

TAKE THIS BOOK

DEFENDANT AND FAMILY HANDBOOK

Provided by:
The Office of the Metropolitan Public Defender
404 James Robertson Parkway
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Nashville, TN 37219
615-862-5730

Dawn Deaner, Metropolitan Public Defender

INTRODUCTION

The Metropolitan Public Defender's Office is pleased to offer this book to assist our clients, their families, and members of the public to better understand how our local criminal justice system works. I hope it answers any questions you have, but I want to encourage you to call our Office if you have more specific questions about a particular case or situation. As a public agency, we strive to provide the best possible service to our clients and this community. Additionally, if you have a complaint or suggestion for how we can do better, please call me directly.

Beyond the facts and data contained in this book, you should know that the entire staff at the Public Defender's Office takes great pride in the work we do. Our Mission is to provide zealous representation to our clients and to fight for equal justice for the indigent accused. We are truly honored to make the Sixth Amendment right to counsel a reality in Nashville. With all of the problems in our criminal justice system today, we want to be one of the solutions.

Dawn Deaner

Metro Public Defender

USING THIS HANDBOOK

The Defendant and Family Handbook is designed to help you and your family understand the criminal process, the legal steps your case will go through, how your public defender will handle your case, and what resources are available to help you and your family get through this difficult time.

In writing the Handbook, we have tried to be as accurate as possible, but the criminal justice system is always changing and every case is different. The Handbook is only a guide and you should always listen to your attorney since your attorney knows your particular case. Families should also double-check visitation times with the jail before they make a trip to the jail.

After an introductory section about the Office of the Metropolitan Public Defender, this Handbook has sections about:

The Adult Legal Process	Page 7
Programs in the Jail	Page 39
Information for Families	Page 47

THE PUBLIC DEFENDER'S OFFICE

The lawyers in the Office of the Public Defender are appointed by the courts of this county to represent people who have been accused of crimes and do not have money to pay a lawyer. The Public Defender's Office does not handle civil cases and does not bring lawsuits or criminal charges against people.

The Public Defender's Office is a branch of the Davidson County Government. Dawn Deaner, the Public Defender, is a lawyer elected by the voters of Davidson County to a four-year term. The other lawyers in the office are called assistant public defenders.

The Public Defender's Office represents both adults and juveniles. The Juvenile Division is located in the Juvenile Justice Center, 100 Woodland Street. The Adult Division is located in Suite 2022, 404 James Robertson Parkway, across the street from Municipal Auditorium.

In addition to the lawyers in the office, your case will receive the attention of support staff which includes paralegals, investigators, social workers, interns, and secretaries.

All lawyers in the Public Defender's Office are licensed to practice law in the State of Tennessee and must attend classes every year to learn new developments in the law. The office holds training classes for the staff and always keeps up with the latest legal decisions.

KEEPING IN CONTACT WITH YOUR ATTORNEY

Lawyers, investigators, social workers, and interns from the Public Defender's Office make regular visits to the jails to talk to their clients. Your lawyer will meet with you as often as needed, but they cannot see you every time they are at the jail or as often as you may wish they could.

A telephone call or letter to your lawyer can often solve many problems. Public Defenders will accept collect calls from the jail (if they are at their desk to take the call).

If you are in jail, the Metro Mail service will deliver your letters to The Public Defender's Office free of charge. If you call your lawyer, do not talk about your case where others may hear. If you write to your lawyer, please do not have someone else write for you or read what you have written.

Remember, what you tell your lawyer is confidential and privileged as long as it remains between you and your lawyer or your lawyer's assistants. Information you give your lawyer will not be used against you.

THE PUBLIC DEFENDER'S OFFICE

CONTACT INFORMATION

Main Telephone Number – 615-862-5730

Direct Telephone Lines from the Jail – 615-862-5737
615-862-5738

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Juvenile Office Mailing Address:

Juvenile Justice Center
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100 Woodland Street
Telephone: 615-862-5740
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FOLLOWING YOUR CASE

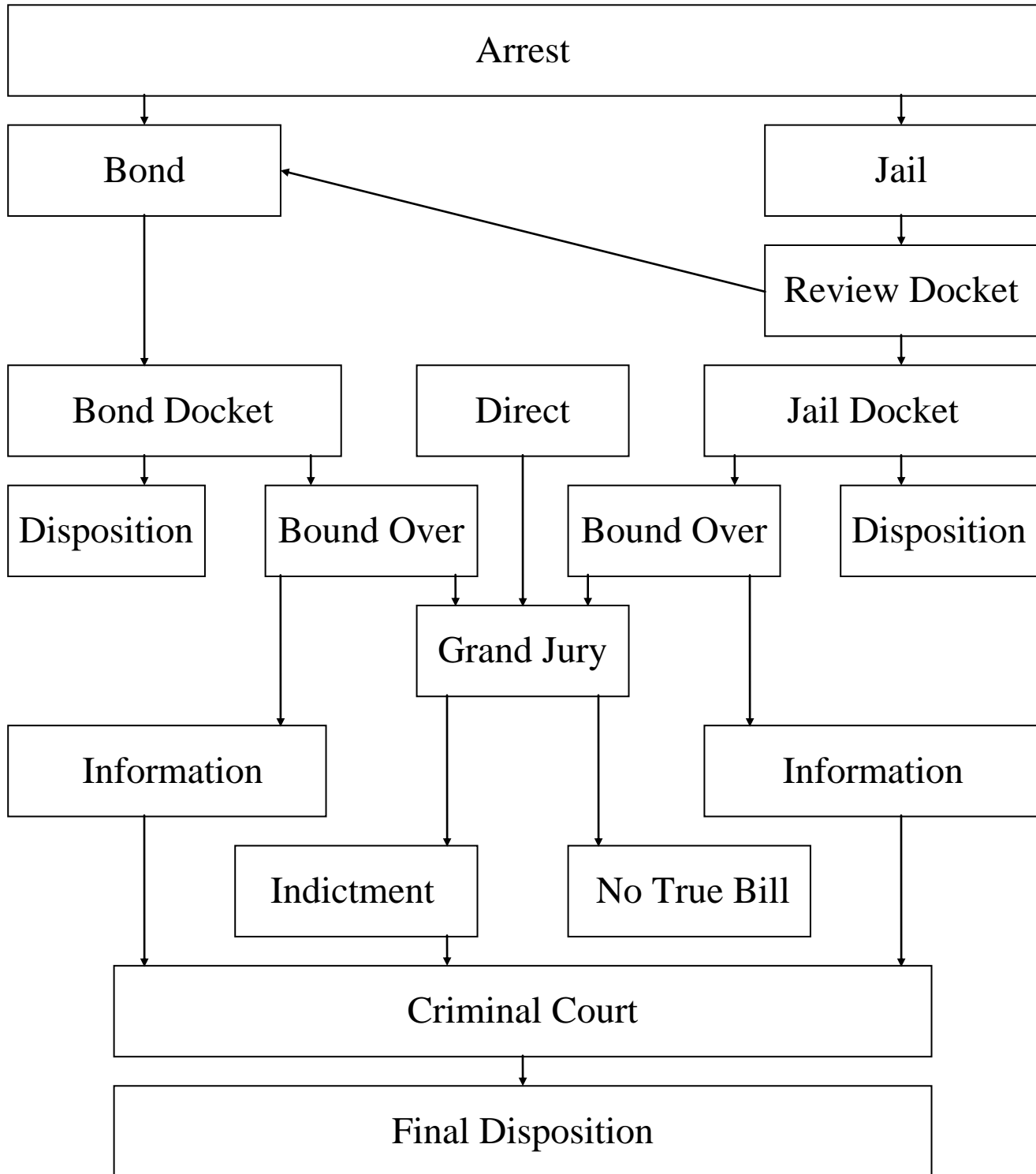
The legal process is very hard to understand. There are many steps in the process, and you will have several decisions to make. Your attorney will explain all of your choices and help you to make the best decision.

The charts on pages 9, 17, and 27 try to show the steps of the legal process and how a normal case would flow through the system. Since every case is different, they may not show the exact steps of your case, but they are close. Keep these diagrams handy and when you are talking to your attorney, she or he can explain where you are in the process and explain the next steps.

Many of the steps in these diagrams are explained in the sections that follow. Your attorney will help you to understand these steps, but you should read this Handbook carefully so that you can help in making important decisions.

THE LEGAL PROCESS

The following chart describes the process from arrest through indictment by the Grand Jury.



FIRST COURT APPEARANCE AND BOND

If you are arrested, you will have your first court appearance before a Commissioner in what is commonly called "Night Court." Night Court is open 24 hours a day on the bottom floor of the Criminal Justice Building located at 448 2nd Avenue North. The Commissioner will tell you what you have been charged with and will set the amount of your bond. Bond is an amount of money paid in order to release you from jail while you are waiting for your case to go to court. The reason for the bond is to make sure you come back to court. You do not have the right to a bond if you are charged with a crime that carries the death penalty or are being held on a parole violation.

In deciding the amount of bond, the Commissioner will look at the kind of crime that you have been charged with, the evidence against you, your prior criminal record, if you have failed to appear in court before, how long you have lived in the area, family and friends in the area, employment, and how long you have had your job. The presence of your family or employer in court may be helpful in getting a lower bond. If your bond is too high, your lawyer can file a motion asking that your bond be lowered.

TYPES OF BOND

There are several types of bond. If you have no criminal record and meet several other special conditions, you may be released from jail through the Pre-Trial Release Program. Pre-Trial Release is the only type of bond where you are not required to post any money or property. You will be assigned to a Pre-Trial counselor, and you will call to report once a week.

Other types of bond include:

1. Cash Bonds

You or someone you know puts up the entire bond amount. You will get the money back if you turn in the receipt to the Criminal Court Clerk's Office at the end of your case.

2. Bonding Company

Generally, bonding companies will charge you 10% of your bond plus a bonding fee. For example, if your bond is \$1,000.00 the bonding company will charge you \$100.00 plus the bonding fee. This money is not refundable. Professional bondspersons are listed in the back of this book and they will be glad to explain bond to you.

3. Property Bonds

You must own land without a mortgage or a lien on the property. You can take the title to the Criminal Court Clerk's Office and they will allow you to make the bond. If you do not show up to court, you lose the property.

APPEARING IN COURT

If you are released on bond, your first court appearance will be on a Bond Docket in the Justice A.A. Birch Building. It is very important that you appear in court on the correct date and on time. You also need to have a lawyer at that time. Do not plan on coming to court and asking for time to get a lawyer—have your lawyer when you come to court the first time.

If you want to be represented by a lawyer from the Public Defender's Office, you need to come to our Office on the 20th floor of Parkway Towers, Suite 2022, **immediately**. Do not wait until a week or two before your court date to contact the Public Defender's Office. Contact the Office as soon as you know your court date so you and your lawyer will have plenty of time to meet and prepare your case.

If you are given a citation instead of being arrested, you will be required to appear for booking within a few weeks of getting the citation. The Public Defender's Office can also represent you at this court appearance if you come to our Office before your booking date. Immediately after booking you will be taken to the courtroom where a settlement offer may be made or a court date set on a bond docket. If you get a court date on a bond docket, it is highly recommended that you get a lawyer.

BOND DOCKET: MISDEMEANORS

Bond Dockets are held Monday through Friday in General Sessions Court in the Justice A.A. Birch Building. If you are charged with a misdemeanor offense (a crime for which the punishment is less than one year in jail), your case may be settled on this docket.

Your case can be settled by what is called a plea agreement. A plea agreement is when the district attorney agrees to reduce the charge, dismiss all or part of the charge, and/or recommend an agreed punishment in return for your guilty plea. If you cannot agree, you can have a trial.

There are no juries in General Sessions. You can have a bench trial where the judge hears the proof, decides if you are guilty or not guilty, and sets the punishment if you are found guilty. If you are unhappy with the outcome of the bench trial, your attorney can file an appeal. Ask your attorney about this.

If you want a jury trial your case must be bound over to criminal court. Usually you will have a preliminary hearing where the judge decides if there is “probable cause” that you committed a crime. If the judge finds probable cause then your case will be sent to the Grand Jury. Sometime in the future, usually between two and six months, your bonding company will inform you of your next court date in criminal court.

JAIL DOCKET: MISDEMEANORS

If you have not made bond, your case may be reviewed before you appear on the Jail Docket. This Initial Appearance “Review Docket” takes place prior to the Jail Docket appearance and is held Monday through Friday. For misdemeanor cases, the Review Docket is held on the business day following the arrest. For felony cases, the Review Docket is held two business days following arrest. Your case may be settled if you are charged with a minor misdemeanor; in very rare cases your bond may be reduced. Witnesses and people who bring charges are not present at the Review Docket. Most cases must be set on a Jail Docket in order to have all interested parties present to discuss the case.

The Jail Docket is the same as the Bond Docket as far as what the court can and cannot do with your case. The main differences are that you are still in jail, your case will be heard within a few days of your arrest, and you and your lawyer will not have as much time to prepare.

The misdemeanor Jail Docket is held Monday through Friday in the Justice A.A. Birch Building. The Public Defender’s Office handles a portion of the cases, while those not handled by our office are handled by external appointed counsel. For misdemeanor cases, the attorney will receive a copy of the charge(s) against you the day of your court appearance, and your lawyer will speak with you in the morning before you are taken to court. For felony cases, the attorney will receive

a copy of the charge(s) against you the day prior to your court appearance, and your lawyer will speak with you before you are taken to court.

BOND AND JAIL DOCKETS: FELONIES

During the Bond Docket or the Jail Docket, General Sessions Courts cannot have trials or accept plea agreements on felony charges. If you are charged with a felony offense (a crime for which the least amount of punishment is one year in jail), your case will only be settled if it is reduced to a misdemeanor.

The General Sessions Court can have a preliminary hearing to decide if there is probable cause for your case to continue on to the next level. The judge will be deciding if there is:

1. A reason to believe a crime was committed, and
2. A reason to believe you were the one who committed the crime.

In serious felony cases, the State will demand a preliminary hearing and there will not be a chance to settle your case or get your bond reduced in General Sessions Court. After the hearing, if the judge decides there is probable cause or if you decide not to have a hearing, your case will be sent to the next level. This is called binding over to the Grand Jury and your case is referred to as "bound over."

It is very important to discuss the advantages of a preliminary hearing with your lawyer.

GRAND JURY OR INFORMATION

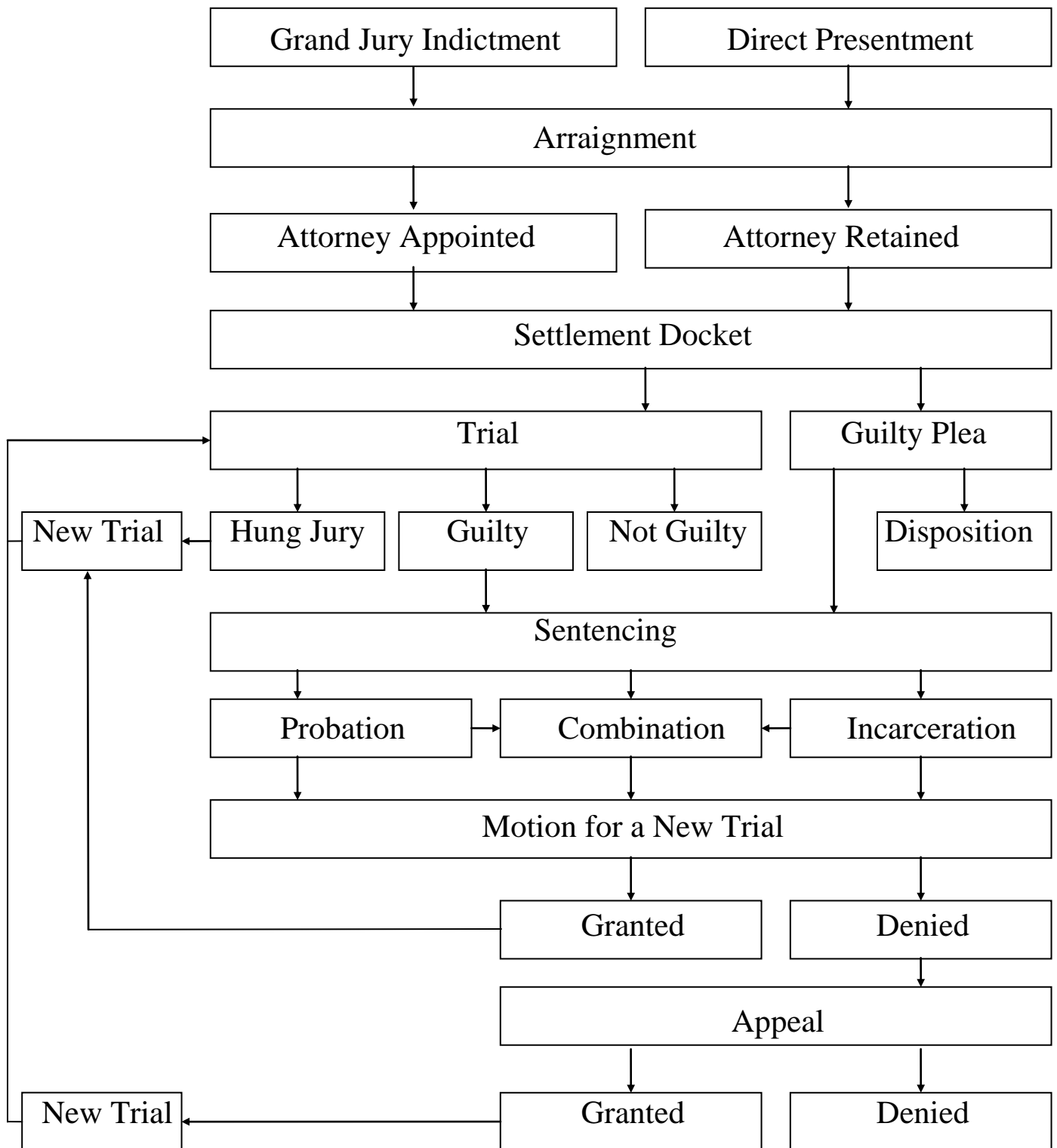
Your case will go to the Grand Jury by direct presentment or by being bound over after the preliminary hearing. Direct presentment is when the prosecutor goes directly to the Grand Jury through a "sealed indictment". If a General Sessions judge dismisses a case at the Jail or Bond Docket, the prosecutor may seek a direct presentment.

The Grand Jury consists of thirteen people who hear evidence and determine if you should be formally charged with a crime. You and your lawyer do not have the right to appear before the Grand Jury and the Grand Jury does not determine guilt or innocence. Their job is to determine if there is good reason or "probable cause" to charge you.

If the Grand Jury determines there is probable cause, they return a true bill, which means you have been "indicted" and your case will be set for arraignment. If the Grand Jury returns a no true bill, the case against you is over unless the district attorney resubmits the case to a new Grand Jury and that Grand Jury indicts you.

Your lawyer can get a court date sooner if you agree to bypass the grand jury by an "information" and go directly to Criminal Court. An information is an agreement between you and the district attorney to settle on a deal that will be entered in Criminal Court, usually within two months.

THE LEGAL PROCESS: INDICTMENT-APPEAL



ARRAIGNMENT

When a case has been indicted by the Grand Jury, it is assigned to one of the Criminal Courts and set for arraignment.

Arraignments are held at different times in each of the Courts and follow slightly different procedures. Basically, the Court is concerned with whether or not you have a lawyer and if not, whether you qualify for the services of a public defender. The judge will ask you questions and/or have you fill out a paper with questions about your income, bills, and family to find out if you can afford to pay a lawyer. If you cannot pay a lawyer, the judge will appoint one to represent you.

Your lawyer will receive a copy of the indictment against you and enter a plea of “Not Guilty” on your behalf. Most courts also require that you or your lawyer state your date of birth and a portion of your social security number. Your case is then set off several weeks to a Settlement Docket.

During the weeks between your arraignment and settlement, your lawyer will discuss your case with you, file motions, do investigation and research, and discuss the charges and proof with the district attorney. It is very important for you to remain in contact with your lawyer during this time.

COURT APPEARANCES

You must appear in court, on time, for all scheduled court dates and hearings unless your lawyer has told you not to attend.

If you change your address or phone number while waiting for your case to be resolved, you must notify your bondsman and your lawyer. If you have been released without a bondsman, notify the Criminal Court Clerk's office.

Always arrive early for your court appearance, as your lawyer may need to discuss your case with you. If an emergency prevents you from being in court, or if you must be late, notify your bondsman and your lawyer immediately. If no one knows where you are when your name is called, the judge may revoke your bond and issue a warrant for your arrest. This means the police will arrest you again and you are no longer on bond.

Equally as important as showing up on time is your appearance. The judges enforce a dress code, and a neat, clean appearance will only help you. On the other hand, a sloppy or too casual appearance will reflect poorly on you. For men: no shorts, no saggy pants (must be belted around the waist with the shirt tucked in), no t-shirts with offensive slogans, no tank tops or undershirts, and no hats. Women should not wear clothing that is revealing in any way. Do not wear shorts, halter tops, see-through tops or expose the midriff. Be advised that some judges will make you leave the courtroom to change if the judge finds your attire offensive.

INVESTIGATING YOUR CASE

Anything you tell your lawyer or your lawyer's investigator is confidential. You should never discuss the facts of your case with anyone else, including your family and friends, unless your lawyer has told you to do so. Information you give to other people may be used against you in Court - be careful. Additionally, if you are in jail, you should NEVER discuss the facts of your case over the phone. Jail calls are recorded and will be used against you in Court.

You should play a very important part in the investigation of your case. Your lawyer needs to know as soon as possible the names and addresses of any witnesses. You can help by finding witnesses and notifying your lawyer by letter, phone, or coming into the office. If you are in jail, your family and friends may be able to help.

A witness can be anyone who was present when the incident occurred, who knows you could not have committed the crime because you were somewhere else when the crime occurred, or has any information that may show that you are not guilty or the crime was not as serious as the State claims.

PREPARING YOUR CASE

To represent you properly in court, your lawyer must investigate, research, and prepare your case. Extra time in preparation may save you from years in jail.

If you are unhappy with the way your case is being handled, talk to your lawyer. If you have talked to your lawyer and you are still unhappy, write to Dawn Deaner, the Public Defender. Personality conflicts can occur. Your concern should be your lawyer's ability to represent you in Court, not whether or not you like him or her.

After arraignment, your lawyer will file a discovery motion for witness lists, statements, reports, and other information about your case. Your lawyer will also talk to you and the district attorney to determine if a settlement can be reached. The district attorney (D.A.) represents the people who have accused you of a crime.

Your lawyer will review the evidence with you, explain the law under which you are charged, and discuss all possible defenses you may have. You will also talk about the strengths and weaknesses of the State's case and your chances at success should you go to trial. The possible punishments for the crime with which you are charged will also be explained to you.

MOTIONS

Your lawyer may determine that certain motions should be filed in your case. A motion is when your lawyer asks the judge to decide something such as whether a line-up identification or statement should not be used against you, whether certain evidence should not be used, or where you and your lawyer need the judge's help to find information to prepare your case. After any motion is filed, it will be set for hearing in court, and the judge will rule on it.

If you feel a motion should be filed in your case, talk to your lawyer and let your lawyer file it. It is not a good idea for you to file your own motions because you are not a lawyer and you may include information in your motion that could hurt your case. Allow your lawyer to handle motions for you.

SETTLEMENT DOCKET

Your next scheduled court appearance after your arraignment is on a Settlement Docket. Settlement Dockets are held on different days and times in each of the Criminal Courts.

Settlement Dockets are when you can enter your plea if you, your lawyer, and the district attorney have reached a plea agreement. If a plea agreement is not possible, a trial date will be selected for some time in the future.

The decision whether to enter a plea or take a case to trial is yours. The Public Defender's Office will advise you but the final word is yours.

DIVERSION PROGRAMS

Pre-Trial Diversion is for first offenders and offers something other than formal prosecution. The program is very selective and cannot accept you until you have been screened by the Sheriff's Office, recommended by the district attorney, and accepted by the judge. Basically, this program includes placing you on probation for a specific period of time without any finding of guilt. If the probation is completed, the charge is dismissed. If the probation is not successfully completed, the case is set on a Settlement Docket again.

Judicial Diversion is also for first offenders and requires screening by the Tennessee Bureau of Investigation to certify that you qualify. Unlike Pre-Trial Diversion, Judicial Diversion requires a plea of guilt, but it is a conditional plea. No conviction enters on your record when you enter a conditional guilty plea. Instead, you complete a period of probation. If you complete probation successfully, then the case is dismissed. However, if you do not successfully complete probation and are found to have violated your probation by a Judge, then you will lose your Diversion and the conditional guilty plea will automatically become a permanent conviction on your record.

If you have no prior criminal record, ask your lawyer if you may be eligible for diversion.

PLEAS

There are basically three ways you can plead: 1) not guilty, 2) guilty, and 3) nolo contendere (no contest).

A not guilty plea is entered when you are not guilty of the crime, when you are not sure which plea to enter, when there is not enough evidence to prove your guilt, or when you want a trial. A not guilty plea can be changed later.

If you plead guilty or nolo contendere, the judge must be convinced that there is a factual basis for your plea, you understand what you are pleading to, you understand your rights when you plead guilty, and no one has forced you to enter a plea. If you plead guilty, you must admit you committed the crime. If you plead nolo contendere, you do not admit your guilt, but the judge finds you guilty.

When you plead guilty or nolo contendere, you give up your right to trial, to confront the witnesses, and to remain silent. You cannot appeal a guilty plea. The only remaining issue is your sentence.

Most guilty and nolo contendere pleas are entered as part of a plea agreement. A plea agreement is when the district attorney agrees to reduce the charge, dismiss all or part of the charges, and/or recommend a sentence in return for your plea. Plea agreements can only be entered with your approval and the judge's acceptance.

THE TRIAL: THE PROCESS

If your case is not settled on a Settlement Docket, it will be set for trial. There is a diagram on the following page that shows some of the basic steps in most criminal trials. If you have any questions, ask your attorney.

A jury trial is where the judge presides and people from the community determine whether you are guilty. A bench trial is where the judge decides the case. You and your lawyer must decide whether you want a jury or bench trial. Both the defendant and the State have the right to demand a jury trial.

If you have a trial, you and your lawyer must make several decisions about the presentation of your defense including whether or not you will testify. You are not required to testify, but you can testify. Your lawyer will give you advice about this and help you decide.

You and your lawyer must be ready for your trial on the date it is set even though there is a chance that you may not be tried on that date. There are many people waiting for a trial so the judge often sets several cases for trial on the same day. Another case may take priority over your case if it has been set once before, if the defendant is in jail and you are not, or if another good reason is shown. You may not know until you are in Court for your trial whether or not you will actually be tried that day. It is very important, however, that you and your lawyer be prepared for trial.

THE LEGAL PROCESS: TRIAL

Steps in the Trial Process	Court Action	Prosecutor Action	Defense Action
Motion in Limine	Rules on the Defense Motion	Argues against defense motions	Files motions concerning certain aspects of the case
Jury Selection	Jurors asked about their ability to sit on a jury	Asks questions. May strike someone from jury	Asks questions. May strike someone from jury
Reading of the Indictment		Reads indictment to jury	
Defendant Enters Plea			Responds to the charges with a plea of not guilty
Opening Statements		Makes a statement about what they can prove	Makes a statement about what they can prove
State's Proof	Judge rules on objections	Puts on witnesses and evidence to prove guilt	Cross-examines witnesses and objects to evidence
Motion for Acquittal	Judge rules on motion and can acquit		Asks for acquittal because not enough proof
Defense Proof	Judge rules on the objections	Cross-examines witnesses and objects to evidence	Put on witnesses and evidence to prove innocence
Prosecution's Rebuttal		Puts on witnesses and evidence to rebut defense proof	Cross-examines witness and objects to evidence
Closing Argument		Makes a statement about what they proved during trial	Makes a statement about what they proved during trial
Jury Instructions	Judge instructs the jury about to decide innocent or guilty		
Deliberations	Jury meets to decide		

THE TRIAL: PRESENTATION OF THE CASE

A jury is used in most trials. The district attorney and your lawyer will each question the people who may be on the jury and try to select the best ones to hear your case. You will help your lawyer in making this decision.

After a jury has been selected, each side makes an opening statement telling the jury about the case. Then the district attorney presents his/her witnesses and evidence and your lawyer can question these witnesses.

Before a person can be convicted of a crime, the district attorney must present evidence proving beyond a reasonable doubt that the accused person committed a crime. Evidence may be a physical thing like a gun, a fingerprint, or a lab report. Evidence is also the testimony of a witness who says that he or she saw, heard or did something that is relevant to the trial.

After the district attorney's witnesses are finished, your lawyer can ask the judge to enter judgment of acquittal (not guilty) if the district attorney did not present enough evidence to prove your guilt. If this motion is denied, your lawyer may then present defense witnesses and evidence. The decision as to how best to defend you is very complicated and you should discuss it very carefully with your lawyer.

When all the evidence has been presented, each side then makes a final argument to the jury. The judge then tells the jury what rules of law they should apply while trying to make

their decision. The jury then goes into a jury room to talk about the case and try to reach a unanimous decision as to whether or not you have been proven guilty. They must all agree. If they cannot reach a unanimous decision, a mistrial occurs and your case is set for another trial.

PRE-SENTENCE INVESTIGATION

If you plead guilty or nolo contendere without an agreement as to sentence, or if you are found guilty after a trial, the judge will set a date for a sentencing hearing and order that a pre-sentence investigation (PSI) report be prepared. The PSI gives the judge information he or she needs to help decide your sentence.

A probation officer will question you and may question your family, friends, employer, and witnesses in order to prepare this report. The PSI report will include a statement of the facts of your case, your prior criminal record, family background, employment history, and possibly a statement from you. Be truthful with the probation officer because all information is verified and any untruthful statements will be reported to the judge. In making any statements, be careful not to discuss the actual facts of your case until you have first talked to your lawyer. Your lawyer can help you in filling out the forms for the probation officer and advise you as to how you should conduct yourself.

After the report has been prepared, your lawyer will receive a copy, review it with you, and prepare for your sentencing hearing.

SENTENCING HEARING

The judge will review the PSI report and consider other testimony at the Sentencing Hearing. He/She will give you an opportunity to talk. You and your lawyer should discuss this and carefully prepare for your testimony should you decide you want to talk to the judge. The judge will also consider statements from the district attorney, your lawyer, and other interested persons. If you have people who would testify on your behalf, be sure to give their names and addresses to your lawyer so they can be contacted before your hearing.

Remember, every case and every defendant is different. Do not try to compare your sentence to sentences received by others in their cases.

INCARCERATION

You may be sentenced to a period of time in either a county or state facility. There are many different places, amounts of time, and programs involved in the incarceration process. You should discuss these options with your attorney.

The maximum time on a misdemeanor is 11 months and 29 days. All this time will be in one of the county jails. You may be able to do this time at the Pre-Release Center while you attend your regular job during the day.

If you have a felony conviction with a sentence of 6 years or less, you will spend that time in a jail or the Metro Detention Facility in Nashville rather than a state prison.

The judge can give you a "split sentence." This means that you will be locked in the jail for a period of time, and then the judge will put you on probation.

If your sentence is more than 6 years, you will be incarcerated at one of the state prisons. There are several state prisons in Nashville, including the primary women's prison, but there is a chance that you may be sent to a prison elsewhere in the state.

How much time you actually have to serve depends on the crime, your criminal record, and your behavior while locked up. If you do not break the rules while incarcerated and are involved in programs, your time may be shorter.

PROBATION

Probation is a privilege, not a right. Probation means that you do not serve your sentence in a jail, but must live by certain rules to stay out of jail. Talk to your lawyer about whether or not you are eligible for probation and what your chances are of receiving probation.

If placed on probation, the judge will make several conditions part of your probation. These conditions may include: 1) reporting regularly to your probation officer, 2) notifying and receiving permission before changing your address, changing your job, or traveling out of state, 3) receiving drug or alcohol treatment, 4) obtaining a G.E.D., 5) keeping a full-time job, 6) paying back money to the victims, 7) not committing any other crimes, and 8) public service work.

Everyone on probation must pay \$45 a month to his or her probation officer. Your attorney can ask that you not be made to pay the \$45 if you are unable to pay.

If you violate any probation conditions, a hearing will be held and the judge may “revoke” your probation and sentence you to jail. If you are charged with another crime while you are on probation, the judge can revoke your probation without waiting to see if you are convicted of the new charge. You will have a hearing if you are charged with a probation violation, and the judge will decide what should be done.

COMMUNITY CORRECTIONS

Tennessee law provides another alternative to jail for people who are not eligible for probation. Under community corrections, you are actually given a sentence to serve in the community.

A sentencing plan is put together and that plan is presented to the judge at your sentencing hearing. The plan may require you to do public service work in the community, pay money to the victim, report to a special probation officer every day, go through drug or alcohol treatment, or anything else the judge feels will help you to not break the law again and pay back the community for the damage you have done.

Community corrections has several specific conditions, which you should discuss carefully with your lawyer before deciding to request a screening for acceptance.

The main difference between probation and community corrections is that community corrections requires more from you. Because you earn a day of jail credit for every day you are on community corrections successfully, you are required to meet more requirements than with probation. However, if you violate community corrections, the Judge may increase your sentence if your community corrections is revoked.

THE DRUG COURT

The drug court consists of two phases, an inpatient program and an out patient program. Each phase can last from three months up to a year depending upon the progress of the individual resident. The services provided by these programs include drug and alcohol treatment, a therapeutic living environment, educational and vocational services, and community support for the resident making a transition from residential treatment to community placement. There is a screening process for admission into the drug court program. To be admitted to “Drug Court”, the client must have a ten-year sentence or less, no history of violent offenses, and dependency on narcotics, which prompts their criminal behavior. The program is a VERY strict form of community corrections. The residents who do not live up to the conditions of their community corrections frequently have their jail sentences increased. Although the program is intensive, it has proven effective for those clients who commit themselves to a drug-free life.

General Sessions also offers a drug court and it, too, is intensive and strict. Anyone who is interested in this program should discuss the referral with their attorneys before making the commitment.

DCSO DAY REPORTING CENTER

The Day Reporting Program (DRC) is available to those offenders who are granted work release, people who are on placed under DRC supervision out of the General Sessions Courts, and people on probation who have otherwise been court-ordered to treatment. Classes offered at DRC include alcohol and outpatient drug treatment, domestic violence prevention, criminal thinking, anger management, job readiness, parenting, finance, and family groups.

APPEAL

The Public Defender's Office has an appellate division that will work on the appeal of your case if an appeal becomes necessary. You can appeal a conviction, a sentence given by the judge, or rulings on motions that affected the evidence in your case. An appeal will only help you if the judge did not follow the law or if you were prevented from properly exercising your legal rights.

The first step in an appeal is a motion for new trial, which is heard by the same judge who presided over your trial. If this motion is denied, a notice of appeal is filed with the Court of Criminal Appeals. If your case is appealed, the judge may set an appeal bond that would allow you to remain out of jail if the bond is posted until a decision has been made on your appeal.

If you plead guilty to a crime as part of a plea bargain, you cannot appeal your conviction, but you can appeal your sentence. If you feel that the sentence the judge gave you was too harsh, your attorney can file an appeal with the Court of Criminal Appeals.

You should discuss the appeal process with your lawyer immediately after your trial or sentencing because there are very strict time limitations on filing.

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PROGRAMS IN THE JAIL

Jail time does not have to be wasted time.

There are several programs that operate in the jail that can help you in kicking your drug or alcohol addiction, building a stronger family, or just dealing with personal problems.

There are many advantages to being in programs:

- You can deal with the problems that may be the cause of you being arrested.
- Your time in jail will seem to go faster if you are involved in a program rather than sitting around doing nothing.
- The judge may consider your participation in the program and give you a lighter sentence or a time cut.
- Some programs will help your family during the time you are locked up.

The judge may make a program part of your sentence. The judge may require you to successfully complete a drug and alcohol program before you can be released. Whether you are required to go to a program or you choose to attend, you should take advantage of what the program has to offer.

The next few pages describe some of the programs available to you in the jail, what is required of you if you are in the program, and how to be involved. The sooner you get in a program, the sooner it can start helping you.

RDAP AND HEALING JOURNEYS

Residential Drug Abuse Program (RDAP) is a treatment program for people who are incarcerated at CCA. RDAP is a modified long-term treatment program lasting 6-9 months on average. RDAP supports the notion that long-term treatment has more of an impact on participants than regular 30-day programs.

To be admitted to RDAP, the defendant should have a history of alcohol and/or drug abuse. The program is staffed by professional treatment staff as well as ex-offenders and recovering addicts.

Healing Journeys is the 45-day treatment program for females at the Correctional Development Center for Females off Harding Place. During the treatment part of the program, there are health and wellness programs, yoga, group therapy, lectures, and workshops. During aftercare there is an emphasis on positive mental attitude, the 12 steps, and relapse prevention.

If you are interested in either of these programs, talk to your attorney or counselor.

NEW AVENUES AND SAVE

New Avenues is a 45-day substance abuse treatment program operated by the Sheriff's Office. The New Avenues Program is operated out of the Correctional Development Center for Males off Harding Place.

Comprehensive in its approach to substance abuse, New Avenues utilizes the services of a multi-disciplinary team including a certified substance abuse counselor, psychologist, therapist, teacher, case manager and medical staff. The involvement of your family is important to the program and will be expected.

Involvement in this program requires you to be sentenced for at least 60 days to the Metro Jail. This allows time for you to be interviewed and accepted in the program. After successful completion of the 45-day program, participants are expected to be involved in aftercare at the Day Reporting Center for a period of one year.

SAVE is a six-week program for defendants who have problems with domestic violence. The program assists clients in learning how to end the violent behavior and replace it with responsible actions and self-control.

If you want to be screened for either of these programs, contact your lawyer or your counselor.

12-STEP PROGRAMS

One of the most well known ways of overcoming an addiction to drugs or alcohol is a 12-step program. The most well recognized 12-step programs include Alcoholics Anonymous (AA), Narcotics Anonymous (NA), and Celebrate Recovery. Meeting in a group with people who share a similar addiction, you work your way through the 12 steps to recovery. The other members of the group support you in your struggle and you, in return, support them.

The jail facilities have separate 12-step programs for people addicted to alcohol and narcotics. If you have an addiction, becoming involved in a 12-step program while you are incarcerated could make your period of being locked up a more positive experience.

The counselor on your floor will have a complete list of when the groups meet and your counselor will be glad to arrange for you to attend these meetings.

MEDICAL & MENTAL HEALTH SERVICES

The Davidson County Sheriff's Office (DCSO) is in charge of administration of all of the Davidson County jail facilities. DCSO contracts with a private company known as Correct Care Solutions to provide medical treatment in the jails. You will have access to medical professionals in the event of illness.

DCSO also employs a small staff of mental health specialists who are available to meet with inmates who may be suffering from mental illness. The mental health specialists have the ability to refer inmates for treatment by appropriate psychiatric professionals in the event that medication is necessary or becomes necessary.

Additionally, the Metro Public Defender's Office employs social workers and counselors who are available to meet with incarcerated clients to provide support and make appropriate referrals. If you would like to speak with someone, please ask your attorney to refer you to the Social Services Team in the office.

RELIGIOUS PROGRAMS

The jail offers a wide range of religious programs for residents who are interested. Representatives from many different faiths provide services to the jail.

Activities provided by these religious groups include individual counseling, Bible study, and worship services. Everyone is welcome to participate in these activities.

If you are interested in being involved in religious activities, talk to the counselor on your floor. If your faith is not represented, a request can be made through your counselor for appropriate services. Your counselor will have a list of all the activities and will tell you how you can be involved.

EDUCATIONAL CLASSES

There are opportunities for furthering your education while you are in the jail. The primary educational opportunities are classes that will help you in getting your GED (Graduation Equivalency Degree). Receiving a GED degree is the same as having a high school diploma.

Educational services are available to address all levels of ability in a confidential manner. In several facilities, self-paced individualized educational classes are available. English as a Second Language classes are available in most facilities as well.

GED classes meet almost every day of the week and are available to everyone. If you are interested in working toward your GED, talk to your counselor and he or she will help you sign up.

There are English as a Second Language classes offered at the Criminal Justice Center, the Hill Detention Center, and the Correctional Work Center.

WORK RELEASE

Work Release is a program run by the Sheriff's Office where inmates are allowed to leave the jail during your regular working hours to continue working at your regular job.

If you are interested in Work Release, you will need to provide your attorney with contact information for your job and a person who will be able to transport you to and from jail. A judge must order that your sentence be 0% Work Release eligible. This means you are immediately eligible for Work Release. You must then contact the Work Release Program counselors in the jail, who will interview you and have you fill out their application. Whether you are approved for work release will depend in part on your prior criminal record.

For your job to be eligible for Work Release, it must be at least 30 hours a week, be within a reasonable distance to the jail, and you must have transportation to and from work. You are not allowed to drive yourself. Your employer may have to write a letter in order for your Work Release to be approved.

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WHEN A LOVED ONE IS ARRESTED

It can be a very frightening and confusing time for you when someone you care about is arrested and charged with a crime. You may feel angry and bitter. You may feel alone, but you are not alone.

The people who work in the Metropolitan Public Defender's Office are here for you. We care about our clients, their families, and their friends. We are here to help. Additionally, there is a movement in Nashville called Participatory Defense, which is made up of families and friends of individuals facing criminal charges. There are two Participatory Defense groups in Nashville, one of which meets every Monday night at the Martha O'Bryan Center (615-293-0295), and one of which meets every Thursday night at Family Reconciliation (615-554-5075). This group meets weekly to connect, offer support to one another other, and create collective knowledge about how to make a positive impact on a loved one's defense.

Hopefully, the information contained in this booklet can answer many of your questions. Be sure to read through the sections that explain the criminal justice process as well as the sections directed to the family, because important information is found there, too. If you cannot find the answer to your questions in this booklet, be sure to call our office. If we do not know the answer, we can at least refer you to someone else who can help.

Keep in close contact with your loved one's lawyer. Call him/her as often as you need to and make appointments to talk together in the office. The support of family and friends can be very helpful in working out a good solution to your loved one's legal problems.

LOCAL JAILS INFORMATION

It is important for you to know where your loved one is being held because each facility has different rules and schedules. If you do not know where your loved one is being held, call 615-862-8123. Knowing the inmate's full name and his/her date of birth would be helpful. The county facilities in Nashville are:

1. Criminal Justice Center (CJC) (DCSO)
448 Second Avenue North
Nashville, Tennessee 37201
Inmate Information: 615-862-8123
2. Hill Detention Center (HDC or Blackwood) (DCSO)
506 Second Avenue North
Nashville, Tennessee 37201
Inmate Information: 615-862-8288
3. Correctional Development Center for Males and Females (CDC) (DCSO)
5113 Harding Place
Nashville, Tennessee 37217
Inmate Information: 615-880-3853
4. Metro-Davidson County Detention Facility (CCA)
5115 Harding Place
Nashville, Tennessee 37211
Inmate Information: 615-831-7088

COUNSELOR INFORMATION

If you need to contact someone at the jail about your loved one, the best person to talk to is the counselor.

Building	Unit	Extension #
Criminal Justice Center (All counselors numbers are 615-862-8123 plus the extension.)	1A (Gym)	254
	2A	281
	2B	265
	2C	265
	2D	271
	2E	265
	3A	255
	3B	228
	3C	228
	3D	228
	3E	265
	4A	264
	4B	254
	4C	254
	4D	271
	5A	264
5B	255	
5C	255	
5D	264	
Hill Detention Center (Call 862-8288 plus the extension.)	A Cell, Upper	517
	B, C, D Cells	522
	E & F Cells	253
	G & H Cells	524
	Education	516
	Volunteers	516
	Programs	615-862-8279
CDC/ORC Correctional Complex (Call 615-880-3853 plus the Extension.)		
New Avenues	Director	275
SAVE Program	Director	275

CDC/ORC Correctional Complex – Cont'd
(Call 615-880-3853 plus the
extension)

Case Managers (Call 615-880-3865 plus extension)	A Pod/Males	234
	B Pod/Males	509
	C Pod/Males	537
	D Pod/Males	501
	E & F Pods/Males	240
	I Pod/Females	497
	J Pod/Females	491
	K Pod Programs	497
	L Pod/Females	501
	M Pod/Females	507
	N Pod/Females	234
	O Pod/Females	509
	P Pod/Females	507
Chaplain	244	
Education	222, 257	

VISITATION INFORMATION

The officials at the jail recognize the importance of visitation and try to be helpful, but their chief concern is security, so you may be searched for weapons or drugs.

Before you leave to go to the jail to visit a loved one you should make sure to:

1. Carry proper identification, but leave your purse in the car or with a friend.
2. Know the exact location, unit number, floor, cell, and/or bunk of your loved one.
3. Check the visitation time to make sure that you can visit your loved one at that time.
4. Dress modestly.
5. Empty your pockets of any prescription or over-the-counter drugs and anything that could be considered a weapon.
6. Don't drink alcohol just before going to the jail.
7. Prepare children and other family members for what may be a difficult and frustrating experience.

Once you get to the jail, show respect for jail officials and other visitors.

VISITATION SCHEDULES

The most up-to-date information about inmate visitation at Davidson County Sheriff's Office-operated facilities is available on the DCSO website at <http://www.nashville-sheriff.net>.

Call to verify times before visiting for the first time.

1. Criminal Justice Center (CJC) (DCSO)
448 Second Avenue North
Nashville, Tennessee 37201
Inmate Information: 615-862-8123
2. Hill Detention Center (HDC or Blackwood) (DCSO)
506 Second Avenue North
Nashville, Tennessee 37201
Inmate Information: 615-862-8288
3. Correctional Development Center for Males and Females (CDC) (DCSO)
5113 Harding Place
Nashville, Tennessee 37217
Inmate Information: 615-880-3853
4. Metro-Davidson County Detention Facility (CCA)
5115 Harding Place
Nashville, Tennessee 37211
Inmate Information: 615-831-7088

INMATE ACCOUNTS/MONEY

Family and friends of inmates housed in a Davidson County Sheriff's Office (DCSO) jail can deposit money into an inmate account using three easy ways:

1. The "Touchpay" system allows deposits using kiosks in each jail lobby,
2. Toll free by telephone at 1-866-232-1899, or
3. Via the internet at <http://payments.touchpaydirect.net>.

Cash can be deposited directly into kiosks, or a check, check card or credit card (VISA or MasterCard only) may be used. The amount deposited will appear on the inmate's account in real time as soon as the transaction is complete. This money will be put on your loved one's account and they can purchase snacks and personal items at the commissary.

You must know the inmate's OCA number to deposit money using Touchpay. The inmate cannot release money from his/her account except to an attorney or bondsman without a court order. Inmate accounts cannot be discussed over the phone.

If your loved one is in the CCA Detention Facility, money must be mailed to the facility in the form of a U.S. Postal Service Money Order. Be sure to include the inmate's name and OCA number.

IMPORTANT TELEPHONE NUMBERS

Public Defender's Office

Adult Division.....	615-862-5730
Juvenile Division.....	615-862-5740
FAX.....	615-862-5736

Probation/Parole

D.U.I. and Alcohol Safety School.....	615-862-8355
General Sessions Court Probation	615-862-8380
Criminal Court State Probation and Parole	615-253-7400

Bond Office and Bonding Companies

State Bonding Office.....	615-862-5670
Aaron Bonding	615-254-8945
AB Bonding.....	615-726-1996
Able Bonding	615-256-0811
Capitol Bonding	615-242-4208
E & W Bonding.....	615-255-2299
Free At Last	615-242-3733
Nashville Bonding.....	615-255-1800
Paul's Bonding.....	615-254-8900
Rader Bonding.....	615-242-6371
Slater Bonding.....	615-256-8333
Smiley Bonding	615-259-2663
Sullivan's Bonding	615-254-0009
Wheeler Bonding.....	615-244-3015

Court Clerks

Criminal Court Clerk..	615-862-5602 (General Sessions); 615-862-5601 (Criminal Court)
Juvenile Court Clerk	615-862-7980
Metro Traffic Violations	615-862-5222

Education

Cohn Adult Learning Center.....	615-298-8053
G.E.D. Adult Learning Lab.....	615-298-8410

Employment

Career Center.....	615-862-8890
Project Return.....	615-327-9654
Veterans Employment and Training	615-736-7680

Emotional Support

Project Return.....	615-327-9654
Reconciliation/Separate Prisons Support Group	615-292-6371

Food, Clothing, and Other Basic Needs

Metropolitan Action Commission	615-862-8860
Metropolitan Social Services	615-862-6400
Salvation Army	615-242-0411
Second Harvest Food Bank.....	615-329-3497

Homelessness

Campus for Human Development	615-251-9791
Community Care Fellowship	615-227-1953
Hope Center	615-780-9468
Matthew 25.....	615-383-9577
Nashville Rescue Mission.....	615-255-2475
Operation Stand Down (Veterans only)	615-248-1981
Safe Haven Family Shelter	615-256-8195
Salvation Army	615-242-0411

Housing

MDHA Public Housing – List available http://www.nashville-mdha.org/communities.php	
Metro Development and Housing Agency	615-252-8400
Section 8 Rental Assistance	615-252-6500

Medical

Bridges to Care.....	615-340-0573
General Hospital	615-341-4000
Lentz Health Center	615-340-5616
Matthew Walker Health Center	615-327-9400
TennCare Information.....	1-800-342-3145
Woodbine Public Health Clinic	615-862-7940

Mental Health and Counseling

Centerstone Community Mental Health Center	615-463-6600
Family and Children's Service	615-320-0591
Luton Community Mental Health Center	615-279-6700
Meharry Community Mental Health Center	615-327-6255
Mental Health Cooperative	615-726-3340
Nashville CARES (AIDS counseling).....	615-259-4866
Oasis Center	615-327-4455
Park Center.....	615-242-3576

Alcohol and Drug Counseling

Alcoholics Anonymous	615-831-1050
Al-Anon (for family members of alcoholics)	615-333-6066
Alcohol and Drug Council of Middle Tennessee	615-269-0029
Cocaine Anonymous	615-747-5483
Centerstone Community Mental Health Center.....	615-460-4357
Cumberland Heights.....	615-356-2700
Luton Community Mental Health Center	615-279-6700
Meharry (Elam Center) Community Mental Health Center	615-327-6255
Narcotics Anonymous	615-251-7400
Samaritan Center	615-244-4802
Veteran's Administration Medical Center	615-327-4751

Social Services

Applications for Housing	615-252-8400
Department of Human Services.	615-532-4000
Family Assistance Service Center.....	1-866-311-4287
Family Services	615-741-3241
Food Stamps	615-532-4000
Food Stamp Replacement	615-741-1057
Medicaid.....	615-741-4800
Metro Development and Housing	615-252-8400
Metro Social Services.....	615-862-6432
Section 8 Rental Assistance	615-252-6500
Social Security Administration	615-781-5800
TennCare Information	1-800-342-3145

Veterans' Services

Disabled American Veterans.....	615-695-6384
Operation Stand Down	615-248-1981
Veterans' Administration Hospital	615-327-4751
Veterans' Affairs	615-741-2931
Veterans' Benefits, Regional Office	1-800-827-1000

Inmate Facilities

Correctional Development Center for Male and Females	615-880-3853
Criminal Justice Center	615-862-8125
Hill Detention Center	615-862-8288
Metro Detention Facility	615-831-7088
Riverbend Maximum Security Institute.....	615-350-3100

DeBerry Special Needs Institution	615-350-2700
Tennessee Prison for Women	615-741-1255

Inmate Information

Bond Office	615-862-5670
(To find out how much bond is needed for release)	
Department of Corrections Records	615-741-1000
(Information about sentences and jail credit)	
Pre-Trial Release	615-862-8520
(Information about release without paying bond)	

Juvenile Court

Juvenile Court Information	615-862-8000
Juvenile Court Clerk	615-862-7980
Juvenile Court District Attorney’s Office	615-862-8043
CASA	615-425-2383
Juvenile Court Detention	615-862-8066
(Note: For visitation of children in detention, the parent or legal guardian must schedule an appointment/visit with the detainee by calling 615-862-8066 to speak with a counselor.)	

Civil Legal Services

Legal Aid Society	615-244-6610
(Legal Aid can help with legal problems that are not criminal.)	
Pro Bono Program	615-242-8749
(Lawyers who represent people in non-criminal cases who cannot afford a lawyer.)	

INFORMATION TO REMEMBER

Attorney _____

Address _____

Phone _____

Court _____

Case # _____

Judge _____

Prosecutor _____

Court Date _____

Jail _____

Address _____

Cell/Bunk _____

Visit Time _____

Counselor _____