

STATE OF TENNESSEE

Office of the Attorney General



HERBERT H. SLATERY III
ATTORNEY GENERAL AND REPORTER

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August 24, 2021

Thomas H. Castelli
Legal Director
American Civil Liberties Union of Tennessee
P.O. Box 120160
Nashville, TN 37212

RE: Public Records Request

Dear Mr. Castelli:

The District Attorneys General that received your letter requesting copies of certain public records pursuant to the Tennessee Public Records Act have completed their search for records responsive to your request. Your letter requesting copies of the following public records for the period of January 1, 2015 to the present:

1. List all screening and charging information your office collects (including but not limited to: number of cases handled by your office; number of charges per case at arrest and/or the number of charges at direct presentment to the Grand Jury; number of cases declined for prosecution and/or the number of cases where charges were filed; number of juvenile cases transferred to adult/criminal court; and/or number of cases that included any enhancement charges—e.g. habitual offender).
2. List the types of pretrial release information your office collects (including but not limited to: number of cases where the prosecutor recommended own/personal recognizance (nonmonetary release), bail/bond, or no bail for pretrial release; number of cases where the prosecutor recommended a pretrial release program or conditions that include pretrial supervision (e.g. in-person reporting, call or text reporting, GPS monitoring); cases where the judge deviates from the prosecutor's pretrial release recommendation; number of

defendants held in pretrial detention between arraignment and sentencing; and or number of defendants on pretrial supervision.

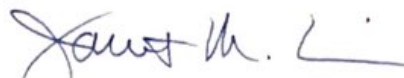
3. List the information your office collects related to alternative sentencing options, such as information related to diversion programs, drug courts, problem-solving courts, deferred prosecution/adjudication (including but not limited to: number of cases disposed to diversion programs; number of cases handled by alternative or problem-solving court; number of cases where prosecution is deferred, such as agreements to retire a case after completion of conditions; number of cases that end with successful or unsuccessful completion of the diversion, problem-solving court or deferred option; average time elapsed between decision to impose an alternative option and the completion of that alternative option; and/or case dispositional outcomes (e.g. incarceration, probation, sentence length) for cases where the alternative option was not successfully completed).
4. List the information your office collects related to plea bargaining and sentencing (including but not limited to: number of cases resolved by all charges being dismissed by the prosecutor; number of cases resolved by guilty or no contest plea on at least one charge; final number of charges at disposition; number of cases that go to trial and disposition; number of cases recommended for incarceration or probation; recommended sentence length; fines recommended as part of the case resolution; and/or number of convictions overturned).
5. List any other information your office collects (including but not limited to: time spent processing a case (e.g., the time spent on deciding charges and/or the time elapsed when charges are filed and disposition); caseloads per prosecutor; information on turnover of staff; recidivism results (such as re-arrest, re-conviction, or probation violations); allegations of prosecutorial misconduct; and/or all other related information).

With the exception of information related to caseload, the District Attorneys General do not collect nor list any of the information identified in your letter and, therefore, do not have any records responsive to your request. The District Attorneys General do collect information related to their caseload in General Sessions Court which is provided to the Office of the Tennessee Comptroller and can be found here: <https://comptroller.tn.gov/office-functions/research-and-education-accountability/publications/other-topics/content/weighted-caseload-studies.html>.

Additionally, statistical information regarding the number of cases in criminal and juvenile for each county is collected by the Administrative Office of the Courts and compiled in their Annual Statistical Report. These reports can be found here: <https://tncourts.gov/media/statistical-reports>.

Accordingly, the District Attorneys General must respectfully deny your request as they do not have any responsive documents.

Respectfully,

A handwritten signature in blue ink, appearing to read "Janet M. Kleinfelter". The signature is fluid and cursive, with a large initial "J" and a distinct "K".

JANET M. KLEINFELTER
Deputy Attorney General