

Grand Jury Final Report

**Presented to:
The Honorable Steve R. Dozier
Criminal Court – Division One**

**Davidson County, Tennessee
January 12, 2009 – March 27, 2009**

Grand Jury Final Report

Introduction

We, the Davidson County Grand Jurors for the January 2009 term, submit the following final report. First, we thank Judge Steve R. Dozier for the opportunity to serve on this Grand Jury. Under the leadership of our foreman, Mr. Stanley Fossick, we were ably guided to fulfill our duties of inquiry and report as required by the Tennessee Rules of Criminal Procedure and as set forth in the Charge to the Grand Jury – January Term, 2009. We undertook inquiries into criminal cases submitted to us by the District Attorney General. We undertook several on-site visits to various county venues to satisfy our obligation to inquire into areas not submitted to us by the District Attorney General. We make this report to satisfy our obligation to report the results of our actions to the Court.

District Attorney General Initiated Inquiries

We would like to thank the numerous authorities who gave of their time to help us understand our obligations, understand the law, and evaluate the 1,009 bills that came before us this term. District Attorney General Victor “Torry” Johnson III gave the Grand Jury a detailed presentation regarding our obligations as a Grand Jury. He explained that our primary focus was to determine whether there was probable cause for a case to proceed to criminal court.

Capt. Todd Henry, Commander Special Investigative Division gave the Grand Jury an informative presentation on drugs, including examples of various types of drugs commonly involved in crimes in Nashville. This information was invaluable in helping us to understand the depth and breadth of the drug issues in Nashville. He gave us a context in which to look at the innumerable cases we listened to where drugs were involved either primarily or as the underlying cause of the circumstances. Lieutenant Mitch Fuhrer, Gang Unit brought a video presentation that graphically demonstrated the impact gangs are having on crime in Nashville. These presentations were very useful in our deliberations this term.

Capt. Rita Baker, Commander Domestic Violence Division was instructive both legally and practically. Her explanation of the broad range of relationships the domestic violence law covers, of the requirement that the police arrest a “primary aggressor” if s/he can be determined, and of why someone does not “just leave” the relationship was crucial to our understanding of the numerous domestic violence cases we heard this term.

This term, the Grand Jury heard 1,009 cases. We could never have heard this number of cases were it not for the able presentation of Sgt. Matt Chance. His succinct, complete descriptions of the facts of the cases presented were commendable. We applaud the change made during our term of service which allowed Sgt. Matt Chance to

review cases to come before the grand jury and to personally present those where the presence of an officer at the scene was not required. Sgt. Chance does an excellent job and his work allows officers to remain on the street who otherwise would have to leave their responsibilities to appear before the grand jury. . We understand this idea came from a meeting between District Attorney General Torry Johnson and Police Chief Ronal Serpas and was implemented within weeks of the discussion. This was a tremendous asset to the Grand Jury process.

The more complex cases were still presented by the officers whose first-hand knowledge was critical to determining if a true bill was warranted.

Additionally, we heard from several citizens, representing themselves or their employers.

Grand Jury Initiated Inquiries

In order to fulfill our obligations to inquire into the condition and management of prisons and other county buildings and institutions within the county, this Grand Jury made several on-site visits to various county venues.

We toured the Riverbend Maximum Security Institution. This was an eye-opening experience. We thank Steve Bell, one of the instructors at the prison, for taking his time to lead us on a tour of the prison. Not only did he explain the system well, but he was very helpful in facilitating our conversation with several of the prisoners, both on and off death row. We must note that the institution's kitchen received a 100 on the posted health inspection.

After touring the Riverbend Maximum Security Institution, we visited Judge Seth Norman's drug court. It was extremely interesting. No wonder it has drawn interest and visits from officials across the country looking for a model in successful rehabilitation of nonviolent drug offenders. We believe it is not as well known and appreciated as it should be by the citizens of Nashville. Every graduate of the residential program represents someone returning to the general public better equipped for employment and living a drug-free life. Not only does it have a 25% recidivism rate (as compared to the 75% recidivism rate seen by most rehabilitation programs), but the cost per offender per day is less than half what it is to incarcerate someone in a prison. We commend Judge Norman for his tireless efforts.

We were briefed by Judge Betty Adams Green on the Juvenile Court and were given a tour of the facilities. We were impressed with ongoing efforts to implement improvements and enhance the quality of their work. For 2007, they met 97 percent of operational program measures, a 27 percent increase over 2006. We applaud the cooperative effort under way by the Juvenile Court, Police Department and Metro Nashville Public Schools to develop the Metro Student Attendance Center that opened with the 2008-09 school year to address loitering during school hours. We applaud Judge

