SHELBY COUNTY JUDICIAL COMMISSIONERS ANNUAL REPORT

FISCAL YEAR 2008-09

Pursuant to the provisions enumerated in Tenn. Code Ann. § 40-1-111(2)(B) the statute reads as follows:

...[F]ollowing the hearing and not later than April 1 each year, the county legislative body shall cause to be submitted to the judges of the general sessions criminal court of the county, the chair of the judiciary committee of the senate and the chair of the judiciary committee of the house of representatives a written report setting forth findings and the overall evaluation of the use of judicial commissioners.

The permitted functions and duties of the Judicial Commissioners are embodied in Tenn. Code Ann. § 40-1-111, *et seq.* and § 40-5-201. This document is presented as a summary of the records submitted monthly to the General Sessions Criminal Court Judges. The monthly reports reflect the statistical compilation of data as part of the delegated duties and functions of the Judicial Commissioners. An interpretation of the statistical data is attached hereto.

Since the inception of the Judicial Commissioner program in 1998, it has been a substantial benefit to Shelby County and has served as a greater component of the justice system than initially realized. Their workload has increased based on the demands of the courts and the evolving rate in the increase of crime not originally contemplated. Currently, plans are underway to further increase their duties.

There is currently a staff of seven Judicial Commissioners ("Commissioners"); six (6) full-time and one (1) part-time. There is also one (1) vacant attorney position. Upon the commencement of this program, three (3) Commissioners were appointed by the Shelby County Board of Commissioners. As the workload increased, other Commissioners were subsequently appointed by the Shelby County governing body. The additional appointments were necessary to improve scheduling and to afford the Commissioners the capacity to sustain the increased demands placed on them. Each year in September, the General Sessions Criminal Court Judges review the program. The individual performance of the Commissioners is reviewed by the supervising judge. Upon satisfactory review of the Commissioners' Program and of their satisfactory performance, the Commissioners are re-appointed by a majority vote of the General Sessions Criminal Court Judges.

The Commissioners have been an integral part of our justice system. They are housed in two locations. Those locations are; the Jail Annex and the Hearing Room on the second floor of the Criminal Justice Center. This location is known as Division 25. While the functions performed by the Commissioners are particular to the location, the Commissioners work on a rotating schedule. This schedule consists of a 7-day work week, 24-hour operation including County holidays.

While stationed in the Jail Annex, the Commissioners make probable cause determinations, set bonds, First Appearance Video Arraignments, and conduct Forfeiture hearings. They also issue Arrest warrants and Search warrants. Their duties include but are not limited to Orders Granting Bail, recommendations for 24-hour holds, signing of Citations in Lieu of Arrest, signing of NCIC Warrants, the of signing Gun Orders, DUI Orders and Pawn Shop Subpoenas. The 24-hour schedule of the Commissioners provides accessibility to the City of Memphis Police, the Shelby County Sheriff's Department, Jail-East, Pre-Trial Services, the District Attorney's Office, and other law enforcement agencies.

The hours of operation for the Hearing Room are Monday through Friday from 8:30 a.m. until 4:30 p.m. with the exception of County holidays. When a Commissioner is in the Hearing Room, they are assigned a full docket. The docket consists of Orders of Protection. In addition to those hearings, arrest and search warrants are issued. They too are also responsible for setting bonds. In January, 2008, the Commissioners began hearing the Drug Court preliminary hearings on felony drug cases. This additional duty allowed for expansion of the Drug Court Treatment Program. They totaled 367 preliminary hearings for this reporting period.

Bond Settings:

The Commissioners set bonds. The DUI, Unlawful Possession of Weapons, and some others are based upon pre-determined bond schedules set by the judges that can be adjusted based on the facts of law. All other bond settings are set upon the examination of the offense(s) and the provisions set forth in Tenn. Code Ann. § 40-11-118. This first line of defense expedites the release process. The Commissioners set ***13,840*** bonds during this reporting year.

Issuance of Warrants:

The mere presence and accessibility of the Commissioners allows for the process of issuance of Search and Arrest Warrants to occur in a more efficient and timely manner. This authority was vested statutorily as a delegated function of the judges to the Commissioners. Hence, this duty affords the judges the opportunities to focus on the more pressing judicial matters. The Commissioners issued ***4,810*** Arrest warrants and ***1,132*** Search Warrants in this reporting year.

Domestic Violence:

The Judicial Commissioners hear Petitions for Ex Parte Order Of Protections. In this process, the Hearing Room is staffed with Victims Advocates which allows victims to meet with advocates and assess the evidence to be presented at the hearing. These Protection Orders demand the presence of defendants in order to protect victims. The total for the reporting period of Orders of Protection hearings is ***6,692***.

Probable Cause Determinations & Video Arraignments:

Probable Cause is determined upon examination of the Affidavit of Complaint. The Judicial Commissioners are delegated this responsibility to determine if the violation as stipulated and sworn to in the Affidavit warrants an arrest. The total number of the Probable Cause Determinations reported is ***30,634***. Video Arraignments commence the preliminary stages preceding trial. The Judicial Commissioners heard a total of ***1,057*** video arraignments in this reporting year.

Although some of the duties of the Commissioners have been summarized in narratives contained in this report, their duties are not limited to that which has been detailed above. The attached compilation of the statistical data reflects other designated duties of the Commissioners.

This Report is compiled annually by the General Sessions Criminal Court Judges' office, the Judicial Commissioners, the Chief Executive Secretary for the Judicial Commissioners and representatives of agencies working with the Commissioners in performing the above functions. The Judicial Commissioner program continues to expand to satisfy the needs of the Shelby County governing body and the Shelby County General Sessions Criminal Courts.

The March, 2009 statistics were unavailable at this reporting period.