

DAVIDSON COUNTY GRAND JURY FINAL REPORT

October Session 2010

Presented to Judge Randall Wyatt

Division One Criminal Court

Davidson County, Tennessee

December 17, 2010

The October 2010 term of the Davidson County Grand Jury for the 20th Judicial District of Tennessee is pleased to report that it has completed its charge and concluded deliberations for the term. The jury was impaneled by Judge Randall Wyatt on the 30th day of September 2010 and met on 27 occasions beginning on Monday, October 11th and ending Friday, December 17th. We are submitting this final report to the court documenting our activities and deliberations during this time.

Over the course of the term, the Grand Jury was skillfully guided by the experience and leadership of our Foreperson, Stan Fossick, in fulfilling our duties of inquiry and report as required by the Tennessee Law. The jury undertook inquiries into criminal cases submitted by Attorney General Torry Johnson. Additionally, we visited DC 4 Drug Court, the Metro Police Academy, and the Metro Police Departments COMPSTAT session in order to satisfy our obligation to inquire into areas not submitted to us by the Attorney General.

During our service, the Grand Jury reviewed a total of 827 cases of which 824 were found to be True Bills and 3 were found to be No True Bills. We also reviewed one special presentment for a case with two separate defendants in which one was found a True that was provided sufficient evidence to warrant an indictment and the other a No True due to lack of sufficient evidence to warrant an indictment.

We, as a jury, do not have the answers to fix the problems within our judicial system. However, one of the duties for the Grand Jury is to submit recommendations to the court outlining our impressions, as private citizens, of areas in which improvements in the criminal system can be made. Our intent is not to criticize how the system currently functions, but to provide a different perspective from our position outside the system.

We end this term with a great sense of knowledge of our judicial system and the challenge our law enforcement officers face every day. This has been a very educational and enlightening experience. We will encourage everyone who is called for this service to take the time to do so.

RECOMMENDATIONS & COMMENTS

DOMESTIC ABUSE - We support the police officers offering programs that are available to the victims. However, when a victim is brave enough to have their abuser served with an order of protection, they should feel safe from the time the order of protection has been served to the defendant until the victim has gained enough courage to defend themselves mentally, physically or both. The defendant should not be allowed to violate the order of protection multiple times before he or she is indicted. It does not send an encouraging message to the victim and are trying to rebuild their self-esteem. We recommend increased community hours since they seem to have so much spare time to harass the victims.

CHILD & ELDER ABUSE - We encourage support of all police officers that investigate the abuse of those who are least able to protect themselves. As a jury, we would like to see a change in our state law that would require a pregnant woman that is addicted to drugs and is not enrolled into a drug rehab program during her pregnancy be made sterile after the birth of the child during the hospitalization period. This could potentially keep multiple unborn babies from being abused unnecessarily and local charities, i.e. March of Dimes, could apply more of their fundraising dollars to children that are born prematurely from "natural causes" and not self-inflicted.

REPEAT OFFENDERS - We are concerned regarding the number of offenders presented to us with a high history of prior arrests. We recommend a review of not only the severity of the penalties we currently have in place, but the type. We recommend the development of other alternatives to incarceration to provide General Sessions Judges additional tools for sentencing non-violent offenders. This would allow the grand jury to hear more cases that are for mostly violent offenders. Due to the vast number of DUI offenders, particularly repeat DUI offenders we recommend higher fines, vehicle impoundment along with license revocation for the first offense and reduce the number of DUI charges it takes before it becomes a felony.


SUSPENDED LICENSES - Police officers deal with an enormous number of "driving on suspended license" cases, most of which could be eliminated if there were a simplified process online and the ticket itself. Because so many licenses are suspended due to unpaid tickets for minor traffic offenses or lack of insurance, we recommend a more affordable and less punitive system for handling these offenses.

COMMUNITY ORIENTED POLICING - We recommend a continued return to community-oriented policing to nurture neighborhood watch programs, develop a sense of community security and ownership, and offer children the opportunity to see police officers as role models instead of threats.


SUPPORT FOR THE POLICE DEPARTMENT - It was our unanimous feeling that the Metropolitan Police Department is doing a heroic job serving and protecting the community. They are frequently in difficult and dangerous positions, yet they manage to maintain an incredible level of professionalism and compassion towards the community. The officers we heard from were well-prepared and our respect only increased with our visit to COMPSTAT and the Metropolitan Police Academy. The police officers who presented complex drug and homicide cases were detailed and coherent, a lot of which had worked all night. They clearly had all worked long hours in their investigations to put together intelligent and effective cases. We would also like to officially thank the Officer Wayne Craighead from the West Precinct and Officer Charles Johnson and Officer Kim Rexford from the Hermitage Precinct in hosting grand jury ride alongs. Finally, we have nothing but the greatest admiration, gratitude and affection for Sergeant Gene Donegan and Sergeant David Liles who provided most of our police testimony as well as unlimited patience in educating us on police procedures.

CONCLUSION


As Judge Wyatt stated at the beginning of our term, as a Grand Jury, we would become a family and enjoyed getting to know and respect each other. We have truly made friends that we will remain in contact for the rest of our lives. The Grand Jury selection and orientation process was well organized as were the initial training sessions from the domestic violence, drug, DUI and gang task forces. We would also like to thank Lori Hooberry, Karen Fentress, Kathy Morante, Rodney Faulk and Michela Mathews in the Attorney General's office who were always available to answer our questions. We were very grateful to Mel Harders from Judge Wyatt's office, who was our daily contact and also helped arrange our field trips. Also, we would like to thank our own Susan Hutches, who was the official Grand Jury secretary, Tina Sullivan, who acted as the Deputy Foreperson and also prepared our final report. Finally, we reiterate our gratitude to our Foreperson Stan Fossick for guiding us through this process with his great knowledge, patience and compassion.

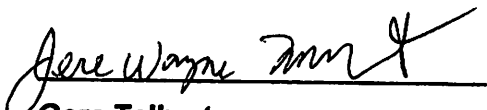

Stan Fossick, Foreman


Tina Sullivan

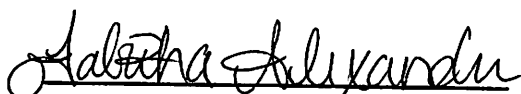

Mary Wright


Joyce Pemberton

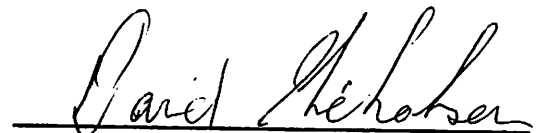

April Theodore


Gere Talbert



Shanita Kelly

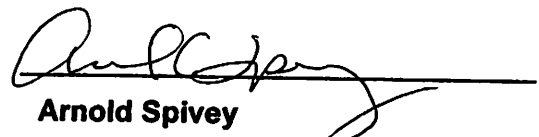

Tabitha Alexander
(Alternate)

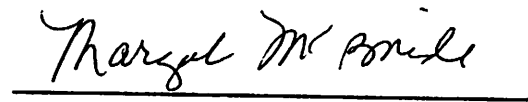

Susan Hutchens

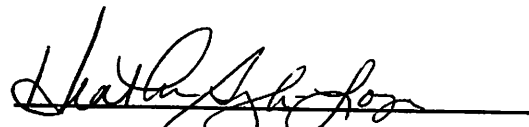

David Nicholson


Dwight Killebrew


Lynnetta Burns


Arnold Spivey


Margot McBride


Heather Singh-Logan
(Alternate)