

GRAND JURY PRESENTMENT

JULY 2008 TERM

2008 JUL -9 PM 2: 25

BOOK

RECORD
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We, the Grand Jury of Habersham County, Georgia, impaneled and sworn for the July 2008 term of the Superior Court of Habersham County, respectfully submit the following report:

➤ The Grand Jury considered several Bills of Indictment as presented by various Law Enforcement agencies including the District Attorney Brian Rickman. Decisions were rendered on all presented Bills of Indictment.

➤ Due to the inspections that were conducted by previous Grand Juries, there were no required inspections to be done.

➤ The City of Baldwin presented a request to have two (2) voting machines inspected to ensure compliance with Georgia Code. The machines were to be used for a municipal election for the City of Baldwin. The following Grand Jurors volunteered to inspect the voting machines: Chairperson Stanley Perry, Larry Carnes and John Boonstra. On Friday, September 12th, 2008 at 9am, two (2) voting machines were inspected for the City of Baldwin; both machines were found to be in compliance with Georgia Code. ***(The report and official inspection reports of this Committee are attached to and shall be made a part of this Presentment as "Exhibit I".)***

➤ The Grand Jury had a lengthy discussion with District Attorney Rickman concerning several items that had been presented by previous Grand Jurors that had not been addressed by the local governing bodies. We also discussed a concern, had by all, concerning the large amount of Bills of Indictments presented for "Child sex crimes". The Jury was concerned, not only about the large number of cases in Habersham County, but also the long time frame that it took to have the case ready for presentation before the Grand Jury. Due to the aforementioned concerns, the Grand Jury formed three (3) committees to review the issues.

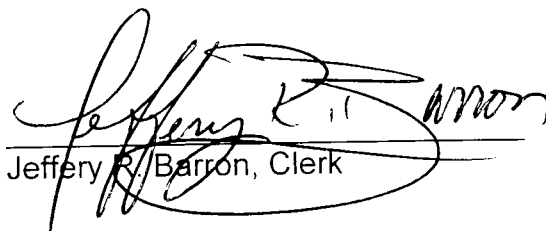
↳ A committee was formed to address the numerous Bills of Indictments presented for "Crimes against Children". The following jurors volunteered for this committee: Chairperson Denise B. Bluster, John D. Boonstra, Joyce C. Cross and Stan Perry. ***(The report and recommendations of this Committee is attached to and shall be made a part of this Presentment as "Exhibit II".)***

↳ A committee was formed to address recommendations made by previous juries concerning "Public Safety". The following jurors volunteered for this committee: Chairperson Tim Berry, Ross Martin, Sam Irvin and Benjamin Rucker. At time of this document, no report had been submitted by this committee.

↳ A committee was formed to address recommendations made by previous juries concerning the other issues not already being reviewed. The following jurors volunteered for this committee: Chairperson Charles Sherwood, Tommy Withrow and Jeff Barron. ***(The report from this Committee's Chairperson is attached to and shall be made a part of this Presentment as "Exhibit III".)***

Fred Reid, Foreperson
Charles Sherwood, Vice Foreperson
Jeffery R. Barron, Clerk

Respectfully Submitted:


Jeffery R. Barron, Clerk

Approved for Submittal:


Fred Reid, Foreperson

September 12, 2008

Friday September 12 at 9:00 AM Grand
Jury Members Stanley Perry, Larry Carnes,
John Boonstra Inspected Two Voting Machines
For The City of Baldwin per Georgia Code.
Both Machines were found to be in compliance.

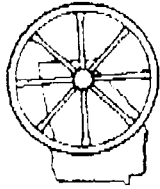
Grand Juror,

Stanley Perry

Exhibit 1

CITY OF BALDWIN

Post Office Box 247 • Baldwin, Georgia 30511-0247 • (706) 778-6341 • Fax (706) 776-7970



I, John Boystra, being a member of the Habersham County Grand Jury, have inspected the voting shoup machines intended for the September 16th, 2008 special election.

Please verify and initial after approval.

Voting Machine Numbers are 91012 and 91008.

Registering Public Counter is set at zero:

91012
91008

Protective Counter Number for machine number:


91012 is 11843
91008 is 9063

Each candidate's counter for machine number is set at zero:

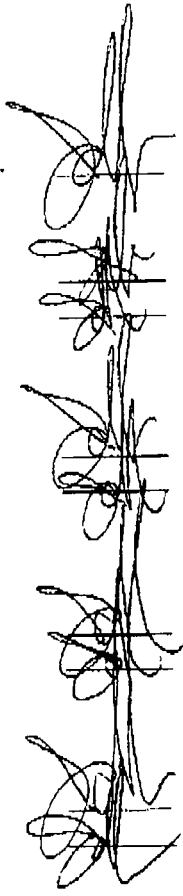
91012
91008

Seal number for machine number:

91012 is 145878
91008 is 145874



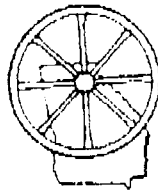
Grand Juror Member



Date 9/12/08

CITY OF BALDWIN

Post Office Box 247 • Baldwin, Georgia 30511-0247 • (706) 778-6341 • Fax (706) 776-7970



I, Stanley Perry, being a member of the Habersham County Grand Jury, have inspected the voting shoup machines intended for the September 16th, 2008 special election.

Please verify and initial after approval.

Voting Machine Numbers are 91012 and 91008. SP

Registering Public Counter is set at zero: 91012 SP
91008 SP

Protective Counter Number for machine number: 91012 is 11843 SP
91008 is 9063 SP

Each candidate's counter for machine number is set at zero: 91012 SP
91008 SP

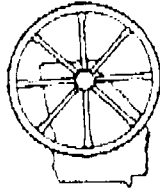
Seal number for machine number: 91012 is 145878 SP
91008 is 145874 SP

Stanley Perry
Grand Juror Member

September 12, 2008
Date

CITY OF BALDWIN

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I, Larry Carnes, being a member of the Habersham County Grand Jury, have inspected the voting shoup machines intended for the September 16th, 2008 special election.

Please verify and initial after approval.

Voting Machine Numbers are 91012 and 91008. JC

Registering Public Counter is set at zero: 91012 JC
91008 JC

Protective Counter Number for machine number: 91012 is 11843 JC
91008 is 9063 JC

Each candidate's counter for machine number is set at zero: 91012 JC
91008 JC

Seal number for machine number: 91012 is 145878 JC
91008 is 145874 JC

Larry Carnes
Grand Juror Member

9-12-08
Date

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O.C.G.A. § 21-2-327 (Copy w/ Cite)

O.C.G.A. § 21-2-327

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*** Current through the 2008 Regular Session ***

TITLE 21. ELECTIONS
CHAPTER 2. ELECTIONS AND PRIMARIES GENERALLY
ARTICLE 9. VOTING MACHINES AND VOTE RECORDERS GENERALLY
PART 2. VOTING MACHINES

O.C.G.A. § 21-2-327 (2008)

§ 21-2-327. Preparation of voting machines; custodians and their deputies; inspection; furnishing of supplies

(a) The superintendent of each municipality shall cause the proper ballot labels to be placed on each voting machine which is to be used in any precinct within such municipality, cause each machine to be placed in proper order for voting, examine each machine before it is sent out to a polling place, see that each registering counter on each machine is set at zero, lock each machine so that the counting machinery cannot be operated, and seal each machine with a numbered seal. The superintendent or his or her agent shall adjust each machine to be used at a primary, so that the poll officers may lock it on primary day, in such a way that each elector can vote only for the candidates seeking nomination by the political party in whose primary he or she is then voting and so that no elector can vote for the candidates seeking nomination by any political party in whose primary he or she is not then voting.

(b) The superintendent shall appoint one custodian of voting machines and such deputy custodians as may be necessary, whose duty it shall be to prepare the machines to be used at the primaries and elections to be held therein. Each custodian and deputy custodian shall receive from the municipality such compensation as shall be fixed by the governing authority of the municipality. Such custodian shall, under the direction of the superintendent, have charge of and represent the superintendent during the preparation of the voting machines as required by this chapter, and he or she and the deputy custodians, whose duty it shall be to assist him or her in the discharge of his or her duties, shall serve at the pleasure of the superintendent. Each custodian shall take an oath of office framed by the Secretary of State, which shall be filed with the superintendent.

(c) On or before the twelfth day preceding a primary or election, including special primaries, special elections, and referendum elections, the superintendent shall mail to the foreperson of the grand jury, the chairperson of the county executive committee of each political party which shall be entitled under existing laws to participate in primaries within the county, and to the chairperson or presiding officer of any organization of citizens within the county having as its purpose or among its purposes the investigation or prosecution of primary and election frauds, which has registered its name and address and the names of its principal officers with the superintendent at least 30 days before such primary or election, and, in the case of an

election, to the appropriate committee of each political body which shall be entitled to have the names of its candidates entered on the voting machines, and to each independent candidate who shall be entitled to have his or her name printed on the voting machines, a written notice stating the times when and the place or places where preparation of the machines for use in the several precincts will be started. The grand jury shall appoint a committee, consisting of three of its members, which shall inspect the machines and see that the machines are properly prepared and are placed in proper condition and order for use. In the event the committee of the grand jury fails to be present, the superintendent shall immediately appoint a panel consisting of three electors to perform the duties of the committee of the grand jury set forth in this Code section. Further, one representative of each political party or body, certified by the chairperson of such political party or body, and one representative of each aforementioned organization of citizens, certified by the chairperson or presiding officer of such organization, and any such independent candidate or his or her certified agent shall be entitled to be present during the preparation of the machines and to see that the machines are properly prepared and are placed in proper condition and order for use. Such committee of the grand jury, representatives, or candidates shall not, however, interfere with the preparation of the machines; and the superintendent may make such reasonable rules and regulations concerning the conduct of such representatives and candidates.

(d) The custodian and deputy custodians of voting machines and the members of the committee of the grand jury, if any, shall make an affidavit, which each shall sign, and request each representative of a party, body, or a citizens' organization, or candidate or his or her agent present at the preparation of the machine to attest, and which shall be filed with the city clerk, stating:

- (1) The identifying number or other designation of the voting machine;
- (2) That each registering counter on the machine was set at zero;
- (3) The number registered on the protective counter or other device of the machine; and
- (4) The number on the seal with which the machine is sealed.

(e) No superintendent nor custodian nor other employee of the superintendent shall, in any way, prevent free access to and examination of all voting machines which are to be used at the primary or election by any of the duly appointed representatives or candidates aforesaid; and the superintendent and his or her employees shall afford to each such representative or candidate every facility for the examination of all registering counters, protective counters, and public counters of each and every voting machine.

(f) In every primary or election, the superintendent shall furnish, at the expense of the municipality, all ballot labels, forms of certificates, and other papers and supplies which are required under this chapter and which are not furnished by the Secretary of State, all of which shall be in the form and according to the specifications prescribed from time to time by the Secretary of State. In a municipal primary, ballot labels and other materials necessary for the preparation of the voting machines shall be furnished free of charge to the municipal superintendent by the political party conducting such primary.

HISTORY: Code 1933, § 34-1209, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1970, p. 347, § 16; Ga. L. 1977, p. 1053, § 7; Ga. L. 1978, p. 1004, § 20; Ga. L. 1982, p. 1512, § 5; Ga. L. 1987, p. 34, § 1; Ga. L. 1992, p. 56, § 1; Ga. L. 1993, p. 118, § 1; Ga. L. 1998, p. 295, § 1; Ga. L. 2001, p. 240, § 24; Ga. L. 2005, p. 253, § 42/HB 244.

**Report of the Sub-Committee of the 2008 Habersham County Grand Jury:
Crimes Against Children**

The Habersham County Grand Jury (2008) had to deal with several cases involving children. Of particular concern to us were the number of cases involving children in a sexual manner, we consider these to be some of our community's most vulnerable members. These cases included a wide range from child pornography to crimes of sexual abuse against infant children. In our increasing population, both in simple numbers and diversity, there appear to be a growing number of these crimes. Causes for these crimes are many and include the growth and availability of information/technology, the break down of the nuclear family, the anonymity of our modern society and culture, and decline in the importance of moral standards, and so on. The District Attorney's office has seen in excess of 600 cases 2008 alone. The number and severity of these cases is cause for grave concern in a community, such as Habersham County, that considers itself to be family oriented and "close-knit".

Secondly, the members of the Grand Jury were surprised at the length of time that too often passes in getting these crimes to actual prosecution. The worst case took almost 2 years to get to the Grand Jury. While an extreme example, it highlights the often futile and too often tragic reality of these cases. We could not feel any other way but guilty about the failure of our current system to protect these vulnerable members of our society. (These vulnerable members that are our responsibility to protect.) We are concerned for the protection of these children in a potentially dangerous or unsafe situation and the need to seek resolution in these matters in a timely and prompt fashion. In addition, in situations where the adults are wrongly accused these allegations create for the accused an unfair and increasingly negative public perception. The longer these accusations remain unresolved the more damage to an innocent party's reputation. And it goes without saying that of even greater concern is the additional damage to a child remaining in these situations for an extended period of time because we, as a community, a county, can't prioritize these cases to resolve them for the health of the children involved.

Therefore, we the members of the Grand Jury felt that in spite of our difficult economic times protection of our children needs to be a priority. After discussions with Sheriff-elect Terrell and some of the staff of the county and Brian Rickman office it was apparent the concern we felt was shared. The bottom line is that we need to do more to protect these children. There are many ways in which this problem can be addressed. These ways include encouraging churches, schools (public and private), healthcare providers, civic and private organizations to get involved with this issue. Can we get a church or group of churches to provide a temporary shelter for sexually abused children? Can we get an organization or business entity to assist with education for children that may be at risk for some of these abuses? And so on.

Our conclusion was that we, as the Grand Jury, could highlight this issue, but our responsibility to the taxpayers and citizens of Habersham County was to focus on the area

we can and should focus on and that is the legal system. Therefore, we strongly encourage the Habersham County Board of Commissioners to take a lead in this area. Leadership in this area includes finding some level of funding to support Sheriff Terrell's effort to provide dedicated officers to these types of crimes and to assist in the prosecution of these crimes. In addition, standard operating procedures must be developed and adhered to for handling these cases both on the county level and on the city-level. For example, getting paperwork completed and completed correctly and on time and getting it filed. Many of these cases get put on the "back burner" because more pressing matters come up and there are limited resources for everyone both in time and manpower. This issue needs dedicated personnel to make sure these crimes get prosecuted and get prosecuted in a timely manner. Where our money and resources are spent is where our priorities are, this issue, sexual crimes against children needs to be a priority. The District Attorney can provide much needed assistance in this manner, both financially and in experience and is willing to do so. However, the primary burden for this is on us, as citizens of Habersham County and upon the County Board of Commissioners as our local representatives. As stated earlier there are other organizations that can help (e.g. Circle of Hope, Habersham Board of Education, Habersham County Medical Center, CASA, DFACS, Sharing and Caring, Grace Gate, and others), but you must take the lead. We cannot allow our children to be abused in this manner and then abuse them further by providing an inadequate and apathetic system of justice to pursue those that perpetrate these terrible acts on them.

December 16, 2008

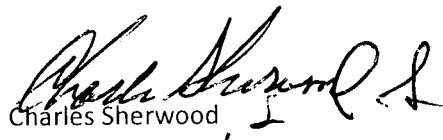
Mr. Fred Reid, Foreman

Habersham County Grand Jury, 2nd session

Mr. Reid;

My committee was charged with following up on first session recommendations. All County departments with recommendations by previous Grand Jury were to be contacted. I have no report from other members of my committee, and of the groups contacted by me, only the School superintendent responded.

Please see attached response.


Charles Sherwood

Grand Jury Report – Summer 2007

North Habersham 6th Grade Academy – Contact: Mary Beth Thomas – Principal – Approximately 320 students

This too is one of the older schools in the system, and although the main building and classrooms are considered adequate, there were significant issues noted with this school's Gymnasium.

Following are observations and recommendations that should be considered for this facility:

- Safety:
 - Complete a total renovation of the Gymnasium. We were appalled to see this type of facility in the Habersham County School system. This should be a top priority, with scheduling starting immediately, and with a completion date of Jan.2, 2008. Following are additional details that support this recommendation:
 1. The floor is concrete with several potholes presenting trip hazards. The coating on the floor is peeling to the extent that it also creates a trip hazard. It was reported that there have been injuries due to these conditions.

This is an item where we will be seeking outside assistance in trying to determine the best way to address this problem. Will give an update as soon as a solution can be found.

10/23/2008

The uneven areas have been ground, bringing all areas to a level surface. The low points causing trip hazards have been filled. Floor has been sanded to remove old sealants and painted.

2. The walls are filthy and require painting.

Requesting quotes---once quotes are received we will send an update on the status of job. This was originally planned for completion during week of Spring Break or during the Summer, with budget being a factor.*

10/23/2008

In process. Completion (budget restraints permitting) before January 1, 2009.

3. Wall receptacle plates broken and damaged, which could result in injury due to exposed wiring.

Will be corrected no later than January 11th.

10/23/2008

Have been repaired.

4. The foam bumpers on the wall girders are worn off with only patches of the foam left. Presuming the original intent was to avoid potential injury, these should be replaced with appropriate materials that are not so easily damaged or vandalized.

Will forward cost of padding as soon as quotes are received.

10/23/2008

Installed new padding.

5. The ceiling is of some sort of vinyl-covered insulation. This material is coming loose, and in some areas, patches are hanging down several feet. Additionally, the ceiling too is filthy.

We are going to try cleaning and patching as needed. If we are not successful then we will look at another option. Will give you an update no later than Jan. 22nd.

10/23/2008

Have not completed, but will be making repairs.

6. Check restrooms, sewage system - There was a strong odor that may have been coming from these areas.

Upon our inspection restrooms were found to be clean with recently installed vent fans running. Custodial staff will monitor odor. All urinals/toilets were operating properly with the exception of (1) urinal in the Boy's restroom that has a leak when it is flushed. This will be corrected no later than Jan. 11th.

10/23/2008

Cleaning products have been changed in hopes of helping with odor. All repairs have been made.

7. Ventilation for this area did not seem adequate, although fans were running and doors open.

We are looking into some options at this time to help with air movement and ventilation. An update will be given when a solution is determined along with cost.

10/23/2008

Have not found a solution at this time, but will continue to look for options.

8. Provide air conditioning for this facility.

This is not an option due to high cost factor and length of time we will be remaining in this building.

- Replace all exterior sidewalks, ramps, decks, and steps. It is obvious that they have been patched numerous times, and are now beyond the point of further repair. At this time they are beginning to crumble, creating a potential safety hazard for the students, faculty, and others that may use them.

We will request bids beginning January 8th on replacing sidewalks. An update will be given as soon as bids have been received.

10/23/2008

Not an option, due to cost factor, and length of time we will be remaining in this building. We will constantly monitor to assure the safety of these areas, with repairs being made as needed.

- Relocate water fountain in main hallway. Present location protrudes into main hallway traffic flow presenting potential for injury.

This is not an option. Due to drain lines and water supply... We discussed freestanding. This was not an option either due to the fact it would not be Handicap accessible. We feel the best solution would be to either construct a wall the depth of the water fountain and 4-5ft. in height to isolate them from the traffic flow. This would still keep us in Code for width of hallway. Another option instead of constructing a wall would be to install a partition type wall. We feel either of these would be an acceptable solution.

10/23/2008

Have not completed, still looking at options.

- Check to ensure no asbestos present where damage to walls found. Damage to casings overhead have been repaired with caulking.

Was not able to locate damage to walls...The overhead casings (specifically in the entrance area going into the hallway and into the cafeteria) are a work in progress. These are not asbestos concerning areas. The plaster has broken loose so we have been building it back. Hopefully only one to two more coatings will be needed before these areas will be ready to paint.

10/23/2008

Completed.

- General Observations/Recommendations

- Repair damage to walls over door casings.
See previous notation.

- Check to ensure no asbestos present where damage to walls found.

See previous notation.

- Replace damaged floor tiles throughout the facility.

Was not able to locate any broken tiles, these may have already been corrected. We have asked the custodial staff to pay close attention and let us know of any they may find.

- Repair peeling paint on walls.

Beginning January 8th we will be receiving quotes for repainting both bathrooms and properly repairing walls before painting occurs. No other areas were found to have this problem at time of our inspection, but once again custodial staff will notify us of any areas needing repair.

10/23/2008

Completed.

- Provide air conditioning in Kitchen area.
- Install additional restrooms. Only one for boy and one for girls in the entire school.

Air Conditioning and restrooms are not an option due to high cost factor and length of time we will be remaining in this building.

Grand Jury Report – Summer 2007

South Habersham 6th Grade Academy

There are approximately 220 students attending South Habersham 6th Grade Academy. Although this is one of the older schools in the system, it is apparent from the walk through inspection that this facility is properly maintained and has been updated to provide an acceptable environment for our Education System.

Following are observations and recommendations that should be considered for this facility to ensure that it continues to meet the county educational needs.

Recommendations for Safety:

- 1) Replace all exterior sidewalks, raps, decks, and steps. It is obvious that they have been patched numerous times and are now beyond the point of further repair. At this time they are beginning to crumble creating a potential safety hazard for the students, faculty, and others that may use them.

We will request bids beginning January 8th on replacing sidewalks. An update will be given as soon as bids have been received.

10/23/2008

In process. Completion no later than January 1, 2009.

- 2) Discontinue use of extension cord hanging from ceiling in the cafeteria.

This was removed January 3rd. We will establish a receptacle as needed no later than January 11th.

10/23/2008

Completed.

- 3) Replace foundation vents in kitchen office areas. Currently cardboard is used to keep rodents and insects out.

Upon inspection we found these vents to be in good condition with screens intact. The cardboard will be removed as soon as a solution has been found. We will find a way for ventilation to be achieved in the summer months as well as finding a way to keep out the winter cold. Correction or upgrade will occur no later than January 11th.

10/23/2008

Sliding vent cover has been installed.

Recommendations for Security

- 1) Lock all exterior doors to minimize unauthorized entrance from the outside. This was not the case for Kitchen area, which then provides open access to the remainder of the school.

We have received a quote to replace the existing Kitchen door. The new door will include a screen which can be locked with a deadbolt. This will also assist with the air movement during the hot summer months, and also provide the needed security. Quote is \$965.00. This could be completed by February 15th.

10/23/2008
Completed.

Also, the doors to the gymnasium were propped open while students were participating in PE.

These doors are usually propped open to help with air movement. We are looking into some options at this time to help with air movement and ventilation. An update will be given when a solution is determined along with cost.

10/23/2008

We have not found a cost effective solution at this time, but will continue to look for options.

- 2) To resolve the issue with doors left open due to significantly high temperature days, it is also recommended by this Grand Jury that the **Kitchen and Gymnasiums be provided with air conditioning**. In this day and time it is not reasonable that we should expect our children to be exposed to temperatures 95-100+ degrees.

This is not an option due to high cost factor and length of time we will be remaining in this building.

General Observations/Recommendations

- Repair sagging ceiling tiles in cafeteria.

Will be completed January 22nd (will have to be completed on a day when the cafeteria will not be used, this is a Holiday for the children and a workday for maintenance).

10/23/2008
Completed.

- Paint cafeteria wall – spots unpainted.

Painting will be done no later than January 22nd.

10/23/2008

Completed.

- Fix Hot Water in restrooms in main building.

Was never established in this building.

This is not an option due to high cost factor and length of time we will be remaining in this building.

- Provide pull up bar for gymnasium to offer additional activities.

To be completed no later than January 11th.

10/23/2008

Completed.

- Install additional restrooms. Only one for boy and one for girls in the entire school.

This is not an option due to high cost factor and length of time we will be remaining in this building.