State of Tennessee

20TH JUDICIAL DISTRICT

STEVE R. DOZIER, JUDGE
CRIMINAL COURT, DIVISION I
601 METRO COURTHOUSE
NASHVILLE, TN 37201
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MEMORANDUM

TO: Mayor Bill Purcell
Criminal Court Judges
Judge Mark Fishburn
Judge Betty Adams Green
Sheriff Gayle Ray
Council Members

FROM: Judge Steve R. Dozier SRD

DATE: March 26, 2001

SUBJECT: Report of the Grand Jury
January 2001 Term

Please find attached a copy of the most recent grand jury report. I thought you might be interested in their findings.

SRD/smp

REPORT OF THE GRAND JURY

January 2001 Term

I. OVERVIEW

Most people who are summoned for jury service approach it with a degree of apprehension and consternation. The members of the Davidson County Grand Jury, January 2001 Term, are proud to report that it has been a distinct honor and privilege to have served under the auspices of The Honorable Steve Dozier, Judge, Division I Criminal Court. The experience of serving and the insight gained has proven to be educational and rewarding. The members of this jury would encourage any citizen of Davidson County who may be summoned for service to take advantage of the opportunity to gain invaluable knowledge and insight into our criminal justice system. We are confident that they would develop a profound appreciation for those individuals responsible for the safety and well being of the citizens of Davidson County.

The members of the Grand Jury heard 605 cases during the January 2001 Term. As usual, the majority of the cases were drug related. Most cases were presented by police officers, who were generally well prepared and dedicated to their work. We gained deeper respect for and greater knowledge of their service and commend them and other law enforcement agencies for their service in upholding the law and providing to the best of their abilities a safe haven for the residents of Davidson County.

We would like to thank Judge Dozier and his staff, particularly Sharon Pool and Court Officers Eric Ericson and Jason Kane, for their assistance and support. We also wish to thank District Attorney General Torry Johnson and the staff for their tireless efforts throughout our term. Special thanks is extended to Georgia Smith and the attorneys, particularly Michaela Mathews, Bernie McEvoy and Robert Strong. They provided valuable assistance and insight during our deliberations.

II. RECOMMENDATIONS/CONCERNS

- *CONCERNS*

  - Child Abuse
    Of particular concern to this jury was the issue of child abuse. In spite of the efforts of law enforcement and Department of Children's Services personnel, this area continues to generate great cause for concern, particularly in the areas of adequate staffing, investigative procedures, and coordination of work among agencies. According to Jeannette Birge, Davidson Regional Administrator, a number of significant improvements have been implemented in the Department of Children's Services over the last five years. These improvements include: case management across agencies that are working with a child/family; increased staffing; decreased caseloads; more intensive training for staff; and increased legal support. We commend the Department for their accomplishments and encourage them to continue their work toward improvement. We strongly encourage the Metropolitan Police Department and Department of Children's Services to seek ways to build trust and communication in order to work more effectively as a team. We recommend that the MPD, the District Attorney's office and the Department of Children's Services expand their monthly review of child sexual abuse cases to include child physical abuse.

- Drug Related Crimes
  Drug related crimes continue to dominate a large proportion of criminal activity in Davidson County. The MPD is to be commended for their efforts in addressing this prevailing issue. The ultimate goal to eliminate or at best minimize criminal activity must remain a priority. Achievement of this goal will require continuous evaluation of staffing to ensure that there are adequate numbers of officers reflective of our diverse community to address this growing and very complex problem. Additionally, efforts to remain current with the latest law enforcement technology are necessary. It is evident to us that this technology expedites and greatly supports the work of the Vice Division. Elected officials must continue to ensure that adequate funding is made available to achieve this goal.

- Identity Theft
  We reviewed several cases of identity theft and were concerned about the difficulty the victim has in correcting the situation. We recommend fingerprinting of perpetrators at the time of the citation to minimize the risk of prolonged resolution to identity theft incidents.

- Case Management
  The volume of cases received for investigation by the Metropolitan Police Department makes management of cases within and between divisions most difficult. A case management system would increase the efficiency and effectiveness of the department by providing a central and complete source of case information. We recommend that the Department continue to work toward implementing a system that integrates the work of the divisions.

- *PROCEDURAL RECOMMENDATIONS*

  - Follow-Up Action & Distribution of Grand Jury Reports
    Some Grand Jury recommendations seem to reoccur with each report. We recognize that many recommendations require additional dollars and system changes, which necessitates constant vigil to ensure movement through the system. We recommend central accountability for review and oversight of the follow-up of recommendations and suggest that an analysis of the action taken on the last five years' recommendations be done. We also recommend that the Grand Jury Report be distributed to the Metro Council and, as previously suggested, be posted on the Internet to provide easy access for all citizens.

  - 8:30 Start Time
    We concur with other Grand Juries that the Jury should begin its work at 8:30 a.m.

  - Tennessean Article
    We recommend that copies of the *Tennessean* article by Sandra Roberts be given to the jury pool. It is an excellent overview of the work of the Grand Jury and would be an excellent educational tool for all.

  - Explanation of Relevant Laws and Bond
    We recommend that a written explanation of the relevant statutes and judicial interpretations of those statutes be provided early in the grand jury term. Generally, this Grand Jury heard cases involving similar types of charges, including assault, drug possession, weapons possession, burglary and homicide.

The deliberative process would be expedited with an overview of these crimes, including distinctions between degrees and enhancement factors. An explanation of the factors affecting the amount of bond set and clarification of how and when the jury can recommend changes would also be helpful.

- Process
  A diagram or flowchart of the process from arrest to criminal court would be a helpful supplement to the verbal orientation.

III. SITE VISITS AND PRESENTATIONS

- *SITE VISITS*
  We had the opportunity to engage in several site visits. These experiences gave us clearer insight into the intricacies of the system.

  - Police Training Academy
    The jurors had the opportunity to:
    - ✓ See a demonstration of the work of the K-9 patrol.
    - ✓ Ride on the helicopter.
    - ✓ Participate in the FATS. This was a valuable experience that helped the jurors better understand the split-second decisions and reactions required by police officers. This training, as well as the extensive and in-depth training the officers receive, is excellent. We support this initial education and ongoing education for the women and men of the MPD who are placed in very difficult situations.

  - Rides with police officers gave us a first hand experience of situations faced by officers in their day to day duties.

  - Metro Jail
    We believe that citizens have little knowledge of the Metro Jail's function and the challenges faced by jail staff. We recommend that trained personnel be available to provide support and ongoing training for the women and men who are working in this very difficult area.

  - Prisons
    - ✓ We were most impressed with the security and cleanliness of the *Riverbend Maximum Security Institution*.
    - ✓ We were encouraged and delighted to see the various opportunities for education, job training and work offered to the women at the *Tennessee Women's Prison*. We are hopeful that the programs will be expanded and that the much needed facility improvement continues to go forward. We appreciated the time Warden Guida spent with us.

  - Juvenile Court
    As other Grand Juries have noted, Judge Adams Green, the court staff and the detention center staff are to be commended for the extraordinarily difficult and important work they do in such an adverse environment. We urge our citizens and decision-makers to make the building of a new facility for this most important work the highest of priorities. In the interim, we recommend seeking consultation with specialists regarding how to best maximize the utilization of the facility. Special thanks to Judge Adams Green and Pat Curran of the First

Corrections Corporation for the time they spent with us. They helped deepen our appreciation and understanding of the work of the Juvenile Court.

- General Sessions Court
  This experience gave us valuable insight into the initial processes of the criminal court system. A visit to the court is invaluable; however, since it must be at the end of the term, we recommend that a General Sessions Judge be asked to talk with the Grand Jury within the first month of the term.

- Mental Health Court
  Judge Mark Fishburn and the staff of the new Mental Health Court are already making major inroads in this complex domain. It is exciting to learn about their work and to know that Davidson County is moving in such a visionary direction. Their work impacts the courts and the lives of these individuals by removing them from the criminal justice system and placing them in a system that assists them in resolving their problems. Judge Fishburn and his staff need everyone's continued support to find permanent adequate funding for this court.

- Drug Court
  The work of this court under the auspices of Judge Seth Norman holds one of the keys to addressing the problem of drug addiction. Indeed, if there is no treatment program, this problem will not be resolved. It is exciting and encouraging to learn that we have such an outstanding program available to our citizens—a program that should be replicated throughout the United States. Citizens and leaders need to be continually educated as to the content and success of this program. In order for this program to continue, intensive work needs to begin immediately to ensure funding at the state and local levels when federal funds are no longer available. We also recommend that this service be expanded as the need indicates, i.e. to include those convicted of DUI who are non-violent felons. Thanks to Judge Norman for the time spent with us. The information about the program was powerful.

- *SPEAKERS*
  Presentations by:

  - Vice Division—Captain Judy Bawcum
  - Domestic Violence Division—Captain Valerie Meece
  - Youth Division—Sergeant Mark Chestnut
  - Department of Children's Services—Carla Aaron, Information Officer

  These presentations were excellent and invaluable to us in our deliberations. We are grateful to each of these individuals for helping us to do our work more thoughtfully and with more knowledge.

V. SUMMARY

Again, it has been a privilege for me to serve as Foreperson of the Grand Jury. Of course, this work is the work of the jury and many others. I commend the jurors for their thoughtfulness in deliberations and their quest for learning. I thank the alternates who so willingly responded to the call, Debra Flowers and Fran Barnett for their excellent record keeping and Andrew Valentine for executing his duties as Sergeant at Arms so skillfully. Thanks also to Sharon Pool for her assistance in arranging for alternate jurors and for

coordinating our site visits, and to the Sheriff's Department for providing us safe transportation. Eric Ericson and Jason Kane were superb in their constant support of our work. Thanks again to Georgia Smith who made our work move smoothly and who was always there for support and to answer questions.

Respectfully submitted,

Adrienne Ames, Foreperson

Sarah Ballard

Fran Barnett

George Carter Crenshaw

Beverly Finley

Debra Flowers

Judy Fox

Cecilia Franklin

Susan Kirksey

Annie Merritt

Carol Reese

Kyle Thigpen

Andrew J. Valentine