



National Prosecutors' Consortium

Survey Highlights

Tennessee



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TENNESSEE REPORT

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BACKGROUND

The National Prosecutors' Consortium (NPC), a collaboration between Justice & Security Strategies (JSS) and the Prosecutors' Center for Excellence (PCE), is designed to collect information on innovative programs employed by prosecutors' offices, to assist prosecutors in developing and deploying new programs, and to expand the research capacities of prosecutors' offices. The team developed a survey that is being administered at the county level across the United States on a state-by-state basis. This survey seeks to accomplish two objectives to support prosecution needs: 1) collection of a thorough baseline of information on the operation of county prosecutors' offices across the country, and 2) identification of those offices that have adopted innovative programs.



METHODOLOGY

NPC conducted focus groups with prosecutors and prosecutor coordinating offices. As part of this effort, NPC identified the desired topic areas and reviewed survey questions. The survey was designed as an agency-based questionnaire intended to collect data on the characteristics and operations within each prosecutor's office. The survey was delivered through an online, secure, cloud-based service using the *Qualtrics* survey platform. States are being offered this survey on a rolling basis.

As part of the data quality assurance process, we identified a battery of 84 questions that represent the core information requested by the survey. To minimize the proportion of missing data, the weighted number of completed responses was compared to a threshold. Offices in counties where the responses did not pass this threshold will be contacted and additional responses will be requested. This report discusses responses from all partially complete surveys, but there may be changes in the number of valid cases for some questions as follow-ups with agencies continue.

THE CURRENT STATE - TENNESSEE

This report discusses preliminary results from the state of Tennessee. Out of the 31 prosecutors' offices operating in Tennessee, at the time of this report (December 10, 2019), 26 judicial districts (84%) had completed the survey.



TYPES OF CASES

Figure 1 depicts the percentage of prosecutors' offices handling specific types of cases. All offices reported handling all or at least some felonies, misdemeanors, and juvenile cases. Over half of the offices reported handling infractions (69%). Eighty-eight percent (88%) of the responding offices (N = 23) reported handling civil matters. **Figure 2** highlights the percentage of prosecutors' offices involved in various types of civil matters. All offices reported handling FOIA or other public information requests, and 83% reported handling civil forfeitures. Seventy-eight percent (78%) of offices reported handling nuisance abatement cases (N = 18). Seventy-four percent (74%) of offices reported handling child support matters and mental health commitments. Adult protection matters were reported by 15 offices, and child protection matters were reported to be handled by 14 offices.

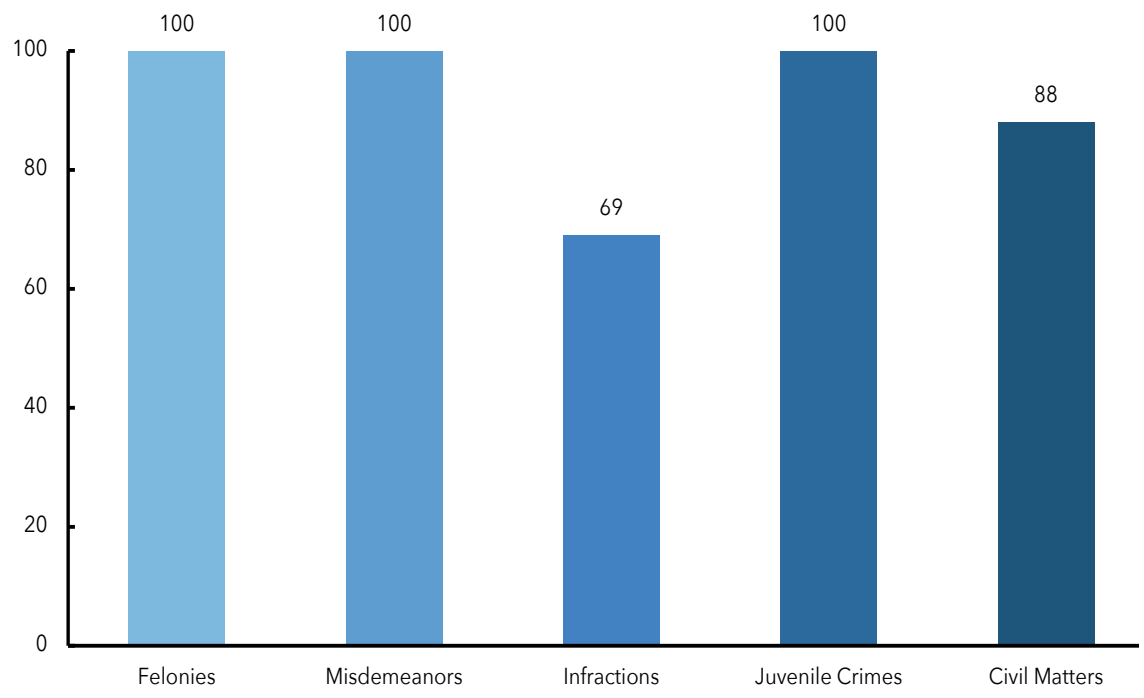


Figure 1. Percentage of Prosecutors' Offices with Jurisdiction over Cases by Type (N =26).

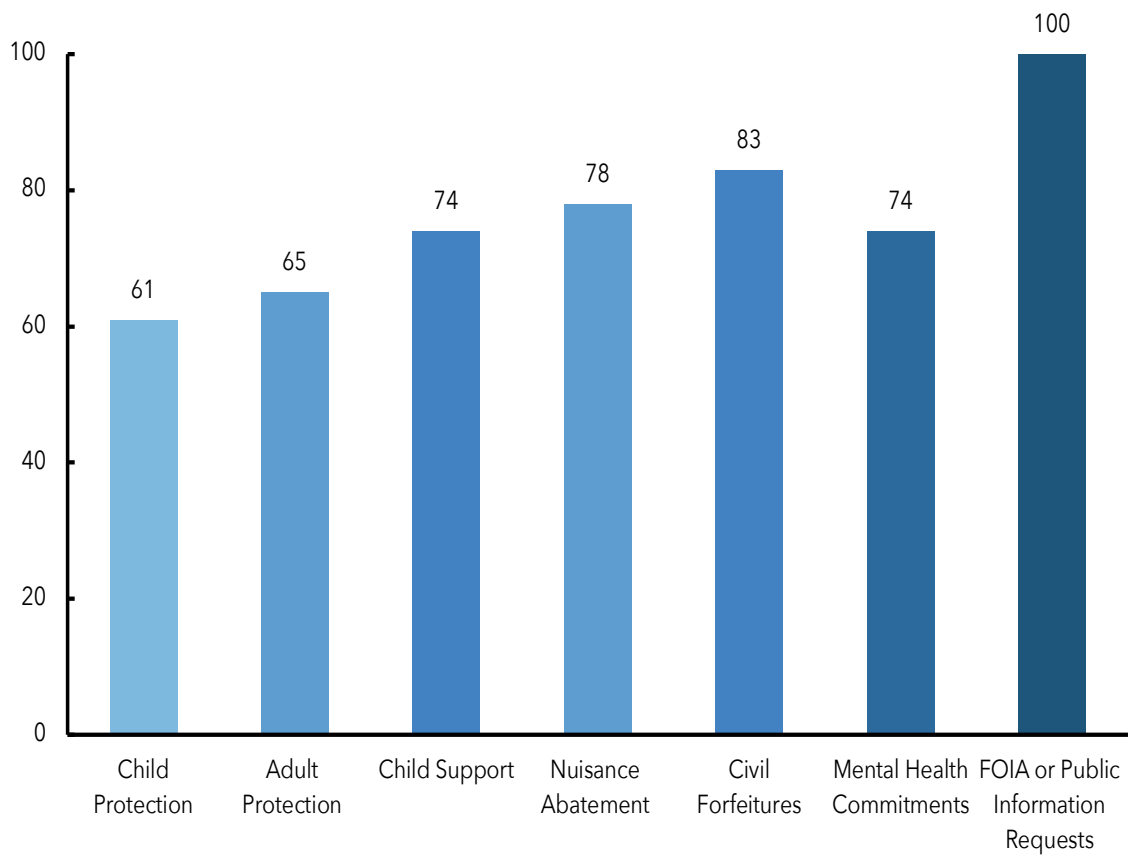


Figure 2. Percentage of Prosecutors' Offices with Jurisdiction over Civil Matters by Type (N = 23).

CHIEF PROSECUTOR

Of the 26 offices that responded to the survey, all indicated that their Chief Prosecutor was elected. On average, the Chief Prosecutor had been in office for about 12 years. Their tenure ranged from 1.3 years to 43 years. As seen in **Figure 3**, 46% of prosecutors had been in office for 1-5 years, 15% for 6-10 years, 15% between 11 and 15 years, and 23% for over 15 years.

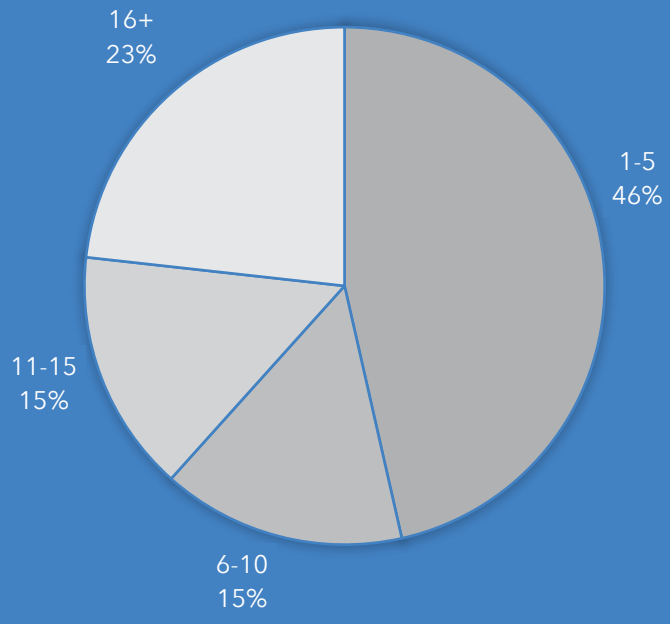


Figure 3. Chief Prosecutor Years in Office (N =26).

OFFICE BUDGET

The 2018 average budget for prosecutors' offices was approximately \$3,924,189. **Figure 4** depicts that 34% of the offices had a budget under \$2,500,000, 35% had budgets between \$2,500,000 and about \$3,999,999, and 31% had budgets over \$4,000,000.

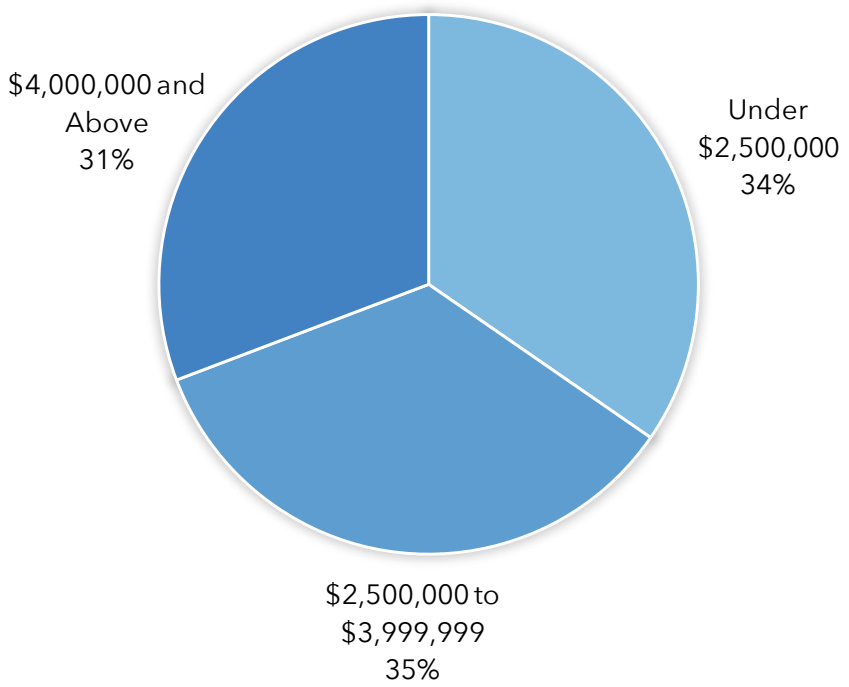


Figure 4. Ranges of 2018 Total Budgets (N = 26).

The average 2018 personnel budget for Tennessee prosecutors' offices was \$3,523,273. **Figure 5** presents the ranges of personnel budgets. Approximately 50% of the offices had a personnel budget under \$2,500,000, 35% had personnel budgets between \$2,500,000 and \$3,999,999, and 13% had budgets over \$4,000,000.

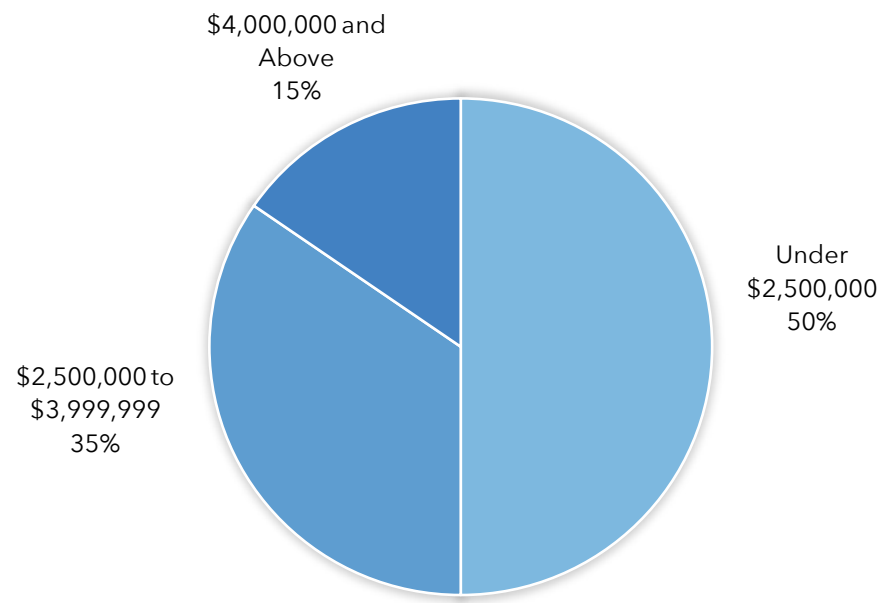


Figure 5. Ranges of 2018 Personnel Budgets (N = 26).

The average percentage of personnel to total budget by budget category is displayed in **Figure 6**. This graph provides a method to determine whether agencies with large budgets spend a disproportionate amount of their budget on personnel costs. From this graph it appears that average percentage of personnel to total budget is constant across budget categories with agencies spending an average of 87% of their total budgets on personnel costs.

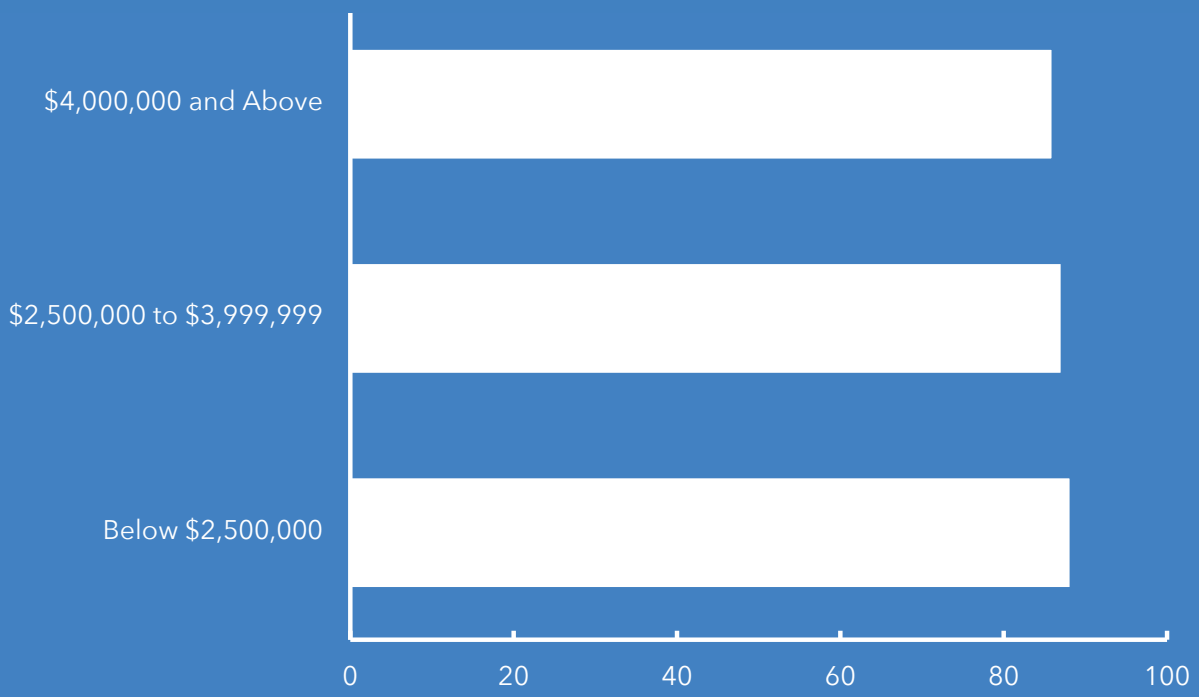


Figure 6. Average Percentage Personnel to Total Budget by Budget Category (N = 26).

STARTING SALARIES

The 2018 starting salaries of recently graduated law students hired as prosecutors in Tennessee ranged from a minimum of \$40,440 to a maximum of \$62,708. The average of the 25 responding offices was \$49,847.

CASE PROCESSING

In 2018, the offices surveyed reviewed on average 4,666 felony cases, resulting in 3,212 cases charged, 2,882 cases with at least one conviction, and 367 cases diverted. Further, on average, the offices reported reviewing 14,645 misdemeanor cases, resulting in 13,409 cases charged, 10,763 cases with at least one conviction, and 2,197 cases diverted. Finally, on average, the offices also reviewed 1,641 juvenile cases, resulting in 1,608 cases being charged, 962 cases with at least one conviction, and 683 cases diverted.

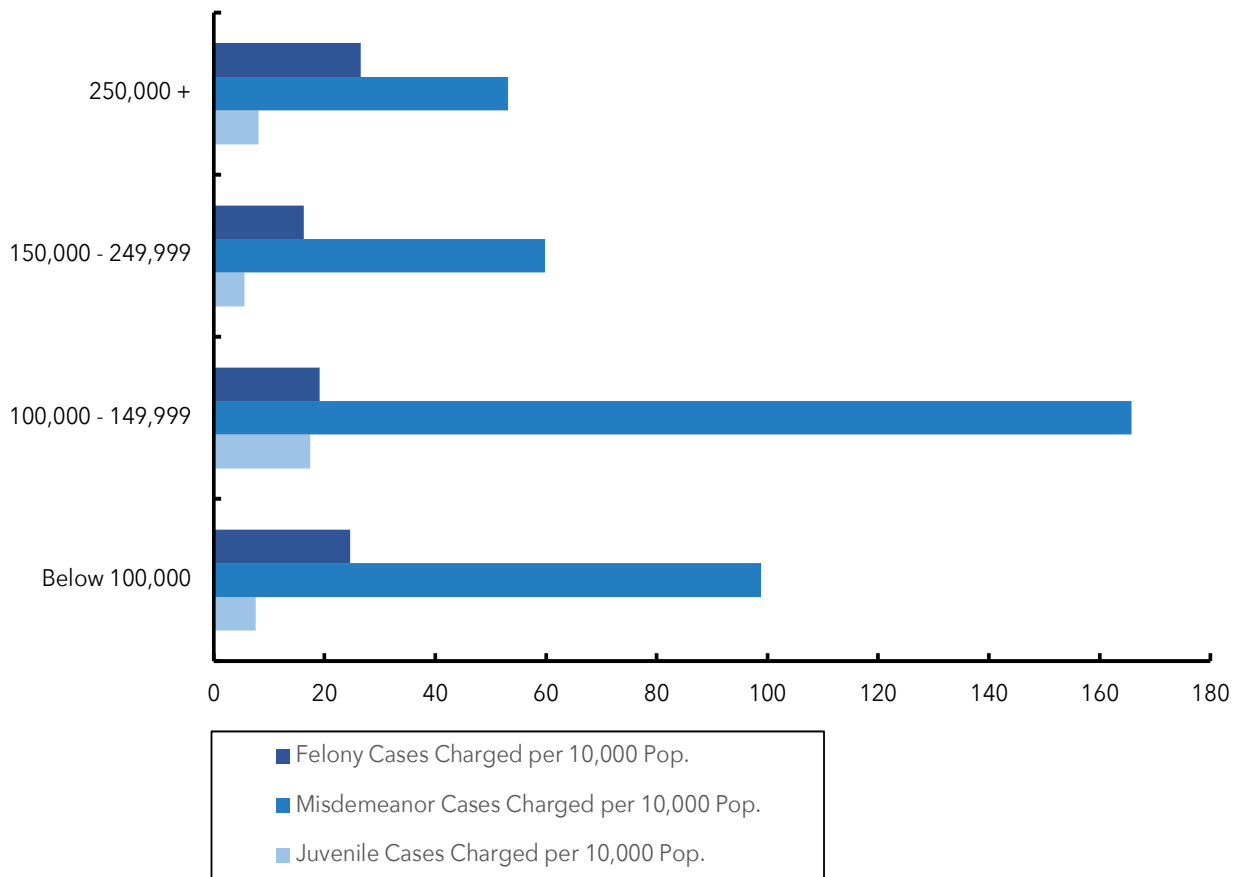


Figure 7. Cases Charged per 10,000 Population by Population Category (N = 25).

Figure 7 depicts the number of felonies, misdemeanors, and juvenile cases charged by district population category. Offices with 100,000 to 149,999 residents charged substantially more misdemeanor cases per capita than smaller and larger sized offices, while offices across all population categories charged a similar number of felonies and misdemeanors.

Figure 8 presents the average number of charged cases per full-time attorney for felonies, misdemeanors, and both felonies and misdemeanors combined. While these data are limited, the estimated workloads can provide a useful benchmark for agencies. Across reporting offices, there are an average of 306 charged felony cases per full-time attorney and 1,216 charged misdemeanor cases per full-time attorney. Overall, this resulted in an average of 1,522 charged misdemeanor and felony cases per full-time attorney.

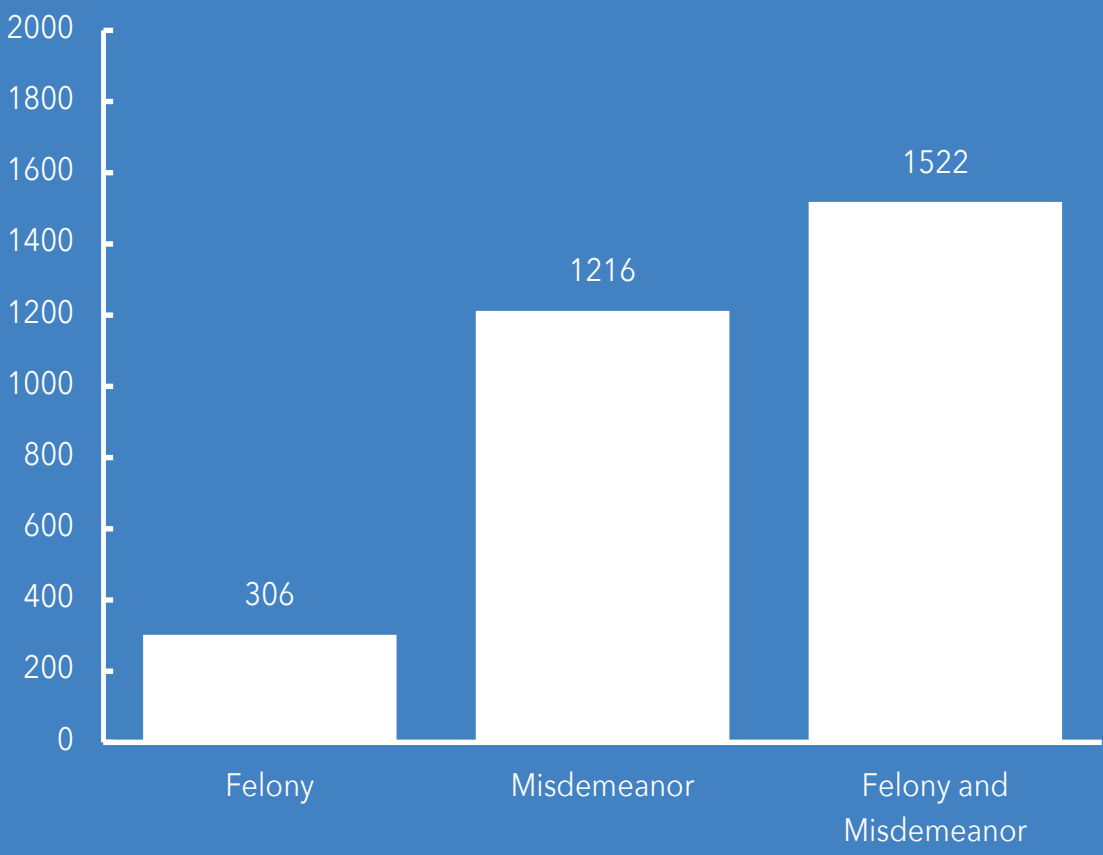
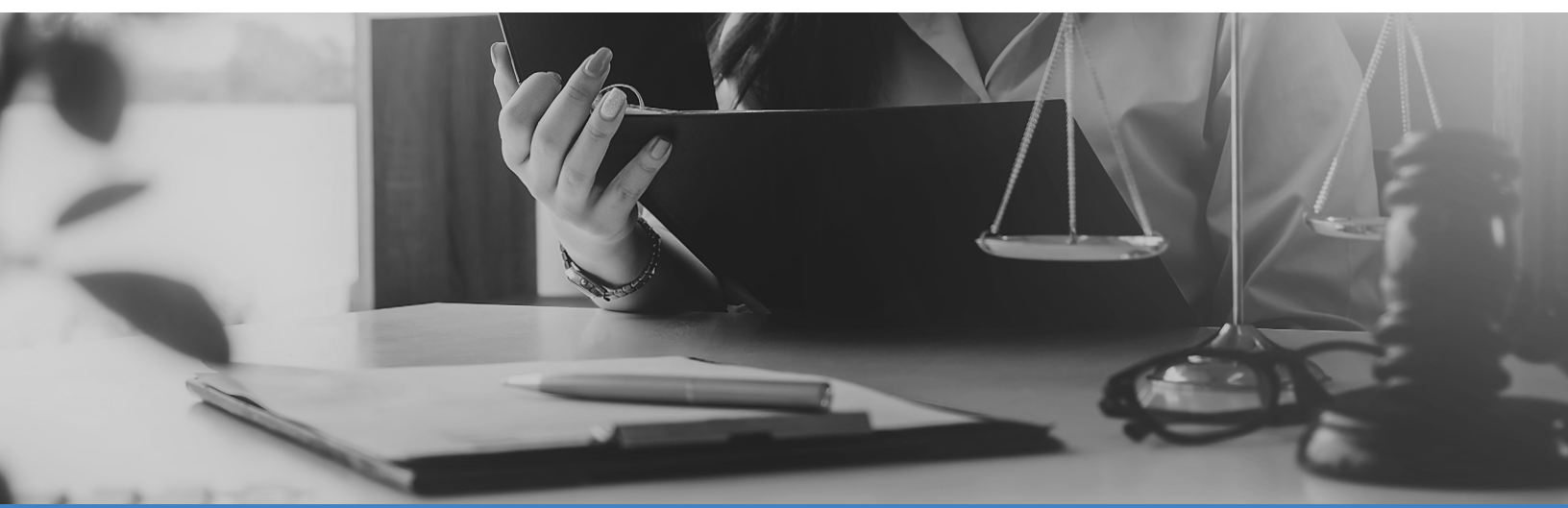


Figure 8. Average Number of Cases per Full-Time Attorney by Type of Case (N =20).



NUMBER OF EMPLOYEES

On average, prosecutors' offices in Tennessee reported employing 17.9 full-time and 0.08 part-time attorneys. These offices also reported employing 24.3 full-time and 0.5 part-time non-attorneys.

Figure 9 presents the number of full-time employees per 10,000 population by population category. Offices covering fewer than 100,000 residents have the highest number of full-time attorneys, non-attorneys, and total employees per 10,000 residents. Offices covering more than 250,000 residents have the lowest number of full-time attorneys, non-attorneys, and total employees per 10,000 residents.

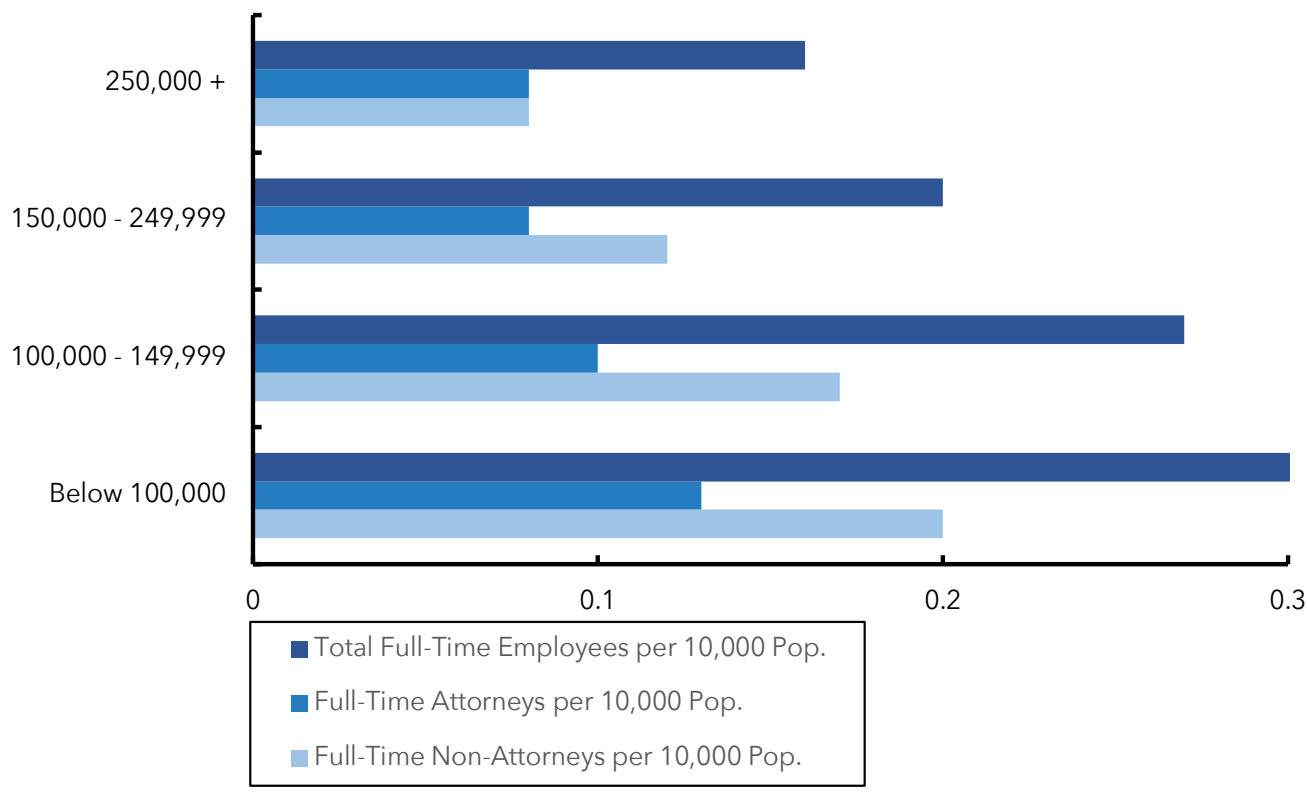


Figure 9. Full-Time Employees per 10,000 Population by Population Category (N = 26).

A different strategy for examining staffing information is to consider the ratio of staff to a measure of workload. **Figure 10** presents the average number of full-time employees per 1,000 felony and misdemeanor cases charged. Districts covering fewer than 100,000 residents have the most full-time employees, full-time attorneys, and full-time non-attorneys per 1,000 cases charged.

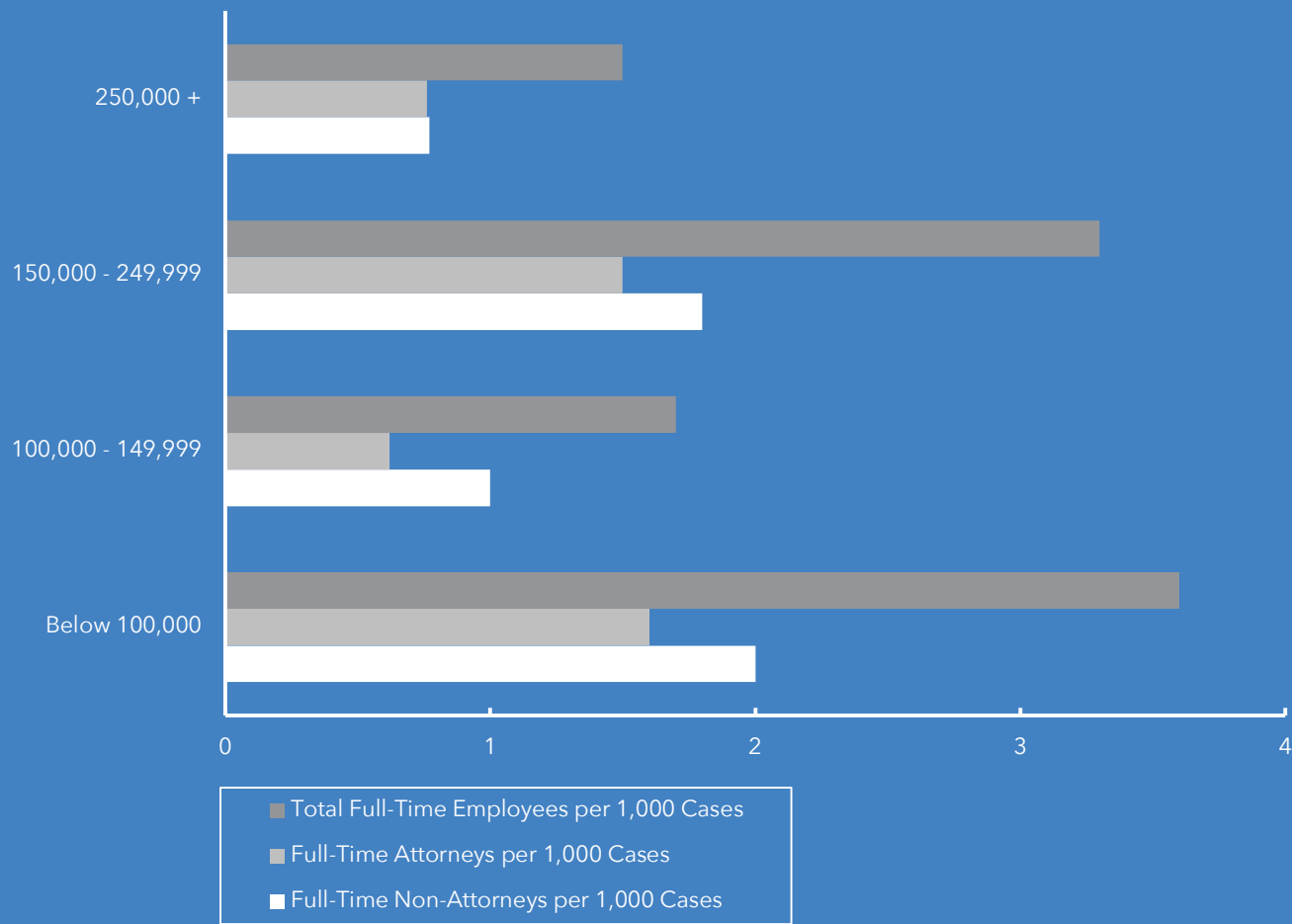


Figure 10. Average Number of Employees per 1,000 Felony and Misdemeanor Cases by Population Category (N = 26).



PROSECUTOR INITIATIVES

A total of 92% of offices reported engaging in problem solving courts or other programs that offer alternatives to incarceration in 2018. The majority of offices reported that individuals with offenses involving misdemeanors (91%), low-level felonies (83%), and non-violent felonies (71%) were eligible for participation in these programs. A smaller number of offices reported that offenders with violent felonies (22%) were eligible for these programs.

SPECIALTY COURTS

We asked respondents about nine different types of specialty courts: Drug courts, Veterans' courts, Mental Health courts, Human Trafficking courts, Homeless courts, Alcohol/Sobriety courts, Domestic Violence courts, Community courts, and Re-entry courts. **Figure 11** provides the frequency of districts with each type of specialty court in 2018. While all responding offices reported offering Drug courts (100%), fewer than half reported offering specialized Veterans' courts (40%), Mental Health courts (32%), Domestic Violence courts (20%), Alcohol/Driving Sobriety courts (20%), and Community courts (4%). No offices reported Human Trafficking, Re-entry, or Homeless courts.

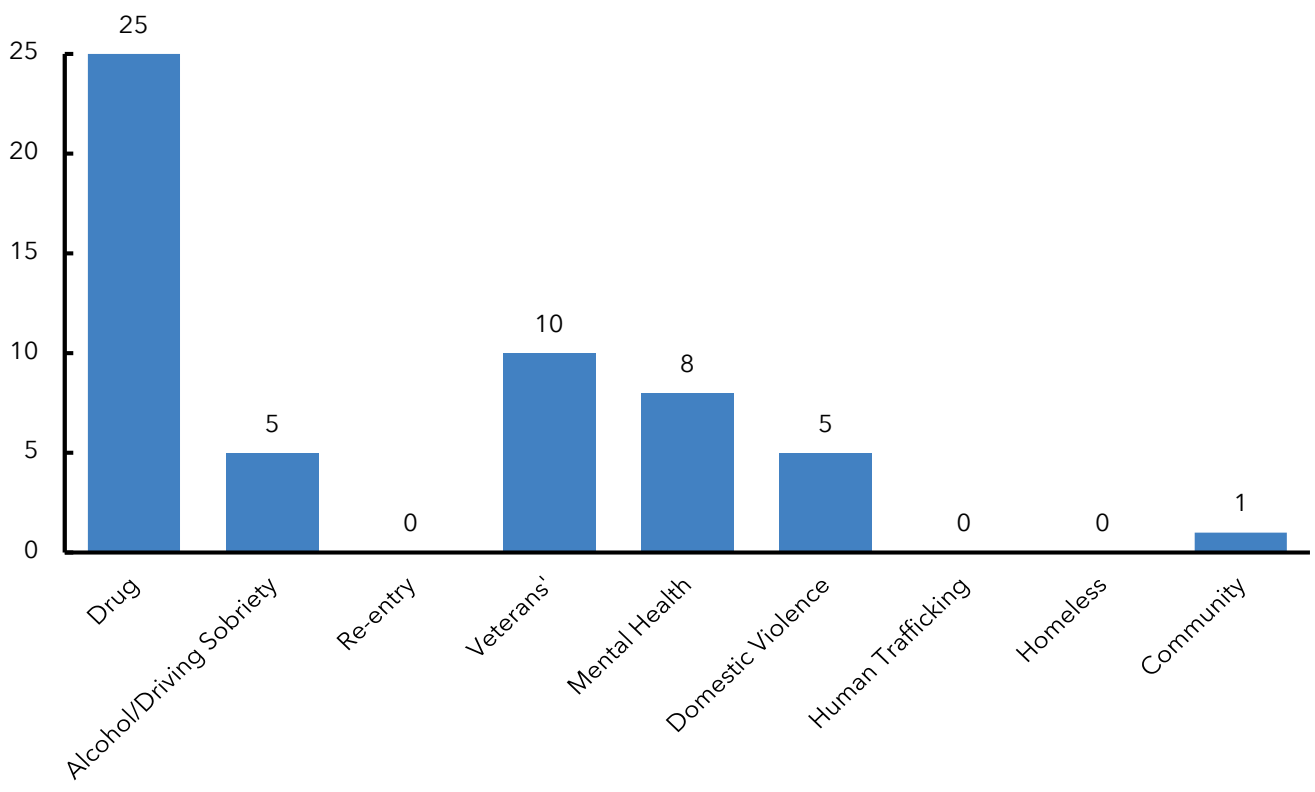
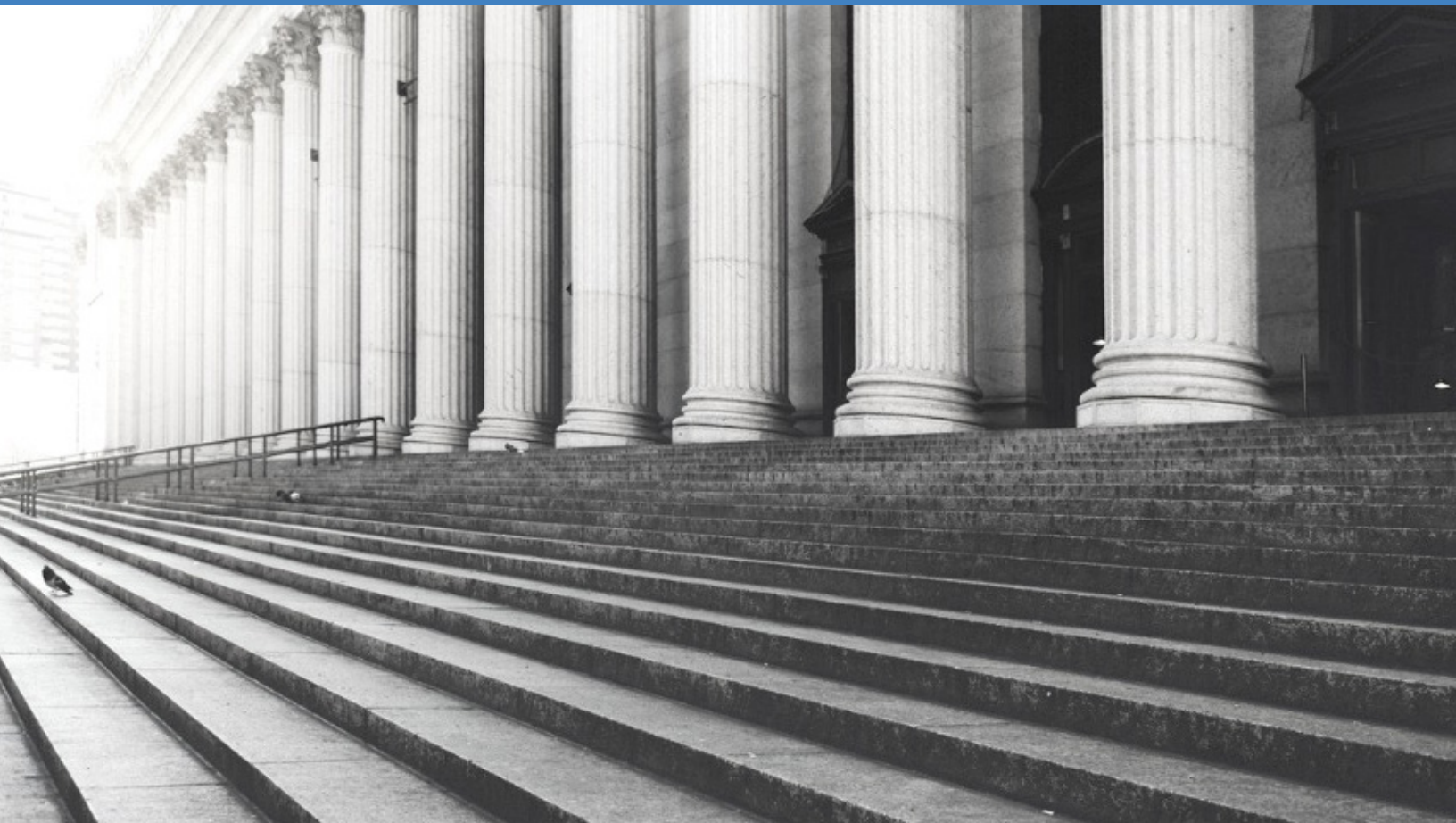


Figure 11. Number of Districts Reporting Specialty Courts by Type (N = 25).



Figure 12. Average Number of Specialty Court Types by Population Category (N = 26).

Figure 12 shows the number of specialty court types compared to the population category of the district. Districts with more than 250,000 residents have on average 3.8 special court types compared to about 1.4 to 2 types for the smaller population categories.





ALTERNATIVES TO INCARCERATION

We also asked whether the offices in each district offered alternatives to incarceration in 2018, as shown in **Figure 13**. Drug treatment (89%) and anger management (80%) were the most common offerings. Community service and training/education were offered in 72% of districts. Mental health services were offered in 68% of responding districts. Less often were restorative justice (12%) and deflection (8%) programs offered as alternatives to incarceration.

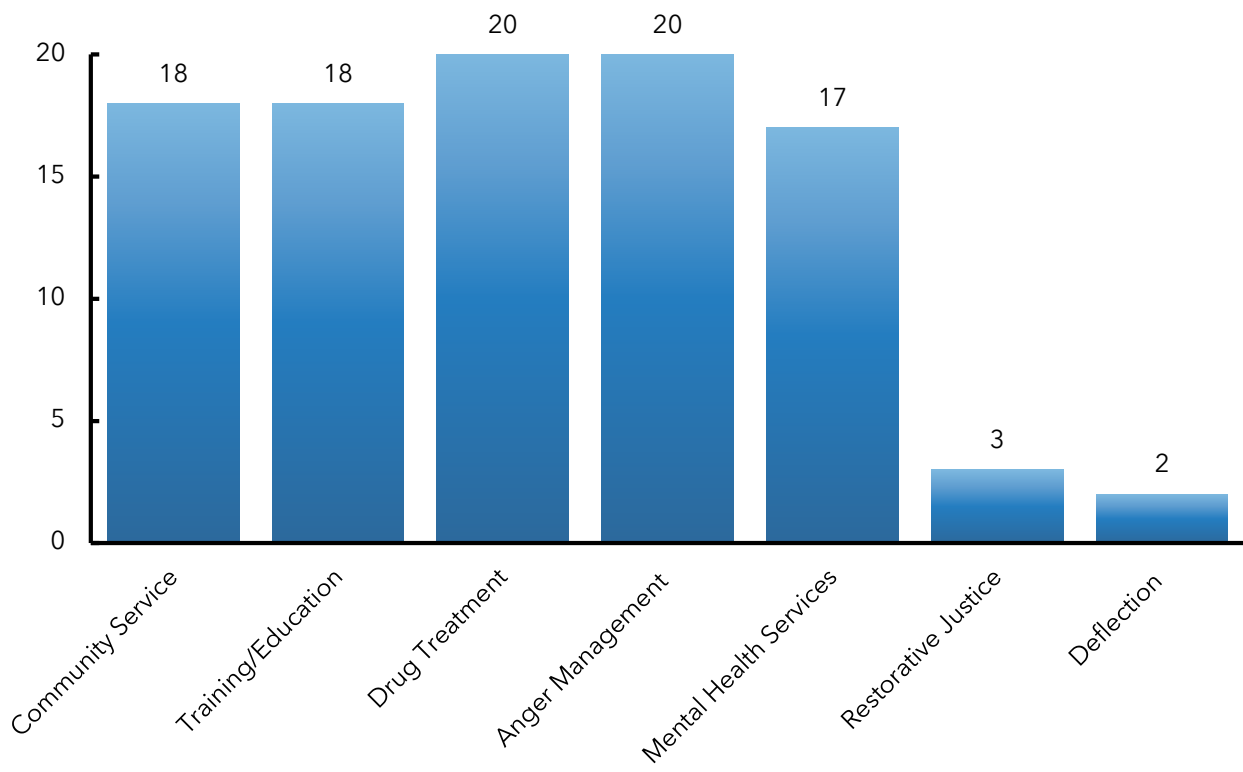


Figure 13. Number of Districts Reporting Alternatives to Incarceration by Type (N = 25).

SPECIALIZED PROGRAMS

Figure 14 presents the number of prosecutors' offices that reported operating specialized programs. The most common types of programs were Victim Assistance and Witness Assistance, which were reported by all responding offices. Slightly less common were Victim Services without Arrest (85%), Restitution (73%), and Community Prosecutors programs (50%). Less common were Conviction Review Units (31%) and Community Affairs Units (27%). Rarely did prosecutors' offices report running Crime Strategies Units (15%) and Victim/Witness Relocation programs (15%).

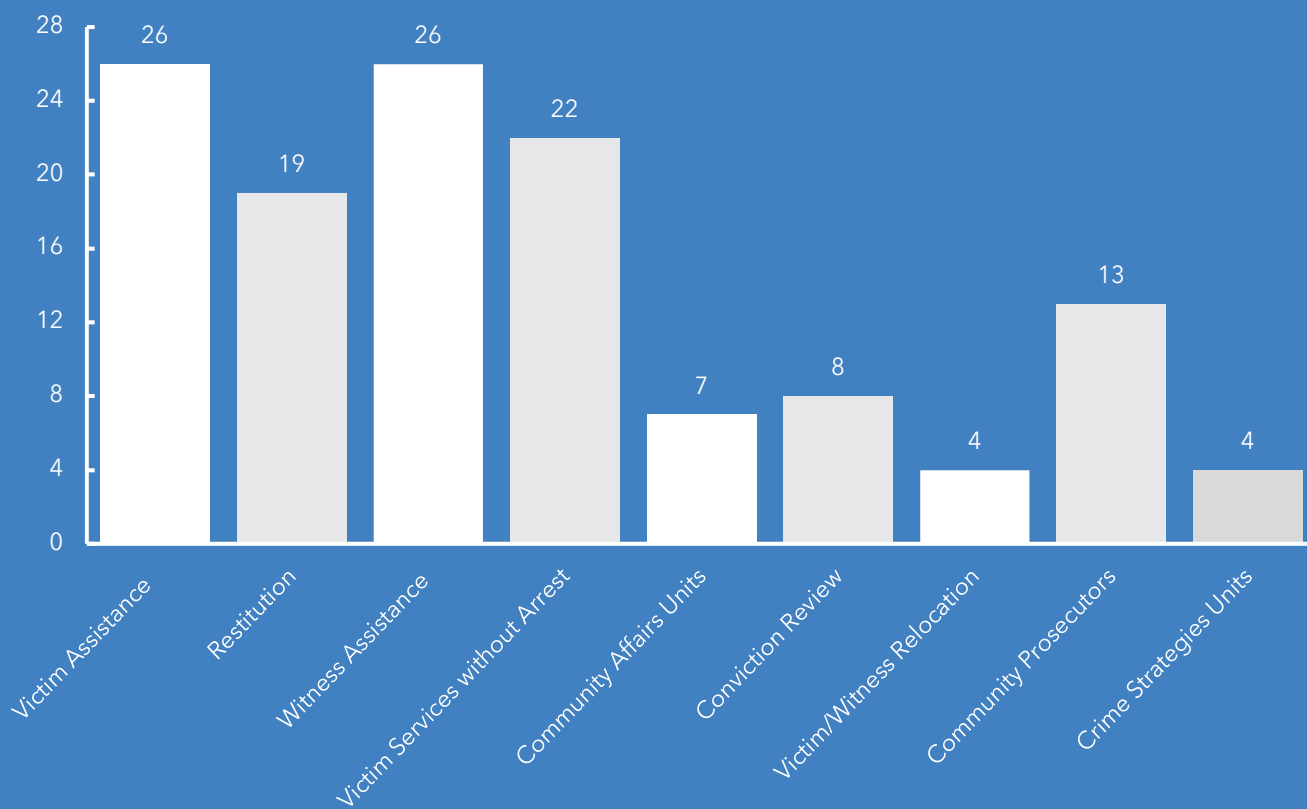


Figure 14. Districts Reporting Specialized Programs by Type (N = 26).



COMMUNITY PROGRAMS

Finally, we asked whether the Tennessee prosecutors' offices ran or participated in several different community programs. These results are presented in **Figure 15**. The majority of offices reported participating in Co-Located Child Abuse (73%), Youth Education (69%), Community Engagement (62%), Co-located Domestic Violence (54%), and Adult Education programs (50%). Slightly fewer offices reported participating in Violence Reduction programs (31%) and Truancy programs (23%). Considerably fewer offices reported participating in Re-entry (15%), Neighborhood Courts (15%), Neighborhood Clean-Up (8%), and Sports programs (4%). No offices reported participating in Children of Inmates programs.

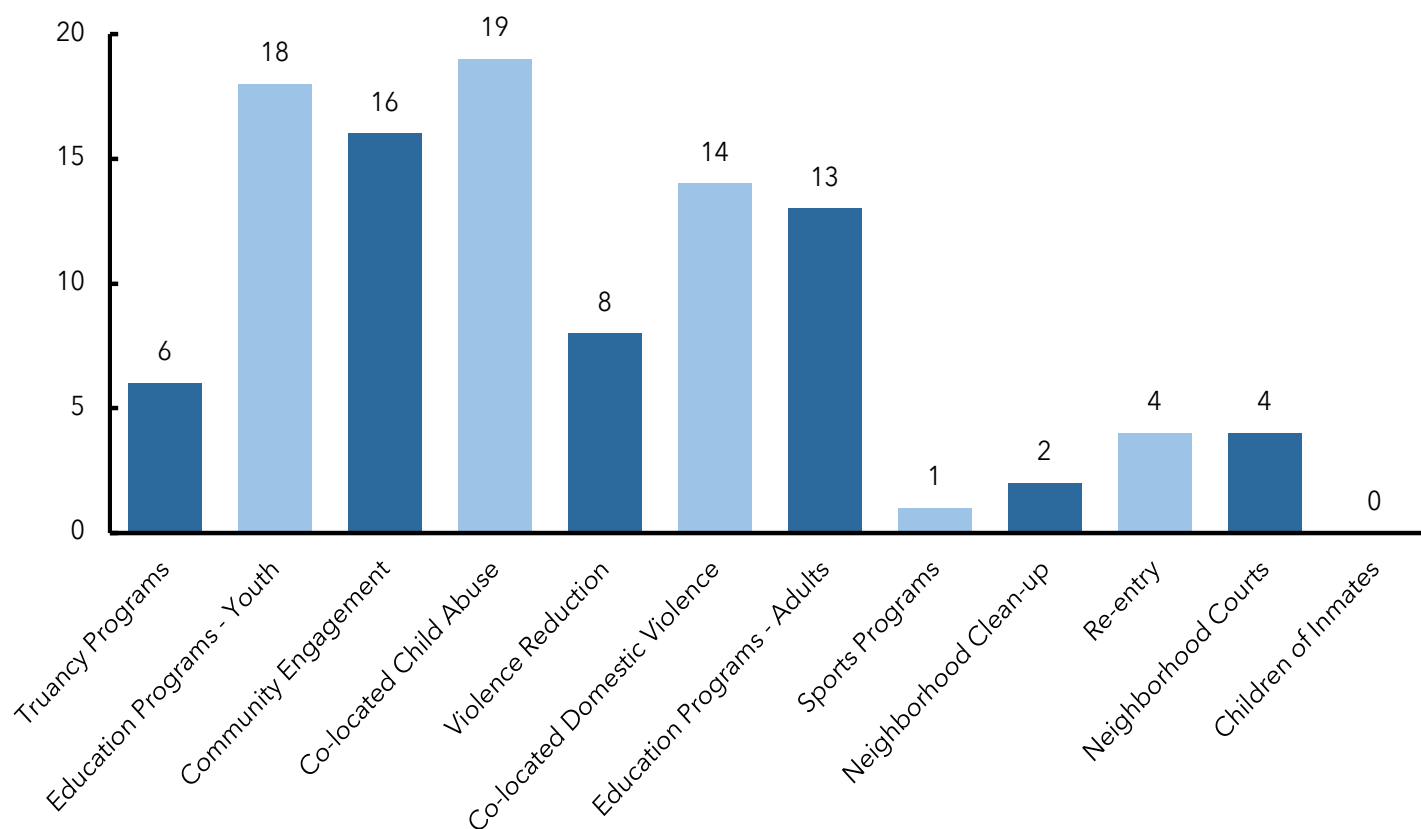


Figure 15. Participation in Community Programs by Type (N = 26).

TECHNOLOGY

In the following section, we asked respondents about the use of technology within their offices. Twelve percent (12%) of the offices responded that they have a technology unit responsible for the computers, data, software, and hardware functioning within their own office. Eighty-eight percent (88%) responded that they are using an electronic case management system, and 46% of the offices currently use electronic discovery. Ninety-two percent (92%) reported using technology in their courtrooms, and 50% reported having staff to support them with the use of this technology.

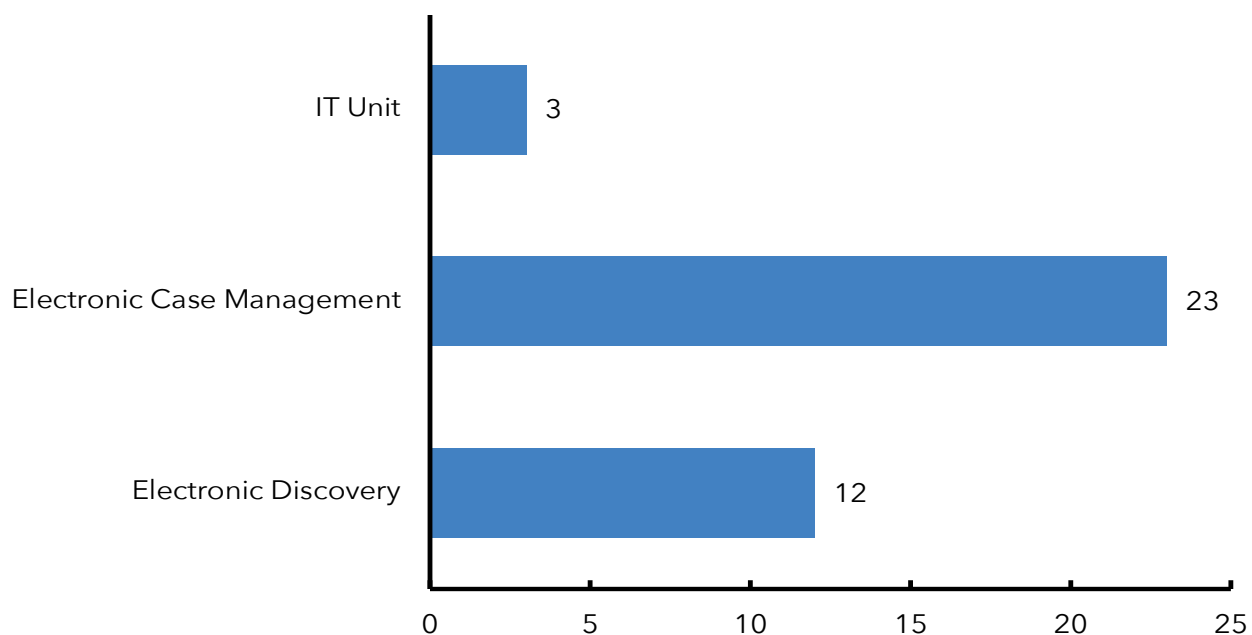


Figure 16. Technology Use within Prosecutors' Offices by Type (N = 26).



BODY-WORN CAMERAS

In addition, nearly all of the respondents (96%) reported having at least one police agency within their jurisdiction that has implemented a body-worn camera (BWC) program. **Figure 17** presents the method of delivery for BWC video. Of those receiving BWC video, 52% are using DVDs, 24% are using both cloud and DVD interfaces, and 8% are using cloud-based interfaces. Seventy-six percent (76%) of respondents reported needing additional staff to view and manage the evidence collected through BWCs.

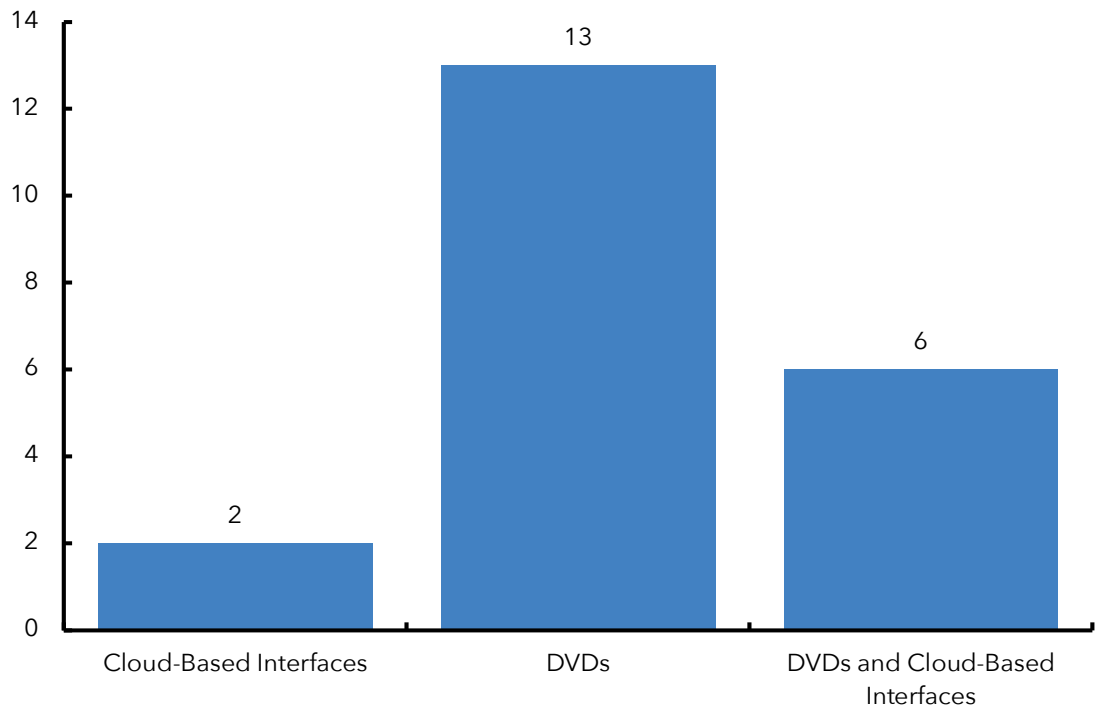


Figure 17. BWC Recordings Received by Prosecutors' Offices by Type (N = 25).

Figure 18 below shows the percentage of offices by jurisdiction size who stated that they need additional resources to review BWC footage. All jurisdictions covering more than 250,000 residents stated that they needed additional resources. Eighty-three percent (83%) of offices with 100,000 149,000, 75% of offices with 150,000 to 249,999 residents, and half of offices with fewer than 100,000 residents reported needing additional resources for reviewing BWC footage.

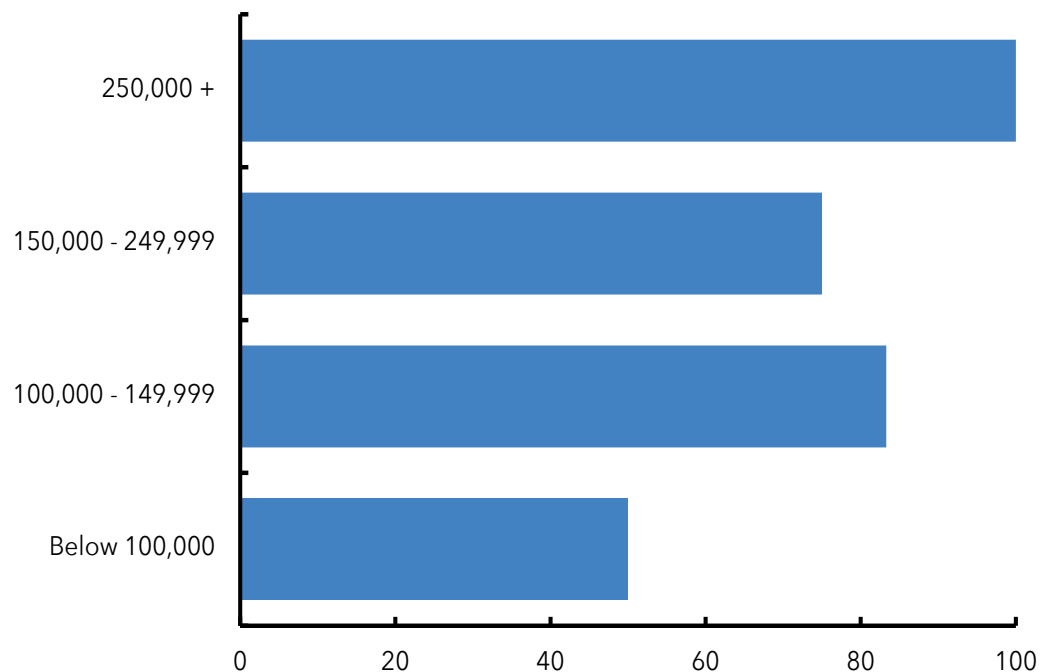


Figure 18. Need for Additional Staff to Review BWC Footage by Jurisdiction Size (N = 25).

WEBSITES

Asked what they share with the public online, 31% of survey respondents reported having office websites and 88% reported updating their websites routinely (monthly, quarterly, or annually).

RESEARCH

A minority of the responding offices reported engaging in research and analysis. Eight percent (8%) of offices reported involvement in a research project in the last two years with a university, college, consultant, or independent research firm.

Forty-six percent (46%) reported analyzing crime data, caseloads, or other types of information routinely on a monthly, quarterly, or annual basis. Twelve percent (12%) of responding offices provide an annual report to the public on the work of the office.

Fifty-eight percent (58%) of the responding districts have participated in major U.S. Department of Justice grant-based programs. Sixty-seven percent (67%) of offices have participated in Federal Victims of Crime Act programs. Fifty-three percent (53%) of offices have participated in Project Safe Neighborhood programs and Violence Against Women Act programs. Thirteen percent (13%) reported participating in Violence Reduction Networks and Smart Prosecution Initiatives.



CONCLUSIONS

The statewide survey administered by JSS and PCE provides many insights into the day-to-day functioning of Tennessee prosecutors' offices. From the wide range of submissions from Tennessee districts thus far, there are a number of trends emerging as well as the existence of various outliers.

From the survey, we can determine that all responding Tennessee prosecutors' offices handle felonies, misdemeanors, and juvenile cases, and that the majority also handle infractions and civil matters.

All of the responding prosecutors' offices have elected Chief Prosecutors serving an average of 12 years. Sixty-nine percent (69%) of the offices have budgets under \$4 million, and 85% have personnel budgets under \$4 million. The number of full-time employees per 10,000 population is highest for the smallest districts.

The per capita rates of felony and juvenile cases charged is higher for the smallest population categories. The largest population category (above 250,000 residents) had the lowest number of full-time employees and full-time non-attorneys per capita.

It is apparent that nearly all offices offer specialized or problem-solving courts and some courts are significantly more common than others. While all

responding offices reported offering Drug courts, fewer offices reported offering Veterans', Mental Health, and Domestic Violence courts. No offices reported Human Trafficking, Re-entry, or Homeless court.

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Most offices reported running specialized programs. The most common specialized programs offered fell under the headings of Victim Assistance and Witness Assistance programs, which were reported by all offices. On the other hand, only a few offices offered Victim/Witness Relocation and Crime Strategies Units.

The majority of respondents reported providing specific community programs to the areas they serve. The most common offerings were Co-located Child Abuse, Youth Education, and Community Engagement programs.

This research has provided great insight into the basic needs of prosecutors' offices. Further research based on these findings should focus on prosecutors' caseloads. Specifically, researchers should continue to investigate ideal caseloads for prosecutors and evaluate proper resource management.