

## “Fired” as Foreman of the Hamilton County Grand Jury

Marsha Crabtree

Foreman 1990 – 2010

12/26/10

This explanation began as my reply to a friend who asked what I did to cause my abrupt firing as Foreman of the Hamilton Co. Grand Jury.

It wasn't technically a "firing", in the true sense of the word -- the 3 Criminal Court judges decided, as was their prerogative, NOT to reappoint me as Foreman of the Grand Jury - after 20 years of total dedication to that position. Since I was due to be reappointed on Jan. 1, 2011, they quickly sent me a certified letter of dismissal, written by Judge Steelman and also signed by Judges Stern & Poole, typed on 12/17 and received on 12/21/10. In a sentence or two, they formally thanked me for my service but gave no reason for not reappointing me -- simply that I would not be reappointed on Jan. 1, 2011, and that I should turn in any County property in my possession.

I know, and I feel sure that most everyone else does, too, exactly why they didn't reappoint me for another 2-year term as Foreman. I have no specific information as to others who may have been involved in or contributed to this decision - but I also wouldn't be surprised if certain other people shared their opinions with the judges. I and many others feel like this was handled in a lowdown, cold & impersonal way, with no hint of professionalism on their part. After my 20 years of dedicated service & hard work as Grand Jury Foreman, one would think they would have had the decency to speak to me in person, rather than send their letter. Their handling of this appears to have been done entirely out of spite, in order to teach me a lesson and put me in my place, following several GJ reports that were very critical of the criminal court system.

For the past few years, my groups of Grand Jurors criticized the criminal justice system, including the courts, judges, defense & prosecuting attorneys, for rarely punishing the MANY repeat offenders who we heard testimony on week after week, year after year - so many dismissed charges, so many suspended sentences, so many plea deals, in & out of court constantly, always picking up new charges while out on bond, cases pending at all levels of the criminal court system, etc.

If the Grand Jurors, who spend 4 months as a part of the system, cannot voice opinions about the justice system, then who can? Too few citizens are even aware of how broken the system is in regard to the enormous number of repeat offenders who receive little, if any, punishment - UNTIL they become another one of the victims. The true intent of the criticism was to hopefully bring about correction to the problems and improvement and restored trust of the system.

However, according to some of those within the system, the people just do not know or understand the complexities of the rules of law and how these things work. Perhaps not, but the people do know that the criminals - from juveniles to adult beginners to old-timers

- are winning the battle against crime and that it includes the revolving door in the criminal courts. The people serving on the Grand Jury saw this illustrated time after time during their terms, hearing testimony on case after case on the same defendants, week after week. Also, so many of the same defendants are on the Grand Jury dockets year after year. The people realize that budgetary constraints and prison overcrowding hinder full resolution of the problems, but that should not dismiss their right to voice their concerns.

Other comments from the Court point out that the Grand Jury only hears a few minutes of testimony from the prosecution witness on each case. That is true, but that is certainly more information on each case than is ordinarily heard in Criminal Court, unless there is a trial (long after the actual event or indictment) or some sort of hearing. Routine procedures in Court do not spend nearly as much

time or go into as much detail on cases as the testimony to the Grand Jury does – on every case on its docket. The Grand Jury is not allowed to choose which cases it hears testimony on – it must address every case on its docket – and cannot act on a case without hearing testimony on it. I believe I am correct in saying that nobody except the Grand Jury hears as much about each and every bound-over case against a defendant on a routine basis, thereby resulting in the jurors' obvious conclusions about the enormous number of repeat offenders and their apparent lack of punishment or incarceration.

And contrary to other published responses, the issue really is **NOT** about how many cases are processed each year or how much time is spent on each one – the concern and frustration is in regard to just **what is and is not done about each charge that is processed**.

As Foreman, I would not lie to the Grand Jurors when they asked how much time someone would get for their most recent crime, or how much time they would serve, or why they weren't in prison for their past crimes. I always told them that, based on available court records, very little, if anything, would happen to them for the majority of their careers. Seeing the online records of the defendants we CONSTANTLY heard cases on (whom some of us have heard cases on for years & years), they were able to see for themselves what was meant about them rarely being punished. Those discussions continued throughout each term, with different citizens serving on the Grand Juries, resulting in the comments in their Final Reports. We were not alone in our criticisms of the system - nearly everyone agreed 100% - but I as Foreman was the only person they could get rid of -- and they finally did just that. But the court records speak for themselves and certainly support the comments in those Grand Jury reports. Tracking the criminal history of most repeat offenders profoundly illustrates why the Grand Jurors so often criticize the criminal justice system.

Anyway, the GJ Final Reports were often very critical, and those who were on the receiving end decided they wouldn't take it any more -- they have been obviously fuming since the August 2010 report (& before), making their displeasure with me very evident. I had a

feeling this would be coming soon but certainly thought they had more class than to just send me a letter - and not even to my correct mailing address. I was obviously wrong about that. The statements in the reports are the same sentiments shared by most of the public - especially those who have been involved in the system as a victim - and law enforcement.

Except for one local journalist, the media didn't cover the GJ reports to any great degree, if at all - they haven't done so in many years. They sometimes announced a couple of "headlines" - but they never pursued, investigated or followed up on the reasons for the comments by the GJ. The reports quickly passed into oblivion and the system continued its "catch & release" program, with the criminals continuing to victimize the citizens & challenge law enforcement, confident that little if anything would happen to them when they were caught. They have no fear of the Courts - why should they?

The moral of my story is that you don't criticize the system, the courts, the judges or any of the attorneys if you want to keep your job within the system. Because I was considered only a part-time County employee, I had no benefits at all to lose -- nothing at all but 20 years of my life. I reached burnout so often in the past few years and came very close to leaving each time -- but I just couldn't bring myself to leave what I loved so much -- & certainly did not want to leave the others who worked with me in the lurch with no trained replacement for me - or someone with absolutely no knowledge of the functions and responsibilities of the Grand Jury.

Finding a replacement may not be a challenge -- but keeping someone there who will be as dedicated to the job, esp. for the pay & no benefits, will be very challenging. I wish them luck with the new term beginning Jan. 3 and know that they will be OK & will make it fine without me. We will miss each other but will stay in touch for a long time, I hope.

Being in that position was such a major part of my life, and I always felt so honored & proud to serve in that capacity - it defined me for 20 years. It wasn't just a "job" - it was my passion. It dictated how I lived my life & spent a great deal of my time. The GJ room was my "home away from home" and it took several hours to dig through 20 years' worth of stuff I had in there. Because the Grand Jury was not in anyone's budget until Sept. 2010, I personally bought a lot of the things for that room, & I brought several of them back home with me, leaving less of my imprint on the room, which some will miss but others might not. Those hours spent alone in the Courts Bldg. on 12/24/10 were very emotional - turning off the lights & locking the doors for the last time was one of the saddest moments of my adult life - and certainly saddened my Christmas this year.

What really infuriates me is HOW they did what they did. After my service & hard work for 20 years, everyone I know agrees that they at least owed me the courtesy of talking to me in person, rather than dismissing me by letter --- they have just erased me & my lengthy service from "history" by dumping me like they did, as if I or those years never existed. It was such a cold impersonal thing to do, with no appreciation or professionalism AT ALL. I'm sure they are so furious at the critical reports they didn't care how they got rid of me -- but they need to remember that those GJ reports were the comments of CITIZENS -- voting citizens -- educated-by-serving-on-the-GJ citizens -- citizens who checked the online court records of defendants & saw their "punishment" --

citizens who know what the system is like -- citizens who supported those reports at the end of each term.

It was apparent that the judges did not agree with the reports, but they surely cannot say that I was anything but an extremely responsible and conscientious Foreman of the Grand Jury. My main concern was always the preservation of the integrity and strict, complex responsibilities of the Grand Jury, and I know in my heart that I remained true to that resolve during my 20 years in the position. I still do.

One minute I am angry and the next I am crying -- only because it meant so much to me for so long, and I love the people I worked with for so long. But I'm still around and believe I can now exercise my freedom of speech publicly, without fear of being unceremoniously dumped. AND I have so many good memories and even more wonderful friends whom I treasure. As the song goes "...they can't take that away from me..."!! I am proud of my service and will continue to hold my head high.

Thank you Judges DiRisio, Meyer and Bevil for the opportunity you gave me in 1990 to serve in this capacity - I miss all of you and will miss the Grand Jury. There are other special friends to thank, too, and I believe they know who they are - I hope they do. I have already heard from many of them with loving & encouraging words of support.

I also thank the hundreds of citizens who served on the Grand Jury during my years and hope that what they learned during those weeks still serves them well. We appreciated their time and efforts more than they realize. Many of us remain friends to this day. I hope that everyone who is given the opportunity to serve on the Grand Jury will do so - it is a very enlightening, educational and rewarding experience - and the civic duty of all eligible responsible, concerned citizens.

Jan. 20, 2011: In this update, I want to wish the new GJ Foreman, Pastor Ruth Thomas of Real Life Christian Ministries, the very best in her new position. As a friend of one of the judges, it remains to be seen if the GJ reports from Mrs. Thomas' groups will dare to criticize the criminal justice system in Hamilton County.