

GRAND JURY FINAL REPORT

**THE HONORABLE JUDGE CHERYL
BLACKBURN**

CRIMINAL COURT DIVISION III

NICHOLAS D. BAILEY, FOREPERSON

We the members of the Metro Nashville, Davidson County Tennessee Grand Jury for the term of January through March 2020, as commissioned and empaneled by the Honorable Judge Cheryl Blackburn, submit our Final Report as testament of our findings during this term.

Regular Jurors

Pamela Bryant
Michael Chelius
Jamie Dash
Dennis Durbin
Ronald Halman
Michael McDonough
Andrenae Ewing
James McDowall
Carrie Elizabeth Sneed
Marie Jazmine Torrella
Carol Wewe

Alternate Jurors

Ana Abarca
Lauren Bush
Timothy Avers
Thomas Diver
Marisa Inskeep
Ian Harris
Frances Henderson
Zachary Provonchee
Andrew Sternberg
Ron Turner
James Cobb
Charles Duckworth
Roy Thomas
Douglas Henry
Robert Steinke
Stephen Tharp
Kelly West

CHALLENGES FACED BY THE GRAND JURY DURING OUR TERM

While the number of cases heard during our term was in line with other grand juries, we faced a number of unusual challenges that ultimately reduced the number of days we could meet and consider cases. As a result, we missed out on some of our anticipated field trips to the Police Compstat meeting, tour of the Drug Court Residential Treatment campus and tour of the River Bend Prison. We missed days due to the tornado and snow. We also had a corona virus scare that resulted in four days of self-quarantine by our members. Ultimately, because of the virus, our term was court short by almost 2 weeks. In spite of the obstacles, we performed our duties and heard as many cases as other grand juries. Through it all we bonded as a group and enjoyed working together to perform our civic duty as citizens.

THANKS AND APPRECIATION

1. We are thankful to Judge Cheryl Blackburn, who empaneled us to serve on the Grand Jury. She and her assistant, April Lee were incredibly helpful and thoughtful with all of our needs during our service. The citizens of Davidson County are very fortunate to have someone of the quality of Judge Blackburn serve as Criminal Court Judge. She has devoted her entire professional life in service to the citizens of Nashville.
2. District Attorney Glenn Funk and his Grand Jury team made our job much easier. They were at all times willing to answer any question, change any count of an indictment or add another count, as we asked. Specifically we would like to acknowledge and thank Assistants District Attorney Michaela Matthews, Ben Ford, Rodney Faulk and Michael Claire Bottoms. Lori Hoobery of the Grand Jury Division kept us on track and on schedule and was always helpful with our requests.
3. Sgt. Sam Tetterton of the Metro Police Department presented many cases for our consideration. He did an incredible job of presenting the cases with information we needed to make a decision. When we needed additional information, he got that for us as well. His underlying knowledge and experience as member of the Police Department as well as his sense of humor made even the most mundane cases interesting.
4. Fellow Grand Juror Carol Wewe volunteered to serve as our secretary and took on lots of additional work that kept us organized. She did an incredible job and definitely earned her \$10 per day. Ronald Halman agreed to serve as Deputy Foreperson of the Grand Jury and was available to fill in for the Foreperson as needed. He too did a great job.

PRESENTATIONS TO THE GRAND JURY

We are grateful for all individuals who made presentations to us to help us learn more about the criminal justice system and its many components as well as prepare us for the cases we would hear during our term. Some of the presentations came to us and others

happened on field trips our group took during our service. District Attorney Glenn Funk welcomed us and offered his full support and stressed our independence as an independent body. He made his staff available to assist us in any way. We appreciate his support and willingness to answer questions we had for him. Assistant D.A. Michaela Matthews who is in charge of the Grand Jury team made herself available at all times and helped guide us. She gave us a good overview of our duties when we first began our service. Detectives for the Domestic Violence Unit and DUI Unit of the Police Department made presentations that were helpful to our understanding of those cases. Sgt. Gene Donegan of the Drug Task Force made a presentation on drug cases that was very interesting and helpful. The staff for Our Kids Clinic spoke to us about sexual abuse of children and how those cases were handled during physical exams and interviews of children suspected of being abused. We applaud their efforts. These are some of the most important cases and they are treated as such. Police Chief Steve Anderson visited us and gave a great view of how the Police Departments work and answered many questions. We also toured his offices and the entire Police Department headquarters. We toured the Family Safety Center where families experiencing domestic abuse can get resources and services they need and prepare for court. It is an amazing building that the community should be very proud of as well as for the commitment to help victims of domestic abuse. We enjoyed our trips to the Police Training Academy and Aviation Unit. We toured the new Sheriff's Building and new Jail, which was very impressive.

CASES HEARD BY THE GRAND JURY

During our service on the Grand Jury, we heard a total of 814 cases. There were 106 sealed True Bill indictments and no sealed No True Bills. Of the 708 bound over cases we heard, there were 704 True Bill indictments and 4 No True Bills. There were a total of 810 True Bills and 4 No True Bills.

OBSERVATIONS AND RECCOMENDATIONS OF THE GRAND JURY

1. Each of us were impressed with the dedicated and professional manner in which police officers and detectives investigated their cases. They were prepared and able to answer any question. You could tell they cared about the cases and the victims. The alleged victim's station in life didn't make any difference. Cases involving homeless victims, poor people and even people engaging in criminal behavior when they were victimized were treated just as seriously as victims from wealthy parts of town and prominent victims. Race, gender, sexual orientation and economic status made no difference in the way they pursued justice for victims, especially with murders, sexual assaults and other violent crimes. We acknowledge and salute the incredible job performed every day by the dedicated men and women of the Metro Police Department, who risk their lives every day to protect us.
2. Based on everything we saw and heard during our service on the Grand Jury revealed what every Police Officer and Detective in Nashville knows and that is

that we have a serious problem of juveniles committing many violent crimes. While the Police Department has a great Juvenile Violent Crime Task Force that does a tremendous job of catching juveniles who commit violent and property crimes, not much happens to the juveniles once they get to Metro Juvenile Court. There are insufficient consequences in many instances that only allows the juvenile offenders to carry on their criminal behavior. We saw some shocking violent crimes committed by juveniles during our term. We heard one case about a juvenile who had 27 arrests at Juvenile Court before he was involved in a very violent episode with a gun resulting in him being charged with attempted murder and aggravated robbery. We heard another murder case in which a juvenile was involved as driver of the car when another man was picked up in a plot to murder him and who was shot in the back of the head while seated next to the juvenile. His punishment in Juvenile Court? 30 days sentence! If anyone doubts that violent juvenile offenders are being treated in a lenient manner in Juvenile Court, they should stop the next police officer they see and ask their opinion. Juveniles graduate to more serious violent crimes and by then it is too late to straighten them out. Clearly there is a problem with judges at Juvenile Court, but the District Attorney bears some of the responsibility in how cases are handled there. The Juvenile Court Judge and the District Attorney need to review how these cases are handled and make some changes in policy.

3. We observed many violent and repeat offenders whose bonds were set so low that once released, they went on to commit more crimes. We would note that the rush to release offenders on low bonds can lead to additional victims in certain cases. Those who pose a danger to the community should have that factor taken into consideration when bond is set. The Pre Trial Release Program apparently has relaxed their criteria so much that we saw a sex offender who violated the rules of the sex offender registry was released on Pre Trial Release. Many Police Officers and Detectives expressed frustration with dangerous offenders being released on low bonds and Pre Trial Release.
4. We were told about the current program in place which allows those individuals charged with driving on revoked or cancelled driver licenses to be diverted and not even booked in order not to place them through the system. We applaud the effort for the first offender and maybe even the second offense, but we saw many cases that allowed the same for multiple offenders. To allow someone who continues to drive without a valid license, get arrested or cited for it over and over and see no consequence is a bad policy. After all, if there are no consequences to speak of, the individual has no incentive to get their license. We saw quite a few violent offenders who when they were arrested for a violent crime were found to have numerous dismissed charges for driving on a revoked driver license. One such individual had a long list of dismissed driver license offenses and was still driving when he ran over and killed a nurse just trying to earn a honest living, before he fled the scene. We feel this program should have its limits on free passes.
5. We heard a number of child sexual abuse and physical abuse cases of children who were victimized as well as a number of elder abuse cases. We applaud the detectives who diligently work these cases of our most vulnerable victims.

Overall, we were extremely impressed with how the whole system responded to these cases.


6. We heard one rape case involving a suspected serial rapist who was still free due to the backlog of DNA testing in the Metro Lab. We were told some cases take 4 years to get results. That is outrageous. After talking to the detective, we made a request to Chief Steve Anderson's office about getting a quicker result on the case and he made sure that DNA tests were done and that the offender was held accountable. We were told there are 6 forensic scientists at the Metro Lab, but 10 are needed. We call on the Metro Council and Mayor Cooper to fund those positions. These are some of the most important cases and delays can and will result in additional victims. We shouldn't have such a large backlog.
7. While touring the Police Aviation Unit at the Training Academy, we learned of the desperate need for \$12 million in funding for new helicopters. Some of the helicopters in use are ancient and need to be replaced. These air units make tracking and chasing a criminal suspect much safer for officers and citizens. There are a great resource and the Metro Council and Mayor Cooper should fund this vital need.
8. We heard some horribly brutal homicides during our term, some with multiple victims. Members of the Grand Jury asked detectives if certain cases would be death penalty cases and were told by multiple officers that the District Attorney does not seek the death penalty and never has in six years. We understand that the death penalty is reserved for the worst of the worst murder cases and we have definitely seen such cases in recent years. The death penalty is the law and it should be enforced. We urge the District Attorney to enforce the death penalty in those cases where it is appropriate.
9. We were presented with a case in which a totally innocent man in a bar was attacked by someone and during the attack the victim hit his head and died. The case was presented to us as an aggravated assault resulting in death, which is a C Felony. To put it in perspective, it would carry the same sentence as someone who fires a gun at another person and misses or someone who uses a baseball bat to injure another person. In our opinion, when a person dies as a result of a criminal attack, it should not ever be an aggravated assault. It should be a form of homicide. We urge the Tennessee Legislature to get rid of this absurd statute or at least increase the punishment when a death results.
10. We saw so many repeat shoplifter cases that we all became familiar with their names over and over in multiple cases. Many of the same people shoplift, get arrested for it, make a low bond, get out of jail and steal again. Some people might say these are non-violent offenders and don't belong in jail, but how do you stop these professional thieves if not by incarceration. We did indict a number of them with the additional crime of burglary when they had been ordered not to ever come back to the store, which may help.
11. We heard a number of cases that involved attempts by the suspect to evade or allude arrest that resulted in great risk to officers. Whether by use of a weapon or vehicle, officers lives were in danger and we urge the District Attorney to strongly prosecute these cases. We were amazed at the number of times officers risk their lives in arresting suspects.

12. We were astounded that so many people who apparently were smart enough to obtain a drivers license, thought it was a good idea to leave loaded guns in their cars, many times unlocked. Such negligence leads to those guns being used to commit violent crimes, many times by juveniles who find the guns when they steal the cars. One high profile case resulted in a stolen gun from a car being used to murder a local musician. While the Tennessee Legislature passed a law to allow anyone to travel with a gun in their car, there should be a responsibility attached to that behavior. We believe anyone who leaves a loaded gun in their car to be stolen should be prosecuted. It may take a new law for that to happen. If so, we urge a new law that allows the District Attorney to prosecute anyone who leaves a gun in their car that is stolen and used in a crime.
13. We were shocked at the large number of thefts committed at our Nashville Airport. It is usually luggage and cars. The public should be careful with their luggage and vehicles while at the airport.
14. We heard a large number of Domestic Violence cases during our term. The Police, District Attorney and other agencies provide tremendous resources and personnel to combat these cases and help victims. The police respond to every case and treat it seriously. District Attorney Glenn Funk has made the prosecution of these cases and support for these victims a priority and we applaud his efforts. It will save lives.
15. We would also like to acknowledge the outstanding work of the Goodlettsville Police Department officers and detectives we heard from during the presentation of their cases. Without exception, their cases were well worked and no stone left unturned. We were very impressed.
16. The daily rate paid to grand jurors in Tennessee is an embarrassment. \$10 per day is not even minimum wage and is inadequate, especially for those who are self-employed and are not otherwise being paid while they are serving on the Grand Jury. Each of us served out of our civic duty as citizens, not for the money. However, the Tennessee Legislature needs to raise the pay so as not to keep some people from being able to afford serving for three months.
17. The strangest case we heard during our service was the very strange matter involving the new Metro Jail and Sheriff's Department. It almost seemed like one of those made for TV movies about something that would never happen in real life. Except it did. While the jail was under construction, the new jail facility, the DCSO, and the citizens of Davidson County became victims of serious damages.

As a result of detailed planning by DCSO, inmates with mental health issues will be handled differently, in order to not treat them as criminals. The employees are also well taken care of in their offices and the jail. Sheriff Daron Hall took us on a tour of the jail and offices and we were very impressed. Sheriff Hall is doing a great job of implementing innovative ideas and programs to serve the jail population.

Finally, we are grateful for the experience of serving on the Grand Jury, each of us for the first time. We appreciate all those individuals who worked on our behalf and assisted us in many ways, big and small. It was a truly memorable and enjoyable experience.

Respectfully submitted,



Nicholas D. Bailey
Davidson County Grand Jury Foreperson
January 2020—March 2020