Rutherford County General Sessions Judge Overview and request that the county include a new General Sessions Judge position, staff, and support personnel in the 2016-2017 budget

Rutherford County currently has 3 General Sessions Judges. Part I, Ben Hall McFarlin, Part II, Barry Tidwell, and Part III, Toby Gilley.

I. Current General Sessions Judge ratios in Tennessee's 10 most populous counties: Source - (2014 population Estimate per www.indexmundi.com) and (Program Summary of the Rutherford County Judicial Center)

	County	Population	GS Judges	GSJ per citizen
1.	Shelby	938,803	15	62,586
2.	Davidson	668,347	11	60,758
3.	Knox	448,644	5	89,928
4.	Hamilton	351,220	5	70,244
5.	**Rutherford**	**299,791**	**3**	**99,930**
6.	Williamson	205,226	2	102,613
7.	Montgomery	189,961	4	47,490
8.	Sumner	172,706	3	57,568
9.	Sullivan	157,047	4	39,261
10.	Blount	126,339	4	31,584

Comparing the filings per Judge in the five most populous counties (Based upon 2012 filing data) reveals the following:

	County	Population	GS Judges	New filings per Judge
1.	Davidson	626,681	11	13,889
2.	Shelby	927,644	15	11,778
3.	**Rutherford**	**262,604**	**3**	**10,354**
4.	Knox	432,226	5	9,630
5.	Hamilton	336,463	5	7,224

II. Case Load over the past 5 years:

In 2006 the County added General Sessions Part III. At the time Part III was added the average filings per judge in the county was 11,645. Average filings per Judge include all new filings and does not include state traffic citations.

Filed Cases:

2010	
Trooper Tickets -	8606
New Criminal Warrants -	15233
New Civil Warrants -	10665
Probate -	448
Average New Filing per Judge	**8,782**
2011	
Trooper Tickets -	9795
New Criminal Warrants -	17716
New Civil Warrants -	11570
Probate -	525
Average New Filing per Judge	**9,937**
2012	
Trooper Tickets -	11617
New Criminal Warrants -	18961
New Civil Warrants -	11587
Probate -	498
Trustpoint (Started in December 2012)	16
Average New Filing per Judge	**10,354**
2013	
Trooper Tickets -	11022
New Criminal Warrants -	18951
New Civil Warrants -	10897
Probate -	486
Trustpoint -	296
Average New Filing per Judge	**10,210**
2014	
Trooper Tickets -	10959
New Criminal Warrants -	19042
New Civil Warrants -	10647
Probate -	472
Trustpoint -	583
Average New Filing per Judge	**10,248**

2015	
Trooper Tickets -	10360
New Criminal Warrants -	19488
New Civil Warrants -	10567
Probate -	621
Trustpoint -	1101
VA - (Started in May 2015)	42
Judge Gilley Jail Cases -	839
DSRL - Judge Gilley (2016 Projections) -	5,200
Average New Filing per Judge	**10,607**

These areas of new cases are broken down and explained in the following manner:

State Traffic Docket (Trooper Tickets)

Trooper tickets (State Citations) have maintained a steady number for the 6 year period of examination. The high year was in 2012 with 11,617 new state citations written. The number has consistently remained between 10,000 and 11,000 for the last 4 years. The average adjudication of state citations in 2015 was 211 per week. Division II has traditionally handled Trooper tickets on Fridays as well as trooper associated warrants such as Driving Under the Influence, Driving on Suspended, Cancelled or Revoked License, and other related crimes.

New Criminal Warrants

Of all areas of the General Sessions Court, the number of new criminal warrants has seen the most steady increase since 2010. Beginning with the year 2010 and ending with 2015 there has been a 28% increase in new criminal warrants. A 28% increase over the next five years would mean approximately 25,000 new cases per year. Likewise, there has been a substantial increase in the Rutherford County population during that same time period. Currently new criminal warrants are handled by both Part I and II. There is a docket heard by both Judges with new warrants Monday -Friday with an approximate average of 250 - 300 cases per day. Some days this number balloons up to 400-500.

A large amount of the new warrants involve charges of Domestic Violence. Seven years ago Part I (Judge McFarlin) started a Domestic Violence Court. Over fifty (50) percent of all crimes of violence involve domestic assault. This is a very unique court that requires victims to appear in court so they may receive appropriate help. There is not another Domestic Violence Court in the state that works like this court. Judge McFarlin spends approximately twenty-five to thirty percent of his time on this docket. It's impact on Rutherford County has been monumental.

Additionally, Judge McFarlin and Judge Gilley go to the Rutherford County Detention Center on Friday and Monday morning to see "10-day rule" cases. These cases range from new

cases to violation of probations. This docket is designed to get people who cannot make bond in front of a Judge as soon as possible. If a defendant decides to waive his right to a lawyer and enter a plea then his/her case will be resolved that very morning. These dockets range in number from 20 - 50. If this docket was held more frequently, the number of inmates who can resolve their case would go up and the number of those incarcerated would go down.

New Civil Warrants

The number of residents involved in General Sessions Civil (small claims) Court consistently represent approximately five percent (5%) of the county's population. Given that the county's population is predicted to grow, the number of General Sessions Civil cases will continue to increase exponentially with the growing population. For example, if the county population reaches 350,000 over the next five (5) years, the average number of General Sessions Civil warrants filed will have increased to 17,500 annually. Civil cases are handled by Division III.

New Probate Filings

New probate filings in the County Probate Court decreased slightly between 2011 and mid-2014. However, new probate filings increased in the Chancery Court system during this time frame. This shift appears to have been due to preferences of attorneys filing probate matters, both locally and out of county. However, in 2015, new probate filings in the County Probate Court increase by nearly fifty percent (50%). We expect these numbers to continue to grow to the point that new probate filings by the end of 2016 will be double the number filed in 2014. Factors affecting this prediction include growth in population, attorney preferences, inheritance tax law changes and real estate closing requirements. It is important to note that as a matter of judicial economy and efficiency, it is the preference of both Chancery Court and the County Probate Court that the majority of new probate filings take place in the County Probate system. County Probate Court is handled by Part III.

Trustpoint and VA

Involuntary commitment hearings for Trustpoint Hospital began in 2012. For the benefit of the patients as well as the need for being sensitive to Judicial Building security needs, the Part III Judge (Judge Gilley) and his staff travel to the Trustpoint facility to these hearings. In 2012, only 16 Trustpoint matters were filed; however, by 2013, this number had increased to 296 representing a one hundred and eighty-five percent (185%) increase. That number again doubled in 2014 and yet again doubled in 2015 with a total number of filings of 1101 in 2015. Given the population growth and the trending referenced herein, this number will only continue to grow. Factors affecting this growth are population increases, expansion of the Trustpoint facility and increased public awareness of mental health court needs.

In 2015, the Court also began providing the same service to the VA Hospital as is provided to Trustpoint. As of May 2015, the number of VA involuntary commitment filings is 42, but will continue to increase due to similar factors as referenced above for Trustpoint.

Both Trustpoint and the VA are handled by Part III (Judge Gilley).

Driving on Revoked License Docket

In June of 2015 Part II (Judge Tidwell) with the cooperation of the other General Sessions Courts began a docket on Wednesday's consisting only of the charge of driving on a suspended, revoked, or cancelled license. This docket averages 80 - 100 cases a week. As an additional measure to assist with the large number of cases being handled by Part I and Part II, Part III began conducting a return docket for driving on revoked license cases on Thursday mornings. The return docket began mid-October 2015 and averages Sixty to seventy cases (60 - 70) per week.

Veteran's Court

Veterans Court continues to increase its docket number each week. With recent publicity in the Daily News Journal and continued word of mouth in the legal and veteran communities, the number in this court is expected to rise quickly. In general, the same cost savings that apply to a potential mental health court currently apply to the veterans court. The growth of this court will continue to require the assistance of Division II (Judge Tidwell) to handle the docket while Veterans Court is in session. Eventually it is anticipated that this docket will take most of Wednesday afternoon, requiring continued assistance from other Judges to finish the Division I Wednesday docket.

III. Areas of potential savings with new Judge (Quantifiable)

Transport Costs - The fewer trips needed to be made to court reduces the number of transport officers, overtime pay for those officers, the hours needed to transport to the courthouse, and expenses associated with operating transport vehicles. While prisoners would still be transported, an additional judge position would greatly impact the expenses associated with the transport of prisoners. Over time and/or comp time is frequently earned by transport who stay after 4:00 waiting on court to conclude.

Mental Health Inmates handled under a Mental Health Court Model - Mental Health issues are not always criminal justice issues. When a mental health court is established in Rutherford County if only 23 current jail inmates are diverted to a mental health court, the potential savings would be approximately $350,000. (Some of this savings would be offset by increased expenses such as mental health court staff, overhead, and like expenses). A mental health court that had a docket of 50 inmates would potentially save the county approximately $765,000 prior to offsets for overhead and other expenses.

The minimization of overtime/comp time -

Clerks - When the General Session Courts run past 4:00 p.m. (Court starts at 8:00 am) up to 4 clerks are required to stay late. Clerks earn comp time instead of overtime pay and they are limited to 260 hours of accumulated comp time. Many clerks have

reached this threshold and therefore cannot work any longer beyond the normal work day hours.

GS Office Staff - The general Sessions Court Staff, which includes two staffers per judge (Court Officer and Judicial Commissioner) accumulate comp time when they are required to stay past 4:00 p.m. All staffers begin work at 8:00 a.m. and all are in place and ready to work around 7:45 a.m. The dockets are called promptly at 8:00 am. The comp time accumulates and is ultimately used by way of days off from work or early dismissals.

Courthouse Security - Over time and/or comp time is frequently earned by Courthouse security who stay after hours waiting on court to conclude.

PreTrial Release Program - Once a pretrial release program is approved and implemented certain infrastructure will be required. One piece of the infrastructure must be a Judge to approve and/or deny an individual's eligibility to participate in this program. The potential savings of implementing this program are great. It currently costs Rutherford County $63.00 a day to house an inmate. For every person who cannot make bond on qualifying offense and who are admitted to the pretrial release program, assuming a pretrial release cost of supervision at $25.00 a day, the county would save $38.00 a day per inmate. If the program maintained a consistent roll of just 100 individuals the county would save $3,800.00 per day, or $1,387,000.00 per year.

IV. Areas of potential savings with new Judge (NonQuantifiable)

Less time in court per day for DA, PD and Private Counsel leads to more efficient use of time i.e ability to prepare for next days cases, have offers earlier, be able to extend offers earlier.

Victims would be required to stay in court less time.

Judges would be able to focus on other areas of judicial system including administration of recovery courts and prospective mental health court.

Population of jail goes down because new inmates are seen daily and minor crimes dealt with even quicker than current 10 day rule dockets.

A new General Session position would be a proactive response to a need that will sooner or later have to be filled.

Conclusion

Even if there were no cost savings associated with creating a General Sessions Part IV, it is clear that the General Sessions Courts are near the number of cases per judge that resulted in the creation of General Sessions Court Part III in 2006. There are many days in which parts I, II and III start at 8:00 am and leave long after 4:00 pm. These are days that include no lunch break and result in shuffling through dockets that many times number close to 400 cases. While the current judges have made every effort to change procedures that would alleviate some of the large dockets, the truth is that the number of cases continue to go up as the county population increases.

When one considers the potential savings to the county, the amount needed to fund a new Judge, staff, assistant district attorney, assistant public defender, and an additional clerk would be offset by the savings. The potential savings alone associated with a Pretrial Release Program, Veterans Court, and Metal Health Court would more than pay for the expense of the new part.