DAVIDSON COUNTY
GRAND JURY--FINAL REPORT

OCTOBER 2007 TERM

PRESENTED TO:
THE HONORABLE J. RANDALL WYATT, JR.
CRIMINAL COURT, DIVISION II
DAVIDSON COUNTY, TENNESSEE

DECEMBER 13, 2007

We, the Grand Jury of October thru December 2007, have been honored to serve the citizens of Davidson County in this past session. We have enjoyed meeting Mayor Karl Dean, Police Chief Ronal Serpas, Judges Randall Wyatt and Seth Norman and many other dignitaries. This Grand Jury has visited River Bend Prison, toured the Medical Examiner's office, the Juvenile Court, visited COMPSTAT, viewed the Drug Court, and visited the Police Academy. We have been humbled by the dedication and perseverance of the many police officers, detectives, and the brave men and women that serve the citizens of this great county. Each member of this Grand Jury has learned how our criminal justice system works and how each component serves our community.

The Grand Jury has met 32 times during this session and has presided over # 857 cases. We have presented the court with #840 "True Bills" and #17 "No True Bills." A large majority of those cases were drug or alcohol related. Many of the cases we heard were from repeat offenders. In some of the cases of sealed indictments, this Grand Jury asked the Court to raise the bond on some of the defendants. Each member of this Grand Jury have been dedicated and honored to help in a small way in the Justice system of our county. We have been diligent in deciding if a case or charges were justified and seeking an indictment when the facts indicated that a criminal offense had been committed.

We have been charged by Judge J. Randall Wyatt to:

1) Inquire into, consider, and act upon all criminal cases presented by the District Attorney General;
2) Inquire into any report of a criminal offense brought to our attention;
3) Inquire into the condition and management of prisons and county buildings;
4) Inquire into the conditions of the county treasury;
5) Inquire into the correctness and sufficiency of the bonds of county officers;
6) Inquire into any abuse of office by state or local officers; and
7) Report the results of its actions to the court.

The biggest problem we have seen is that there are very few investigators in nearly every facet of police and social work. We, as citizens of this great state of Tennessee and this county of Davidson, need to make sure that these important duties are fully staffed. We heard many cases and wondered why many of them took months and years to make it to the Grand Jury. One case we heard was four years old! In many cases, we found out there are precious few investigators in that area that were testifying before us. The state and county need to be aware of the lack of adequate help in many areas. Even adding 1 investigator to homicide, to the board of Pharmacy, or to the sex crimes unit, for example, would aid their efforts greatly.

It is the humble opinion of this Grand Jury, that the police department needs more funding. We feel that the citizens require officers that have had sufficient training and preparation to deal with the many challenges on the streets of Davidson County. When we toured the Police Academy, we observed the training room where the Department simulates how to enter a room or a house where there may be armed individuals within. The room was deplorable. It was a make-shift area that was housed in the basketball gym. The officers had tied mats together with wire and made a maze of rooms. The police department was proud of their training room (they had spent $3000 to build this area and completed it themselves). However, for a county the size of Davidson County, the police deserve better facilities. Many of the rooms were set up in trailers. The attack simulation room (where officers can practice shooting their weapons against various simulations was shockingly out of date. Many of us have better X-Box and Play Station equipment in our own homes. This equipment needs upgrading soon. We had the opportunity to fly in the police helicopters over the city. We found out the helicopters are 17 years old and many parts have to be cobbled from other helicopters. The police helicopters need to be upgraded with newer machines as soon as possible.

Our tour of the Medical Examiner's Office was very eye-opening. Dr. Amy McMaster gave us the grand tour of the facilities. The facilities looked state of the art to us. Dr. McMaster was very informative ,

answered all of our questions, and we greatly enjoyed our visit with her. We were able to see 2 autopsies being done and see the respect and dedication of the staff to the deceased. The county needs to be aware of the excellent work being done there by Dr. Levy and his fine staff.

On the same day that we visited the Medical Examiner's Office, we also toured the Juvenile Court on Woodland Street. We were greeted by Judge Betty Adams Green and her entire staff. Judge Green was very pleased to show this Grand Jury what she and her staff had accomplished. We toured the entire facility and saw that the building is at capacity and needs to be enlarged or moved to another larger building. We would encourage anyone in Metro Davidson County administration to tour the facilities and see that the facility needs more room. Judge Green gave us statistics that, in 2006, her court system heard 51,079 cases. The number of children being charged as adults in crimes has more than doubled in the last 2 years. The facility can house only 48 children at a time now. The recreation area is incredibly tiny---about ¼ of a basketball court in size. A newer larger recreational area is needed. There is an increased need for these troubled teens to run off some energy by being engaged in exercise. Judge Green explained that the facility is able to teach the children housed there just like a regular school; but it needs more books and supplies.

There are also problems with Metro Schools not notifying the Juvenile Court in a timely manner about truancy problems. Judge Green feels that if this issue is met head on by the schools and action taken in a quicker manner, truancy rates would decline. Judge Green feels there is a direct correlation between truancy and the likely hood of crime later in life. She mentioned a mentoring program where mothers would go to homes and make sure these children are going to school as they should. Funding for this program has ended, however. Judge Green feels that they have maximized the space in this facility, and the Grand Jury concurs with her. We feel there are several possibilities to alleviate this problem. Additional space could be created by adding more floors to the existing building. Another possibility is moving the facility to an unused school. It could be refurbished to fit their needs for a far less cost than a new building would cost to build and the Juvenile Court would have some room for growth.

The Grand Jury is very concerned with the increase in Juvenile crime in Davidson County. In the hundreds of cases that we have heard, a common denominator is that a huge percentage of the crimes are being committed by persons 25 years of age or younger. Repeat offenders are not being taken off the streets quickly enough. Gang violence appears to be taking a steady trend for the worse.

On November 13, we heard our first cases of Food Stamp Fraud and AFDC Fraud. It is the opinion of this Grand Jury that the punishment needs to be more severe in cases where the defendant has committed the offense more than once. We feel that on the 2nd offense that the individual's right to rejoin the program should be revoked. It also appears the case load in Middle Tennessee is too great at this time for the individuals processing these cases of fraud. The Grand Jury was informed that they were back-logged by 5000 cases and they were 2 quarters behind in processing those cases. Further, due to these problems, we feel that it would be prudent to verify and authenticate these claims before assigning benefits to these individuals. Also, better systems need to be in place to verify if a person is working and to discontinue benefits in those cases of an individual finding employment.

Chief Serpas met with the Grand Jury on November 27th. He presented the Jury with a booklet highlighting the Police Departments efforts in the past several years. Chief Serpas stressed that crime had gone down in Nashville for the last 4 years, and that there was a renewed emphasis on concentrating the departments efforts in our neighborhoods. Mr. Serpas also emphasized that DUI's impact the city and that the legislature needs to step up and increase penalties for these repeat offenders. Currently, 10 DUI's are arrested on average each day and 80% of traffic fatalities occur in our neighborhood streets --not on the highways as many of us would have thought. Additional emphasis needs to be placed on recidivism and getting those repeat offenders in violent crimes and DUI's off our streets permanently. We also talked about gang violence, juvenile crime rates, improving work load and morale of officers as goals for the police department. Chief Serpas also told us of the need for a police department DNA crime lab in Nashville. Currently, all DNA cases are handled by the TBI or the FBI and are done on a priority basis. This means in many cases months go by waiting on results. Chief Serpas said that Metro Nashville Police Department could set up a DNA crime lab for an additional $200,000 in the police budget. An in-house

DNA lab would be money well spent in terms of improving efficiency and solving crimes more quickly.

On Friday, November 30th, the Grand Jury had the opportunity to visit the North Precinct and see COMPSTAT in action. COMPSTAT is a weekly meeting where all of the police department heads review how each precinct and department of the police department is doing. This allows the police chief and his staff to decide where to allocate resources and personnel on a continual basis.

We had the opportunity to visit the Riverbend Maximum Security Institution and the Davidson County Drug Court on December 7th. Administrative Lt. Tom Vance gave us a complete tour of the prison including showing us the Maximum Security Units and the area where inmates under the sentence of death are kept prior to their execution. He also showed us the electric chair as well as the stretcher where lethal injections would be administered. We appreciated the tour by the Department of Corrections and Lt. Vance's candor in answering our questions.

Judge Seth Norman and program director Janet Hobson hosted a luncheon for us at the Drug Court. We were very impressed by the work being done at the facility and the 80% success rate of the program. Judge Norman spoke about the Pilot Methamphetamine project that had an even higher success rate than the substance abuse programs. The residents spoke very highly of the program and the entire staff. The Drug Court program has been so successful that our states have come to Nashville to copy it. The city of Nashville should be very proud of a program that counsels drug abusers and helps integrate them back into society.

The biggest disappointment by far was the total disregard by the Tennessee Board of Pharmacy to the Grand Jury. The Grand Jury heard numerous cases about controlled substance abuse and forgeries and wanted to speak to the Board of Pharmacy Director about those situations. Board of Pharmacy Director Kevin Eidson and his staff rebuffed each and every request we made to have him come and speak to the Grand Jury about how the Board operates and ways that we could help to reduce the numbers of prescription drugs unlawfully getting on our streets. This juror knows several members who serve on the Board of Pharmacy and is disgusted , disappointed, and surprised by Director Eidson's entire lack of professionalism, candor, and willingness to speak to members of this body who comprise all walks of life in Davidson County. We heard from several investigators that the Pharmacy Board refused to help in their investigations. In one case, a subpoena and a court order had to be issued before the Board assisted the investigators! The last straw for the Grand Jury was the excuse from Mr. Eidson and attorney Allison Cleaves that to speak to us would be "a conflict of interest" and a violation of HIPPA laws. We made it abundantly clear that our questions would be general in nature and there would not be questions regarding specific cases. The director and his attorney suggested that we instead call Dr. Walter Fitzgerald, a professor and attorney who works for the University of Tennessee in Knoxville, instead of speaking to us. This Grand Jury was under the impression that the Board of Pharmacy was a department that had the best interest of the taxpayers and citizens of this state in mind; but now we can only conclude that this is not the case. There appears to be a deliberate act by the director and his attorney to avoid any questions and leaves a sting of mistrust from this regulatory board. The Grand Jury recommends that the State, TV media, or other regulatory agencies, re-evaluate the Pharmacy Board and see if they have the best interests of our state at heart.

OBSERVATIONS AND RECOMMENDATIONS

---More emphasis needs to be placed on improving education and increasing family involvement in our schools. Parents need to be held accountable for the actions of their children. This alone would decrease expenses to our criminal justice system. Also, we need to return to community orientated education. The decrease in busing costs and gasoline alone would save Davidson County a significant amount of dollars. Children attending nearby schools also creates more local and civic pride; as well as increasing the likely hood of parental involvement.

---Do Bonds deter repeat offenders? Are there better ways to help these individuals?

---There is a growing problem with the number of cases of DUI's. Suspending and revoking licenses does not appear to be working often enough. Repeated DUI's are a danger to themselves and society.

Possible solutions to this problem are:

- **confiscation of their vehicle
- **legislation of longer jail sentences for repeat DUI offenders
- **require a special DUI tag to replace the standard tag so officers can more easily track them
- ** better alcohol treatment programs need to be developed to aid these individuals
- **encourage dealerships to require a buyer of an automobile to have a valid driver's license
- **enact laws that prosecute individuals who loan vehicles to impaired drivers
- **enact laws to prosecute those who aid or contribute to the DUI problem (bar owners, servers, and individual home owners who allow the impaired to get behind the wheel of a vehicle)
- **require a valid driver's license be shown to renew vehicle tags
- **revoke the driver's license on the 2nd DUI arrest. Issue a restricted/limited license for work or emergency use until the case is settled in the court system.

---Due to the vast numbers of DUI's, consideration should be made of appointing a judge to preside solely over Traffic Court. This would free up the Criminal Court and General Sessions Judges from these violators. By having only one primary judge overseeing these cases, fines and punishments would be more consistent.

---The Metro Police Department needs a holding area for DUI offenders. Currently, an officer who arrests a DUI case, must go through a 4 hour waiting period to observe the suspect. This effectively takes that officer off the streets for that duration of time. Having a centralized area to hold and observe those suspects would greatly improve the manpower situation. We also recommend to Chief Serpas to work on ways to reduce the time it takes an officer to book a suspect and return to the streets.

---We also recommend that the police department consider placing non sworn personnel at the front desk of each station to take reports to help keep officers on the street. Also, consider replacing school resource officers with private or enhanced crossing guards. (Currently, Metro uses private security to guard all government buildings.)

---We recommend that a verbal warning citation box be added to the current traffic citation. A citation should be issued for every stop even when a verbal warning is given. This additional step would allow the police to track repeat offenders and then subpoena them to court if the offender receives 3 warnings within a set period of time. This warning citation box would aid the police in tracking criminals and monitoring their activities.

---The Child Abuse Unit and DHS need to have better co-operation between one another. This would aid efficiency and foster a better working relationship between those departments. *A liaison between the police and other state and local youth agencies is needed.

---Drug abuse continues to be a major, major problem. A greater emphasis needs to be placed by the police department on targeting known areas of drug activity and cracking down on known and repeat offenders.

---We need to reduce the sheer number of misdemeanor cases that come to the Grand Jury. We certainly understand the rights of the individual to bring a case before the Grand Jury; but this needs to be done on a limited basis. This is an area where legislation may be required.

---It behooves each individual who appears before the Grand Jury to have reviewed their cases before testifying. There have been rare cases where the officer/detective/witness was not adequately prepared to speak before us. It is troubling to see an officer appear without a file or paperwork and stumble thru their testimony because they don't have complete recall over a case that happened several months before. In complicated cases the need for the investigating officer to testify is critical because they normally have the

best knowledge of the events that occurred. Also, in confusing cases, witnesses who could better explain what occurred need to be subpoenaed to appear before the Grand Jury.

---There needs to be more recruitment of Hispanic officers and bilingual officers. Another possible solution is to recruit non-sworn volunteer bilingual personnel to assist the police in all aspects of translation to better serve and protect the community.

---This Grand Jury recommends that a DNA crime lab be instituted for the police department. The $200,000 cost would be money well spent for this city to help solve crimes and improve efficiency. Also, additional funds for the police academy should be considered. The Juvenile Court needs more room, as well. A move to a larger facility in the near future should be highly considered by our elected officials.

---We also appeal to the legislature to update the DUI child endangerment laws.

****

Last, but not least, we would like to thank Judge J. Randall Wyatt and District Attorney Torry Johnson for the opportunity to serve as members of this Grand Jury. It was a privilege and honor to work with our Foreman, Mr. Stan Fossick. Their dedication and service to Davidson County is something we will always treasure and remember.

Sincerely,

The members of the Davidson County Grand Jury:

Stan Fossick, Foreman

Lonny Neal Allison Jr.

Gary Fishback

VonReesa Thompson

Mike Cantrell

Ouida Holt

Jerry Williams

Victoria Dobbins

Shawna Kahlo

Inoela Johnson

Richard Hillenbrand

Jared Orr

Gwen Sullivan