OCTOBER-NOVEMBER-DECEMBER TERM GRAND JURY FINAL REPORT

Jury duty is one of the highest forms of civic responsibility that a citizen can perform. We are proud to have been given the opportunity to fulfill this responsibly as members of the Davidson County Grand Jury. For this we would like to express our thanks and appreciation to **Judge Seth Norman**, Judge in the 4th Division of the Criminal Courts. This remarkable man and founder of the Davidson County Drug Court was an inspiration to us all as we performed our duty as Grand Jurors.

The Grand Jury is the citizens' panel that reviews charges that have been made against a person and determines whether those charges go forward into the Criminal Courts. (True Bill or No True Bill). The Grand Jury is the Gatekeeper to the Criminal Courts. Our experience has been enlightening, educational and informative, often disturbing, and occasionally heartbreaking in this 90 days crash course in crime and punishment and the Criminal Justice System.

During our term we heard 723 cases as presented and returned 713 True Bills and 10 No True Bills. We took one case from the District Attorney under advisement and determined that it had no merit to be brought before the Grand Jury.

As a part of our prescribed duties we had presentations and discussions with the following members of the Criminal Justice system:

District Attorney, Torry Johnson--The DA discussed the history of the Grand jury and the legalities surrounding it. This orientation was informative and invaluable to us as new Grand Jurors.

Assistant DA, Michaela Mathews--DA. Mathews presented the inner workings of the Grand Jury and the proper procedures to follow in our deliberations. She, as well as fellow DA's Mary Hausman and Rodney Faulk, were extremely helpful with legal questions that arose on individual indictments.

Chief of Police, Ronal Serpas--The Chief explained his administrative model for the Department and the state of crime and crime prevention in our community. His advocacy of "Community Policing" and his use of statistics to illustrate his presentation were truly impressive.

Police Lieutenant, Randy Hickerson--the exhibit brought by this Special Investigations Division (Vice) supervisor was invaluable to our consideration in the numerous indictments presented to the Grand Jury involving drug possession and re-sale. To actually see and hold the various drug types and paraphernalia that we heard about in these cases allowed us to have a much clearer picture of the illegal drug trade and use on the streets of Nashville.

Police Captain, Rita Baker--Domestic violence is one of the fastest growing and least understood crimes in our community. Captain Baker thoroughly explored this devastating offense with us and the consequences surrounding it. The pictures of the abused were appalling.

General Sessions Judge, John Aaron Holt--Judge Holt explained the role of the General Sessions Courts in the Justice System and how cases, felonies and misdemeanors reached the Grand Jury. We were very appreciative that he took time away from the bench and a heavy docket to accommodate us.

The Grand Jury also toured and inspected the following correctional facilities and law enforcement agencies:

The Criminal Justice Center-- This facility (jail) operated by the Davison County Sheriff's Department is primarily for pre-trial detainees. The daily movement of inmates for courts, for releases, and internally for recreation and sick call was almost overwhelming. This created a sense of controlled chaos but with the officers clearly in command. We were impressed with the classification process and the difficulty of housing "special needs" detainees. Our guide was Chaplain Susan Gray and she was exceedingly knowledgeable about the facility and passionate but realistic about her job of assisting inmates. The

Booking Room was in a temporary location until a new area was constructed. We were among the first to tour this new and improved area while still under construction.

Juvenile Court--Judge Betty Adams Green gave us an overview of the Juvenile Justice System and how it differs in philosophy from the Adult System. Judge Green's administrative assistant, Tim Adgent, toured us through the Juvenile Court. Both articulated the challenges facing the Court, particularly in a structure poorly designed to facilitate the rehabilitative function of the Court. It was of note that the detention area of Juvenile Court is contracted to a private company. We inspected this area accompanied by Supervisor Pat Curran. Detainees of both sexes are housed in the same area. The education program for those children was impressive. Security concerns due to increasing number of violent juvenile offenders were the number one issue.

Riverbend Maximum Security Institution --This maximum security prison is operated by the Tennessee Department of Correction and houses the worse and most dangerous convicted felons in the State. We toured this facility with the cooperation of Warden Ricky Bell and led by Counselor Bill Smith. Particularly of interest was the stop on Death Row, where we spoke to an inmate that had resided there under the death penalty for 27 years. Security was tight and there was not much attempt at rehabilitation.

Tennessee Prison for Women--Arrangements for the Grand Jury visit were made by Assistant Warden Johnson and the site visit was conducted by Corporal Miller. We were impressed by the programs that allowed certain inmates, based on good behavior, to visit over night with their children and the PAWS program that allows interaction with pets. We observed lunch being served and inmates lined up for sick call. The number being seen by doctors was surprising. All levels of security are housed in this facility.

Metro Police Training Academy--A well trained police force is a necessity in order to protect the public. We observed the training regimen and procedures that are used by our Police Department. Whereas the facility is antiquated, the methods and technology are first rate. Thanks to Lieutenants Glenn Yates and Bill Sneed we were able to experience the difficulty and rigorousness of the requirements first hand. We were able to test our skills on the gun range and in the FATS shooting simulator so as to appreciate the accomplishments of the trainees. The canine drug and bomb detection exercises and apprehension techniques were impressive. The new detection equipment bought through Homeland Security grants and installed on the police helicopter is state of the art.

Central Police Precinct--Commander Andy Garrett conducted a tour of this downtown station. He described the organizational structure of the precinct and detailed some of the peculiar problems facing law enforcement in a growing and changing Downtown. Articulate and conversant on the challenges facing the officer on the street, he motivated a number of our Jurors to ride along on patrol in the evening of our visit. The experience was educational and some what exhilarating.

Davidson County Drug Court--Nationally acclaimed and recognized, DC4 is the only drug court with a residential treatment component. Founded by Judge Norman and with Janet Hobson as director, the Drug Court not only saves lives, but also money, as the cost of treatment is much less than incarceration and infinitely more effective. Housing non-violent felony offenders both male and female, the Drug Court offers a viable alternative to the vicious cycle of repeat offenders we saw so often in the cases presented to the Grand Jury. Guided by residents of the program and listening to their stories, this tour was the bright spot in our term. We urge continuing support and expansion of this program.

We would like to make the following observations and recommendations based upon our service and experience as Grand Jurors:

Guns, Drugs, and Alcohol-- These were the common denominator in the vast majority of the cases

presented to us. A large number of these cases were produced through traffic stops, walk and talk, and knock and talk tactics. Also the focus on street level dealers seems to have been productive. We understand that some of these tactics associated with "community policing" have been controversial but we have seen the positive results in the cases before us. We would like to make the following recommendations in this area.

- Stiffer penalties for possession of weapons when found in possession of drugs, whether it be simple possession or for re-sale. This should be an especially aggravated offense. We were particularly disturbed that a person charged with a drug offense had a carry permit and could not be charged with the weapon. This needs to be changed at the State Legislature.
- Multiple DUI offenders who repeatedly drive drunk and on suspended license should more frequently be charged with habitual motor vehicle offenses and treated as felons. The State should consider confiscation of the vehicles and inter-locking devices. We have reviewed too many deaths wrought by these type drivers in this term!
- There appears to be a particular lack of understanding and concern for driving and drinking in the Hispanic Community. We applaud the recently announced efforts to provide better education and communication concerning this problem. We think the City and State should join in the efforts to stress the consequences in whatever language might be necessary.
- Gangs, particularly ethnic gangs, seem to be at the center of much of the drug activity and gun violence in our neighborhoods. We need to redouble anti-gang efforts like "Operation Safe Streets" and commit whatever resources needed to combat the growth of these now loosely organized groups.

Homelessness and crime- There appears to be higher probability that the homeless will be either a victim or a perpetrator of crime on our streets. Although most visible in the Downtown area there are pockets of the homeless throughout the City. In our work with the Grand Jury and in our ride-a-longs with the patrol officers it was obvious that there is an increasing element of the homeless population that is prone to violence. Police Commander Andy Garrett of the Central Precinct characterizes this element as "street people" rather than homeless. We have seen charges of assault, robbery, and even rape and murder in this population. While homelessness should not be criminalized, homelessness should not be an excuse for criminal acts. Society has certain expectations that are embedded in our laws and we agree that they should be strictly enforced in our community. We recommend the following:

- Strict enforcement of current misdemeanor laws, including those against aggressive panhandling, public drunkenness and the open container law, as well as public decency statutes .The Metro Council should also formulate other ordinances to address this problem. This was part of the "New York Strategy" and has been effective in reducing the overall crime rate in that city.
- Encourage the Court to have programs that consist of probation along with community service, required employment and treatment for substance abuse and mental illness.
- Create a Mental Health Court at the Criminal Court level. This would be in addition to the Mental Health Court in the General Sessions and provide the same structure that we now have with the Drug Courts.

Juveniles-- We encountered a number of instances where juveniles were involved in serious and violent crimes. Some were presented to us to be tried as adults and others were co-defendants and remained under the jurisdiction of the Juvenile Court. Because of the increasingly violent behavior of juveniles, we offer the following:

- Due to the physical limitations of the facility, all parties to an action in Juvenile Court sit together in the same hall. This creates a possibly dangerous situation. To minimize this we recommend that additional security be provided. There should be a minimum of two instead of the current one per courtroom. The only recent court related fatality in Nashville, occurred in the Juvenile Court parking lot.
- There needs to be major remodeling to the building, especially in the courtroom area and in the recreational area of the Detention Center. Privacy issues for the female detainees need to be addressed. The skylights need to be removed in the courtrooms, as the noise is unbearable on rainy days. Planning for a new building that will better facilitate, rather than frustrate the role of the Juvenile Court should be initiated as soon as possible.

International population- With increasing diversity, a large international population, and changing demographics, the face of crime and its victims is changing in our community. This was apparent in the cases that came before us and the faces that we saw in the correctional facilities that we visited.

- Although illegal immigration is a problem, many of the persons accused that are of foreign origin are here legally or are citizens. We need more bi-lingual and multi-cultural officers so as to interact with these populations in a positive way. An informed and involved community is the best weapon against crime. We were pleased at the cultural diversity we found in the officers that we encountered, but efforts need to be re-doubled to recruit these candidates to the Department.
- We support Sheriff Hall's efforts to identify illegal immigrants that have committed serious crimes. If the federal authorities are not going to address this in a meaningful way then the local government must find a way.

Technology-The availability of computers in every police car was shown to be extremely effective in combating street crime. Serving outstanding warrants and identifying stolen cars are just two of the areas that we saw where the computer made a major difference. DNA analysis was also used to make strong cases, especially in cold cases.

- Our police department should stay on the cutting edge of technological advances in both its training and equipment.
- W e should explore the creation of our own lab to dramatically reduce the time it takes to get results back from the TBI lab.

Scrap Metal Regulation-- We became aware of a number of incidents where scrap metal that was illegally stripped from homes and businesses and stolen cars were sold to various legitimate businesses that deal in metal recycling. There is little or no regulation of these businesses. We recommend the following;

- That scrap metal sales be regulated much like pawn shops, where the seller must have identification and / or a title, and transactions are reported to the police department. Some businesses voluntarily comply with these provisions at present.

Medical care and cost-The constant need for medical services and care for the newly arrested and the incarcerated was the one issue that caught our attention. This service is mandated and unavoidable in this high-risk population. We only see these costs to society escalating. We saw long lines at sick call at every facility we visited, also special medical needs section were designated. Sheriff Hall has instituted a charge for those who are able to afford it, at the Criminal Justice Center, to address the problem of frivolous visits to sick call. That has helped somewhat. We don't have any definite recommendations but it is a growing crisis that will have to be addressed in time. It is unsettling to view this in light of the millions of law-abiding citizens that are without health care and medical services

In conclusion--THANKS!

- **Judge Seth Norman, for** the opportunity to serve.
- **Leo Waters,** our foreman, who knew all the right questions, most of the answers, and literally everyone in Nashville
- **DA's staff,** for your help and support, especially, **Donna Dale** and **Ryan Casada.**
- **Police Officers,** for your professionalism and patience.
- **Chris and Dennis Levering** and **Grayline** for providing us with transportation to the Women's Prison and the Drug Court.
- **Ronnie Nollner,** of the jury section of the State Trial Courts, for driving us around everywhere else in the jury van.
- **Cheryl Kennedy,** for having our parking passes always on time.
- **Larry Stephenson,** State Trial Courts Administrator, for your help throughout the term.

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We arrived as individuals and strangers and leave as the "**Davidson County Grand Jury**"

Dorothy B. Brown	Fianalea Moss
Ruth L. Few	Christin Phillips
Manju Gupta	Vanessa Phillips
Jo Ann Harrison	James A Polk
Wendy Hilpold	Saundra A Springs
Jacqueiine F. Merritt	Melanie Watson-Koger

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Leo Waters,
Foreman

December 14, 2006