

**Grand Jury Final Report
July Term 2016**

**Steve R. Dozier, Judge
Criminal Court Division I
Davidson County, TN**

September 23, 2016

The members of the Grand Jury submit the following report for the July – September 2016 term

Preparation

We were prepared for our position as jurors to determine probable cause with presentations by the following professionals:

- Davidson County District Attorney General Glenn Funk
- Assistant District Attorney Michaela Matthews
- Sue Ross, RN, Our Kids
- Metropolitan Police Department Members
 - Det. Chris Key and Det. Rob Kelly, Gang Unit
 - Det. Bill Loucks, Drug Task Force
 - Det. Chris Williams, Domestic Violence Unit
 - Officer Russell Ward, DUI Unit
 - Det. Slessinger, Child Sex Abuse Unit
 - *Cpt.* Randall Hickerson, Warrants Division

We express our appreciation to the above individuals for their time and patience as we asked questions to help further our understanding of procedure, law and process to assist us as we proceeded hearing cases.

Additionally, we wish to thank others in the District Attorney's Office, Grand Jury Division for their daily assistance during the process: ADA Rodney Faulk, ADA Michel-Claire Bottoms, ADA Jay Martin and ADA Jim Sledge and Grand Jury Assistant, Lori Hooberry.

We also express our thanks to:

- Sgt. Patrick Baird and Officer Chad Turnbow
- Wendy Skidmore
- Tommy Newman
- Chief Steve Anderson
- Mayor Megan Barry

In addition to presentations, we were able to make on-site visits to the following:

- Metropolitan Police Training Academy
 - Tour of facility and overview of training requirements. The cadets undergo a rigorous physical and mental evaluation, including classes in law and use of force.
 - Overview of tools officers use to stop, subdue suspects
 - K9 and Aviation Units
 - "Shoot – Don't Shoot" Simulator
 - Our appreciation to the following MPD officers who explained and lead us through the areas: Lt. Jason Proctor, Sgt. Ryan Lockwood, Sgt. Tiffany Gibson, Sgt. Kurt Knapp, Officer John McVey, Officer Mark Sydenstricker, Officer Chad Brown, Officer Brad Bracey, Officer Tommy Smith and Officer Michael Hackney.

- Riverbend Maximum Security Prison
 - Special appreciation to Officers Damien Phillips and Charles Stevens for their comprehensive tour of the prison, which included Death Row.
 - The facility was very clean, all personnel we encountered were very professional and we learned the food supplier contract has been awarded to another company for which the inmate we spoke to was pleased as he hoped they would be able to receive some fresher foods to eat, instead of the flash frozen premade foods they currently have.

- MPD COMPSTAT Meeting
 - We found the weekly Computer Statistics (COMPSTAT) meeting very informative. It appears the MPD has individuals in the IT Department who thoroughly understand how to use the various software programs the department has purchased and to produce relevant reports and documents for department evaluation, reporting and deployment of resources.
 - During our visit, each Precinct Commander was well versed in the activity in his/her area of responsibility and we learned that a sharing of Intel and best practices occurs during these meetings.

Cases

For the July 2016 session, the Grand Jury heard and made decisions on the following:

- 737 cases were presented for indictments,
- Of the 737 cases, 730 were returned as True Bills,
- Of the 737 cases, 7 were returned as No True Bills,
- We had one Direct Presentment for review and decision, in which it was determined there was not probable cause for indictment.
- We had one Citizen Request for presentment. In which it was determined there was probable cause for indictment.

Observations and Recommendations

- The number of priors for many of the suspects is staggering. Is legislation needed to prevent the Plea Bargaining for these offenders needed, or do the Judges need to take prior history into consideration for sentencing? We realize jail space is limited and expensive, but it appears that many of repeat offenders continue to victimize the public with no regard to their past arrests and convictions.
- Generally all presenters were well prepared to testify and answer jurors' questions. In instances where answers were not known the ADA's or Sgt. Baird researched further and came back with the information needed for the jury to make a decision.
- Is it necessary for all officers involved in a case to appear in court if only one or two officers are needed to testify? This appears to be a waste of the officer's time and taxpayer money, unless if it legally required.
- It appears better equipped cars are needed for the K-9 units. The current models have a tendency to overheat fairly quickly when left running, as they must be in the summer months. As vehicles are replaced, more research need to done to see if better models are available. During our term, a police K9 in another state died due to a police car overheating that the back-up alert system failing.
- All Police Helicopters need to be outfitted with GPS mapping systems. In some units, the officers have to use their phones to pull up street maps while in pursuit.
- In dealing with child abuse, lack of a sense of urgency was evident in one case. It appears the possible abuse of young child was reported by officials several times and no one from DCS responded because an official case had already been opened. It seems that when school employees or police officials call in reports, there should be sufficient DCS staff to respond to help insure no further abuse occurs to the child. Is the issue staffing, training, procedures?
- With the population of Metropolitan Nashville and Davison County increasing daily, as well as the number of persons who work and travel to Nashville regularly, it appears there is a continuing need for more officers and patrol cars.

- Of particular concern were TennCare fraud cases. While the severity of the crime pales in comparison to much more serious crimes, it seems incredulous that individuals can repeatedly defraud the citizens of the State and not lose their TennCare benefits. This occurs when enrollees use the system to "Doctor Shop", or go to various doctors and emergency rooms to obtain pain drugs. Most of these enrollees are addicted to pain killers and fail to disclose that they have been seen by another doctor and obtained opioids within a certain number of days. Some of these enrollees may be selling the drugs for profit. The amount of time TennCare investigators spend researching records and interviewing doctors is staggering, especially on repeat offenders.
 - We believe that if you were to ask a citizen if a patient was automatically dis-enrolled from TennCare if he/she was convicted of fraud, their answer would be 'of course, they are', but that is not the case.
 - We asked that a representative from TennCare come to the Grand Jury to help us understand the law. Assistant General Counsel David A. Weeks, Jr. joined us on September 13, 2016. Mr. Weeks explained that due to the partnership between the Federal Medicaid program and the State TennCare program, we must adhere to federal eligibility requirements. At this time, the only time a person is 'kicked out' of TennCare is if he or she does not meet the eligibility requirements, i.e. has too much income, not a citizen, identity theft, etc. We understand that neither federal law nor state law addresses repercussions stemming from fraud via the use of bogus doctor visits, or obtaining prescriptions under false pretenses
 - We understand there exists a TennCare database to which health providers and pharmacists have access which details a TennCare patient's office and prescription history. Use of the database is voluntary, but if used could help identify potential 'doc shopping' before pills are obtained.
 - Another issue that seems to play into this problem is the use of Doctor and Hospital rating systems. If a poor or mediocre rating is given by a patient, i.e., failure to give painkillers for a UTI, painful ankle, back pain, etc., the facility or doctor could be removed from the TennCare provider list, or perhaps receive negative repercussions from their own company's internal quality system.
 - Possible solutions:
 - 1) Include in plea bargain settlements, the enrollee's voluntary disenrollment for TennCare for two years, or so.
 - 2) Include in plea bargain settlements, requirement of drug rehabilitation program for the offender. TennCare will pay for the treatment. If they choose not to comply, jail or voluntary disenrollment for a set amount of time.
 - 3) Require healthcare providers and pharmacies to check the TennCare database to identify repeat offenders.
 - 3) Revise legislation to include mandatory disenrollment from the program for fraud against the system when convicted. We understand some states have included language to do so with the caveat "as long as federal law permits."

Closing Remarks

We have found it a great honor to serve in this capacity. And even though the case load has been trying at times, the experience has been a privilege and honor to participate.

We give a special recognition to our Foreperson, Stan Fossick, for leading us throughout the session. His generosity is appreciated, but his willingness to volunteer his time to serve the citizens of Davidson County in his capacity of Grand Jury Foreperson cannot be expressed enough as Stan is truly one of Nashville's unsung volunteer heroes.

Grand Jury Members

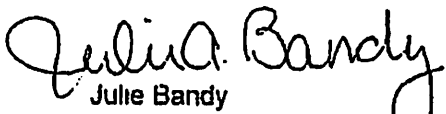
July - September Session 2016


Crystal Allen

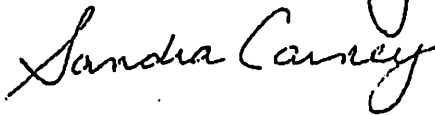

Matthew Martin


Jennifer Allen


Janet Partee


Julie Bandy

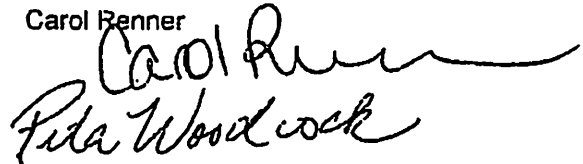
Sandra Phillips


Sandra Carney




Rebecca Carey

Carol Renner


Rita Woodcock

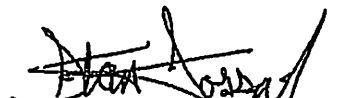

Scottie Coombs


Donald Wunder


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Hitoshi Yamaguchi


Patty Kemp


Stan Fossick, Foreperson