

Overview of the Criminal Justice System in Tennessee

Tennessee's criminal justice system includes a range of city and county law enforcement agencies, a prosecution arm, a public defense system, the state judiciary, local and state corrections, and a range of for-profit and non-profit service providers. Eight departments of state government, as well as numerous other state entities, provide everything from direct service delivery for state prisoners in residential settings to support for state prosecutors and public defenders and wrap around services for some of Tennessee's most vulnerable populations, victims of crime. While law enforcement in Tennessee's 95 counties remains mostly a responsibility of local government, Tennessee has an effective array of state public safety and law enforcement agencies, such as the Tennessee Bureau of Investigation and the Tennessee Department of Safety and Homeland Security.

Components of the Tennessee Criminal Justice System

Local Law Enforcement: The initial response of the criminal justice system begins with law enforcement. Currently there are over 300 municipal police departments, 95 county-elected Sheriffs and sheriff's departments, 27 judicial district drug task forces as well as state level law enforcement agencies throughout Tennessee. Sheriffs' offices provide law enforcement to many unincorporated and numerous rural parts of the state. Beyond the role of providing law enforcement to significant portions of the state, Sheriffs also administer Tennessee's county jail system. Other important functions of the Sheriffs include court security and delivery of civil process.

Prosecution: In Tennessee each of the state's 31 judicial districts is represented by a District Attorney General (DAG) elected for a term of eight years. The district DAGs are responsible for the prosecution of criminal cases on behalf of the state. The DAG Offices include assistant district attorneys general to assist these chief prosecutors, criminal investigators, victim witness coordinators and assistants, and other support personnel. In 27 of the 31 judicial districts, the District Attorney General oversees a Judicial District Drug and Violent Crime Task Force. Tennessee's Multi-Jurisdictional Drug and Violent Crime Task Forces were created in the late 1980's as a direct response to the federal enactment of the anti-drug abuse acts of 1986 and 1988. They are supported by grants from the Byrne Grant, fines and penalties, and assets forfeiture monies. The model for the Task Force structure followed in Tennessee closely adheres to the structure promoted at the federal level. The Task Force structure promotes an improved response to drug trafficking and drug-related crimes by facilitating the integration of previously fragmented law enforcement services. Through the use of a mutual aid agreement, single local law enforcement agencies can pool resources with other law enforcement agencies and work more effectively with federal agencies and other segments of the criminal justice system.

Public Defense: Tennessee's public defenders represent indigent persons accused of crime. There are twenty-nine district public defenders in Tennessee and two local public defenders – in Shelby and Davidson Counties (Memphis and Nashville). District public defenders are elected by the citizens of their judicial districts and serve eight-year terms. Public defenders and their assistants are licensed attorneys, duly admitted to practice law before the courts of Tennessee. If a person is charged with a crime that carries a possible jail sentence, and he or she cannot afford an attorney, one will be appointed by the court. In most cases, it will be the local public defender. Criminal investigators are also an important part of the public defender team. Investigators assist the lawyers in analyzing evidence and preparing the case for trial.

Tennessee Bureau of Investigation (TBI) is an independent agency of state government. TBI is accountable to the District Attorneys General and to the Judiciary for its performance of services, and to the Executive and Legislative branches for its support functions. The TBI has the statutory authority to investigate any criminal violation upon the request of the District Attorney General for that judicial district. Moreover, the TBI has original jurisdiction over violations of narcotics laws, fugitive investigations, organized crime, public corruption, official misconduct, Medicaid/TennCare fraud and patient abuse in any Medicaid-receiving facility. The TBI assists local law enforcement agencies with investigations at their request and cooperates with federal law enforcement agencies on joint investigations. TBI also provides support services for local law enforcement agencies, such as forensic crime lab services and information systems that provide statewide access to a wide variety of crime information.

Tennessee Department of Safety and Homeland Security also operates at the state level. Tennessee's first State Police Force was created in 1919, and patterned after the historic Texas Rangers. A decade later Governor Henry Horton created the Tennessee Highway Patrol, as an offshoot of the State Police Force. The department itself was established by the General Assembly in 1939. TDSHS has experienced significant development since then. Today, the department and its highly trained state troopers and enforcement officers are responsible for safety on more than 15,000 miles of state and federal highways.

Court System: Tennessee does not have a unified court system. The following delineates the various levels of the court system and the Administrative Office of the Courts provides administrative services to the various systems:

- **Tennessee Supreme Court** is the state's highest court, and the court of last resort. The five Supreme Court justices hear appeals of decisions from other courts and interpret the laws and Constitutions of Tennessee and the United States. Justices are elected on a "yes-no" vote every eight years.
- **Intermediate Appellate Courts:** The 12-member Court of Appeals hears most appeals of civil (i.e., non-criminal) cases from lower courts. All final decisions of the Court of Appeals may be appealed to the Tennessee Supreme Court. The Court of Appeals meets in Knoxville, Nashville and Jackson, sitting in panels of three judges.
- **Court of Criminal Appeals** hears trial court appeals in felony and misdemeanor criminal cases. Panels of three judges sit monthly in Jackson, Knoxville and Nashville to hear cases. As with the Court of Appeals, the Court of Criminal Appeals meets at other places and times as necessary. Also like the Court of Appeals, the Court of Criminal Appeals does not conduct trials. Instead, the records of the original trials in lower courts are reviewed; attorneys present the legal issues.
- **Trial Courts:** Tennessee's 95 counties are divided into 31 judicial districts. Within each district are Circuit Courts and Chancery Courts as provided by the state Constitution. Some districts also have legislatively established Criminal Courts. Judges of these courts are elected to eight-year terms. Circuit Courts are courts of general jurisdiction in Tennessee. Circuit judges hear civil and criminal cases and appeals of decisions from City, Juvenile, Municipal and General Sessions courts. The jurisdiction of Circuit Courts often overlaps

that of the Chancery Courts. Criminal cases are tried in Circuit Court except in districts with separate Criminal Courts established by the General Assembly.

- ***Courts of Limited Jurisdiction:*** General Sessions Court jurisdiction varies from county to county, based on state laws and private acts. This court, which hears civil and criminal cases, including matters formerly handled by justices of the peace, serves every county. Civil jurisdiction is restricted to specific monetary limits and types of actions. Criminal jurisdiction is limited to preliminary hearings in felony cases and misdemeanor trials in which a defendant waives the right to a grand jury investigation and trial by jury in Circuit or Criminal Court. General Sessions judges also serve as juvenile judges, except in counties where the legislature has established a separate Juvenile Court. General Sessions judges are elected to eight-year terms. Juvenile Court jurisdiction is vested in General Sessions Courts in all counties except those in which the law establishes special Juvenile Courts. Juvenile Courts have exclusive jurisdiction in proceedings involving minors alleged to be delinquent, unruly, dependent and neglected. Juvenile Courts also have concurrent jurisdiction with Circuit, Chancery and Probate Courts in some areas. Municipal Court, also known as city court, has jurisdiction in cases involving violations of city ordinances. Generally, a city judge has authority to assess fines up to \$50 and jail sentences up to 30 days. However, jurisdiction varies widely from city to city. There are now however a number of municipal courts with jurisdiction over some criminal cases.

Office of the Attorney General and Reporter was established by Article VI, Section 5 of the Tennessee Constitution. The justices of the Tennessee Supreme Court appoint the attorney general (AG) for an eight-year term. The attorney general is the chief legal officer of the state. Through the AG's staff, the Attorney General represents the interests of the state in a variety of areas. The attorney general represents officers and agencies of the state in all civil litigation before state and federal courts. The attorney general prosecutes all criminal cases in the appellate courts and exercises original prosecution powers in the areas of securities and state contract fraud. The AG also has the authority to institute ouster proceedings and civil actions for antitrust violations, consumer fraud and environmental enforcement. In addition to courtroom duties, the attorney general provides legal advice to state departments and agencies and the General Assembly.

Correction: Corrections in Tennessee is not one unified system, but a group of independently operating entities; jails, prisons, and probation and parole offices. As with law enforcement, correctional activities are organized, administered and financed by local and state jurisdictions. In general, the State of Tennessee administers those convicted of felonies (serving a year or more).

- ***State Department of Correction (DOC)*** maintains thirteen facilities for men and women across the state, of those three are managed privately by Corrections Corporation of America.
- ***County jails*** are administered by sheriffs. They serve two purposes: (1) housing people who have been arrested for a crime and are awaiting trial and (2) housing offenders who have been convicted of misdemeanors and sentenced to less than one year of incarceration. Other lock-ups exist as short-term holding facilities pending transfer.

The remaining departments of Tennessee State government directly responsible for components of the criminal justice system are as follows:

- ***Finance and Administration, Office of Criminal Justice Programs*** (S.A.A. for Department of Justice) – OCJP is the State Administrative Agency (SAA) for many U.S. Department of Justice programs. In addition, OCJP administers Federal Department of Health and Human Services grant dollars as well as several grant programs supported by state-appropriated dollars. The Tennessee Department of Finance and Administration is the umbrella fiscal, budgetary, and administrative overhead and oversight agency for Tennessee state government.
- ***Department of Children’s Services*** - The Department of Children’s Services, created in 1996, consolidated all services to children formerly provided by multiple departments. While all the department’s services are important, those of particular interest to OCJP are programs for delinquent youth, probation, aftercare, treatment, and rehabilitation programs for identified youth and those providing services to children who are victims of crime.
- ***Commission on Children and Youth*** – The Tennessee Commission on Children and Youth (TCCY) is an independent state agency that advocates for improvement in the quality of life for children and families; collects and disseminates information on children and families for the planning and coordination of policies, programs and services; administers the federal Juvenile Justice and Delinquency Prevention Act (OJJDP) in Tennessee.
- ***Department of Health*** - The Department of Health plays a crucial role in Tennessee’s efforts to fight crime and delinquency in addition to its role of pursuing a broad public health agenda. As the agency of state government tasked with the prescription monitoring program they are key to the State’s efforts to identify prescription drug abuse. This department also oversees the childhood fatality review board, maternal mortality review committee and the Rape Prevention and Education federal funding.
- ***Department of Mental Health and Substance Abuse Services*** - The Tennessee Department of Mental Health and Substance Abuse Services is an important partner in facilitating reform within Tennessee’s criminal justice system. Important crossover issues such as the mentally ill in jails and prisons and responding to underlying mental illness among drug and chemical abusers are examples of shared agendas. As the agency of state government tasked with targeting substance abuse and chemical dependence, it directs an important part of Tennessee’s efforts to combat drug-related crime and delinquency through prevention efforts aimed at youth and adults. Treatment, intervention and rehabilitation services for thousands of Tennesseans are provided each year through outpatient and residential treatment facilities across the state. In addition, this department oversees and provides funding for the State’s Recovery Courts (known nationally as Drug Courts) and Veteran’s Courts.