

HAMILTON COUNTY, TENNESSEE

REGULAR GRAND JURY

FINAL REPORT

August 31, 2010

Honorable Barry Steelman, Judge
Criminal Court, Division I
Hamilton County, Tennessee

Dear Judge Steelman,

As members of the Regular Grand Jury for the May – August 2010 term, we end our service with a greater perspective of our judicial system, the persistent crime and difficulties facing our communities, and the overwhelming challenge our law enforcement faces every single day. This has been a very educational and enlightening experience, and we urge everyone who is called for service to take the time to do so.

We understand and feel the same anger felt by past Grand Juries in regard to the repeat offender situation. Like them, we also heard testimony about many of the same defendants, time after time – when, logically, many of them should have been in prison for their previous charges.

We, too, are disgusted to see so many defendants have serious charges constantly dismissed in Criminal Court – all in the name of a plea agreement. Then, to make matters even worse, they are too often given suspended sentences, allowing them back out on the street almost immediately. It is infuriating that most of them rarely receive any real punishment for their crimes – they know that is how the system works and have no fear of the Courts.

What deterrent is there in repeated fines, dismissed charges, pleas to lesser charges, suspended sentences, probation, another or greatly reduced bond, or possibly a very brief stay every now and then at the local CCA Silverdale facility?? It's like a reunion for many of the inmates out there. It is evident that their frequent arrests and occasional incarceration do nothing to stop their criminal activities. They seem to constantly be in and out of Jail, picking up new charges – often very violent charges -- while they are out on bond.

Many defendants often have cases pending at all levels of the Court system – General Sessions Court, Grand Jury and Criminal Court – as well as outstanding warrants for more charges.

We are aware of the jail overcrowding & budget constraint situations here and all over the country – but we would prefer to build more prisons than being continuously victimized as a society. The public is usually shocked when a criminal is arrested for another crime and then learn of his very lengthy criminal history – and the usual lack of serious sentencing for those prior AND more recent crimes. “Why isn't he in Jail for that last crime – or the one before that?” It is infuriating, especially for the most recent victim and their family.

Common sense tells us that the Courts should not reward or facilitate the defendant's criminal behavior. Yet, that is what seems to be happening. We strongly urge the Judges and District Attorneys to be more sensibly forceful and stringent in the sentences agreed to in Court. Please quit dismissing or pleading down so many of their (often very serious) charges – and quit agreeing to so many suspended sentences and/or probation. Why not actually prosecute more of these cases? It seems pretty evident that most career criminals are not going to “learn a lesson”, so perhaps actual prison time punishment will get their attention. This is especially true for the younger violent offenders who seem to have no respect or fear of anyone or anything.

We have another question. WHY do many criminal cases lie dormant in Criminal Court for so long, without any final disposition of the case? Court records show that they are passed numerous times, sometimes staying on the docket for years after the indictment, with the defendant sometimes out on bond during this time. In our opinion, the Judge should put a stop to this and take back control of his or her own Courtroom.

Finally, we cannot help but wonder if most of this isn't a senseless exercise in futility. Law enforcement works very hard to get the criminals off of the street; the lower Courts generally do what they can at their level; the Grand Jury does its duty in deciding which cases should be sent to Criminal Court; and then, far too often, Criminal Court quickly releases them to begin the whole catch & release process once again. What is wrong with this picture? Does it make sense to anyone except the criminals and their attorneys?

We do not feel like all of these problems are entirely the fault of the Judges, but they are the ones who can call a halt to what takes place in their courtroom. The D.A.'s and defense attorneys agree to the settlements presented to the Judge for disposition. They all share blame in the persistent practices that are such an insult to all law-abiding citizens who want to believe in the sanctity of our system. We certainly don't know all of the answers, but it is very apparent that the criminal justice system isn't working as it should and definitely needs some major repairs.

In addition to the testimony on hundreds of criminal cases we heard during our term, we also visited several Hamilton Co. penal facilities. We offer our observations on those facilities within our charge in this Final Report to the Court. We have read previous Grand Jury reports and fully realize that most of these concerns have been repeated many times over the years, but we also feel that they continue to merit serious consideration by all concerned citizens and officials. This report represents the consensus of the members of this Grand Jury and not the opinions or accounts of individual members.

C.C.A. SILVERDALE

Our tour of Silverdale was very thorough and informative. We believe that CCA is managing the facility well enough and should be commended for the cleanliness of the buildings and grounds.

However, in our perception, for those actually serving a short sentence there, it is too “laid back”, without any semblance of punishment or correction. We feel like prisoners of all classifications (convicted, pre-trial, federal, protective custody, etc.) should have more of a structured life at Silverdale – stricter daily routine and schedule. With the restrictions on which prisoners are eligible to work, it appeared that the majority of the population was not working while we were there. Understandably, those who do work odd hours should be allowed to sleep during part of the day. However, we observed many others still in bed sleeping or just lying around. They should at least be out of bed and dressed for the day.

We commend those prisoners who take part in the many self-help programs, whether Court-ordered or voluntary, and hope that they achieve the results necessary for turning their lives around. We also commend the County for providing these programs and thank the instructors and volunteers involved with them.

We believe that the treatment of prisoners at this facility is respectful and fair. However, we think that in order to deter so many repeat offenders, our legislators should make the laws of incarceration not quite so “comfortable”.

COMMUNITY CORRECTIONS

Like past Grand Juries, we also believe in the effectiveness of this program as long as it is used correctly. We feel like it should be for first-time, non-violent offenders only. It is not sufficient punishment for repeat or violent offenders. Anyone who ever violates the rules of this program should never be allowed repeat placement. The privilege of this form of sentencing appears effective for those defendants who are willing to obey the rules and apply themselves in order to make a better life for themselves and their families.

Those who violate the restricted movement regulations of the program should be charged with escape in addition to the theft of the monitoring equipment. They should never be admitted back into the program for possible future crimes.

We thank the employees of this alternative sentencing program and commend them for their efforts.

GENERAL COMMENTS & RECOMMENDATIONS

We share the same concerns and frustrations expressed by past Grand Juries. Details of those very credible comments are found in the past reports, so we won't repeat all of them here. In addition to those previous concerns, we offer these additional comments:

- ∞ **During the 15 days we met this term, we heard testimony on 648 cases.**

- ∞ **School group tours:** We encourage more school groups to make arrangements to tour the Jail and Silverdale at least once a year. The apparent lack of response by many principals in taking advantage of educational tours of the facilities is certainly regrettable. Students who gravitate toward antisocial or violent behavior usually do so in the schools first, and every school is probably already aware of the educational problems of those students. Such facility tours might allow them to see their future and give them incentive and opportunities to make changes in their own lives – before it is too late. We feel like the tours would actually benefit all students.

- ∞ **Scrap metals businesses:** Like the previous Regular Grand Jury, we are also very concerned about scrap metals businesses and their connection to many stolen and/or illegally towed vehicles. Due to the loophole in the current Tennessee law, scrap yards are allowed to buy any vehicle that is 10 years old or older without a title. According to CPD Auto Theft investigators, approximately 25% of their stolen vehicles end up crushed at the scrap yards. The vehicles are brought in without a title, purchased from the person who brought it in for scrap, and quickly crushed – often before the victim even knows the vehicle is gone and before the police can locate it.

The victims usually only have liability insurance which does not cover this situation and they may not be able to buy another car. They are victimized not only by the thief who took their vehicle but also by the state law that does not require scrap metals business owners to get titles from people who sell vehicles 10 years old or older to them for scrap.

Tennessee must correct this no-title-required loophole in the law. It appears that scrap metals businesses in Tennessee need additional regulation. It is imperative that legislators also work with Georgia, Alabama and other adjoining states on this problem, because crossing over into another state, possibly less regulated than Tennessee, will always be easy for those who can no longer do their illegal business in Tennessee.

ACKNOWLEDGEMENTS

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- ∞ Jury Clerk Stormi Rogers & the staff of Paula Thompson's Circuit Court Clerk's Office; Jamie Brown & Peggy Hudson of the D.A.'s Office; Court Liaison Officers SGT Jim Appugliese & SGT Kevin Akins of the Chattanooga PD; Deputy Morris Bice and Deputy Kelly Burnette of the Hamilton Co. Sheriff's Office; and the Courts Building Security Officers & personnel.
- ∞ Sheriff's Deputy Morris Bice, our escort-driver on the facility tours.
- ∞ The administration and staff members who conducted our tours through Silverdale, the Jail, the Juvenile Justice Center and the Community Corrections program. We greatly appreciate their time and very informative facility tours.
- ∞ Law enforcement for their tireless and dangerous efforts on behalf of all citizens. To those officers injured on duty, we wish you a successful recovery. To the officers who have been, are now, or soon will be deployed in the U.S. Military, we salute and thank you for your sacrifice and service to our country.
- ∞ John Wilson for publishing the Final Reports of both Grand Jury panels in their entirety on his online news site Chattanooga.com. We wish that the local newspaper would once again cover these reports like they used to do.
- ∞ Maria McKenzie for taking the official notes for our group this term – and Sarah Kienel for filling in when Maria was absent.
- ∞ Robert Smith for serving as Foreman during the week our Foreman was absent.
- ∞ Assistant D.A.'s Jerry Sloan and Bill West and Foreman Marsha Crabtree for their guidance, assistance and explanations during our sessions this term.

Respectfully submitted by the Members of the

HAMILTON COUNTY REGULAR GRAND JURY

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