

**Grand Jury Final Report
July 2004 Term**

**Presented To:
The Honorable Steve R. Dozier
Criminal Court Division I
Davidson County, Tennessee**

On September 24, 2004

We the Grand Jurors for the July, 2004 term, would like to submit the following report as a result of the three months served in Davidson County, Tennessee.

We would like to thank Judge Steve Dozier for the honor of serving. In the beginning we were unsure of what was ahead, and the commitment of three months is significant. However, we learned invaluable lessons as a result of this opportunity. We are now much more knowledgeable of the judicial process, and are better equipped to be informed citizens of Davidson County, Tennessee.

During these last three months, the Grand Jury met for 34 sessions and presided over 726 cases. We have presented the court with 700 "True Bills", and 26 "No True Bills". It is an awesome task to decide whether to indict or not, which we did not take lightly. We believe that the Grand Jury system is important in that it serves as a filter between the police and the courts to limit the potential of innocent people being convicted of crimes they did not commit, or for which there is little evidence. As Grand Jurors, not only did we vote to indict, or not indict, but in cases deemed necessary, we asked that additional charges be placed on individuals whose crimes were determined to be more serious than the charges presented. We also asked that charges be peeled off a list of charges if we felt there was not evidence to substantiate that particular charge. In addition, we asked the court to increase or decrease the bond on "Sealed Indictments" where appropriate. We believe we reached the most appropriate decision for each case presented, given the information provided.

With this being said, we would like to present the following observations gathered from the cumulative cases we heard, the persons who presented evidence before us, and outings made to facilities within the jurisdiction of Davidson County.

The most serious shortcoming facing the Metropolitan Davidson County police force is the inadequate number of officers who can conversationally communicate with persons of Hispanic background. More than one officer told us there are currently only seven officers within all of Metro who can accomplish this. Those who are able to communicate in Spanish are stretched to their limits because other officers call them to serve as translators. We were told that at times it is easier to discontinue a traffic stop when it is determined that the individual does not speak English, rather than go through all that is required to assure they understand all that is happening. With the burgeoning Hispanic community in Metropolitan Davidson County this is an ever-increasing problem. We recommend that special recruitment efforts be aimed at those who are bilingual in order to increase the department's ability to communicate. We also recommend that Metro pay to send current police officers to learn the Spanish language. The Tennessee Foreign Language Institute would be an excellent source for this training and specializes in teaching numerous languages including conversational Spanish. We believe that at a minimum, the percentage of officers who can communicate with the Hispanic community should equal one-half the percentage of those persons within the community as a whole. We also learned that the Metropolitan Davidson County area has the largest population of Kurdish immigrants in the United States. The Tennessee Foreign Language Institute also offers classes in the Kurdish language, and would be an

excellent resource to educate a select number of officers to communicate with these individuals.

We were dismayed and could sense the frustration of the officers at the number of individuals who are arrested over and over and then within days or even hours are back on the streets to commit yet additional crimes. There were several times over the course of our proceedings that we heard the same person brought before us more than once for different crimes. We also heard from officers who had arrested an individual, and while testifying before us indicated that they have subsequently arrested the same individual again. We heard cases of officers arresting individuals with well over 100 prior charges, and yet they are out on the streets. The most disturbing case presented before us was an officer who indicated the individual she arrested had achieved 297 prior arrests since the late 1970s. We cannot fathom the reason why such an individual should be allowed to be on the streets ever again.

The amount of time that it takes for lab specimens to be tested and reported back to the District Attorney and/or detective on the case is a continual source of frustration. This is particularly apparent in cases of a sexual nature. We have heard from detectives, where the evidence is not back from the Tennessee Bureau of Investigation (TBI) crime lab in as many as six or eight months. Several cases were presented before this grand jury with a crime date of up to a year ago, and the DNA evidence required to proceed is still not available. Not only is this a hindrance to the evidentiary and judicial process, it is also contrary to a charged person's right to a speedy trial. This is particularly true if the DNA could potentially exonerate them and they are being held while this is occurring.

We would have appreciated more consistency from the District Attorney's Office regarding the types of charges brought on individuals with like crimes. On several occasions we had a difficult time making a decision because a like case was treated differently in a previous session. Consistency is especially required in the more serious crimes, as the resulting penalties are much more severe. Inconsistency of charges from one case to the next makes it very difficult to arrive at the appropriate outcome. Having heard one case and subsequently hearing other similar cases with different charges made us second-guess previous decisions.

We would also request more consistency in the bond amounts set for persons with similar crimes. We understand that it is not legal to use a range when deciding bond amounts, yet we were surprised at some of the disparate amounts set on like cases. The low bond set for some individuals who have lengthy records and/or are currently charged with serious crimes appalled us. For bond over indictments we had no choice but to accept the amounts set. However, as mentioned earlier, we requested changes be made to the bond amount set for individuals with sealed indictments when we felt appropriate.

Of the 726 cases heard by the Grand Jury in the 3rd quarter of 2004, 114 were DUI related. That is roughly 15% of all the cases we heard during these three months. Even more disturbing were the number of 2nd, 3rd, and 4th offense individuals that presented before us. On several occasions, officers testified on an individual's 1st, 2nd, or 3rd

offense, and stated that the individual had subsequently been arrested one or more times for DUI since then. We wonder at what point an individual is no longer allowed to operate a vehicle ever again in the state of Tennessee. We understand that you cannot keep individuals from driving without a license or from getting in a relative's or friend's car and driving, but additional checks should be put into place to ensure that these individuals are taken off the streets.

Additionally, the number of misdemeanor cases brought before the Grand Jury is mushrooming. We understand that it is a person's right to have the case bound over to the Grand Jury from General Sessions Court, and do not wish to trample on those rights. However, we feel that every effort should be made on the part of the attorneys and the judges to keep this number to a minimum. At times, the number of less serious misdemeanors and, DUI cases where there is evidence of blood alcohol content above the legal limit take up an inappropriate proportion of our sessions. This limits the number of more serious cases that might be heard on a given day. Several instances of charges as simple as "Driving on a Revoked License" were bound over for the Grand Jury to hear, which we believe is usually inappropriate. In addition to the clogged Grand Jury docket, this takes officers away from their duties to spend time waiting and testifying.

On numerous occasions, the officer who presented the case before the grand jury had no first-hand knowledge of the case he or she presented. The officer either took the report after the fact, or the case was later forwarded to his or her division for further investigation. It is difficult to make a determination based upon this type of testimony. This is particularly true in cases of domestic assault and violence, where in the majority of cases the police officer arrives after the assault has occurred with only "he said/she said" information to present. In several cases we had to subpoena additional witnesses before we could make a determination, because our primary witness had insufficient information. We would recommend that, in as many cases as possible, the original arresting officer act as presenter for these cases. In domestic type cases we would also recommend that the victim be included as a presenter whenever possible. A majority of the "No True Bills" presented to the court in this session were cases of domestic violence where the evidence was limited.

We had the opportunity to tour the police training academy, the dog training academy and the police air patrol facilities. We appreciate all of the officers who took their time to show us around, explain procedures and answer our questions. We were impressed with the dedication of the canine officers, their companions and the rigorous training that is continually completed to keep both officer and dog in top form. However, we were not as impressed with Davidson County's air patrol capabilities. At the time of our visit, only one of the helicopters was in working order and available to assist in the apprehension of criminals if called upon. In addition the number of officers who are trained to use this equipment is sadly lacking. The ability to patrol by air is an important one, in that it allows wider areas to be covered in much less time. It also reduces the number of high-speed chases, as the helicopter can keep up with an individual without putting police officers and citizens on the ground at risk. We believe that additional

funds should be spent to update air patrol officers' equipment, and that additional officers with air skills should be recruited or trained, so that the field of those qualified is deeper.

We were disheartened, but not surprised to find that the wide majority of cases brought before us were either directly or indirectly related to the manufacturing, sale, and use of drugs. We appreciate the efforts of the police to rid Davidson County of this blight and know that they feel as though they are fighting a losing battle at times. We were especially impressed with Judge Norman's Drug Court, and his residential rehabilitation program, which has become a model for similar programs across the country. We appreciate his time and his commitment to this cause. We enjoyed visiting the DC4 facility and seeing first-hand the success it is having on the individuals who are participating. We have a long way to go in the fight against drugs, and programs like this are much needed.

We were shocked at the conditions of the Criminal Justice Center. We found this facility to be outdated, understaffed, and overpopulated. We do not feel prisoners should be living in "The Lap of Luxury." However, we do have concerns about the overall safety of the guards and prisoners. We also question how secure the facility is.

We commend the deputies who work at the Criminal Justice Center. We believe all juveniles in trouble should be forced to tour this facility. We are sure they will find it every bit the eye opening experience we did.

We would like to thank Judge Betty Adams Green of the Juvenile Court for her hospitality. We appreciate her time and the information provided to us concerning the Juvenile Court and Detention Center during a tour there. We were impressed with Judge Green's commitment to the children of Davidson County, and the effectiveness of Judge Green and her staff in achieving their goals, despite the facilities provided by the county. We were also impressed with the cleanliness, and the way the detention center is run, and would like to commend the staff of the current contractor, Alternative Behavioral Services, and Superintendent Patrick J. Curran III. We understand that remodeling and changes are forthcoming at the facility, and it is none too soon that this happens. The current facilities are completely inadequate, both for the proceedings of legal matters in the courtrooms, and for the housing of children who must be there. There is too much wrong with the current set-up and design of the building to mention in this report, and we hope that providing Judge Green and her staff with better conditions will be accomplished as soon as possible.

We would like to thank the staff of the Tennessee Prison for Women for the informative time spent with them there, and in particular Officer Walker, who was our guide throughout. We were impressed with the overall appearance of the prison. We were also glad to see the programs offered to the inmates, including the chance for young mothers to spend time with their children on the weekends in special mother/children facilities, and the opportunity for most inmates to do some sort of work while in prison, whether specifically for the prison, or with contractors on-site who employ prison inmates. We especially would like to commend the joint program between the Tennessee Prison for

Women and PetSmart at Rivergate that pairs dogs rescued from the Humane Society with inmates at the prison. Each dog that has been rescued is days from being destroyed at the Humane Society prior to being selected for this program. The inmates train the dog in obedience and other activities that will make them more attractive pets to potential owners. The dogs stay with the inmates for three months and are returned to the Humane Society to be adopted by someone looking for a good pet. This is a winning program for all involved. One of the inmates we spoke with stated that she was happy to be doing something that would make a difference in both the dog's life and the life of the person who eventually becomes the owner. When asked if she would regret seeing her current dog go, she stated, "No, because the dog would now get a good home, and she could start working with another dog and completing the same process over and over". She stated she hoped to train four dogs a year and send them back out into the community.

We would like to thank all of the officers who presented evidence before us. The majority of officers were well prepared and presented the cases in a manner that made it easy for us to make our decision on whether to indict or not. We appreciate their indulgence in answering our questions and educating us on their procedures and on the crimes committed. We were impressed at the level of commitment these men and women bring to their jobs. It would serve every citizen to be on the Grand Jury to see how hard the police officers work on a daily basis. And to see how much they care about the job they do and the city for which they do it. We would like to thank the officers who educated us on the various drugs they are dealing with so we had a better understanding of what we saw in the indictments presented. We also thank the officers who explained the DUI process, and others who spent extra time helping us better perform our duties.

We would like to commend Chief Serpas, who in his short tenure with Metropolitan Davidson County has made a commitment to make Nashville the safest city in the United States. We are particularly pleased at the increased focus on traffic offenses. Not only does a focus on the driving habits of the citizens help make the streets safer for all of us, but it is at these routine traffic stops that a lot of other violations are discovered. Although the results are not in yet, we understand the decision of Chief Serpas to decentralize the police department and have them take a more active role in the various sectors within the county. We hope that this will have the intended affect and help reduce the crime rate in Metropolitan Davidson County.


We would like to thank District Attorney Johnson and members of the District Attorney's office for their willingness to help us decipher certain issues as they have arisen. We also thank the DA staff for their testimony before us on numerous cases. We have learned that the DA's office has their hands quite full, in taking all the cases that come before them through the various stages of the judicial process until final disposition. We would also like to thank Donna Dale of the DA's office for scheduling the cases, and keeping everything flowing smoothly, allowing us to get to all of the cases scheduled for a day.

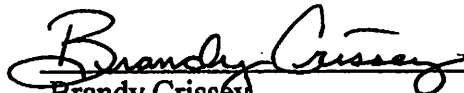
We would like to express our tremendous gratitude to Mr. Stan Fossick who served as our jury foreperson during these three months. Mr. Fossick's knowledge, civio...


mindfulness, attitude and humor have helped us immensely throughout these proceedings. He helped stress the weight of our duty, and the important role we play in the judicial process of Davidson County. He also put the witnesses at ease, and assisted us in getting any additional information needed to reach a conclusion. He is to be commended for his continued service to Nashville, and Davidson County.


In conclusion, we appreciate the opportunity to have served on the Grand Jury for these three months. We have had the chance to learn a great deal about our judicial system, and Davidson County. We have seen much good, and some bad. We hope that the changes mentioned are given heavy consideration. We anticipate seeing the changes implemented and knowing we had a part in making it happen. It is our goal as well to make Nashville/Davidson County the safest place in the United States to live.


Respectfully Submitted,

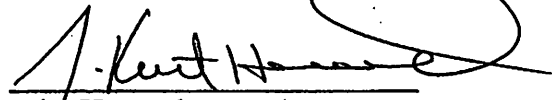

Stan Fossick, Foreman

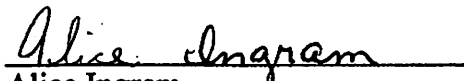

Brandy Crissey

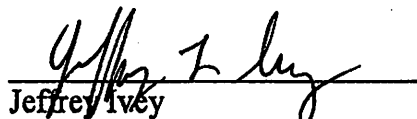

Sandra Draper


John Friedberg


Wilson Herndon

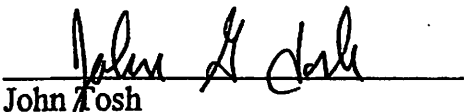

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