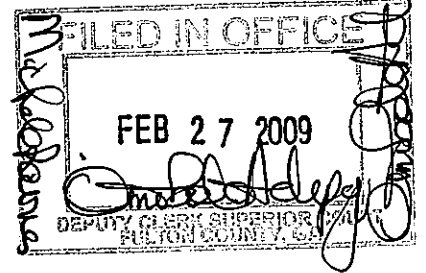


GENERAL PRESENTMENT

Fulton County, Georgia Grand Jury
January – February 2009 Term

Judge Thomas R. Campbell, Jr.
Fulton Superior Court
Atlanta Judicial Circuit



WE, THE GRAND JURY FOR FULTON COUNTY FOR THE JANUARY – FEBRUARY 2009 TERM, MAKE THE FOLLOWING PRESENTMENT, PROVIDING THE FOLLOWING OBSERVATIONS AND RECOMMENDATIONS CONCERNING THE TOPICS DESCRIBED IN EACH PART BELOW.

**PART I
LEGISLATIVE STUDY COMMITTEES**

This Grand Jury heard from District Attorney Paul L. Howard, Jr. on a number of issues. DA Howard was informed that this Grand Jury planned to recommend that the members of the Fulton County Delegation in the Georgia Senate and Georgia House of Representatives introduce and support the establishment of several Joint Senate House study committees. DA Howard recommended that members of this Grand Jury volunteer to serve on or appear before such committees in areas of interest or expertise. Several members of this Grand Jury indicated that they would so serve or appear. The Foreperson of this Grand Jury can be contacted through the DA's office for contact information for such Grand Jury members. The Grand Jury requests that the District Attorney send a copy of the Presentment to each member of the Georgia Senate and House of Representatives from Fulton County.

**PART II
PUBLIC ACCESS TO GRAND JURY DOCUMENTS**

This Grand Jury recommends that the Fulton County Grand Jury for the March/April Term require that Cathelene "Tina" Robinson, the Clerk of the Fulton Superior Court, appear before the March/April Grand Jury for the purpose of discussing the filing and docketing of Fulton County Grand Jury documents so that the public can identify, locate and review such documents. The Foreperson of this Grand Jury, Wheeler Bryan, will be glad to appear before the March/ April Term Grand Jury and describe and discuss the problems he had in identifying, locating and reviewing prior Grand Jury documents in the Clerk's office.

PART III
FULTON COUNTY BOARDS OF EQUALIZATION AND TWO GRAND JURIES

This Grand Jury recognizes that an important duty of the Grand Jury is the appointment of members and alternates of the Fulton County Boards of Equalization. It also understands that the Boards of Equalization serve an important appeal function in the valuation process for property taxes. In view of the fact that a Grand Jury in Fulton County serves only a two (2) month term and that most of the time is devoted to the criminal function of the Grand Jury, Fulton County Grand Juries do not have sufficient time to devote to other issues of importance to Fulton County citizens.

District Attorney Howard advised this Grand Jury that Fulton County is authorized by law to have two (2) Grand Juries empanelled at the same time.

This Grand Jury recommends that Fulton County consider empanelling two (2) Grand Juries each term. It also recommends that one Grand Jury handle mostly the criminal function of the Grand Jury and that the other Grand Jury handle mostly the inspections and other civil functions of the Grand Jury including especially the appointment of members and alternates of the Fulton County Boards of Equalization and the investigation into the operations of the Boards of Equalization.

The Grand Jury requests that the Fulton County members of the Georgia Senate and House of Representatives introduce and support the establishment of a Joint Senate and House of Representatives study committee to consider whether the boards of equalization in Fulton County and in Georgia are an effective part of the property tax appeal procedures and, if not, what changes should be made.

Finally, this Grand Jury recommends that the Fulton County District Attorney screen the proposed appointments to the Boards of Equalization for qualifications to serve. Additionally, that the District Attorney serve as the official in Fulton County that ensures that the statutory requirements are followed and that compliance with such requirements is documented for the Boards of Equalization.

PART IV
CHILD ENDANGERMENT STATUTE

Based on the prior presentment by the Fulton County March / April / 2008 Term Grand Jury, dated 2 May 2008, addressed to the Honorable T. Jackson Bedford, Superior Court Judge, Atlanta Judicial Circuit, and regarding the need for a Child Endangerment Statute, it is the recommendation of this current Grand Jury that every effort be made on the part of all elected officials impacting the citizenry, to collaborate on, produce, and enact an effective law, exceeding the restraints of O.C.G.A. § 16-5-60(b) [reckless endangerment] and O.C.G.A. § 16-5-70(b) [cruelty to children], addressing both physical and mental suffering by children at the hands of, and by the actions of, any adult responsible for their care, permanent or temporary.

We further recommend that the Fulton County members of the Georgia Senate and House of Representatives introduce and support the establishment of a Joint Senate and House study committee to prepare effective legislation protecting children to that end. We request that any cruelty to children, either psychological or physical, or any act that may be construed as beyond reasonable custody and care of children, be considered as felony offenses as opposed to misdemeanor offenses as cited above. It is paramount that felony offenses be the standard in all child cruelty cases.

All actions in and around and towards children should be addressed when those actions are a detriment to the well-being and healthy development of a child in that such actions arrest their growth towards becoming positive, contributing members of society.

**PART V
PROCESS AND TECHNOLOGY IMPROVEMENTS
FOR GRAND JURY PROCEEDINGS:**

I. Observations.

We, the Grand Jury during our term of office observed the following during sessions:

- a. That there appears to be a tremendous use of time and expense for witnesses, most of whom are law enforcement officers, to testify on the crime(s) being brought forth to the Grand Jury.
- b. That the time of law enforcement officers can be better served outside the courtroom providing protection to the citizens of the respective municipalities.
- c. While the majority of the cases involve cases within the City Of Atlanta, a large number of cases are brought forth from cities within Fulton County that are located up to 30 or more miles north or south of the Fulton County Courthouse Complex resulting in potentially several hours of driving and waiting time for law enforcement officers per case.

II. Interviews

In developing this General Presentation, two casual and short interviews were held with two City of Roswell and City of Milton law enforcement officers. The following data points were collected:

- a. That the Cities are feeling the effects of the downturn in the economy and are often constrained in hiring new officers as population density and the associated crime rate increases.

- b. The load on Detectives and Investigators is increasing. It is not unusual for a Detective to have 100 to 150 open cases at any point in time.
- c. Traveling to the Fulton County Court House places a time and financial burden on the cities, the cost of which is not recovered. While it varies by city, officers are often paid overtime or given comp time for the entire duration of their trip to the Grand Jury.
- d. There are significant direct and indirect Vehicle Expenses incurred by the Cities while testifying before the Grand Jury. **Direct expenses** are the actual costs per mile to drive the officer to the Fulton County Courthouse. **Indirect Expenses** are the cost of having to purchase and maintain a substitute fully equipped police vehicle to replace the vehicle that is used for Grand Jury service.
- e. There are significant direct and indirect Personnel Expenses incurred by the Cities while testifying before the Grand Jury. **Direct expenses** are the overtime wages and comp time and benefits paid to the officer. **Indirect expenses** are the cost of bringing in another officer during peak service periods to replace the officer that is testifying before the Grand Jury.
- f. Numerous frequent appearances before the Grand Jury for Officers often after completing 10 to 12 hour night shifts coupled with long drive times can add "mental strain" and cause early burn-out of the Officer resulting in an increased number of resignations. Increased Officer turnover increases the cost of acquiring, training and maintaining a police force.

III. High Level Research

A brief web search using Google and searching several government media publications indicates that:

- a. Multiple jurisdictions around the Country from Maine to Ohio to California are experimenting with and have adopted Video Conferencing Systems to minimize the cost of testifying before Grand Juries.
- b. We were impressed by the work of the Cuyahoga County, Ohio law enforcement organization for their comprehensive use of video technology. A copy of the Cuyahoga County Video Conferencing Overview is attached as Exhibit A and Video Conferencing Grant is attached as Exhibit B to this document. Please refer to the following URL to view the project details:
<http://jsr.cuyahogacounty.us/en-US/Video-Conferencing-Grant-Workgroup.aspx>

IV. Assessment.

We the Grand Jury provide the following assessment of the process.

- a. While Fulton County has well defined manual processes that have been consistently applied throughout the duration of the term of this Grand Jury, there are Information Technologies (IT) in commercial use that are utilized by business enterprises that could be adopted by Fulton County to reduce the costs associated with administrating the Grand Jury process.
- b. Tested "Off the Shelf" hardware and software is available for either direct purchase or lease.
- c. Many US corporations utilize used or off-lease equipment to minimize the acquisition cost of equipment. With corporations shedding corporate assets from corporate jets to personal computers, there might potentially be some great values for Fulton County to capitalize on "used assets" during this economic downturn.

V. Recommendation

- a. That Fulton County District Attorney form a committee to work with the Fulton County Information Technology organization to explore and develop a Cost /Benefit analysis of introducing a Dial-Up, leased line or DSL based Video Conferencing System connecting all the Police Headquarters of all the Fulton County Cities outside of the City Of Atlanta to minimize the monetary and human costs of law enforcement Officers providing Grand Jury testimony.

PART VI GRAND JURY JOINT STUDY COMMITTEE

The Grand Jury requests that the Fulton County members of the Georgia Senate and House of Representatives introduce and support the establishment of a Joint Senate and House of Representatives study committee to consider whether the grand jury system in Fulton County and in Georgia is an effective part of the Georgia criminal justice system and process and, if not, what changes should be made

PART VII APPEARANCE AT 2009 MARCH / APRIL TERM

The Grand Jury recommends that one or more of the officers of this Grand Jury:

- (1) Appear before the 2009 March-April Term Grand Jury, (2) deliver copies of this General Presentment to said Grand Jury, and (3) request that said Grand Jury consider the issues raised in this General Presentment.

**PART VIII
PUBLICATION OF THIS GENERAL PRESENTMENT**

The Grand Jury requests that this Presentment be published in the Fulton County Daily Report and Atlanta Journal-Constitution, Inc. in prominent locations and not in the legal advertisements. Additionally, that a copy also be sent to the Neighbor Newspapers, Inc., with a request on behalf of the Grand Jury that it be published as a public service in the following Neighbor Newspapers that cover Fulton County: Northside Neighbor, Sandy Springs Neighbor, Vinings Neighbor, Roswell Neighbor, Alpharetta Neighbor, Milton Neighbor, Johns Creek Neighbor and South Fulton Neighbor. It is also requested that a copy of this Presentment be sent to all members of the Fulton County Commission.

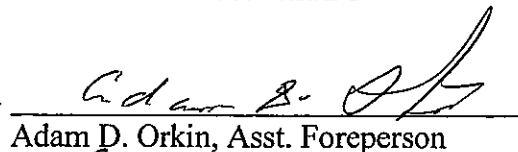
**PART IX
FELONY CASES THAT SHOULD NOT BE BROUGHT BEFORE THE
GRAND JURY FOR INDICTMENT**

The Grand Jury recommends that cases involving sex-offender registry violations not be brought before the Grand Jury for indictment. The presentation of these registry violation cases were found to be both time consuming and a resource drain on both the Law Enforcement Officers and the District Attorney's staff as 100% of these indictments are true billed. If the state determines that a registry violation has occurred the case should be automatically processed by the District Attorney's office and not require a formal presentation to the Grand Jury for indictment.

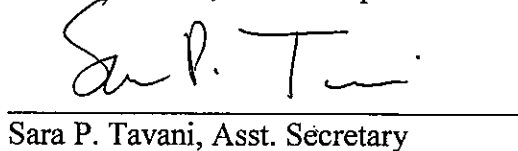
Respectfully submitted this the 27th day of February, 2009.

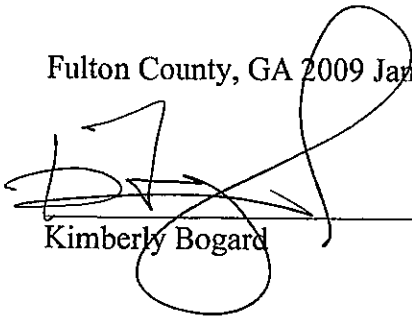
FULTON COUNTY GRAND JURY
FOR JANUARY – FEBRUARY 2009 TERM


W. Wheeler Bryan, Foreperson



Adam D. Orkin, Asst. Foreperson


Corinne Reynolds, Secretary

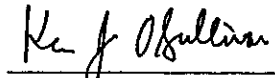

Sara P. Tavani, Asst. Secretary



Kimberly Bogard




Charles L. Melton



Kevin J. O'Sullivan

Mia N. Boswell

Tiera Saleem Boyd



Roy S. Coleman

Jane Perry

Arthur B. Simms, IV



Sandra Moreland Stewart

Timothy Dwyer

Clifford R. Glenn, Sr.




Dexter Hill



Shauna Stewart



Christopher C. Stuart



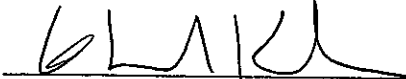
James H. Hipkens



Marion D. Thacker

Sophie Joel

Keith C. Karamarkovich



Gerry Mark Kelsey

Scott Nichols, Alt. 1

Margaret Y. Cook, Alt. 1

Dessye P. McIntyre, Alt. 3