

Criminal Court Division V  
Davidson County, Tennessee  
The Honorable Judge Monte Watkins

## Grand Jury Report

January – March 2016

### Grand Jurors

Dr. Sharon Shaw-McEwen, Foreperson

Anastasia Batey

Victoria Martin

Alternate Jurors

Jacinda Kay Chamberlain

Christy A. Overstreet

Marielle Jung

Nathan M Frechling

Zachery Warden

Donald A. Spivey

Kenneth E. Johnson, Sr.

Arthur J. Zenke

Matthew D. Kennedy

Timothy D. Leach

Vijaylakshmi Sandhir

## Introduction

The 2016 winter Grand Jury is pleased to have served the citizens of Davidson County. This was a tremendously dedicated group who reviewed each indictment with the care and devotion that they would as if it was on a member of their own family. It was especially our pleasure to have served under Judge Monte Watkins who always treated our efforts and concerns with priority interest. Whether we were struggling with legal questions or we were just hungry because our workload kept us into the afternoon hours, he and his wonderful staff always quickly responded.

This Grand Jury (G J) heard <sup>504</sup>453 cases:  
Bound Over Indictments - 18 No True Bills and <sup>+41</sup>374 True Bills;  
Sealed Indictments - <sup>+2</sup>6 No True Bills and <sup>+14</sup>55 True Bills.

374  
41  
8  
69

This report is a summary of our collective grand jury experiences and our recommendations based on those experiences.

## Initial Orientation

During the first week of January, several guest speakers from the offices below were presented to us prior to hearing cases. They included:

District Attorney General's Office - General Glenn Funk  
Gangs Unit - Sgt. John Boese and Rob Kelley  
CSA Unit - Detective Slessinger  
Our Kids (Sexual Abuse) - Sue Ross, RN.  
Drug Task Force - Detective William Loucks  
Domestic Violence Unit - Detective Luis Lopez and Detective John Jackson  
D.U.I Unit - Officer Brad Nave  
Warrants Division - Capt. Randall Hickerson

We found all of these presentations informative, some were longer than necessary for our purposes, but we certainly learned from all of them. There were several field trips planned for us but due to circumstances beyond our control (several snow days this winter), we were only able to visits the following:

Juvenile Court  
Drug Court  
Police Academy

## **Site Visits**

- The Grand Jury really found the visits to the Juvenile Court, the Drug Court and the Police Academy very educational and helpful. The staff at the Juvenile and Drug Courts seemed prepared and eager for our visit. It was impressive to see a holistic approach being taken at the Juvenile Detention Center and we were especially pleased with the practice of having court in schools. The reward program that was in place seemed to be making a positive difference for these young people.
- While the staff at the Police Academy was very nice, they appeared not to be prepared for our visit. They were short staffed on the day of our visit. It might have been well to have rescheduled our visit for another day. Lack of funding was well noted in all divisions of the Police Academy.
- There were several places mentioned in the Judge's' instructions as places that the Grand Jury should be aware of. We were not able to visit these places nor did we have status reports. It seems that this should be addressed in some manner – either the Grand Jury should have no responsibility regarding these offices or Grand Jury time should be provided with ways to learn about their operations.

## **Site Visit Recommendations:**

- A cover is needed for the court yard where the young people exercise and recreate at the Juvenile Court Detention Center.
- Site visits should be planned to occur at the beginning of the Grand Jury term instead of two months in. This will allow better understanding of the different processes and procedures at the sites and would be helpful in our being aware of the possible opportunities given a defendant that receives a “True” bill.
- There is a great need for better regulations/laws statewide for repeat Drug Offenders. They seem to come back through the system over and over again. After a certain number of convictions, the penalty/treatment needs to be increased.
- Funding is needed for an additional facility that is an all-female drug treatment facility (DC4).
- More drug rehab facilities/programs are need statewide. They need to be more in line with the concept and fundamentals of the Norman Drug Court.

## **Process Recommendations**

- Part of the Grand Jury process is the issuing of subpoenas. Subpoenas were given to the GJ foreperson for their signature without any indication of what case the subpoena related to or any background information as to why all the information listed was needed. After talking with the DA, we would suggest that an explanation or the affidavit be attached to each subpoena so the Foreperson can understand what they are being asked to make the request in the subpoena.
- We think it would be informative to have one of the university research departments do a study on why most of the cases that come before the GJ are cases involving the poor and economically disadvantaged groups. We wondered: what is happening to many cases involving those who are wealthy and/or have advanced degrees and jobs with above average salaries?
- This GJ often wondered if the GJ would feel more like an independent body if it did not meet in the DA's office. We were able to have a very meaningful conversation with both Judge Watkins and District Attorney General Funk regarding the need for the GJ to be an independent body if the criminal justice system is to work at its best. We were very grateful for both of their input and felt justified in trying to keep the independence that we felt was appropriate for a grand jury. If feasible, we recommend this body be moved to the courthouse.
- We feel that it will remain important to remind all of the Assistant DA's that the GJ is NOT an extension of the DA's office that should simply "rubber stamp" what they have decided. A GJ should never be threatened with "if you all don't do a True Bill we will pull the bill and submit it to the next GJ". This kind of behavior seemed very inappropriate to us as it did to both our Judge and the District Attorney. We consistently commend Asst. DA Jay Martin, who without failure, listened to what we wanted to charge and would return to us indicating our options.
- We understood from the judge's instructions that our tasks were to first, decide if a crime had been committed and secondly, if the evidence presented indicated that the persons accused were most likely the perpetrators. We worked very hard to make sure that a crime had been committed and that it was reasonable/probable to assume the accused committed the crime. In several cases we felt, for example, that although an accused had committed a forgery, the bank involved had ALSO committed a "crime" by being negligent. It appears, however, that banks are somehow exonerated (and they sometimes DID NOT repay the customer the funds that the bank allowed to be stolen). This did not seem "right" to most of us. We would like to see the law address this matter.

## **Presentations/Cases Recommendations**

- Witnesses (usually police officers) should come prepared with completed case files! Oftentimes our questions could not be answered because the presenting officer was not the officer who responded to the crime scene and the case notes were often incomplete. When officers relied on their memory the evidence was much less convincing.
- Some officers appeared more prepared than others when presenting to the GJ. It was not clear whether this was because the responding officers had poor case notes or because the presenting officer had not familiarized themselves with the facts and gaps in the cases.

Officers should be sure to include as many details and pertinent information in their written report as possible. Sometimes case narratives lacked basic information like the relationship of the defendants/victims to each other.

- The GJ found it frustrating to be told that we could not add certain charges and on the other hand we were not always given the helpful options. There are gaps in some of our laws. We are not sure how to address this but we do mention some of these gaps in this report.
- There appears to be no continuity with some cases if the victim is not immediately available. For example, there was more than one case where the victim had to be hospitalized so could not be interviewed. There did not appear to be enough effort subsequently made to get the victim's account of the incident. We understood the victim left town, but it seems there still should have been an interview.
- When traffic stops occur and drivers/passengers are charged, it would be helpful to know the reason for the stop in the first place and how that original infraction was handled.
- Is there a protocol for case presentations? If not, it is recommended that one be established that includes: having a completed case file; having an organized case file with demographic data of victims and defendants and complete list of witnesses/contact information of those involved in the incident.
- In some cases, case evidence, test results and reports have been lost and/or simply not available to the GJ. It is imperative that lab results be available to the GJ. There were times when we issued a "No True" Bill because lab evidence was not available and the case was nearly two years old (2014).
- The laws for managing another's social security may now need to be re-evaluated in this age of technology. We listened to one case, but knew of others where there have been questions related to who and how S.S. funds were being managed. We would suggest a law that assigns to the person who signs the death certificate the responsibility of communicating the death with Social Security.

- We were concerned about one case in which the original report of an officer was lost and he had to put another one together from whatever he could remember...seems reckless and not prone to be accurate. This is unacceptable. Perhaps all officers should keep a copy of their reports on file until such cases go to trial.
- Are gun swab kits to determine gun residue not available to officers in MNPd? One officer indicated he did not know of their availability, nor did he know the protocol for their use. This should be investigated.
- We would like to see individuals who fire guns in the air at a crime scene or in a public place charged with "reckless endangerment" even if individuals in the area cannot be identified or no one is visible in the area. We believe this practice to be very dangerous. We think case law relating to "zone of danger" is incomplete in that it does not recognize "possible" or "impending" danger.
- We noticed that the "drug of choice" appears to be changing from cocaine to heroin. We also noticed that often individuals possessing small amounts of drugs are being indicted rather than the larger drug dealers.
- We were concerned about the high number of repeat offenders in general but especially domestic abuse offenders. We recommend, as with the DUI laws, if persons continue to be abusive that the legal consequences increase so that privileges/freedoms are decreased. Perhaps a Registry like the Sexual Abuse Registry, or a Domestic Offender treatment/incarceration option much like the
- The GJ received a lengthy letter from Mr. Bobby Green. The GJ did reach out to him via the phone number in the letter. No one answered the phone, but we did acknowledge the letter and leave a time and date when he could appear before the GJ. We have not received a response.

### **General Recommendations**

- Have G J meeting room/ceiling tested/inspected for mold/mildew
- Serious attentions should be given to how we serve the mentally ill, especially those who are repeat offenders in Nashville/Davidson County.
- Would be helpful if changes to indictments by the GJ be incorporated and returned to the GJ during the following meeting rather than some days or weeks later.
- We would like to recommend that an outside telephone line and the internet be available for the use of the Grand Jury.
- We all felt that our term was over just when we understood many of the laws and had developed an effective, efficient process. Some of the jurors would have been interested in a six-month term.

## Remarks

A special thanks to Dr. Sharon Shaw-McEwen for her respectful approach to always giving people freedom to ask questions and put forward arguments. This supported an environment of respect and consideration for each jurors' independent thinking and perspective which reduced frustrations in a stressful time. She is very pleasant to work with. We also give a special "Thank you" to General Funk as we did to Judge Watkins. General Funk always insisted on our independence and was always interested in our well-being. In addition to those we have mentioned, we would also like to generously thank the following:

Lori Hooberry, Legal Administrative Assistant

Sgt. Patrick Baird, NMPD

Officer Chad Turnbow, NMPD

Officers William Mathis, Anthony Chandler

Tamika Clarke, Judicial Administrative Assistant


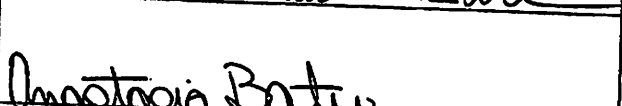
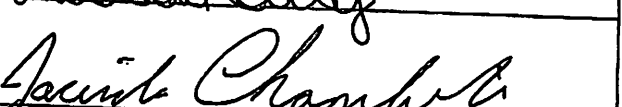
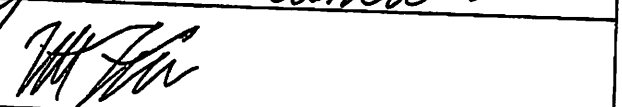
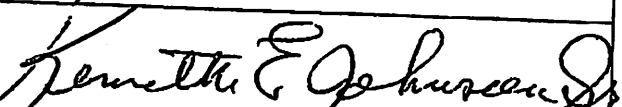

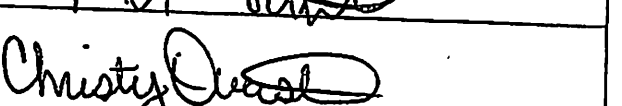
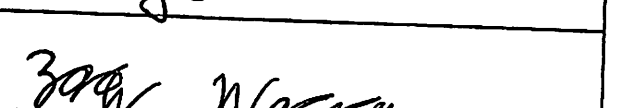
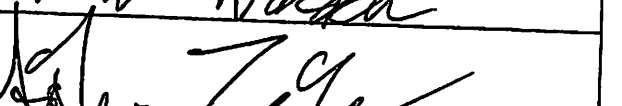
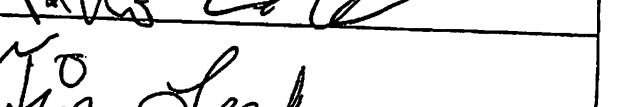
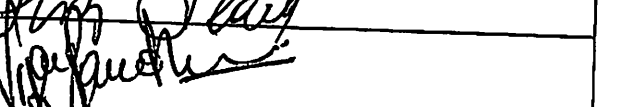
Judge Sheila, D.J. Calloway, Juvenile Court

Janet Hobson, Director of Drug Court

The Foreperson would also like to thank the amazing members of the 2016 January-March Grand Jury. They were a remarkably dedicated and devoted group of citizens who gave abundantly of their time and resources.

Davidson County Grand Jury  
 Final Report, January Term 2016  
 Judge Monte Watkins  
 Criminal Court Division V

Respectfully submitted by the Grand Jury Members

Print Name	Signature
Dr. Sharon Shaw-McEwen, Foreperson	
Anastasia Batey	
Jacinda K. Chamberlain	
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