

GRAND JURY REPORT. OCTOBER-DECEMBER 2024

Judge Jennifer L. Smith

Overview

The Grand Jury's term began October 9, 2024. Our time was shortened due to the holiday season, but we still heard approximately 600 cases and returned True Bills on all but two. Our members adequately represented the community in race, gender, age, and a variety of professions as well. All of us volunteered. Leslie Bridges served as Foreperson and Case Jeffers served as Secretary and Foreperson in Leslie's absence. Katherine Grant assisted us as Secretary too.

The first two weeks included presentations from individuals involved in the criminal justice system. District Attorney General Glenn Funk provided an overview of his office and a demonstration of the technology used by law enforcement to solve crimes and used by prosecutors to present evidence at trial. Detective Joshua Beauchesne from MNP Domestic Violence Division, Captain Anthony Brooks from MNP Office of Alternative Policing, Detective John Grubbs from MNP Youth Services Unit, Leanna Dugan from Our Kids Clinic, and Officer Steven Jones from MNP Criminal Investigative Division explained their investigative work to us. We found these presentations improved our understanding of the process and aided us in making informed determinations. We were also impressed by the work ethic and dedication of these public servants.

During our term, the cases were presented by an array of witnesses from law enforcement, loss prevention, and animal control. These witnesses were well prepared and testified in a professional manner. Most presentments were DUIs, sale and use of controlled substances, homicides, rapes and sexual assault, robbery and burglary, sex trafficking, and animal cruelty. We were dismayed by the sheer number of cases involving domestic violence, and the alarming number of child neglect, child rape and sexual assault, and child exploitation.

Each juror understood the significance of the oath they took and adhered closely to the charge given by Judge Smith. We understood our responsibility was to determine probable cause that a crime had been committed and that the defendant committed the crime. We listened carefully to the evidence presented, and asked questions to ensure the facts supported the elements of the crime charged. When we deliberated, we did so civilly and respected the position of each member of the Grand Jury. Where we believed the facts supported additional charges, we consulted with the ADAs and requested new or additional counts. When we were concerned the facts did not support the elements of the crime, we asked the witness to provide additional information to allow us to carry out our charge. On occasion, when we believed the interest of justice would not be served, we did not return a True Bill.

Last, we had the opportunity to take two field trips. One was to the Davidson County Drug Court Residential Facility (DC4). The participants at DC4 agree to a two-year program while on probation to address alcohol and substance use disorder and criminal behavior. We met with participants who told us their stories and staff who impressed us with their commitment to recovery. Alcohol and drug-related crimes were a sizeable portion of our caseload and present a significant threat to public safety. We were pleased to see the Court is responsible for an alternative to jail to address this unique challenge. One Grand Juror said DC4 should be a “required” field trip. We also visited the Nashville Police Academy. Once again, the staff spent several hours with us going over the work they do to prepare officers for the field and to keep the Nashville Police Department current as well. We were impressed with the emphasis the instructors place on keeping all those involved in an encounter with law enforcement safe. We visited the helicopter hangar and learned how aviation is utilized to track fugitives and missing persons. And we especially enjoyed the opportunity to watch the K9s work. Overall, our visit to the Academy, as well as our interaction with law enforcement during the term, broadened our understanding of the significant challenges these individuals face when working to protect us.

Our experience during the term provided us an awareness of the scope of resources needed to serve and protect our community. All of us are glad we had the opportunity to serve in this important role.

Recommendations

The Grand Jury recommends that at least three alternates are available each day the Grand Jury meets. While all twelve regulars may be present, at times, an individual may decide to recuse, or a juror may find certain subject matter such as animal cruelty to be triggering, or a regular juror may need to leave early.

Next, for complex cases, the Grand Jury agrees the presentation of evidence is enhanced and easier to follow when accompanied by visuals such as photographs or PowerPoints outlining the evidence. Some jurors found it difficult to see pictures of dead bodies in some of the presentations and felt it was disrespectful to the victims and their families unless necessary to explain the crime. We suggest that, when this evidence is available, the presenters ask the Grand Jurors whether we feel graphic evidence will be needed for our determination before displaying it.

In addition, the Grand Jury recommends there be an introduction to the criminal case process before they begin hearing cases. Many asked over the course of the term about what happens between the time the defendant is arrested before the case is presented and what happens after the Grand Jury returns a True Bill. We were interested in why some cases had taken so long to get to us and whether help for individual defendants with mental illness was available as an alternative to jail.

Finally, we believe information should be provided to the Grand Jury at the beginning of the term about the elements of the most common crimes we hear. In addition, the Grand Jurors receive a printout of the cases for the day with the charges. The formatting makes it difficult to understand all the counts, often contains abbreviations we did not understand, and did not provide information about whether the charge was a misdemeanor or a felony. We suggest a format that is more accessible to lay people.

As a matter of convenience, the Grand Jury recommends that snacks and drinks be made available. While we were generally out by 1 pm, we did work through lunch several times, and our per diem does not cover the cost of eating downtown.

Foreperson Recommendation

The Foreperson recommends the Court consider moving the Grand Jury room to the Courthouse. The location of the room came to my attention after the Comptroller for the State of Tennessee issued an audit about the District Attorney's use of cameras in the building. General Funk was kind enough to provide a tour of the facility for the Court and I attended. I did not see any evidence that the confidentiality of the Grand Jury was compromised. Still, the location, in my opinion, gives rise to the impression the Grand Jury is an arm of the prosecution rather than the Court. In the past, District Attorneys have tried to avoid the possibility of this confusion by keeping their attorneys out of the presentations. I believe this to be a very good practice, and I do not believe the quality of the presentations was diminished because an attorney did not present them. I also understand that the location is convenient for the ADAs assigned to the Grand Jury as well as staff. I appreciate how precious a busy lawyer's time is and think that convenience is a legitimate concern. I do not know whether any current Judge was involved in the original decision regarding the location of the Grand Jury. But I have always recommended an institution occasionally reevaluate its practices and make deliberate determinations regarding whether they should be continued. The Court may very well decide the logistics make sense. My recommendation is only that the Court consider whether there is a more appropriate location.

Acknowledgements

The Grand Jury would like to thank our Foreperson, Leslie Bridges, whose knowledge of the judicial system and Tennessee law provided needed support to our deliberations. With her wealth of knowledge from past legal experience, she guided us seamlessly in our decision making. She brought us Shipley Donuts on Thursdays which was a group favorite, and her sense of humor and life experience outside the law made our time together enjoyable.

The Grand Jury would like to thank all the staff who helped us through the term. Dana George explained the process to us and responded to our emails when we needed information. Jay Martin, Clark Thornton, Michel-Claire Bottoms, Ben Ford, and Rachel

Ledbetter of the Davidson County District Attorney's Office were patient with us and responsive to our requests. Detective Nate Ellsworth and Sgt. Michael Spencer presented most of the cases; their experience was an important resource for us. Finally, we could not have conducted business without the help of Lori Hooberry.