

**GRAND JURY FINAL REPORT  
JANUARY 2004 TERM**

**Presented to  
The Honorable Monte D. Watkins  
Criminal Court Division V  
Davidson County, Tennessee**

**On March 23, 2004**

We would like to thank the Court for the privilege and honor of serving as jurors for the January, 2004, Term of the Davidson County Grand Jury. While this has been a great commitment of time, it has been very educational. An unexpected benefit of serving on the Grand Jury is a greater respect and admiration for the men and women who work in the various agencies that operate under the jurisdiction of the Davidson County Government. We appreciate the opportunity to serve the people of Nashville and Davidson County.

The Grand Jury would like to thank Michaela Matthews, Rodney Faulk, Joe Jones, Donna Dale, Stan Jablonski, and Sonya Newbell from the District Attorney's Office. Their guidance and patience were very helpful to us. They were never too busy to answer our many questions.

We would like to express our appreciation to - and for - our forman, Tom Ervin. His guidance, patience, and leadership were invaluable and helped to make this a positive experience. He is also responsible for our expanded waistlines by providing hot donuts every morning. Thanks, Tom!

We had the opportunity to visit several agencies that the Davidson County Government operates. Since these trips were very educational, they were invaluable in helping us with our duties as jurors. Consequently, we

recommend that future Grand Juries schedule their field trips early in the first month of their term.

We were impressed with Judge Norman and the Drug Court, a residential treatment facility, which he founded in 1997. This successful program takes nonviolent drug offenders away from the correctional facilities and gives them the help they need while holding them accountable for staying drug free. About 35% are sent back to jail for either not obeying the rules, or because they think it is easier to be in jail, and less than 20% of the graduates are convicted of other crimes. The Grand Jury would like to see this program as a model for juvenile drug offenders to teach them discipline and the responsibilities of honest, hard working citizens or as Judge Norman said "we see that they learn how to live".

We were also impressed with the Medical Examiner's offices. This new state of the art facility should be a source of pride for the citizens of this county. We would like to thank Wanda Ford, Director of Investigations, for the very informative tour. She patiently answered all of our questions and gave us an appreciation for the work that people in the forensic medical field do in the area of investigative police work.

Judge Betty Adams Green and her staff at the Juvenile Court of Nashville, Davidson County, gave an informative session on the services and programs that are afforded to those who experience the juvenile systems. The tour that followed made us aware of the great volume of work that is done in a new, but inadequate and inefficient building. Although we know that the current budget will not allow it, we would like to see a roof or some type of covering be added over the current basketball court/recreation area. Since exercise is very important in a young person's development, we would like to see either business, religious, or private groups encouraged to take this as a community project.

The Grand Jury would like to see the Juvenile Court implement a system that would measure their success in keeping juveniles out of the adult penal system. We were told that parental involvement is the biggest preventive of crime, and that most children arrested for a minor crime never come back into the system. However, several policemen stated that once a youth is arrested more than once, they can be expected to enter the adult system.

On our visit to the Women's Prison, we were impressed with the cleanliness of the facilities and the friendliness of the inmates. The Women's Prison has a successful drug treatment center. This yearlong program has an 85% success rate of getting women off drugs. The young inmate that we spoke to said that the average age of participants was 32 - 35 years old and that 85% of them were HIV positive. Based on the success of the program, we suggest that the state fund other drug treatment centers in other prisons.

This Grand Jury learned that most of the states in the US require that their pawnshops belong to a National Database and people that pawn items are required to be fingerprinted. Even though this would be a great tool in recovering stolen property and catching the perpetrator, the State of Tennessee does not have a law that requires pawnshops to use the database. We believe that the state legislature should be encouraged to pass such a law.

The Grand Jury heard several charges brought against sex offenders who had not registered with the Tennessee Bureau of Investigations as required by the national Megan's Law. Since Tennessee's laws against

pedophiles are not as strict as other states, more sex offenders are moving into our state and this Grand Jury believes the state legislature should be encouraged to pass stricter laws to protect our precious children.

Since this Grand Jury is the first in several years to hear DUI cases in addition to felony cases, we heard testimony in excess of 900 cases. Almost a fourth of these cases were DUIs which tend to sound very mundane and repetitive. After hearing the first few cases, we realized that we did not need to know every detail of the arrest. Every attempt to get the officers to condense their testimony failed until Foreman Ervin had the idea of asking the officers questions. We believe the following questions will be an invaluable aid to future grand juries: (1) "Why did you stop the motor vehicle?" (2) How did you know that he/she was under the influence?", and (3) "Did the defendant consent to a breath or blood alcohol test?"

We found that the majority of the DUI defendants and a majority of the defendants charged in drug related crimes were also charged with driving on revoked or suspended licenses, or no driver's license at all. It is a concern to this Grand Jury that so many people are driving around

(without a valid driver's license) and committing the same crimes over and over again, thereby endangering the lives and safety of innocent law-abiding citizens. We believe that the Courts should impose punishment on these offenders. We do not have a specific solution, but believe that if jail is not an option, then public service such as picking up trash on the highways, house painting and/or repairs on elderly people's homes, or other such public endeavors should be imposed.

This Grand Jury wants to, and does, thank the many police officers that testified during this session. Most were well prepared and skillfully answered our questions. We were concerned, however, when the wrong person was subpoenaed to testify or when the policeman had to read the indictments while the grand jury waited. We recommend that either the arresting officer or the victim testify before the Grand Jury so the truth can be heard without uncertainty or speculation. We also suggest that someone in the District Attorney's office help a new officer and the crime victim prepare their testimonies. These individuals are understandably nervous,

... but they tend to tell too much while omitting important information (i.e. ... order of protection).

The Grand Jury gives a special thank you to Diane Marshall, Administration Service Officer with the Department of Public Works. For the first six weeks of our term, we had a problem of parking in our assigned places. Everyday, someone either had a ticket or their car was towed away. Since the no parking signs were not heeded, some days there were just not enough parking spaces. Valuable time was wasted every morning while our formen tried in vain to rectify the situation. Finally, he found the name and phone number of Ms. Marshall and she immediately had the meters hooded on the days the Grand Jury met. Consequently, we were able to perform our duties without worrying about the safety or whereabouts of our vehicles.

This Grand Jury can see the need to change the days that the jury convenes. This jury met on Monday, Tuesday, and Friday of each week. It seems that – in our experience – Fridays are a busy and demanding day in the private lives of jury members. It is a demanding day for those who own, operate, or are instrumental in the conduct of a business. Some jurors

with family members involved in school activities find Fridays to be a more activity oriented day and thus more demanding. And, Fridays also appear to be a good day to begin that short weekend trip. We believe that Wednesday or Thursday would be a good alternative to Friday.

This Grand Jury is unanimous in our belief that three months is an appropriate term for its members. The three month period allows the juror to become educated to the workings of the grand jury and to the laws and parameters of our legal system which results in better informed decisions.

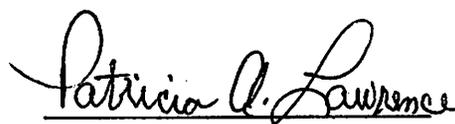
We believe that the present system of jurors and alternate jurors serving a three month term better serves the citizens of Nashville – Davidson County and allows citizens to be better jurors. We feel that a term of less duration would be a disservice to our community and a detriment to the judicial process.

After serving on this Grand Jury and being exposed to the conduct and actions of our government and its entities; realizing that each grand jury member is a citizen that wants our community to be a safe and nurturing environment for all people, we would each answer "yes" if the opportunity

to serve on a future Grand Jury presented itself. As this Grand Jury ends, we hope that we have contributed to the improvement of the Nashville-Davidson County community.

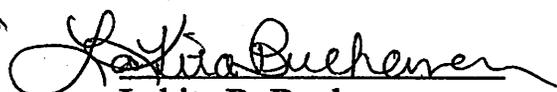
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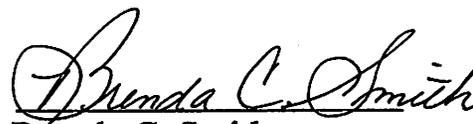
  
Tom Irvin, Foreman

  
Patricia A. Lawrence

  
Robin R. Bittner

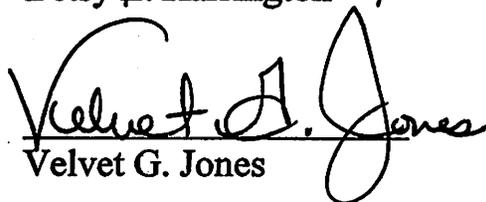
  
Yolanda R. Moyer

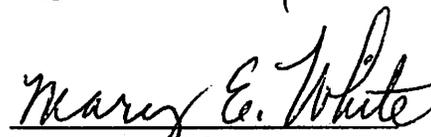
  
Lakita R. Buchanan

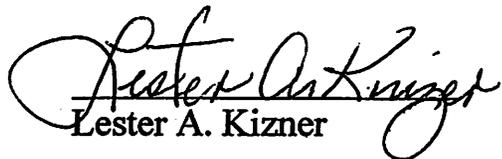
  
Brenda C. Smith

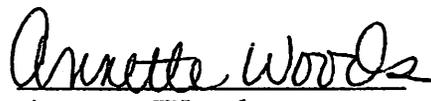
  
Betsy L. Harrington

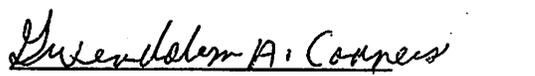
  
George E. Tinkham, III

  
Velvet G. Jones

  
Mary E. White

  
Lester A. Kizner

  
Annette Woods

  
Gwendolyn A. Connors, Alternate