

DEKALB COUNTY GRAND JURY PRESENTMENTS
JULY - AUGUST TERM, 2007

TO THE HONORABLE JUDGES:

ROBERT J. CASTELLANI
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
ANNE WORKMAN

of the Superior Court of DeKalb County, Georgia, Stone Mountain Judicial Circuit.
This Grand Jury, sworn in by **Michael E. Hancock** in the DeKalb Superior Court on **July 2, 2007** respectfully submits the following presentments:

INDICTMENTS

This Grand Jury was presented with **(405)** cases during the **July - August 2007** term. Of these cases, **(397)** True Bills and **(8)** No Bills were returned. An additional **(399)** cases proceeded by Accusation.

INVESTIGATIONS

The July – August Term Grand Jury had concerns regarding emergency telephone communications between the public and county emergency service organizations. The Grand Jury presented the District Attorney with a list of questions to be answered by those responsible for the Dekalb County 911 system. Two witnesses appeared, and a summary of their testimony appears below.

Sergeant Diane Rava, former commander of the DeKalb County 911 Center, appeared before the Grand Jury on August 20, 2007 to answer our questions. She presented an explanation of the operational methodologies of the 911 Center as well as some data pertaining to performance. When queried, she also spoke of the operational problems within the Center; among them:

- a. A very large percentage of the calls received by the 911 Center are of a non-emergency nature. Secondary phone numbers are available to the public; however, the public is not aware of these numbers due to poor publication. These non-emergency calls clog the system.**
- b. The expansion of the 311 system should help lessen the number of non-emergency calls to the 911 Center.**
- c. The 911 Center is operating with a new computer-aided dispatch system provided by InterAct Public Safety Systems. Performance data for 2006 was provided by Sergeant Rava; however, no data was**

- d. presented for 2007 or for the period that the new system has been utilized. The only current performance figure given was a comment that in one recent week there were over six thousand (6,000) lost calls. The fact that there were 38,576 lost calls in all of 2006 indicates that there is a problem in staffing or in the spin up of the new system or both.
- e. Staffing within the Center is lacking due to a hiring freeze instituted by DeKalb County Government. There are eight (8) vacancies. Sergeant Rava testified that seven (7) to nine (9) operators are usually on duty at one time. When asked what is the optimum number of operators needed Sergeant Rava testified that approximately fifteen (15) operators are needed. She also testified that County Executive Assistant Richard Stogner was receptive to discussing the personnel needs of the 911 Center.

Mr. Richard Stogner, DeKalb County Executive Assistant, appeared before the Grand Jury on August 27, 2007 and gave a comprehensive briefing on the county's emergency telephones system, its recent installation, current staffing problems, funding, and plans for the future. The 911 system is one element of a comprehensive approach to public safety emergency services, to wit: a new police and fire headquarters facility, the new 911 operations center, a new 311 citizens help center, and a new police communications system. The Grand Jury focused on the 911 system, the new 911 Center, and the plans for the 311 system. A summary of Mr. Stogner's testimony follows:

- a. Funding for the 911 system is controlled by Georgia legislation. Money collected from both wired and wireless accounts amounting to the current \$1.50 per month is used solely for the operation of the 911 system. Money in excess of annual requirements is carried over, and the County has the option to reduce the monthly charge to telephone users when deemed appropriate. Mr. Stogner presented a spreadsheet showing funds collected and expended on the 911 system from July 2007 back to 2002.
- b. County Government authorized the hiring of 8 new operators just in the past week in response to needs within the Center. Mr. Stogner testified there is "no reason to freeze 911 because salaries come from dedicated funds." He also stated regarding staffing, "All the chief has to do is ask."
- c. The 311 Center will relieve the 911 Center of handling non-emergency calls which represented 42% of the total volume of calls received in 2006. No 911 funds will be used for the 311 Center. Dekalb County will be the only jurisdiction in the metro Atlanta area offering this service which should be fully operational in 2008. After a "massive" public education effort focusing on when to use 311 instead of 911 the 311 Center is expected to be handling about 2,000,000 calls per year for nearly all departments of Dekalb County Government.
- d. The Grand Jury was particularly interested in standards of performance within the 911 Center. The only success standard that Mr. Stogner could recall was a goal to answer calls within 5 to 7 seconds. Other than that he

could not testify as to the goals regarding lost calls or to other quality assurance methodologies.

Findings:

1. A tremendous amount of effort and money has been expended on upgrading emergency communications in DeKalb County.
2. Funding for the 911 system is being accomplished in accordance with Georgia law.
3. It is too early to tell how well the new computer-aided system recently installed is working.
4. Personnel issues are being worked out in a business-like manner
5. The 311 system is a superb idea, and, when fully operational and after thorough public education, will greatly relieve the load on the 911 Center. Operational efficiency of the 911 Center should improve and cost reductions should be realized.

Quality Assurance methodologies within the 911 Center are still unknown.

Recommendations involving the investigation of the DeKalb County 911 Center:

1. The next Grand Jury should be made aware of this investigation, its findings and recommendations.
2. The next Grand Jury should be scheduled for a visit to the DeKalb County 911 Center.
3. The next Grand Jury is encouraged to continue our investigation in the following areas:
 - a. Testimony should be provided from the principals involved in the Center regarding performance standards and goals – what are the performance goals, how performance is measured, the mechanics for resolving problems, and finally, whether corrective measures are effective.
 - b. The progress of the 311 Center should be monitored.

ADDITIONAL RECOMMENDATIONS

1. The DeKalb County Jail and the Medical Examiner's Office continue to receive the high marks given to them by previous Grand Juries. This Grand Jury found the jail clean, orderly, and run by dedicated professionals. The Grand Jury found it noteworthy that the income received from the state for housing inmates amounted to only \$20 per day per inmate while the cost to DeKalb County amounted to \$52 per day per inmate. Page 9 of DeKalb County Sheriff's Office "Report to Our Community: 2003 – 2005" notes that the income forfeited by this disparity amounts to over approximately \$1.3 million per year. We question why our local taxes should be subsidizing a

state responsibility. We recommend that local leaders discuss this issue with our state representatives for possible remediation. It was noted that the Dekalb County jail has approximately 1000 beds that are not being used. The Grand Jury recommends that county officials rent these beds to neighboring counties at a profitable rate.

2. This Grand Jury was provided very informative printed material prior to its first session. Most noteworthy is the pamphlet provided by the Prosecuting Attorney's Council of Georgia entitled, "Grand Jury Handbook." This document contained a wealth of general information. The "Handbook for Grand Jurors" provided by Dekalb County was also useful, but it deviated somewhat from the first booklet. Another source was a series of handouts provided by Grand Jury Secretary Jamita Vortice-Bowden. Important legal definitions are in her handouts, and we recommend that an hour be devoted to covering their contents. Even late in our term we still had trouble understanding the difference between simple and aggravated assault and other variations of the legal code. Most Grand Jurors found the briefings on weapons and gang activity useful and informative.
3. The Grand Jury Selection Process:
 - a. Great mystery still remains in the minds of this Grand Jury regarding HOW they were selected for service. The "Grand Jury Handbook," p. 14 and 15 describes the development "of a second list containing names of the most intelligent and upright citizens of the community from which the grand jurors will be selected." The "Handbook for Grand Jurors" published by Dekalb County states on page 3 that Grand Jurors were randomly selected by computer. This Grand Jury recommends that the Court be open about HOW we were selected, and, if our names came from a computer generated list, dispense with the hyperbole.
 - b. If both the Petit Jury list and the Grand Jury List are made up by the Board of Jury Commissioners – as indicated in the "Grand Jury Handbook" – then it was most obvious that they do not compare their lists for duplication. We had several Grand Jury members who had received summons for simultaneous service in both, and one received a summons to serve on Petit Jury duty WHILE on the Grand Jury. Our recommendation is for whoever makes the lists out, by whatever means, do some checking for duplication.
 - c. No individual identification was ever done on any of the Grand Jurors. It appears that any Grand Juror with enough money could have hired a surrogate to fulfill his or her duty to serve. It is our recommendation that the Grand Jury Secretary check photo identification at the beginning of the session.

- d. **No apparent checking was done for any disqualification for Grand Jury service. Ga. Code 15-12-60 outlines who is incompetent to serve, but nothing was done to ensure compliance.**
 - e. **The “Grand Jury Handbook” and the “Handbook for Grand Jurors” published by Dekalb County refer to the designation of jurors number 24 through 26 as “Alternate” jurors. This is not how Judge Flake did it as all 26 jurors were sworn in. Normal absences brought our number to the required level allowing for some jurors to be out of the room for comfort breaks. It is our recommendation that Alternate Jurors are not necessary and that the current system be maintained. It is up to the Court to determine whether this conforms to Ga. Code 15-12-61.**
- 4. The Grand Jury sincerely appreciates the excellent work of our public safety personnel. We recognize the danger and the pressure that they work under day in and day out to keep our community safe. We have marveled at their ability to keep a human perspective on their duties even when the individuals they deal with have not behaved in an acceptable manner. We wholeheartedly thank them for their efforts. Only two cases have given us an indication that there are slips from time to time.**
- a. **In case D0179204 Officer Bowman of APD testified that she was the second police officer who met a woman who had a badly disfigured face from a beating. She testified that the first officer on the scene neglected to seek treatment for the woman because she was a well known prostitute. The Grand Jury finds that such treatment of a crime victim is unconscionable and recommends that the Atlanta Police Department be notified so that their personnel can be reminded that all persons are to be treated equally and with human decency.**
 - b. **In case D0179705 involving the rape of a young woman on August 7, 2006 the testifying officer stated that the officer on the scene did not take the condition of the victim seriously because her friends had beaten up the defendant. Our concern is that police should always treat rape victims with the highest sensitivity – no matter whom they might be – and that hospital treatment be rendered immediately. It did not appear that this happened in this case.**
- 5. The Grand Jury finds it offensive when race is used unnecessarily in witness statements. We feel that revealing the race of a defendant is appropriate when saying to the effect, “We were looking for a Black male of medium build,” but not appropriate when saying something like, “John Smith, a Black male, beat his wife last week.” Our recommendation is for the Court to communicate with law enforcement agencies our sensitivities to this issue.**

6. The Grand Jury finds the time lag in presenting family violence cases and sexual assaults involving minors unacceptable. Two members of the District Attorney's investigative staff testified that there are delays in bringing such cases to the Grand Jury because they are understaffed. Again and again the Assistant District Attorneys were asked why there is such a long delay in presenting such cases. Most of the time the answer was a shrug. The following is from the foreman's incomplete notes through August 13, 2007:

12 July session – Ag Child Molestation/Stat Rape/Incest 2005; Family Violence Battery 12/24/04, 2005, and one date not recorded.

16 July session – Family Violence Battery 9/2005.

19 July session – Four Family Violence Battery cases - dates not recorded.

30 July session – Family Violence Battery 5/20/05 and 3/18/07.

2 August session – Aggravated Assault (on wife) 9/12/05.

6 August session - Family Violence Battery 10/08/05, 10/18/05, 4/20/05, and 3/27/07.

9 August session – Child molestation 8/6/05; Cruelty to Children 10/15/05 and 3/24/06; Family Violence Battery 11/19/05.

16 August session – Child molestation 7/14/05

Recommendation: The Court should confer with the District Attorney on the proper staffing of her office in order to bring justice more quickly and to better protect families and minor children.

- 7. Standardization within the District Attorney's Office. This Grand Jury recommends that the processes within the Grand Jury sessions can be streamlined by briefing the Assistant District Attorneys on their responsibilities regarding the following:**
- a. Swearing in of a witness. The Grand Jury saw no point in swearing in a witness before EACH case when multiple cases were involved with the same witness. Simply reminding the witness that he or she is still under oath would suffice as far as the Grand Jury is concerned.**
 - b. Complete reading of charges. The Grand Jury felt that reading a complete charge was unnecessary when dealing with multiple events under the same law. For instance, if a forger passes many bad checks**

against the same account is it necessary to read – again and again – the specific law pertaining to passing bad checks?

- c. Standardization of charges. One assistant District Attorney will charge a defendant one way and another will charge him or her differently. This Grand Jury recommends that the District Attorney implement a quality improvement initiative to ensure consistency in applying charges.**
- 8. Finally, the Grand Jury recommends that Presentments of the last three Grand Juries be made available to the current Grand Jury in order that it be made aware of their predecessors' concerns and recommendations, check on the progress being made on them, and to avoid duplication of effort.**

JEFFREY C. PICKETT, FOREMAN

BARBARA BROWN, ASST. FOREMAN

KAREN GARDINER, SECRETARY

CAROLINE NOYES, ASST. SECRETARY

**CAROL L. ANDERSON
ROBERT BUCKLEY
OMARI CHESTER
JERED HALL
GRACE A. HARRIS
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NANCY HOUSTON
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DANIEL W. HUNGERFORD
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TRENTON D. MACK
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HENRY ANDRE NOAH
COYAWNTA RAHMAN
KYLE H. SANBORN
MARY C. STUTES
MICHAEL S. TOMASIK
DANIEL C. WHITE
KELDRIC WRIGHT**

ORDER

The within and foregoing presentments having 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 30th day of August, 2007.

JUDGE, DEKALB SUPERIOR COURT
STONE MOUNTAIN JUDICIAL CIRCUIT

ACKNOWLEDGED:

GWENDOLYN KEYES FLEMING
DISTRICT ATTORNEY