

Grand Jury Report

April Term, 2020

We, the members of the May-June 2020 Grand Jury of Davidson County, submit this report in summary of our service and experience.

We were charged by Judge Jennifer L. Smith on May 20, 2020, to "fearlessly investigate any and all forms of violations of the criminal laws of our state." Our term was truncated by the novel Coronavirus pandemic.

Grand Jury service during the COVID-19 Pandemic

On March 13, 2020, Chief Justice Jeff Bivins declared a state of emergency for the judicial branch, and the Tennessee Supreme Court issued an Order Suspending In-Person Court Proceedings until March 31. The order was later extended to April 30 in order to help curb the spread of the virus. The order also disrupted the normal criminal court processes in Davidson County. The criminal courts were unable to issue jury summons and, therefore, empanel a group of volunteers for the Grand Jury, as is the usual custom. Instead, members of previous juries were solicited to volunteer to serve a shortened term of May 20-June 25, 2020.

On March 15, 2020, the Davidson County Health Department issued a "Safer at Home Order," which is tantamount to a quarantine. The order remained in effect until May 8, 2020, when a four phase plan based on metrics was implemented. Our service came during Phase 2 of the Roadmap for Reopening Nashville as administered by the administration of Mayor John Cooper. During Phase 2, residents were encouraged to work from home and to wear a mask when in public. To conform with the guidelines, our temperatures were checked daily before we allowed to enter the deliberation room. We were also required to wear masks, as were all the witnesses. We observed social distancing and were seated approximately six feet from each other.

The social distancing was slightly more difficult after the Historic Courthouse was damaged May 30, 2020, during protests against police violence. The building, which also houses some Metro government offices, was damaged during a protest. Windows were broken and fires were set on the first floor. We had been housed in a large conference room on the level below the first floor. However, the damage and mitigation efforts to restore the building make it impossible for us to continue deliberations there. We were relocated to the regular Grand Jury room in the Davidson County District Attorney's Office.

Because of the extenuating circumstances, we did not hear the presentations from the Attorney General, Drug Task Force, DUI Unit, Domestic Violence Unit, Our Kids, and Police Chief that other juries have. We also did not take any field trips to inspect sites, like Davidson County Drug Court, Metro Nashville Police Department Training Academy, the new MNPd headquarters and Office of Family Services, Davidson County Male Correctional Development Center and Maximum Correctional Center, and the weekly CompStat meeting.

Volume of Cases

Hundreds of cases are brought before the Grand Jury in a session. We as a group heard between 35 cases and 45 cases per day in a three- to four-hour session. It is a striking amount of information to take in over such a short period of time, especially when the facts of some cases are traumatic.

As experienced jurors, we were more able to process the cases, ask informed and incisive questions, and deliberate respectfully. However, the push to hear a staggering amount of cases within one voting session did lead to fatigue.

Although we understand the Constitutional right to a Grand Jury review, some cases, mostly DUIs, clog up the system and take time away from more serious cases. Given the staggering number of cases heard in any Grand Jury session, time is of the essence. Perhaps these cases and others that are more cut and dry could be bundled at the end of the session.

Despite these observations, we would like to commend our fellow jurors for making sure that most objections and questions were relevant to the cases at hand and coming to fair decisions in each case.

We would also like to suggest that, when there are multiple defendants the separate charges are listed for each defendant and that the charge count is included. This will help in determining if probable cause is present for each defendant.

Concerns from cases

Preventing Baby Scaldings

An estimated 376,950 scald burn injuries were seen in hospital emergency rooms in the U.S. between 2013-2017, according to the National Burn Association. Twenty-one percent of these occurred to children 4 years old and younger.

According to the Tennessee Health Department, younger children are more likely to sustain injuries from scald burns caused by hot liquids or steam. Children have thinner skin than adults and can have more severe burns. When exposed to the same quantity of hot liquid, a child will sustain burns over a larger percent total body surface area than an adult. This is partly due to a child's overall smaller body size and thinner skin, which can result in large, deep burns.

We were presented with three child abuse and child neglect cases where the victims received severe burns from overly hot water during baths. All three of the cases we heard were of infants and one toddler. For two of the three cases, we determined the burns were accidental and did not meet the statute from child abuse, which commits the abuse "knowingly, other than by accidental means."

Further, the cases we heard all occurred in apartment complexes with water heater temperatures set to more than 130 degrees. To prevent scalds, it is recommended that water heater temperatures should be set 120 degrees Fahrenheit or lower. Infants who aren't walking yet can't get out of water that is too hot.

Davidson County follows the Tennessee Plumbing Code, which says water heaters "shall not be greater than 140°F where intended for domestic uses." We believe it would greatly reduce accidental scaldings if water heater temperatures in apartment complexes are required to be set at 120°F.

Criminal Justice as Mental Health Treatment

One case in particular struck us as a group. The defendant was charged in order to facilitate mental health treatment. The defendant had several interactions with police and the criminal justice system that finally culminated with an attempted murder charge.

The main questions raised by the charges against the defendant are: Are the police equipped to handle such situations? And should the criminal justice system be a way for people with mental health issues to be compelled into treatment?

From our previous service, we know that the MNPD Training Academy goes beyond what is required for training. The Tennessee Police Officer Standards & Training Commission requires a base training level of 400 hours. The MNPD Training Academy approaches closer to 1,000 hours.

Of particular note is the additional training officers receive in interacting with marginalized groups (based on race, religion and sexuality), those with mental illnesses and physical disabilities, and those on the autism spectrum. When the additional six months of field training is added to the academy classes, the nature and extent of the training means Nashville's officers should graduate well-prepared for the job.

But should they, as well as the District Attorney's Office, be responsible for ensuring that this and other defendants, who could represent a threat to themselves and others, do no harm? Also, is the prison system the correct place for them to receive the treatment they sorely need?

Implementation of Body-worn Cameras

Previous Grand Juries, as well as three mayors, have suggested MNPD adopt the use of body-worn cameras force wide. The issue was first presented in 2016 by then mayor Megan Barry. But cost delayed the implementation of body cams through the Barry and then Briley administrations.

An initial report from the mayor's office stated the cameras would cost Nashville taxpayers

approximately \$40 million dollars a year and possibly more than \$50 million. In early June 2020, the mayor's office announced it is working with the U.S. Department of Justice's Bureau of Justice Assistance to bring the cost down to \$2.1 million.

The addition of body cams could increase trust between officers and the community.

"They will be an important tool in addressing racial injustice throughout Davidson County. Since campaigning for office, I have supported body-worn cameras in Nashville and the need to invest in this vital technology the right way. We are delivering on that commitment today, and we are doing it in a cost responsible way," Mayor John Cooper said in a press release announcing the grant.

Eventually, all 1,325 Metro police officers and 30 Metro Park police officers will be equipped with body cams. MNPD also is installing in-car cameras in the department's 734 patrol cars.


Additional thank yous

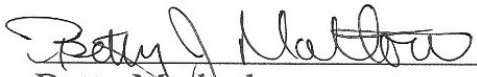
We would like to extend a sincere thank you to the following:

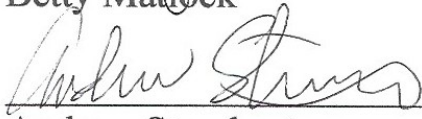
- Police Chief Steve Anderson who recently announced he is retiring after 45 years in law enforcement and a decade at the helm of MNPD. We hope Nashville's next chief will provide the steady guidance Chief Anderson has during his tenure.
- Lori Hooberry in the District Attorney's office, who kept us organized and on track,
- Sgt. Sam Tetterton and Officer William Fox, who presented a majority of the cases we heard so individual officers and detectives can stay on the streets, keeping our city safe,
- Assistant District Attorneys Michel Claire Bayer, Ben Ford, and Rodney Faulk, who answered our questions on the finer points of criminal law, and
- Grand Jury Foreperson Larry Stephenson for providing the expertise and leadership needed for us to discharge our civic duty.

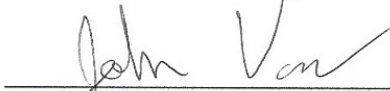
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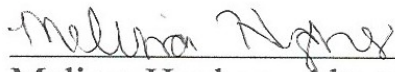

Ernest Franklin, III


Elena Knaffl


Betty Matlock

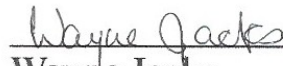

Andrew Sternberg

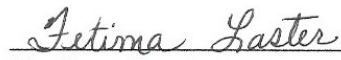

John Voss


Melissa Hughes - Alternate


Carol Wewe - Secretary


Larry Stephenson - Foreman


Wayne Jacks

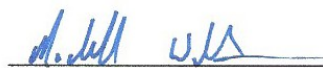

Fetima Laster


Christopher Ogle


Megan Street


Haley White

Stephen Tharp - Alternate


Michelle Willard - Sgt. At Arms