker, an associate professor at the University of Nebraska in Omaha who specializes in police accountability issues.

During his career at the sheriff's office, Melbert began to climb the ranks making sergeant in February 2001. In recent years, though, he has faced several internal affairs investigations and other issues within the department.

In 2006, he came in to the jail while off-duty and helped book a former corrections officer at Silverdale Detention Center for theft over \$1,000. Melbert socialized with the inmate, who had a prior record that included aggravated kidnapping, aggravated robbery and criminal impersonation. The inmate was not fully searched nor was his property collected, both normal procedures, the investigation said. Melbert told the other officers "to just process the subject and get him out" and the inmate was allowed to post bond immediately, the investigation said. Melbert received a letter of reprimand.

In 2007, Melbert faced a complaint of excessive force after he pepper-sprayed and struck an inmate who was already in handcuffs and leg irons. As a result, he was suspended without pay for 15 days and ordered to undergo anger management classes.

"It clearly indicates self-control problems," Walker said.

Melbert was demoted in February 2009 from sergeant to corrections officer after he failed to show up for work and never called in. Sheriff's office administrators were concerned because they couldn't reach him. Melbert told administrators he was at his girlfriend's residence and his phone was broken.

Melbert filed a lawsuit against the sheriff's office in Hamilton County Chancery Court in 2009 to regain his rank and get back pay. The lawsuit is still pending and the next court date is set for Aug. 26.

Outside of his disciplinary history, Melbert has had positive reviews by supervisors.

"He's got a pretty good track record. He has actually been busted back and regained part of it," said Hammond. "He certainly has a lot of good qualities. Not withstanding what's pending now, I really can't speak to that issue."

Hammond said deputies who are arrested remain on paid leave until their first court date. He said an internal affairs investigation is already opened on the recent sexual battery and assault charge involving Melbert. Typically, investigators allow criminal proceedings to take place first before making a determination in an internal investigation, Hammond said.

"We will weigh past issues before we make a determination of penalties," Hammond said. "Obviously, the more serious the infraction, that could lead up to and include termination in some cases."

Walker said arrests for violent charges, even if an officer is not convicted, can give the sheriff's office a poor public perception.

"It creates a problem, especially if you have a relatively small community," he said. "People are going to know. It's a difficult situation."

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