Grand Jury Final Report
April Term 2004

Presented to
The Honorable Mark J. Fishburn
Criminal Court, Division VI

25 June 2004

ACKNOWLEDGEMENTS

The jurors and alternates for April 2004 term of the Davidson County Grand Jury wish to thank Judge Mark J. Fishburn, Division VI, Criminal Court, for this opportunity to serve our community. It has been our privilege to fulfill this important civic responsibility. All of us have greatly benefited from the experience. Our understanding and appreciation of the legal system and its functions has been greatly expanded through this term.

The members of the Grand Jury also wish to acknowledge and thank Mr. Henry Hill, our foreman, for the outstanding job that he has done. Mr. Hill has provided guidance, humor, and leadership to our proceedings. When we occasionally struggled in execution of our duties, he showed great wisdom, patience, understanding and tolerance, which helped guide us through our deliberations.

The Grand Jury also wishes to thank the law enforcement officers that made case presentations to the jury. We were much impressed with their competence and professionalism. They were generally well prepared, understood their jobs, the law, and made a genuine effort to help us understand the cases they were presenting. They were usually dressed in uniform or coat and tie, and were polite and respectful to the jury. We commend them for their service. We also noted the cultural and ethic diversity found in the Police Department. We are cautiously optimistic that this will continue and that this trend is expending to the other departments of the Metropolitan government.

VISITATIONS

During the term several opportunities to visit various government facilities were provided to the members and alternates of the Grand Jury. Several informational presentations were also made. These visitations and presentations provided information and insight that has helped us carry out

our duties, and have made us more aware of the tremendous challenges that face our police and law enforcement officials. The additional commitment of time for these field trips and sessions was a significant handicap for several members. However, those who were able to participate freely shared their experiences with those who could not attend. This exchange helped all of the jurors gain insight into the workings of the criminal justice system.

At River Bend Prison Maximum Security Institution, we were impressed with the knowledgeable staff and the orderliness of the facility. The exercise yard was larger than expected. We were also encouraged by the variety of programs such as GED and carpentry that are available to the inmates. The visit to the Prison For Women was equally enlightening. Several of the jury members commented on the positive environment they found there. The requirement the every inmate be involved in at least one of the many programs available was very positive. The Police Academy was another interesting field trip. Everyone was much impressed with the entrance requirements and rigorous training of our police recruits. The training staff is talented, enthusiastic, and well qualified for their duties. At least one of the jurors was in complete awe of the skill and training needed to react properly in highly volatile situations involving firearms, potential shooters and innocent bystanders. The Medical Examiner's facility was the destination of another field trip. The facility is well designed and equipped. It easily accommodates the daily functions and needs for the office.

We also visited the Juvenile Detention Center. While the system appears to be providing many positive programs for youth offenders, the facilities are grossly inadequate to accommodate the multiple functions imposed on a daily basis. The courtrooms are too small, and the partitions do not provide security or privacy to the proceedings. Offices and other spaces are too small, poorly arranged and unorganized. Jury members noted that case files, documents and folders were piled on every desk and shelf. Not only does this create inefficiency, but it undoubtedly presents a work and fire hazard to the clients, staff and the facility. Metro government needs to address these needs immediately. The staff should be involved in the design and development of the new facility.

PRESENTATIONS

The presentation by the night court commissioner was most informative. It greatly helped us understand the many steps that must be

taken by the police and the courts just to bring a case to the grand jury. By time the speaker from the drug task force visited the grand jury, we had already heard many, many cases involving drugs. Before this session, very few of the jurors had any idea what a "rock" really looked like or could identify a "crack" pipe. It was very informative for us to actually see these things, along with the other drugs and the related paraphernalia. The explanation of the field test for cocaine base drugs assured all of us that this test is a consistent, quick and accurate method for officers to identify these very dangerous drugs.

OBSERVATIONS AND RECOMMENDATIONS

District Attorney General's Office is understaffed. Despite this fact, they were always willing to provide assistance and answer any questions that we raised during our sessions. There were several instances when the jury raised questions of added or dropped charges that representatives were quickly able to clarify or correct. Additional resources would improve their abilities to perform their duties in an even more effective and efficient manner.

This Grand Jury apparently used alternates more frequently than most previous grand juries. On a few occasions this resulted in some attendance problems. On at least two occasions, we had to delay starting our sessions because one or more alternates had not been called until the morning that they were needed. We realize that emergencies at home or at work may prevent a juror from fulfilling their obligation, and that an alternate might be late when getting short notice in such situations. However, in some cases, a juror had scheduled an absence several days in advance and an alternate was not notified until the morning that they were needed. The mid May letter and a calendar helped resolve the problem. We suggest that if the calendar had been circulated during the first week of the term, there may not have been as many problems with the schedule. Over the entire term, time lost due to an insufficient number of jurors was probably less than three hours.

A significant number of the cases brought before the Grand Jury were for misdemeanor offenses and minor traffic violations. In most of these cases, the "crime" has already been considered by a police office, presented to a magistrate, then sent to a General Sessions judge before being presented to the Grand Jury. At each level of the review process, the prosecuting officer is required to appear. This does not seem to be effective use of time

and resources that could be put to better use in the criminal justice system. It also appears some attorneys use the Grand Jury process as a ploy to extend the time it takes bring their clients' cases to trial. Such actions hinder the timely administration of justice and do not provide any additional protection of a citizen's rights. We would recommend that the State Legislature examine the role of the Grand Jury, and modify, adjust, or re-define that role for a more effective and efficient use of the time and resources available.

At the beginning of the term, we experienced some difficulty with legal terms, such as " *per se;*" jargon words, like "BOLO;" and street slang like " a twenty." We picked up the meaning of these words, and many more as well, but witnesses sometimes assumed that we either did not know what they meant and went into long explanations or assumed that we were already familiar with a word when they used it. Overall, this was a very minor problem but we would suggest that a glossary of basic terminology be provided to the jurors at the beginning of the session, and that witnesses be made aware so that they know whether the jury understands a word that they might use in their testimony.

Although we are not unanimous on this point, many members of the Grand Jury would offer the suggestion that the term be shortened to two months. Three months is a significant amount of time. Citizens, especially those still active in the work force, may be reluctant to make such a major commitment. Ideally, a grand jury should be a representative cross section of the community from which it is drawn. Organizational or procedural changes that help to assure that the Grand Jury remains representative of all parts of the community should be seriously considered. A shorter length of service, or shorter daily sessions may need to be considered to achieve this goal.

SUMMARY

In closing, the citizens that have made up this Grand Jury wish to state that this has been a positive and rewarding experience for all of us. We have not only gained a better understanding of police work and the functions of the criminal justice system, but also a better understanding of ourselves and our neighbors with whom we live and work here in Davidson County. All of us want a better community for our families and friends; we hope that our service has in some small way helped bring that desire closer to reality.

Respectfully submitted,

Henry Hill, Foreman

Rosalie Crispen

Brenda Jackson

Larry Milliken

Janice Smith

Darryl Turnage

Ronald Westphal

Donna Chantos

Jerome Holland

Bridget Landtroop

Christy Reasonover

David Spragens

Audrey Young-Miller

Evelyn Venson, alternate

Evelyn Venson