REPORT OF THE DAVIDSON COUNTY GRAND JURY FOR THE OCTOBER 2000 TERM

I Introduction:

It has been a distinct honor and pleasure for myself and the members of the Grand Jury to serve during the October 2000 Term. We would like to thank Judge Seth Norman and his staff, in particular Pat Hunter and Court Officer Carlin Rolfe for their assistance and support. Our thanks also go out to District Attorney General Torry Johnson, all of his staff members and in particular Georgia Smith and several attorneys who have been very helpful to us during our deliberations: Michaela Mathews, Jim Milam and Jan Bossing. We have heard over 451 cases in our three-month term.

II General Concerns of the Grand Jury:

A. District Attorney's Office

The cooperation from the District Attorney's office has been outstanding. Georgia Smith has always cheerfully and expeditiously answered our inquiries. We have felt on occasions that the number of cases that we were required to hear in a morning was excessive, but we have found as time has gone by that we were able to take care of 28 to 30 cases before noon without a great deal of difficulty. It is advisable to start off with very few cases the first week until the jury has an opportunity to have worked together and decide what are the important questions to be asked. One item that the Foreperson believes would be important would be for the District Attorney and the Judge, who charges the jury, to more strongly emphasize that the role of the jury is to find probable cause that a crime has been committed and that the accused probably committed such crime and that we are not to determine guilty or innocence.

B. Presentation of Cases

We would like to commend the police department and the excellent work that is being done by that department in making presentations to the Grand Jury. We have been very impressed by the education, competence, professionalism and good humor of the men and women who work under adverse conditions for too little pay and too little recognition. We have been especially impressed by the work of the undercover vice squad officers who are doing an

outstanding job in apprehending drug dealers, drug sellers and drug users. We commend them for their excellent work. On the subject of drug cases, it appears that there are far too many drug cases on the agenda of cases presented to the jury and we believe that this is due to many factors, one of which is the fact that drug dealers, drug users and pushers are not prosecuted to the fullest extent. There are too many plea bargains and the same persons are arrested over and over again. Unless something is done to make the punishment greater and more spaces provided for incarceration of drug offenders, there will be no way to control the drug problem which, at the present time in Nashville, seems to be causing a major portion of crimes committed..

C. Visits to Penal Institutions and Other Metropolitan Government Facilities

We had the opportunity to visit the Riverbend Maximum Security Prison and were very impressed with the organization of that facility, as well as with the staff, the very tight security and the cleanliness of the prison. We also visited the Criminal Justice Center and found conditions in the jail area of the Criminal Justice Center to be very crowded and not nearly as clean as it could be. The seventh floor of the courthouse where many of the jurors visited is considered filthy, messy and over-crowded. The Grand Jury also enjoyed their visit to the Juvenile Court facilities, where it appears their workload is very heavy with additional funding probably needed. At the police academy we found excellent work going on in spite of old and crowded facilities. We also were very impressed by the work of the canine units and the excellent record of apprehension of criminals by those officers and their dog companions. The aviation unit is also making a major contribution to the apprehension of law violators.

D. Funding Law Enforcement

In talking to the various officials in the penal institutions, the Criminal Justice Center, the Juvenile Court and the police department headquarters in the Criminal Justice Center it is the opinion of this Grand Jury that more funding is needed for the operation of the police department, and possibly other areas of the criminal justice system.. Our police are understaffed, underfunded and underpaid. Of course, the responsibility of providing additional funding will fall upon the shoulders of the Metropolitan Council, who must approve tax increases or reallocation of present funding. That will require an education of the general public as to the need for additional resources for the criminal justice system. Perhaps a concentrated public

relations effort to educate the general public through the newspaper and the other media outlets as to these needs would be something that the judges, the police department, and the juvenile authorities working in conjunction could promote.

E. Children in the Homes Where Drug Raids Have Occurred.

Of all the matters considered by this Grand Jury, one of the things most unsettling was the fact that there are young children in the homes where one, two and three drug raids have been made and the children remain in that environment. The jurors have expressed great concern about why the Department of Children's Services of the State of Tennessee and the Metropolitan Police Department have not more adequately taken care of the needs of these young children. It appears that a raid takes place, the children are taken away for a few days but yet they are back in the home when the next raid occurs. We had one case where a police officer told of the third time going to a particular home and the children were still in that home. Through the efforts of this Grand Jury and Assistant District Attorney Jan Bossing, we believe we have made some strides in trying to be certain that in every case where drug raids are to be made that the Department of Children's Services will be contacted and at-risk children will be taken out of that home and placed under the supervision of the Department of Children's Services, or Juvenile Court. This Grand Jury met with persons from the Department of Children's Services, Jeannette Birge, who is the Regional Administrator of the Davidson County section for the Department of Children's Services; Jean Schuler, an Assistant General Counsel at the Department of Children's Services, and Patti Odom, a Team Coordinator. It appeared from talking with these individuals that there has been a breakdown in communication between the police department and the Department of Children's Services. The Metropolitan police officers say they have called the department and the department says they have not heard from the police department in many instances. The Department of Children's Services also indicated that incident reports from the police department, which would assist them in determining whether or not children are at risk, have not been readily available. The Department of Children's Services staff also indicated to this Grand Jury that they, like employers and other organizations, must pay when they order a police record on a person that they are investigating in trying to determine whether or not the children of that person might be at risk. It seems that exceptions could be made and the fees waived for reports requested by the Department of Children's Services. It is also recommended

by this Grand Jury that training is needed to be provided to the police officers on "what is an at-risk child?" so that the officers, when making drug arrests, can more easily determine whether or not a child is at risk and make certain that the Department of Children's Services or Juvenile Court authorities are called in so as to remove the children from that dangerous and unpleasant environment. It is the strong recommendation of this Grand Jury that police officers making drug raids, who find children, must make it part of their duty to contact the Department of Children's Services and that the Department of Children's Services take instant action to determine whether or not children in that particular home are at risk. This Grand Jury believes that if that procedure is adopted then some children, who under present circumstances will also grow up to be drug pushers and drug dealers, might find a way to enjoy a more productive and acceptable lifestyle within our county.

F. Drug Court

The Grand Jury had an opportunity to visit the Drug Court facilities and were most impressed by the work being done at those facilities. We commend Judge Seth Norman and the Drug Court staff for instigating such a program and for the excellent work that appears to be going on as they rehabilitate rather than incarcerate drug offenders. It was also useful to the Grand Jury to find out that the cost of these new facilities was nearly entirely funded through federal grants rather than through tax dollars coming from Metro government. This was especially useful to the Grand Jury since many of us thought that the move from the old Central State campus due to the "Dell" coming to that campus, caused the Metro taxpayers to have to spend big bucks in building a new facility. We urge Metro to continue their commitment to this program with long-term provisions for whatever funding is necessary for the carrying on of this excellent program.

III Procedural Recommendations

The following recommendations would expedite the grand jury's adjustment to procedures thus freeing time for more cases early on.

1. The District Attorney's orientation to the grand jury process should be attended by all regulars as well as alternate grand jurors and should be held on the same day that the jury is charged.

2. Each grand jury member should have made available to them at the beginning of service a couple of recent grand jury reports and a printed grand jury guide with specific information regarding the difference between sealed indictments and regular indictments. It would also be useful in this guide to indicate why we receive some cases as misdemeanors whereas we were told that all cases coming before the Grand Jury were felonies. This guide could also contain information of the steps in the process of a case from its beginning to a decision by the Grand Jury.

3. During the orientation provided by District Attorney General Torry Johnson, it appears that more emphasis should be given to the process by which a case results in appearance before the Grand Jury commencing with arrest, preliminary court appearances, evaluation of the case by the district attorney's office and preparation of the indictment papers. Greater emphasis on these matters would make it easier for the jury members during their first week or so.

4. The Grand Jury would like to recommend that consideration be given to a separate grand jury specifically to handle drug cases. We understand there is a DUI Grand Jury.

IV Conclusion

It has been a distinct honor to have been asked to serve as Foreperson by Judge Seth Norman for this October 2000 Grand Jury term. It has been a pleasure to have worked with the regular grand jury members and the three or four alternates who have been very helpful filling in for those who could not be present. I would like to pay special thanks to the three individuals who have provided excellent clerical help during this term. A special thanks go to Leslie Flowers, Ethel Smallmon and Robyn Duffie. These three individuals deserve a great deal of praise for keeping good notes and keeping our records straight during this October 2000 Term. And finally, let us say thanks again to Judge Norman, to Pat Hunter and to Georgia Smith for easing our daily task. This public service has been indeed a privilege.

Respectfully submitted,

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Charles Fentress, Foreperson