

DEKALB COUNTY GRAND JURY PRESENTMENTS
JULY - AUGUST TERM, 2016

16CV1016

TO THE HONORABLE JUDGES:

COURTNEY L. JOHNSON
ASHA F. JACKSON
CLARENCE F. SEELIGER
GAIL C. FLAKE
GREGORY A. ADAMS
J P BOULEE
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 J P Boulee** in the DeKalb Superior Court on
July 5, 2016 respectfully submits the following presentments.

INDICTMENTS

This Grand Jury was presented with (285) cases during the **July-August 2016** term. Of these cases (272) True Bills and (13) No Bills were returned. An additional (197) cases proceeded by Accusation.

REQUEST FOR PUBLICATION

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

General Recommendations:

- Specify on the Grand Jury calendar which charge is a Felony or a Misdemeanor to assist Grand Jurors in weighing the severity of charges for a True Bill or No Bill. Suggestion: Identify Felony charges in bold type on the calendar, or have the ADA mention the type of charge while reading the indictment.
- Emphasize to those convicted of shoplifting that after the third shoplifting conviction a felony charge will be applied.
- Refer first time offenders charged with acts of Family Violence to Family Counseling/ Anger Management resources.
- Provide the Grand Jury with an updated criminal manual containing common charges and any recent changes by the Georgia Legislature. Examples of outdated statutes included the dollar amounts for theft, the language around deadly weapon in aggravated assault (e.g. "appearance" of a gun), and the elements for forgery 1st vs 2nd or 3rd degree. Several charges were not covered in our manual, such as exploitation of disabled/elder adult, reckless driving, homicide by vehicle, violation of street gang terrorism act, human trafficking, etc.
- Request witnesses to the Grand Jury speak directly into the microphone to reduce questions and ensure understanding of the elements presented for each case. Check the microphone to determine if it should be replaced, and have a good supply of batteries available in the Grand Jury room at all times.
- Provide documentation on the dollar amount relative to a felony or misdemeanor charge, i.e., Theft by Taking, to assist the Grand Jury in making a fair decision.

- Recommend consistency among ADAs for swearing in a witness who testifies for multiple cases. Some ADAs swear in a witness for each case presented; other ADAs swear in the witness once.
- Suggest that all witnesses be familiar with the elements of a case when called to testify to the Grand Jury as some have been unable to answer questions.

Presentation by the Department of Ethics Administrator

August 23, 2016

The administrator Chief Ethics Officer of DeKalb County, Stacey Kalberman, gave a presentation to the Grand Jury members. The presentation was requested as follow up to the Grand Jury report of the March – April 2015 Grand Jury term. The presentation included the following general topics:

- (1) Explanation of the state law that allowed for restructuring of the Ethics Board.
- (2) Structure of the Ethics Board.
- (3) Functions, duties, and roles of the ethics administrator and board members.
- (4) Selection and composition of ethics board members.
- (5) Background of the two investigators employed by the Ethics Board.
- (6) Major jurisdictional change for ethics administrator to report only to Ethics Board.
- (7) Periodic reassessment of the annual budget and resources.
- (8) DeKalb County citizens voted overwhelmingly for creation of ethics board.
- (9) Issuance of advisory and unofficial opinions by the ethics administrator.
- (10) Ethics website functions independently of the DeKalb County government website.
- (11) Education of county government employees on conflicts of interest.
- (12) Open complaints made to ethics hotline summarized and posted to ethics website.

Grand Jurors' questions focused on the following areas:

- (1) The ethics hotline
- (2) Current investigations of county officials
- (3) Evidence of political motives in the location of the Ethics Department in county government buildings
- (4) Power of ethics administrator to pass criminal cases to District Attorney
- (5) Adequacy of funds and resources allocated to the Ethics Department.
- (6) Issuance of reprimands in criminal and non-criminal cases

The Grand Jury was satisfied with the changes that have taken place in the DeKalb County Ethics Department. We believe that under Ms. Kalberman's leadership and commitment, the ethical behavior of our county government employees will improve which will improve life in DeKalb County.

DeKalb County Jail Inspection:

On July 14, 2016, the July-September 2016 Session of the DeKalb County Grand Jury toured the jail and received a presentation by Sheriff Jeffrey Mann and other representatives of the DeKalb County Sheriff's Office.

Outlined below are some points made by Sheriff Mann to address Grand Jurors' questions.

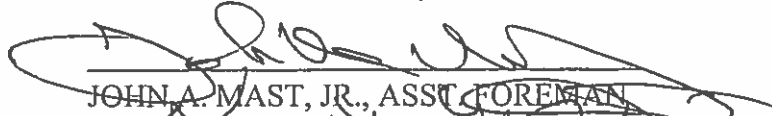
Sheriff Mann explained that in most of the 159 counties of the state of Georgia, the sheriff's office constitutes the chief law enforcement entity of the county. In larger, more populous counties, such as DeKalb County, there is a separate county police force. In DeKalb County, the Sheriff's Office performs three important functions: (1) management of the county jail, (2) serving criminal warrants, and (3) security of the DeKalb County courthouse. The DeKalb County Jail can house up to 3900 inmates, but the current population is about 2000. The Sheriff's office has about 860 employees, 500 of whom are assigned to the jail. Sheriff Mann explained that the biggest challenge he has is related to staffing, recruiting, and retaining employees. Deputies, especially those who work at the jail, must be mature, patient, and restrained. The minimum age requirement is 21 years old. Sheriff Mann has asked the DeKalb County Board of Commissioners to raise the current pay for deputies to the market rate to help with staffing issues.

With respect to a Grand Juror's question concerning inmates who may possibly have mental illness, Sheriff Mann explained that any inmate suspected of having such problems are screened upon intake to the jail. There are sections of the jail designated for housing inmates with severe mental illness, those needing suicide watch, and others who may need a transitional space due to more moderate mental issues.

The current practice of the sheriff's office is to request an investigation by the DKPD in response to suspected homicides. We concur with the recommendations of the July - August 2015 grand jury that the DKPD should also investigate apparent suicides to receive independent evaluation and determination of cause of death.



KATHLEEN A. ETHIER, FOREMAN



JOHN A. MAST, JR., ASST. FOREMAN



DORCAS WATKINS, SECRETARY



SUSAN F. NEEL, ASST. SECRETARY

LESLIE AIKEN
WILLIAM R. ANDREWS
MELISSA BETHELL-CHIMEKWENE
GWENDOLEN D. COFER
ANDREW COHEN
HUNTER DEREYNA
JESSICA K. DURRAH
ANTOINETTE GOPAUL-BUTLER
MARCIE GREENSPAN
SARA HALL
JESSICA KEENEY
LIESL C. KII
ELIZABETH S. LEE
THOMAS MALTESE
PATRICE MCDONALD-LUNDY
TOMMY L. MITCHELL
ATMORE PETTWAY, JR.
BROOKE A REBSAMEN
EBONY E ROBINSON
SHERYL SPENCE
RICHARD E. TOTH

ORDER

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

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

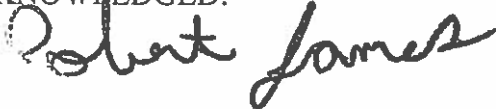
SO ORDERED this 1ST day of SEPTEMBER, 2016.



HONORABLE J P BOULEE, PRESIDING JUDGE

DEKALB SUPERIOR COURT
STONE MOUNTAIN JUDICIAL CIRCUIT

ACKNOWLEDGED:



ROBERT D. JAMES
DISTRICT ATTORNEY

FILED

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CLERK OF SUPERIOR COURT
DEKALB COUNTY GA.



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 1st day of Sept, 2016.
Signature: 
Deputy Clerk, DeKalb County Superior Court