

**DEKALB COUNTY GRAND JURY PRESENTMENTS
SEPTEMBER-OCTOBER TERM, 2011**

TO THE HONORABLE JUDGES:

COURTNEY L. JOHNSON
MICHAEL E. HANCOCK
CLARENCE F. SEELIGER
GAIL C. FLAKE
GREGORY A. ADAMS
CYNTHIA J. BECKER
DANIEL M. COURSEY, JR.
LINDA W. HUNTER
MARK ANTHONY SCOTT
TANGELA BARRIE

Of the Superior Court of DeKalb County, Georgia, Stone Mountain Judicial Circuit.
This Grand Jury, sworn in by the **Honorable Daniel M. Coursey, Jr.** in the DeKalb Superior Court on **September 6, 2011** respectfully submits the following presentments.

INDICTMENTS

This Grand Jury was presented with (389) cases during the **September-October 2011** term. Of these cases (374) True Bills and (15) No Bills were returned. An additional (315) cases proceeded by Accusation.

REQUEST FOR PUBLICATION

Pursuant to O.C.G.A. § 15-12-80, we the presently constituted Grand Jury recommend to the **Honorable Daniel M. Coursey, Jr.** that these general presentments be published in whole in the County Legal Organ.

The Grand Jury of the September/October 2011 term would like to thank and acknowledged District Attorney Robert D. James, his staff, and all the witnesses who testified. They were all personable and professional. They were well prepared and quick to spot errors and make appropriate corrections to indictments. They made our job a lot less complicated than we thought it would be. On the whole, the jurors found the experience to be positive, educational, and enlightening.

The guidance provided by the Grand Jury Secretary, Jamita Vortice-Bowden, further contributed to making this new experience move along with few problems. Her quiet and pleasant demeanor made it a pleasure to work with her.

Grand Jury Summons Selection Process

We would like to reiterate the recommendation of the previous Grand Jury presentments advocating for the equitable selection of all DeKalb county residents. We understand that the service is a burden for most people, but if there was a significant penalty, perhaps a fine, for those who neglect to appear, perhaps those people who request deferral on the basis of financial hardship could more frequently be excused. In general, we recommend that the county be clearer in their communication and more consistent in administration of the jury summons process.

The deferral system, in particular, could be communicated more clearly. People who had been granted prior deferrals were not told there was a limit. A more straightforward explanation of the process of deferral - how many are allowed, what excuses are merited, what evidence can be presented to support the request, etc. -- could save people a lot of hassle. Documenting, communicating, and consistently applying a policy could save citizens, particularly those who travel frequently for work, considerable trouble and expense. Furthermore, the lead time for the summons should be extended by several weeks to help people to plan ahead. While our jury consistently appeared when they were supposed to and the Foreperson did an

excellent job of accommodating people's schedules as well as he could, the commitment is extensive and not having time to prepare makes the challenge even more difficult and frustrating.

We also recommend the county consider working with the Department of Labor to summon people collecting unemployment insurance for grand jury duty. It would be a good opportunity for unemployed individuals to make extra money while completing a critical civic duty. It would encourage their productivity and give an additional way to inspire the unemployed to seek ways to contribute productively to society.

Grand Jury Orientation

The orientation could have been more extensive. While the process certainly becomes clearer over time, many more procedural issues could have been covered before immersing us in the cases.

As suggested by the May-June 2011 Grand Jury, going over the most central sections of the *Grand Jury Handbook* with an ADA would ensure that everyone understood key legal terms, common procedures, officer responsibilities, writing of presentments, scheduling, etc. As is, not everyone is on the same page in the grand jury room, some terms and procedures have to be explained several times. The process could simply be more streamlined with the appropriate explanations given at the outset. In particular, the orientation could spend more time on the rules regarding entering and leaving the grand jury room, where the waiting room is, how the "do not enter" light works, etc. See additional notes under "Suggestions and Concerns."

We also felt there was too much inconsistency in the guidelines as applied by the ADAs. We were reprimanded midway through our term for asking inappropriate questions of the witnesses. We were never instructed about the limitations of our questioning. Thus, it came as a surprise when we were told we were outside our bounds. We felt that it was the ADAs role to help us understand the cases, to answer questions about legal issues, and to guide us, rather than to declare that any question is "not relevant". It's useful and appropriate to ask us why we may have asked a

particular question and then to explain any legal boundaries that the question may cross. It is not constructive to declare that we are off topic, especially when we are doing our best to be deliberate and careful in our decisions. Some ADAs seemed to allow any questions, while others seemed quite restrictive. In some cases the information was provided freely, but in other cases it was considered an invalid question. Perhaps a discussion of the leeway granted to the grand jury should be included in the orientation.

Visitors and Excursions

The Gang and the Drug Task Forces gave dramatic demonstrations and examples of what they face on a daily basis. Their professionalism and dedication to duty are impressive. They surely contribute towards making those citizens whose conduct is "contrary to the laws of said State, the good order, peace and dignity thereof" know that such conduct will not be tolerated.

On September 8th, 2011, Josiah V. Benator, president of the DeKalb County Grand Jurors Association, briefed the jurors on the service they were providing. He was emphatic about the importance of the duty and significance of our power. He stated several times how impressed he was that there were so many jurors in attendance.

On Thursday, September 15, 2011, the Grand Jury toured the DeKalb County Jail. We were briefed by Sheriff Thomas Brown and his staff. The visit consisted of introductions from ranking members of the facility leadership, an informative meeting with the Sheriff, and an extensive tour of the jail's facilities, including booking, holding, residential, recreational, medical, laundry, library and educational. We were also able to meet **Rocky** one of the K-9 animals. On the day of our visit, there were approximately 3400 inmates below the 3900 capacity.

We appreciated with the openness with which the staff hosted our visit. We were pleased to meet the Sheriff and were impressed by his efforts to streamline costs and

cope with the challenges of managing such a large facility. He communicated the clear and sound philosophy he uses to lead his dedicated staff. As with previous Grand Juries, we were pleased to learn of several initiatives in development or in action at the jail to further decrease taxpayer burden, including the decisions to bring prescription drug selection/purchase in-house. We were struck by the high cost of the newly purchased dialysis machines. While it is a valuable contribution to the medical facilities and does provide some savings in removing the need for hospital transport, there did not seem to be enough inmates who needed dialysis to warrant the purchase of two machines. More psychiatric and psychological support seems equally important.

The facilities were clean and appeared to be well managed and maintained. The Sheriff appears to be a good steward of the limited resources that are available to his department. The staff clearly respects the Sheriff and takes pride in the work they do. The jurors were pleased to see an adequate law library and librarians willing to help inmates find the information they required to better understand trial procedures. While the general reading material is comprised of donated material, a better system for encouraging inmates to read could be instituted. We were told that the cart is stocked with books the inmates like, which makes sense. But an opportunity to encourage more reading could benefit inmates considerably. The desire for educational opportunity is evidenced by the waiting list for GED classes. The program is staffed by 2-3 dedicated and experienced professionals who clearly make a considerable impact on their students. They explained that the long waiting list is the result of a personnel shortage. The number of students they can take depends on the number of guards who can be in the education area. Securing additional resources to expanding the educational program, including literacy and language programs beyond the GED courses, could have a significant impact on recidivism. In general, we were very impressed by the DeKalb Technical College instructors and hoped that additional support could be provided to them in the form of volunteer teachers, reading specialists.

On Tuesday, October 18, 2011, members of the Grand Jury visited DeKalb County Animal Control. The tour was given by Sergeant Tim Medlin of the Cruelty Task Force and Director Kathy Mooneyham. The people working there are doing their best, but the building is disgraceful. We would like to recommend that all DeKalb County Commissioners visit, so they can see for themselves the conditions of this building. Also, the non-police staff work hard and are grossly underpaid. The policeman giving our tour commented that most cannot afford the county health insurance. We toured the "stray dog" section of the facility first, which is the largest section of the shelter. The floors were wet throughout, and the odor was almost unbearable. Sergeant Medlin explained that the shelter's drainage system is old and inadequate, and accounts for the foul odor throughout the facility. Many of the dog runs had several dogs together in a very small space. The cat cages are entirely too small for housing an animal for weeks, if not months.

This is not an environment that is pleasant for employees, for the animals unfortunate enough to be there or for a family to view pets for possible adoption. Most of us were unaware of the shelter's location and would be hesitant to visit it again, but for the desire to save a life. It is not a place we would like to take children to view pets for possible adoption.

Our overall impression is that a new animal control facility is badly needed. The current facility is old, unsanitary and inadequate for housing the volume of animals impounded in DeKalb County. DeKalb County should not be killing dogs and cats because there isn't enough space. We need a facility large enough to handle the volume, and we need an aggressive outreach program to educate high-complaint communities about the necessity of spay/neuter and the accessibility for low-cost spay/neuter services [e.g. LifeLine Animal Project Spay/Neuter Clinic]. We need, as well, an aggressive adoption program. Most of the animals in the shelter are healthy

and adoptable and should not be destroyed for lack of space. A compassionate and progressive Director and staff would have a higher adoption rate than the current 8%.

This adoption rate is unacceptable in a county as large as DeKalb. What can the county do to better publicize the animals in the shelter in need of homes? There are surely initiatives that would save many more lives that are not in place currently at DeKalb Animal Services.

DeKalb Animal Services is also severely understaffed. The existing staff can handle neither the call volume nor the volume of complaints requiring an officer in the field to respond.

We feel that animal services [neither response to complaints nor care of animals in the shelter] is adequate or a priority in DeKalb County. We strongly recommend CEO Ellis and every Commissioner tour the shelter to see for themselves the conditions in which the animals are living in, as well as interview one or more employees to understand the challenges and limitations faced every day at DASE.

~~We were unable to meet with the DeKalb County CEO, which was disappointing.~~

General Concerns and Suggestions

The grand jurors were struck by the multitude of cases we heard regarding the theft of copper from HVAC units. We know that the scrap metal business is a legitimate one, but we feel that there needs to be some mechanism for ensuring that the metals these companies are buying have been legally obtained. This might reduce the incentive for citizens to commit these thefts that appear to be overloading the judicial system.

Shoplifting Recidivism: We were surprised to learn that regardless of value, the fourth shoplifting conviction is a felon. We recognize the severity of these repeated actions and impact on businesses, but the long-term cost to jail these offenders may be excessive. Perhaps the limit could be reconsidered and raised to the fifth or sixth conviction.

In general, it would help if there were more consistency among the ADAs in the way they approached the Grand Jury proceedings. Especially if the orientation remains brief, it is difficult to learn the rules and procedures if the ADAs perform their duties differently. It helps manage expectations if every ADA follows the same procedure and manages the grand jury with a similar set of expectations. Also, if indictments were reviewed prior to entering the room, then any confusion about the evidence could be clarified and typographical errors or mistakes fixed prior to coming before the Grand Jury. Finally, if the Grand Jury Calendar could identify when charges are misdemeanors rather than felonies, it could reduce the number of questions about this matter. All of these suggestions would ensure that things move along as swiftly as possible.

The rules regarding coming and going from the jury room could be stated more explicitly at the start of the term. Placing a sign on the Waiting Room door would help clarify where people can wait during a case, but putting a "Do Not Enter" light in the hallway would make the process the most streamlined. With the light in the waiting room, people still knock in the middle of cases, which is distracting.

Similarly, we often felt the ADAs could be more attentive to when the "Do Not Enter" light went off after the Grand Jury finished deliberating. If the cases were presented in a clear and straightforward manner, it often doesn't take long to vote. Moving things along as quickly as possible keeps everyone focused.

To ensure the comfort of the grand jurors, a thermostat could be installed in the grand jury room. It was often uncomfortably cold. And to accommodate those people who needed to periodically check in with work during the day, a reliable wireless network should also be available.

As citizens of DeKalb County, the grand jurors of this term were honored to serve and understand the importance of facilitating the process of getting cases to trial in a timely manner. We felt fortunate to develop a positive and friendly relationship among our group. The officers of the group did an excellent job of managing absences fairly. However, many jurors struggled with the burden of attending twice a week for

two months while maintaining professional and personal obligations. Reducing the burden by shortening the service to one day a week with a larger number of cases would be preferred to two days when we often finished early.


CALVIN R. ALLEN, JR, FOREMAN


HAROLD WALKER, ASST. FOREMAN


SARAH PETERSON, SECRETARY


THOMAS CHAMBLESS, ASST. SECRETARY

JENNIFER ABERNETHY
RONALD BELL
DOUGLAS E. BRYAN
DOUGLAS M. CARLSON
DOUGLAS W. CARTER
LATISHA CAUSEY
TERESA NAN ELLINGTON
ALBERTO ESTRELLA
RASHEEDA FREEMAN
PAMELA A. FREY
WILLIE HAYGOOD
SEAN HUNT
ANH LE
MICHAEL LIVINGSTON
LAKESIA PHELPS
ANGELIA R. SPENCER
JERILYN W. STEINBERG
GAYLE R. WEAKS
ANTOWIN WILLIAMS
JEFFREY S. WISE
LINDA R. YEE

FILED
OCT 27 P 1:20
CLERK
SERIAL

ORDER

The within and foregoing presentments have been filed in open Court,

IT IS HEREBY ORDERED that said presentments be filed and published, as requested, in the County Legal Organ.

SO ORDERED this 27TH day of OCTOBER, 2011.



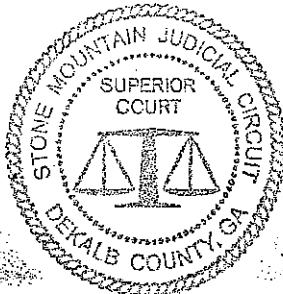
DANIEL M. COURSEY, JR., JUDGE
DEKALB SUPERIOR COURT
STONE MOUNTAIN JUDICIAL CIRCUIT

FILED
OCT 27 P 1:20
DEKALB

ACKNOWLEDGED;

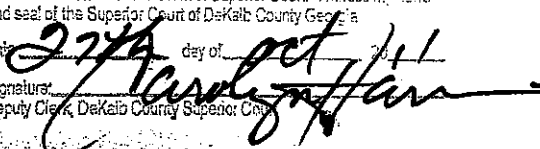


ROBERT D. JAMES
DISTRICT ATTORNEY



State of Georgia, DeKalb County,
The undersigned officer of DeKalb Superior Court certifies that this is a true and correct copy of the original document which is on file and of record in the Office of the Clerk of Superior Court. Witness my hand and seal of the Superior Court of DeKalb County Georgia

This 27th day of Oct 2011

Signature: 
Deputy Clerk, DeKalb County Superior Court