Grand Jury Final Report
April 2005 Term

Presented To:
The Honorable Seth Norman
Criminal Court Division IV
Davidson County, Tennessee

June 17, 2005

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We, the Grand Jury for the April 2005 term submit the following report in summary of the three months served in Davidson County, Tennessee.

The term began on April 4, 2005 and consisted of 32 days – 1 organizational day, 28 days hearing cases, 2 field trip days and 1 final report day. We heard a total of 842 cases – 824 True Bills and 18 No True bills.

Our first few days proved to be a real challenge for all of us. Not only were we a new Grand Jury, but our Foreman was new also. Much patience was required from not only the jury members but also from those that appeared before and assisted us during those first few days. We appreciate the patience and professionalism shown by everyone while we learned. Our Foreman recommends that each succeeding Grand Jury Foreman be required to attend one of the last sessions of the Grand Jury seated at the time. This will allow a new Foreman to become familiar with the procedures of the Grand Jury. This will shorten the time it normally takes the new Grand Jury to learn the process and allow the new Grand Jury to "hit the ground running". This is one of the reasons we were able to handle over 800 cases this term.

For the most part, the witnesses appearing before the Grand Jury were the persons most knowledgeable about the facts of the case. However, we did encounter times when either the wrong witness was called, or the witness was not properly prepared. There were also numerous cases presented to us without the results of forensic tests, due to extreme delays in the testing laboratories. Many officers testified that results from the Tennessee Bureau of Investigation (TBI) crime lab can take upwards of four or six months. This is frustrating to all involved. It is unfair to the officers and to those accused as well.

We encountered some inconsistency from the DA's office regarding the application of charges, but for the most part, the work of the office proved to be very thorough. The Assistant DA's assigned to work with the Grand Jury were very helpful by providing answers to our questions in a concise and easy to understand manner.

The opportunities to participate in various field trips were greatly appreciated by the entire Grand Jury. The visit to the Police Academy, Police K-9 and Police Aviation Group provided a good insight into the workings of the Metro Police Department. Some of the jurors also participated in a ride-along with a police officer for a shift to witness first-hand what goes on in our city. The Metro Police Department is certainly one of the city's greatest assets.

The jurors also visited, as a group, the Riverbend Maximum Security Facility. As with previous Grand Juries, the Riverbend Facility was found to be both clean and safe for staff and inmates. It was a very informative visit and the two guards who gave us the tour were excellent guides. We would recommend looking at providing higher salaries for prison guards. They face danger everyday and should be adequately compensated for the risks.

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It became obvious at the very beginning of our term how large a role drugs play in the crime level in Nashville. A large proportion of the crimes presented to us were related directly or indirectly to drugs. However, it was very encouraging to see the success Judge Norman's Drug Court is having in getting people out of that lifestyle. The Judge explained how they have a relationship with a nearby school that educates the children about what drugs can do to a person's life. If this program could be expanded to schools throughout Nashville, we believe it might be a deterrent to the future use of drugs. The children should hear from the residents themselves about what drugs have done to their lives.

Testimony regarding a DUI arrest, involving an underage Vanderbilt University student, raised a concern among some members of the Grand Jury regarding Vanderbilt's policies regarding underage drinking on campus. At the request of the Grand Jury, the head of Vanderbilt Security was asked to appear and explain the university's rules, and the ways they are enforced. Chief Al Guyet and his assistant Captain Cunningham explained that most student infractions on campus, including alcohol related cases, are for the most part handled internally and taken before a student conduct board. The rules regarding parties on campus and procedures to prevent underage drinking were also explained.

The jurors who participated in the police ride-along program found it to be a valuable learning experience. It would be good if the Grand Jury members were to ride along with the police early in their term. The ride-along gave a better understanding of what the police do and helped to better understand the testimony of the officers. Unfortunately, our ride-alongs were scheduled for the end or our term. Another thing that would help would be for someone to explain in more detail about the different charges and the standards for each. For example, the difference between burglary and aggravated burglary or when a first degree murder charge applies as opposed to second degree. We did have some orientation on our first day, but became immediately confused when the first cases were heard. It would have been most helpful if a brief explanation were given as to the nature of a particular charge during the first few days. A good way to do this would be to explain charges that are on the first day's docket. Some are obviously straight forward, but others are not. Also, the Drug Task Force should be scheduled for the first day of the term to explain the different types of drugs and the DA staff should explain the associated charges. This would have really helped us work through the first few days of our term.

We also think it would help if the police didn't have to testify on their day off. It is an inconvenience for them and it put us under pressure to hurry along to keep them from waiting. There were times when witnesses provided a lot of helpful information about different aspects of how the system works. These discussions were important, but required a lot of time and increased the wait time for the other witnesses. We feel certain that the witnesses understand that the wait time is just a part of the testifying process. The jurors just want them to know that we were aware of the issue and did our best to move along as quickly as possible.

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We would like to thank Judge Norman for sharing his knowledge and insight with us. Also, we want to thank District Attorney Tory Johnson and his staff for their able assistance. We especially want to thank General Rodney Faulk as well as Donna Dale, who helped us on a daily basis. We are also appreciative of the assistance provided by General Michae Mathews and General Mary Hausman who helped us with the "bumps in the road". Finally, we would like to thank all of the officers, investigators and private citizens who presented evidence to us. The majority of the witnesses was well prepared and presented the cases in a manner that made the circumstances involved easy to understand. This made our decision as to whether to return a true bill or not a much easier task. The Grand Jury as a whole, also wishes to thank our fellow jury members who acted as record keepers and sergeant-at-arms. Their able assistance helped keep the process flowing smoothly. The jury members would also like to thank our Foreman, Charles Rolfe, for his leadership during the term.

In conclusion, we all appreciate the opportunity afforded us to serve on the Davidson County Grand Jury for the last three months. Our service on the Grand Jury has provided valuable knowledge as to the workings of the criminal justice system of our city and state. We are all grateful for the opportunity to serve our community and would recommend the experience to anyone.

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Respectfully submitted,

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