



Grand Jury Final Report
April Term 2009
to
Judge Randall Wyatt
Division Two Criminal Court
Davidson County, Tennessee



File

During our three months serving as grand jurors, we heard 1108 cases, and of these, 1098 were found to be True indictments, and 10 were found to be Not True.

While this one sentence sums up our work, by no means does it sum up our experience. What started as an ominous letter with NOTICE OF SUBPOENA printed boldly at the top turned into a three-month excursion through the justice system of Metro Nashville, where we learned more about our county, its crimes, our fellow citizens and ourselves.

April 6 – Day 1

After the initial day of a packed courtroom and sworn oaths, our experience as grand jurors began when we gathered at the D.A.'s office in the fifth-floor room we would come to know as our own. Foreman Stan Fossick, whose leadership and donuts are to be highly commended, told us of his experiences with the Grand Jury. While he warned us of what we might hear in the upcoming months, he also told us that we would cherish our time and just might make some new friends along the way.

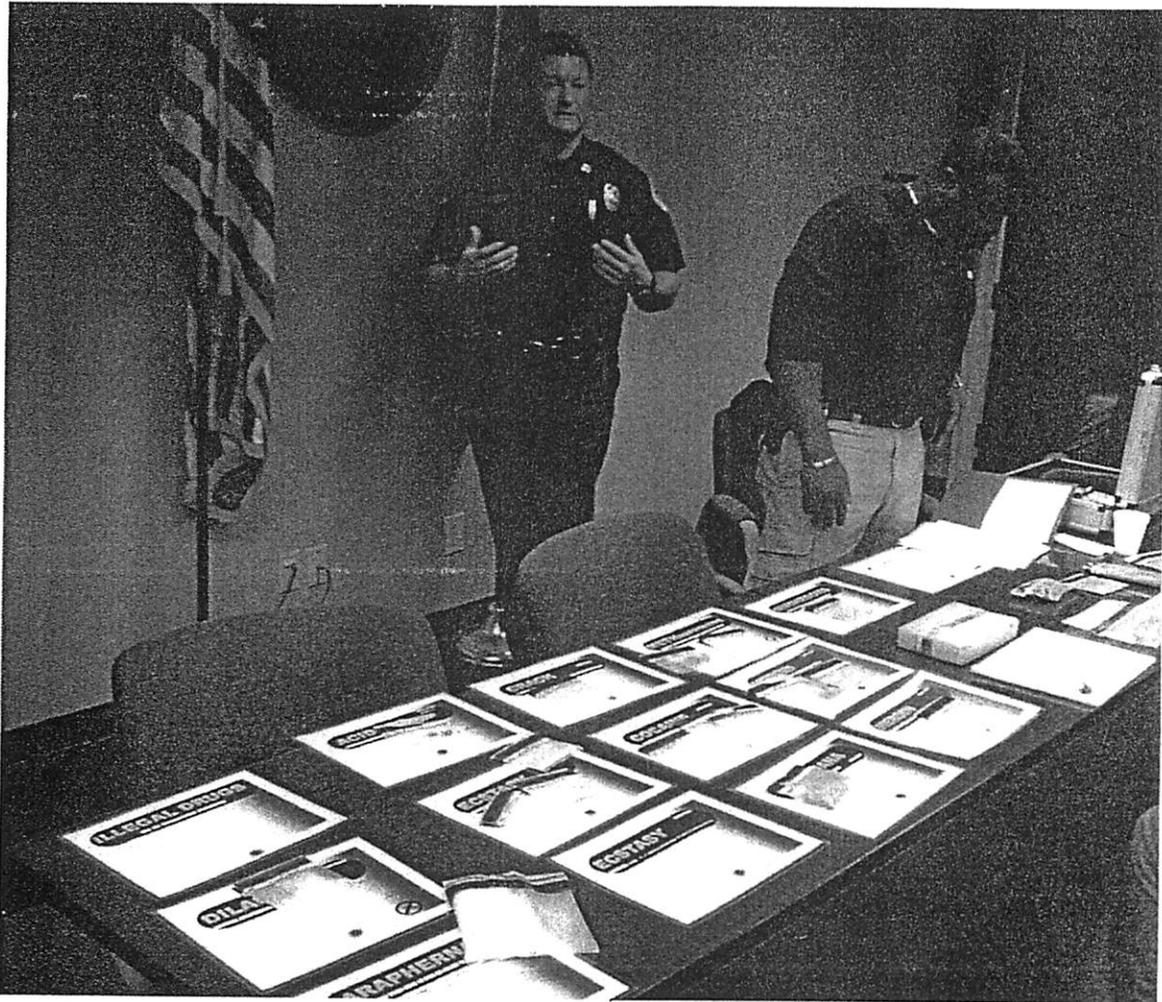


Stan introduced District Attorney General Torry Johnson, who then gave us a brief but thorough overview of the criminal justice system. This included the history of the Grand Jury as well as the importance of the role that we would play as part of the justice system.

April 7 – Day 2



Capt. Todd Henry and Lt. William McCall of the Specialized Investigation Division gave us a rundown of their unit and the areas of crime on which they focus. We were told which drugs are the biggest problems for Nashville (marijuana, cocaine/crack), and some on the jury even learned about drugs they didn't even know existed (psychedelic mushrooms, khat). The ample samples also served as a nice visual.



Lieutenant Mitch Fuhrer then gave a presentation on the gangs in Nashville. We were surprised at the number of various gangs in Nashville, but we were also relieved to learn that most of the “gang-related” crimes we hear about on the news are not necessarily related to the gangs. Even though many that commit crimes may be in gangs, most gang-related crime is between gangs, not against average citizens.

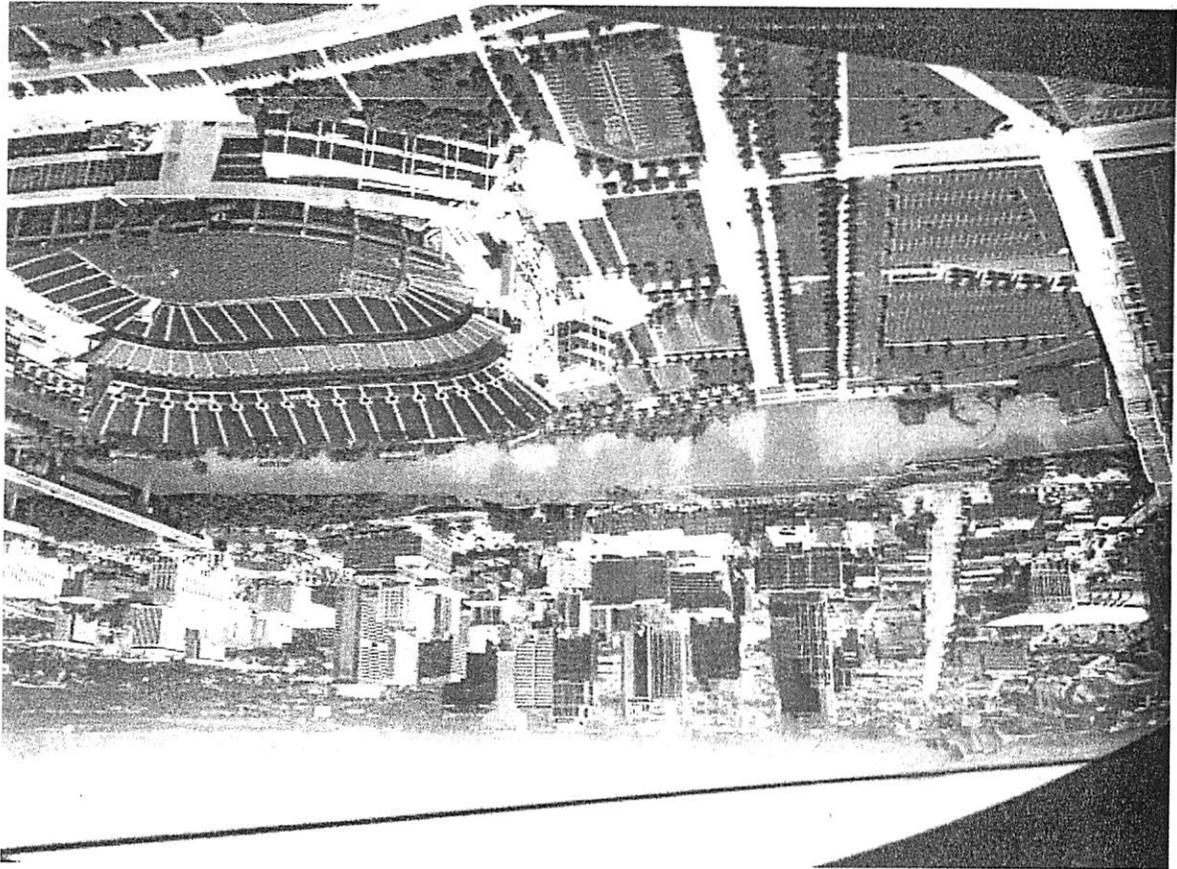
April 14 – Day 4

Capt. Rita Baker of the Domestic Violence Division visited us for a presentation on her field. We learned of the sad fact that most victims won't report abuse until the seventh occurrence.

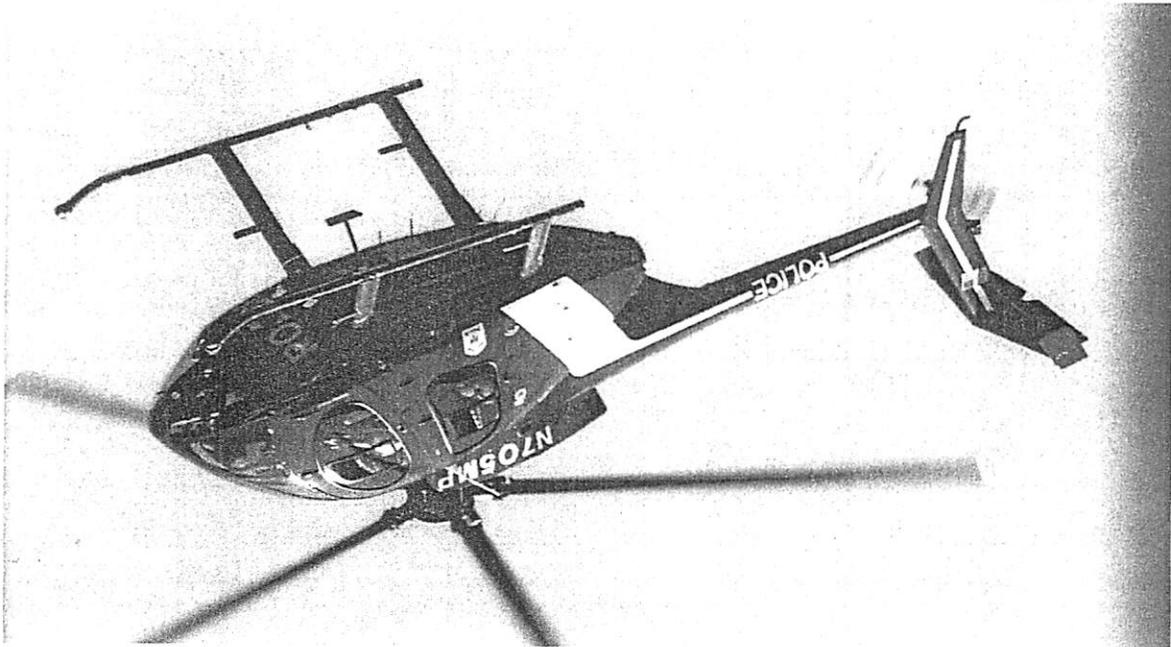
May 12 – Day 16

On our first field trip, we ventured to the Police Academy, where we were first given a presentation by gunsmith Joe Daniel. We learned how the city saves money by having its own gunsmith on hand. We were also shown the variety of guns confiscated from local criminals. Officer Clint Gilleland then gave a brief talk on the science and use of Tasers.



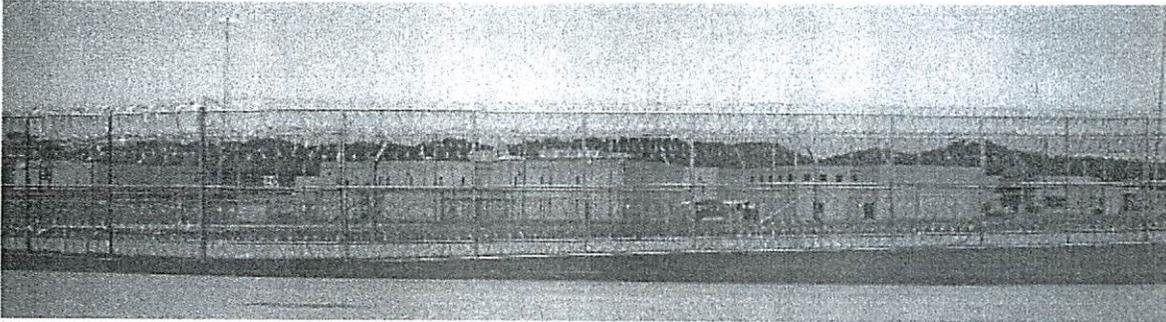


The highlight of the day was a trip down the hill to the Aviation unit, where Sgt. James Johnson gave an overview of the department and its technology. Afterward, we were treated to a flight over downtown Nashville in groups of three. (The promise of this adventure did much to keep our spirits up when we began jury duty, and it definitely fulfilled.)



May 19 – Day 19

On our second field trip, we started the day with a visit to Riverbend Maximum Security Institution. After Steve Bell gave us a classroom introduction to the prison and its programs, he gave us a guided tour of the different areas, including death row. In the death chamber, we were offered the chance to take a seat in the electric chair and some were shocked when others accepted the invitation. We also had the opportunity to speak with an inmate who has devoted his murder sentence to bettering himself and has benefited from the prison's opportunities for rehabilitation.

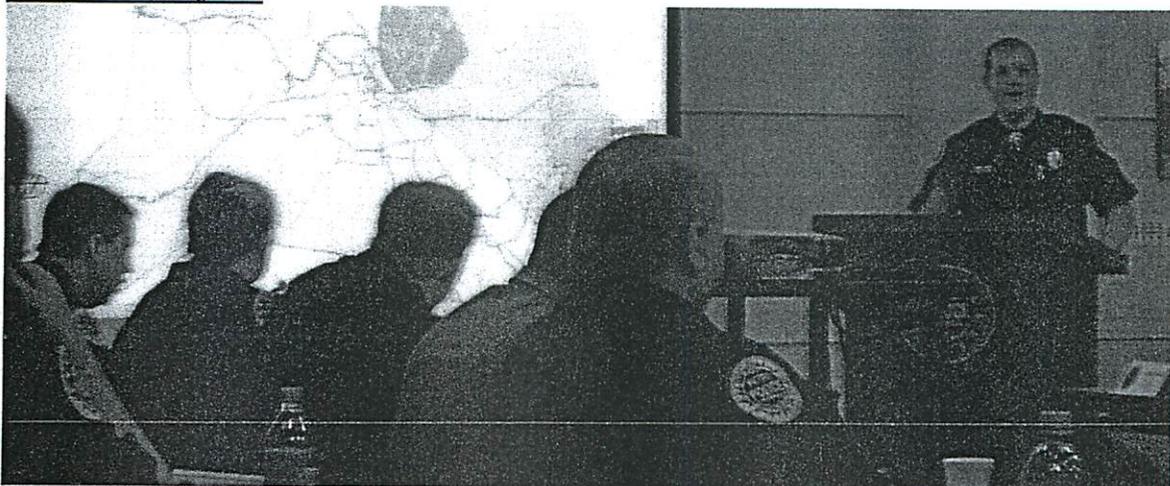


Then we traveled to DC4, where we were treated to lunch with Judge Seth Norman and Director Janet Hobson. Mrs. Hobson then introduced us to a male and female member of the program, and all three gave us a tour of the facility. We were very impressed with the DC4 program and the success with which it treats nonviolent drug offenders.

June 2 – Day 24

Chief Ronal Serpas visited and told us of the Metro Police Department's data-driven model for policing and that its success has received national attention. Afterward, he took questions and gave straightforward answers, and in cases where he didn't have one, he made notes to follow up for his own knowledge. We were then taken to Monell's in Germantown, where the generous Stan Fossick treated us to a fantastic family-style feast.

June 5 – Day 25



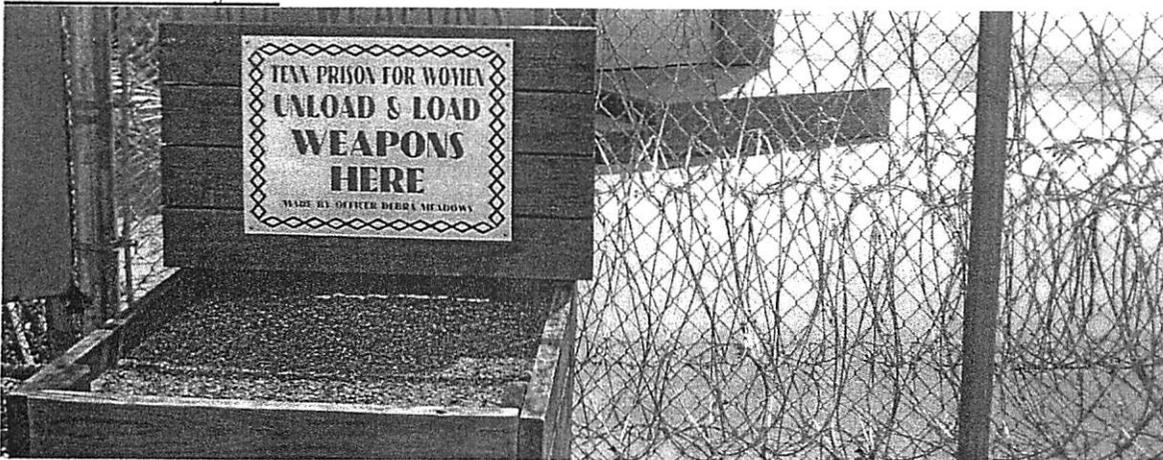
We traveled to the North Precinct station, where we attended the weekly CompStat

meeting and saw actual use of the data Chief Serpas had touted. At times, it was an overwhelming series of numbers, but the maps made it all pretty obvious. It was amazing to see the areas in which criminals seem to focus their attention. We also learned that Metro uses crime statistics that are more accurate than the FBI.

June 19 – Day 30

Mayor Karl Dean visited and told us how the recession is the biggest issue the city is facing right now. He mentioned some of the programs of concern and informed us of the dire situation of our schools and that education is his biggest concern. Mayor Dean then answered questions ranging from the impact of a new convention center on Gaylord Opyland's facilities to concerns about area youth involved in truancy and criminal behavior.

June 23 – Day 32



Our final field trip began with a visit to the Tennessee Prison for Women, where Cpl. James Miller guided us around the facilities. A major focus of the tour was the job and training opportunities for the prisoners. Also of note was the generally lower level of tension at the prison compared to Riverbend, which was explained by Cpl. Miller as a result of a female vs. male population.

We then traveled to the Juvenile Justice Center, where Judge Betty Adams Green explained the function of the court and its focus on families, not just individual offenders. She also specified that only violent or repeat offenders are held in the Juvenile Detention Center. Yolanda Hockett and the G4S staff followed this with a tour of the Detention Center, which included lunch. We learned that the youth facility operates on a similar compliance-reward system as the adult facilities. We were also made aware that the recreation area exposed to the elements was a concern, due to the times of year when it cannot be used.



OBSERVATIONS

During the D.A.'s introductory presentation, jurors would benefit from an information sheet that defines terms they will encounter (e.g., assault, burglary, robbery, aggravated, especially aggravated) as well as a chart of misdemeanors and felonies. This will help avoid some learn-as-you-go delays.

We are very concerned with Metro policy that states sexual assault victims may only be tested at Nashville General Hospital at Meharry. This is horribly unfair to victims. All hospitals should have a nurse on call who is certified to gather forensic evidence. There should never be a possibility that critical evidence can be compromised because only one hospital has the contract for such services.

We have noticed some indications of periodic lack of cooperation between the Department of Children's Services and the Metro Police Department in coordinating decisive actions in protecting children from dangerous environments. We had cases where there was miscommunication—or none at all—between the two, resulting in delays in taking needed action

We commend Sgt. Daniel Newbern, who has shown the utmost professionalism in presenting hundreds of cases. We are aware that he has begun to train new officers on testifying before the Grand Jury, and his example is certainly one to follow. We believe even seasoned officers may benefit from such training, including the directive to thoroughly review their cases before testimony. The Grand Jury needs the facts and not extraneous details that don't apply to our decision-making. We also suggest that a whiteboard be added to the Grand Jury room so that officers can use a visual aid to help jurors follow complicated cases that involve multiple defendants.

Defendants who are convicted of DUI per se only send their case to the Grand Jury to buy time, and this is an abuse of the process and a waste of everyone's time. These cases should be settled in General Sessions.

Many of the jury participated in the option to ride along with a Metro Police Officer. These officers were very professional, informative and notably courteous in their dealings with citizens during their shifts. Technology in the car seemed impressive, but the paper forms for citations seem relatively primitive with technology that's available today. We are aware of budgetary concerns and priorities, but using a Mobile Field Reporting Application for all citations

(such as VisionTEK's FrontLine Handheld Citation software) could be cost-effective



through its automated real-time uploading processing. This could result in fewer citation errors and the elimination of mobile meetings with the shift sergeant to drop off handwritten citations, allowing for more active patrol time.

NOTES OF GRATITUDE

We, the jury, would like to thank all the officers and officials mentioned in this report as well as all those who testified before us. We especially want to thank foreman Stan Fossick for his guidance and friendship during these three months. (Though some may curse him for the donut addiction he has created!)

We also wish to thank Melvin Harders, Lori Hooberry and Rodney Faulk for their support during our service.

JURORS AND PARTICIPATING ALTERNATES

Stan Fossick, Foreman

~~Stan Fossick~~

Monique Arnold

Monique Arnold

Russell Barkley

Russell Barkley

TeeAnna Davis Brown

TeeAnna Davis Brown

Nancy Carver

Nancy Carver

Kelly Drew

Kelly Drew

Glenn Ferguson

Glenn Ferguson

Saundra Forrest

Saundra Forrest

Christopher Hardtke

Christopher Hardtke

Polly House

Polly House

Tearsa Jones

Tearsa Jones

Brent Rolen

Brent Rolen

Pamela Snelling

Pamela Snelling

Deborah Clark

Larry Little

Tyyonda Perry

Amy Rao

Janice Ridley
