Final Report
Of the
Davidson County
Grand Jury

October Term 2002

To:

The Honorable Seth Norman
Judge, Division IV
Criminal Court
Davidson County Tennessee

Report of the Davidson County Grand Jury

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From September 30th to December 13th, 2002 we have sat as the members of the Davidson County Grand Jury. This has truly been one of the most unique and informative experiences in our collective lives. We have seen both the appalling side as well as the concern and dedication that human beings can display toward each other. During our official duties we have heard over 900 cases of citizen misconduct, 99% were voted True Bills. While this may seen to be a very one sided percentage it really represents the thoroughwork that the District Attorney's office does in preparing the cases for presentation to the Grand Jury. General Torry Johnson and his staff should be very proud of their hard work. We would like to give a special thanks to Michaela Mathews for her guidance in the areas of the law that we had questions about.

Judge Seth Norman in his charge to the Jury said "You should not suffer the innocent to be harassed, nor should you suffer those who deserve prosecution to escape" and in general to "bring to light for examination and punishment all violence, outrage, indecency, terror or anything that may occasion danger disturbance or dismay of the citizens of this county". We have tried to follow his charge and to bring what small piece of the fabric of protection to the common law abiding citizen that we could. We sincerely appreciate the opportunity.

The following are the main areas of observation that we noted in our term;

Police

The Metropolitan Police Dept. personnel have been almost to a man a wonderful revelation. Most of the jurors had no idea that so many police officers were so articulate, professional, intelligent and most of all caring about the citizens that they met on a everyday basis. Several officers demonstrated a thorough knowledge of – and a sense of caring and responsibility for- the people and youth in their neighborhood patrol. This is a testament to good people and practices in our police force. From the

rookie that walks the housing projects to the murder squad detective with all his experience, Chief Turner should be proud.

Prisons

Riverbend Maximum Security facility is a very foreboding place. The professionalism that is displayed is quite impressive. Nevertheless it disturbed the Grand Jury upon its visit to be told that drugs are still a major problem. Where do they come from? From outside by way of visitors. Prison personnel told us that laws of search and seizure do not permit the strict treatment that a facility of this seriousness should warrant. This may be a state or federal matter but it is a great concern. Prison officials are allowed only to pat down the visitors, unless they are given a tip that someone will be carrying drugs. Given many crimes in Tennessee are drug related, we feel it is very important that our prisons be drug free. We recommend that the prison keep a drug dog present as visitors enter.

From the first day of service, we noticed officers faced with repeat offenders who take state charges more lightly than federal charges of drug dealing related crimes One cause of this is the knowledge that overcrowding in Tennessee prisons will likely result in very early release and lighter original sentences. While expensive, more space for felons in prisons is essential. We owe it to the hard-working police officers and all justice officials to carry through with incarceration when it is appropriate. When early release leads to early recidivism, the money we don't spend in prisons-and programs like Drug Court that rehabilitate those willing-gets spent in increased load on the police and justice system.

Drug Court

Number One Positive endeavor that we found out about is the Davidson County Drug Court. Judge Norman and his staff simply do wonderful work at this facility in Bordeaux. This is finally an area where addicted people can get a chance at becoming a functioning member of society again. What a wonderful, positive group of people can achieve in a new state of the art campus that allows them to help themselves is a shinning example. Most people in Nashville don't know that it exists. This is where money should be spent to save money. Maybe some of that incredible amount that we are

spending on sidewalks and traffic calming could be put to better use. The Metro Council should be forced to visit this victorious battleground.

Drugs

Drugs appear to be a crime of economics. The real fuel behind Nashville's crime problem. Without illegal drugs the majority of our crime would not exist. In the last three months we have seen that selective harsh penalties do influence criminal behavior, as several officers noted to us. To avoid vehicle confiscation, drug dealers will often use a car owned by a relative to transport and deal drugs instead of risking their own. But far more worrisome for our community is the use of juveniles by drug dealers with the foreknowledge that if caught the juvenile will get an easier ride than the dealer and will reduce the risk of prison for the dealer. This is absolutely corrosive to our children and community. We would suggest that laws be changed to provide severe penalties for dealers that contribute to the delinquency of minors in this way. The dealers must be convinced that it is less risky for them to either find corrupt adults or to move drugs themselves.

Guns

It is unbelievable the number of guns that are on the street in Nashville. If the average taxpayer knew how many guns were easily available on the street he would demand tougher gun laws. The Metro Police evidence room has over 1000 handguns and 700 long guns waiting for their time in court, including machine guns and even a LAW anti-tank weapon! Unbelievable. The Grand Jury recommends all guns in Davidson County be registered or be illegal, period.

Pawn Shops and Swap Shops

Most of the stolen merchandise in Davidson County was sold in pawnshops. Lately a new problem has cropped up, swap shops. Because these establishments don't have the same regulations as pawnshops they are fast becoming the venue of choice by the burglars in Nashville. We recommend that any business that deals primarily in used goods be subjected to the same rules and regulations that pawn shops work under.

Food Stamps and Aid to Dependent Children

These programs are somewhat out of the control of the county but it also seems they are also out of control of the State of Tennessee and the federal government as well. We heard numerous cases of bad planning from the writers of the laws and regulations of these failed social programs, regulations that discouraged the family to stay together, families to cheat the system if they are to try to get ahead, etc. There must be a better way to help people while at the same time encourage them to get off the welfare roles.

Small Stuff

Laptops in police cars are a great idea.

Bonds for some defendants seem to be too low sometimes

Night commissioners may need more supervision, we heard one case where a commissioner let a defendant loose with no bond on a charge that didn't seem to warrant release because the defendant knew someone in the back office.

Criminal trespassing charges for MDHA properties are a great tool to keep them safe.

Alternate Grand Jurors should be paid if they come to the jury room and then must leave because they are not needed.

Previous final reports spoke of problems with the subpoena power delegated to the District Attorney's office, this must have been corrected if it was ever a problem at all, we found no problem

In Conclusion

A special thanks of appreciation to Pat Hunter for whom without her help, this would have been a much more difficult job. We took our oaths seriously, we gave every case and defendant our uttermost attention, we

use our common sense and good judgment. Once again we thank you for the privilege to serve.

Grand Jury Members

October Term 2002

Delia Freeman

Robert Heywood

Ella Lawrence

Meryla Joy Leonard

Chlora Nicholson

Stephanie Sutton

Mary Swanson-Dunnaway

Deborah Yarbrough

Curtis Bandy

Demetria Spencer-Giles

Terri St. Clair

Yvonne Wheeler

David Chambers, Foreperson