

October 1998 term
to
The Honorable Seth Walker Norman, Judge
Criminal Court, Division IV
Davidson County, Tennessee

It has been an honor and privilege to serve as members of the Davidson County Criminal Court Grand Jury, October 1998 term.

We would like to thank Judge Seth Norman and his staff, in particular Pat Hunter and Court Officer Carlin Rolfe, for their assistance and support. Our thanks go also to District Attorney General Torry Johnson, his staff members Sandy Mullens and Georgia Smith and attorneys Mary Hausman, Patty Ramsey and Helen Donnelly for their cooperation and guidance.

During this term we have acted upon all cases presented to us, a total of 791. We have also toured various law enforcement facilities, including Drug Court. We have interviewed Police Department division heads, patrol officers and detectives, as well as the Chief of Police and the District Attorney General.

POLICE FUNDING

The majority of cases before the Grand Jury were presented by officers of the Metropolitan Nashville Police Department, an organization we highly respect and commend for their excellent work in this community. The dedicated and conscientious officers of the Metro Police Department risk their lives daily to protect citizens. They perform in the face of pervasive crime, violent encounters, countless repeat offenders, early release or lenient sentencing of criminals, a system that allows suspects back on the streets as soon as they are booked, and limited budgets.

Police Chief Emmett Turner and his entire staff are doing a remarkable job reducing crime. In spite of needing more officers and working within a tight budget that depends on federal grants for technological equipment and overtime pay, the police continue to employ creative and effective strategies. Federal grant-sponsored DART (Drug Activity Response Team) units in high crime/drug areas and FLEX units in all four patrol sectors are among the innovations.

The citizens of Nashville must insist on increased funding for law enforcement if only to keep up with the rapid growth of the city. Metro Nashville is indeed fortunate to have such an excellent police force.

STREAMLINING THE SYSTEM

Among the pressing issues coming before the Grand Jury, the streamlining of the Criminal Justice system is one of the foremost. Cases backed up a year to 18 months waiting court dates leave those who are free on bond to commit more crimes. Those in jail are held for months awaiting their court dates, at added costs to the system.

Lack of jail space results in plea bargaining for lighter sentencing and in the early release of criminals. The repeat offender has learned that the penalty for crime is minor. The overload of cases impacts the police, the district attorney's office and the courts.

A solution must be found to this inadequate, antiquated process. We urge the Mayor, Metro Council and the State Legislature to tackle this problem immediately, and provide funds for more prison space, more law enforcement officers and more criminal courts. Specifically, we recommend:

- two more criminal courts,
- 500 more beds for pre-trial detainees,
- more District Attorney prosecutors, and
- an increase in the size of the Department of Correction.

DRUG COURT

We highly commend Judge Seth Norman and the Drug Court staff for so progressively instigating in 1997 the formation of the Drug Court program, whereby non-violent felony offenders with substance abuse problems are carefully screened for the privilege of being voluntarily sentenced to long term drug treatment and rehabilitation, rather than prison terms.

Counseling, vocational training, job placement, life skills training, and other integrated services are provided. Inmates are required to stay a minimum of six months in residential treatment. Once employment is obtained, inmates are required to pay fines, court costs, program fees, room and board. Community service hours are required. Weekly status hearings with the judge are mandatory. Inmates must abide by all drug court regulations or face expulsion from the program.

Inmate cost per day in jail is \$45 a day, in prison \$65 a day, while residential Drug Court daily cost is \$31.50 (outpatient \$7.50).

To date 205 inmates have been admitted to the Drug Court program with 148 currently participating. Forty-two inmates' participation has been revoked. This is an 80% retention rate and 20% revocation rate.

Drug Court costs are 99% funded by Federal grants and inmate fees.

The Grand Jury advocates an expansion of Drug Court programs for those substance-addicted offenders who show a potential for rehabilitation.

We urge Metro to continue their commitment to this program with long-term provision of the facilities. The program is a viable part of the solution for reducing drug-related crimes, drug addiction, prison costs and overcrowding, and to rehabilitating lives.

OTHER CONCERNS ADDRESSED

Drug Crimes

There are more than 370 drug houses in Nashville. Eighty-five percent (85%) of all crime is related to substance abuse (drugs or alcohol).

The drug addict robs and steals to buy drugs. Under the influence of alcohol, individuals commit violent crimes they would not commit if sober. This is at great cost to the community in loss of work, accidents, assaults, robberies, thefts, and, often, murders.

We recommend, in addition to Drug Court expansion, programs of: treatment and long-term aftercare; early education; effective adult education with major public service announcements in all media.

We advocate substantial sentences for repeat drug offenders. Present sentences for street sellers are too short to be of consequence. Last year the legislature reduced punishment on certain drug offenses to provide space for sexual offenders.

More severe penalties for these drug offenders are essential.

Illegal Weapons

Tennessee is now a permit state. Anyone, with the exception of convicted felons, can purchase a gun. 60% percent of homicides are with firearms. While the illegal sale and possession of firearms is rampant, the sanctions for illegal possession of a gun are minimal.

Once a misdemeanor carrying an 11-month 29-day sentence, the offense was reduced to a 30-day sentence by the Legislature in 1989. It is past time for the Legislature to increase penalties for illegal possession of firearms.

Pawn Shops

Our experience as jury members leads us to reiterate the previous (July term) Grand Jury's recommendation: that area pawn shops be required to report electronically to police. This could be accomplished by supplying shops with grant-developed PC Pawn software.

The present index card method of reporting is out-dated, unmanageable and delays apprehension of suspects.

With 750,000 pawn shop transactions a year, 18,000 firearms moving through Davidson County pawn shops each year, and pawn shops providing a convenient method of selling stolen goods, it is essential that the Legislature stiffen regulations.

We ask the Legislature to require that all Tennessee pawn shops report information to police through electronic means. Daily on-line reporting means less market for stolen goods.

LAW ENFORCEMENT CENTERS

In addition to a tour of the Drug Court campus and facilities, the jury visited the Criminal Justice Center, Metro Jail, the Police Training Academy, K-9 Training and Aviation units. Several jury members accompanied police officers on nightly patrol duty.

A tour of the Criminal Justice Center and the Metro Jail was most informative. The jury was able to hear first-hand what is being accomplished in various police divisions [Youth Services, Sexual Abuse, Intelligence (Persistent Offender Program, Gang Activity)]. We also observed both computer crime mapping and split-second retrieval of crime information by one of the 130 new lap-top computers obtained through a Federal grant.

The jury toured the third (special needs) and fifth (maximum security) floors of the Metro Jail where 750 inmates were housed that day in a facility for 688 men. All are awaiting court dates, which indicates the need for streamlining the Criminal Justice system.

The Police Training Academy is operating out of a somewhat antiquated facility but is maintaining high training standards. The computer lab is impressive, as are the K-9 and aviation units, which provide invaluable support service in the most serious of crimes.

Eighteen K-9 teams work the street in shifts, dealing with murder, rape, robbery, robbery in progress, business and school break-ins, and hidden drug or bomb detection. Six helicopter pilots provide support also in drug interdiction, police pursuits, and for any major activity needing air surveillance.

GRAND JURY SERVICE

The following recommendations would expedite the Grand Jury's adjustment to procedures, thus freeing time for more cases early on:

1. The District Attorney's orientation to the Grand Jury process should be attended by all regulars and alternates and should be held on the same day the jury is charged.
2. Each Grand Jury member should have made available to them, at the beginning of service, recent grand jury reports, and, if possible, a printed Grand Jury guide.
3. Advance contact with the District Attorney's office by the Grand Jury Foreman should be required, so sample indictment packets and other forms applying to the process, as well as detailed explanations of the jury process, can be provided before the first day of service.
Names of former Grand Jury foremen who can provide helpful information about Grand Jury procedures should be supplied in advance to the foreman.
4. A special Grand Jury to handle the inordinate number of drug cases is recommended.
4. Duties of the Grand Jury should be revised to include a reasonable workload in the time given. The duties as now designated are too broad to accomplish in the time the jury is allotted.

CONCLUSION

Again we extend our gratitude to the Metro Police Department, all officers with cases before us and those who provided on-sight detail, to the District Attorney's office and to the Court.

In spite of the disturbing elements and resulting concern inherent in hearing hundreds of criminal cases, our faith in human nature is reaffirmed by the outstanding work of the Courts, the District Attorney's office, the law enforcement officers, and the conscientious considerations of the good people of this Grand Jury.

On behalf of the 12 jurors and 12 alternates and myself, it has been an honor to serve this community.

Respectfully submitted this 17th day of December 1998.

Kay Russell Beasley

Kay Russell Beasley
Foreperson

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