

16CV1017

**DEKALB COUNTY GRAND JURY PRESENTMENTS
SEPTEMBER - OCTOBER TERM, 2016**

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 Daniel M. Coursey, Jr.** in the DeKalb
Superior Court on **September 6, 2016** respectfully submits the following presentments.

INDICTMENTS

This Grand Jury was presented with (376) cases during the **September-October 2016** term.
Of these cases (369) True Bills and (7) No Bills were returned. An additional (204) 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 Daniel M. Coursey, Jr.** that these general presentments be published in
whole in the County Legal Organ.

Vote on compensation of court bailiffs and expense allowance for trial or grand jurors

The grand jury deliberated and voted in favor of raising compensation for both trial and grand jurors. The grand jury recommends that the compensation for trial jurors be raised from \$25 per day to \$40 per day to close the current pay gap. The grand jury also recommends that the compensation for grand jurors be raised from \$40 per day to \$50 per day to help alleviate the significant financial burden and personal hardship endured by the citizens selected for such an extended term of service.

On Shoplifting

Many shoplifting cases have come before us—and most of them are thefts of nominal value (less than \$500) that have become felonies because of recidivism. The grand jury does not deny that serial shoplifters need to be stopped; however, there is such a high volume of these low violence/low value cases that take up space on a calendar in which there are so many substantial cases that appear slow to come through the system. While there might be reasons (other than capacity) for delays in hearing violent cases, the grand jury believes that it makes sense to search for solutions for more rapid hearings of serious felonies. Also, in addition to time, there are cost implications. What does it cost DeKalb to prosecute Wal-Mart shoplifters in its current format?

For the above reasons, the grand jury recommends that there be a future investigation into ways to make shoplifting case more efficient—e.g. by redirecting them. For example, does it make sense to establish a tiered system? One that would enable us to divert shoplifting cases to a specialized grand jury and court that hears and tries those offenses (similar to traffic courts)?

On Gang Violence and the DeKalb County Gang Unit

The grand jury was shocked to hear from the DeKalb County Gang Unit that the level of gang violence in Atlanta is reaching that of Chicago, and we're severely ill equipped to handle it. We were informed that there was one solitary police investigator working in the DeKalb County gang unit. The grand jury recommends that a subsequent grand jury conduct

an investigation into why the department is underfunded and lacks appropriate resources.

What does the county need to do to shed light on this very serious problem and ensure that its residents are protected and that gang violence does not escalate further?

On Racial Profiling and Tag Verifications

The grand jury submitted a request for a civil inspection regarding the following on Tuesday, October 11. The DA's office was not able to assemble those requested prior to the end of the grand jury's service term. The request is provided below for future grand juries to be aware of it if they choose to pursue the matter further:

During a recently heard indictment, a police officer testified that in DeKalb County it was "common practice" for mobile patrol units to park at the side of the street and manually observe passing vehicle tags. Selected tags are run against a database to determine if any issues exist such as outstanding warrants, stolen vehicles or the vehicle is the subject of an Amber alert. Vehicles with outstanding issues are then apprehended and stopped by the mobile unit.

The Grand Jury believes that this practice of manual selection is subject to conscious and/or unconscious personal bias and may lead to the violation of certain equal protection rights as provided in the United States constitution. Of particular concern is the use of race as a discriminator, often referred to as "racial profiling".

The Grand Jury wishes to request the Dr. Cedric L. Alexander (Chief of Police for unincorporated DeKalb) and the Police Chiefs of Dunwoody, Stone Mountain, Brookhaven, Lithonia, Chamblee, Pine Lake, Avondale Estates, Clarkston, Decatur, Doraville, and Atlanta Police Department who are empowered to make or alter such policies and practices to attend and explain the use of the stated practice within the context of the equal protection provisions of the United States Constitution. In addition, the Grand Jury wishes to see and review countywide summary statistics of the numbers of patrol units, tags, inquiry outcomes (e.g., nothing, stolen, outstanding warrants), the racial makeup of patrol officers, the racial makeup of vehicle owners, the racial makeup of drivers and other persons apprehended as a result of a positive response to a tag inquiry.

It must be noted clearly that it is not the intention of the Grand Jury to accuse or criticize any individual or groups of people, but rather its criticism is directed towards the policy and practice of permitting patrol officers to manually select tags from passing vehicles for input to a database inquiry.

Technological solutions often referred to as Automatic License Plate Recognition Scanning Systems (ALPR), exist to perform the same task using a series of patrol car mounted, computer controlled cameras which are capable of not just selecting a random sample of auto tags, but can run the tags of all passing vehicles. Because the selection of tags is entirely controlled by the computer and there is no manual intervention, this process is neither subject to any personal bias, nor any other conscious or unconscious human weakness.

ALPR solutions, in addition to resolving the “profiling” issues are also capable of providing a level of efficiency many times greater than the current manual practice. ALPR systems are capable of instant identification of stolen vehicles, subject vehicles of Amber alerts, expired registrations, expired insurance, suspended driver’s license, outstanding criminal warrants.

If the Grand Jury determines that the current policy and practice does constitute a constitutional violation, then it will recommend that DeKalb County put forth a plan to alter this policy and cease the practice of manual tag selection. Further the Grand Jury will recommend that the County evaluate, fund, and acquire an appropriate ALPR Scanning System.

Additional Recommendations

The grand jury puts forth the additional recommendations:

On service

- After serving on the grand jury, all jurors should have the options to be exempt from serving on the grand jury again for a much longer period of time, perhaps for life. They should also have the option to be exempt from regular jury duty for a period of at least five years.

- The calendar should notate when charges are being charged in the alternative to better help the grand jury understand the DA's approach.
- Send grand jury notice via certified mail; some jurors missed the original notice and received an automatic deferral.

On orientation

- Our orientation did not discuss the ability for the grand jury to table a bill, we only learned of this ability during week two of service. Orientation should cover all choices available to the grand jury.
- It would be helpful to have some written case studies demonstrating lack of probable cause and existence of probable cause for reference in the grand jurors' folders.
- More clearly discuss the process of requesting the addition or removal of charges within an indictment during orientation and provide written documentation that can be referenced at a later time.
- Better discuss consequences of "No Bill" during orientation, especially when both felonies and misdemeanors are being charged against a defendant.
- Provide more detail about how and when sentencing is determined and levied, especially regarding cases where there are addiction issues, mental health issues, or some shoplifting cases where it seems unfavorable to send someone to jail.
- The grand jury officers should receive additional training or reference material that discusses common problems that come up during service and how previous grand jury officers have handled them, e.g. jurors consistently arriving late or leaving early. There are many worksheets and other materials past grand juries have used that might have assisted with this problem that would have been beneficial from the beginning.

On witness/ DA preparation

- The level of unpreparedness of some of the witnesses is inexcusable. Each witness has been selected as a representative for that case and needs to be familiar with all

evidence and all investigative work done, even if someone other than the witness completed it. We have had several witnesses say that a case was passed on to someone else and they aren't sure what happened afterward. We have also had a witness testify to taking audio statements from parties involved in a crime, but could not testify to what was said because of the lack of notes or lack of transcript. One officer could not distinguish who was the victim or the suspect in photographs presented to the grand jury. The same officer also reported that he could not find his notes on the case, and that he was going off his memory. This is unacceptable and it was surprising the DA permitted this officer to continue his testimony rather than delaying until his casework was organized. Overall, there was sloppy preparation from many witnesses and in some instances resulted in the grand jury having to table an indictment.

- Additionally, not having a reporting officer act as witness can make the testimony muddled, especially when the designated witness hasn't done their due diligence to familiarize themselves with all aspects of the case.
- Many police officers seem ill prepared to deal with mental illness on scene or speak about it during their preparation. The grand jury recommends that they receive better mental health training to assist them with their duties and in appropriately relaying facts of the case.
- When the charges levied by an officer differ from those that the DA assigned to the case decides to pursue, the presenting DA should be able to speak to why those charges were altered, especially in instances in which "cruelty to children in the third degree" might apply.

DeKalb County Jail Inspection

The grand jury visited the DeKalb County jail on September 15, 2016 to tour the facilities. The grand jury was shown the intake facilities, mental health wing, general health wing, GED facilities, library, laundry, kitchen, and visitor area.

Overall the conditions of the jail seemed to be adequate; however, the grand jury believes that it is unrealistic to expect them to appropriately assess the condition of the jail when visiting days before an audit and without being able to tour living quarters.

However, the grand jury puts forth the following recommendations:

On programming

- The grand jury was happy to learn about the types of programming provided to the prisoners and would love to see more opportunities to get the community involved to help reduce recidivism, such as:
 - Establish better communication with the community about the benefits of investing in programming for prisoners.
 - Look into additional partnerships with the community and partnerships with other colleges aside from Georgia Technical College.
 - Look into creating an incentive program that could encourage businesses in the community to partner with the jail for education programs.

On the Sheriff's Office

- Sheriff Mann could not explicitly speak to what has changed in the system to correct the failure in oversight during Dorsey's time. It was concerning to not be able to have a clear checks and balances system that prevents such atrocities from happening again. The grand jury recommends that an oversight committee be established that is external to the Sheriff's department and above Mann's position.
- The Sheriff's office needs to be more aggressive about recidivism. The grand jury understands that the entire community needs to play a role in combating recidivism, but what is Sheriff Mann's plan?

On video conferencing system

- The grand jury was shocked to hear that there are no more in-person visitations at the jail and that all visitations are conducted via the video conferencing system. The grand jury does not doubt that the video conferencing system provides easier remote

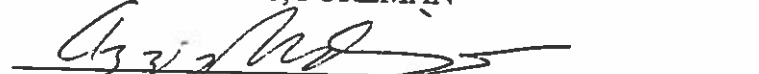
access to visitors and might be more convenient; what the grand jury takes question with is the overall removal of in-person visits. The grand jury would like to see the following:

- A systematic evaluation of family and inmate satisfaction with videoconferencing system.
- An option of limited in-person visitation, especially for longer-term prisoners.
- Potentially, the usage of in-person visitation as a prisoner incentive (like pizza parties).

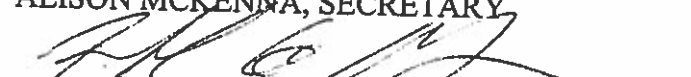
On staff and training

- Increased pay of officers to make the job more attractive to a higher caliber of employees.
- Increased officer training about conflict prevention and de-escalation.


KIMBERLY AMOS, FOREMAN


AZZIZA J. ROBINSON-SIMMONS, ASST. FOREMAN


ALISON MCKENNA, SECRETARY


RACHAEL G. MORLEDGE, ASST. SECRETARY

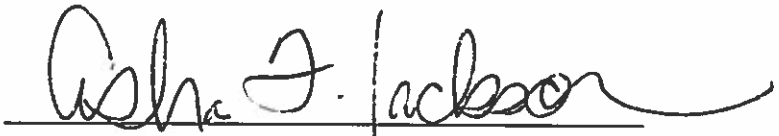
DOUGLAS C. BALDWIN
BECKY D. BENJAMIN
JILL A. BIERBAUM
CHRISTOPHER D. BOWDITCH
JIMMY A. CARTER
NELSON S. CONSUNJI
MARIAM DIALLO
BRANDON DUKES
ANTOINETTE J. ECTOR
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SARA GREGORY
RACHEL C. GRESHAM
PETER R. HENDRICKS
APRIL T. HODGE
DARREN C. JORDAN
REALE LOVE
CHIQUITA S. MOXEY
ANIL OZKAYNAK
MONICA A. PHILLIP
TAVA J. SPARKS
WILLIAM L. SPELLER
JORDAN W. STEVENS

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 3rd day of NOVEMBER, 2016.



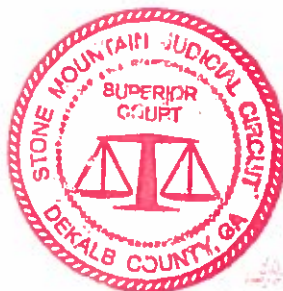
HONORABLE ASHA F. JACKSON PRESIDING
JUDGE ON BEHALF OF THE HONORABLE
JUDGE DANIEL M. COURSEY, JR.

DEKALB SUPERIOR COURT
STONE MOUNTAIN JUDICIAL CIRCUIT

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.
Title: 3rd Date: Nov 3, 2016
Signature: Rakel Loh
Deputy Clerk, DeKalb County Superior Court

2016 NOV -3 PM 12:17
CLERK OF SUPERIOR COURT
DEKALB COUNTY GA.

FILED