

## Report of the Grand Jury of Davidson County, January Term, 2007

We are proud to have served on the Grand Jury of Davidson County for the January Term of 2007. In accordance with the instructions of the Honorable Monte Watkins, we issue this Report.

### SPECIFIC DUTIES

Judge Watkins charged us with the specific duty to

1. "inquire into, consider, and act on all cases submitted to it by the district attorney general"

We spent the vast majority of our time and effort on these cases. We believed we must find for each count in each indictment prepared by the District Attorney probable cause both that a crime was committed and that the accused committed the crime charged. We required a relatively low level of proof and often relied on hearsay evidence and other information which might not be admissible in a criminal trial.

We returned 820 true bills. A true bill goes forward in the judicial process. We returned 26 no true bills. In most all cases, a no true bill ends the proceedings against the accused.

We reduced the charges or dropped counts in the proposed indictments in approximately 27 of the 832 true bills which we returned. This means that some of the charges in these proposed indictments went forward in the criminal process. Other charges in these indictments were reduced to less serious offenses or dismissed.

We discussed with the District Attorney enhancing or "bumping up" the charges in several indictments. On some of these enhancements, the District Attorney agreed and on some he did not. We returned indictments with enhanced charges approximately 7 times. This means that these accused were charged with more serious offenses. In no case did we enhance charges without the concurrence of the District Attorney.

We did not act on one case in which several grand jurors did not believe that the acts of the accused matched the particular crime described in the indictment, but rather another, less serious criminal offense. Since the underlying facts did not appear to be in dispute, we discussed this at length with the office of the District Attorney, who conferred with the State Attorney General. We were advised that the State Attorney General stated that the District Attorney's position was not an unreasonable interpretation of the statute. We then declined to act because the concerns of the Grand Jury were based on the meaning of the statute and not on interpretations of facts. We trust that this case will be presented to the next Grand Jury because we unanimously agree that this individual should be prosecuted under whatever is ultimately determined to be the appropriate statute.

We did not act on a second case. An individual was charged with aggravated assault. A witness to a portion of the incident was temporarily unavailable. We understand this case will be presented to the next Grand Jury when the witness becomes available.

In a third case, we advised the District Attorney that we returned a true bill for two counts of a three count indictment and a no true bill for the third count. The District Attorney withdrew this indictment before the weekly report was submitted to the Criminal Court Clerk.

We considered a few other cases that were withdrawn for technical or logistic reasons.

The foreman, at the request of the District Attorney, executed 110 subpoenas primarily for medical records. All appeared to be in order and appropriate.

2. “inquire into any report of a criminal offense brought to its attention by a member of the grand jury”

We did not return any presentments. Either the Grand Jury as a body or individual grand jurors referred several matters to officers of the Metropolitan Police Department or the District Attorney for further investigation and review.

We considered an application for a grand jury investigation. The person making the application was in state custody. A panel of three heard the testimony of a witness. The panel determined that the information presented did not warrant investigation by the grand jury.

3. “inquire into the condition and management of prisons and other county buildings and institutions within the county”

We inspected the Criminal Justice Center (jail), the Juvenile Detention Center, and the residential facilities of the Metropolitan Drug Court. We were given complete access to each part of these facilities that we requested. We got answers to all of our questions. We did not observe anything that did not meet what we consider minimum standards for the safe and humane treatment of those detained.

The new booking facility in the Criminal Justice Center is a vast improvement over the previous facility.

We join several previous Grand Juries in noting design problems with the Juvenile Detention Center. The facilities, managed by a private concern, are fully accredited and appeared to be run well. We noted the personal involvement of the Honorable Betty Adams Green in the operations of the Juvenile Detention Center.

We found the residential facility of the Metropolitan Drug Court to be truly remarkable. It appears to be a cost-effective detention facility appropriate for non-violent felons. It addresses a very serious problem by focusing on drug offenders with a strong rehabilitative component. We heard most impressive statistics concerning recidivism. The facility is unique in Tennessee and perhaps the country. It deserves the national acclaim and recognition it receives.

Regretfully, due to lack of time, we did not inspect the Riverbend Maximum Security Institution or the Tennessee Prison for Women.

