

Final Report of the Grand Jury
July Term, 1998
to
The Honorable Steve R. Dozier, Judge
Criminal Court Division One
Davidson County, Tennessee

During the July Term of 1998, we served as the Grand Jury for the Criminal Court of Davidson County, Tennessee. We appreciate being given the opportunity to fulfill this obligation. It has been an honor to serve your court and the community in which we live.

The majority of the cases we heard were presented by police officers, who for the most part were well prepared, dedicated, and conscientious civil servants. They work under difficult and very dangerous conditions. They deserve total support and respect from the community and the courts.

We have handled 788 indictments during our term.

- ♦ Seventy-five percent are drug and alcohol related.
- ♦ Of the burglary and home invasions, most of the property, if recovered, was found in pawn shops.
- ♦ Bond on indictments seemed too low to be in line with the crime, in many cases.
- ♦ Eighty percent of the indictments were on individuals under the age of 24.
- ♦ Domestic violence continues to be a significant and extremely problematic issue in Davidson County.

Our greatest concern is the increase in drug related crimes committed in Davidson County. There should be more emphasis placed on drug treatment programs. An extremely high percentage of crime is being committed by addicts in need of drug money. Many of the cases were committed by persons who have a lengthy prior history of illegal drug use and sales activity. It seems that punishments for those selling or distributing illegal drugs are not stiff enough. Until the punishment is severe enough, there will be no real deterrent to the lucrative business of selling drugs. Because of the overcrowding of our correctional institutions many people arrested in drug sales feel that it is nothing more than an inconvenience. We know that the only real solution is the education of our young to the danger and the effects that drug use has on them and the people in their lives. If there were no demand, there would be no

need for supply. Families, merchants, and members of neighborhood associations must be deeply involved in multiple education efforts to rid our community of drug activity which destroys the moral fiber of the family unit and requires an enormous amount of time and expense in the criminal justice system.

Pawn shops in Nashville account for 750,00 reported transactions a year. Eighteen thousand (18,000) firearms reportedly move through Davidson County shops each year. Most of the 105+ shops report to police on 3X5 index cards or in other printed form, making the process nearly impossible to manage. Two (2) national chain shops report on floppy disks with data that is difficult to import and check. According to state law, shops are not required to report using electronic means unless the resident population is over 800,000 people. Memphis is currently the only city in Tennessee using this method. The public does not adequately record serial numbers on valuable property. Police Departments have to enter serial numbers into NCIC (National Crime Information Center) from follow-up reports. Currently the Metro Police Department is up to six (6) months behind on entry of serial numbers into NCIC. A delay in entry means property is already resold or moved before it can be entered. More property is traded or purchased than is recovered. Pawn shops are a convenient way to sell stolen property. Less than one percent (1%) of traded/fenced property is identified as stolen. The ability to easily dispose of stolen property increases crime. We greatly encourage that the grant developed PC Pawn software be given to shops in and around Davidson County. This would include free support and installation for the shops. Community groups, insurance companies and crime prevention efforts should be used to educate the public to the importance of recording property serial numbers. We should encourage city wide advertising such as bumper stickers, public service ads and council funded advertising for programs like "Operation I.D.". We need more police officers assigned to Pawn Shop investigation or patrol officers trained to work pawn shops. All pawn shop investigators need access to wireless laptop computers while working (currently only one investigator has one). There should be more emphasis on accurate reporting of ALL numbers entered into NCIC. Manpower needs to be allocated at the Police Department to enter serial numbers into NCIC. Electronic wireless reporting via NIBRS (National Incident Based Reporting System) must be accelerated with emphasis on rapid and accurate entry. Serial

numbers on electronic reports need to be accessible at the moment of entry. If pawn shops don't want to enter information into an on-line system, they must be doing something wrong, and need to be closed.

The Grand Jury has been reminded on many occasions that a bond is not a deterrent to crime, but a guarantee that the suspect will appear in court. From the testimony heard, it is apparent that bonds do not serve as a deterrent for repeat offenders. The most startling realization is the inequity and inconsistency of bond setting. The bonds seem to fluctuate at the whim of the Night Court Commissioners and are erratically reduced at bond hearings by General Sessions Judges. The setting of low bonds in some cases and high in others is so inconsistent that questions must be raised as to what standards are bonds being set. As defendants await their day in court they are afforded multiple opportunities to commit similar or more serious crimes. We need stricter guidelines and written protocols on setting bond. We do not question the right of the accused to make bond, but do not understand how criminals with a long list of convictions are allowed to return to a life of crime so quickly. The Night Court Commissioners should be charged with developing a guideline to ensure consistent administration of bond. Components should include a sliding scale guide based on the severity of the crime, the accused's prior criminal history and the potential threat posed to the community. The Police Department need immediate access to parole records.

We are alarmed by the fact that more and more serious crimes are being committed by younger and younger individuals. It appears that many juveniles have no respect for the court system, police officers, teachers, or anyone in authority. (Discipline and respect should be instilled in our children at home, not waiting for the school system to teach them.) Truancy is a growing problem in our and the current truancy laws cannot be enforced due to the lack of personnel. Students should not be suspended from school for truancy but should be required to make up the time on Saturday. Children need more mentors from whom they can learn respect, discipline and self-esteem. They need one-on-one supervision to become productive members of society, and they need mentoring to pursue positive life goals. If we can reduce the crime at juvenile level it will eventually reduce crime at the adult level.

A great concern to us (and should be to the citizens of Nashville) is the number of cases of domestic violence. We realize that frustration over financial matters, abuse of alcohol and drugs, and mental health problems are excuses for domestic violence. Perpetrators of these crimes must be punished, held accountable and take responsibility for their actions. There is a concern that from the time a complaint is filed and the abuser is brought to justice, the victim faces fear every day. When bond is set for the abuser, and they make bond and are released, the Grand Jury may not hear the case for months. We realize that it takes time to investigate cases, but these cases should be expedited for the protection of the victim. Nashville now allows police officers to prosecute the abuser in domestic violence cases in some cases, protecting the victim from further abuse, harassment, or coercion for filing charges. Again the only way to reduce domestic violence crime is education. The public must be educated that domestic violence is not acceptable and has severe consequences. Perpetrators must receive mandated education on anger control, financial issues, and social ethics. Victims of domestic violence must learn there are viable alternatives to remaining in an abuse situation. Davidson County must continue to provide a safe place for domestic violence victims, giving them the support and education they need. To help stop the cycle, a system should be put in place that would separate domestic violence cases from other crimes, including a Grand Jury that only hears domestic violence cases.

During our term on the Grand Jury we have met and talked with many people that have day to day encounters with the people of Davidson County. We would like to thank Captain Judy Bawcum on our education on the cost, types, and street names of drugs, which aided greatly in the many drug cases we heard: Captain Ken Pence on the education of pawn shops and the demonstration of the wireless laptop computer; Judge Mike Mondelli on the working of the General Session Court; Judge Betty Adams-Green on the Juvenile Court.

We also had the opportunity to visit Metro Police Training Academy. We commend the academy staff on their effectiveness in turning out high quality officers. During our visit to the Training Academy we were given the opportunity to observe the police dog training program. We were impressed by the quality and quantity of training that the dogs and

their handlers go through. We had the opportunity to ride in one of the Police Department helicopters to view Nashville from a different angle (for many this ride was worth serving on the Grand Jury). We also were given the opportunity to use the training video for hand gun training.

We visited the Women's Correctional Institution and were very impressed with this facility. Since no one knew we were coming, we got the real view of this facility. We toured the medical facility and the education wing of this institution. On the day we were touring four inmates were taking their state boards for their cosmetology license. We were told that if an inmate was released before she finished her study, all the work she had done would transfer to another school. We believe that the education of inmates both male and female has to continue, to ensure they will have the skills to seek legal employment post release. Other information learned, while there: the oldest inmate is 80 (domestic violence conviction) and the youngest is 16 (murder). There are 2 juveniles housed at this institution. There are 518 inmates at this time. There are only 2 female institution in Tennessee.

We also had a very eye-opening tour of the Juvenile Court of Davidson County, given by Judge Betty Adams-Green and Kenny Norman. The following is some of the information brought to our attention.

Currently, the detention center housed within the court is able to accommodate 86 juveniles: 16 beds are reserved for females. This is to accommodate not only Davidson County juveniles, but also state juveniles (current contract with state is for 5 beds) and juveniles from other counties. On many days, the census is above that number. The current detention center was built for 45 juveniles, a decrease of 55 beds that were formerly available to the Court at the Howard school complex.

All available office space is being utilized and space for staff is at a premium. The Juvenile Judge uses one of the four available courtrooms, and the remaining three are utilized by three full-time referees and two part-time referees. Maximus, the vendor handling the collection of child support payments, has informed the Court that they will process approximately 4,000 cases this year, an increase of approximately 60 percent from previous year. This increase is for child support cases alone, and does not include delinquency or neglect/dependent cases. There is no

additional office space for additional staff to handle this increase caseload. The court has asked that the "Caring for Children" program to find alternative space so the Court will be able to accommodate the increase. Further, the lack of space has necessitated warrant officers having their office space in the court's boiler room.

With respect to capital issues, the court recently asked a local service to review capital needs. On the first visit, no maintenance records were available which necessitated a second visit. The primary concern was the inability to verify that all work requested is legitimate and that the work requested is actually being accomplished. On a walk through, the service identified a nearly immediate \$8,500 in non-recurring repairs that are needed, with other recurring costs for maintenance needed on a routine basis. Additionally, \$1,200 will have to be spent to repair broken lights in the outside sallyport. These lights have been routinely broken, making the sallyport area less safe. Screens will be installed to avoid or delay future breakage.

Given certain space and capital maintenance issues, there are also attending security problems. Recently, a state seal was removed from the courtroom, and personal items belonging to a referee and the Judge were stolen from a "secure" area. In fact, one theft occurred during the Grand Jury visit. Increased caseloads in any or all areas will serve only to increase traffic through the court, placing additional security concerns on limited staff. The court plans to have security persons dress in blue blazers with pocket badges to make them more readily identified. The Court has also requested a security review from the regional U. S. Marshal's office. Also, the court does not currently have a preventive maintenance contract with the vendor that installed its electronic access system.

The Juvenile Court of Davidson County must provide programming that is consistent with its overall mission, philosophy and structure. Such programming should incorporate the most recent findings concerning juvenile offenders and must be adaptable to meet the population's changing needs. Further, the Juvenile court needs to establish a long-term plan of community outreach. Primarily, the Juvenile Court needs to identify and utilize diverse community resources that can meet the changing needs of the juveniles who appear before it at this time. Given the considerations listed above, the court is at a disadvantage in providing additional programs within the current facility. This is only heightened in light of the fact that the Court

has asked one program to move its location in order to provide additional space for basic Court functions:

As a corollary to the above note, the Court is also disadvantaged through the lack of internal programming in other areas. A juvenile in need of substance abuse treatment, residential and non-residential, must be referred to external programs which are already full and over-committed. Consequently, the immediate need of the juvenile is not met, and the opportunity to provide early prevention measures passes. Similar scenarios face the Court in dealing with adolescent sexual offenders and predators. In all, the building that houses the Juvenile Court may be an "award winning beauty" but is not functional as a building for the Juvenile Court of Davidson County.

The Grand Jury has been most impressed with the leadership of Chief Emmett Turner and his staff. During our term, the Police Department deployed several innovative strategies to stem violent crime in our community. Several members of this panel have had an opportunity to directly witness the work of police officers, particularly during August, when violent crime in Nashville fell by 17%, as compared with August, 1997.

The Police Department believes, as do we, that the downturn in August's crime statistics is attributable to a flooding of high crime areas with officers. Each of the four patrol sectors, East, West, South, Central, formed their own 10-member FLEX units during August to concentrate on crime hot spots/trouble areas. Moreover, each of the four patrol sectors has established D.A.R.T. (Drug Activity Response Team) units, made up of off-duty officers who are concentrating on drug spots in various high crime areas. The overtime of the D.A.R.T. officers is being paid through a \$400,000 federal grant, which will likely be exhausted by the end of this year, most certainly during the first part of 1999.

We believe that federal grant money is greatly helping the Police Department keep pace with crime, both in the funding of officer's overtime and in the funding of much needed technological equipment, such as laptop and palmtop computers for officers in the field. We strongly urge the Police Department and elected officials to continue multiple searches for grant opportunities, and vigorously pursue these grant awards when they become available.

Although, grant money has been a vital law enforcement resource for our Police Department, we

do not believe that strategies, such as those now being used by our Police Department, should be dependent on grant funds for their success. We all know that availability of a particular grant this year does not ensure availability in succeeding years.

Consequently, during the budget making process for fiscal 1999-2000, we strongly urge the Mayor and Metropolitan Council to increase funding to the Police Department to better enable Chief Turner and his officers to continue implementing viable initiatives for the protection of our citizens and the reduction of violent crimes. Additionally, we strongly recommend that the city allocate funding for hiring enough police officer trainees to fill at least two recruit classes during 1999. Other cities in the United States, most notably New York, have shown the a direct correlation between adding additional Police Department personnel and the reduction in crimes. It is incumbent upon the city to provide the Police Department with the resources to continue the progress in reducing violent crimes, while at the same time not letting there be an increase in response time to citizen calls for service. While D.A.R.T. and FLEX units are important, they should not impact the ever increasing workload of the Patrol Division, The officers of which we depend upon day in and day out to be there when emergencies arise. We recognize the effectiveness of the "bicycle" patrol officers, and encourage the continued and expanded use of this program.

Summary

While new and innovated approaches have been implemented to address crime problems in Nashville, many barriers continue to prevent accomplishing the goal of a safe city. Particular issues of concern to this Grand Jury, as outlined in this report include:

- ♦ Bond setting that is not commensurate with the crime.
- ♦ Sentencing that is not commensurate with the crime, particularly with drug related offenses.
- ♦ Insufficient personnel and technology to control property crime.
- ♦ Lack of protocols and guidelines in setting bond.
- ♦ Time delays in domestic violence cases that increase risk to victims.
- ♦ Lack of drug treatment programs.

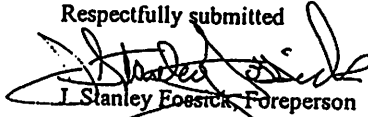
- ♦ Too few substance abuse and crime prevention programs for grade school aged children.
- ♦ Blatantly inadequate system to handle juvenile offenders.

It will take concentrated efforts of the public and private sector to address these concerns. It is the responsibility of the entire Nashville community to hold ourselves and our system accountable for reduction of crime. Too often there is a general apathy until crime directly touches the life of an individual or a neighborhood. We encourage efforts to continually educate the public on how to be proactive and involved in making this city a safer place to live.

In closing, we have found our term to be very educational. We encourage every citizen to seize the opportunity of serving on a jury when summoned. The experience can only lead to becoming a more responsible citizen of this community.

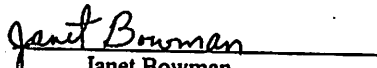
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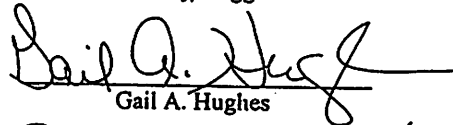
Respectfully submitted


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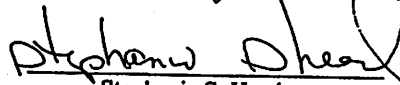

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