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JULY 2010

The Liberty County Grand Jury

2010 February Term

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Final Presentment

February 8, 2010

The 2010 February Term of the Liberty County Grand Jury convened on February 8, 2010 after being selected, impaneled, sworn in and instructed of our duties by Judge Cavender. The jury was composed of 22 members as shown in **EXHIBIT "A."** The Atlantic Judicial Circuit District Attorney's Office presented 115 criminal cases for Grand Jury consideration on February 8-9, 2010 and May 17-18, 2010. There were 111 True Bills and 4 No Bills returned.

The Grand Jury reviewed and accepted the funds received, dispersed, and carried over report from the Clerk of Court which included receipts and disbursements from September 2009 through January 2010. Also, the Grand Jury received a financial report from the Liberty County Probate Judge, Nancy Aspinwall which consists of the Atlantic Judicial Circuit Alternative Dispute Resolution Fund; the Law Library Fund; Consolidated Monthly Remittance Report; Judges' of the Probate Courts Retirement Fund of Georgia; and a Report of Fees Collected for the period covering September 2009 to February 5, 2010. There was no financial report from the Liberty County Sheriff's Department.

Following the initial criminal presentments on May 18, 2010 the grand jury selected a committee to inspect and examine the Liberty County Jail and Liberty County Board of Education as required by statutes.

Liberty County Sheriff's Department Committee Report

On July 12, 2010 a committee of four grand jurors met with Chief Deputy Sheriff Keith Moran, Assistant Jail Administrator Captain Bruce Duncan and Lt. Lisa Boyd to inspect the jail. The committee was briefed by Chief Moran on the operation of the jail facility and a budget was provided and reviewed. The committee inquired about the financial report due from the Sheriff's Department. Chief Moran stated that the Sheriff's Department collects approximately 1.7 million dollars in citations annually and all revenues are deposited and accounted for in the Clerk of Courts general funds. The Sheriff's Department account is audited twice per year. During the interview Chief Moran answered questions from the committee regarding various programs, grants, job positions, job responsibilities and policies. Chief Moran provided the committee with information on the new Justice Center, a 92,000 square foot building that is currently under construction. The offices that will be located in the Justice Center will consist of the Clerk of Courts, Sheriff's Department, Probate Court, Magistrate Court, and District Attorney's staff. The justice center will have four court rooms, a Grand Jury room, and will be equipped with state of the art video conferencing. It will have a control room with six inmate cells and the entire building will be monitored by 48 surveillance cameras. The new facility is estimated to cost approximately 16 million dollars and is scheduled for completion in March 2011. Chief Moran stated that due to budget cuts the Dare Program has been discontinued and the School

Resource Officer (SRO) previously assigned to the Midway Middle School has been eliminated due to lack of funding.

The current 7,700 square feet jail was built in 1995, staff 65 employees and has the capacity to house 300 inmates. In addition to inmates from Liberty County, inmates from surrounding counties and Fort Stewart are also housed at the jail. Liberty County receives \$35 per inmate per day that is housed from other counties and \$40 dollars for Federal inmates. Chief Moran stated that 90-95 % of all property crimes are drug related.

Currently, there are four deputies per shift; in five years the Sheriff's Department plans to increase the manpower to six deputies per shift. The road deputies respond to an average of 36,000 calls per year. There are 61 cars in the fleet and every six years older cars are taken out of service and replaced with new cars using drug forfeiture and seizure money.

Chief Moran stated that there are 8 detectives that work out of the jail and was proud to inform the committee that their crime solve rate is 45% as compared to the national average of 20%. The Sheriff's Department has an on-site training program that is headed by Captain Edwards along with six instructors. The jail also has a work release program in which inmates that are charged with non-violent crimes are released to work and report back to the jail. Chief Moran also stated that the Drug court program is proving to be successful.

Following the interview with Chief Moran, Captain Duncan and Lt. Boyd guided the committee on a tour of the jail. The committee walked through the various departments and sections of the jail to observe the daily operations. There are security control rooms and two towers in the jail. The committee toured Tower 1 which was operated by Officer Butler and Tower 2 which was operated by Officer Brantley. The officers explained how the pods are monitored to ensure inmate safety and compliance. Safety precautions are well established and followed by everyone affiliated with the facility. The jail was found to be clean, well organized, properly heated and ventilated.

To determine treatment of inmates, the committee requested to interview one male and female inmate. Captain Duncan selected both inmates. Captain Duncan and Lt. Boyd remained in the room during both interviews. The male inmate stated that he participates in the Work Release Program. He stated that he is treated with respect, feels safe and living conditions are average. The committee observed cuts and bruises on the inmates' head and when questioned, the inmate stated he cut himself shaving and fell in the shower. Following the interview with him the committee inquired of Captain Duncan about the jail's policy and procedure for providing razors and other sharp objects to the inmates and monitoring them with such items; he responded that they issue the razors to the inmates and are supposed to collect them back after a period of time. He stated he is not sure what happened in this case.

In view of this situation, it is recommended that the next grand jury follow-up on safety procedures, policies and monitoring of the inmates.

The female inmate was interviewed, she stated that she feels like she is being housed in a clean environment, she feels safe, and has no problems with the staff. Also, she stated that the medical staff is always good with getting her help and the medical attention she needs.

At the end of the tour, the committee discussed a couple of points of clarification from the previous Grand Jury's presentment with Captain Duncan and Lt. Boyd.

1. Inmate reentry program-The past grand jury recommended that this program be implemented. Captain Duncan responded that no such program exists in the jail.
2. The procedure for handling inmate mail-the previous grand jury stated that inmate mail is inspected by jail personnel before dispersed to inmates. Captain Duncan and Lt. Boyd stated that this is a procedure that is followed in the State and Federal prison system and not in the local jail system.

Recommendation: It is recommended that the next grand jury follow-up on safety procedures, policies and monitoring of the inmates.

Liberty County Board of Education's Committee Report

On July 26, 2010, a committee of three grand jurors met with Superintendent Judy Scherer, Assistant Superintendent Mary Alexander, and Assistant Superintendent Jason Rogers for the purpose of following up on recommendations that were made by the previous grand jury. The interview began with an overview of the school system's current status on meeting Adequate Yearly Progress (AYP). She reported that all elementary and middle schools made AYP. To the contrary, she reported that all of the high schools did not and are preparing for retest. The committee inquired if the school system would lose any funding as a result of the high schools not meeting AYP. Dr. Scherer responded "no" however, the state could modify in that area. When asked how the students are provided help when they do not pass AYP, Dr. Scherer reported that the following services are provided: tutoring, counseling, remedial courses, and paper/online study guides. Additionally, she reported that at the high schools they have what is called Xpress. However, she did not expound on this program or what it details.

The committee then focused the discussion on the Alternative Program stating that this program would be the primary item of interest as the previous grand jury requested that this grand jury follow-up on recommendations provided in their presentment.

Dr. Scherer made the following remarks concerning the Alternative Program:

- Georgia law dictates that the school system must operate the alternative program for students with disciplinary problems.
- Liberty County's alternative program is contracted through Ombudsman instead of the school system because:
 - it is less expensive
 - Ombudsman provides computer-based instruction at the student's pace
 - Ombudsman has the staff available to provide feedback to improve on providing for the needs of the students
- Ombudsman is monitored and SACS accredited.

- Students are placed in the alternative program through a tribunal process as a result of a behavioral infraction.
- Students spend three to four hours a day at the alternative school.
- While in the alternative program the students earn credits.
- Placement in the alternative program eliminates the student's social interaction with peers at their home schools.
- The approximate length of time a student spends in the alternative program is one year.
- Ombudsman's primary function in the alternative program is to provide education remediation; they are not there to provide any clinical counseling, etc.
- When asked if there is another course of action that the school system can take in response to behavioral infractions before ultimately placing a student in the alternative school, Dr. Scherer responded that the Star Program is available and has been helpful in preventing students from going to Ombudsman. Although the program requires commitment and involvement from the parents, it has been a successful deterrent to students having to be placed in Ombudsman.
- Dr. Scherer was asked what services are provided to Ombudsman students – she replied that students are referred to Family Connection.

The grand jury also followed-up on the following area of concern from the previous grand jury, specifically the question was asked:

“Why are such high numbers of African Americans in the alternative program”? The answer provided to the previous grand jury was – “because of the demographics of students in the system” and “a study is being done to provide a more definitive answer.” Dr. Scherer further explained this answer as follows:

- African Americans make up the largest percentage of students in the Liberty County School System and therefore naturally make up the larger number of students enrolled in the alternative program, it is a matter of demographics.
- Mr. Grove has completed a study on the matter. The report was not available for this grand jury to review however; Dr. Scherer assured the committee that it would be provided to them.

The following questions and answers resulted from the discussion:

1. There is an alternative program from the middle and high school; will there be a program available for the elementary school?
 - Answer – yes, but it will be different than the middle and high school programs.

2. You stated that the Board contracts with Ombudsman to provide the alternative school program, what part of it is run by the Board?
 - Answer – None
3. Is the program organized and structured?
 - Answer – Yes
4. Is the curriculum effective?
 - Answer – Yes
5. Does Ombudsman provide certified teachers and counselors?
 - Answer – Some teachers are certified; no counselors.
 - Note: it was later determined that the only certified teacher in the Ombudsman program is the special education teacher which is required by the State of Georgia.
6. Are Georgia Department of Education guidelines used for the alternative program provided by Ombudsman?
 - Answer – Yes
7. Who is the Alternative Facilitator on behalf of the Board?
 - Answer – Mr. Grove
8. What is the success rate of students returning to school after being expelled?
 - Answer – Data not available at this time; will be provided later.
9. Do you track students once they leave the alternative program?
 - Answer – Yes – they are put back in the data system.

On August 4 and August 6, Superintendent Scherer provided Ombudsman Data 2009-2010 and an Overview of the Current Liberty County School System Alternative School Program (copies attached) to Grand Jury Foreperson Patricia Waye in response to questions about the high numbers of African Americans in the alternative program and the success rate of students returning to school after being expelled. However, after reviewing the information provided it did not completely answer these two questions. The Overview simply provides a description and operation of the Alternative School Program. A spreadsheet gives a breakdown of the middle and high school enrollment by age, grade, race and gender but does not explain why there is such a high number of African Americans in the program. The Ombudsman Data shows the number of students returned to district, remained as voluntary placements, graduated and returned to Ombudsman but it does not appear to be results of a study conducted to conclude the success rate of students returning to school after being expelled.

It is important to note that the information provided although informative, is not sufficient to answer these questions. Therefore, we would recommend that the next grand jury follow-up on these issues:

1. Why are such high numbers of African Americans in the alternative program?
2. What is the success rate of students returning to school after being expelled?

The final topic of discussion was the lack of services available for Ombudsman students such as school counselors and school social workers to address peer pressure, conflict resolution, anger management and other life skills to better prepare the students when they return to the regular school setting or to the next stage of their lives if they do not return to school. It was also recommended by the previous grand jury that a committee of school administrators, teachers, counselors, graduation coaches, police officers, parents, students, clergymen, representatives from the Judicial system, School Board members, community leaders, YMCA staff and other stakeholders be impaneled to address this issue.

In response, Dr. Scherer stated that in the past, the school system has tried several ways to provide these services to alternative program students but they were unsuccessful. To name a few: a school counselor was placed at the middle school but the students were so disrespectful and disruptive that they had to remove the counselor. The Fraser Center provided counseling services in the school but that was unsuccessful as well. Dr. Scherer feels like a "work release program" would be a good solution to this problem in that it would provide the students in particular, those who drop out of school, with a job skill to help them gain employment and become self sufficient. She further stated that she is very familiar with the work release program that was implemented by another community and it turned out to be very successful. Dr. Scherer stated she agrees with the previous grand jury's recommendation to impanel a committee however, it should be initiated by Family Connection and not the School Board since they are the community's collaborative agent that serves to bring stakeholders together to address issues of this nature. She assured the grand jury committee that the Board is willing to work with Family Connection if they agree to take the lead. Foreperson Waye inquired if Dr. Scherer and the other Board representatives would like for the grand jury committee to make the initial contact with Family Connection to request their help so that this issue would be addressed rather than passed on to the next grand jury. The consensus was that Ms. Waye would contact Mr. David Floyd, coordinator for Family Connection and request a meeting with him and the grand jury committee to discuss this matter.

On August 4, 2010 four members of the grand jury met with David Floyd and provided him a synopsis of the undertaking at hand and also the role that Family Connection is requested to play. Mr. Floyd agreed to spearhead the mission and told the group he would begin by compiling a list of stakeholders that needed to be invited to take part in this endeavor, then contact them to schedule the first meeting. Foreperson Waye requested Mr. Floyd to include her and the school resource officers on that list. The target date for the first collaborative meeting would be sometime within the first semester of the new school year.

The grand jury also inquired about other recommendations/questions by the previous grand jury as follows:

1. Recommended that students be provided a full-day, non-traditional program which seeks to provide a positive learning environment and student acceptance of responsibility for student's behavior.

- Response – High school students currently spend three hours a day in the Ombudsman program and middle school students spend four hours a day in the program. Dr. Scherer said by law the students should spend from five to six hours a day in the alternative program however, by election of the Board, Liberty County students spends the number of hours previously mentioned because it has been shown that this time period is what they can handle and is the length of time that they can better stay focused.
- The committee voiced their concerns about the students that are already behind academically having less time per day to spend “catching up” than the district students.

2. What are the line-item expenses of \$954,840.00 being spent for alternative program?

- Response – The Board took this question to Ombudsman however, they would not agree to release their operational budget/costs to the grand jury. As an alternative, the committee asked the Board to prepare a list of services and expenses covered by the amount.
- Included in the Overview received from the Board on August 4, 2010 was information showing the costs paid to Ombudsman as follows:
 - Middle School - \$375,674.56
 - High School - \$579,165.44
- The following costs were also provided on another document:
 - 2 teachers plus benefits - \$168,109.18
 - 2 paras plus benefits - \$43,419.13
 - 3 bus drivers - \$50,564.48
- Please note that the above information does not provide a detailed line-item breakdown of the \$954,840 paid to Ombudsman. Refer to the attachments noted.

The meeting with the School Superintendent and her assistants concluded with a tour of the facility.

EXHIBIT A

The 2010 February Term panel of the Liberty County, Georgia Grand Jury:

Jessica Adams

Sonia M. Bacon

Michael J. Carter

Robert T. Coursey

Heather Davis

Dana Frasier

Marie G. Gaskin

Randy Groover

Laura R. Harvell

Sheila D. Jarrell

Kenneth C. Jenkinson

Brenda E. Keifer

Irene B. McCall

Margaret L. Meneley

Lois Padrick

Johnnie S. Reid

Bernard H. Rose

Joey Smith

John Charles Tice, Sr.

Jose A. Vazquez

Patricia F. Waye

Debra B. Whitehurst

**ORDER FOR FILING AND PUBLICATION OF GRAND JURY
PRESENTMENTS**

The above and foregoing presentments of the Grand Jury for the February Term, 2010, of the Superior Court of Liberty County having been presented to the Court, it is hereby ordered that said presentments shall be filed by the Clerk of Superior Court and published in the legal organ of said county in the manner provided by law for legal advertisements.

So ordered on this 07th day of September 2010

David L. Cavender

Hon. David L. Cavender
Judge of Superior Court,
Atlantic Judicial Circuit of Georgia

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