

CHEROKEE COUNTY

STATE OF GEORGIA

GRAND JURY PRESENTMENTS

TO:

The Honorable Frank C. Mills, III
Chief Judge, Superior Court
Cherokee County, Georgia

The Honorable N. Jackson Harris
Judge, Superior Court
Cherokee County, Georgia

The Honorable Ellen McElyea
Judge, Superior Court
Cherokee County, Georgia

CLERK OF SUPERIOR COURT
CHEROKEE COUNTY, GA
01 DEC 11 PM 2:15
PATTY BAKER, CLERK

We, the members of this Grand Jury, chosen and sworn to serve the September 2007 term of the Superior Court of Cherokee County, hereby submit the following report and several recommendations.

We, the September 2007 Grand Jury, heard 402 bills of indictment, returned 400 true bills and 2 no bills.

PRESENTMENT 1

We, the September 2007 Grand Jury, would like to commend Superior Court Bailiffs Jane Johnson and Johnny Champion for their assistance in arranging the material for the Grand Jury, managing the schedule of cases to be presented, coordinating the Grand Jury payroll, and helping the Grand Jury to run as smoothly as possible. We thank Jane and Johnny for their friendliness and support of this Grand Jury.

PRESENTMENT 2

The September 2007 Grand Jury gratefully appreciates District Attorney Garry Moss, his Assistant District Attorneys, their staff members and all of the law enforcement personnel who submitted indictments to the Grand Jury.

PRESENTMENT 3

The September 2007 Grand Jury strongly recommends that State Legislators review requirements for release on bond of any un-documented or illegal alien, especially those charged with crimes against persons under the age of 16 years, and introduce appropriate legislation addressing the high incidence of flight by these persons.

PRESENTMENT 4

The September 2007 Grand Jury wishes to thank the leadership and members of The Cherokee County Multi-Agency Narcotics Squad for their briefing, testimonies and service to the community in this important and often dangerous part of law enforcement.

PRESENTMENT 5

The September 2007 Grand Jury would like to thank Maj. West of the Sheriff's office and Chiefs Lance (Canton), Ball (Holly Springs) and Moss (Woodstock) for their briefing on gang activity in Cherokee County. We strongly urge the County and various Cities make the necessary financial and personnel commitments to combat the growth of this problem in Cherokee County. We believe special attention must be given to outreach, education and intelligence gathering in the Hispanic community. We, also, encourage educational programs directed particularly to middle school students and their parents and teachers.

PRESENTMENT 6

The September 2007 Grand Jury would like to thank Judge C.J. Gober, Solicitor David Cannon, Jr. and Ms. Lynn Epps for their presentation concerning the goals and achievements of the Cherokee County DUI/Drug Court. We believe the efforts of Judge Gober and his team have positively affected the lives of participants in attaining longer-term sobriety than many have ever had through proactive treatment, self-help and accountability. We strongly encourage governmental, through budget increases, and community support of this program which can reduce the DUI recidivism rate and it's impact on the local judicial system and the community.

PRESENTMENT 7

The September 2007 Grand Jury would like to thank the staff members of the Cherokee County School District for their briefing on the current school calendar and other current priorities of the District, such as, water conservation. We, also, would like to thank Chief Kessel for his briefing on the operation of the School Police Department.

We commend the Superintendent, his staff, administrators and teachers for making our school system one of Georgia's very best.

We recommend that the Superintendent perform a risk analysis of bus operations during days with high heat indices (heat/humidity). We believe such an analysis could provide the basis for policies (similar to those given football coaches) for operations during days with high heat indices and could go far in preventing heat related illnesses and injuries to students and/or drivers.

PRESENTMENT 8

The September 2007 Grand Jury thanks Sheriff Garrison and his staff for hosting an informative tour of the Adult Detention Center for a committee of our members. The committee noted that the ADC was clean and effectively managed. The ADC is, however, at capacity and necessary plans and budgetary actions should be in place to support expansion. We do, however, as have previous Grand Juries, have concerns for the capacity and effectiveness of the ADC's mental health facilities.

This committee also visited the County Emergency Management center and found it to be well managed.

PRESENTMENT 9

Review of management audit of District Attorney's office and Solicitor's office. (See attached hereto as Exhibit "A")

- A) We believe that funding/manning of the District Attorney's office has not kept up with case load. There may be efficiencies available to streamline case handling; we would, therefore, recommend the District Attorney be authorized to hire a consulting firm to do a complete and thorough examination of funding, manning, and management practices.

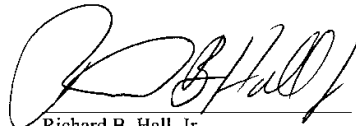
B) We believe the Solicitor's office is well managed and generally keeping pace with a large (but, generally simpler, than the DA's) case load. This office must, however, grow as the county does.

PRESENTMENT 10

The September 2007 Grand Jury believes that the number of bills of indictment heard this term approaches the number that can be effectively handled by a single Grand Jury. We recommend that the Court give consideration to alternate solutions (e.g. additional Grand Jury, additional term <four per year instead of three>) if the case load continues to grow at recent rates. We do not believe that adding days to the current term structure would be an effective or fair way of handling this increased load. We request that the January 2008 Grand Jury explore alternate solutions.

PRESENTMENT 11

The September 2007 Grand Jury makes the following appointments to the Cherokee County Tax Equalization Board: Regular Member- Mr. Kenneth L. Morris (Term Jan 1, 2008 to Dec 31 2010); Numbered Alternates: Mr. Lee Wynn, Jr. (Term Jan 1, 2008 to Dec 31 2010) and Mr. Earl R. Thomas (to fill the remainder of the unexpired term of Anthony Baumgartner through Dec 31, 2009); Additional Alternates – Mr. Claude William Petit, Jr. and Mrs. Cynthia Castello (Terms Jan 1, 2008 to Dec 31 2010).



Richard B. Hall, Jr.
Foreman

EXHIBIT "A"

Cherokee County Grand Jury
 Report on the offices of District Attorney and Solicitor
 12/10/2007

District Attorney's office:

In November Mr. Bishop conducted an interview with Garry Moss the District Attorney (DA) for Cherokee County. The DA was asked to share his frustrations and challenges. His reply was that they are simply swamped with work and need more people. Mr. Moss was very open and cooperative with requests for information. Mr. Moss has a genuine attitude of being open to any suggestions or recommendations to help him solve this primary problem.

The attached 2008 Budget prepared by the DA requested 14 new positions. Their request was denied. They were approved for just 3 new positions.

The DA office employs 40 People comprised primarily of Lawyers, Investigators, Victim Advocate and administrative staff. The increase of 3 positions represents an increase of 7.5% in staffing. The DA predicted a 10% increase in cases for 2008. The requested 14 employees would have been an increase of 35% in staffing.

Although this push back on the requested increase in staffing may appear to be appropriate, you have to look at the current year's increase in cases compared to previous years.

2007 saw the largest increase in activity in the recent history of the DA office.

	2003	2004	Change		2005	Change		2006	Change		2007	Change		2008	Change	
	Actual	Actual	#	%	Actual	#	%	Actual	#	%	Projection	#	%	Projection	#	%
Cases Opened	1739	1973	234	13.5%	2123	150	7.6%	2186	63	3.0%	3300	1114	51.0%	3630	330	10.0%
Cases Indicted	1109	1567	458	41.3%	1464	103	-6.6%	1264	200	13.7%	1680	416	32.9%	1848	168	10.0%
Juvenile Cases	1460	1099	361	24.7%	1454	355	32.3%	2113	659	45.3%	2350	237	11.2%	2585	235	10.0%
Totals	4308	4639	331	7.7%	5041	402	8.7%	5563	522	10.4%	7330	1767	31.8%	8063	733	10.0%
Total Staff	35	35	2	5.7%	37	0	0%	37	0	0%	40	3	8.1%	43	3	7.5%

The argument can be made that the approved budget was appropriate. This conclusion would be correct if we are assuming that the staff was underperforming in the past or that a new more streamlined efficient process was introduced. Unfortunately neither appears to be the case.

Mr. Moss indicated that he did not make any major changes in operational procedures this past year, he simply asked/required his staff to work harder. The increase in the number of cases was fueled in part by focusing on the back log of cases.

The DA was asked if there are any standards in the industry for validation of work load to staffing. He indicated that he is not aware of any benchmarking services. If the current staff cannot maintain this pace then we may return to having a back log. We understand that getting people to work harder than normal

or harder than they are willing to work typically creates higher turnover. With high turnover you create new problems including getting back the old problem of not keeping the pace high thus creating more back log.

We believe that the county and the state should look at an increased budget. We think the District Attorney and his staff should be commended for accomplishing an impressive increase in case activity. We think it's important to understand the consequences of being understaffed and creating backlogs. Ignoring this problem could be very serious, for these reasons:

1. **The accused is harmed**
 - a. We have to protect the rights of the accused
 - b. To be accused of a crime and waiting any period of time to defend yourself can be painful
 - c. Waiting to be accused of a crime can be worse
 - i. Evidence as well as statements can be lost
 - ii. Knowing that you are accused of a crime should take place as soon as possible
 - iii. Not all crimes that the DA investigates are initiated with an arrest
 1. Getting arrested should be insight that you may or will be charged eventually
 - d. As members of the Grand Jury we have seen cases brought to us that have been many years from the date of the accused crime
 - e. To have that time extended beyond standard industry levels should be unacceptable
2. **It creates a dangerous environment for the citizens of Cherokee county**
 - a. These delays allow criminals to be free on bail to potentially do harm to citizens for longer periods of time.
 - b. This by itself should be cause to make corrections
3. **It creates a larger window of time for the accused to flee**
 - a. Although a person can flee at any time they are granted bail, the longer we keep them on the streets and out of jail, the greater the chance the person would flee
 - b. The longer the time period the more difficult it is to locate a person who flees
4. **This creates increased liability to Bail Bondsman which could increase the cost of Bail**
 - a. Once again we need to protect the rights of all accused including the cost of making bail
 - b. It's simple economics. If there are higher incidents of accused not making bail, then the bailman takes the loss resulting in increased costs to cover the losses.
5. **This creates an increase in our Jails which is a tax burden**
 - a. If you are arrested and cannot make bail you stay in jail
 - b. You stay in jail until you come to trial
 - c. The cost of staying in jail is an enormous tax burden on the citizens of Cherokee county
6. **Overworking your staff can create quality issues**
 - a. It's a classic problem
 - b. You can have a higher degree of mistakes which would result in criminals getting off based on a mistake
 - c. I have no data to support mistakes have occurred but the concern is still valid

Cherokee County Grand Jury
Report on the offices of the Solicitor
12/10/2007

Solicitor's office:

Mr. Bishop met with the Solicitor Mr. Cannon following his meeting with the District Attorney. In the same spirit as my meeting with the DA, the Solicitor was asked to share his frustrations and challenges.

The Solicitors office manages misdemeanors. Although the majority of the cases are traffic, they will process 18,000 – 20,000 cases in 2007 year compared to 7,300 for the DA. Although there was not an expressed concern for current staffing levels, the concern remains that funding will keep pace with the growth of the county. His requested budget for staffing in 2008 was 10 but was only approved for 4.

Mr. Cannon understands the power of electronic solutions and wants to expand technology solutions within his office.

The Solicitors office generates roughly 2.5 million dollars in revenue in traffic violations. Last year they introduced their website solution for paying traffic violations. This relieved some time but their department also took over some of the Domestic Violence cases from the DA's office.

Mr. Cannon is exploring getting his entire department paperless.

Overall Conclusions

Both the DA and the Solicitor shared some common concerns that are customary with large organizations.

Both the DA and Solicitor want greater cooperation from all of the primary players they work with on a daily basis.

I did not review the Judges involvement so with that exclusion, the primary players are 1.) Arresting Officer, 2.) DA office, 3.) Solicitors office, and Sherriff's office.

Most experts agree that greater interaction between departments usually creates improvements.

There appears to be good working relationships between all players, the ruling authority should continue to act as the intermediary in getting changes in the way and responsibilities are conducted between these parties.

CHEROKEE COUNTY

STATE OF GEORGIA

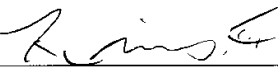
ORDER

The within and foregoing Grand Jury Presentments having read and considered, let the same be filed.

Let a copy of these Presentments, along with a copy of this Order, be sent to the Cherokee Tribune and Radio Station WCHK for publication and the usual fees paid thereon.

It is further ordered that the Clerk of Superior Court, Cherokee County, Georgia mail a copy of these presentments to each legislator who represents Cherokee County, and to each Cherokee County Commissioner.

This the 11 day of Dec, 2007.



Judge, Superior
Blue Ridge Judicial Circuit