

Final Report of the Grand Jury
July, 2000 Term

I. Introduction

The experience of serving on the Grand Jury has been unforgettable for all of us. We have gained insight into the criminal justice system, its laudable successes and its glaring failures. We learned first-hand the singular importance of a civilian body charged with guarding the rights of citizens, many of whom will ultimately be proved guilty of committing disgraceful crimes; some of whom will not be. We soberly and dispassionately considered, to the best of our abilities, testimony that was, at times, horrifying, startling, and thankfully, at other times, humorous and lighthearted. We gained great respect for the police officers who daily face dangerous and unpredictable circumstances. Yet, in the face of these circumstances, these police officers, almost without exception, exhibit admirable prudence and judgment.

The Grand Jury members come from diverse backgrounds, each with his or her own rich experiences and expectations. Despite our differences, we were all touched by our service as a member of this body. Surely, none of us will ever forget the indelible image of the three-year old child laying in the morgue with most of her skin having been removed by scalding hot water, which fatal and excruciating injuries were suffered at the hands of her adult caregiver. We will likewise never forget the times we shared laughter over some suspects' absurd attempts to conceal evidence or to persuade the police of their innocence. At times, we disagreed, debated, and listened; nevertheless, we can all say that we voted on each case as our consciences and our hearts counseled. We are better for having served on the Grand Jury and we hope to have made a small contribution to our community in the process.

II. Issues Of Concern

A. Drugs

Perhaps the most alarming issue this Grand Jury observed is the prevalence of drugs in the city, particularly crack cocaine. It appears that the vast majority of the street-level criminal activity that was presented to the Grand Jury was drug-related. Many of the suspects arrested had previous contact with the criminal justice system, including spending time in prison. It concerns this Grand Jury that so many of these persons apparently have drug addictions that lead them, in part, to make bad decisions. Often, these bad decisions cause harm to themselves and others. The result is a tremendous consumption of public resources, including police, courts, and prisons, in an effort that is largely and evidently failing. However, the Grand Jury notes that Judge Seth Norman's "Drug Court" is an exceptional program that should be commended and emulated throughout the state and nation.

The Grand Jury also notes that these drug-related activities appear to be concentrated largely in areas around public housing units. Clearly, policing these areas is ineffective in addressing the underlying problems. However, the Grand Jury finds that the enforcement of trespassing laws on Metro Development and Housing Agency property is somewhat successful in interrupting criminal activity in these areas.

B. Short Prison Terms

During the course of our term, we learned that a significant number of suspects have extensive criminal histories. Frequently, the criminal histories include felony convictions, and often, multiple felony convictions. However, these suspects generally served incredibly short prison terms. It was not uncommon to hear that a suspect, after conviction for violent and/or drug-related felonies, served only two, three, four years or fewer. The Grand Jury is puzzled and concerned because this is a fairly common scenario. The Grand Jury does not have enough

information to make a recommendation as to how this situation can be remedied. Nonetheless, the Grand Jury strongly urges the legislature, the judiciary, and the community at-large to seriously consider and investigate this matter.

C. Physical and Sexual Abuse Of Children

The Grand Jury is disheartened and disgusted at the number of sexual abuse cases presented to it, the vast majority of which involved apparent admissions by the suspects. The testimony concerning these crimes was particularly disturbing. The most troubling aspect of these situations is that clearly, parents, teachers, and other relatives were aware, or should have been aware, of the abuse. However, despite the legal requirements to report the abuse, many times the abuse went unreported, and continued, for a significant period of time.

The officers investigating these cases were without exception professional, thorough, and dedicated. The Grand Jury admires the ability of these police officers to perform their duties while being exposed to these awful situations daily. However, the Grand Jury is concerned that the child sexual abuse unit is sorely understaffed. The Grand Jury recommends dedicating more resources to this unit, specifically, hiring or assigning more officers to investigate these crimes.

D. Weapons

The Grand Jury is alarmed at the number and availability of illegal weapons in the community. The Grand Jury notes that the great majority of crimes are committed with unregistered, illegally carried weapons. Rarely, if ever, was a crime perpetrated using a registered weapon. The Grand Jury believes that enforcement of existing firearms laws, and not additional laws and regulations, is necessary to remove these weapons from the hands of criminals. Weapons in the hands of criminals create danger for the police and the community at-large. Weapons in the hands of law-abiding citizens do not contribute to this danger.

III. Grand Jury Procedure

A. Explanation Of Relevant Laws

The Grand Jury suggests that the District Attorney General's office should provide a thorough and detailed explanation of the relevant statutes and judicial interpretations of those statutes early in the grand jury term. Generally, the Grand Jury heard cases involving approximately the same dozen types of charges, including assault, drug possession, weapons possession, burglary, and homicide. It would have improved the deliberative process significantly if the District Attorney General's office would have provided, at the least, an overview of these crimes, including distinctions between degrees and enhancement factors. For example, an early explanation of when a set of facts constitutes simple assault versus aggravated assault or the difference between first degree murder and second degree murder would have been helpful.

The Grand Jury also suggests that future grand juries be provided a concise explanation of the criminal justice process, specifically, the pre-grand jury process.

B. Appearance of Witnesses

The Grand Jury suggests the following:

1. Sessions should begin at 8:30 a.m. at the latest;
2. Whenever possible, witnesses on the same matter should be presented consecutively, rather than piece-meal;
3. The witnesses with the most relevant knowledge, and only those witnesses, should be subpoenaed;

IV. Acknowledgments

The Grand Jury would like to acknowledge the professionalism and dedication of the Metropolitan Police Department. In particular, the Grand Jury thanks the police officers who

participate in undercover drug "stings" and other undercover operations. These officers are placing themselves in jeopardy every day, and are the true heroes of the drug war. The Grand Jury also thanks Captain Judy Bawcum for her informative presentation; Judge Sue Evans for her insight; the officers of the police training academy, aerial, and canine units; the staff of Riverbend for their enlightening tour of their facility; Judge Norman for his hospitality and innovative work; the District Attorney General's office for being generally competent, especially Mikala Matthews. Most of all, the Grand Jury thanks Georgia Smith, Donna Draper, and David Whitworth for their patience, organizational skills, and overall good natures; they are all credits to their departments.

V. Final Tally

Cases Considered	<u>610</u>
True Bills	<u>595</u>
No True Bills	<u>15</u>

Andrea D. Lueck
Foreperson

Christina Johnson
Virginia Robinson

Pam McDonald
Luz Hall

T. C. Boyd
Dennis Redbridge
Bridget McKeown
Howard Leslie

Rosie Watts
Robert M. Lee
Wm. C. Ch
Richard A. Davis