

Grand Jury Final Report

The Honorable Judge Cheryl Blackburn

Criminal Court Division III

Davidson County, Tennessee

July 2012 – September 2012

Introduction

We, the Davidson County Grand Jury for the July - September 2012 term ("Grand Jury"); duly submit the following report as a conclusion to our three months of service under the Honorable Judge Cheryl Blackburn. In accordance with the Tennessee Rules of Criminal Procedure, the Grand Jury deliberated upon 877 cases.

Special Thanks

It has been an honor and a privilege to serve our fellow citizens of Davidson County as Grand Jurors. We would like to extend our deep appreciation and gratitude to the many people who provided us assistance through our duties and who make our system the best in the world.

Judge Cheryl Blackburn, for impaneling this Grand Jury and providing us with direction as to the life changing journey we were about to experience.

District Attorney General's Office: General Johnson, General Mathews, attorneys Rodney Fulk, Kathy Morante and Karen Fentress for their guidance and great understanding of the law. We commend their passion for holding those who have broken the law accountable for their actions. We also extend a thank you for the comfortable accommodations for our deliberations.

Foreperson Stan Fossick, for his great leadership, commitment, friendship and superior knowledge of the criminal justice system. He goes above and beyond to make everyone feel welcome and he has been a superb leader throughout the process.

Sergeant David Liles, MPD, for his outstanding presentation of cases, vast knowledge of the system and the law, courteousness, humor and all around demeanor. He is such an asset for the Metro Police. The Grand Jury feels his participation promotes efficiency in the process and allowed us to expeditiously navigate the numerous cases presented.

Sergeant Robert Bandish, MPD, for his great presentation of cases and marvelous attitude. Having officers serve as liaisons to the District Attorney's office has created efficiency in the grand jury process.

Grand Jury Liaison Donna Draper, for her genuine concern for us and organizing several tremendous visits to various locations around Davidson County.

Grand Jury Secretary Lori Hooberry, for her impeccable attention to detail and always preparing the grand jury room and paperwork so we could start our business in a timely fashion.

Metro Police Department: Chief of Police Steve Anderson, and all of the men and women who serve, we want to thank them for their passion and dedication to protecting the citizens and making Davidson County a safer place to live. This has been an eye opening experience and the Grand Jury offers our sincere gratitude for their service.

Cases & Visits

The first week the Grand Jury heard presentations from several of the Metro specialized units regarding their job duties and the unique challenges they face on a daily basis. We heard from the sex crimes unit, the domestic violence unit, the gangs unit, the drug task force and the traffic unit. This information was very educational and helpful to those of us with little prior experience with the criminal justice system. The Grand Jury was honored to meet with Mayor Karl Dean and Chief of Police Steve Anderson. They graciously presented us with an overview of the affairs of the city and answered our questions.

During our time as Grand Jurors we were able to visit several facilities that touch the criminal justice system including:

- Metro Police Training Academy (K-9, Aviation, SWAT, and Bomb Squad, Shoot Don't Shoot) – The Grand Jury was very impressed with all of the instructors and the facility. This is a top notch academy and we commend all the men and women who dedicated their lives to serve as officers. The special operations units were extremely impressive.
- Riverbend Maximum Security Prison – This facility is very well maintained.
- Drug Court – Everyone who attended was very impressed with the program.
- Criminal Justice Center/Jail – This was a very educational experience. There was concern that the air conditioning at the facility was not working.
- Comstat – This was a great educational experience and as individuals we appreciated the opportunity to learn about our own precincts. Chief Anderson has first-class people working under him.

General Recommendations

We recommend the following:

1. The Grand Jury recommends increasing the number of TennCare Fraud examiners to help eliminate fraud and abuse in the TennCare Program so that money can be used to

provide more health care to our citizens with a true need and especially our children. There are only twelve examiners right now working the entire state. They face the difficult task of stamping out “pill mills” and preventing “doctor shopping” which costs the State millions of dollars each year. We heard several doctor shopping cases and were concerned how these defendants could go from doctor to doctor in a weeks’ time getting large amounts of pain pills. In this age of modern technology, there should be a master database or some sort of shared records that would allow providers to detect and prevent such doctor shopping. It seems the expense of such technological advancement would quickly be covered by the prevention of this doctor shopping and would at the same time reduce the amount of pain pills being sold on our streets.

2. The Grand Jury recommends enhancing the sentencing for domestic violence in front of children. Sadly, domestic violence is rampant in Davidson County. A surprising 25 % of the cases in our county deal with domestic violence. It was disheartening to hear so many cases where children were present during the violence. The domestic violence unit stated that 21 other states have increased sentencing when a child is present. Research shows that domestic violence may be passed on from generation to generation when the child grows up watching it happen around them. After hearing such information, this Grand Jury recommends that Tennessee follow the lead of our fellow states to enhance punishment when children are present and do all we can to protect our children and try to stop the vicious cycle of domestic violence.
3. The Grand Jury recommends clarifying and changing the statute on child abuse and neglect. Current law, T.C.A. § 39-15-401, requires physical injury to the child to be defined as child abuse and neglect and when there is no physical injury the abuse and neglect is deemed the lesser offense of attempted child abuse and neglect. There were several cases where there was no actual physical injury to the child but the circumstances and facts were so egregious that we should have had the option of indicting on child abuse and neglect and not just attempted child abuse and neglect.
4. The Grand Jury recommends an alternative system for certain misdemeanors that impede the efficiency of the grand jury process. We are concerned with how many misdemeanors make it to the grand jury such as: petty theft, DUI, habitual motor vehicle offenses, etc. These cases bog down the grand jury process and need to be handled in general sessions court instead of being bound over to the grand jury and clogging the criminal courts.

5. The Grand Jury recommends that it should receive a handout upon first convening that contains a list of common legal terms used during presentations and on indictments.
6. The Grand Jury recommends implementation of standard processes and forms that allow for a more efficient presentation to the grand jury. In order for the process to operate more efficiently, the officers presenting to the grand jury should be prepped by Sergeant Liles or they should fill out a standard form to bring with them that includes all pertinent information in a traditional format. For example, it would be helpful when an officer sits down to provide basic information in a standard format that the grand jury is accustomed to hearing such as: the name, age, location of the crime, date, time, etc. This Grand Jury believes some type of standard format would help all parties involved.
7. The Grand Jury recommends some research into a possible sentencing enhancement for situations when a victim is forced to endure emotional distress or humiliation that exceeds a standard level. While this recommendation is hard to verbalize, the Grand Jury noticed a definite pattern of behavior in many of the cases we heard. It seems many perpetrators now believe they can gain some advantage by placing their victims in a humiliating situation in an attempt to ease their escape from their crime. The most obvious example was forcing victims to undress in an attempt to cause humiliation and further distress these victims. This Grand Jury would like to see an investigation into a possible enhanced sentence for such tasteless criminals.

Conclusion

We want to end by saying what an insightful experience this has been. Through this important civic duty we had a glimpse inside the criminal justice system that most people will not see. We feel Davidson County is in good hands and want to thank everyone we have come into contact with through this process.

We have been educated, debated amongst ourselves, heard some very sad circumstances, struggled with making tough decisions, and made it through three months together. We came into this process as individual citizens and in the end we made friendships that will last a lifetime.

It has been an honor to serve as the Davidson County Grand Jury.

Report duly submitted on September 27, 2012 by:

Stan Fossick, Grand Jury Foreman

Margie Arnold

Lauren Brinkley

Tiffany Dabney

Mary Finney

Dale Garver

Kevin Hagewood

George Head

Sharon Henderson

Debra King

Tonya McGill

Jeff Mobley

Kevin O'Neil

Ronald Sanderfer

John Snyder

Tanya Stone

Leveda Young

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