Grand Jury Final Report

The Honorable Judge Angelita Dalton

Criminal Court Division II

Davidson County, Tennessee



**July – September 2018**

**Larry Stephenson, Foreman**

The members of the Metro Nashville, Davidson County Grand Jury for the summer term of July – September of 2018, as commissioned by the Honorable Judge Angelita Dalton, submit our Final Report as a testament of our findings during this period.

**Grand Jury Members**

*Regular Members:*

Gena Brown

Donte Doss (Deputy Foreperson)

Timothy Erickson

Gloria Guzman

Trissa Hamilton

Sean Kice (Sgt. At Arms)

George Minton

Richard Moore

Olivia Parker (Deputy Foreperson, Deputy Secretary)

Kurk Wheeler

LaTrice Johnson-Hampton (Secretary)

Larry Stephenson (Foreperson)

*Alternate Members:*

Christopher Collum

Grace Brown

Christopher Hulsey

Sandra Pace

Chasity Smith

Introduction

Over the course of our three-month tenure we were given a lot of exposure to things we would not normally have access to and found all speakers, presenters, and site visits informative, insightful, and helpful. We were charged with the responsibility of not only hearing cases but deciding what impact we wanted our term to leave on the Metro Nashville judicial system and the city as a whole. We took our duties very seriously and hope that the knowledge we gained and insight that we provide in this report makes a difference in some way.

Presentations

We were given the opportunity to meet and interact with various divisions of the Metro Nashville government and its support staff; this also included agencies that partner with the city in various efforts. Our presenters were as follows:

* District Attorney General Glenn Funk -He spoke regarding the work of the District Attorney’s office and various criminal and judicial statics.
* Assistant District Attorney General Rodney Faulk-He provided us with daily usage of the law in the event we had questions or provided us insight on why certain charges applied to an indictment.
* Leanna Dugan, RN, Our Kids-Our Kids is a partner organization that works with children during abuse cases. She provided us with insight on how the program works and the ways they partner with the DA’s office and police to ensure the children of Metro Nashville, Davidson County are receiving the best care in their time of need.
* Sgt Robert Bandish, Detective Jason Door, and Detective Chris Williams, Domestic Violence Unit, MNPD-These three officers gave us an in-depth look into the domestic violence statistics that plague our city and what measures they are taking to try and assist and aid those affected by it.
* Officer Brad Nave, D.U.I. Unit, MNPD-Officer Nave presented us with an informative and interactive look into the ongoing D.U.I. epidemic.
* Detective Justin Fox and Detective Jamie King, Drug Task Force, MNPD-These two detectives provided us with a wealth of knowledge regarding street and legal narcotics and how they are being illegally used in Nashville at an alarming rate.
* Carla Aaron, Executive Director, DCS-We requested a visit from someone with DCS after a case we heard. She provided us with small insight on how procedures and processes with children and their interactions with DCS should be handled. While we appreciated her visit, several of us walked with many of our questions unanswered. She did follow up at a later date advising that much more aggressive actions were being taken for the benefit and safety of the child. It seems that if but only for that one case we were able to persuade DCS to take a much better stance on a situation that likely happens more than we would like to imagine.
* Brian Grisham, Director, TN Law Enforcement Training Academy-The Sovereign Citizens presentation was likely the most entertaining. It was intriguing to hear what the concept of Sovereign Citizenship was and how their tactics are used throughout middle Tennessee and across the country.
* Daron Hall, Sheriff, Davidson County Sheriff’s Dept.-Sheriff Hall arguably had the most captivating presentation. He was extremely selfless in providing details on what the Sheriff’s Dept. is doing to help the community, more specifically the mentally ill, and what changes he would like to see for the people of Nashville. He took additional time to provide answers to all of our questions and most walked away with a feeling that he truly worked to serve us as a community.

Site Visits

During our term we had the pleasure of making three exciting site visits. These visits gave us a more in-depth look at how things work outside of a standard arrest and had a positive impact on how we heard cases and came to decisions. Our visits were as follows:

* Davidson County Crime Lab-On this visit we got to see what the experts say happen during a crime. We gained insight on how items are processed including blood work, finger prints, or ballistics. Each person we encountered was friendly, well spoken, an expert in their field, and willing to answer any questions we had.
* Davidson County Police Academy-Our visit to the police academy was the most interactive and probably the most informative. In lieu of all the police shootings taking place across the country we were granted a unique perspective on how those decisions are made. Whether we chose to agree with those incidents we all gained a new found understanding. As we moved around the campus it became evident that our officers are given top of the line training whether it be K-9 unit officers or Aviation officers. It appears that each department works at the highest level and strives for nothing short of excellence. The officers all appear to work well with each other and have a common goal of protecting and serving the citizens of Davidson County. We did feel that the Police Department should be getting much more funding for this facility though. The quality of the education there should match the facilities they train it and it simply doesn’t.
* Riverbend Correctional Facility-While visiting a prison is never something one wants to do; this visit had the most excitement. In leaving we all walked away with a sense of what happens after the court date and where our decision in the Grand Jury room can possibly cause someone to be. The unit of officers that showed us around the facility made us feel at ease and provided us with a lot of colorful commentary along the way.

Cases

The Summer 2018 Grand Jury heard a total of 640 Case of which 637 were True Billed and 3 were No True Billed. We also had one direct presentment; no action was taken due to insufficient evidence.

Recognition

The Grand Jury would like to thank any and everyone who presented, offered additional information, or aided during our term. We acknowledge that this process while time consuming, plays a significant role in not only Metro Nashville, Davidson County, but our society. We especially would like to thank:

* Lori Hoobery-Lori did a phenomenal job of making us comfortable and keeping us organized. She was always pleasant and made sure we had whatever we needed while we were in the building.
* Sgt. Sean Richmond-Officer Richmond presented the majority of our cases throughout the course of our term. He was well organized and was always thorough and presented us with the facts to ensure we came to the best conclusion of the indictment. He always wore a smile and made our time enjoyable.
* Officer William Fox-Officer Fox presented for us in Officer Richmond’s absence and was just as concise and efficient.
* Mel Harders-Mel was the court officer that greeted us every morning with a friendly hello and a smile. He made transportation arrangements for site visits as well as acting as a liaison between the Grand Jury and Judge Dalton’s office in the event any of us needed anything.
* Larry Stephenson-As our Foreperson we could not have been luckier. Larry brought his years of experience and wisdom and made our term as easy as he could. He led discussions without bias and allowed everyone’s voice to be heard. He did an excellent job of suggesting visitors and elaborating on issues we may have needed more information on.

Recommendations

While all of us will walk away from this experience much more informed and well versed, we did make several observations that we would love to inquire about or advise for future Grand Juries, Judges, law officers, and legislatures. They are as follows:

Child Safety

Several concerns and questions came up when it came to children and their safety. The biggest was concerning neglect and abuse of children. These arose after hearing several cases where children are deliberately being put into harm and the system is failing them. It didn’t seem logical that after a child reported abuse they were sent back into the custody of their abuser. In what way is this safe for a child and how can we better use resources and the laws in place to give them a safe place to be while the legalities are being sorted out? We also wondered why when a parent has been named as the abuser they are then given the choice of where the child goes? It would seem the parent would simply place the child into more harm by making that decision versus it being made for them. It seems that in all of these incidents we have forgotten about the child and don’t have their best interest at heart once they become a victim.

The penalty for abuse and endangerment of children was also called into question. There needs to be a law in place that does not require physical injury for a child to be considered endangered. Intentionally putting a child in harm’s way or in a dangerous situation should be just as much a crime as physically harming them. Child abuse and neglect also only being a Class A Misdemeanor was disheartening. Our children are the future and those who harm them deserve more than just a slap on the wrist or probation.

After hearing from Carla Aaron, we also learned that while she does not have direct control or contact with all DCS employees, its apparent that not all workers are following procedure or protocol when it comes to dealing with certain issues. How are we to ensure all children are treated fairly if DCS employees are simply following the rules they want? If the guidelines are put in place they should always be followed.

Gun Control

The amount of cases we heard involving a weapon, more specifically a gun was astonishing. In asking various presenters it seems no one really has an answer on how to deal with this ongoing issue, but we asked ourselves several questions pertaining to this issue.

Our first question was why are so many guns stolen from unlocked cars? It’s as if civilians are asking for their guns to be taken. While we are not excusing someone from stealing, shouldn’t gun owners be held to a certain standard as to ensure their guns are only used by the intended owner and kept in a place as to not be so accessible? We found it difficult to empathize with a gun owner who had several hand guns, an automatic weapon, and ammunition, stolen out of his unlocked car with each of the items in plain view of the thief. We do not want to infringe upon anyone’s right to have their firearms, but gun control should have equal participation by all parties.

Additionally, we learned that the police don’t know who to have people surrender their weapons to by law. For example, when an order of protection is taken out following a domestic incident, there is nothing in the law that says where the offender is to surrender their guns. Do they take them to the sheriff? The police department? Their next door neighbors? With domestic abuse rising it seems it would be imperative to have that sorted out to ensure the safety of all parties. Subsequently, there should be something that requires ALL firearms to be surrendered not just the one involved in a domestic dispute. If the aggressor has four hand guns, why are we only requiring them to give up the one they pointed at the victim? Wouldn’t it be obvious that they will just go get another gun in the house?

Police Department

As previously stated we found that the work our officers do is above reproach. They act with dignity and are doing their best to serve the community. While they are receiving the best training across the state and arguably the country, there’s one thing missing. We believe that the implementation of a body cam program by the Metropolitan Police Department has been handled far too leisurely. Funds have been available for this purpose for more than a year and there are still only a minimal number of cameras on the streets. MNPD leadership should immediately prioritize getting more of these vital pieces of equipment on the streets and the purchasing process should be expedited. If the program cannot be immediately implemented for all officers, it should be quickly rolled out in a phased way. Studies have shown that the technology works and if we want our officer to be the best they should have all the resource available to them.

Mental Health

No one has ever been as passionate about mental health than Sheriff Hall. However, it’s alarming that as a city, state, or country we are not providing easily accessible help for the mentally ill. Beyond the legal system there should be a resource in place for those in need of assistance. We provide food, shelter, jobs, and just about anything else you can imagine, but we have turned our backs on those who cannot always take care of themselves. A person with a mental illness should not have to be arrested in order to get the treatment they may need. While we are sincerely impressed with the joint mental health program being implemented through cooperation among the Sheriff, the District Attorney, General Sessions Court and the Police Department, more should be done for those outside the legal system. Diversion of those with diagnosed mental illnesses into treatment programs rather than incarceration is compassionate, cost effective, and, in the long term, more effective in reducing low level crime. The entities named above are to be commended for this initiative and used as a guide on how we can help the mental health community as a whole.

Other Recommendations

Overall the Grand Jury was run smoothly and was an informative and pleasant experience for all. As a recommendation to future jurors remember to keep an open mind. Be willing to hear cases and simply judge them on the grounds of “Was a crime committed?” and “Is the named suspect likely the person who committed the crime?” It’s very easy to allow your personal, religious, and political beliefs to cloud your opinion, but remember that you are doing everyone a disservice and would also want the same courtesy extended to you if by chance you found yourself on the other side of the law.

It appears that a lot of the presenters visit all grand juries at some point and it would be helpful for data to be updated. Some presentations gave data from five or more years ago and could be updated before the next presentation.

We would suggest an increase in pay for Grand Jurors. While we understand this is our civic duty, we found it interesting that we were paid the same amount as petit jurors who only serve a day and at most a week. We are giving up three months of time away from the things that we would normally being doing and $10 just didn’t seem adequate.

This Grand Jury would like to thank Judge Dalton for extending this opportunity to each one of us. We all walk away from this experience knowing more about how our city works and the ways we can continue to enhance it. Thank you again to everyone who has helped us through this process. It has been life changing.

Submitted by the Summer 2018 July – September Grand Jury on this 28th day of September, 2018