REPORT
of the
GRAND JURY
of the
CRIMINAL COURT of DAVIDISON COUNTY
January Term 2000

REPORT
of the
GRAND JURY
of the
CRIMINAL COURT of DAVIDISON COUNTY
January Term 2000

1. Statement of the Grand Jury:

This Grand Jury panel, composed of citizens of all sections of Davidson County with diverse backgrounds, education, occupations, religion, political and social beliefs, all the things that make each an individual, melded together into one mind determined to fulfill its responsibility fairly and honestly. In so doing it made a decision on each case presented, sometimes quickly and sometimes not so quickly, as to whether or not a criminal offense had been committed and if so whether the person(s) accused were probably guilty of that offense. The jury made each decision on the basis of the facts presented without regard to any other factors.

2. Number and type of indictments handled:

During the January 2000 term the Grand Jury handled in excess of 600 cases.

* Eighty percent or more were drug and/or alcohol related in some manner.
* A significant number of the indictments were of individuals under the age of 25.
* A significant percentage of cases involved domestic violence.
* A shocking percentage involved child abuse. Many, if not most, of the cases involved 'live in' male friends/lovers of the child's mother.

3. The Grand Jury Experience:

Eye-opening---

The presence of drugs and guns -----The number of people out on bond and/or parole -----Inadequate jails and prisons, far too few work programs.

Frightening---

To realize there is another side of Nashville, a dark side, unsafe, even dangerous, a side we wish didn't exist but wishing won't make go away.

Builds Appreciation---

For the training and the resulting performance of the police officers.

Frustrating---

To witness the cycle of crime – juvenile delinquency, the out of control parents – the waste of money on the Juvenile Detention Center – over spending on the "pre execution chamber" at the Tennessee maximum security facility.

Shocking---

The sex crimes against children in our community, particularly in those cases where a parent is aware and unresponsive to the abuse of a child.

Challenging---

To help find a better solution to the weakness in the criminal justice system.

4. Concerns of the Grand Jury:

A. Juvenile Court and Juvenile Facility

Sadly, many of the citizens of Nashville who are involved in the sale or use of drugs began as juveniles. Fortunately, the current Juvenile Court Judge, Betty Adams Green, has the intellect and energy to broaden the approach in dealing with juvenile crime. Unfortunately, the facility she inherited is totally inadequate to support her effort. The Juvenile Court building was from the beginning under-built, poorly planned and badly maintained. Prior Grand Juries have drawn the same conclusions. When will we deal with it?

At the Tennessee maximum security facility, the deputy warden told the Grand Jury members during a visit that inmates he now receives are younger and meaner. This suggests a need to confront juvenile crime on many fronts, including education. Education is the long-term answer. In the near-term, adequate facilities and programs that impede the growth of crime in the community are urgent necessities. And, yes, it will take money, money efficiently used, in order to be effective in dealing with these issues. Judge Adams-Green's interest in and intent to establish, with the help of the school system, a weekend school for students who are routinely absent during the school week came as a waft of fresh air. Some of her thoughts may require the involvement of parents or guardians, voluntary or involuntary. The Grand Jury thinks it a good idea to insist on, require, the involvement of families, whether whole or in bits and pieces, in dealing with their problem children.

The Grand Jury urges the school system to associate with and help Judge Adams-Green in this Venture.

One member of the Grand Jury, living in a moderately affluent area of Nashville, made comments worthy of inclusion here that may reflect the view of a majority of the members as they wonder how to rescue this present generation of kids from drugs and crime.

"The juvenile crime problem seems to have exploded into a crime wave in Nashville. Our neighborhood is overwhelmed with juveniles breaking into cars and even homes during the day and night. It seems that juveniles are not punished when they are caught, and many juveniles see the juvenile justice system as a joke. Quite simply the city needs to get tougher in punishing juveniles to protect the victims of this crime. Of course, better facilities are needed but I question the entire rehabilitation mentality with respect to juveniles. If juveniles commit crimes, they should be punished with jail time, detention, boot camp, work duty or serious community service. Releasing them to their parents, who are largely the cause of their delinquent behavior, will not punish them or prevent the problem from happening again. While in jail or detention, they should go to special school for juvenile violators. If they skip school they should be expected to go to Saturday school and perform community service."

B. Drug Problems

It was abundantly clear to this Grand Jury and, according to the reports made by previous Grand Juries, that drugs are at the root of most of the crimes in this community. During the January term, probably eighty percent of the crimes for which the Grand Jury heard testimony involved drugs. Dozens of members of the Metropolitan Police Department made the Grand Jury aware of the necessity of dealing with many of the same people over and over because of their involvement with selling and/or using drugs or involvement in other crimes to support their drug habit. The majority of those incarcerated in jails and prisons are there because of drugs. Because of overcrowding, a jail overcrowding committee, including judges, routinely determines the release of prisoners to free up space to incarcerate others, oftentimes for the same or similar crimes.

Obviously, Nashville will build additional jail facilities in the future. There appears no choice other than a determination of when this will be done. The process of dealing with crimes and criminals will also require the establishment of additional criminal courts. The system currently functions slowly because of the overwhelming number of cases facing the present courts.

The Grand Jury has, during this January term, been very impressed with the men and women of the Davidson county police departments who arrest dealers and buyers of drugs on a regular basis. This group of men and women are dedicated and professional, and are perplexed over the fact the people they confront on a daily basis know that, if caught, they will do very little time in jail or prison.

Judge Seth Norman's "drug court" was a great idea and is producing good results. The Grand Jury compliments Judge Norman and can't avoid the suggestion that his approach to "spartan living" at the detoxification facility be adopted by local jails and prisons. It seems obvious that far too little money is being spent by the state on detoxification. Some people who appeared before this body said persons often entered State Prison Facilities drug-free and came out addicts.

C. Child Abuse & Domestic Violence

In most of the instances of child abuse and domestic violence, the family unit has suffered a total and complete breakdown. All too many instances occurred with the knowledge of the mother, at least tacit knowledge, or other responsible persons. To the disgust of the Grand Jury the offending male was the child's natural father. Some times the mother elected to remain with the offending male even if it meant loosing custody of her child. Fortunately this was not always the case.

In the opinion of this Grand Jury, a significant portion, though certainly a minority, of the under thirty generation in Davidson County suffers from a lack of self worth. It is easy to blame this on society and not the individual person. When a child is born with no father present or a drug crazed father, a mother moving from male to male in search of drugs or in a few instances, a better life, what chance does that child have to develop a feeling of self worth. A feeling of self worth is necessary to escape the life cycle of its 'family'.

It is obvious the family has failed this child. The next step is to blame the church for failure to get its message across. What chance does the church have of ever seeing this child and ministering to him/her. Who tells the child there is a church to attend or a God interested in him/her? More often than not the child's first contact will be with the police officer who comes and takes away one or more of its authority figures. The Grand Jury found the police officers dealing with this type situation to be caring, sympathetic and interested in getting the child out of its hopelessness.

The Grand Jury believes it is the lack of a feeling of self worth that leads many women to stay in an abusive relationship. That same lack of self worth causes many women to overlook, forgive or downright accept a situation where her child is being abused sexually and /or physically by a mate with whom she is involved. The feeling is she can do no better or she deserves whatever happens to her because she has too little worth. The community as a whole needs to attempt to save as many children from this and other situations that beat them down.

D. Our Kids and School

In the Grand Jury's opinion it is the responsibility of the local school administrators to provide a school with an atmosphere conducive to learning not only the proscribed curriculum but certain social needs such as self worth, individual responsibility, respect for the laws outlining acceptable conduct, and discipline. Some simple changes might include a code of conduct that is enforced, a dress code for both students and teachers, uniforms if necessary, a functional student government with some but limited input in the management of the school problems including discipline .

The Cinderella Project is a program started by a group of Nashville business women to provide prom dresses to high school students who can't afford to purchase or rent a proper dress. This simple use of a used dress allows a young girl to go to the big event in her high school career that otherwise she would miss or go wearing something unsuitable. This program, embraced by guidance or career counselors at Glencliff High School, is an example of one private group and one high school, at least one high school counselor, working together instilling confidence, self esteem and self worth in young girls, who through no fault of their own, need help. No doubt there are more groups of this type that, hopefully, are not only helping the girl who cannot afford $100.00 or more for a dress but also the three year old boy eating cold beans for breakfast and growing up thinking that to be normal.

The Grand Jury understands churches, business groups, charitable organizations and citizens all bear a responsibility to help where possible but we believe the school system has an unique position. It is better able to locate and publicize situations than nearly any other organization, including the police department.

E. Pawn Shop Licensing Requirements

The Grand Jury heard lots of testimony regarding stolen merchandise and its method of disposal. Some of which the police often locate in Nashville pawn shops. Once the merchandise is sold by the pawn shop it is seldom recovered. Officers testified about the variety of ways pawn shops maintain records of pawned merchandise. The Grand Jury suggests the city require one and only one method of recording this information, **direct entry**

into a police data base for that purpose. This requirement to be met before a license is renewed or a new license issued to a businesses seeking to operate as a pawn shop . Obviously, the police department should first be prepared to handle this information quickly and efficiently to track stolen merchandise.

With today's technology, the suggestions outlined will pose no problem nor increase the cost of doing business for a legitimate pawn shop. Purchases or pawns have to be recorded as a part of the shops accounting records. That record can at the same time and in the same operation notify the police data base of the transaction. The cost of equipment is negligible, in fact most pawn shops already have access to a computer of adequate size to accommodate this requirement, often on their shelves for sale.

Merchandise brought to a pawn shop is frequently stolen. Identifying this merchandise as stolen is made nearly impossible due to the fact that people fail to record serial numbers or to mark items with a unique identifier that can be reported to the police when a burglary occurs. The Grand Jury suggests the police department offer information to the citizens and businesses of Nashville regarding the prevention of burglary as well as instructions on how citizens can help the police identify merchandise taken from homes and businesses. This information could be mailed in utility or tax bills once or more each year.

The members of the Grand Jury are urged to contact their councilperson concerning this recommendation in the hope a rapprochement can be made between the city, the police department and the pawnshops.

F. Auto Thefts

Testimony before the Grand Jury called attention to an interesting set of facts. It appears that some people involved in the theft of autos have been aided in this process, wittingly or unwittingly, by locksmiths and/or towing services called by thieves under the pretext of having lost a key or having a car that will not operate. The towing service may tow the vehicle to a place of the thief's choice where he can safely proceed with his theft. The locksmith may then be called to unlock the auto, perhaps make a new key, for the thief.

Personnel in the auto theft unit testified that neither the wrecker service nor the locksmith, prior to providing their unique services require any ID or proof of ownership.

It is obvious the council needs to pass an ordinance requiring driver's license identification or at least some reliable identification of the person or persons seeking the services of these businesses. The provider of these services should also be required to maintain a record of the service performed and the type of identification furnished. These records should be reasonably available to the Metropolitan Police Department for a period of one year.

The foreperson of the Grand Jury has asked each member to contact his/her councilperson urging passage of an ordinance requiring identification and records, the public welfare requiring it.

General Comments

1. **Grand Jury Service**

Individual **members** have commented on the difficulty of serving for three months. All agree it takes a few days to get the feel for the process to gain enough knowledge to feel confident in the charge of duties made to the Grand Jury. Several members, because of the nature of their employment, must maintain the same level of work with their employer while performing the task of Grand Jury member. Some members feel the Grand Jury should serve shorter terms. This would potentially require additional juries and result in the involvement of more citizens in the process.

One suggestion put forth is the appointment of a committee to consider the establishment of a "Super Grand Jury" with essentially the same charges as are currently made of the Grand Jury. It would meet fewer days but serve a longer term (perhaps a year) and could serve as a base of alternates available to the regular Grand Jury. Additionally, it could hear cases between the terms of grand juries currently serving quarterly terms. If the terms of the quarterly Grand Jury were reduced to say two months the gap between juries would be greater and could be filled by the "Super Grand Jury". One result of this is likely to allow the District Attorney to present more cases over the course of the year.

2. **Grand Jury Pay**

Ridiculous. It punishes self-employed persons and is barely sufficient for a lunch.

3. **Stolen Vehicle and/or License Plate ID System**

Experiment with a system of bar codes on license plates and scanners which will quickly identify stolen vehicles similar to the quick pay toll systems in the northeast.

4. **Crime Tip Incentive**

Provide the residents of MDHA property a hotline number with rent or utility credits for information or testimony leading to the conviction of person(s) engaged in criminal activity in the area.

5. **Night Court Booking Procedure**

A study of altering or eliminating altogether the current "night court" system for booking and processing arrestees is recommended. One of our Grand Jury members participated in a police 'ride along' and was astonished at how long and laborious the process was for an officer to book a suspect through Nashville's night court system. On a slow night it took over 3 hours to process a single arrestee. In other large cities, officers merely fill out a written Arrest Report and Incident Report, turn the arrestee(s) into a detention facility, and immediately return to their patrol. However, in Nashville, upon arriving at night court, the officer has to manually enter all the information already entered in the written reports into a computer system. This is a lengthy, time consuming, and wasteful function for a trained police officer to perform. A data clerk would better perform such data entry so that the officer can return more quickly to patrol. In general, the entire process of tying up the officer many hours at night court needs reviewing. A system used in other large cities allows the officer to merely drop his written reports and the arrestee with other individuals employed by the police department for processing, thereby allowing the officer to immediately return to patrol to protect the community.

Special Comments

Our thanks to Judge Steve Dozier for giving us the opportunity to serve on the Grand Jury and providing us support from his court officers and his secretary, Sharon Pool. Ms. Pool arranged trips and transportation to the Juvenile Detention Center, the Metropolitan Police Training Academy, the Maximum Security Facility, the "rides" we took with the Metropolitan Police Patrol and helicopter units. We are particularly appreciative of the effort to find and schedule the alternate jurors due to the absences of regular jurors during this term.

The appearance and presentations made by District Attorney Torry Johnson, Judge Steve Dozier, Judge Seth Norman, Judge Betty Adams Green, Juvenile Court Clerk Kenny Norman, Metropolitan Police Captain Judy Baucom, and Director of Schools Bill Wise, provided great insight and informed answers to our many questions enabling us to better deal with the responsibilities of the Grand Jury. Thanks to these leaders for helping us to better understand the law and the systems of our local government.

A special thanks to Assistant District Attorney Michaela Mathews for her patience and professionalism. The new computer system that came on line at the beginning of our term made her job and all members of the DA's staff more difficult. We appreciate the effort required during this transition.

This Grand Jury and all the persons testifying before us owe Ms. Georgia Smith special recognition for managing the flow of people and paper for the Grand Jury. When we were in session behind closed doors, Georgia was our connection to the outside, always finding us the answers to our questions. **Thank you Georgia**.

So say you, so say you all. **This 24th day of March, 2000**

Tom Ervin, Foreperson

Barbara F. Adams

Vicky L. Hall

Patricia A. Nevils

Gregory B. Davis

Lisa L. Hollandsworth

Jeffery A. Wamble

Andrew D. Dunn

Deborah J. Johnson

James L. Winfree

Carl O. Frierson

Kyle L. McKiness

Daniel D. Hoffman