

**Grand Jury Final Report  
January Term, 2003  
To  
The Honorable Steve R. Dozier, Judge  
Criminal Court Division One  
Davidson County, Tennessee**

We have served as the Grand Jury for the Criminal Court of Davidson County, Tennessee, during the January term of 2003. Although the time commitment has been significant, it has been an honor and an educational experience to serve your court and our community in this fashion.

This Grand Jury would like to express its appreciation to our Foreman, Stan Fossick, for his leadership during this process. He has guided us, encouraged us, and provided us with a number of opportunities to interact with police officers, members of the District Attorney's office, those who work in the prison system, and others who have helped us better understand how law enforcement works in our city. He has also provided us with tasty donuts and other treats that will require several weeks to remove from our collective waistline!

We would like to list below some of our reactions to our period of service. These reactions include both positive experiences and areas in which we hope improvements will occur in the future.

Most of the cases we heard were presented to us by police officers. Almost without exception, these officers were well-prepared and presented their cases in an effective, professional manner. We were impressed with the officers' dedication to their work and the way they handle the difficult and dangerous situations they frequently face. Many of them go beyond the call of duty in, for example, distributing toys and books to inner city children to instill a more positive view of the police in these children. One officer mentioned that he paid for some

of these items out of his own pocket. We would like to see such acts promoted more prominently in the media, both for the sake of public perception and so that more people might donate to such causes. We commend the recent pay increases to police officers and hope that the compensation for their vital role in our community will continue to be upgraded.

We also sensed (and share) a sense of frustration on the part of the police officers that they arrest the same people over and over for the same offenses (especially for the use and/or sale of drugs). We realize that this problem stems in large measure from the overcrowding of our prisons. We also realize that drug abuse is a social ill that requires more than additional jail space to overcome. In light of how much crime is ultimately drug related, however, we feel that the well-being of our community will not allow the current situation to be considered acceptable. In addition to providing more prison space and tightening enforcement measures, it is vital that we address the drug problem more effectively through education, rehabilitation programs, and efforts that attack the factors tending to lead to drug use in the first place (see the comments below related to Judge Norman's drug court).

We would like to give our support to improvements in the training and preparation of our police officers. We believe the trend toward requiring an increasing amount of college education is a positive one. When visiting the Training Academy, however, we were concerned that the requirements for ongoing physical training have been dropped. While many officers maintain their conditioning voluntarily, the physical rigors of the job would seem to demand that all officers be required to do so.

We have observed a troubling inconsistency in the establishment of bonds for those who have been arrested. In some cases the bond for a seemingly minor offense will be higher than that for a more serious crime. Especially in cases involving a weapon or even murder, we

frequently were left wondering why the bond was not higher. We would recommend that the tendencies of the various magistrates be more carefully monitored and compared to establish a greater consistency.

This Grand Jury heard a few cases involving TennCare fraud that cost the taxpayers several hundred thousand dollars apiece. We also heard almost fifty cases of Food Stamp/AFDC fraud that totaled over \$200,000 of improper benefits. It would seem to be much wiser to invest more in authenticating claims on the front end than to pursue prosecution after the fact. Some legislative improvements have been made to these programs, but they still appear to have serious flaws. While we have no specific reason to suspect any improprieties on the part of those who administer such programs, as a matter of principle they should be regularly audited by an outside agency.

We were impressed by the efforts of Valerie Meece and others in the Domestic Violence division. We are proud that Nashville is a model city in this regard. The complex dynamics of this issue, however, make it difficult to stop the vicious cycle. One recommendation we propose is that domestic violence cases be treated like DUI cases in which each subsequent violation automatically carries more serious consequences.

We were also highly impressed by the tireless efforts of Judge Norman to establish the Drug Court and the residential rehabilitation program associated with it. Once again, we are proud of the national attention this program has rightly received for its outstanding success rate. We would like to see this effort spotlighted more in our own community. We want the effectiveness of the Drug Court to continue and grow even after Judge Norman's retirement. We would also like to see a comparable program for juvenile offenders. On a broader scale, we believe that juveniles who lack strong parental support and are headed down the path of criminal

activity should be removed from the general school population and housed in a facility that could teach them discipline and personal and social responsibility.

Our visit to Juvenile Court exposed problems in the planning of the Juvenile Center. It may be too late to correct the situation, but for future reference we recommend more input from the professionals who work in the center as to the design of the facility. One possibly correctable situation is the lack of a covering over the basketball court/recreation area. If it rains or snows, there is no other place for the juveniles being held there to go for recreation.

Expansions and enhancements to the programs described above would be too expensive to be instituted under current budget restraints (although it is probably more expensive to deal with the consequences of failing to institute them). Since drug-related crime, domestic abuse, and juvenile delinquency ultimately affect everyone, efforts should be made to enlist the involvement of the business community, the religious community, and the general public in combating these problems.

Finally, we have three suggestions that we believe would make the Grand Jury function a bit more efficiently. First, every effort should be made to keep misdemeanor cases from going to the Grand Jury. We realize that a person has the right to have even a misdemeanor charge bound over to the Grand Jury, but such cases detract from the attention jurors and police officers alike should be giving to more serious matters. Sometimes a given indictment contains a combination of felony and misdemeanor charges requiring more than one office to be present. If the felony case seems solid enough to go on to trial, it does not seem wise to require the officer(s) testifying on relatively minor additional charges to spend potentially several hours waiting to testify when they could be on the street.

Second, when a police officer's involvement in a case constitutes no more than taking a

report after the fact, it would be much more helpful to send the victim or another witness to testify before the Grand Jury. At times we have felt it necessary to leave a case pending until we could subpoena a witness who could speak more directly to what actually happened.

Third, when a citizen unfamiliar with the workings of a Grand Jury is called to testify, it would expedite the process to include with the subpoena a brief description of what will be expected of the witness when he or she appears. It takes up a good bit of the Grand Jury's time to explain this to each citizen who appears before it.

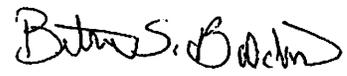
We hope the comments above will be carefully considered and received in the spirit of appreciation of our public servants and desire for community improvement with which they are offered.

Respectfully submitted,

January, 2003 Grand Jury

  
Stan Fossick, Foreman

  
Grace Allen

  
Betrice Baldwin

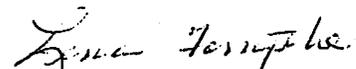
  
Gayle Barbee

  
Terry Briley

  
Priscilla Coe

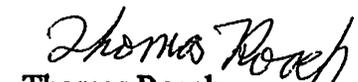
  
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