

STATE OF TENNESSEE

Office of the Attorney General



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ATTORNEY GENERAL AND REPORTER

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July 23, 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:

I am responding on behalf of the District Attorneys General that received your letter requesting copies of the following public records for the period of January 1, 2015 to the present, pursuant to Tennessee's Public Records Act:

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).

Tenn. Code Ann. § 10-7-503(a) provides the following:

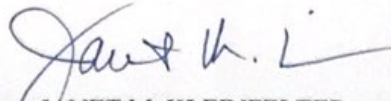
(2)(B) The custodian of a public record or the custodian's designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the records to be promptly available for inspection, the custodian shall within seven (7) business days:

- (i) Make such information available to the requestor;
- (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or
- (iii) *Furnish the requestor a completed records request response form developed by the office of open records counsel*

*stating the time reasonably necessary to produce such record or information.* (emphasis added).

Please be advised that the District Attorneys General are in the process of determining what, if any records, they have that are responsive to your request and estimate that they will have completed that process by August 12, 2021.

Respectfully,



JANET M. KLEINFELTER  
Deputy Attorney General

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