



EXECUTIVE SUMMARY

Shelby County Criminal Justice System *March 2025*

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Comptroller of the Treasury



**OFFICE OF RESEARCH &
EDUCATION ACCOUNTABILITY**

Introduction

On February 28, 2024, Lieutenant Governor Randy McNally sent a letter requesting that the Comptroller of the Treasury and the Administrative Office of the Courts investigate the criminal justice system in Shelby County.^A In his letter, the Lieutenant Governor expressed concerns about:

1. The length of time it takes to dispose of cases.
2. The number of career criminals committing additional crimes while awaiting case disposition.
3. The apparent discrepancy between the charges at arrest and the charges for which defendants are prosecuted.
4. The final disposition of cases not meting out proportional judgment, resulting in an overall lack of deterrent to crime.

The Shelby County criminal justice system is extraordinarily complex, involving numerous agencies, departments, offices, and officials at the state and local government levels. These various entities fall into three broad categories: law enforcement, the courts, and corrections. Given the concerns identified in the Lieutenant Governor's request letter, this report largely focuses on the second category: the courts.

The courts category in Shelby County can be divided into three phases: General Sessions Court, the grand jury, and Criminal Court. A criminal case can follow many paths within and through these three phases.

Over the past year, OREA interviewed over 70 individuals, spent over 100 hours at the Shelby County Criminal Justice Center conducting research and observing court proceedings, and obtained and analyzed datasets from at least 22 state and local entities.^B

Two lenses of analysis: sample of cases and aggregate data

For each of the four concerns cited in the Lieutenant Governor's request letter, OREA analyzed the Shelby County criminal justice system through two lenses: 1) a sample of cases and 2) aggregate data.

Sample of cases

OREA observed a sample of cases in Shelby County's General Sessions Court and Criminal Court between August 1 and September 24, 2024.^C A total of 1,033 cases were observed and recorded, with 417 cases observed in General Sessions Court and 616 cases observed in Criminal Court. From these cases, OREA created a sample of cases that were disposed during observations. Of the 145 cases disposed, 97 were disposed in General Sessions Court and 48 were disposed in Criminal Court.

^A The Tennessee Administrative Office of the Courts (AOC) has no investigative authority over Tennessee courts or the criminal justice system. As such, the AOC assisted OREA with procuring data in production of this report.

^B State and local entities involved in the criminal justice system were given the opportunity to review OREA's report and provide feedback prior to publication. See page 2 of the full report for more details.

^C In General Sessions Court, cases were observed in eight of the nine divisions. Division 14, which primarily focuses on local ordinances related to traffic or environmental violations, was excluded because it does not typically process felony charges. In Criminal Court, cases were observed in all nine divisions.

The more than 1,030 cases observed represent a fraction of the cases heard in these courtrooms on any given day. Across all eight General Sessions courtrooms that hear felony cases, more than 480 cases are heard daily. In the nine Criminal Court courtrooms, this number rises to over 500 cases heard daily.^D

Aggregate data

In addition to analyzing a sample of cases, OREA also analyzed thousands of felony charges filed in Shelby County Criminal Court between January 1, 2018, and June 30, 2024. When possible, OREA compared these charges to felony charges filed in the 10 other most populated counties in Tennessee over the same time period.^E

OREA planned to use the data provided by the General Sessions and Criminal Court Clerks to analyze felony charges against defendants whose cases were processed by both courts. This was not possible because there is not a unique identifier attached to a case as it progresses through both courts. Instead, when a case leaves General Sessions Court and is transferred to Criminal Court, a new case number is entered in Criminal Court. Given the lack of a unique identifier, OREA's analysis of aggregate data is limited to Criminal Court.

Almost all of the observed cases that were disposed in General Sessions Court were disposed within 266 days, or nine months

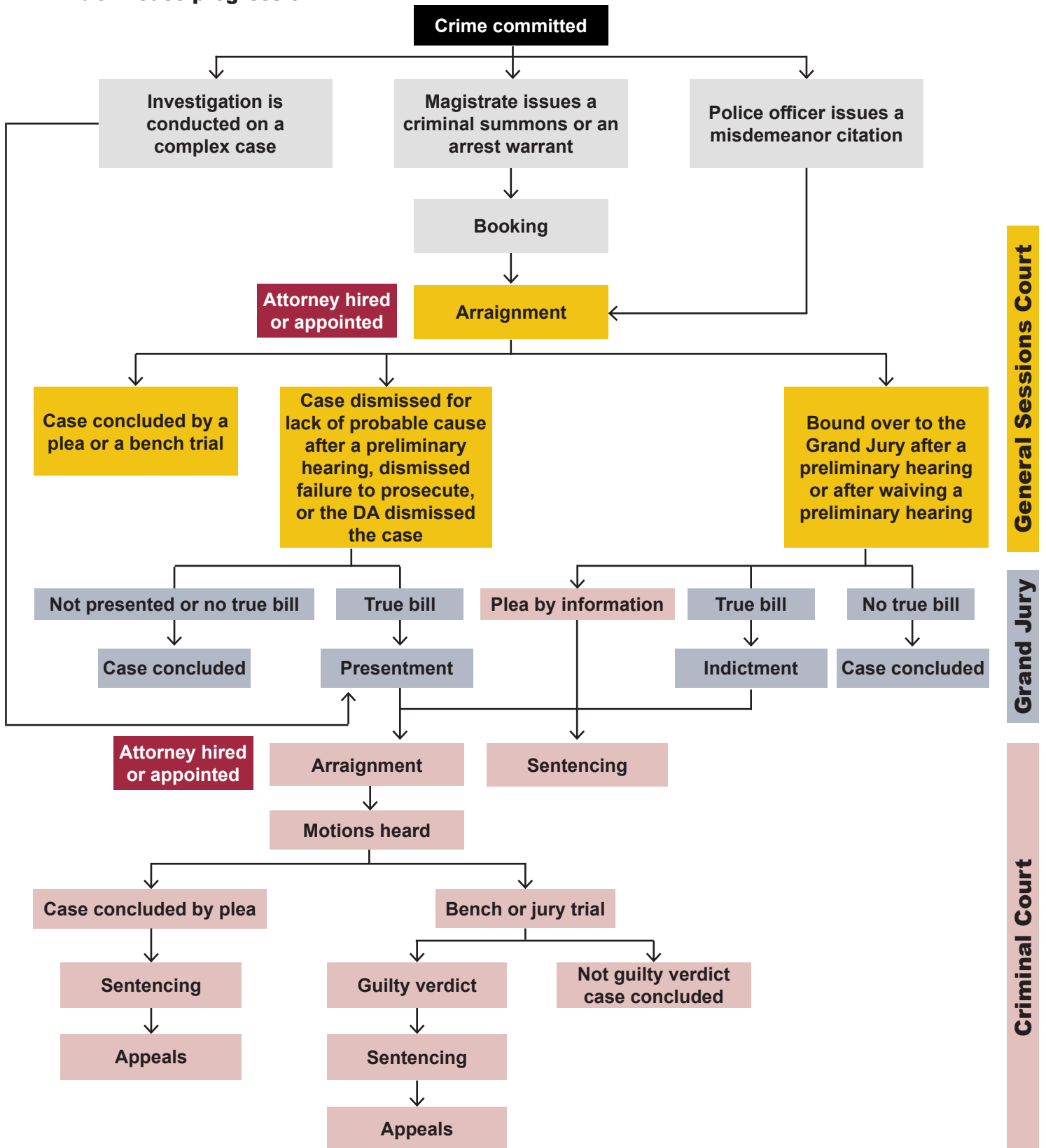
OREA observed 97 cases that were disposed in General Sessions Court. For 77 of these cases, OREA collected additional data to analyze the length of time each case spent from introduction to disposition.^F The median age of all observed cases was 63 days. This indicates that half of the observed General Sessions cases were disposed in just over two months. Nearly all the cases observed were disposed within 266 days, or nine months. A quarter of cases were resolved in 37 days or fewer. For additional information, see Exhibit 2 on page 10 of the full report.

^D The observation data gathered by OREA, while valid for the information and cases highlighted in this report, should be considered illustrative more than generalizable.

^E The 11 counties analyzed in this report, listed in order of population from largest to smallest, are Shelby, Davidson, Knox, Hamilton, Rutherford, Willamson, Montgomery, Sumner, Wilson, Sullivan, and Blount.

^F OREA used the online Criminal Justice Information System (CJIS) portal to find case information for cases that were disposed of during OREA's court observations. Court clerks maintain CJIS and update the portal with case information (motions, attorney appointments, hearings, affidavits) as cases move through the criminal justice system. Twenty cases were not present in CJIS when OREA attempted to retrieve the files; these cases were all dismissed during observation. For certain charges, defendants have the right to expunge charges after dismissal.

Exhibit 1: Case progression



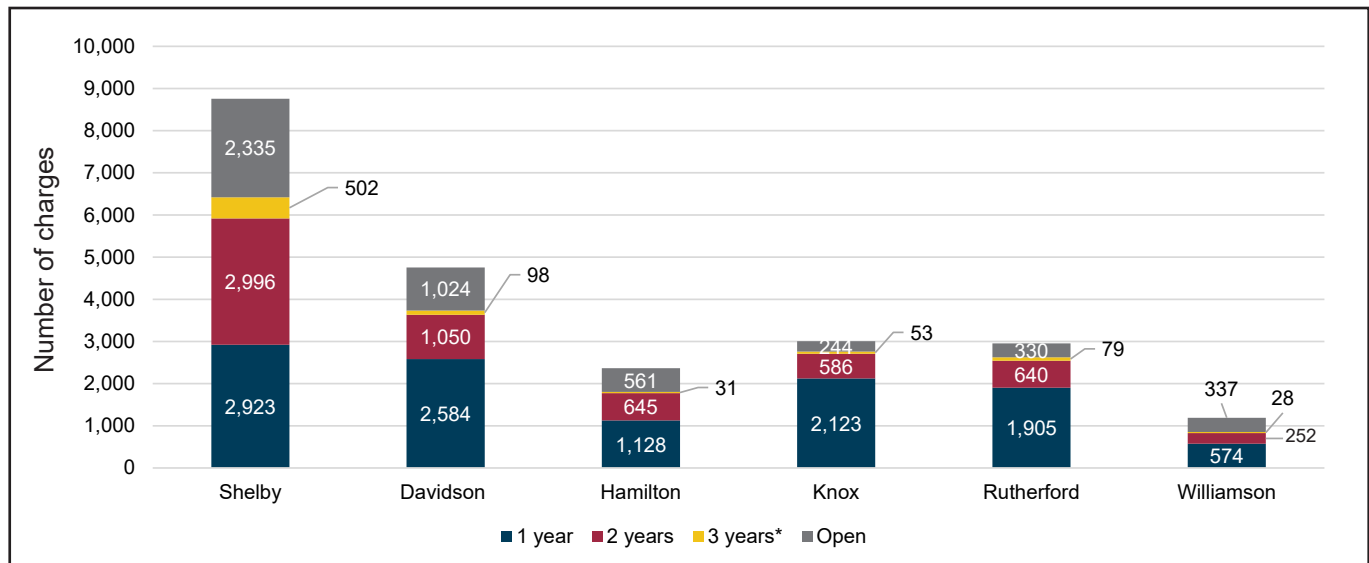
Source: OREA adaptation of flow chart created by the Knox County District Attorney General's Office.

Shelby County's Criminal Court has disposed of a higher number of felony charges, but a lower percentage, compared to other Tennessee counties

OREA analyzed felony charges filed in 2022 in Shelby County's Criminal Court and the five other most populated counties in Tennessee. As shown in Exhibit 2, Shelby County disposed of 2,923 felony charges within one year, which was slightly more than the number of felony charges disposed in Davidson County within one year (2,584 charges). Within two years, Shelby County disposed of an additional 2,996 charges, nearly triple the number of additional charges disposed in Davidson County (1,050 charges).

However, Shelby County had the largest number of open charges (2,335), significantly higher than any other county; Davidson County has less than half the number of open charges (1,024) as Shelby. Knox and Rutherford Counties process charges more efficiently, with a higher proportion of charges disposed within a year and fewer open charges relative to the total filed charges.

Exhibit 2: The number of felony charges disposed of within one, two, and three years by county | Charges filed 2022



Notes: *(1) The data used to create this exhibit is current as of July 1, 2024. As a result, charges filed in 2022 that were still pending as of July 1, 2024, may have been disposed within three years but are included in the open category of this exhibit. (2) The number of felony charges filed in 2022 in Shelby County's Criminal Court differ from other exhibits in this report because this exhibit includes charges that were disposed through diversion.

Source: OREA analysis of data provided by the Shelby County Criminal Court Clerk's Office.

Seven of the 95 defendants in OREA's sample were arrested for a new offense while on pretrial release awaiting disposition for a prior offense

To determine how many defendants were rearrested while waiting for their case to be disposed, OREA obtained additional information for 95 defendants from its court observation sample from the Tennessee Department of Correction Division of Community Supervision. Of those 95 defendants, 10 appeared as potential reoffenders. Upon closer inspection, seven individuals reoffended while on pretrial release. For six of

these seven defendants, their initial offense as well as their new offense included a felony charge. The cases of the remaining three defendants illustrate one of the reasons why reviewing data on rearrests requires careful examination. Two of the three defendants were indicted before the arrest warrant was executed, meaning the case against them began before the defendant ever appeared in court and was considered for pretrial release. The third defendant was linked to an unsolved rape case while in custody of the Tennessee Department of Correction after his DNA was collected following adjudication of the initial case.

The rearrest rate calculation depends on the definition and data used in its calculation

Given data limitations,⁶ OREA reviewed statistics on rearrests in Shelby County as reported by the University of Memphis and Just City. For these reports, authors used differing definitions of rearrest and data sources to determine a rearrest rate for the defendants in their sample. Each report published different rates of rearrest across the same time period, which is a likely result of varied data and definitions used in the analyses. To compare the data, results, and limitations of these reports, see page 19 of the full report.

OREA examined change in charges for observed guilty pleas in Criminal Court

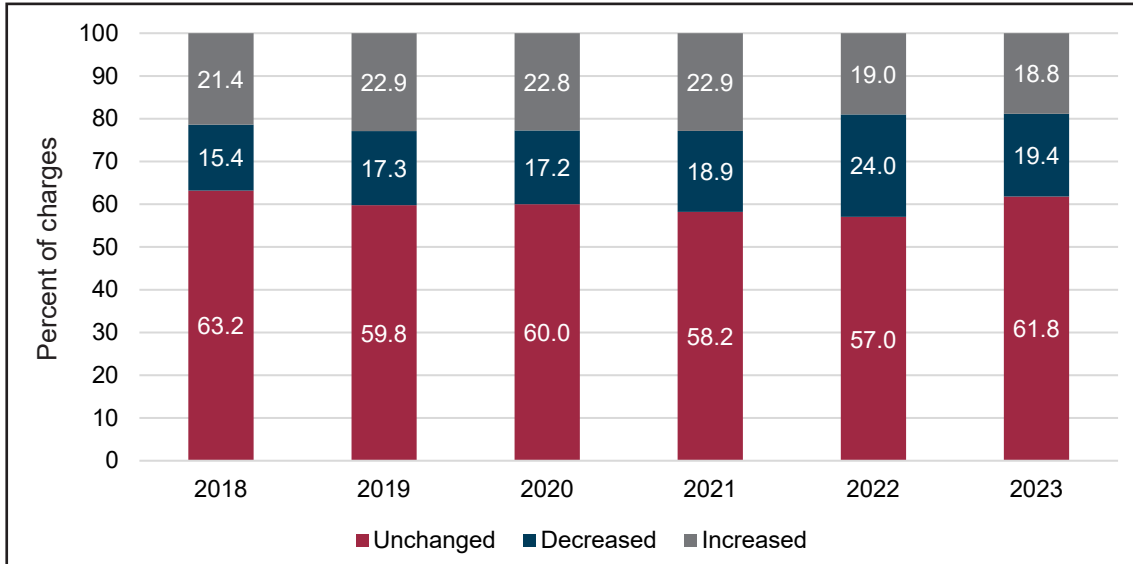
Because a unique identifier was not available to link General Sessions cases to Criminal Court cases, OREA was unable to examine changes in charges across the entire criminal court system. However, OREA used observation data to glean insight into how some charges may change between General Sessions and Criminal Court. For 30 observed guilty pleas, 12 cases contained no General Sessions information to measure change. Three defendants pled guilty to the original charge(s), seven pled guilty to a reduced number of charges and potentially lower classes as compared to the initial General Sessions charges, and four pled guilty to increased charge(s) compared to initial General Sessions charges. An additional four defendants pled guilty to a combination of increased and decreased charges: these final charges were different from the initial General Sessions charges including addition and removal of charges.

The majority (60 percent) of felony charges filed in Shelby County Criminal Court remained unchanged from 2018 through 2023

Exhibit 3 shows the percentage of felony charges filed in Shelby County's Criminal Court that were unchanged, decreased, or increased at the time of disposition from 2018 through 2023. During this timeframe, the majority of charges (an average of 60 percent) remained unchanged, fluctuating between 57 percent in 2022 and 63.2 percent in 2018. The percentage of charges that decreased at disposition was higher in the last three years examined (2021 through 2023) compared to the first three years of the timeframe (2018 through 2020). From 2021 through 2023, an average of 21 percent of charges were reduced compared to an average of 17 percent from 2018 through 2020. The percentage of charges that increased was around 21 to 23 percent between 2018 and 2021, before declining in 2022 (19.0 percent) and 2023 (18.8 percent).

⁶ See page 18 of the full report for detail on these limitations.

Exhibit 3: Changes in felony charges at disposition | Shelby County Criminal Court | 2018 through 2023



Source: OREA analysis of data provided by the Shelby County Criminal Court Clerk's Office.

In General Sessions Court, over half of the observed disposed cases were dismissed, and in Criminal Court over half of observed cases were disposed by guilty plea

Of the 97 cases that were disposed in General Sessions Court, over half were dismissed, accounting for 62 cases (63 percent). Among the 62 dismissals, 39 were dismissed through nolle prosequi, meaning the prosecution chose not to proceed, and 18 were dismissed due to lack of prosecution.^H The second most common disposition category was guilty plea, accounting for 25 cases (26 percent). The sentence for the 25 cases disposed by guilty plea was as follows: 13 defendants were incarcerated, four received probation, four were fined, two were placed on judicial diversion, and two were released. Another 10 cases (10 percent) were bound over to the grand jury.

Thirty of the 48 cases (62 percent) observed in criminal court were disposed by guilty plea. Of those 30 cases, 16 defendants were sentenced to incarceration,^I eight were placed on probation, and six were placed on judicial diversion. Eleven observed cases (23 percent) were dismissed.^J In seven of the 48 cases (15 percent), the defendant was before the court to complete their diversion program.

^H Cases are commonly dismissed for lack of prosecution when a witness or the victim do not cooperate with the prosecution or appear for a scheduled hearing.

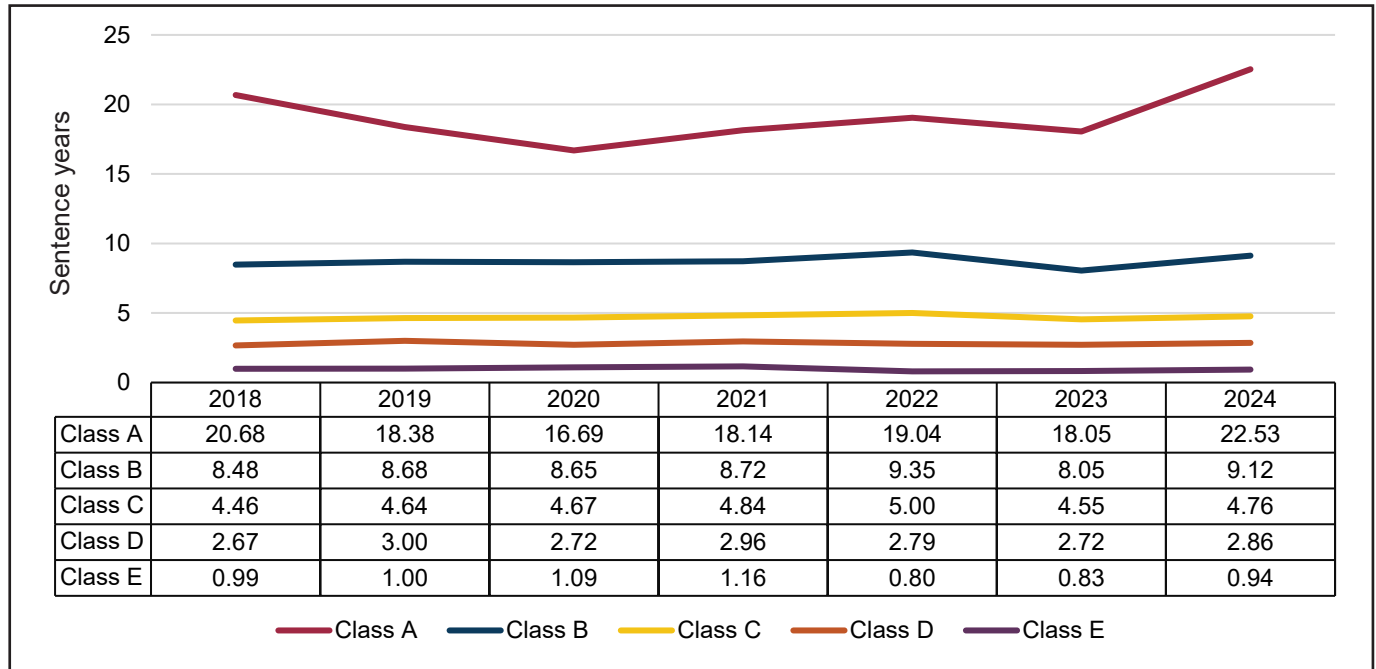
^I Incarceration includes sentences where the defendant was given credit for time served.

^J Of those dismissed, eight were nolle prosequi and three were withdrawn by prosecution. The nolle prosequi dismissals included two dismissals after the completion of anger management classes, one dismissal after restitution paid, two dismissals due to pending or completed federal charges, one dismissal due to evidence received that invalidated the charge, and two dismissals without stated reasoning during OREA observation. The three dismissals due to withdrawn charges included one clerical error, one where the prior ("trigger") charge was dismissed in a lower court, and one without stated reasoning during court observation.

Average sentence lengths have increased for most felony classes in Shelby County since 2018

Exhibit 4 shows the average sentence length by felony class from 2018 through September 2024 in Shelby County. The average sentencing lengths increased for four felony classes over the time period. For example, the average sentence for a class A felony increased from 20.68 years in 2018 to 22.53 years in 2024.

Exhibit 4: Average felony class sentence (in years), by charge disposition year | 2018 through September 2024




Notes: (1) The sentence lengths presented in this exhibit exclude time served, or the amount of time a defendant spent in custody while their case was pending. (2) Data for 2024 is not complete and represents all sentencing data entered by the Shelby County Criminal Court Clerk's Office prior to October 1, 2024. Source : OREA analysis of data provided by the Shelby County Criminal Court Clerk's Office.

Key conclusion

There are numerous opportunities for enhancing the transparency, accessibility, and usability of aggregate data on the operations and outcomes of the Shelby County criminal justice system.

OREA's research on a sample of criminal cases taken from the over 1,000 cases observed in Shelby County General Sessions and Criminal Court produced a detailed analysis of time to disposition, rearrest, changes in charges as a case progresses through the system, and final disposition and sentencing. While this analysis includes more specific information on the observed defendants and their cases, it is not generalizable data. Aggregate data, collected over a longer span of time and including all potential cases, is more reliable than sample observation data when considering the purpose of this report. However, there were barriers and limitations that prevented a more complete analysis of the cases at the aggregate level. As explained on page 9 of the full report, the lack of a unique case identifier that remains consistent between courts was a significant



barrier that prevented OREA from connecting cases as they progressed from General Sessions Court to Criminal Court. This hindered efforts to calculate the length of time to disposition for felony cases that begin in General Sessions and are disposed in Criminal Court. The lack of a unique identifier was also a barrier to analyzing other concerns in the Lieutenant Governor’s request, such as rearrest rates and how the charges on a case can change.

Additionally, aggregate data for some of the key dates in a case’s progression in General Sessions Court is not currently collected, such as the date a defendant is detained and begins his or her time in custody and the date cases are held to state, meaning bound over to the grand jury after probable cause has been found in General Sessions Court. Because so many felony cases begin in General Sessions Court, the absence of this data point was an additional hindrance to conducting end-to-end date tracking for felony cases disposed in Criminal Court.

Despite the limitations inherently available when using a small sample of just over 1,000 cases, the observed cases illustrate in a transparent, accessible, and understandable way the path those cases followed through the system. However, the Shelby County criminal justice system processes thousands of cases every year, and a similar degree of transparency, accessibility, and usability of publicly reported data on the overall operations and outcomes of the system does not currently exist. The result is that the public cannot assess overall, aggregate trends and patterns; the public cannot see the big picture.

Recommendations

Agencies within the Shelby County Criminal Justice System should collect and publicly report data for key metrics on a regular basis

OREA developed 18 metrics for the Shelby County criminal justice system based on this report’s conclusions. All agencies, departments, offices, and officials that make up the Shelby County criminal justice system should review the full report, select the metrics most relevant to their role in the system, and establish the reporting structures necessary to begin publicly reporting aggregate data relative to these metrics on a regular basis. In some cases, however, criminal justice data and information should not be disclosed, such as when doing so might compromise a criminal investigation. Full criminal history data across all jurisdictions is considered protected data, and there are significant barriers to non-criminal-justice agencies in obtaining such data.

Exhibit 5: Eighteen metrics for the Shelby County criminal justice system

Metric/indicator	Definition	Is it reported? Is it collected?
Total days for case disposition	The number of days between a case being filed by the General Sessions Court Clerk and case disposition.	Aggregate data is not reported. The data is collected by the General Sessions and Criminal Court Clerks' offices.
Number of continuances and reason for granting	The number of continuances granted on a case and the reason for why the continuance was granted.	Aggregate data is not reported. Data on the number of continuances is collected in the Shelby County Criminal Justice Information System, but the reason for continuances is not. The Shelby County Criminal Justice Information System is managed by the Shelby County General Sessions and Criminal Court Clerks' Offices.
Number of days in custody pending disposition	The number of days, beginning with the defendant's booking, that a defendant is held in custody while waiting for their case's disposition.	Aggregate data is not reported. It is unknown if this data is collected.
Pretrial release completion	The rate at which defendants complete pre-trial release without violating release conditions.	Aggregate data is not reported. It is unknown if this data is collected.
Pretrial release conditions	All requirements imposed on a defendant granted pre-trial release, such as a monetary bail and the final amount of the bail.	Aggregate data is not reported. The data is collected by the Shelby County Pretrial Services office.
Rearrest status	An indicator of whether the defendant was arrested for a new charge while on pre-trial release for another charge. This should include the initial charge the defendant was granted pre-trial release for, as well as the charge at the new arrest.	Aggregate data is not reported. It is unknown if this data is collected.
Diversion type	An indicator of whether the defendant was placed on pretrial diversion or judicial diversion.	Aggregate data is not reported. The data OREA received from the Shelby County General Sessions and Criminal Court Clerks' offices indicated when a case was disposed by judicial diversion. The Shelby County Criminal Justice Information System indicates whether pre-trial or judicial diversion is granted in a case.

Metric/indicator	Definition	Is it reported? Is it collected?
Diversion completion status	An indicator of whether the defendant successfully completed the conditions of diversion, or if the diversion was revoked. If revoked, why diversion was revoked (i.e., failure to meet imposed conditions or failure to pay court fees). If the diversion was revoked due to the defendant being arrested for/ committing a new offense, the charged offense should be stated.	Aggregate data is not reported. The data is collected in the Shelby County Criminal Justice Information System. Cases that receive judicial diversion can be expunged upon successful completion.
Charges at booking	The charges approved by the Judicial Commissioner or on a warrant when the defendant is booked.	Aggregate data is not reported. The data is collected by the Shelby County Sheriff's Office. There are limitations preventing the Shelby County Sheriff's Office from accessing this information for defendants held in other municipal jails within Shelby County.
Documentation of dismissal/nolle prosequi	Why the charge(s) against the defendant was dismissed. Examples include: dismissed lack of prosecution due to unavailable witnesses, dismissed lack of prosecution for evidentiary reasons, dismissed due to conviction on a separate higher charge, dismissed due to conviction on a separate equal charge, dismissed due to conviction on a separate lesser charge, etc.	Aggregate data is not reported. Such information was stated in court during OREA's court observations conducted in August and September 2024.
Trial requested	If a defendant has indicated they are ready for trial and has requested that their case be tried.	Aggregate data is not reported. It is unknown if this data is collected.
Plea agreement offer	The charges that a defendant pleads guilty to via a plea agreement. If there is a recommended sentence negotiated as part of the agreement (including a recommendation to place the defendant on judicial diversion), this should be included as well.	Aggregate data is not reported. The data OREA received from the Shelby County Criminal Court Clerk's Office indicates if a charge is disposed of via guilty plea but does not specify if the plea was the result of a plea agreement. Recommended sentences from plea agreements are not collected but are likely included on the judgment form.
Sentencing range	The sentencing range assigned to the defendant during sentencing.	Aggregate data is not reported. This data is recorded on judgement forms kept by the Shelby County Criminal Court Clerk's Office.

Metric/indicator	Definition	Is it reported? Is it collected?
Alternative sentencing length and incarceration length	A delineation of the length of a sentence that is suspended to be served as probation and the length of the sentence that is to be served incarcerated.	Aggregate data is not reported. This data is recorded on judgement forms kept by the Shelby County Criminal Court Clerk's Office.
Time served amount	The number of days credited to a defendant's sentence for time spent in jail awaiting case disposition.	Aggregate data is not reported. The number of days credited to a defendant's sentence for time spent in jail awaiting case disposition is collected in the Shelby County Criminal Justice Information System.
Judicial diversion terms	For cases disposed via judicial diversion, the diversion conditions (i.e., searching for / obtaining employment, anger management classes, parenting classes, etc.).	Aggregate data is not reported. It is unknown if this data is collected.
Judicial diversion completion rate	The rate at which offenders complete judicial diversion without violation the terms of diversion.	Aggregate data is not reported. The data OREA received from the Shelby County Criminal Court Clerk's Office did not include this information. Cases that receive judicial diversion can be expunged upon successful completion.
Reconvictions	If a sentenced offender has a prior conviction and the offense for which the offender has a prior conviction.	Aggregate data is not reported. The Shelby County Criminal Court Clerk's Office keeps records of all prior convictions.

Source: OREA.

Shelby County's General Sessions Judges and Criminal Court Judges should explore methods for reducing delays in processing criminal cases

When considering methods to reduce delays, the judges should study the Effective Criminal Case Management (ECCM) project, a national initiative designed to discover and document effective practices that drive high performance in handling criminal cases in state courts.^K The project is the largest national study of criminal cases ever undertaken and “identified key factors driving the success of timely courts while dispelling much of the conventional wisdom about court delay.”

ECCM researchers analyzed a standardized set of case-level data from over 136 state courts in 21 states to identify the most important factors that affect how long it takes to process criminal cases.^L Multiple variables were taken into account in the analysis, including court structure, court organization, and case characteristics, such as the seriousness of offenses and the number of continuances. The ECCM project found broad

^K For more information including interactive tools, visit <https://www.ncsc.org/consulting-and-research/areas-of-expertise/court-management-and-performance/caseflow-management/effective-criminal-case-management>.

^L Tennessee was not one of the 21 states.

similarity across all the courts studied in terms of the mix of case types and the way cases are disposed but also concluded that some courts consistently resolve cases with tighter timeframes than others. While the most timely courts may have differed in their structures and organization, what they had in common was effective caseflow management.

Caseflow management refers to the set of actions a court takes to control the legal process of scheduling, arranging, and conducting the key procedural events of cases. Timeliness is determined by a court's policies and practices, according to the ECCM project, and two of the key elements of effective caseflow management are the court's expectations and monitoring of charge modifications and dismissals.

Cost of Delay calculator

The ECCM project also produced a Cost of Delay calculator,^M a tool to estimate the cost of court delays.^N Using the calculator, researchers estimated the cost of delay in felony cases based on 48 courts in 10 states over approximately two years was \$307.9 million, with jail costs for in-custody defendants making up 97 percent of the total, or almost \$300 million.

The ECCM Cost of Delay calculator publication states, "While the cost of a single delay may not appear too large, when applied to the number of cases in which delay occurs, the true cost skyrockets... The total cost... shows the large impact of 'business as usual,' in which continuances are accepted as normal and allowed to add significant delay."

Tools for effective caseflow management

In addition, the ECCM project includes tools for court management and reports covering such topics as: A detailed analysis of the factors most directly shaping criminal case-processing time; a self-assessment instrument for determining the level of implementation of caseflow management principles and practices by a court; and a step-by-step guide to collecting, analyzing, and presenting data on key indicators for effective management of criminal cases.

One of the ECCM reports is designed to help courts adopt the Effective Criminal Case Management methodology by following four steps:

1. documenting the major case processing events that may occur in the life of a criminal case;
2. identifying the relevant data elements that capture key events in the criminal caseflow management process;
3. specifying a meaningful and feasible set of measures and indicators to be generated from the identified data elements to help manage the flow of criminal cases; and
4. analyzing and presenting performance results in an interpretable and compelling way.

The report identifies efficiency, effectiveness, productivity, and other measures of performance and also includes a data checklist for assessing whether information is currently collected, whether it is currently used to track cases, and the reporting of aggregate caseload statistics.

^M Variables included in the calculator are: the annual felony caseload, the percentage of cases with continuances and the number of continuances, the salaries of the involved parties (the judge and other court personnel, the prosecution, and the defense), which are used to calculate an estimated cost per failed court event (i.e., court hearing), and the percentage of defendants in custody, the jail bed cost per day for such defendants, and the length of detention.

^N For more information on the estimates used in this calculator, visit https://www.ncsc.org/__data/assets/pdf_file/0017/53234/ECCM-Cost-of-Delay-Calculator.pdf.

The ECCM project emphasizes the importance of good data for reducing delay. “To understand the extent to which courts have the ability to handle criminal cases in a timely manner, courts need information about why some cases are resolved more quickly than others and why some courts are more expeditious than others. Without that knowledge, efforts to improve court timeliness are left to intuition and opinion.”

The Tennessee General Assembly could create a study committee to review this report and make recommendations for greater transparency of the criminal justice system in Shelby County and possibly in other counties

While this report focuses on the Shelby County criminal justice system, its conclusions, especially those related to the need for greater transparency in the form of more public reporting of aggregate data, also apply to other counties in Tennessee.

Current data systems and reporting requirements in Tennessee

In considering future initiatives to improve the transparency, accessibility, and usability of criminal justice data in Tennessee, several data systems and public reporting requirements in Tennessee should be considered.

Tennessee has two statewide databases, the General Sessions Data Repository (GSDR) and the Tennessee Judicial Information System (TJIS), both of which rely on data reported by General Sessions and Criminal Court Clerks. The GSDR includes data on charges, bond amounts, and disposition dates from the state’s General Sessions Courts. Shelby County, however, is one of three counties that does not currently use the preferred software for General Sessions criminal filings, which impairs the uploading of their data into the GSDR.^o TJIS includes data from the state’s trial and criminal courts.

In 2023, the legislature appropriated \$75 million to the AOC for the implementation of a new statewide data system. Public Chapter 947 (2024) aims to create a new centralized system of case management, document management, electronic case filing, electronic payment methods, and data reporting. The legislation also states the system should possess any capability deemed necessary for collection and reporting of all state and local court public case level data.

In 2024, the General Assembly passed Public Chapter 895 which requires each district attorney to report specified aggregate data, at a minimum, categorized by offense to the Governor, the Speaker of the House of Representatives, the Speaker of the Senate, the Chair of the House Criminal Justice Committee, the Chair of the Senate Judiciary Committee, and District Attorney’s General Conference on an annual basis. The District Attorneys General Conference will summarize the information provided by each attorney general in a report made available to the public.

^o The other two counties are Davidson and Morgan.

The national perspective

The lack of accessible, usable, and timely criminal justice data is also a national issue.

Justice Counts is a national initiative led by the Council of State Governments and an office within the U.S. Department of Justice to improve the accessibility and usability of criminal justice data. The initiative has identified the following persistent challenges with criminal justice data across the nation:

1. it is sparse (very little timely criminal justice data is made available to the public);
2. it is scattered (information is spread across multiple offices and departments, rarely consolidated in a way that is useful for the people working to improve how the system functions); and
3. it is stale (by the time it reaches the desks of decision-makers, data related to jails, probation, and crime are often outdated – months, or sometimes years, old).

The result of these challenges, according to Justice Counts, is that “decision-makers often lack even the most basic data on criminal justice patterns and trends to inform their decisions – decisions that have lasting effects on everything from public safety to the people and communities disparately impacted by the criminal justice system.”

Data on the criminal justice system is, in most cases, not aggregated in a manner to allow policymakers and other parties to assess the functioning of various parts of the system as well as the system as a whole. The Bureau of Justice Assistance in the U.S. Department of Justice describes the state of criminal justice data as follows: “Critical data is often collected but not analyzed, analyzed but not shared, or shared but not acted upon. The result is a criminal justice system with a widespread desire to make data-informed decisions, but individual agencies lacking the time, ability, or organizational mandate to do so.” OREA found these statements apply to the Shelby County criminal justice system.

Justice Counts includes the various agencies that make up the criminal justice system: law enforcement, prosecution, defense, courts and pre-trial, jails, prisons, and community supervision. For each of these agencies, the initiative has created two tiers of metrics designed to provide policymakers with “precise, consistent, and useful data metrics that enable them to quickly and easily understand how people move through the criminal justice system and how related policy and financial changes may impact public safety.” See page 50 in the full report for more details.



Legislation passed in other states

Some states have passed legislation to require that local agencies collect criminal justice data. Colorado passed a law focused on jails and jail populations, while a Connecticut law centered on prosecutorial decisions. Other states, which have established councils to track the progress of criminal justice reforms, have required the collection of performance data related to provisions in their criminal justice reform laws.

The Florida Legislature passed legislation as part of the state's Criminal Justice Data Transparency (CJDT) initiative to increase public visibility of criminal justice processes throughout the state and to provide policymakers with the information they need to make informed policy decisions. (See Appendix E in the full report for the Florida laws.) Data from court clerks, county detention facilities (jails), the Florida Department of Corrections, Public Defender Offices, and State Attorney Offices, as well as other entities, are included in the initiative. Florida law also requires the creation of a unique identifier for each criminal case that identifies the person who is the subject of the criminal case. The unique identifier must be the same for that person in any court case and used across local and state entities for all information related to that person at any time.^p Multiple dashboards for data points such as arrest/booking reports and case reports are also part of the initiative.

^p In Shelby County, each defendant who is booked receives a Records and Identification number (RNI) that corresponds to the defendant's fingerprint. The RNI number is used in General Sessions Court, Criminal Court, and related entities (Sheriff's Office, Public Defender's Office, District Attorney General, etc.). However, this number represents an individual defendant, not a case, and therefore is unable to be used to link a case as it travels through General Sessions to Criminal Court.