

DAVIDSON COUNTY GRAND JURY FINAL REPORT

July Session 2010

Presented to Judge Steve Dozier

Division One Criminal Court

Davidson County, Tennessee

September 28, 2010

The July 2010 term of the Davidson County Grand Jury for the 20th Judicial District of Tennessee is pleased to report that it has completed its charge and concluded deliberations for the term. The jury was impaneled by Judge Steve Dozier on July 1, 2010, and met on 36 occasions beginning Tuesday, July 6th, and ending Tuesday, September 28th. We are submitting this final report to the court documenting our activities and deliberations during this time.

Over the course of the term, the grand jury was skillfully guided by the experience and leadership of our foreperson, Mr. Stan Fossick, in fulfilling our duties of inquiry and report as required by the Tennessee Law. The jury undertook inquiries into criminal cases submitted by Attorney General Torry Johnson. Additionally, we visited Riverbend Maximum Security Prison, DC 4 Drug Court, the Metro Police Academy, and the Metro police department's COMPSTAT session in order to satisfy our obligation to inquire into areas not submitted to us by the Attorney General.

During our service, the Grand Jury reviewed a total of 1,077 cases of which 1,069 were found to be true bills and 8 were found to be no true bills. We also reviewed one presentment which was found no true due to a lack of sufficient evidence to warrant an indictment.

One of the duties of the grand jury is to submit recommendations to the court outlining our impressions, as private citizens, of areas in which improvements in the criminal system can be made. Our intent with the following list of recommendations is not to criticize how the system currently functions, but to provide a different perspective from our position outside the system.

REPEAT DUI OFFENDERS

Due to the vast number of DUI offenders, particularly repeat DUI offenders, we recommend that alternative sentencing options be explored to address this issue outside of current practices. Sentencing to rehab, vehicle impoundment rather than license revocation, higher fines, ignition alcohol monitoring, daily alcohol monitoring, and unpleasant community service might all serve to decrease repeat DUI offenses and free the police for other intervention. Some DUI offenders may benefit from an alcohol program similar to the drug program at DC4.

GANG ACTIVITY

We commend the efforts of the police department in not only monitoring and combating gang activity, but also in actively engaging in attempts to contact and extract gang members who regret their involvement. We recommend continued support of Operation Safer Streets and other Gang Unit programs. We also support programs in schools and community agencies which give teens and pre-teens alternatives to gang involvement, encourage parent involvement in schools and after school activities, and identify children at-risk for gang recruitment. Additionally, we support prosecuting violent gang members as adults and under organized crime statutes.

REPEAT DRUG OFFENDERS

Because an overwhelming number of the cases brought before us involved drug use, either directly or indirectly, we have nothing but enthusiasm for the DC 4 program run by Judge Seth Norman. This program is a model program for other drug courts across the country and should be a model in Tennessee and Davidson County for intervening with other substance abuse, non-violent, or young felons who might be salvaged through a non-prison sentencing option. At the very least, though, DC 4 would benefit from increased operating funding, specific grants for vocational training for female inpatients, and increased publicity/visibility to encourage volunteers, donations, and hope.

ADULT SEXUAL ASSAULT

We are concerned that General Hospital is the only option for adult rape victims who request a rape kit. The fact that only one hospital can process a rape kit is not widely known and many victims may not be able to summon the courage to move to another hospital—sometimes across the county—after enduring so much trauma. Acknowledging that the evidence chain must be maintained, we would at least recommend better triage/education in all hospital ERs across the county so that victims can understand immediately the need to go to General Hospital. We also recommend considering the option of 1-2 other hospitals sanctioned to perform rape kits, and/or a mobile nurse available to perform rape kits in any hospital.

We were disturbed by the fact that a number of rape cases presented to the Grand Jury did not have DNA processed before the indictment was sent to us. We strongly encourage the expedient completion of the new crime lab so that the Metro Police does not have to rely on the TBI for DNA and other forensic assistance.

DOMESTIC ABUSE, CHILD ABUSE, ELDER ABUSE

We encourage support of all community and police programs which prevent and intervene in the abuse of those who are least able to protect themselves.

REPEAT OFFENDERS

We are deeply concerned regarding the number of offenders presented to us with scores of prior arrests. We recommend a review of not only the severity of the penalties we have in place, but the type. We recommend the development of other alternatives to incarceration to provide general sessions judges additional tools for sentencing non-violent offenders. Increased fines, restitution, community service, counseling and mediation are all possible alternatives.

SUSPENDED LICENSES

Police officers deal with an enormous number of "driving on suspended license" cases, most of which could be eliminated if the licenses weren't suspended in the first place. Because so many licenses are suspended due to unpaid tickets for minor traffic offenses or lack of insurance, we recommend a more affordable and less punitive system for handling these offenses. Setting up a payment plan for court fees and/or insurance—plus allowing offenders to continue to drive to work so that they can meet the payment plan—would be compassionate as well as effective.

COMMUNITY ORIENTED POLICING

We recommend a continued return to community-oriented policing to nurture neighborhood watch programs, develop a sense of community security and ownership, and offer children the opportunity to see police officers as role models instead of threats.

SUPPORT FOR THE POLICE DEPARTMENT

It was our unanimous feeling that the Metropolitan Police Department is doing an heroic job serving and protecting the community. Although they are frequently in difficult and dangerous positions, they manage to maintain an incredible level of professionalism and compassion. The officers we heard from were almost universally well-prepared and our respect only increased with our visits to COMPSTAT and the police academy. The police officers who presented complex drug and homicide cases were detailed and coherent; clearly they had all worked long hours to put together an intelligent and effective case. We would also like to officially thank the officers who hosted grand jury ride-alongs including Officer Ryan Finnegan from the West Precinct. Finally, we have nothing but the greatest admiration, gratitude and affection for

Sergeant Gene Donegan and Sergeant David Liles who provided most of our police testimony as well as unlimited patience in educating us on police procedures.

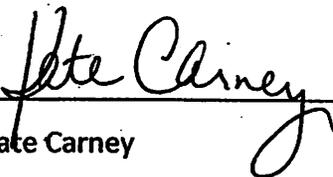
RECOMMENDATIONS FOR THE GRAND JURY PROCESS

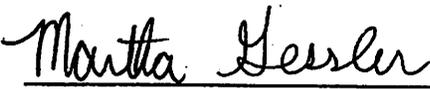
Bearing in mind the acute need for testimony time, we feel we would have benefitted from additional education on the process of establishing charges—particularly homicide charges—and the process of setting bond. Also, we would recommend a re-assessment of the time commitment for the grand jury. Some of us felt that two longer days would have been easier to fit into work schedules than three shorter days.

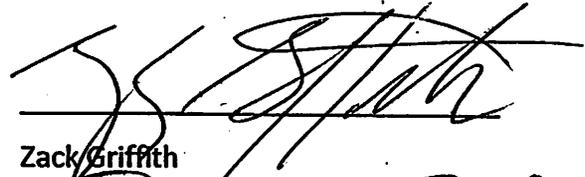
CONCLUSION

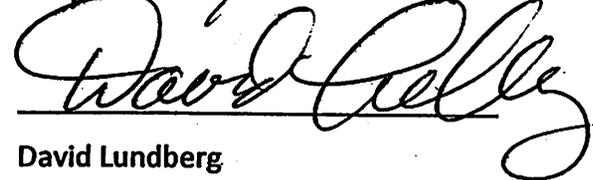
As Judge Dozier promised, as a grand jury we quickly became a family and enjoyed getting to know and respect each other. The grand jury selection and orientation process was well-organized as were the initial training sessions from the domestic violence, drug, DUI, and gang task forces. We are grateful to the judge for arranging Bank Street parking, which made arrival much less stressful in the morning. We would also like to thank Lori Hooberry, Karen Fentress, Kathy Morante, Rodney Faulk, and Michela Mathews in the Attorney General's office who were always available to answer our questions. We were very grateful to Eric Ericson from Judge Dozier's office who was our daily contact and who helped arrange our field trips. Thanks, also, to our own Zack Griffith, who acted as assistant foreman, Donna Jones, who was the official grand jury recording secretary, and Kate Carney who prepared our report. Finally, we reiterate our enthusiastic gratitude to Stan Fossick, our fantastic foreperson, who artfully guided us through this process with his great knowledge, humor and compassion.


Stan Fossick, Foreman


Kate Carney


Martha Gessler

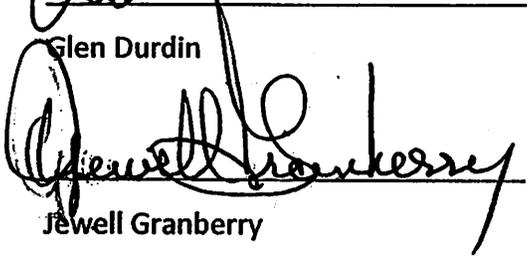

Zack Griffith


David Lundberg


Ilene Peak


Esther Smith

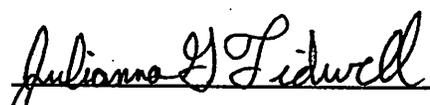

Glen Durdin


Jewell Granberry


Donna Jones


Johnny Minnifee


Fred Rutherford


Julianna Tidwell