

**AUGUSTA-RICHMOND COUNTY GRAND JURY
SEPTEMBER TERM 2008**

11-14-2008

Honorable J. Carlisle Overstreet
Judge, Superior Court
Augusta-Richmond County, Georgia

Re: Grand Jury Presentment

We, the members of the Augusta-Richmond County Grand Jury for the September Term 2008, having been duly sworn by the Honorable J. Carlisle Overstreet on the 15th day of September 2008, submit our presentment on the 14th day of November 2008, our last day as an official body of Grand Jurors.

To discharge our sworn functions, as prescribed by the laws of the State of Georgia, we met on numerous occasions during our term and acted upon Bills of Indictment presented to us by the District Attorney's office. Sub-committees were formed to inspect the Augusta-Richmond County Law Enforcement Center and the Charles B. Webster Detention Center. Committees also met with representatives of the Procurement Dept., the License and Inspection Dept., and the Public Transit Dept. Those reports are attached.

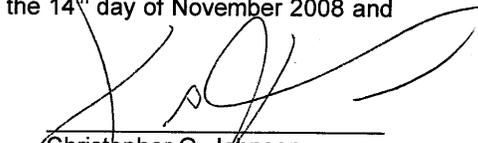
Respectfully, we submit this presentment on the 14th day of November 2008 and request that it be published.


Harry J. Dolyniuk

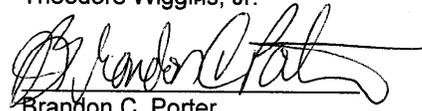

Miranda K. Walden-Armenta


Kimberly Johnson


Mary Ellen Frank


Christopher G. Johnson


Theodore Wiggins, Jr.


Brandon C. Porter


Sandra S. Allen

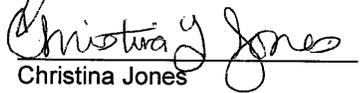
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AND JUVENILE COURT
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ELIANE C. JOHNSON, CLERK
RICHMOND COUNTY, GA.


Ronald S. Cunningham


Mark Pritchett

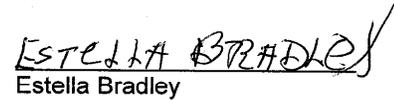
Thomas J. Norris

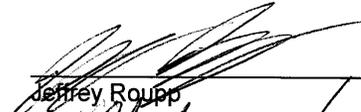

Janis Banks

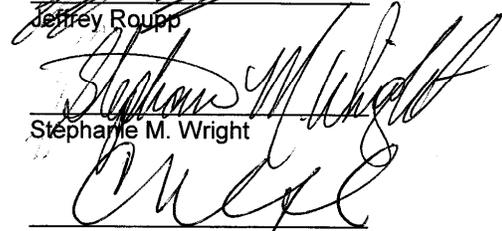

Christina Jones


Eve Garren

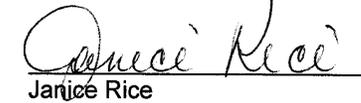
Myra Howard


Estella Bradley


Jeffrey Roupp


Stephanie M. Wright

Charlene N. Crawford


Janice Rice

Virginia Paschal


Hart Galle


Keith Dunn

AUGUSTA-RICHMOND COUNTY GRAND JURY
FOR THE TERM: 9/15/08 THRU 11/14/08

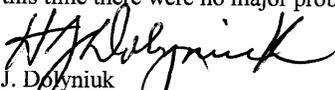
On October 28, 2008, a subcommittee of the grand jury was scheduled to visit the Augusta-Richmond County Procurement office, located in the Municipal Building on Green Street. Due to illness and an unexpected work conflict, three committee members were unable to attend the meeting. The Grand Jury foreman kept the appointment.

The Procurement Director, Ms. Geri Sams, welcomed me and explained the operation of her office. Ms. Sams and her staff were very professional and answered all questions to my satisfaction.

She explained her office procedures and guidelines for the expenditure of public funds as set by the Georgia state law for Augusta-Richmond County. We discussed purchasing and bidding procedures and the requirements for sealed bids for expenditures greater than \$10,000. She explained the importance of sealed bid documents being complete and accurate when submitted and examples of deficiencies that pose problems when reported in the media with inaccurate explanations.

Overall, the Procurement Office appeared to have policies and procedures in place to adequately manage the purchasing function for the citizens of Augusta-Richmond County, GA.

At this time there were no major problems or concerns that warrant special attention.


H. J. Dolyaniuk
Grand Jury Foreman

FALL TERM GRAND JURY INTERVIEW
With
THE AUGUSTA CITY TRANSIT DEPARTMENT REPRESENTATIVES

On November 11, 2008 a committee of the 2008 Fall Term Grand Jury met with representatives from The Augusta City Transit Department. The Committee members present were: Sandra Allen, Harry Dolyniuk, Christopher Johnson, Thomas J. Norris, Jeffery Roupp and Mirenda K. Walden-Armenta.

Representatives for the Augusta City Transit Department were Mr. Hayward Johnson, City Director; Mr. Douglas Lewis, Planning Director and Ms. Stephanie Johnson, City Attorney.

The representatives from the Augusta City Transit Department were informed that they were requested to come before the Grand Jury to answer the questions and concerns of the committee in reference to children who attend the alternative school being dropped off the city bus in a dangerous location off Gordon Highway. Students from the inner city who attend the alternative school on Bungalow Road are dropped off at the Kmart bus stop on Gordon Highway at the busiest time of the morning and afternoon and have to cross eight lanes of highway.

The question was asked why the city transit couldn't route a stop closer to Bungalow Road. Mr. Johnson stated that there was at one time a stop at the Regency Mall but once the mall closed down the city could no longer stop on the property because it became private property. Once the mall closed the demand for a route in the area was no longer needed. Mr. Lewis, the city Planning Director stated that there is a route coming from the Barton Chapel area that stops on Richmond Hill Road. It was noted that this route only services a small amount of students. The majority of the students come from the

inner city. During the discussion it was noted that due to money restraints the city couldn't create a route delivering the students to Bungalow Road. The personnel from the City Transit Department informed the committee that they had given what they felt was a solution to the ex-principal at Bungalow Road. The principal at that time, Mr. Frazier, was supposed to present their suggestion to the Board of Education. It is not known whether or not the suggestion was presented to the Board.

Mr. Johnson stated that he personally noticed that school buses are parked in the Kmart parking lot each morning waiting on their next routes. It was suggested that once the city bus drops off the students, they get on one of the school buses and be transported over to Bungalow Road which wouldn't take more than 10 minutes. There was no mention about how the students would get back across the highway in the evening. Documentation was presented stating that the Board of Education is responsible for transmitting students to the Alternative School. It was noted that this documentation covered Mentally Challenged Students only.

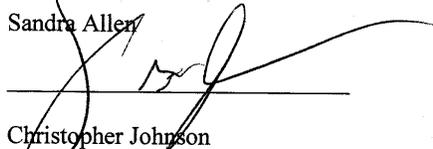
Discussions went back and forth as to who was responsible for what. Mr. Johnson and Mr. Lewis explained to the committee about the budget restraints. At one time Augusta had 18 bus routes but now only 10 routes are used to service the Augusta area. There will be a planning commission study done on the Augusta Transit Authority in the near future which will cost \$140,000.00. The city is only responsible for \$14,000.00. This study will determine the accessibility and "rooftops" areas in the city that needs bus routes. The City Transit Authority operates on a \$7 million dollar budget; \$4 million dollars is for operations.

The main reason Mr. Johnson and Mr. Lewis stated they couldn't route a bus closer to the alternative school was due to the fact that the demand for a bus in that area was not warranted and the cost would be too much to reroute a bus to that area. Although cost and demand were reasons constantly given it was noted by the committee that Mr. Lewis (Planning Commission) stated that he received a call from a Commissioner stating that they wanted a bus running to the Doctor's Hospital. He made that happen. He then went on to state that only four people ride that bus as of today. This statement was very disturbing to the committee. Our concerns are for the safety of children from 11 - 18 grades 6 - 12 who have to cross an eight lane busy highway at the busiest time of the morning and afternoon. It would cost too much to reroute a bus closer to their school but the cost to bus four people each day to Doctor's Hospital doesn't raise an issue just because a Commissioner called and stated to route a bus to that location.

It is the recommendation of the committee that the Augusta Transit Authority and the Richmond County Board of Education get together and come up with a solution that will guarantee the safety of students riding the city bus to a Richmond county school.



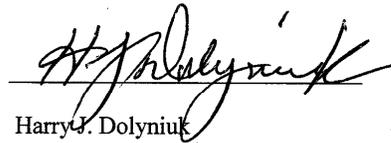
Sandra Allen



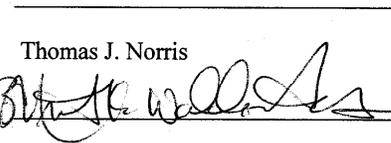
Christopher Johnson



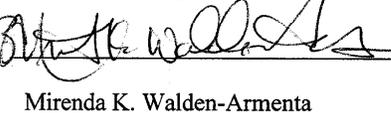
Jeffery Roupp



Harry J. Dolyniuk



Thomas J. Norris



Mirinda K. Walden-Armenta

**FALL GRAND JURY TERM OF THE AUGUSTA DETENTION CENTER
401 Walton Way – Jail and Sheriff's Dept., Augusta, Georgia**

On October 28, 2008 a group of nine members from the Fall Term 2008 Richmond County Grand Jury toured the 401 Walton Way Detention Facility and Sheriff's Department. The members attending the tour were: Sandra Allen, Janis Banks, Estella Bradley, Eve Garren, Myra Howard, Christopher Johnson, Jenny Paschal, Brandon Porter, and Janice Rice.

Upon arrival we noticed a drab look of badly needed paint and cleaning. The smell of the environment was not quite as pleasant as the Phinizy Road Detention Center. For the most part the jail was clean and orderly. We were pleasantly greeted by Major Johnson and Captain Reeves.

We were taken into a break room for an overview of the jail's history, capacity, procedures, and questions and then we received a tour lead by Major Johnson and Captain Reeves.

This facility was built to house 358 inmates, but it has been over capacity since its opening. They have, on any given day, as many as 450 inmates at one time. Richmond County Sheriff Department has 50 beds available for use at the Richmond County Correction Institute on Tobacco Road for nonviolent inmates. The 401 Detention Center has inmates charged with anything from misdemeanors to felonies. They are mostly short term jail stays or inmates held over for trial. Once sentencing is done they are moved to another facility to complete their time.

The cost of housing inmates last year was \$4 million for medical and \$1.4 million for food (servicing 3 hot meals a day). Inmates receive great medical, dental, x-rays, psychological and psychiatric care. The average daily amount spent per day to house an inmate is \$40 – \$45 dollars.

Although the physical condition of the detention center appears to be in less than good conditions the inmates are well treated. There are MAJOR operational problems that the facility must contend with on a day to day basis. The facility is overcrowded and there is definitely a shortage of personnel. There are inmates who sleep on the floor on a daily basis due to the shortage of beds. The headcount changes from day to day invoking tight accommodations.

There should be a certain ratio of guards per inmates in order to operate a safe and secure environment. When the prison was opened the needed amount of guards/personnel were not hired. This shortage has potential for a major catastrophe if a riotous situation occurs.

There is a tremendous shortage of space in both the men's and women's areas. The east and west wings needs to be expanded. It is the recommendation of the committee that the major problem at 401 Walton Way be addressed. The facility seemed clean but paint was peeling from various areas. There is a need for an overhaul of the detention center. A video visitation would help to eliminate having to move inmates from cell to visitation area. Also, cameras in the control booth on each floor where the inmate are housed would be a great improvement. It should be noted that the Grand Jury observed that the law enforcement officers are NOT paid overtime; however, the Richmond County Fire Department are. We question this discrepancy. It has been noted that the last Grand Jury also noted the same problems and no action has been taken. We recommend the problems found be addressed by local authorities as soon as possible.

Sandra d. Allen Janis Banks

Sandra Allen

Janis Banks

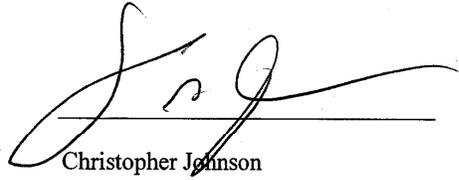
ESTELLA BRADLEY

Estella Bradley

Eve Garren

Eve Garren

Myra Howard



Christopher Johnson

Jenny Paschal

Brandon Porter

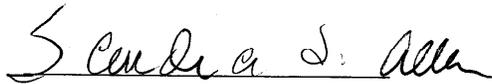
Janice Rice

FALL TERM GRAND JURY INTERVIEW
With
THE AUGUSTA LICENSING BOARD REPRESENTATIVE

On November 11, 2008 a committee of the Fall Term Grand Jury met with a representative of the Augusta Licensing Board to ask questions referencing licensing procedures of businesses in the Augusta area. During the presentations of the indictments each week it was noted that a lot of police activity was happening at a certain location, the Honky Tonk, currently known as Club 3000. This location was mentioned almost weekly. It was noted that the Board of Commissioners voted to revoke other locations licensing and shut down businesses, but the above mentioned location continued to operate although a lot of drug transactions, fights and illegal actions were taken place at that location.

Mr. Robert Sherman, Licensing Director appeared before the Grand Jury committee to answer questions. Mr. Sherman explained to the committee the process of revoking licensing from businesses. He stated that first a complaint must come from the Sheriff Department or from citizens in the area about the business in question. Someone goes out to the businesses to inform them of the complaint(s) and they are given opportunities to correct the problem(s). If the problem(s) continue then the information is presented to the Board of Commissioners and they will vote on whether or not to suspend the Liquor license or vote on shutting down a location. It was stated that neither the Licensing Board nor the Commissioners have received a complaint about the Honky Tonk (Club 3000). If no complaint is received, nothing can be done about a business/club.

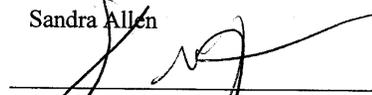
It would appear that the Richmond County Sheriff Department is aware of the activities that goes on at the Honky Tonk, (Club 3000) and is using this location to arrest known criminals.



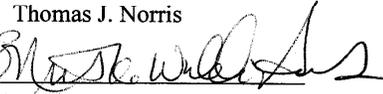
Sandra Allen



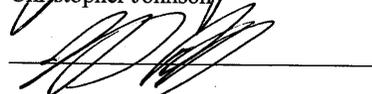
Harry J. Dolyznik



Christopher Johnson



Thomas J. Norris



Jeffery Roupp

Mirenda K. Walden-Armenta

**FALL GRAND JURY TOUR OF THE AUGUSTA DETENTION CENTER
1941 Phinizy Road, Augusta Georgia**

On October 14, 2008 a group of six members from the Fall Term 2008 Richmond County Grand Jury toured the Augusta Detention Facility on Phinizy Road in Augusta, Georgia. The members attending the tour were: Janis Banks, Christopher Johnson, Janice Rice, Brandon Porter, Miranda K. Walden-Armenta and Ted Wiggins.

Upon arrival we noticed a clean looking and clean smelling environment. We were greeted by SGT Radcliff, who was manning the reception desk. He called CPT Huffman, the officer in charge and informed him of the committee's arrival.

CPT Huffman greeted and welcomed the committee. CPT Huffman proceeded by informing the committee of the history of the Augusta Detention Center on Phinizy Road. He stated that the facility was opened in November 1997 to alleviate the overcrowding of inmates at 401 Walton Way. The facility opened with 552 beds. This detention center currently houses 640 inmates which mean the Phinizy Road facility is overcrowded. The Phinizy Road Augusta Detention Center only houses non-felony convicts. They are mostly short term prison stays. Inmates awaiting trial are serving sentences for misdemeanors charges.

After touring the facility it was noted that the physical condition of the prison is excellent and the inmates are well treated. The federal law requires that inmates be fed twice a day but the inmates at Phinizy Road

are fed three times a day and they receive medical treatment when needed.

Although the physical condition of the facility is excellent and the inmates are well treated, there are two MAJOR problems that the facility must contend with on a day to day basis. The facility is overcrowded and there is definitely a shortage of personnel. There are approximately 84 inmates or more who sleep on the floor on a daily basis. When the plans for the detention center were constructed a study was done and it was determined that there should be a certain number of guards per inmates in order to operate a safe and secure environment. When the facility was opened the correct amount of guards/personnel were not hired but CPT Huffman was promised the guards/personnel would be added later. The personnel headcount is written on paper but the staff was never hired and placed within the facility. This shortage has potential for a major problem. The facility is overcrowded with inmates and understaffed with guards. It was also noted that there is a tremendous shortage of space in the women's "pod" area.

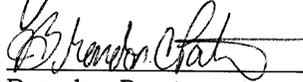
CPT Huffman let the committee know that there are future plans to expand the facility. Phase I will begin in November 2008 for a Medical Bend Unit and a Mental Health Unit. This will cost millions of dollars which will be furnished by the SPLOSH 6 vote. There is a plan for these two new "pods" and an expansion for another male "pod".

Due to the fact that more females are coming daily, an expansion of the women's "pod" should be included in the same expansion. The small area for women is already overcrowded and inmates are sleeping on thin cots on the floor.

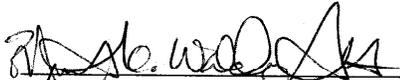
It is the recommendation of the committee that the two major problems found at the facility is addressed by approving authorities and procedures taken to increase the staff and add space for the overcrowded inmates.



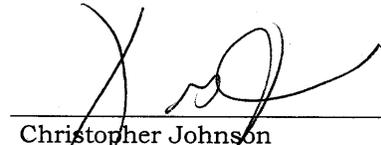
Janis Banks



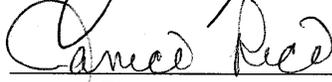
Brandon Proctor



Miranda K. Walden-Armenta



Christopher Johnson



Janice Rice



Ted Wiggins

IN THE SUPERIOR COURT OF RICHMOND COUNTY

STATE OF GEORGIA

IN RE: GRAND JURY PRESENTMENT FOR THE SEPTEMBER TERM 2008

The Grand Jury having returned the attached presentment for the September Term 2008, and the same having been reviewed and accepted by the Court on November 14, 2008, it is now

ORDERED that the same presentment shall be filed in the Office of the Clerk of Superior Court for Richmond County, and that it shall be published once in *The Augusta Chronicle*, the legal gazette for said County.

It is so ORDERED this 14th day of November 2008.



Daniel J. Craig
Superior Court Judge
Augusta Judicial Circuit