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REPORT OF THE GRAND JURY

January Term, 1999

To

The Honorable Steve Dozier
Judge, Division Three, Criminal Court
Davidson County, Tennessee

As members of the Grand Jury, we have spent the last three months dealing with issues of law enforcement, crime control and public safety. We appreciate this opportunity and the extraordinary cooperation we have received not only from you and your court, but from the Metro Police Department, the District Attorney's Office, the Mayor's Office and other court officials.

Specifically, we would like to thank Sharon Pool, Eric Ericson, Steve Hicks, Georgia Smith, Sandy Mullens, Mary Housman, Capt. Rick Lankford and Sgt. Robert Lyle. Additionally, Stan Fossick and Capt. Judy Bawcum were invaluable in helping the foreman prepare for this task.

In addition to hearing indictments, this Grand Jury interviewed the following officials: Capt. Judy Bawcum of the Vice Division; Sgt. Todd Henry, who is attached to the ATF office; James Cooper, the Group Supervisor of the Nashville ATF office; District Attorney General Torry Johnson, Sheriff Gayle Ray, Police Chief Emmett Turner, Criminal Court Judge Seth Norman, Sgt. Mickie Sloan of the Domestic Violence Unit; Mayor Phil Bredesen, Criminal Court administrator Larry Stevenson and Juvenile Court Judge Betty Adams Green. We appreciate their time, their insight, and their contributions to this community.

Additionally, we visited the following facilities: the Metro Jail, Juvenile Court, the Metro Courthouse, the Police Training Academy, the Metro Communications Center and the Police Aviation Center. Some jurors also rode with police officers and observed a roadblock. While those trips added to our commitment of time, they greatly helped put our Grand Jury work in perspective.

During our term, we heard 776 cases. We returned 759 true bills and 17 no true bills.

While we have many specific recommendations regarding public safety in this community, there were three overarching areas of concern. The first two are obvious: drugs and guns.

Most of the cases we heard either directly involved drugs or were related to drugs. In many instances, the defendants might not have been charged with drug offenses, yet there was testimony indicating that the crimes were committed either to feed a drug habit or to retaliate for a drug deal gone bad.

Likewise, the presence of a firearm, frequently illegal, turned otherwise minor offenses into serious felonies. To that end, we applaud the recent policy shift in the Police Department to put greater emphasis on investigating the presence of firearms in the commission of crimes. We are hopeful that this policy change, in addition to the department's new IBIS system, will give Metro greater ability to track illegal weapons and get them off the streets.

The use of FLEX teams has allowed the Police Department to focus more

intensely on guns and drugs. On several occasions, however, we heard testimony about how one establishment, the Music City Mix Factory, continues to be a magnet for illegal drugs and guns. Teen Night at the Mix Factory is particularly disturbing since underage youth are put in the proximity of illegal substances and weapons. This city needs to pressure that business any way it can to either clean up its act and its parking lot, or close its doors.

The third general area of concern is the scarcity of programs aimed at crime prevention and early intervention with youthful offenders. Many of tomorrow's dangerous felons are now skipping school, establishing records in Juvenile Court and getting hooked on drugs. If we don't get to those young people today, they will surely wind up on Criminal Court dockets tomorrow.

JUVENILE COURT -
While the personnel who work for Juvenile Court and its detention facility are dedicated to their work, they are now conducting business in a facility that is too small and poorly suited for the county's needs.

It is simply unrealistic to ask the city to replace the Juvenile Court Building, which is just a few years old. There are some stopgap measures, however, that the city could take to help make the building more functional.

We strongly recommend that the city transfer ownership of the temporary buildings now used for construction of the East Bank Stadium to Juvenile Court. Those buildings, which are already adjacent to the court, would give Juvenile Court more space to initiate a Drug Court for youthful offenders, as well as volunteer-based mentoring programs and community-based prevention programs.

Additionally, we recommend that the city hire an architect with specific expertise in courts and detention facilities to review the Juvenile Court building to see if modifications could be made to the existing facility to make it more accommodating to the needs of that court. We also recommend that the city fund a maintenance plan for the facility.

METRO JAIL -

The Sheriff's Department seems to be doing a heroic job keeping the population of the city's various jail facilities under the cap ordered by federal court. Jail administrator Joyce Jordan and her staff bring a high level of professionalism and dedication to their challenging jobs. The most vexing issue with the jail, however, is the number of inmates whose offenses are more a result of mental illness than of criminal intent. At the time we visited the jail, about 70 inmates were approved to take psychotropic drugs.

This is not only a poor use of Metro jail space, it is a poor solution for the individuals. Jail personnel cannot, by law, require inmates who are mentally ill to take their medication. Without the appropriate drugs, the mental conditions worsen and the inmates become dangerous to themselves and others around them.

People with mental illness don't need jail cells; they need controlled environments, such as half-way houses and group-based homes, staffed with professionals who are trained to treat mental illnesses.

While there may be some limited steps the city could take to expand the facilities available to the mentally ill, the problem needs to be addressed by the state and by the TennCare Partners program. We recommend that city officials invite Davidson County's legislative delegation and any TennCare officials who care to join them to tour the jail so that state lawmakers can see for themselves the extent of the problem.

POLICE -

Grand Jury duty certainly gives citizens a renewed appreciation of the service of the police force. Most of the police officers from Metro and Goodlettsville who testified before this Grand Jury seemed dedicated to their work and were prepared to offer testimony in specific cases.

There were occasional instances, however, when officers who were investigating alleged crimes seemed to let obvious questions go unasked. Those unanswered questions just become more problematic as a case proceeds through the court system.

While every precinct and division of the Police Department could use more personnel, the most glaring personnel issue within the department is the lack of Hispanic officers. The Narcotics Unit of the Vice Division needs Hispanic officers to work undercover, and all units need multi-lingual officers, particularly Spanish-speaking officers, to aid communication with non-English speaking victims, witnesses and defendants. The ethnic diversity of this city is not reflected in the ranks of the department.

The Police Department also needs a budget item dedicated to special events. As this city has expanded its offerings of professional sports events and big name music events, it has not expanded the Police Department's resources to pay for crowd control and policing of those events. The department cannot be expected to absorb the cost of providing patrols for these special events out of its current budget. This need for special event funding will only become more pressing when Nashville's East Bank Stadium opens for business later this year.

Given the degree of stress that officers can face and the physical demands that are sometimes made of them, the physical fitness of the force has a direct bearing on public safety. While we understand that the city cannot legally require officers to meet certain physical standards, the department should encourage and promote physical fitness, particularly with veteran officers.

COURTHOUSE -

There is no question that Metro needs additional courtroom space. Currently, the courthouse is not only too small for the county's needs, it also poses a potential threat to public safety. Defendants are routinely moved from the seventh floor jail space to the criminal courts on the sixth floor, putting them in the proximity of victims, attorneys and court personnel.

This Grand Jury recommends that Metro proceed with plans to build a new courthouse annex adjacent to the present courthouse. The city already has a \$250,000 report that anticipates the city's courtroom needs for the next 20 years. Best as we can tell, that study is now gathering dust, and becoming more worthless with each day.

There is some legitimate disagreement within the courthouse community about the ideal size and necessary cost of the proposed annex. Some courthouse officials have also suggested that any progress on the annex will have to wait until Nashville elects its next mayor and council.

We disagree. The longer the annex is delayed, the more costly it becomes. The mayor's office and the Metro Council can push forward on this issue this year by commissioning an architectural study of the annex this budget cycle. Further delay on the planning phase could render the previous \$250,000 study worthless.

PAWN SHOPS -

We recommend that the Metro Council adopt an ordinance requiring all pawn shops in Davidson County be connected to the central computer to give the police quick access to recently pawned property. At present, only about 10% of the county's 100 pawn shops are on-line. Since appropriate software is available at no cost to the business, such an ordinance would not be a financial burden.

GRAND JURY REPORTS -

The Grand Jury recommends that all grand jury reports be distributed to all members of the Metro Council.

Many of the recommendations included in grand jury reports have financial ramifications for the city. More to the point, most grand jury recommendations concern some area of law enforcement and public safety, which should be high on the agenda of all council members. Supplying council members with individual copies of grand jury reports won't assure that the reports will be read, but it would be a low-cost way to distribute current information to the council.

We also recommend that Grand Jury reports be put on the Internet so that all citizens can have easy access to them.

DRUG COURT -

Although it has been operational only a short time, the Drug Court has compiled some impressive results in helping nonviolent drug offenders break their drug habits. At present, however, more than 100 defendants are waiting to serve their time in Drug Court. The wait only gives those defendants, most of whom are young, the opportunity to become more entrenched in the drug culture and more willing to commit crimes to feed their habits.

The Grand Jury strongly recommends that the city establish a goal of immediate access to Drug Court for the defendants who qualify. That goal would necessitate that the city expand the court to about twice its current capacity. Because those offenders pay for much of their food and shelter, the cost to the city would be far less than if those defendants are diverted to jail.

Expanding the drug court would lessen the jail overcrowding at the same time it provides qualified offenders with the help they need.

COMMUNICATIONS OFFICE -

The emergency 911 department of the Police Department has an exceedingly high turnover rate of about 150%. It's easy to see why. The office must be manned around the clock, 365 days a year. Employees have highly stressful jobs. The beginning salary is about \$9 an hour.

Additionally, the communications department needs multi-lingual personnel in order to assist non-English speaking people who have emergencies. The city should explore the possibility of giving current 911 employees the chance to take language courses, at the city's time and expense. Such a program would provide employees with a job enhancement at the same time it provided the city with multi-lingual 911 operators.

DOMESTIC VIOLENCE -

We are convinced that the emphasis this city has put on domestic violence will result in lower rates of murder and assault in the future. While the Domestic Violence unit is doing a good job, it needs additional funds to help victims and their children with short-term needs. Items as basic as clothes and toys for the children who are brought to the Domestic Violence office could help ease their trauma.

The Domestic Violence Unit also faces a particular challenge in spanning the cultural barriers posed by Nashville's ethnic communities. Private agencies and Metro departments that routinely have contact with new immigrants, such as Social Services, could help Domestic Violence reach ethnic groups and explain to new immigrants their rights under Tennessee law.

BOND -

The huge and unexplainable disparity in the bonds set by night court commissioners can, in itself, aggravate the city's crime problem. When a bond is set too low for a dangerous crime, the court telegraphs the message that the offense is not serious. When a bond is set too high for a crime that is not so serious, the court could be unnecessarily depriving a defendant of his freedom. While we understand that commissioners need great leeway in setting bonds, we recommend they attempt to achieve some degree of consistency.

ILLEGAL GUNS

Chief Emmett Turner and other police chiefs in Tennessee have asked the state General Assembly to toughen the punishment for illegal weapon possession. We agree. Currently, state law allows a sentence up to 30 days for illegal weapon possession, but that maximum is rarely imposed. Many offenders just walk away from a gun possession charge with probation.

Since Tennessee law makes it so simple for individuals to get permits to carry weapons, state lawmakers should have no problem cracking down on those who carry weapons illegally.

PREVENTION-

In 1997, Mayor Phil Bredesen convened a crime commission and charged it to look specifically at short-term solutions to violent crime. Many of that commission's recommendations have been implemented.

While that effort was worthy, we believe the city should now look at the bigger picture by convening a task force to look at long-term crime prevention efforts that have proved effective in other communities. Some elements of that effort would be juvenile intervention programs aimed at youthful offenders, community watch initiatives, counseling for children who witness domestic violence or violent crime, and an expansion of mediation programs.

Few of us would have chosen to spend the last three months on the Grand Jury. Nevertheless, service has been enlightening and educational in many ways and we have truly enjoyed working together.

Again, we appreciate the trust and support from you and your

staff.

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