

FINAL GRAND JURY REPORT JANUARY TERM 1993

DICK ALLISON, FOREMAN

March 26, 1993

We, the members of the January - March term of the Davidson County Grand Jury, feel it our responsibility to address the issue of police conduct relative to the recent "Reggie Miller" case. While we commend Mayor Phil Bredesen for his timely response to the crisis and the subsequent organization of The Mayor's Advisory Committee on Police Operations "Neal Commission". We have strong reservations as to the likelihood of this group's ability to solve anything more than the issues surrounding this particular incident.

This Panel's opinion holds that the allegations pertaining to the "Reggie Miller" case are purely symptomatic of a much greater problem, specifically the warranted anxiety of the average citizen, regardless of race, when encountering a law enforcement officer.

The following is a consensus of this group's feelings and observations:

1. Citizens need an objective panel to investigate police indiscretions without fear and retribution.
2. Police officers must be aware of the fact that they are public servants, answerable to the public rather than an autonomous internal commission, i. e. a police review body.
3. The majority of Metro's Police Officers are truly professionals; the small minority whose behavior cloud the heroic efforts of the others should be identified, counseled and/or disciplined and ultimately released should the behavior prove not to be modified.

For the above reasons, we, therefore find that the creation of a permanent Citizens Review Board would serve in the best interest of the Metro Police Department as well as Davidson County citizens. The following are recommended guidelines of such a group.

1. The police department should certainly be encouraged to investigate itself internally, it's findings should serve only as additional data to the CRB.
2. Police officers should comprise twenty-five to thirty-five percent of the Board. (We commend the Mayor's recent appointment of street level officers to the present committee and recommend this as desirable.)
3. Any effort for diversity should be accomplished through a system similar to that of the jury selection. This would insure a diverse cross section without any political affiliation such as the NAACP or FOP or any other group. This would not exclude persons so affiliated should their names be drawn for duty.
4. A one year term should be the set length with a rotation of new members every three (3) months.
5. This would be accomplished by assigning the original twelve (12) persons terms of 3, 6, 9, or 12 months.
6. Three persons would then be replaced every three (3) months.
7. This would insure both continuity and change.

In order to aid Grand Jury members, we suggest that general information should be made available. Such information would save repetitive questioning of officers, avoid some confusion during case discussion, and to briefly educate Grand Jury citizens on felony cases.

We suggest that the following be available in an information packet for the Grand Jury room:

1. Department of Human Services procedure guide for investigating child abuse cases (already available from Vickie Bradley, D. H. S. at our request).
2. Explanation of the following terms:
  - A. "C. I."
  - B. Burglary versus Theft.
  - C. Burglary versus Aggravated Burglary.
  - D. Burglary tools (ex: When is a screwdriver considered a burglary tool if no burglary has taken place?)
  - E. Assault.
3. Gun laws (esp. re: vehicles).
4. Drug abuse data such as commonly abused drugs and "schedule" numbers, drug weights and comparisons and how "possession" and "intent to sell" is determined.

The Grand Jury has heard many cases where the effects of drug addiction have tragic consequences for individuals and the community. We were privileged to hear Jennifer Richter, Director of the Drug Treatment Program of the Criminal Justice Center. We commend this program.

When asked whether this program were replicable in other correctional facilities her response was that it is.

We encourage institutions such as the C. C. A. facility in their efforts to develop similar programs in a way that is integral to their own program.

Confidential Informants and Undercover Agents

We have become aware of the critical role of persons who are used as confidential informants or as undercover officers.

We realize that there is considerable risk in the work they do.

It is recognized that some of the C. I.'s themselves have criminal records, but this should not take away from the vital role they play.

The undercover officers of the police department merit special consideration. We do not presume to specify what this consideration should be, but simply state that their essential role and the inherent risk be noted.

Appreciation for Transportation of the Grand Jury

The Grand Jury expresses appreciation to Enloe Smith, Chief Court Officer for Division One Criminal Court for making the arrangements with Sheriff Hank Hillin's employees for transportation of our visits to the Bordeaux Hospital and Riverbend Maximum Security Prison on one occasion and to the C.C.A. facility on Harding Place on another occasion.

We especially appreciate the helpfulness of the officers, Robert Gilbert and Karen Horton who drove the vans and accompanied us on the tours.

VISIT TO C. C. A.

The Grand Jury was encouraged by their visit to the C. C. A. facility on Harding Road. The management staff, and program appear to have an integrity of purpose and attention to detail that should be a good effect.

Full use of that facility with careful monitoring to see that the quality is maintained is encouraged.

The January - March 1993 Grand Jury visited Bordeaux Hospital on February 16th. Members of the jury were favorably impressed by the general cleanliness of the facilities and the attitudes of the staff at all levels, particularly in their concern for the persons they are there to serve. These attitudes were observed not only in answers to questions but in the sounds of voices, the general demeanor of both staff and residents. It is our feeling that the volunteers and advocates are contributing a great deal to the well being of persons there by specific services offered as well as by the encouragement given staff and management to maintain humane standards in the facility.

The Grand Jury recommends that Metro support the recommendations of the Hospital Board in renovation and expansion of the 53 Building. It should do so recognizing that in the next five (5) to ten (10) years another building of the size and quality of the Ribeiro and Birmingham Buildings will be necessary to meet the needs of our citizens in a timely and cost efficient manner.

The Grand Jury further recommends that when the Bordeaux Dump is closed it be developed into a park and garden that will contribute to the general health and welfare of the community. In support of this recommendation we cite:

1. The original purpose of the land was dedicated to physical and societal health.
2. Belle Meade has the Warner Parks in close proximity. Green Hills, Oak Hill and surrounding communities have Radnor Lake nearby.
3. Residents of Bordeaux would benefit from having a well landscaped park for relaxation and enjoyment of nature.

4. Part of the area could be dedicated to vegetable production (irrigation being easily obtainable with produce going to such agencies as Second Harvest, Bordeaux Hospital, Metro School Lunches.)

5. It would be a positive way to partially compensate the surrounding community for the years it has shouldered the load for the Metropolitan area.

6. Much of the expense (not all) could be reduced by voluntary efforts of individuals and organizations with professional experience in landscaping, gardening, and horticulture. (There are examples in other cities from which we could learn. There are problems specific to dump sites that will have to be taken into account. There are therapeutic values to community efforts at gardening that are well documented.)

Unanimously adopted by the Grand Jury  
February 23, 1993  
Dick Allison, Foreman

The Grand Jury requests that legislation be enacted to require businesses with a high risk of robbery to insure the safety of their employees and the company provide financial insurance adequate to compensate the person or their families in case of injury or death.

The specific requirements should be worked out and made a part of the law. The specific requirements should be determined in consultation with qualified security consultants, representatives of employees and owners.

This request was unanimously voted by the Grand Jury on February 22, 1993 and requests that it be immediately presented to the appropriate state and Metro authorities.

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