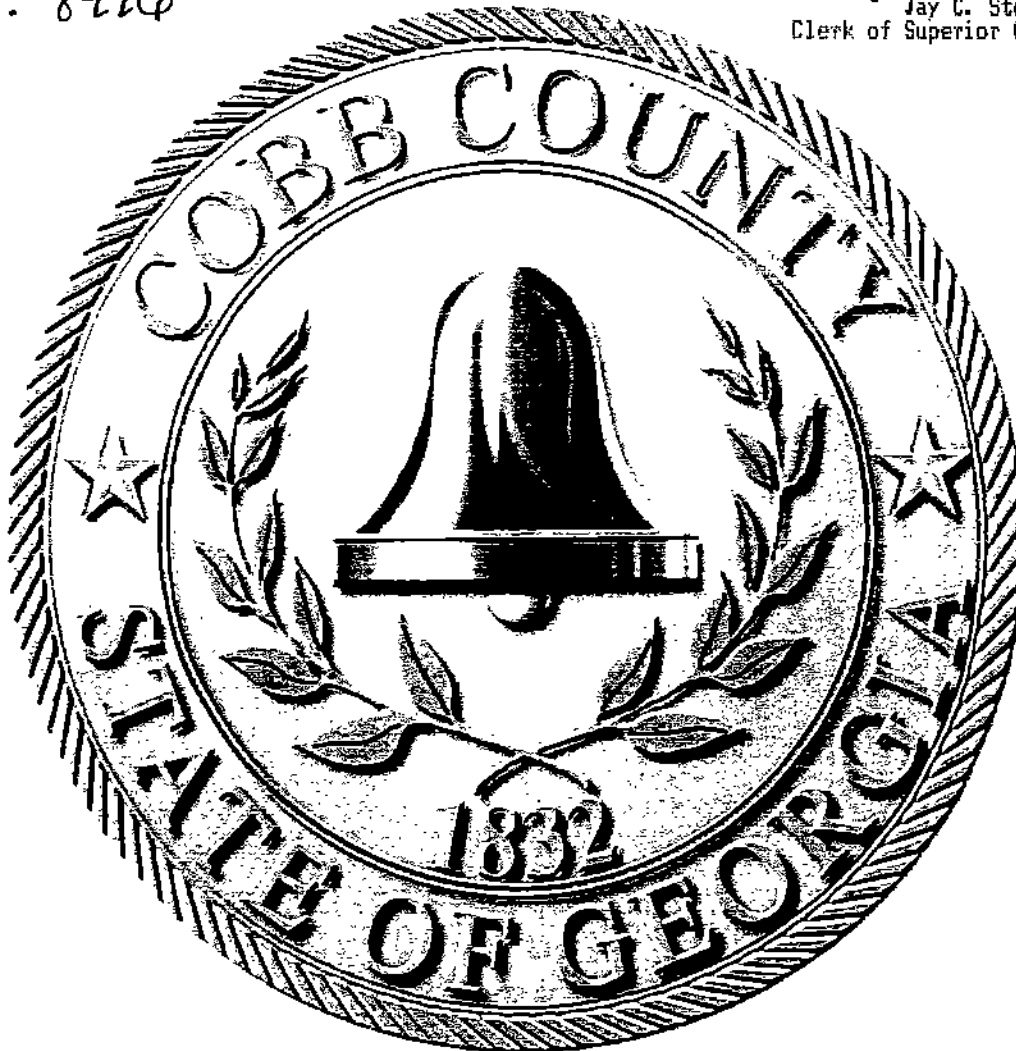


06-1-8996

Jay C. Stephenson

Jay C. Stephenson
Clerk of Superior Court Cobb County



**GENERAL PRESENTMENTS
of the
NOVEMBER/DECEMBER 2006
GRAND JURY
IN THE SUPERIOR COURT
COBB COUNTY, GEORGIA**

**JENNIFER M. HERNANDEZ, FOREPERSON
EDWARD LLOYD MILLER, JR., ASSISTANT FOREPERSON
JOHN LINCOLN KITTRELL, CLERK**

GEORGIA, COBB COUNTY
I HEREBY CERTIFY THE WITHIN AND FOREGOING TO BE A
TRUE AND CORRECT AND COMPLETE COPY OF THE
ORIGINAL THAT APPEARS OF RECORD

CASE No 06-1-8996 IN THIS OFFICE

THIS 5th DAY OF May 2007

A. O'Connell
DEPUTY CLERK, COBB COUNTY
COURT, COBB COUNTY, GEORGIA

FILED IN COURT
THIS JANUARY 4, 2007
AT 6:30 P. M.
JAY C. STEPHENSON
CLERK SUPERIOR COURT
COBB COUNTY, GEORGIA

November/December 2006 Term of the Cobb County Grand Jury

Consisted of the Following Panel Members:

**James Lawrence Atkinson
Orstina Collins Bridges
Candace Carol Bush
Denver Warren Cavins
Natale Carlos Cerutti
Matthew Thomas Chastain
Rebecca Lynn Edwards
Robert John Greene
Robert Franklin Higgins, Jr.
Stephen K. Hodges
Marcus Anthony Houston, Jr.**

**Bruce Carroll Howie
Thomas W. Huggins
Phyllis Ardell Jones
Judy Linn Kelly- Alt. #1
Shirley E. Lewis
Donnie H. O'Connell-Alt #2
Nicholas Pagano
Jamie Elizabeth Power
Sandra Pierce Thomas
Andrew Paul Watson
Steven Darryl Woods**

GRAND JURY PRESENTMENTS

We, the Grand Jury, selected and sworn for the November/December 2006 Term, respectfully make the following presentments:

This Grand Jury has acted on 200 Indictments, returning 196 True Bills and 4 No Bills during the term.

The Grand Jury for the November/December Term, would like to express its sincere gratitude to the many individuals that have worked with us over the last two months.

A special thank you to the bailiffs Ilse Reichle, Betty Turley, Pat Shannon, and Don Miller. They assisted the Grand Jury with all requests, escorted us as we completed our committee work and made our term an enjoyable one. Their efforts should be commended as they provide an excellent service to our County and its citizens each day.

Communications Director, Kathy Watkins, coordinated all activities for our term and spearheaded the overall day-to-day functioning of the Grand Jury. She is truly the engine that helps make the process run. Thank you for your professionalism, organization and positive spirit.

Assistant District Attorney Barie Laux, presented many of the cases before the Grand Jury this term. As we learned and worked through the process, he was patient in his presentation of the cases and was forthright when asked direct questions about the law. Thank you for your patience, candor and sense of humor.

District Attorney Pat Head, was with us each day to assist the Grand Jury with anything we needed. Each of us benefited greatly in our knowledge of the law, the judicial process and the inter-workings of our governmental system due to the opportunities we were exposed to as a result of Mr. Head. Thank you for imparting judicial knowledge on us and making this experience an enlightening and enjoyable one.

Most importantly- to the many men and women that presented case evidence to us- members of the various police departments (Cobb County, Acworth, Smyrna, Powder Springs, and Kennesaw), the Sheriff's Department, and the detectives from various agencies- Thank you for your dedication to our community and citizenry. Your professionalism was evident as you presented your cases before us each day. We are appreciative of the work that you do. This behind the scenes view has enabled many of us to see the true spirit of your work and passion in which you use to fulfill your duties every day. The citizens of Cobb County are fortunate to have each of you.

COBB COUNTY GRAND JURY REPORTS

Findings from the Inspections of:

PENAL COMMITTEE

Smyrna City Jail

Committee Members:

John Kittrell	Sandra Thomas	Andrew Watson
Thomas Huggins	Orstina Bridges	Jennifer Hernandez
Jim Atkinson	Nat Cerutti	

Report Summary

The Penal Committee visited the Smyrna City Police Station and conducted a tour of the facilities from 9:25 to 10:45 a.m. Chief Stan Hooks led the committee on the tour of the facility that included the police offices, line-up room, forensics, records, kitchen, sally port and holding facilities. The tour also included a review of a squad car. The squad strength is planned to be 95 officers and is nearly at full strength. The jail facilities currently house overflow inmates from Hall County and plan to continue this practice as is practical until the new Hall County Jail facility is completed in 2 years. The facility currently holds both male and female prisoners in segregated blocks. The entire facility was observed to be neat, clean, and well organized.

It was noted that the lowest level of one exit stairwell is being used for storage (ladders, stuffed toy animals, etc.). Normally, the state building code does not allow any items to be stored in exit passageways. It is recommended that either this practice stop or that the state fire marshal review the situation for a decision.

Marietta Regional Youth Detention Center

Committee Members:

John Kittrell	Sandra Thomas	Andrew Watson
Thomas Huggins	Orstina Bridges	Jennifer Hernandez
Jim Atkinson	Nat Cerutti	

Report Summary

An unannounced visit by the Grand Jury Penal Committee was made to the Youth Detention Center, in Marietta, Georgia on Tuesday, December 5th, 2006. The panel consisted of eight members and arrived at the facility at approximately 10:45 am. The group was initially greeted by the reception clerk who called a Lieutenant to escort the group through its tour.

Lieutenant Derrick Bell escorted the Grand Jury inside the facility and directed the group on where to proceed. The committee was able to see, observe, and ask questions about multiple areas of the facility: the recreation area, classrooms, sleeping quarters, intake, infirmary, dining hall and common areas.

The Recreation Area:

The recreation area was neat, clean and orderly. It was explained to the Grand Jury that this area of the facility is used for various activities throughout the week as well as on the weekends for tournaments and for groups that come in to offer support services to the detainees. On most occasions male and female occupants are able to co-mingle during recreational time; however, if an incident occurs that necessitates the division of the groups by gender that is done as well.

The Educational Setting (Classrooms):

In total, the Grand Jury was able to view five classroom settings. In the first two classrooms, we observed an English class with approximately 15 students inside and a science/social studies class with two students inside. In the English class, students were talking casually and were off task. The teacher was at the front of the classroom and was not facilitating relevant class instruction. In the classroom marked science and social studies, two adults were sitting at the front of the classroom while two students played checkers in the back of the room. When asked, the Lt. informed the group that the science/social studies classroom was actually a Special Education classroom. In speaking with a teacher as well as Lt. Bell, they informed the committee that students are not separated into classes based on age/grade level, ability level, or type of criminal offense. For example, an 11 year old student may be in the same classes as a 16 year old student. The teacher also informed the group that YDC students do participate in the state mandated Criterion Reference Testing (CRCT).

The committee also noticed several bookshelves in the outer hallway that contained a small selection of reading material as well as outdated reference books, (i.e. Encyclopedias from 1996). Students are able to check out books to read from the selection they are provided.

Grand Jury members were also able to observe a classroom of students that meet in the dining hall located off the main recreation room. As per the Lt., this area is used due to limited classroom space in the other areas of the building. The students inside the classroom area were not involved in instructional activities. The adult present in the room was off to the side and was not engaged with the students in her charge. Again, there was no engagement of an instructional nature on behalf of the teaching staff.

Two other classrooms were visited prior to the end of the tour. One classroom has two-three students with a teacher inside that was rotating amongst her students and monitoring progress. The classroom adjacent to it had approximately 20 students and each student did have a text from which they were working. One of the Grand Jury members spoke to a male student to inquire about what he had been studying. He replied that in his month long stay, he has covered fractions in math and learned about note taking in English.

Upon furthering questioning of the Lieutenant, the committee was unable to determine who is responsible for the instructional program as well as how teachers are evaluated and how classroom instruction is monitored.

Sleeping Quarters:

YDC detainees are responsible for keeping their living quarters neat and orderly. And in fact, this section of the building was clean, neat and orderly. Inside each cell, detainees are allowed one small clear plastic box to keep personal items such as toothpaste, deodorant and letters. Detainees are allowed

two books in addition to the Bible. Detainees can be doubled up in rooms if necessary; however, those with felony charges such as murder are placed in a separate wing of the facility for sleeping and are housed one individual per cell. Once detainees are admitted into the facility, they are given a white card used by all staff members to denote behavior and performance. Members are given the opportunity to earn more privileges (later lights-out time, better shampoo/deodorant) by receiving good marks on their behavior card.

There is a section of the building that is used to house those with the best behavior. At present, that "gold wing" has 13 members-all male. Those inmates are allowed to wear yellow shirts and blue jeans as one incentive for positive behavior. All detainees in this area have a meeting once a week with selected staff to determine who will remain in those living quarters and who will return to the other wing of the building. This is all based on behavior and performance. Detainees must earn the right to live in this section of the building. Females that earn this privilege are not allowed to co-mingle in this area, so they receive all incentives, but the change in living quarters.

Intake:

Upon arrival at YDC, all detainees are asked to relieve themselves of all personal property which is stored at the YDC facility for the duration of their stay. Each offender gets a signed copy of a personal property voucher which denotes what is being held for them. They are required to watch a video (available in English and Spanish) as well as sign an acknowledgement form after having read about the rules and procedures at YDC. All detainees must go through a screening process at intake which signifies who may be at risk for mental health issues and may be of harm to himself or others. As needed, a counselor is available to assist with detainees special needs. While in the intake area, the Grand Jury was able to see four detainees brought in. All four were in shackles at the feet and wrists. This is standard operating procedure.

Infirmary:

This area of the facility was clean and organized. The on-site dentist was working on the teeth of a male detainee. Lt. Bell explained that there is an on-site doctor that also attends to the medical needs as necessary.

Dining Hall:

This area is enclosed by clear glass for easy viewing from the main recreational area. Detainees are escorted to the cafeteria/dining hall in shifts as there is not enough seating to accommodate all members at one time.

Common Areas:

The common areas were orderly and the Grand Jury saw a counselor meeting with one detainee regarding his behavior infraction. That individual serves as an administrator that deals with consequences as related to rule violations. When asked Lt. Bell stated that the common areas are used in the afternoon and evening. Educational activities do not extend beyond the classroom setting and detainees do not work on class work assignments, group reading, educational projects, etc. during this time. It is used as free recreational time to talk, play games, etc.

Concern:

A concern that is outstanding: Are students at the Marietta Youth Detention Center facility afforded the opportunity to an appropriate education?

The Grand Jury committee posed questions relating to several educational topics to the Department of Juvenile Justice. A response from Ms. Howell, Director of Legal Services for the Department of Juvenile Justice was received.

Topics Included:

- Supervision of the educational program at YDC
- Evaluation of teachers/highly qualified status of teachers
- Monitoring of curriculum and instruction
- Textbooks
- Special Education Services
- ELL-English Language Learners
- Standardized Test Administration and Scores/Accountability
- Funding/Allocation of Funding
- Grading-Promotion/Retention Criteria

Recommendations:

- In the afternoon/evening detainees should be given the opportunity to engage in activities that are relevant to their education, specific to the Georgia Performance Standards for their grade level.
- Update selected reading materials/reference materials for students. Secure a selection of books and reference materials that provide support to the instructional program.
- Offer computers in the classrooms or in a section of the facility that can be monitored so students can be provided with additional learning opportunities. (Purchase of monitoring software such as NetOps would be recommended).
- When needed, offer ELL (English Language Learner) services to detainees that meet the guidelines for services.
- An audit by the State Department of Education and/or Department of Juvenile Justice relevant to educational spending, curriculum and instruction, and the quality of educational services offered to detainees.

Cobb County 911 Communications Center

Committee Members:

Andrew Watson	Thomas Huggins	Orstina Bridges
Jim Atkinson	Nat Cerutti	

Report Summary

The Penal Committee visited the Cobb County 911 facility and conducted a tour of the facility from 1:00 to 1:20 p.m. Ms. Anne Flynn led the committee on a tour of the 911 Communications Center. She explained how calls are received and response is determined and how a response can be tracked. She also told how in a major event responses are coordinated within the county and surrounding areas and organizations. The county has moved to a common 88 MHz communications system so that all responders can communicate across organizations. The facility is funded through the small fee that

appears on each telephone bill. A small increase of 25 cents has been proposed to cover rising costs of services such as a language line that allows communication by an interpreter when no common language is available.

The facility was very impressive and well organized. The committee had no recommendations.

SUPERIOR COURT CLERK COMMITTEE

Members:

Jamie Power
Bobby Higgins
Denver Cavins

Purpose:

On December 5, 2006 three members of the Grand Jury of Cobb County visited the Clerk of Superior Court to examine the evidence rooms located in the basement of the Superior Court. We met with Mr. Jay Stephenson and Ms. Elva Dornbusch. We received a tour of the civil and criminal evidence rooms. The committee was formed to examine the storage and coding of all evidence.

General Information:

At the beginning of our tour we obtained the key from the accounting office where the safe is kept. There was a log book that is to be filled out every time the key is checked out. They must enter the date, time out, and time in along with 2 signatures at all times. After the key is removed from the safe we met Mrs. Corbitt, who is the Evidence Clerk and headed to the elevator near the judges chambers. The elevator can only be accessed by the key. Once in the basement, Mrs. Corbitt unlocked the first room which contained the criminal evidence. Boxes with evidence were wrapped in clear plastic and labeled with identifying tags that included the case name and case number. The room was so full that evidence was obstructing the pathway. Some of the larger evidence was in the corners such as video poker machines, rifles, doors, street signs, a crib and chair. The boxes are wrapped due to the existence of a sprinkler system. We were told that regular pest control is necessary to keep rodents away also. The committee was concerned how the clerks are able to locate evidence in a timely manner and Mrs. Corbitt said she has a photographic memory, but also the boxes were stored in order of most recent cases. We also saw the civil evidence room which contained documents such as tax returns, pictures, and zoning charts. All the documents were in labeled envelopes. Both rooms had a telephone in case of emergencies.

We learned from Ms. Dornbusch that most counties do not keep their evidence in the Clerk's Office. It can be placed in numerous departments which makes it easy to be misplaced. Ms. Dornbusch gave us an article from the Marietta Daily Journal on December 4, 2006 to read. She stated the article would help us understand the importance of the storage of evidence. The article was about Robert Clark, who was convicted of rape in 1981. He was sentenced to life, but was released 23 years later after DNA evidence proved his innocence. The group Innocence Project was very lucky that a DNA sample was even found. Georgia Innocence Project chief legal counsel Aimee Maxwell stated "we were very lucky that Cobb County kept the evidence. The general public probably believes this stuff is sacred, but once the

case is over, it could be anywhere. We're very lucky that Cobb County has a very good Clerk of Court".
(MDJ, 3A)

Recommendations

The committee recommends that another room should be added to store criminal evidence due to the lack of space. We also felt that a program should be implemented to locate evidence in a timely manner or in the event that Mrs. Corbitt was not available.

COBB COUNTY POLICE DEPARTMENT INTERNAL AFFAIRS COMMITTEE

This committee was formed in order to inspect the relationship, primarily, of police officers and the general public. Specifically, the committee wished to interview appropriate personnel and to examine public complaints registered in 2005 and 2006. The committee convened on Tuesday, December 5 and Tuesday, December 12, 2006 in the Grand Jury room, Government Complex, Marietta, Georgia.

General Information regarding Police Officers' Conduct

The committee members met with Major Houser of the Internal Affairs Department of the Cobb County Police Department. Major Houser shared with the committee that, although the police officers of Cobb County have and will make mistakes, misconduct will not be tolerated. Various steps/procedures are followed in order to minimize problems.

For example:

- A background check is done on all officers
- Every officer must read and sign off on the Code of Conduct
- The standards of the Code of Conduct are applicable on and off duty

Overview of Policy for Handling Public Complaints

The police officers' supervisor initially addresses most complaints. More serious allegations of misconduct are handled by Internal Affairs. The Internal Affairs department is directly responsible to the Director of Public Safety.

The committee was shown the form upon which each public complaint is submitted. The actions taken are either written on the form or attached to it. Citizen complaints, according to Code of Conduct 1.24 shall be accepted courteously and promptly and the department "shall never attempt to dissuade any citizen from lodging a complaint." Furthermore, "citizen complaints shall be promptly documented and forwarded up the chain of command..." It was suggested to the committee that it would enhance the tracking of chronic citizen complaints made upon personnel if a better data program were in place and available. IA Pro was presented as a possible solution to keeping records with personnel who transfer or move.

Committee Request

In order to gain additional information, the committee requested Major Houser provide all the 2005 and 2006 Citizen Complaint forms for review.

Committee Recommendations

After reviewing all citizen complaints made in 2005 and 2006 (over 400), the following recommendations are made:

1. That the policy regarding audio and video equipment in all patrol vehicles be amended to indicate that ALL audio/video equipment is checked at the beginning of each and every shift. Furthermore, it is recommended by the committee that a record be maintained that such a check has been done and by whom. It is also recommended that ALL county vehicles present at the scene of an accident/event shall have all audio and video equipment operational as a source of information that may be needed for future use. By "ALL" the committee means to convey that in-car and out-of-car audio/video equipment should be activated.
2. That the proper operation of the audio/video equipment on all county vehicles so equipped should be a high priority of the Police Department in order to validate the actions taken in the field by its personnel.
3. That the Cobb County Police Department purchase a tracking software program such as IA PRO to better maintain records of police personnel. The cost of the software would be, in the opinion of the committee, well spent if well-maintained records and the better informed actions resulting from those records could avoid potential litigation.
4. That, in order to facilitate more public input upon which administrators may make better decisions, an "800" number be provided on all marked police vehicles for citizen compliments and complaints.
5. That Precinct 2 be instructed to impartially and aggressively pursue citizen complaints.

Gratitude Expressed

The committee wishes to express its thanks to **Major John Houser** of the Cobb County Police Department Internal Affairs for the candid and forthright answers to all committee questions. Thanks are also due to Major Houser for the high quality of his work which we witnessed on the complaint forms.

The committee also wishes to thank **Kathy Watkins** for her work in seeing that all requested materials, personnel and other needs to the committee were met in a timely and professional manner.

Thank you to **all those in the Cobb County Police Precincts** who provided the committee all paperwork requested. Finally, our gratitude is sincerely given to those in the **Justice Department/Police Department** who live each day as a protector and servant of the public.

ANIMAL CONTROL COMMITTEE

The following Grand Jury members were on the Animal Control Committee: Bobby Higgins, Donnie O'Connell, Judy Kelly, Marcus Houston, and Shirley Lewis.

We met with Mr. Don Bruce, Animal Control Supervisor, at the facility at 1:45 p.m. Mr. Bruce advised us as many as 18,000 animals come through the shelter each year. At the present time, there are 159 dogs, 119 cats, and 1 horse.

The committee was very impressed with how clean the facility was considering the volume of animals. The cages are cleaned each morning beginning at 6:00 a.m., followed by new bowls of food and water for each animal. Every day each animal has a clean blanket placed in their cage.

A veterinarian comes to the facility twice a week to check on the animals and a vet tech checks on each animal every day. The sick animals are put in sick bay for a week. After the week is up, the animal is placed up for adoption or put to sleep based on their illness.

All personnel working at the facility must go to the Georgia Animal Control Academy for a 40 hour course.

The committee agreed the facility was very well run, and the animals are in the best care possible until they are adopted.

SENIOR SERVICES COMMITTEE

On Tuesday, December 5, 2006, seven members of the Grand Jury visited the C. Freeman Poole Senior Center, a 9 year old facility. The Poole Center is part of the Cobb County Senior Services Department. Upon arrival we were greeted by Program Coordinator, Gretchen Mattei and John Greene. We were taken on a tour of the facilities which included information about available activities and services offered to active seniors. The facilities had a full-time staff of 5. For some services/activities, the centers rely on public donation and volunteers.

The volume of participation for this location is approximately 55K, based on services attendance.

The committee recommends that one additional step they could take to make citizens more aware of the Centers is to work with the Tax Commissioners Office to provide seniors with information regarding **Cobb Senior Services** when they apply for the senior exemption on real estate taxes at age 62.

INFORMATION SERVICES COMMITTEE

Committee Members:

Robert Greene	Steven Woods	Orstina Bridges
Stephen Hodges	Bruce Howie	Phyllis Jones

During the last twelve months, several State and Federal government agencies have disclosed sensitive personal information on citizens. Due to the increasing risk posed to citizens of the county by unauthorized personal information disclosure, the Grand Jury elected to examine the security of information contained in the county's information systems.

The committee met with Paul Ruth, Director of Cobb County Information Services. The objective of our meeting with Mr. Ruth was to determine if effective information security controls exist in the areas of: security program planning and management and access control.

Mr. Ruth indicated during our meeting that the county has no comprehensive information security governance program. Information system security policies and procedures addressing operations management, information asset clarification and control, and systems development and maintenance do not exist. While a personnel management program is in place, with background investigations completed for all Information Services personnel, the lack of a formal information security program introduces risk of exposure.

While much of the information the county stores in its systems is public record, the county does have information in some systems (particularly public safety, human resources, and judicial) that, if compromised, would represent a significant risk for the county. In fact, Information Services 2005-2006 Strategic Plan S.W.O.T. analysis identifies "lack of security awareness, training, and implementation" as an organizational weakness.

Recommendations

1. That Cobb County initiate a comprehensive Information Security governance program. The purpose of information security governance is to ensure that Cobb County is proactively implementing appropriate information security policies, controls, practices, and training programs to support their mission in a cost-effective manner, while managing evolving information security risks. As such, information security governance has its own set of requirements, challenges, activities, and types of possible structures. Information security governance also has a defining role in identifying key information security roles and responsibilities, and it influences information security policy development, oversight, and ongoing monitoring activities. The committee believes that the National Institute of Standards and Technology (NIST) Special Publication 800-100, although written with Federal Government agencies as its target, would be helpful in establishing this program.
2. That Cobb County establish an Office of Information Security. The purpose of the Office of Information Security is to administer, manage, implement, and monitor such information security policies, controls and practices as are adopted by the county in accordance with (1) above. The Office of Information Security shall have a primary responsibility for the development of information security awareness and training programs.
3. That Cobb County appoint (or hire) an individual to the position and title of Information Security Officer (ISO). The purpose of the ISO is to administer, manage, and direct the Office of Information Security.

4. That Cobb County assign such personnel as are presently engaged in full-time information security activities (firewall management, activity log examination, etc) to the Office of Information Security, and that all such individuals organizationally report to the ISO appointed or hired in accordance with (3) above.

MARIETTA COBB SMYRNA DRUG TASK FORCE COMMITTEE (MCS)

Committee Members:

Denver Cavins Steven Woods Rebecca Edwards Nicholas Pagano

Nicholas Pagano was the chair person of this committee. Ms. Edwards was not present at the time the committee was formed.

During the second meeting of the Grand Jury, the District Attorney of Cobb County put on a presentation of the MCS Unit. Members of the MCS Organized Crime Task Force and the MCS Narcotics Task Force spoke at the presentation. The speaker of the Organized Crime Task Force was a ranking member of the Cobb County Police Department and was just assigned to the MCS Unit and was not able to provide the Grand Jury with any significant information concerning the "organized crime" aspect of MCS.

The speaker for the Narcotics Task Force was a major with the Cobb County Sheriff's Department. Also, District Attorney Pat Head, Assistant District Attorneys Sam Lengen and Jason Saliba provided input through a power point presentation and oral discussion of the MCS Drug Task Force.

After the presentation discussion broke out among members of this Grand Jury in reference to a shooting incident in Atlanta where a 92 year old woman was shot to death in her own home by members of the Atlanta Police Drug Task Force. The question arose can an event of this magnitude happen in Cobb County by the MCS Drug Task Force?

All members of the presentation claimed that MCS has policies in place that would preclude such an event. This committee was formed to look into the questions as to the possibility than an accidental police shooting could happen in Cobb County by MCS and if such a shooting/killing took place who would be responsible for the shooting/killing?

Creation of the MCS Drug Task Force

After the committee was formed members of the committee asked the District Attorney to provide "founding" documents of the MCS Unit and to provide the committee with copies of policies and procedures of the MCS Unit concerning search and seizure. The founding documents were provided by the District Attorney. There are three (3) documents found in the Cobb County Commissioners Office located at 100 Cherokee Street, Marietta, GA 30090. These documents are attached hereto and included by reference herein and are marked as committee exhibits "A", "B", and "C". These documents show that the MCS Organized Crime Task Force was created by the Commissioner of Cobb County in 1980. In the year 2002, the Cobb County Board of Commissioners made additions to the original founding document of 1980.

Issue of Responsibility

The District Attorney declined to provide the committee with a copy of the policies and procedures used by MCS on the grounds the organization was a "State Agency" and told the committee that the Grand Jury did not have authority to look at the policies and procedures of MCS absent a court order. The committee then proceeded to visit with the Honorable Robert Flournoy III. Judge Flournoy stated to the chairperson Nicholas Pagano that a written motion was needed before he would sign an order. Chairperson Pagano commenced drafting a motion for a court order. District Attorney Head approached the chairperson and consented to an order allowing the committee to look at the requested policies. The motion for the order and the order signed by Judge Flournoy are attached to this report and are incorporated by reference as exhibit "D" (the motion and consent order).

Once the court order was obtained the District Attorney provided the policies and procedures to the Grand Jury Committee. The members of the committee looked at the policies and procedure manual of the MCS Unit.

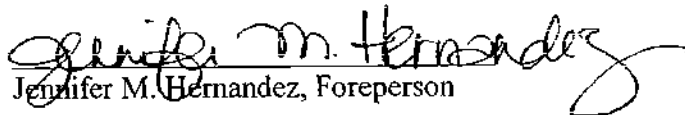
Questions of responsibility were raised by the Committee. These questions are compounded by the fact that the MCS Drug Task Force is compromised by members of the Cobb County Sheriff's Department, Cobb County Police Department, Marietta Police Department and the Smyrna Police Department. Furthermore, the MCS Unit is governed by a Board of Directors made up of the District Attorney, the elected Sheriff of Cobb County, and the Chiefs of Police of the Marietta and Smyrna Police Departments. According to the policy and procedure manual provided by Mr. Head, the members of the Board meet monthly. There is no published address where the MCS Drug Task Force is located or where complaints may be made at.

Recommendations

A copy of this report will be sent to the Board of Commissioners of Cobb County with a recommendation the Cobb County Board of Commissioners create oversight of the MCS Unit by elected officials by creating an office directly responsible to the Board of Commissioners whereby aggrieved citizens may complain to this office for redress of grievances concerning misconduct on the part of the MCS Drug Task Force.

Such oversight should not interfere with the internal operations of the MCS Unit or the safety of its operatives.

Respectfully submitted this the 4th day of January, 2007.


Jennifer M. Hernandez, Foreperson

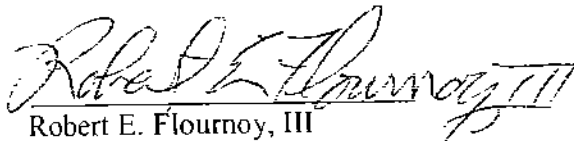
Georgia, Cobb County
Cobb County Superior Court
Cobb Judicial Circuit

ORDER

Read and Considered, Let the Same Be Filed.

It is hereby ordered; that the within Presentments be published in the official organ of Cobb County within fifteen (15) days from the date.

So Ordered, this the 4th day of January, 2007.



Robert E. Flournoy, III
Judge, Superior Court
Cobb Judicial Circuit

FILED IN COURT
THIS JANUARY 4, 2007
AT 6:30 P. M.
JAY C. STEPHENSON
CLERK SUPERIOR COURT
COBB COUNTY, GEORGIA

STATE OF GEORGIA
COUNTY OF COBB

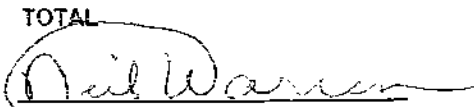
RETURN TO THE COBB COUNTY
GRAND JURY FOR NOVEMBER - DECEMBER 2006

DATE:


In compliance with the provision of Georgia Code 36-1-7, I submit for your examination the following true and just statement of the funds which I have collected and paid into the county General Fund on behalf of Cobb County for the period of September 1, 2006 through October 31, 2006.

To the Honorable Members of the Grand Jury for the period of September 1, 2006 through October 31, 2006:

FINES AND FORFEITURES	
Collected and paid into the Superior and State Courts of Cobb County	\$3,004.00
FEES COLLECTED RECORDS AND ID	
Fees for processing applicant fingerprints and sale of photos paid into the Cobb County General Fund	\$26,393.50
CIVIL COSTS	
Collected and paid into the Cobb County General Fund	\$51,942.00
MISCELLANEOUS REVENUES	
Collected and paid into the Cobb County General Fund	\$10,208.74
BOND FORFEITURES	
Collected and paid into the Cobb County General Fund	\$110,770.00
JAIL BOND SURCHARGE	
Collected and paid into the Cobb County General Fund	\$10,592.50
BOND DOCUMENT FEE	
Collected and paid into the Cobb County General Fund	\$40,312.00
JAIL SUBSIDY	
Collected and paid into the Cobb County General Fund	\$55,695.00
WORK RELEASE PER DEIM	
Collected and paid into the Cobb County General Fund	<u>\$80,896.53</u>
TOTAL	<u><u>\$389,814.27</u></u>


Neil Warren, SHERIFF
COBB COUNTY, GEORGIA

Personally appeared before me, Neil Warren, Sheriff of Cobb County, Georgia, who on oath deposed and says that the above is a true and correct statement to the best of his knowledge.


Notary Public, State of Georgia

Notary Public, Cobb County, Georgia
My Commission Expires May 25, 2008.

**CLERK OF SUPERIOR COURT
COBB JUDICIAL CIRCUIT
FINANCIAL REPORT
MONTH OF SEPTEMBER 2006 GENERAL FUND RECEIPTS**

<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>	<u>RECEIPTS</u>
4544	CIVIL COURT COST	\$ <u>53,101.00</u>
4579	ADR FILING	\$ <u>3,150.00</u>
4632	PROPERTY RECORDING FEES	\$ <u>300,800.00</u>
	DEEDS	\$ <u>288,296.00</u>
	UCC	\$ <u>8,026.00</u>
	BUSINESS	\$ <u>3,742.00</u>
	PLATS	\$ <u>736.00</u>
4638	MISCELLANEOUS RECORDING/FILING	\$ <u>30,036.55</u>
	NOTARY COMM.	\$ <u>9,480.00</u>
	MISCELLANEOUS	\$ <u>20,556.55</u>
4590	DRUG COURT	\$ <u>18,294.00</u>
4806	LIBRARY FUND	\$ <u>3,156.00</u>
	CASH BOND	\$ <u>17,544.50</u>
4538	10% FEE	\$ <u>1,644.50</u>
4802	FORFEITURE	\$ <u>15,900.00</u>
4803	DRUG TREATMENT/EDUCATION	\$ <u>30,487.66</u>
4804	COURT FINES	\$ <u>145,971.21</u>
	FINES	\$ <u>117,879.97</u>
	P.O.F.	\$ <u>10,260.89</u>
	P.O.P.I.D.F	\$ <u>14,364.60</u>
	D.U.I.	\$ <u>-0-</u>
	BRAIN/SPINAL	\$ <u>60.00</u>
	WD/BF	\$ <u>699.75</u>
	VICTIM	\$ <u>160.00</u>
	CRIME LAB (FELONY)	\$ <u>2,471.00</u>
	CRIME LAB (MISD)	\$ <u>75.00</u>
	DRIVERS EDUCATION	\$ <u>-0-</u>
	CRIMINAL COURT COST	\$ <u>-0-</u>
4811	VICTIMS ASSISTANCE PROGRAM	\$ <u>6,191.45</u>
4925	ATTORNEY FEES	\$ <u>25,589.97</u>
4805	10% JAIL FUND	\$ <u>16,059.63</u>
4235	TRANSFER TAX	\$ <u>722,482.40</u>
4634	INTANGIBLE TAX	\$ <u>2,118,363.56</u>
4854	INTANGIBLE TAX INTEREST	\$ <u>622.32</u>
4854	INTEREST EARNED FROM GENERAL FUND	\$ <u>260.60</u>
5020	RESTITUTION	\$ <u>109,340.46</u>
	<u>TOTAL RECEIPTS</u>	<u>\$3,601,451.31</u>


FINANCIAL REPORT
 MONTH OF - SEPTEMBER 2006 -GENERAL FUND PAYABLES

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
	PEACE OFFICERS/PROS/IND DEF FUND - CIVIL	\$ 15,780.00
	PEACE OFFICERS/PROS/IND DEF FUND - CRIMINAL	\$ 14,572.10
	PEACE OFFICERS' ANNUITY & BENEFIT FUND	\$ 5,853.25
	SHERIFFS' RETIREMENT FUND	\$ 1,272.00
	CLERKS' RETIREMENT FUND	\$ 9,155.50
	CLERKS' COOPERATIVE AUTHORITY -(UCC'S)	\$ 3,540.00
	CLERKS' COOPERATIVE AUTHORITY - (DEEDS)	\$ 66,825.00
	CLERKS' COOPERATIVE AUTHORITY - NOTARIES	\$ 632.00
	STATE CHILDREN'S TRUST FUND	\$ 1,420.00
	CLERKS' COOPERATIVE AUTHORITY - P.O.F.	\$ 10,425.89
	VICTIMS EMERGENCY FUND	\$ 128.00
	BRAIN AND SPINAL TRUST FUND	\$ 60.00
	DRIVERS EDUCATION COMMISSION	\$ -0-
	CRIMINAL COURT COST	\$ -0-
	RESTITUTION	\$ 109,340.46
	INTANGIBLE TAX TO STATE AND ENTITIES	\$1,440,401.66
	TRANSFER TAX TO STATE AND ENTITIES	\$ 721,600.90
	INTANGIBLE TAX TO COBB COUNTY	\$ 678,584.22
	CRIME LAB FEES/FELONY & MISDEMEANOR	\$ 2,546.00
4811	VICTIMS ASSISTANCE PROGRAM	\$ 6,191.45
4235	TRANSFER TAX TO COBB COUNTY	\$ 881.50
4806	LAW LIBRARY FUND	\$ 3,156.00
4806	SENTENCE INSOLVENT	\$ 1,563.00
4590	DRUG COURT	\$ 18,294.00
4579	A.A.D.R.P. FUND OF COBB COUNTY	\$ 3,150.00
4854	INTEREST EARNED FROM GENERAL FUND	\$ 173.48
4854	INTEREST EARNED FROM TRANSFER TAX	\$ 87.12
	TOTAL PAY OUT	\$ 3,115,633.53
	NET PAY OUT	\$ 485,817.78
4638	<u>OVER / SHORT</u>	\$ 32.75
4544	CIVIL REFUNDS	\$ <774.45>
4804	JUDICIAL REFUNDS	\$ <258.00>
4544	UN-COLLECTABLE (NSF)	\$ -0-
	AMOUNT PAID TO COBB COUNTY-COMPTROLLER	\$ 484,818.08

Sworn to and subscribed before me on
 This the 9TH day of OCTOBER 2006.


 NOTARY PUBLIC

Notary Public, Cobb County, Georgia
 My Commission Expires November 12, 2007.


 JAY C. STEPHENSON, CLERK SUPERIOR COURT
 ELVA P. DORNBUSCH, CHIEF DEPUTY CLERK


**CLERK OF SUPERIOR COURT
COBB JUDICIAL CIRCUIT
FINANCIAL REPORT
MONTH OF OCTOBER 2006 GENERAL FUND RECEIPTS**

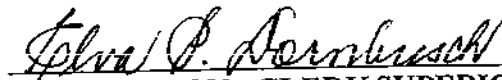
<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>	<u>RECEIPTS</u>
4544	CIVIL COURT COST	\$ <u>71,433.90</u>
4579	ADR FILING	\$ <u>3,380.00</u>
4632	PROPERTY RECORDING FEES	\$ <u>313,740.00</u>
	DEEDS	\$302,122.00
	UCC	\$ <u>7,406.00</u>
	BUSINESS	\$ <u>3,388.00</u>
	PLATS	\$ <u>824.00</u>
4638	MISCELLANEOUS RECORDING/FILING	\$ <u>33,771.97</u>
	NOTARY COMM.	\$ <u>10,418.00</u>
	MISCELLANEOUS	\$ <u>23,353.97</u>
4590	DRUG COURT	\$ <u>14,126.05</u>
4806	LIBRARY FUND	\$ <u>3,387.00</u>
	CASH BOND	\$ <u>17,821.50</u>
4538	10% FEE	\$ <u>1,972.50</u>
4802	FORFEITURE	\$ <u>15,849.00</u>
4803	DRUG TREATMENT/EDUCATION	\$ <u>42,430.50</u>
4804	COURT FINES	\$ <u>148,049.96</u>
	FINES	\$ <u>118,281.62</u>
	P.O.F.	\$ <u>9,553.83</u>
	P.O.P.I.D.F	\$ <u>15,784.76</u>
	D.U.I.	\$ <u>-0-</u>
	BRAIN/SPINAL	\$ <u>54.00</u>
	WD/BF	\$ <u>1,292.50</u>
	VICTIM	\$ <u>50.00</u>
	CRIME LAB (FELONY)	\$ <u>2,958.25</u>
	CRIME LAB (MISD)	\$ <u>25.00</u>
	DEFENDANTS APP. FEE	\$ <u>50.00</u>
	DRIVERS EDUCATION	\$ <u>-0-</u>
	CRIMINAL COURT COST	\$ <u>-0-</u>
4811	VICTIMS ASSISTANCE PROGRAM	\$ <u>7,014.50</u>
4925	ATTORNEY FEES	\$ <u>25,745.49</u>
4805	10% JAIL FUND	\$ <u>18,644.20</u>
4235	TRANSFER TAX	\$ <u>831,369.20</u>
4634	INTANGIBLE TAX	\$ <u>2,208,476.58</u>
4854	INTANGIBLE TAX INTEREST	\$ <u>807.91</u>
4854	INTEREST EARNED FROM GENERAL FUND	\$ <u>245.38</u>
5020	RESTITUTION	\$ <u>121,344.54</u>
	<u>TOTAL RECEIPTS</u>	<u>\$3,861,788.68</u>

FINANCIAL REPORT
 MONTH OF - OCTOBER 2006 -GENERAL FUND PAYABLES

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
	PEACE OFFICERS/PROS/IND DEF FUND - CIVIL	\$ 16,935.00
	PEACE OFFICERS/PROS/IND DEF FUND - CRIMINAL	\$ 16,484.76
	PEACE OFFICERS' ANNUITY & BENEFIT FUND	\$ 6,047.48
	SHERIFFS' RETIREMENT FUND	\$ 1,355.00
	CLERKS' RETIREMENT FUND	\$ 9,509.75
	CLERKS' COOPERATIVE AUTHORITY -(UCC'S)	\$ 3,305.00
	CLERKS' COOPERATIVE AUTHORITY - (DEEDS)	\$ 69,405.00
	CLERKS' COOPERATIVE AUTHORITY - NOTARIES	\$ 696.00
	STATE CHILDREN'S TRUST FUND	\$ 1,330.00
	CLERKS' COOPERATIVE AUTHORITY - P.O.F.	\$ 10,403.83
	VICTIMS EMERGENCY FUND	\$ 52.00
	DEFENDANTS APPLICATION FEE	\$ 50.00
	BRAIN AND SPINAL TRUST FUND	\$ -0-
	DRIVERS EDUCATION COMMISSION	\$ -0-
	CRIMINAL COURT COST	\$ -0-
	RESTITUTION	\$ 121,344.54
	INTANGIBLE TAX TO STATE AND ENTITIES	\$ 1,499,926.44
	TRANSFER TAX TO STATE AND ENTITIES	\$ 830,477.70
	INTANGIBLE TAX TO COBB COUNTY	\$ 709,358.05
	CRIME LAB FEES/FELONY & MISDEMEANOR	\$ 2,983.25
4811	VICTIMS ASSISTANCE PROGRAM	\$ 7,014.50
4235	TRANSFER TAX TO COBB COUNTY	\$ 891.50
4806	LAW LIBRARY FUND	\$ 3,387.00
4806	SENTENCE INSOLVENT	\$ 1,581.00
4590	DRUG COURT	\$ 14,126.05
4579	A.A.D.R.P. FUND OF COBB COUNTY	\$ 3,380.00
4854	INTEREST EARNED FROM GENERAL FUND	\$ 160.49
4854	INTEREST EARNED FROM TRANSFER TAX	\$ 84.89
	TOTAL PAY OUT	\$ 3,330,289.23
	NET PAY OUT	\$ 531,499.45
4638	OVER / SHORT	\$ 25.04
4544	CIVIL REFUNDS	\$ <145.00>
4804	JUDICIAL REFUNDS	\$ <145.00>
4544	UN-COLLECTABLE (NSF)	\$ -0-
	AMOUNT PAID TO COBB COUNTY-COMPTROLLER	\$ 531,234.49

Sworn to and subscribed before me on
 This the 9TH day of NOVEMBER 2006.


 NOTARY PUBLIC
 Notary Public, Cobb County, Georgia
 My Commission Expires November 12, 2007.


 JAY C. STEPHENSON, CLERK SUPERIOR COURT
 ELVA P. DORNBUSCH, CHIEF DEPUTY CLERK

COBB COUNTY PROBATE COURT
COBB JUDICIAL CIRCUIT
FINANCIAL REPORT

MONTH OF SEPTEMBER, 2006- GENERAL FUND RECEIPTS

<u>DEPOSITS</u>	<u>AMOUNT</u>
Deposit 9/06/06	\$13,946.00
Deposit 9/08/06	\$ 8,257.25
Deposit 9/13/06	\$ 5,384.00
Deposit 9/15/06	\$10,209.50
Deposit 9/20/06	\$ 1,600.75
Deposit 9/22/06	\$12,738.25
Deposit 9/29/06	\$12,750.50
TOTAL RECEIPTS	\$64,886.25

MONTH OF SEPTEMBER, 2006- GENERAL FUND EXPENDITURES

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Law Library	\$ 801.00
Department of Human Resources	\$ 405.00
Judge's Retirement Fund	\$ 2,316.80
Cobb County General Fund	\$54,136.45
Superior Ct Clerk's Authority	\$ 7,227.00
TOTAL EXPENDITURES	\$64,886.25

I do hereby certify that the above information is true and correct.

David A. Dodd
David A. Dodd, Judge of the Probate Court

Sworn to and subscribed before me,
this 14th day of November, 2006.

[Signature]
Notary Public



COBB COUNTY PROBATE COURT
COBB JUDICIAL CIRCUIT
FINANCIAL REPORT

MONTH OF OCTOBER, 2006- GENERAL FUND RECEIPTS

<u>DEPOSITS</u>	<u>AMOUNT</u>
Deposit 10/04/06	\$23,251.50
Deposit 10/13/06	\$20,506.50
Deposit 10/18/06	\$21,059.00
Deposit 10/25/06	\$ 8,677.00
Deposit 10/27/06	\$ 2,954.00
Deposit 10/31/06	\$ 8,794.25
TOTAL RECEIPTS	\$85,242.25

MONTH OF OCTOBER, 2006- GENERAL FUND EXPENDITURES

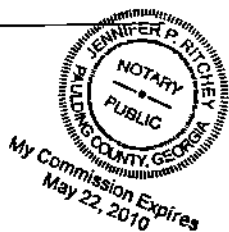
<u>DESCRIPTION</u>	<u>AMOUNT</u>
Law Library	\$ 728.00
Department of Human Resources	\$ 1,002.00
Judge's Retirement Fund	\$ 4,591.00
Cobb County General Fund	\$67,146.25
Superior Ct Clerk's Authority	\$11,775.00
TOTAL EXPENDITURES	\$85,242.25

I do hereby certify that the above information is true and correct.

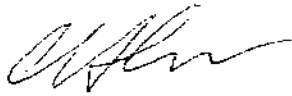
David A. Dodd
David A. Dodd, Judge of the Probate Court

Sworn to and subscribed before me,
this 14th day of November 2006.

J.P.
Notary Public



This certifies that the undersigned clerk delivered by intra-county mail to the District Attorney or to responsible persons in his office the return to the grand jury pertaining to the months of September and October, 2006 on this 14th day of November, 2006.



Clerk of Probate Court

**COBB COUNTY PROBATE COURT
COBB JUDICIAL CIRCUIT
FINANCIAL REPORT**


MONTH OF AUGUST, 2006- GENERAL FUND RECEIPTS

<u>DEPOSITS</u>	<u>AMOUNT</u>
Deposit 8/04/06	\$15,072.94
Deposit 8/09/06	\$ 9,806.00
Deposit 8/11/06	\$14,962.00
Deposit 8/16/06	\$16,233.50
Deposit 8/18/06	\$ 6,237.75
Deposit 8/23/06	\$ 8,819.00
Deposit 8/25/06	\$11,197.50
Deposit 8/31/06	\$15,197.25
TOTAL RECEIPTS	\$97,525.94

MONTH OF AUGUST, 2006- GENERAL FUND EXPENDITURES

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Law Library	\$ 1,140.00
Department of Human Resources	\$ 861.00
Judge's Retirement Fund	\$ 4,238.00
Cobb County General Fund	\$78,179.94
Superior Ct Clerk's Authority	\$13,107.00
TOTAL EXPENDITURES	\$97,525.94

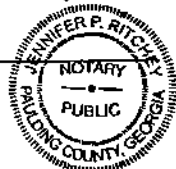
I do hereby certify that the above information is true and correct.



David A. Dodd, Judge of the Probate Court

Sworn to and subscribed before me,
this 13th day of September, 2006.

Notary Public 



My Commission Expires
May 22, 2010

COBB COUNTY PROBATE COURT
COBB JUDICIAL CIRCUIT
FINANCIAL REPORT

MONTH OF JULY, 2006- GENERAL FUND RECEIPTS

<u>DEPOSITS</u>	<u>AMOUNT</u>
Deposit 7/05/06	\$ 5,594.50
Deposit 7/14/06	\$14,617.25
Deposit 7/19/06	\$14,948.25
Deposit 7/28/06	\$ 8,293.00
Deposit 7/31/06	\$11,073.50
TOTAL RECEIPTS	\$54,526.50

MONTH OF JULY, 2006- GENERAL FUND EXPENDITURES

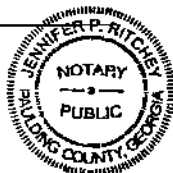
<u>DESCRIPTION</u>	<u>AMOUNT</u>
Law Library	\$ 535.00
Department of Human Resources	\$ 672.00
Judge's Retirement Fund	\$ 3,759.00
Cobb County General Fund	\$39,472.50
Superior Ct Clerk's Authority	\$10,088.00
TOTAL EXPENDITURES	\$54,526.50

I do hereby certify that the above information is true and correct.

David A. Dodd
David A. Dodd, Judge of the Probate Court

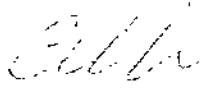
Sworn to and subscribed before me,
this 13th day of September, 2006.

Notary Public J.P.



My Commission Expires
May 22, 2010

This certifies that the undersigned clerk delivered by intra-county mail to the District Attorney or to responsible persons in his office the return to the grand jury pertaining to the months of July and August, 2006 on this 13th day of Sept., 2006.



Clerk of Probate Court

WHEREAS, there exists in Cobb County a necessity for an expedient procedure to provide for disbursement of monies for rewards for informants tips, to provide investigators and agents for the various law enforcement agencies within the County with "buy money" in major narcotics and controlled substance violation cases, and to provide for other non-budgeted criminal investigative costs related to illegal services investigations in drug cases; and,

WHEREAS, the chief law enforcement officials of the various agencies and municipalities within the county have agreed to the deposit with Cobb County of all proceeds of forfeitures and sales following forfeitures, and that said proceeds shall vest in Cobb County; and,

WHEREAS, such procedure would appear to promote and expedite cooperation between the various law enforcement agencies within Cobb County, and would expand the available resources to investigate drug cases, and would enhance the confidentiality of such investigations;

NOW, THEREFORE, BE IT RESOLVED as follows:

The Comptroller of Cobb County shall be authorized to establish a separate bank account for the purpose of depositing money and currency confiscated and forfeited under the Georgia Controlled Substance Act pursuant to Ga. Code 79-828, for the purpose of paying informant fees, providing agents with "buy money" and other non-budgeted criminal investigative costs related to illegal services investigations. No other funds of the County shall be deposited into said account without the specific authorization of the Board of Commissioners.

Funds may be disbursed, not to exceed \$50,000 annually, from said account upon issuance of a check bearing the signatures of the District Attorney, Cobb Judicial Circuit or the Sheriff of Cobb County, and one of the following: Director, Cobb County Police Department; Chief, Marietta Police Department; Chief, Smyrna Police Department, or upon the signature of both the District Attorney and the Sheriff.

Custody of all records and checkbooks and funds shall remain with the Sheriff of Cobb County who shall submit such records for audit upon request by the Board of Commissioners. The officials authorizing disbursement of said funds shall maintain proper records of expenditures, as may be directed by the Board of Commissioners, in order that audits may be conducted by the Comptroller of Cobb County or any auditing firm employed by the Cobb County Board of Commissioners for that purpose.

This resolution shall continue in force and effect until amended or rescinded by the Board of Commissioners.

RESOLUTION OF THE COBB COUNTY BOARD OF COMMISSIONERS
MARIETTA/COBB/SMYRNA NARCOTICS UNIT

WHEREAS, the Marietta/Cobb/Smyrna Narcotics Unit (MCS) was formed by the Sheriff of Cobb County, Cobb County Police Chief, Chief of Marietta Police Department, Chief of Smyrna Police Department and the District Attorney for the Cobb Judicial Circuit in 1980, and;

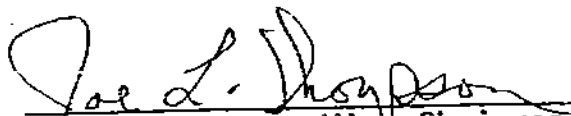
WHEREAS, the Cobb County Board of Commissioners formally recognized the creation and existence of the MCS unit specifically authorizing certain acts with regards to financial matters, and;

WHEREAS, the MCS Unit has been in successful operation for more than twenty years through the direction of a Board of Directors who have been able to change the internal structure and operation of the MCS Unit from time to time as circumstance and changing criminal procedures have required, and


WHEREAS, the continued successful operation of said MCS Unit is in the best interest of law enforcement agencies within the county and the citizens of this county;

NOW, THEREFORE, BE IT RESOLVED the resolution adopted by the Cobb County Board of Commissioners on January 8, 1980 as duly amended in various motions approved by the Cobb County Board of Commissioners thereafter is hereby amended in its entirety and the Interagency Agreement for Narcotics and Organized Crime Control entered into by the Sheriff of Cobb County, The Solicitor for the State Court of Cobb County, the Chief of the Cobb County Police Department, the Chief of the Marietta Police Department, the Chief of the Smyrna Police Department and the District Attorney for the Cobb Judicial Circuit and filed with the Clerk of the Cobb County Board of Commissioners is hereby made the resolution of the Cobb County Board of Commissioners authorizing the continued existence of said MCS unit as created, organized and defined therein.

Effective the 28th day of May, 2002.


Joe Lee Thompson, Vice Chairman


Samuel S. Olens, Commissioner


G. Woody Thompson, Jr., Commissioner


Billy L. Askea, Commissioner

APPROVED
PERMINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS

5/28/2002

**INTERAGENCY AGREEMENT FOR
NARCOTICS AND ORGANIZED CRIME CONTROL**

The Marietta/Cobb/Smyrna Narcotics Unit (MCS) was formed in 1980 by the Chief Law enforcement officials for the Sheriff's Office of Cobb County, the Cobb County Police Department, the Marietta Police Department, the Smyrna Police Department, and the District Attorney's Office for the Cobb Judicial Circuit. Therein, said officials agreed to the deposit with Cobb County of all proceeds of forfeitures and sales following forfeitures, and that said proceeds should vest in Cobb County. The MCS unit was formally recognized by resolution of the Cobb County Board of Commissioners wherein specific authorization was provided to establish a separate bank account for all seized and forfeited funds derived from the operation of the unit with said funds to be used by the unit.

Individuals holding the aforesaid positions together with the Solicitor General for the State Court of Cobb County shall comprise the Board of Directors of the MCS unit (the Board) and shall direct the operations of said unit. The District Attorney of the Cobb Judicial Circuit shall serve as chairman of the Board and the Sheriff of Cobb County shall serve as Secretary/Treasurer. The Board shall convene at 2:00 p.m. on the second Monday of each month at the office of the District Attorney, or at such other time as may be directed by the Chairman upon notice to the other Board members. The presence of three members of the Board shall constitute a quorum.

Custody of all records and checkbooks and funds shall remain with the Sheriff of Cobb County who shall assign an employee of said office as a full time accountant. Said accountant shall monitor all funds or other seized assets and maintain accounting records as are required and recommended by the Board. The Sheriff shall annually submit such records for audit by a Certified Public Accounting firm selected by the Board. A copy of the audit shall be provided to the Cobb County Board of Commissioners no later than September 30 of each year.

The Sheriff of Cobb County, as custodian of the records and funds, shall make recommendations to the Board as to the depository or depositories to be used by the board for seized and forfeited funds. Upon approval by the Board, the Sheriff is authorized to open accounts as may be required in any banking institution insured by the Federal Depositors Insurance Corporation (FDIC).

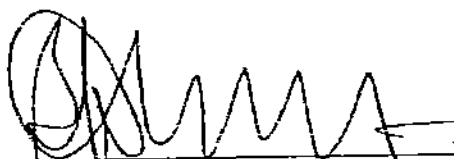
Forfeited funds deposited in such accounts shall be used by the Board in the operation of the MCS unit for paying informant fees, providing agents with "buy money", and non-budgeted costs related to investigations of illegal organized crime and narcotics activities, equipment. Additionally, such funds may be used for in-service training of Board members and employees of the various agencies specifically assigned to the MCS unit including those assistant district attorneys assigned to the MCS unit as well as such other expenses as may be authorized by the Board for the operation of the MCS unit.

Disbursement of any funds from said account shall be upon issuance of a check drawn upon the accounts bearing the signatures of the District Attorney for the Cobb Judicial Circuit or the Sheriff of Cobb County, and the signature of one of the Chiefs of Police for either Cobb County Police, Marietta Police, or Smyrna Police, or the signature of both the District Attorney for the Cobb Judicial Circuit and the Sheriff for Cobb County.

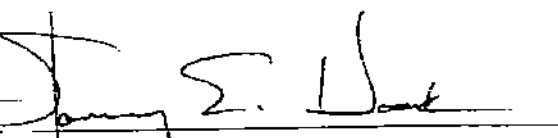
Recognizing there are six municipality law enforcement agencies within the county and two county law enforcement agencies within the county, the Board is authorized to enter into an agreement with any of the law enforcement agencies not represented on the Board for inclusion in the MCS unit upon approval of the governing authority for such law enforcement agency. However, such inclusion shall change neither the composition of the Board nor the name of the unit.

There shall be two sub-units within the MCS unit and generally referred to as the "Narcotics Unit" and the "Intelligence Unit". Each such sub-unit shall have a commander who shall report to the Board. The Cobb County Sheriff's Office shall provide the commander for the Narcotics Unit and the Cobb County Police Department shall provide the commander for the Intelligence Unit. The total number of employees assigned to the MCS unit by each agency shall be in such number as set by the Board.

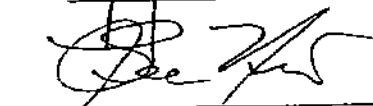
The Board shall establish written policies and procedures for the MCS unit and shall ensure that such policies and procedures are provided to each member of the Board and each employee assigned from the various agencies to the MCS unit. The Board shall review the written policies and procedures at such times as may be required in the successful operation of the MCS unit and make such changes or modifications as may be deemed necessary by the Board.



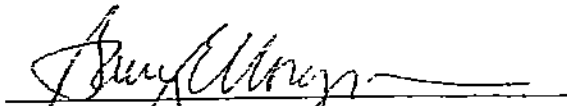
Chief Marietta Police Department
Date 4/1/02



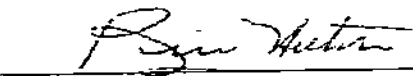
Chief Smyrna Police Department
Date 4-2-02



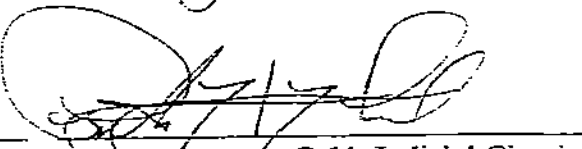
Chief Cobb County Police Department
Date 4-01-2002



Solicitor General Cobb County State Court
Date 4/01-2002



Sheriff Cobb County
Date 4-1-02



District Attorney Cobb Judicial Circuit
Date 4/01/02

exhibit 'c'

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

NOV/DEC GRAND JURY)
COMMITTEE ON MCS)
VS)
MCS DRUG TASK FORCE)

FILE # 06-1-8996

MOTION FOR COURT ORDER TO EXAMINE
MCS DRUG TASK FORCE POLICIES AND
PROCEDURES CONCERNING THE EXECUTION
OF SEARCH WARRANTS

COMES NOW, Nicholas Pagano, chairman of the November/December 2006 grand jury committee to look into the creation and operation of the MCS drug task Force and moves the Honorable Robert Flournoy III for an order to allow this Committee to look at the polices and procedures of the MCS drug task force concerning The execution of search warrants. In support of this motion says the following:

1.

More than 8 members of the November/December grand jury having deemed it Necessary to look at and investigate the MCS drug task force, and 4 members of this Grand jury having volunteered to act as committee persons, and having been presented A presentation by District Attorney Head, along with ADA Jason Saliba and Sam Lengen Along with a member of the MCS drug task force.

2.

On December 5, 2006 the members of the committee having met in the grand jury office and requested of District Attorney Patrick Head to look at the polices and procedures of the MCS drug task force concerning the execution of search warrants And having denied the committee from looking at the polices and procedures absent a court order now move this Court for an order to allow this lawful committee to look at and examine the polices and procedures requested.

WHEREFORE: the members of the committee move that rule nisi issue And that the district attorney show cause why the grand jury committee should not View the polices and procedures of the MCS

(1 OF 2)

GRAND JURY EXHIBIT "D"
(motion & order)

This the 5th of December 2006.

Nicholas Pagano
NICHOLAS PAGANO

DENVER CAVINS

STEVEN WOODS

REBECCA EDWARDS

RULE NISI

Let the district attorney show cause why the prayers of the grand jury committed
Should not be answered in the Superior Court of Cobb County, Courtroom E on the
__ day of _____ 200__ at __ O'clock __m.

December __ 2006.

JUDGE

CONSENT ORDER

The District Attorney, Patrick Head and the members of the MCS committee
Agree that the polices and procedures of the MCS drug task force concerning the
Execution of search warrants will be provided to the Committee instantly.

This the __ day of December 2006.

PATRICK HEAD, District Attorney

COMMITTEE MEMBERS

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

IN RE: COBB COUNTY GRAND JURY
NOVEMBER/DECEMBER 2006 TERM

04-1-8994

ORDER

A motion was filed in this court by the MCS committee for the November/December 2006 term of the Cobb County Grand Jury, presenting their intent and desire to review the policies and procedures of the Marietta Cobb Smyrna Narcotics Unit (MCS). The MCS unit is a law enforcement unit that was created in 1980 pursuant to an inter-agency agreement between the Marietta Police Department, the Cobb County Sheriff's Office, the Cobb County Police Department, the Smyrna Police Department and the District Attorney for the Cobb Judicial Circuit. While a Grand Jury is authorized to inspect and examine the operation and offices of the county, such review is generally not permitted for State Agencies, such as the District Attorney's Office and municipalities such as Marietta and Smyrna. While it could appear that a review of policies and procedures established by an inter-agency agreement between Municipalities, Counties and State agencies is not such an inspection as is authorized by statute, it being made to appear to this court that such a review by the Grand Jury Committee will not interfere with the operation of said law enforcement unit,

IT IS HEREBY ORDERED that the Cobb County Grand Jury for the November/December 2006 term, through the MCS committee is hereby authorized to review the written policy and procedures for the MCS Narcotics Unit as approved by the MCS Board.

SO ORDERED, this the 5th day of December, 2006

Filed In Office Dec-06-2006 16:41:02
ID# 2006-0157179-CV
Page 1

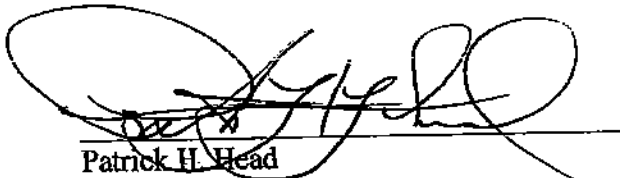


Jay C. Stephenson
Clerk of Superior Court Cobb County



ROBERT E. FLOURNOY, III
JUDGE, SUPERIOR COURT COBB COUNTY
GRAND JURY PRESIDING JUDGE
NOVEMBER/DECEMBER 2006 TERM

Consented to by:



Patrick H. Head
District Attorney
Cobb Judicial Circuit

ID# 2007-0002090-CV
Page 33