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by: BWise

Grand Jury Final Report
October 2004 Term

Presented to:
The Honorable Randall Wyatt
Criminal Court Division II
Davidson County, Tennessee

On December 14, 2004

We the Grand Jurors for the October, 2004 term submit the following report in summary of the three months served in Davidson County, Tennessee.

The experience has been a tremendous commitment in time for all twelve regular jurors as well as several of our alternate jurors. We feel that perhaps the most valuable outcome is the new found knowledge of our county's judicial process that this body of citizens has gained over the past eleven weeks. Looking back, it is amazing that the majority of us had very little understanding of how our County's judicial process, and our government in general, worked prior to this experience. In addition, we all found that very few people we knew had a clear understanding of what the Grand Jury was.

In our 32 sessions, we have heard 631 cases. We have returned 608 True Bills and 23 No True Bills.

Following are a list of observations from the Grand Jury. We know that some of these have certainly been brought up by previous Grand Juries. As such, our intent is to focus on items where we can give specific suggestions.

We were greatly impressed by Chief Serpas. His systematic approach to making continuous improvements in the level of safety for Davidson County residents is evident within minutes of hearing him speak. We are optimistic for the benefits to be gained from decentralizing many of the functions that were previously handled at HQ which have now been pushed out to the precincts. Of special note, the talents of the Crime Suppression Unit (CSU) personnel were evident from their testimony to the Grand Jury. These units function most effectively at the street level, and we are happy to see that the amount of time that they are allowed to spend on the street is maximized. For the Grand Jury to be effective, it is absolutely critical to have a witness present testimony that has specific and in-depth knowledge of the case. As such, we feel that it may be worth considering having an officer at each precinct charged with the administrative task of keeping up with all of the precinct's cases going in front of the Grand Jury. The best option is always to have the testimony of the arresting officer, but in situations where this is not practical, having an officer who is fully aware of the facts is a huge improvement over having an officer merely read a report that has been prepared by the arresting officer.

As previous Grand Juries have noted, the caseload is bogged down by misdemeanors (in particular, 1st offense through 3rd offense DUI) and by felony DUI's (4th offense or more). In the vast majority of these cases there are no debatable issues for the Grand Jury to consider. They strictly appear to be cases where the defendant and his/her attorney are delaying the legal process. We feel that the right of a citizen to have their case bound over to the Grand Jury is a right worthy of protecting. However, rights also come with responsibilities attached. We would like to suggest that our legislature consider eliminating the ability for a defendant or his/her attorney to have a <u>felony</u> DUI bound over to the Grand Jury. As a felony DUI charge would require that the citizen has been convicted of a minimum of three previous DUI's, we would argue that the citizen has had more than adequate access to the intended protection of the Grand Jury. There would be

a resulting saving in time for the entire process (not only for the citizens of the Grand Jury, but more importantly, the time of the officers who must testify).

On a number of occasions we encountered problems with language barriers between defendants and officers. Most frequently, this was with Spanish, but Davidson County also has relatively large Kurdish, Laotian, and other segments of our population. Often, it is not merely an issue of language, but one of culture as well. For this reason, we feel that the most effective way to address this issue is a two-pronged method: A) Recruitment (of Hispanic officers); B) Training. Specifically, while it would be difficult to train the entire existing force, it would be relatively inexpensive and quick to initiate a course via the Academy. Since Davidson County is in a phase of bringing in a good number of new officers, the percentage having this improved language and culture training would increase relatively quickly.

We would like to thank the many officers that gave testimony to us. Many of them became familiar faces and names over our term. Particularly, we came to look forward to presentations from the ones who were best at covering all of the details in a succinct manner. These exceptional officers could be a tremendous asset if utilized to train some of the officers whose presentations were relatively unorganized and/or confusing. Overall, the level of professionalism from our officers was very comforting. We have a greater appreciation for these officers, many of whom literally are putting their lives on the line any given day for our community.

We encountered some legal issues which should be considered. Firstly, we were surprised to learn that neglect of an impaired adult (by the caretaker) is a misdemeanor. We feel that our legislature should consider making it possible for this to be charged as a felony where the situation warrants it. Secondly, we would like to see more consistency in the application of charges regarding weapon possession. We understand that there are situations where discretion must be used by the District Attorney's office, but we feel that, when it comes to illegal possession of a weapon in a felony arrest, there should be very little leeway.

We enjoyed the opportunity to visit a number of facilities in Davidson County during our term. We truly appreciated the hospitality we were shown and the access we were granted on these visits.

We would like to thank Judge Betty Adams of the Juvenile Court. She provided us with a great deal of information in our visit, and her level of commitment to the difficult task with which she is charged is evident. We would also like to thank Superintendent Patrick Curran and his staff for their hospitality. We found that it costs Davidson County at least $150 per day to house these troubled youth. We were troubled to hear that Davidson County is only able to bill out surrounding counties at $120 per day. As citizens of Davidson County, we feel that this should be addressed immediately. We also feel that it would be a good "field trip" for as many appropriate age students as possible. We believe this could be an effective deterrent for our kids.

We also truly appreciated the efforts of our law enforcement personnel at the Training Academy, the K9 Academy and the Air Patrol facility. We particularly need to pay attention to our air patrol capabilities. Personnel is stretched extremely thin due at least in part to officers (who are in military reserves) being deployed to the Middle East.

We visited the Medical Examiner's Office and feel that we now have a top notch facility. We were very grateful for the information that we received from our visit.

Our visit to Riverbend Correctional Institution revealed a facility that appeared both clean and safe for inmates and staff.

Finally, we visited Judge Norman's Drug Court. It is an extremely promising program dealing with the often bleak battle against drug addiction. We greatly appreciated the vision of Judge Norman and the commitment by Janet Hobson and the staff. The facility is focused on channeling the energy and talents of the residents in positive areas. The residents keep the areas remarkably clean and are taught to take pride in preparing their own food, repairing and constructing their own furniture and many other self-supporting endeavors. Violence between residents is non-existent, as the combination of the threat of return to jail/prison and the self-policing of the peer group work as an excellent deterrent. Clearly, when the choice is between paying to house an addict in the penitentiary or to attempt to rehabilitate them in the Drug Court, the latter would get our vote. The upfront cost is significantly less per person and the long-term upside would logically be much better. Unfortunately, there are limits to the numbers of residents at any given time. We would encourage any citizens that wish to help their community to consider volunteering or donating items to this worthwhile effort.

In addition to our visits, we were fortunate to have a number of speakers inform us regarding a number of topics. We appreciated the schooling we received from Captain Todd Henry on street drugs. It was an eye-opener for most of us. We were thankful for the work of Captain Rita Baker in the Domestic Violence division. We would also like to thank Mayor Bill Purcell and Metro Legal Director Karl Dean for taking the time out of their busy schedules to brief us on the progress of our great city. The Grand Jury also greatly appreciated the time that General Sessions Judge John Aaron Holt spent with us.

We would like to thank our District Attorney, General Tory Johnson and his staff for helping us on a number of questions regarding matters of law. In addition, thanks are in order for Donna Dale who kept our caseload balanced and moving forward and to Ed Lambert for handling a variety of logistical issues for us.

Last but not least, we would like to express our appreciation for Stan Fossick, our jury foreman. His calm demeanor, vast experience and knowledge of the system were critical for the process to move smoothly. His continual contributions to the County are truly remarkable.

In conclusion, we look forward to the new year with a new sense of optimism for Nashville and Davidson County.

Respectfully submitted,

Stan Fossick, Foreman

Amy L. Brunson

Sonya Burroughs

Mark Ferguson

Chris Fritz

Clarence Goldston

Carl Hansen

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