

Date: December 3, 2002  
To: Bill Monroe  
Grand Jury Foreman  
From: Dorothy McCombs  
Subject: Grand Jury Report



It was a great honor for me to serve as a member of the grand jury. To have the opportunity to participate in our justice system was a life-altering event. I found the experience interesting, educational, and also disturbing in some respects. Overall my impressions were favorable. The prosecutors and police officers demonstrated a dedication to their work and community.

The extent of the drug problem was an eye opener. Hearing the large number of drug cases was unsettling. Drug abuse is a legal and societal problem that I cannot see being eliminated under our current system. However, there are no easy resolutions to this difficult problem. The poor and urban communities of Cleveland seem to be affected the most. Felony records for people just beginning their adult lives will destine them to a life of crime and poverty.

There are both positive (CHEERS) and negative (JEERS) experiences that occurred during our term of duty. I have attached a document and diskette that summarizes some of the more important issues. Please feel free to add, delete, or alter my comments for your final report.

Lastly, I want to express my thanks to you for being an outstanding foreman of our jury. It has been an honor and pleasure to meet you and get to work with you. Judge McAllister should be commended for his decision in selecting you for this important job. I wish you well in your next endeavor.

*slushy*

EXHIBIT

Attachment: Grand Jury Report

A-9

Grand Jury Report  
September through December 2002 Term

CHEERS

➤ **JUROR ORIENTATION WAS INTERESTING, INFORMATIVE, AND PROVIDED A GOOD FRAMEWORK FOR JURY DELIBERATIONS.**

The Cuyahoga County personnel who presented information relative to their area of expertise were impressive. They were well prepared and very knowledgeable. Some of the more outstanding individuals are listed below.

Detective Arvin Clar of the Financial Crimes Unit presented easy to understand details concerning Identity Theft, Forgery, Criminal Simulation, and the use of the Elderly Specification to increase the penalty of theft offenses against our senior population. He gave practical advice about preventing and protecting against identity theft, which today victimizes one out of eight people.

Dale Smith, an agent with WEB (West Shore Enforcement Bureau), provided the jurors with the mechanics of the drug trade in this area. Controlled drug purchases using confidential reliable informants (CRI's) and confidential informants (CI's) were thoroughly explained and proved valuable to the jurors when hearing the many drug cases presented. Agent Smith also described the various drugs and their associated paraphernalia that are being bought and sold on our streets and the role of the BCI lab in testing these compounds. He talked about prescription drug fraud and explained that today it is the fastest growing drug crime. At the request of the Grand jury, Agent Smith returned in November and during a lunch hour fielded questions from the jurors relating to drug arrests.

Lt. Joe Chick of the Auto Theft Unit also gave an excellent presentation about auto theft activity. He explained the difference between Receiving Stolen Property (RSP) and Grand Theft of a Motor Vehicle well as the use of criminal tools in auto thefts. He provided valuable ways in which to better protect yourself against auto theft.

➤ **THE PROSECUTORS WERE WELL VERSED IN THE LAW AND BROUGHT A WEALTH OF EXPERIENCE TO THE GRAND JURY.**

John Clough and Lauren Moore were professional in their duties and proficient in the law. They both brought many years of experience from a variety of legal arenas to the grand jury. Under great pressure to present a volume of cases each session, they still answered juror questions, read and interpreted the law, and were always well prepared. They kept the cases rolling and when faced with disorganized witnesses, briefly summarized the evidence of a case for the jurors. They were respectful and kind when interviewing victim witnesses, especially juveniles who were the victims of sexual crimes. They obtained the needed responses to key questions, but maintained a compassionate atmosphere for the victims. Both Mr. Clough and Ms. Moore enhanced the grand jury experience and represented Cuyahoga County admirably.

**Grand Jury Report  
September through December 2002 Term**

- **THE TOUR OF THE CUYAHOGA COUNTY JAIL WAS ENLIGHTENING AND PROVED THAT THE JAIL IS PROFESSIONALLY MANAGED BY THE WARDEN AND HIS DEDICATED STAFF.**

The safety and welfare of both the inmates and jail employees is the aim of the warden and assistant warden. Our tour of the jail facility certainly showed evidence that this goal has been met. The jail was clean and organized. The food was nutritious and tasty. The warden and his staff work very hard to maintain order and safety. The physical and mental health concerns of the inmates are taken care of in a professional manner. Inmate infractions are handled safely and humanely and the inmates are given opportunities to improve their conditions with good behavior. A Law Library was available to the inmates via a form sent to the librarian who did all research. A reading library was not available. Many social services are accessible to inmates to help integrate them back into society. Over 99% of the inmates return to the community. Jail over crowding and limited funding were the two main problems facing the jail staff.

- **THE TOUR OF THE SCIENTIFIC INVESTIGATION UNIT WAS INTERESTING AND EDUCATIONAL.**

The Grand jury's tour of the SIU of the Cleveland Police Department was a worthwhile experience. Visiting the fingerprint lab, the latent print section, the drug lab, and the weapons testing facility, and hearing the various expert employees discuss how evidence is gathered and processed was educational. A high degree of professionalism was demonstrated by every person in the unit. The information passed on to the jury was pertinent to many of the cases presented.

- **THE MAJORITY OF THE WITNESSES WERE WELL PREPARED AND ORGANIZED.**

Most of the drug cases were bundled and presented by one detective. Cleveland Police Detective McCaulley testified on a regular basis. She was thorough, quick, and well prepared to testify. Other police officers, detectives, or agents also did a good job in presently the facts and evidence of the cases to the jury in an organized and well prepared manner.

Grand Jury Report  
September through December 2002 Term

- **BILL MONROE, ESQ. GRAND JURY FOREMAN, WAS PROFESSIONAL, PERSONABLE, AND HELPFUL TO ALL THE JURORS.**

Mr. Monroe researched many issues and brought in material for the jurors to help clarify complicated issues that arose concerning police searches and cocaine residue cases. He performed his duties as foreman scrupulously and maintained his professionalism and sense of humor throughout each session. He encouraged the jury to consider and review each case before final voting took place. He made sure that all charges in the indictments were correctly understood and documented. All this work was done while under extreme pressure to quicken the pace and deliver true bills. Mr. Monroe is an honorable, intelligent, and very personable man that enhanced the grand jury process.

JEERS

- **THE LARGE NUMBER OF LOW LEVEL FELONY DRUG CASES WERE DISTURBING.**

A rough estimate of 30 to 40 % of the cases heard by the Grand jury were drug-related cases. Many of them were low level felonies. The sense is that these cases clog up the justice system with no positive outcome. The most typical charge was for selling a \$20 rock of crack cocaine to a confidential informant. While no one disagreed that drug selling on our streets must be stopped, this method of arresting, indicting, plea bargaining and overcrowding the jail system, then back on the street again, does not provide a permanent solution.

A single charge of drug possession for cocaine residue found on a crack pipe was common. Several cases of this type were heard during each session. While the possession charge is mandated by statute for pipe residue and supported by case law, according to the prosecutors, a felony charge seemed draconian to some jurors. It was particularly disturbing to realize that this type of arrest and felony charge for residue seemed to be the rule in the city Cleveland but not the suburbs. The Cleveland Police and CHMA Police seemed to enforce this law with a vengeance, while in one instance a suburban police department chose to call the pipe with residue paraphernalia and handle the misdemeanor charge at the city level. There were few if any pipe residue cases from anywhere else in Cuyahoga County. In Voir Dire, the sitting jurors agreed that they could vote a true bill on residue evidence. However, the large number of these types of cases presented, the fact that residue was the only evidence of any wrong doing, and the disturbing fact that arrests only happened to people in the City of Cleveland was not imaginable.

Grand Jury Report  
September through December 2002 Term

➤ **SOME WITNESSES WERE ILL PREPARED TO TESTIFY.**

Some police and agency witnesses were disorganized and obviously did not have first hand knowledge of the cases they were presenting. They testified that it was someone else's case and they were covering for them. The officer who did many of the City of Cleveland's drug cases, McCaulley, did a great job in presenting the salient facts of multiple cases. However, in non-drug cases, it is important to have the investigating officer testify to the facts. In those cases where this did not happen, juror questions were left unanswered or the case had to be continued to get additional witnesses. It is unnerving to expect the jury to try a case when the only witness is unsure of the facts.

➤ **SOME WITNESSES FAILED TO SHOW UP TO TESTIFY.**

On any given day, witnesses failed to appear before the Grand jury after being subpoenaed to do so. The daily numbers ranged from a few to a dozen witnesses that did not show up to testify. These cases were continued, some more than once, until the witnesses appeared. In one instance, several cases were no billed at the Prosecutor's request because the witnesses had failed to appear several times. There does not seem to be a valid excuse for the number of continuances that occurred. It is a waste of the limited resources of the justice system and indicates a lack of respect for the grand jury process.

➤ **THE NUMBER OF CASES PRESENTED IN EACH SESSIONS WAS STAGGERING.**

Approximately 70 to 80 cases were scheduled for each day with about 40 to 50 witnesses testifying before the Grand jury. The pace was very fast and jury deliberations took place at end of the morning and afternoon sessions. On many days there was barely time to eat lunch. To insure that all the cases were heard, the jury was restricted to one 10-minute break during each session. This proved to be draining for some jurors and many voiced their concerns about leaving by a certain time to meet their family obligations. During the voting period, it proved impossible to review the details of each case and complete voting at a reasonable hour. A question arises as to the quality of the jury deliberations and justice served under this type of pressured schedule.

**Grand Jury Report  
September through December 2002 Term**

**> THE PRESSURE TO TRUE BILL WAS EVER PRESENT.**

Both prosecutors expressed concern over any no bills delivered by the grand jury, unless requested by the testifying police witness. The prosecutors indicated they were under pressure to produce true bills and thus be judged to be performing their jobs adequately. There were many discussions about cocaine residue charges and Fourth Amendment issues. The latter being forbidden territory for the jury, according to the prosecutors. The prosecutors also explained that their supervisor when reviewing the no bills could choose to re-present the case to a different grand jury. This fact was disturbing to some members of the jury because it made them wonder if their role was strictly a token one rather than one of substance.