



DeKalb court officials: Budget cuts will slow justice

By [Megan Matteucci](#)
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Karen Dunmore wakes before her family most mornings and sits on her 7-year-old son's empty bed. It's been a year since Kameron was struck and killed by an SUV in south DeKalb County. To Dunmore, it feels like minutes ago.

She relies on the victim-witness staff at the DeKalb County Courthouse and prosecutors who are pushing for a quick closure to the case.

But an \$84 million deficit has put some court services in jeopardy in DeKalb. The commission is looking at axing staff, including prosecutors, public defenders, courtroom staff and victim-witness advocates to save about \$4 million. Programs like the truancy and drug courts may also be slashed.

On Tuesday, the commission tabled action on its budget to Feb. 23.

Counties across metro Atlanta are looking at trims to the courts and other services, but none are as broad as the cuts proposed in DeKalb, said Superior Court Judge Clarence F. Seeliger, who has been on the bench in DeKalb for 28 years.

CEO Burrell Ellis has recommended cuts across the board, in addition to raising property taxes 1.86-mills. Commissioners have said they are against a tax hike. They are looking at deeper cuts, such as closing the courthouse one day a week and furloughing staff.

Court officials say the cuts will violate basic constitutional rights, including the defendant's right to appear before a judge within 48 hours of an arrest; the right to have an attorney appointed if a person can't afford one and the ability to apply for temporary protective orders in domestic violence cases.

"Gutting [Superior] court 17 percent is unconstitutional and irresponsible. That means the poor won't have representation. That means those folks will stay in jail," DeKalb Chief Superior Court Judge C.J. Becker said. "The unfunding of the courts in DeKalb County will mean this will be the county where you don't have constitutional rights 24/7."

But sacrifices have to be made, said County Commissioner Larry Johnson.

"We have to fulfill our constitutional obligation in what is mandated. We can't skirt that, but we're not going to raise taxes," said Johnson, the commission's presiding officer.

Commissioner Lee May said he will not vote to raise taxes until the county government restructures and

trims the fat.

“I can’t increase taxes on a government that is antiquated right now, maybe even broken right now,” he said.

Chief Magistrate Judge Winston Bethel understands the need for belt-tightening but believes the cuts will make it impossible for judges to fulfill constitutional mandates. The county has proposed cutting three of the 14 full-time employees in Magistrate Court.

Magistrate Court is required to hear civil suits within 30 days of an answer to a civil complaint being filed, including collection claims. The court now responds to those civil filings in less than a month, Bethel said.

Cuts to the county solicitor’s office and the State Court will mean victims like Dunmore may have to wait up to two or three years for a trial, Solicitor-General Robert James said.

“When a case sits stale that long, you can’t find witnesses and memories worsen,” James told the AJC. “All of a sudden a case that was prosecutable now isn’t. Communities will be less safe, victims will be less safe and defendants will languish in jail, and all of that costs us more money.”

Dunmore and other victims could also lose court advocates. Victim-witness staff have reminded Dunmore of court dates and explained why the defendant in her son’s case may get probation instead of jail time.

“I wake up some time and I just go in his room and expect him to be there,” she told the AJC. “The healing process is hard with it still ongoing. You don’t have an end result. You’re still going through the process with court dates. I’m anxious for it to get to the end.”

Shirley Ogilvie, the woman charged with vehicular homicide in Kameron’s Feb. 2, 2009 death, was scheduled to be on trial this week. The case has been pushed back to April for a possible plea.

Budget cuts call for the solicitor to lose 15-16 employees, including several advocates, trial secretaries and an attorney in the domestic violence division. The 70 workers in the solicitor’s office have offered to take one furlough day a month to help offset the proposed layoffs.

The proposal also calls for 15 of the 160 district attorney’s employees to be cut, despite a small increase to the department’s budget. The juvenile court budget will also increase under the plan.

For James and his prosecutors, it’s hard to tell victims, particularly vehicular homicide and domestic violence victims, that their cases are being prolonged.

“Imagine if you are a domestic violence victim with children and living in a shelter to hide from your stalker,” James said. “In 90 days to six months, we can have your attacker convicted, a permanent protective order and custody of your children. Imagine if you have to wait two years to prosecute that case. It ruins people lives.”

The proposed cuts may make women less likely to seek help from the court.

“When a survivor needs to go to the court system to obtain a protective order, it can be an intimidating

and frightening situation,” said Tonja Holder of Raksha, an Atlanta-based domestic violence agency that works with south Asian victims. “When you don’t have sufficient staff present, survivors may be too scared to access the court system to get the TPOs.”

The solicitor-general said he also would lose his entire jail plea staff, which ensures that people with clean records arrested for misdemeanors can be out of jail within 7-10 days, instead of the usual three to six months.

“You plead guilty and sign a bond for your own recognizance,” James said. “With these cuts, we will have to eliminate that. Obviously that’s a human rights issue, but it’s a money issue with keeping people in jail.”

It costs \$57 a day to house an inmate in the jail, , Sheriff Thomas Brown said.

Officials said they worry DeKalb’s jail, which has 3,600 of its 3,800 beds filled, could end up like the Fulton County jail ,i which faced federal punishment for overcrowding.

Claudia Saari, the county’s interim chief public defender, said the jail population will definitely increase if cuts in her office go through. The county is calling for 13 people ,i including 10 attorneys that provide indigent defense,i to be laid off.

The commission has pledged that public safety is its priority. They will not cut police and several commissioners have suggested hiring more officers.

But that commitment means following the criminal justice process through to the end, said Stephen D. Apolinsky, a longtime Decatur civil litigation attorney.

“If the proposed cuts go through, you will effectively slow down our system of justice,” he said. “It’s really a conveyor belt system and you just need to process the claims. The people that will be hurt will be the poor people of our community. They are the ones who don’t have access to the system.”

Staff writer Andria Simmons contributed to this report

Proposed cuts for DeKalb courts

State Court: \$1.2 million

Superior Court: \$1.2 million

Magistrate Court: \$363,000

Probate Court: \$255,000

Public Defender: \$436,800

Solicitor-General: \$618,000

Total: About \$4 million

Source: DeKalb County Commission

What's happening in other metro counties

Fulton -- The district attorney's office budget was cut by \$1.28 million, including 10 furlough days for all employees starting March. The community affairs and grants administration departments will be eliminated.

Gwinnett -- State-paid employees in the district attorney's office are taking one furlough day a month through June. Fees paid to indigent defense attorneys have been reduced. A total of 21 judges have agreed to take one to two days of furloughs to avoid layoffs or pay cuts to Superior Court staff.

Cobb -- Prosecutors have not yet had furloughs or cuts in indigent defense fees, but Superior Court judges took three furlough days last year and are waiting to see if they will have to take more this year.

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