Grand Jury Final Report

July 2008 Term

Submitted to
Honorable Judge Monte Watkins
Criminal Court Division

Davidson County, Tennessee

REPORT OF THE GRAND JURY
JULY 2008 TERM

Overview

WE, the Davidson County Grand Jurors for the July 2008 term, submit the following report in summary of the three months served. It has been an honor and true pleasure to serve under the auspices of the Honorable Monte Watkins, Judge, Division V Criminal Court. We also would like to thank District Attorney General Victor "Torry" Johnson III for an enlightening orientation on our first day. We especially like to thank his legal and support staff: Mary Houseman, Rodney Faulk, John Henry, Sonja Newbell and Laurie Hoeberry. On a day-to-day basis, they prepared all of the prosecuting witnesses, necessary paperwork and dockets for each case and explained all legal terms and ramifications, if need be, with a smile. Tamika Clarke, the Judicial Administrative Assistant to Judge Monte Watkins, Criminal Court Division V, was extremely helpful in arranging alternate jurors, keeping our attendance schedule and coordinating site visits. Thanks again Ms. Clarke. From this experience, fifteen extraordinary men and women from all walks of life would become insiders in Nashville Davidson County's Criminal Justice system. It was truly an opportunity of a lifetime; one in which we all gained invaluable insight and has proven to be educational and rewarding.

Our Grand Jury Foreman

The Members of the Grand Jury would like to especially thank our Foreman, Mr. Arnett Bodenhamer, for his leadership and guidance throughout this tenure. We were a very diverse group and oftentimes very opinionated, however, Mr. Bodenhamer was always there to get us back on task. He allowed us to share many of our personal experiences which lead to heartfelt discussions during deliberations. We feel confident that, through his guidance

we thoroughly analyzed and treated each case with integrity and all fairness. Mr. Bodenhamer strongly emphasized that the role of the grand jury was NOT to determine one's innocence or guilt but to find probable cause that a crime has been committed by the accused. We thank you Mr. Bodenhamer!

Our Deliberations

In accordance to the Tennessee Rules of Criminal Procedure, the Grand Jury deliberated upon 1052 cases over the last three months. We presented the court with 1038 True Bills and 14 No True Bills. As members of the Grand Jury we felt that we performed one of the most sacred duties of citizenship. Therefore, we each took our sworn commitment very seriously and deliberated each case with much thought.

Law Enforcement Officers

The Members of the Grand Jury would like to especially commend our law enforcement officers. The majority of our cases were presented to us by these officers who, a lot of times, were just getting off of work and/or had to bring their children along for their presentation. They were usually dressed in uniform or shirt and tie and always respectful to the Grand Jury. We thank them for that. We have all been impressed by their professionalism, education and sometimes sense of humor. Most of them, except for two, were very well prepared and we applaud them for their dedication and diligence. We all have gained a deeper respect for and greater knowledge of their service and commitment; which most times goes unnoticed!

Off-Site Visits

During this tenure we were able to visit the following off-site facilities: Criminal Justice Center, Judge Norman's Drug Court, Riverbend Maximum Security Prison, Medical Examiner's Office, Police Academy and the Juvenile Justice Center. The hospitality shown to us at all places was remarkable. The guides on each of these off-site visits really took the time to walk us through and explain every facet of their facility. We thank each of them for their passion and dedication to their positions.

Speaker Presentations

In addition to our visits, we were fortunate enough to receive invaluable speaker presentations from the following:

Rita Baker, Domestic Violence Division, MPD. She provided us with a glimpse of her complicated profession explaining that a lot of their cases tend to be dismissed due to victims refusing to press charges.

Captain Todd Henry, Special Investigations Division, MPD. Captain Henry enlightened us with his presentation by bringing with him a variety of illegal drugs along with their appropriate paraphernalia. For many of us that was our first time seeing street narcotics such as: cocaine, crack, "Meth" and marijuana. What an "eye opener'.

Nashville City Mayor, Karl Dean graced us with his presence as he was very informative on Nashville's progress in certain areas including: economics, safety, education.

Nashville Police Chief Ronal Serpas-Chief Serpas is a brilliant officer with a true commitment to "Keeping Nashville Safe". He impressed us with his statistical knowledge and methods of decentralizing the Metro Police Department.

Summary of observations and suggestions

1.) During our visit to the Juvenile Justice Detention Center we concluded that the building itself was not designed very well. We noticed that the chapel was the same room as the cafeteria which ALSO served as the classrooms. Even though the staff at this facility is making good use of the space that they are given, we also noticed that they were not enough shower stalls for the number of residents in the facility and the only place for the juveniles to play sports and/or exercise was an uncovered courtyard. The courtyard cannot be used in extreme weather, including rain, snow and/or extreme heat. The juveniles are then forced to return to their pods, or groups of cells or retrieve to study hall period. Also due to design of the building there is limited camera access throughout the building which poses a HUGE security risk! The need for an upgraded facility is required immediately.

2.) Due to the recent nation's economic hardship, we unanimously agree that all members of the Grand Jury should be compensated more than $10.00/day. We suggest at least $25.00/day.

3.) Domestic Abuse Cases were very challenging for us because oftentimes it was not enough evidence or information presented to return a "True Bill".

4.) Drug offenses when a child is present whether it being in a home or car should carry stiffer penalties. A child endangerment law should be incorporated.

5.) All theft cases less than $100 should be dealt through General Sessions Court.

6.) Stiffer penalties for DUI repeat offenders-higher fines...jail time, can we attach criminal records to the Department of Safety database so that "repeat DUI offender" is attached to their driver's license for so many years so that insurance agencies can increase their insurance premiums since they're considered "high risk" drivers? The governor's Task Force on DUI has recommended to pass laws requiring DUI offenders have installed on their vehicles (at their cost) an ignition interlock device, to prevent them from driving after drinking; where do we stand on this law?

7.) DUI offenders, anything more than a 2nd offense, as well as, those driving on revoked or suspended drivers license should be treaded as "Habitual Offenders". There should be a law passed that anyone purchasing new tags or renewing tags, must show a valid Drivers license and proof of insurance.

8.) This year Mayor Karl Dean has approved funding to create our own DNA Lab here in Nashville. We were extremely concerned about the amount of time that it took some cases to reach the Grand Jury due to lack of DNA evidence. This poses a serious problem; therefore we strongly recommend expediting the design and construction process of this DNA lab to prevent any future delays.

9.) In domestic violence cases especially but in ALL cases where petechiae (Blood red eyes due to capillary rupture in the white portion of the eyes) is apparent should be tried as premeditated murder. Whenever petechiae is present this suggests a

particularly vigorous struggle between the victim and assailant has occurred.

10.) There needs to be legal clarification for Drugs in a School zone or other prohibited areas needs specific clarification: Selling in the zone or being stopped in the zone?

11.) In theft cases where pawn shops are notified and/or involved wouldn't it be more efficient to have driver's license and vehicle tags as part of identification process for each item brought in to be sold? Also in the cases of car theft and when cars are taken to the salvage yard, shouldn't there be a "holding period" before cars are crushed to further investigate? Should vehicle title be required by salvage yards to buy a vehicle?

12.) Policing Methods-Police force manning strength must be increased to accommodate communities. There are many specialized units that remove uniform officers from "Policing" communities. The End strength must be increased. Visibility of uniformed police officers in neighborhoods should be increased.

13.) School Holidays-whenever a Grand Jury is in session and there is a school holiday or "in-service" teacher day and the Metropolitan School System is closed, members of the Grand Jury should not have to attend jury duty on that day.

14.) We need stiffer penalties for child abuse cases and if a child is born to a "known" child abuse offender, why are they allowed to take them home? There needs to be a law stating that they should not be allowed to care for another child until further investigation by the Department of Children Services.

15.) School Bus Drivers are in danger! With one of our very own Grand Jury Members being a school bus driver, she stated that there is little means of self-protection when it comes to students

with behavioral problems riding all buses. She also stated that even if she witnesses a child fighting or being abusive to another child that she is NOT allowed to cease the fight or touch the kids in any manner at all! Principals of each school should be mandated to ride their perspective school bus at least once or twice a month to review their school transportation's policy and procedures.

16.) We feel that there should be stiffer penalties for repeat offenders; jail time should be increased and should serve a full sentence on their second offense.

Conclusion

Just as Judge Monte Watkins told us on the very first day of the jury selection process "this will be an educational experience you will NEVER forget", he told the truth! We have all bonded throughout this process and vow to keep in touch with each other after this term. Not to mention would willingly serve another term. Thank you again for this opportunity and we would encourage anyone called to serve on Grand Jury Duty to do so with open arms!

Respectfully submitted,

Arnett Bodenhamer, Grand Jury Foreman

Debbi Howard

Rodney Clardy

Thomas Dodson

Antoine Nsekambabaye

Larry Steele

Zarelda Shelton

Charlene Onuosa

Sheila McNabb

Denise Hill

Malon McPherson

Ronald Holt

Erica Adams, Alternate

Daphne Collins

Harold Gore, Alternate