

REPORT OF THE GRAND JURY  
for October Term, 1996

To

The Honorable Cheryl Blackburn  
Judge, Division Three, Criminal Court  
Davidson County, Tennessee

The term of office for this Grand Jury began on Monday, October 7, 1996, and concluded on Friday, December 13, 1996. Scheduled meeting days were Monday, Tuesday and Friday of each week.

During our term as the Davidson County Grand Jury we have made every effort to determine the effectiveness of our law enforcement efforts. Our findings are that in some areas we have made great strides but other areas are fighting an uphill battle that is growing out of control. Areas of greatest concern will be covered individually:

Our first concern is the increase in drug related crimes committed in Davidson County. We have handled over 560 indictments during our term and of those at least 70 percent are in some fashion drug or alcohol related. We are alarmed by the fact that more and more serious crimes are being committed by younger and younger individuals.

This problem as we see it can be broken down into the two areas of supply and demand. As long as there are individuals using these products there will be others willing to supply them. Therefore any effective solution to this problem will have to address both sides.

From the demand side we would like to see more emphasis placed on drug treatment programs. Institutional warehousing of drug users has had little positive results. Many of the addicts on our streets have prior incarcerations due to drug convictions. An extremely high percentage of the street level crime is being performed by addicts that are in need of drug money. Having closely supervised institutions where persons can be given access to treatment should net some positive results.

On the supply side of this problem we have seen that much of the blame can be directed at not having stiff enough punishments for those selling or distributing illegal drugs. Many of the cases that we have heard were committed by persons who have a lengthy prior history of illegal drug sales activity. Until there is real punishment there will be no real deterrent to the lucrative business of selling drugs. The revolving door policy that has come about due to overcrowding is defeating any attempt at deterrence. Many of the criminals arrested in drug sales activity feel that it is nothing more than an inconvenience.

Increased education of our young people to the dangers of drugs may be the only effective long term solution that we have to save future generations from their negative effects.

We realize that until the federal government takes an active leadership role in stemming the flow of narcotics into this country we will continue to face a losing battle. Unfortunately until the outcry of the citizens of this country becomes overwhelming, Washington is not going to react.

We would like to express our support of Mayor Bredeson's Drug Task Force. We wish them well in their efforts to come up with effective solutions to this problem. We would also like to commend Mayor Bredeson on his selection of the task force members.

We strongly urge that highest priority be placed on this problem from all levels of the judicial system. Nothing will reduce crime in Davidson County more than getting a handle on the illegal drug problem.

Our second area of concern is with the current status of the Davidson County Medical Examiners' office. We have determined that Nashville / Davidson County does not currently have a full time Forensic Pathologist on staff. Currently we are flying a pathologist in from Indiana to perform autopsies and assist our Homicide unit with their investigations. This is totally inadequate for a county the size of Davidson County.

The delay that is involved in getting a pathologist on-site all but excludes the possibility that the medical examiner will be able to visit the crime scene before the evidence has to be collected. This places more and more responsibility on the medical investigative staff. We are concerned that this weakness will hinder a criminal investigation or cause a murder conviction to be overturned on technicalities. We are equally aware that faulty information could lead to the false imprisonment of an innocent person. To be totally effective the medical examiner has to know the

strengths and weaknesses of his investigative staff. This type of knowledge only comes from close interaction on a daily basis.

We also have concerns over the developing backlog of autopsy reports. Though hundreds of autopsies have been performed since July, we have only been made aware of four being completed and filed at the coroners office. This situation needs to be addressed immediately and corrective action be taken before it gets totally out of control.

Delays in getting completed autopsy reports can adversely effect citizens of Davidson County that have lost loved ones. Under Tennessee laws, anyone who dies outside the supervision of an attending physician is required to have an autopsy performed to determine the cause of death. Delaying these reports can delay insurance settlements and cause the grieving process to be drawn out. The citizens of Davidson County deserve better than this.

Part of the delay in getting autopsies completed is in getting back toxicology reports from external laboratories. To reduce this delay we would like to see the Medical Examiners' Office expanded to include a toxicological analysis division. This additional resource could also help to reduce the delay in the prosecution of drug related offenses.

During our term we were assured by the Mayors Office that this situation was being corrected but as of this date we have not yet been informed of any additional action being taken. With the rapid approach of the holiday season it is almost assured that this situation will continue into 1997. The increased tension that is being generated by this problem can do nothing but damage the credibility and effectiveness of the medical examiners' office.

With the increased awareness of the role, both positive and negative, that forensic science is playing in the prosecution of homicide cases, this problem is of critical concern for us.

During our tour we had the opportunity to observe the Crime Suppression Unit in action during both prostitution and drug sting operations. We were impressed with the effectiveness and the professionalism of the members of this team in dealing with street level criminal activity. Our recommendation for their effort would be that the staff size be increased to a level that would allow for additional teams. This would broaden their coverage area and schedule.

Several years ago we placed emphasis on reducing the domestic violence problem in Nashville with additional personnel being allocated to the effort. This program has been extremely effective in reducing violence in the home. We would like to see that same type of effort put forth to reduce street level criminal activity.

We would like to thank Sgt. Brown and the other unit members for taking the time to answer our numerous questions and also in keeping us out of harms way.

A visit to the Metro Police Training Academy was arranged and we had the opportunity to observe recruit training. We commend the academy staff on the effectiveness that they have in turning out high quality officers.

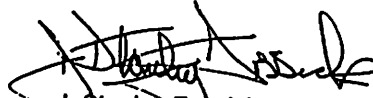
During our visit to the Training Academy we were also treated to the opportunity to observe the police dog training program. We were impressed by the quality and quantity of training that the dogs and their handlers go through. Our concern here is that there are currently only eleven active K9 units for all of Davidson County covering three shifts. This limits the effectiveness of a valuable piece of crime suppression equipment. We recommend that this number be increased, as rapidly as possible, to a level that would provide for better coverage. Having these units readily available to the patrol officers on the street would greatly increase their safety.

We take great pride in the Metro Police Department. We had the opportunity to talk with members ranging from the police chief to rookies right out of the academy. We can state definitely that our police department is one of the finest in the country. We commend the police department on their increase in public interaction programs. Having uniformed officers in schools, civic centers and bike patrols will allow them to interact with the youth of our city in a positive manner. This allows relationships to be formed and provides positive role models in areas where few may be currently available.

We have found our term to be very educational. We encourage every citizen to seize the opportunity of serving on a jury when summoned, the experience can only lead to becoming a more responsible citizen of this community.

Entered this 13th day of December, 1996.

Respectfully submitted.

  
Stanley Fossick, Foreman

