

Grand Jury Final Report

April – June 2014

The Honorable Judge Seth W. Norman
Criminal Court of Davidson County, TN

We, the Davidson County Grand Jurors for the April – June 2014 term, submit the following report in summary of our service and experience. It has been an honor to serve under the Honorable Judge Norman and alongside Attorney General Torry Johnson. We appreciate all the work done by the dedicated individuals serving in our city's justice system. We believe this has been an extremely worthwhile experience, and appreciate the knowledge and insight we have gained through special speakers, field trips and presentment of cases.

We would like to thank the Assistant District Attorneys, Rodney Faulk, Karen Fentress, Michaela Mathews and Michel Bottoms for all their support and guidance throughout this complicated legal process. We appreciate their efforts to explain the law and how it applies to different criminal acts.

We would also like to recognize the administrative staff in the District Attorney's office, especially Lori Hooberry for keeping the jury and paperwork organized. Thanks to Sonya Newbell for being there early in the mornings to help start our day.

The Grand Jury gives a big round of applause to officers Rob Bandish MPD and Chad Turnbow MPD for giving many hours of detailed testimony. Their knowledge, patience, and humor will be kindly remembered. Thank you for a truly amazing education about the world of crime and our legal system.

We appreciate Foreperson Whit Simpson's broad experience with the Grand Jury process, and his enthusiasm for serving. We thank him for organizing the field trips, taking care of the details, and providing donuts for every session!

The Grand Jury was prepared for service with informative sessions from various departments. Attorney General Torry Johnson and Assistant DA Michaela Mathews gave an overview of the criminal justice system and provided handouts to assist us in understanding terminology and procedures.

We heard presentations from the following:

- Sgt. Michael Shreeve, Child Sex Abuse Unit
- Sue Ross RN, Our Kids
- Sgt. Gene Donegan, Drug Task Force, who brought samples of drugs commonly found on Nashville streets
- Sgt. Jon Boese, Gangs Unit presented a slide show of gang types in Nashville
- Sgt. Anderson, Det. Jackson and Det. Timm, Domestic Violence Unit
- Officer Russel Ward, DUI Unit, who thoroughly explained the Field Sobriety Test process
- Captain Randall Hickerson, Warrants Division
- Officer Luceni Kromah gave a special demonstration of the GPS anklet worn by persons on the Sex Offenders Registry

The Grand Jury also took field trips as part of their briefing of the justice system. These were informative, educational and often fun. We enjoyed looking behind-the-scenes at the operations and programs put in place to serve and protect our citizens. Following are summaries of these trips:

Police Ride-Along

On three consecutive Thursdays in May 2014, seven members of the April 2014 term of the Davidson County Grand Jury accompanied MDPD patrol persons as they conducted their 2 pm shifts. Ryan Caulfield of Central Precinct took one jury member; Jeffery Lieser of East Precinct on two separate nights took a jury member; Ashley Anderson and Gerald Bixenman of Hermitage Precinct each took a jury member; and in West Precinct Mike Rogers and the patrolman assigned to Car No. 1644 each took a jury member.

One juror accompanied an officer to a three car wreck on an Interstate. No one was injured, but the officer said that Interstate accidents presented the most danger to patrolmen and patrolwomen. He said that the last three deaths of policemen in the department came on the Interstates. That was before a fourth death was recorded on I-24 that weekend on Saturday.

The amount of documentation was surprising. All jurors were impressed with the amount of forms the patrolmen and women had to complete. One said that under the current system, accident reports took approximately one and a half hours to complete and twice as long if there were three or four cars involved. All said that the documentation was organized and concise and covered a lot.

Along with observing the record-keeping required, we noted the conditions of the computers and other electronic equipment was not always in good shape or repair. In fact the patrol car one juror rode in quit and died before the end of the shift.

All jurors remarked that nothing spectacular occurred during their ride-along. It was busy and many miles were driven. Several jurors did experience the blue lights and sirens, though, and the weaving in and out of dense traffic as the patrolmen sped to accident scenes. This routine nature of the patrolmen and women daily rounds, itself, was noteworthy, the jurors said. They felt the officers had learned what was normal on their beat and then could identify things that were not normal, seemed out of place, such as empty cars blocking alleyways. Jurors commented on the many miles driven, the officers' keen observational skills, whether of parked cars, of bushes and shrubbery behind vacant buildings or of vehicles on the road and stopping many for traffic violations. The officers' observation skills were particularly displayed during their serving of warrants and having to approach houses and apartments.

Among the impressive things they noted the officers did was in their ability to "multi-task." They operated their computers while driving and accessing two or three different data bases. They also exhibited skill in listening to the ever-on radio and filtering out what wasn't necessary to them while hearing what was important to them. The jurors considered the ride-alongs were informative and educational. All the jurors commented on the professionalism of the officers and their courtesy toward all citizens they encountered. One juror summed up her experience by saying, "My eyes were opened to another way of seeing the world in which I live."

Metro Police Training Academy

On May 13th, 2014 we visited the Metro Nashville Davidson County Police Academy.

Upon first entering the facility we were introduced to Sargent Marjorie Hayworth who provided us with a brief tour of the classroom and training facility. It was explained to us the five criteria a person must first meet before even being able to apply for a position as a police officer and how the application process is handled. She also explained the time frame and activities a person must perform to be able to be considered for the position. This training ranged from task as simple as keeping up with a \$0.49 ink pen to learning the open hand fighting techniques. It was explained their training can last between 22-24 weeks long. While being shown this presentation, one of our Jury Member's became ill and was eventually taken to the nearest hospital. We were able to see how fast officers respond to these kinds of situations and the efficiency in how they work. The care provided to our Jury Member was absolutely excellent.

After Sargent Marjorie Hayworth completed her presentation, we were then introduced to the gun expert, Mr. Joe Shelton. Mr. Shelton gave us brief explanation of his background and history with firearms. Needless to say it was very impressive and ensured us he was the perfect man for this job. His presentation explained the types of guns our officers' use, the mechanical break down and simplicity of their weapons and a display of his work. He showed us the types of guns seized from citizens, and how many of those guns he is able to rebuild to then be used by officers. Mr. Shelton explained that he is the sole person responsible for rebuilding and fixing the firearms for our officers. If that isn't impressive enough, he then went to explain that by doing this he saves the tax payers hundreds of thousands of dollars annually by rebuilding the guns instead of buying new ones. We were also shown guns he has rebuilt for the officers, even allowing us to handle some from his display, under his supervision of course.

We were then introduced to Officer Kristopher Mason who presented the Defensive Tactics Use Policy our officers' abide by. This presentation explained how officers' learn to arm and de-arm their weapons when necessary and told a very sad story on the consequences of not remembering to do this. He destroyed many myths we as citizens have about the use of force an officer is allowed to use on us. He also went on to explain that the officers are not only taught how to escalate their use of force, but also how to deescalate and when to determine it is necessary for either. He then explained the repercussions they assume when a defensive tactic use is not properly used either in the eyes of justice system or by the citizens themselves.

Following the Defensive Tactics Use presentation, we were then escorted outside and introduced to the K-9 unit and some of its dogs and officers' that were there that day. We found out the dogs are taught to have a great deal of discipline, but that they are never treated with cruelty to gain this discipline. They are German breed dogs costing roughly \$8,000 US dollars to obtain a single dog. The dogs are paired with only one officer during their work career that can last between 8-10 years. During the visit we were given a demonstration of the K-9's training course and saw how fast they move and react to commands and situations. It was also surprising to know the dogs are trained to run towards gunfire and not away from it. This was explained to be helpful in the event an officer is unable to determine the direction of gunfire, the dog can then lead the officer in the right direction to find the suspect. The dogs are also very useful in helping to locate narcotics, missing persons, and are also used as the first line of

defense into a hostile situation. Dogs can more easily enter, seek out, and locate a dangerous suspect that may be hiding in building and refusing to come out. While helping to ensure it is safe for the officers to then enter and apprehend the suspect.

We finished our tour at the Aviation Building where the very helicopters that are used in police proceedings are kept. There are two official Metro helicopters and four loaned out from the military. They showed us that the helicopters were equipped with lights, heat sensors and have even carried our K-9 dogs in them to help out with a search and rescue mission. After the demonstration we were then allowed to take our rides in the helicopters three at a time, allowing one person to sit in the front and two in the back. This helped us to see just how well and visible things are from that high up traveling at speeds of about 85 mph. It was very easy for us to make out buildings, cars, and city structures as many of us were a bit skeptical. We did not really believe that the officers' are able to easily see what they may be looking for, but it was determined that we could in fact clearly see everything.

All in all this was an amazing visit and experience. We were able to truly get an understanding of the many aspects of our Police units and how they work continuously and efficiently with a strong sense of togetherness in the continuous fight to protect us as citizens.

Davidson County Drug Court (DC4)

On May 16, 2014, the grand jury visited the Davidson County Drug Court located at 1406 County Hospital Road in Nashville. A van, driven by Will Clary (a court clerk for Judge Norman) was provided by the Davidson County courts to transport us to this visit. We were greeted by supervisor Buck Benthall, and residents Carol H. and Jimmy J. who toured us through the facility, proudly showing and explaining each aspect of their residence and rehabilitation program.

What the DC4 has to offer the individuals charged with non-violent drug addiction offenses is truly remarkable. Our resident guides shared that the program had changed their lives and they were extremely grateful for the opportunities they are being given to better themselves. The facility was very clean and orderly and an overall sense of purpose and commitment to the mission of the facility was evident throughout. Especially impressive was the presence of the counselors and learning how the residents meet in assigned groups throughout the day to assist them in advancing through the steps of their rehabilitation.

The program seems to do an excellent job providing the residents with opportunities to learn new skills enhance their self-worth and to accept responsibility. What great opportunities to learn things like small machine repair, car mechanics, gardening, cooking, hairdressing, and housekeeping. And many of the vegetables they eat throughout the year are grown and preserved by the residents! Bobby Crook and the woodworking shop was popular with all of us. We loved the creativity exhibited in the rocking horses, chairs, picnic tables, clothes racks and other small crafts. We think they should put together a catalog of their wares and promote their things for sale.

The residents talked about how important it is to them that Judge Norman comes every week to review their progress and that this is shared in a group setting at a general assembly. They

appreciated this form of recognition for their achievements and for encouragement when needed. They also talked about the dormitory arrangements and how their behaviors and achievements help them advance to more private accommodations. It was impressive to see how a rewards and consequences model can be used so effectively. The fact that every resident is expected at some point in their rehabilitation to secure a full time job and be responsible to get there by bus and to be on time going and coming from work is impressive and seems to fit so perfectly with what the program is all about.

At the conclusion for our visit we were treated to a wonderful lunch, prepared and served by the residents and very much appreciated by all of us in the grand jury. It is no exaggeration to say the DC4 is something Davidson County should be very proud of and seems to be one of the best kept secrets of the county's accomplishments. More should be done to "brag" on the facility and make it known to the community. Thank you for the opportunity to become acquainted with the DC4.

Comstat

We were privileged to attend the weekly meeting of the MNPD commanders of each of the precincts, and listen to reports, stats and plans for each sector; and, we were honored to meet Chief of Police Steve Anderson. The jurors were impressed to hear that the Metro Nashville Police Department received the CALEA TRI-ARC Excellence Award, which is the international gold standard for accreditation of a police department. We congratulate our police force on such an esteemed honor.

Riverbend Maximum Security Prison

Our very informative visit to Riverbend Prison was led by Unit Manager, Tommy Vance, and Sargent Gregory Leonard. Commander Vance gave us a complete briefing on the protocol used to carry out a death sentence. It gave the Grand Jury insight into the awesome responsibility of carrying out a capital sentence as we deliberate the merits of a case when it comes before us.

Sargent Leonard led us through the rest of the prison including Death Row, and how an inmate lives his life at Riverbend. His 38 years of prison guard experience was very informative. Especially interesting was the "Chair" known as the BOSS which can detect illegal contraband inside the human body without an invasive search.

It is our hope that every Grand Jury that visits Riverbend Maximum Security Prison in the future receives their briefing from Commander Vance and Sargent Leonard.

Davidson County Juvenile Justice Center

Our visit to the Juvenile Justice Center was very informative. When thinking of the Juvenile Justice Center, some Grand Jury members envisioned it to be the children's version of other detention facilities throughout the state. The Director of Programs, Bob Ross, explained the general operation of the center as well as the various programs offered at the center and our views quickly changed. The Justice Center only detains necessary juveniles while assigning other juveniles to other programs such as Supervised Probation.

Wendy Buchanan, Chief Probation Officer, did an excellent job explaining how this program operates. The amount of contact that the staff provides to the juveniles represents that they are passionate about the children not returning in the system. The fact that parents are held accountable as well while the child is on probation supports that this is a family issue and not just on the child.

We then met the Superintendent, Pat Curran, who provided an overview of the day-to-day operations of the center. After our information session, we were led on a tour by the Assistant Superintendent of Security Operations, Glenn Cook and Yolanda Hockett, Assistant Superintendent of Programs. The juveniles are on a behavioral point system that allows certain privileges. We received a flyer for the Parent University event that will provide classes for the parent and youth. It continues to support the importance of the family unit while going through the juvenile system. We viewed the different pods, day room, classroom, and recreation area. We were able to witness the daily life of a Juvenile Justice Center detainee.

The Grand Jury reports the following concerns regarding the Juvenile Detention Center:

- Correct the major water leak and floor damage in A&B pods. The water flows into the day area causing the tiles to loosen which presents both a health and security issue. This has been a problem for the past three years.
- There is no general computerized system to store, locate and input the detainee's information. They need one similar to what the sheriff's office has, or the ability to "piggy back" off theirs through a server.
- There is no covering over the main recreation area which limits the detainees from outdoor activities during inclement weather.
- The classrooms are extremely small for the use and comfort of the children and staff.
- No specific training room is available to train new officers. They are required to use the detainee's visitation room.

Cases

Over the past three months the grand jury heard 957 cases.

We sent forward 952 True Bills, and returned 5 No True Bills.

We heard 3 cases by inmates, and 1 case by a citizen of Davidson County.

Presentment

We heard one Presentment on June 16, 2014 by Prosecutor Charles Robinson regarding Defendant Sergio Espinosa and Defendant Joseph Progar. Our charge was to review the "Police Shooting Disposition – Recommend no indictment." The grand jury heard the presentment and decided that the two police officers acted appropriately and should not be indicted.

Special Case

We were privileged to meet John Jay Hooker, who came to present a concern regarding appointment of judges in Tennessee. He, along with attorneys Tony Gottlieb and Walter Bruit, brought documents from their lawsuit challenging the constitutionality of the Retention Election Statues.

They stated that, according to the state constitution, it is unlawful for appellate court judges to have their name on a ballot without opposition. Judges running unopposed must be recommended to the governor by the Judicial Performance Evaluation Commission. They stated that the JPEC is not properly seated and is not a balanced commission, and therefore does not fairly represent the population. They believe because of this practice judges are being unlawfully appointed by the governor and not truly elected by the public.

The case went to court and it was concluded that the JPEC was unlawfully seated and violated the State constitution. When presented with this finding, the JPEC declined to take action to rectify the circumstance, and in violation of the law, recommended all 22 appellate judges who were seeking to run in a Retention Election without any candidate opposition.

This was a compelling and convincing case, and was very well prepared and presented. However, due to time constraints by this jury, we were not able to take action. We recommend that subsequent grand juries allow Hooker, Gottlieb and Bruit to again present their case and allow time for steps to be taken that will bring about change in the process of electing appellate judges in Tennessee.

In closing

We all agree that serving on the Grand Jury has been the experience of a life-time. As jurors together for three months, we bonded as family and have enjoyed getting to know one another. We recognized the gravity of our responsibilities and we took our charge very seriously; however, we had a good deal of fun and laughter, and made new friends along the way.

We were proud to serve on the Grand Jury. We come away with a broader understanding of the criminal justice system and a deeper appreciation for the individuals who serve our community. We believe the city of Nashville is in good hands.

GRAND JURY – APRIL TERM 2014

Whit Simpson, Foreperson

Whit Simpson

Lakeia Allen

Lakeia Allen

Marc Bell

Marc Bell

Metral Brandon

Metral Nmk Brandon

Shada Brooks

Shada Brooks

Deborah Cogswell

Deborah Cogswell

Ramona Green

Ramona W Green

Nancy Hindalong

Nancy Hindalong

Marivuana Leinoff

Marivuan Leinoff

Kevin Pillow

Kevin Pillow

Lisa Rocha

Lisa Rocha

Teale Solterdijk

Teale Solterdijk

Robert Sparks

Robert Sparks

John Willis

John Willis