

**Grand Jury Final Report
April Term 2003**

**Presented to
The Honorable J. Randall Wyatt, Jr.
Criminal Court Division II
Davidson County, Tennessee**

on June 27, 2003

We would like to thank the Court for the opportunity to serve as jurors for the April 2003 Term of the Davidson County Grand Jury. We all feel that while it did consume no small amount of time and energy, the satisfaction of knowing that we have truly served our community outweighs any personal sacrifice. We are hopeful that in some small way, we may have contributed in the efforts to make Nashville a better place to live.

We would certainly like to thank our Foreman, Stan Fossick. Evidence of his distinguished leadership of this Grand Jury can be found in his experienced advice, humility, and personal sacrifice. Mr. Fossick is a treasured member of our community and we are honored to have served under his guidance.

During our term of service, we had several opportunities to visit various agencies and programs that operate under the jurisdiction of the Davidson County Government. These trips were invaluable as the education we gained helped to execute our duties as jurors.

On our visit to the Davidson County Police Academy we had the chance to tour the classrooms, meet several of the instructors, and were educated on the requirements and processes involved in becoming a Metro Police Officer. We cannot express enough gratitude to the individual Police Officers who serve Nashville. The vast majority of Metro Officers go above and beyond the call of duty on a daily basis and deserve the title of "Heroes".

This Grand Jury also visited the River Bend Penitentiary. This was an eye-opening experience. We would recommend that future Grand Jury members elect to visit the Penitentiary as we feel it would help them, as it did for us, better understand what the possible results of voting a True Bill could be. We would also respectfully request that the Juvenile Court consider developing an "At Risk" program that would take certain youths that are on the wrong path to visit the Penitentiary. Let them experience the cells, the food, and the lack of freedom. Maybe certain inmates that meet specific criteria could

talk to the youths and encourage them to change their lifestyle so that they might not end up in prison.

Our visit to Judge Norman's Drug Court and residential rehabilitation program was one of the highlights of our term. The wonderfully high success rate of this program is very encouraging. During our visit it came to our attention that the program could use many donations of clothing and various kitchen and household items. It may be worth exploring the possibility of partnering with various local charitable organizations to not only meet these needs but also raise awareness and community support for the program in general.

Another trip worth mentioning was to Forensic Medical, the private company that currently provides Medical Examiner services for the citizens of Nashville/Davidson County. This state of the art facility is in the top ten in the United States and should be a source of pride for the community. Mayor Purcell told the members of this jury that even though there is some concern of the cost of these services he is pleased that the quality of their work is unparalleled. The Mayor related to us that Homicide Detectives never have to worry that their convictions might be overturned based on faulty autopsy reports and findings. There has been much attention focused on Forensic Medical in the media in recent weeks. While we did not investigate any specific allegations, we did visit with Forensic Medical on two occasions. On one occasion we were able to observe the Medical Examiners as they performed several autopsies. It is our experience that the entire team conducted themselves in a most professional manner and went out of their way to preserve the dignity of the deceased.

During the course of hearing the 880 cases presented to this Grand Jury, we noticed several trends that continually raised our level of concern and seemed to constantly frustrate the Police Officers that were presenting the cases.

One of the trends that most concerns us is the inconsistency in the setting of bonds for arrested individuals. On a visit to "Night Court" where we met with Judge Leon Ruben and Commissioner Hagar, we learned that the Supreme Court has ruled that a printed list of recommended bond amounts is unconstitutional and the bond amount is

to be the decision of each individual commissioner or judge. This system is not working. We have heard numerous cases and heard testimony from countless Police Officers where similar charges brought against defendants with similar criminal records have bonds set of wildly differing amounts.

In particular, one detective reported to us a case where six people were arrested at the same time and charged with the exact same offenses. It so happened that three of the defendants were brought before one commissioner and the other three brought before a different commissioner. The first three had their individual bonds set at \$30,000 each. The second group had their individual bonds set at only \$5,000 each. We saw this happen time and time again.

As civilians, we are not sure what the best course of action may be. We do know that the commissioners are reviewed on a yearly basis by the General Sessions Judges. We would suggest that during this review period the Judges would compare each individual commissioner's average bond amounts with the average of all of the commissioners' bond amounts. Such reports would not be terribly difficult to generate since the majority of these records are computerized. Should they find that a commissioner is way outside of the average, the judges could investigate the reasoning for the offset amounts. To help bring them in line with the average, the judges might then offer the commissioner some education or advice on how bond amounts are to be considered.

Our greatest concern is that when bonds are set abnormally low, criminals are able to easily get back on the street and continue to put our neighbors in danger. We lost count on the number of defendants that were repeatedly brought before us and charged with multiple felonies yet with bond amounts that were set so low they were able to get out within hours. This bonding issue has been a great concern with previous Grand Juries and is a constant source of frustration for the majority of Metro Police Officers. We know this is a difficult issue to resolve, but we would implore the court to look into this matter and seriously address this issue without delay.

We have become aware of several alarming trends surrounding the Metropolitan Development & Housing Agency (MDHA). To begin with, we are very concerned with the number of Habitual Offenders that seem to emanate from the MDHA properties. We have heard multiple testimonies of how police officers have come to know many of the criminals by name because of the vast number of times they have arrested them. One of the tools the MDHA Task Force uses is a Posted No Trespassing Ordinance, which is a misdemeanor offense. We would recommend that MDHA pursue legislation that would have each subsequent trespassing violation carry a heavier penalty. Ultimately resulting in a felony charge.

On a similar MDHA issue, we are concerned that the "One Strike Rule" is inconsistently enforced. It is our understanding that if an MDHA resident commits a felony or facilitates the commission of a felony while on MDHA property, the "One Strike Rule", if enforced requires the eviction of the offender. However, the enforcement of this policy is left up to the individual managers of the housing units. We have found this to be an inconsistent and ineffective enforcement policy and it is not helping to lower repeat criminal offenses. We would recommend that the MDHA not leave the enforcement of the "One Strike Rule" up to any one person. If there needs to be a review based on individual circumstances, we would suggest the organizing of a committee of peers that would decide on the issue.

A final MDHA issue revolves around the current condition of many of the Public Housing Units and the business model upon which they are founded. Many of the Public Housing Units are in a terrible state of disrepair and the residents have no personal investment in the property or neighborhood that would encourage them to maintain the property. We would encourage MDHA to continue with the Hope VI program that has seen the development of the Vine Hill and Preston Taylor communities. We understand that the HOPE VI program was developed as a result of recommendations by the National Commission on Severely Distressed Public Housing, which was charged with proposing a National Action Plan to eradicate severely distressed public housing. The Commission recommended revitalization in three general areas: physical improvements, management improvements, and social and community services to address resident

needs. This Grand Jury would strongly echo those recommendations. Furthermore, we would hope that MDHA would pursue similar Demolition and Rebuilding programs even after the Hope VI grant money is exhausted using the Vine Hill and Preston Taylor neighborhoods as a model.

During the course of our term, we became aware of many security concerns in the Metro School System. We are very pleased that Metro School Security now requires all substitute teachers to present photo identification when they sign in each morning. However, we are aware that the Metro Schools are the only Davidson County Agency that does not issue photo identification's to their employees. We have been informed that the Metro Schools have been investigating a way to easily implement a photo identification program. We would strongly encourage this program to be initiated immediately.

We have also been made aware that school security policies are left up to individual principals. While this may seem sensible as many buildings are so unique that a standardized security plan may be hard to execute, we believe that some minimum security requirements are needed. Some of these requirements would be to have all external doors locked once school is in session. If a parent or other individual needs to access the school building, they would need to call the office using an intercom system at which point they may be allowed to enter the building and made to immediately sign in at the office after their identity has been established. Mayor Purcell has given this Grand Jury his word that he would do all that is within his power to help any school that asks for it upgrade their exterior doors to meet these needs.

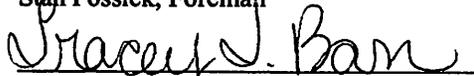
Another trend that concerns this Grand Jury is the large amount of misdemeanor offenses that are being presented. We do realize that it is every defendant's right to have any charge bound over to the Grand Jury. However, these cases take up the valuable time of the Police Officers who have to testify and take up the Jurors' time that could be spent hearing more serious cases. We would encourage the General Sessions Court to redouble their efforts to resolve these cases before being bound over to the Grand Jury.

Finally, we continually wrestled with the fact that many witnesses that were summoned to appear before this Grand Jury had very little to contribute by way of testimony. This was especially common in domestic violence cases. Most of the time, the police officer that testified was a report taker and did not actually witness any crime. This happened with such frequency that we are concerned that the victims are not being informed of their right to appear before the Grand Jury. It was not uncommon for the police officers in these cases to express wonderment and concern as to why they were sitting before us. We cannot impress upon the District Attorney's Office enough to strongly consider not having a police officer that merely took a report present testimony.

In closing, we hope that the recommendations made in this report will be received in the spirit in which they are offered. We are merely average citizens of Davidson County that hope to see our community continue improve and prosper. It is our hope that our service as Grand Jurors has in some small way drawn us closer to this goal.



Stan Fossick, Foreman



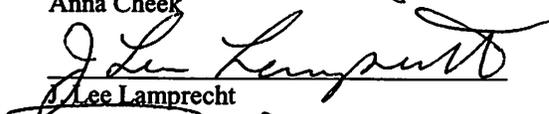
Tracey J. Barr



Irisa G. Bumbulis



Anna Cheek



Lee Lamprecht



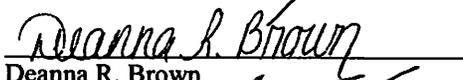
M. Shane Moore



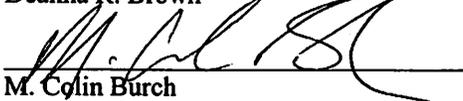
Dorothy M. Willis



Theodore Alexander



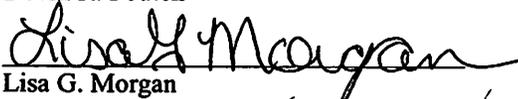
Deanna R. Brown



M. Colin Burch



Devin R. Foutch



Lisa G. Morgan



Bonnie Thomas