

## Meeting 11 Report March 3, 2010

### Law Enforcement and Judiciary Work Group

#### Observations

- (4a) Information is available online – general public is not aware of resources
- (5) Constitutional fees (not updated) outdated – does not reflect actual costs or cost of living
- (1a) Justice system components are complex, interrelated and interdependent
- (4b) Justice system could benefit from implementation of new technology
- (1a) Benefit of consolidation of police and sheriff (reference article from Randy Meacham on city police training) requires detailed planning and time frame.
- (1c) County does have department for process analysis, measurement and improvement (Public perception without this information breeds mistrust)
- (3 – 2/3) Culture of “risk aversion” stymies innovation and creativity at the county government level
- (2) Consolidation of all business unit IT functions (refer to #3 observation from 1/20)
- (7a) Justice system has done well utilizing “do more with less” eliminating all “fat” from operating budgets.
- (7b) Gwinnett County Police Department has been accredited since 1993 (re-accreditation comes every three years) by Commission for Accreditation for Law Enforcement Agencies five times.
- (7c) 3.4% of all law enforcement agencies are accredited.
- (7d) 458 standards apply to all facets of the Gwinnett County Police Department.
- (6) Cost of indigent defense care is excessive.

#### Considerations

- (4a) Explore partnership with private industry to automate court, fee and filing processes
- (3) Consolidate all facility maintenance
- Expense of providing whole GJAC security
- Goal: create a world class justice system that is cost-effective, innovative across all platforms
- (5) Analyze and determine potential revenue with updated fee structure
- (1a) Greater efficiencies and client outcomes can be achieved by interdepartmental consultation
- (4b) Expedite implementation of Criminal Justice Information System – recognize investment in Criminal Justice Information System
- (1b) Assess cause/effect relationship between components of justice system
- (4c) Determine cost efficiency of online payment systems

- (2 – 2/3) Make departmental ‘score cards’ available online
- (7) All law enforcement and corrections facilities maintain the highest industry-recognized level of certification that is fiscally possible.

#### Recommendations

- Ask county to reevaluate state mandated fees/price for service and court fees; advocate legislative action
  - *We understand the recommendation to say that the county should reevaluate state mandated fees/price for service and court fees in addition to advocating legislative action. The ACCG (The Association County Commissioners of GA) committee was created to reevaluate state mandated fees. It is most likely these will not be changed till 2011.*
  - *Most of the fees/price for service and court fees will double thus increasing overall revenues by 50%.*
- (5) Privatization of collection of remaining unpaid fees/fines at end of probation period; recommend legislative action
  - *We understand the recommendation to say that the county should initiate legislative action in order to initiate privatization of collection of remaining unpaid fee/fines at the end of probation period. This would require legislation allowing such collection.*
  - *The assumption is the collection agency would take a percentage of the collection for their fee.*
- (6) Explore indigent defense funding, fee per case vs. hourly defense
  - *We understand the recommendation to say the county should explore indigent defense funding to include fee per case vs. hourly defense. A committee of Attorneys currently reviews these types of fees. Indigent defense is constitutionally mandated. The defense must also be sufficient to withstand a charge of ineffective assistance of counsel. However, funding for indigent defense is limited. Accordingly, the indigent defense system must balance competing goals and priorities. The flat fee billing model can work in some instances. However, in my opinion, there are also some potential downsides under the flat fee model. For example, there is an inherent incentive for the attorney to get the case resolved as soon as possible with the least effort since that is most profitable for the attorney. However, this may not be in the best interest of the client. It is also difficult to establish a set rate for each type of case since facts and individuals differ in each case. For example, if the defendant is a non-English speaker, it will require more time for the attorney to communicate with the client since he will need the services of an interpreter. On a flat fee case, if the case lasts a long time, at some point the attorney starts losing money on the case and has less incentive to provide the requisite attention.*
- Expedite “paperless” system for courts, filing fees, permits
  - *We understand the recommendation to say the county should expedite a “paperless” system for the court, such as for the filing fee and permits. This would take legislation to allow a “paperless” system. Clerk of courts current on-going capital project for a new case management system will allow for imaging of all documents filed with our office. The law would need to be changed so that the clerk of court wouldn’t have to keep paper.*
  - *Cost would be time for personal to scan such documents and implementation costs of utilizing the software*
- Use innovation to streamline all processes/implement technological advance to increase efficiency

- *We understand the recommendation to say the county should use innovation to streamline all processes and/or implement technological advance to increase efficiency. Currently CJIS (Criminal Justice Information System) is being implemented. The CJIS project provides for integrating and/or interfacing of the current criminal justice systems in the County justice and public safety agencies.*
- *The budget spent year to date is \$3.4 has been spent in previous for this project, the budget for 2010 is \$2.4 and the budget for 2011 is \$2.25.*
- **Explore outsourcing for operations:**
  - *We understand the recommendation to state that Gwinnett County should consider the possibility of outsourcing/privatizing the following functions:*
  - **Corrections**
    - *A task force has been established to determine the pros and cons of operating a correctional facility and develop both a current and future business plan.*
    - *Using the 2008 data, the task force has calculated a per inmate cost of \$53.19 per day. For state inmates, the County receives \$20 per day reimbursement. This reduces the cost per day for state inmates to \$33.19.*
  - **Courthouse security**
    - *Providing court security is a function vested to the Sheriff by law. The Sheriff is required to attend all sessions of the courts, transport prisoners to and from court, effect arrest in the courts, and provide security to court officials. A change in the Constitution would be required to change this legal requirement. When the Sheriff was tasked with providing full building security for GJAC following the Brian Nichols incident in Fulton County, a recommendation was made after a security survey was conducted, to provide 28 Deputies. The Commission approved 14 Deputy positions, which has required the Sheriff's Department to utilize overtime to cover the night and weekend shifts upon implementation of full building security. Security of the non-courtside administrative side of GJAC is provided at the discretion of the Commission.*
  - **Building maintenance**
    - *There was an Analysis of Georgia's Statewide Facility Maintenance Services Contract completed in 2009 by the Performance Analysis Division. The purpose of the study was to review whether or not to utilize a single contract to provide comprehensive facilities maintenance services, such as the state contract. The focus was on preventive/scheduled maintenance which also included corrective maintenance and emergency repairs. The county is focusing on the recommendation of using this opportunity to evaluate internal facilities operations and costs, and implement consolidations and economies of scale to lower County's unit cost; while also working to insure comprehensive and responsive services.*
  - **Animal control facility**
    - *Total budget for 2009 = \$2,356,437 and 2010 = \$2,344,039.*
  - **Process servers (civil)**
    - *The Sheriff is required by law to serve many of the civil processes generated by the various courts. The costs to serve processes far exceed the fees charged to perform the service. The Sheriff's Department*

*supports raising processing fees to help off-set these costs. According to the last estimate, the average cost to serve a civil paper is estimated to be \$40-\$50. The costs associated with processes such as evictions and dispossessories can run into the hundreds of dollars. In Gwinnett, Judges have begun appointing private process servers when requests are made. The Sheriff's Department has implemented new procedures to facilitate serving a greater number of papers with the minimum staff required, and are currently evaluating bar code scanning technologies that will tie into the new court software system (CJIS), similar to that used by UPS and FED EX to expedite service and eliminate duplicate service entries.*

- Examine staffing of animal control and number of animals per household
  - *Please provide additional clarification regarding this recommendation*
- Recommend independent review of each judicial system department and the inter-connectivity/cause and effect/interaction of their budgeting, staffing and processes (possible task force of consultant/staff/citizen members)
  - *We understand the recommendation to say the county should have an independent review of each judicial system department and the inter-connectivity/cause and effect/interaction of their budgeting, staffing and processes. The Performance Analysis Department was made aware of this recommendation and it is presumed that they would be instrumental in heading up any such task force.*
- (7) Education/community building
  - *We understand the recommendation to say the county should have a education/community building. Currently the county has several outlets for citizens to access Gwinnett County.*
    - *Gwinnettcourts.com*
    - *[www.gwinnettcounty.com](http://www.gwinnettcounty.com)*
    - *Channel 23*
- Solicitor's office explore level of charges not requiring jury trial (less than 6 months jail)
  - *Please provide additional clarification regarding this recommendation*
- (5) "Summit meeting" of municipalities and county courts on fines and binding costs
  - *Please provide additional clarification regarding this recommendation*
- (5) Explore state reimbursements for county services
  - *We understand the recommendation to say that the county should explore state reimbursements for the county services. There are currently a senate bill and a house bill on the table. The SB is to increase the civil filing fees to \$100 but the total amount goes to the State, not the counties. The HB is to increase filing fees that would go to the county.*
- (5) Support legislation to update Constitutional fees
  - *We understand the recommendation to say that the county should support legislation to update Constitutional fees. The ACCG (The Association County Commissioners of GA) committee was created to reevaluate state mandated fees. It is most likely these will not be changed till 2011.*
- (5) Recoup court costs
  - *We understand the recommendation to say that the county should research how to recoup court costs, through increasing fees. This will be difficult to assess as some judges, not all, do not assess court costs on criminal cases.*
- (5) Adopt a coordinated and strategic approach to justice system service delivery

- *We understand the recommendation to say that the county should adopt a coordinated and strategic approach to the justice system service delivery. Currently CJIS (Criminal Justice Information System) is being implemented. The CJIS project provides for integrating and/or interfacing of the current criminal justice systems in the County justice and public safety agencies.*
  - *The budget spent year to date is \$3.4 has been spent in previous for this project, The budget for 2010 is \$2.4 and the budget for 2011 is \$2.25.*
  
- (3a) Expedite implementation of Criminal Justice Information System
  - *We understand the recommendation to say the county should expedite implementation of the Criminal Justice information system (CJIS). Currently CJIS (Criminal Justice Information System) is being implemented. The CJIS project provides for integrating and/or interfacing of the current criminal justice systems in the County justice and public safety agencies. In a recent review by the Gwinnett County Performance Analysis Division it was concluded that the project appeared to be well controlled with sufficient planning, documentation, and testing.*
  - *The budget spent year to date is \$3.4 has been spent in previous for this project, the budget for 2010 is \$2.4 and the budget for 2011 is \$2.25.*
  
- (3b) Explore private/public partnership for self-service or paperless delivery of services
  - *We understand the recommendation to say the county should explore a private or public partnership for self-service or paperless delivery of services. The Clerk of court currently has court forms on-line on their website and the new case management system will allow for e-filing.*
  
- (3c) Implement online payment systems
  - *We understand the recommendation to say the county should implement an online payment system. Recorder Court currently provides citizens the access to pay their tickets online with a credit card at <http://www.PayYourTix.com/Gwinnett>. Clerk of court's new case management system will allow for credit card payments online but due to budget cuts credit cards were not a viable option.*
  - *Clerk of court estimated approximately \$82,000 in credit card fees if online payments were implemented.*
  
- (1 – 2/3) Continue Engage Gwinnett process to provide continued citizen input and support
  - *We understand the recommendation to say the county should continue the Engage Gwinnett process to provide continued citizen input and support. The current Engage Gwinnett process includes costs of approximately \$50,000 per the Chamber of Commerce and \$85,000 per the Gwinnett County Board of Commissioners. The costs pertaining to future endeavors with Engage Gwinnett will vary depending on the length of time involved in the process.*
  
- (7) Continue and support process improvement initiative in the justice system
  - *We understand the recommendation to say the county should continue and support process improvement initiative in the justice system. Support process improvements by implementation of CJIS (Criminal Justice Information System) and the new case management system under the courts.*
  
- (7) Education/community building to extend and compliment the capabilities of the justice system
  - *We understand the recommendation to say the county should have a education/community building in order to extend and compliment the capabilities*

*of the justice system. Currently the county has several outlets for citizens to access Gwinnett County.*

- *Gwinnettcourts.com*
- *[www.gwinnettcounty.com](http://www.gwinnettcounty.com)*
- *Channel 23*

- (1) Initiate independent review of law enforcement/judicial system, promoting interconnectivity between all departments with a goal of establishing a process model for budgeting, staffing and eliminating service duplication.
  - *We understand this recommendation to state that Gwinnett County should consider an independent review of public safety and the courts that would establish a staffing model that would reflect how changes in one area would impact the other areas. The Performance Analysis Division is aware of this recommendation and it is presumed that they would be instrumental in heading up any such independent review.*
- Maintain current service levels by achieving efficiencies of cost reduction related to fluctuation of tax digest.
  - *We understand the recommendation to say the county should keep the same level of service while achieving efficiencies of cost reduction related to fluctuation in the tax digest. The county continues to seek out efficiencies.*
- Direct the Performance Analysis Department to lead a task force of key staff, citizens and subject matter experts.
  - *We understand the recommendation to say the county should direct the Performance Analysis Department to lead a task force of key staff, citizens and subject matter experts. The Performance Analysis Department was made aware of this recommendation and it is presumed that they would be instrumental in heading up any such task force.*
- (2) Conduct cost-benefit analysis for outsourcing:

*We understand the recommendation to state that Gwinnett County should conduct a cost-benefit analysis in order to determine the feasibility of outsourcing/privatizing the following functions:*

  - Corrections
    - *Addressed above under potential outsourcing*
  - Courthouse security
    - *Addressed above under potential outsourcing*
  - Animal control facility
    - *Addressed above under potential outsourcing*
  - Civil process servers
    - *Addressed above under potential outsourcing*
  - Building maintenance
    - *There was an Analysis of Georgia's Statewide Facility Maintenance Services Contract completed in 2009 by the Performance Analysis Division. The purpose of the study was to review whether or not to utilize a single contract to provide comprehensive facilities maintenance services, such as the state contract. The focus was on preventive/scheduled maintenance which also included corrective maintenance and emergency repairs. The county is focusing on the recommendation of using this opportunity to evaluate internal facilities operations and costs, and implement consolidations and economies of scale to lower County's unit cost; while also working to insure comprehensive and responsive services.*
    - *The contract amount the current State Contract is \$7,052,125 (66 Staff, 3,075,618 sq ft), the costs for DoSS/Facilities Management to perform maintenance is \$2,905,248 (25/24 Staff, 1,563,428 sq ft) from 2008-2010.*

- Other support services
- (3) Recommend consolidation of:
  - Building maintenance
    - *There was an Analysis of Georgia's Statewide Facility Maintenance Services Contract completed in 2009 by the Performance Analysis Division. The purpose of the study was to review whether or not to utilize a single contract to provide comprehensive facilities maintenance services, such as the state contract. The focus was on preventive/scheduled maintenance which also included corrective maintenance and emergency repairs. The county is focusing on the recommendation of using this opportunity to evaluate internal facilities operations and costs, and implement consolidations and economies of scale to lower County's unit cost; while also working to insure comprehensive and responsive services.*
  - IT Services
  - Other support services
- (4) Implement technological advances and innovative processes to increase productivity and transparency
  - *We understand the recommendation to say that the county should implement technological advances and innovative processes to increase productivity and transparency to include expediting and/or providing the following:*
    - Expedite implementation of CJIS
      - *We understand the recommendation to say the county should expedite implementation of the Criminal Justice information system (CJIS). Currently CJIS (Criminal Justice Information System) is being implemented. The CJIS project provides for integrating and/or interfacing of the current criminal justice systems in the County justice and public safety agencies. In a recent review by the Gwinnett County Performance Analysis Division it was concluded that the project appeared to be well controlled with sufficient planning, documentation, and testing.*
      - *The budget spent year to date is \$3.4 has been spent in previous for this project, the budget for 2010 is \$2.4 and the budget for 2011 is \$2.25.*
    - Expedite paperless system for courts, tickets, licenses and permits, police reports
      - *We understand the recommendation to say the county should expedite a "paperless" system for the court, such as for the filing fee and permits. This would take legislation to allow a "paperless" system. Clerk of courts current on-going capital project for a new case management system will allow for imaging of all documents filed with our office. We need the law changed so that we don't have to keep the paper.*
    - Provide online access or self-service kiosk for service delivery
      - *We understand the recommendation to say the county should provide online access or self-service kiosk for service delivery. Explore a private or public partnership for self-service or paperless delivery of services. The Clerk of court currently has court forms on-line on their website and the new case management system will allow for e-filing. The Magistrate Court did have a Kiosk at one time but the public did not utilize it.*
    - Case Management Electronic Court Filing
      - *We understand the recommendation to say the county should have a Case Management Electronic Court Filing system. The Clerk of Courts is currently implementing a new system that will allow for e-filing and*

*imaging of documents for a paperless system, provided the laws are there to allow it.*

- (5) Align fees and fines with cost of service delivery. Advocate legislative action to:
  - *We understand the recommendation to say the county should align fees and fines with cost of service delivery, advocate legislative action to do so. Suggestions below.*
  - Increase state mandated fees to be more compensatory with costs.
    - *We understand the recommendation to say that the county should increase state mandated fees to be more compensatory with costs. The ACCG (The Association County Commissioners of GA) committee was created to reevaluate state mandated fees. It is most likely these will not be changed till 2011.*
    - *Most of the fees/price for service and court fees will double thus increasing overall revenues by 50%.*
  - Authorize privatization of fee/fine collection.
    - *We understand the recommendation to say that the county should initiate legislative action in order to initiate privatization of collection of fee/fines. This would require legislation allowing such collection.*
    - *The assumption is the collection agency would take a percentage of the collection for their fee.*
  - Create new class of misdemeanor for level of charges requiring jury trial (less than six months)
    - *We understand the recommendation to say that the county should create a new class of misdemeanor for level of charges requiring jury trial all which requires advocating legislative action. The ACCG (The Association County Commissioners of GA) committee was created to reevaluate state mandated fees. It is most likely these will not be changed till 2011.*
    - *Most of the fees/price for service and court fees will double thus increasing overall revenues by 50%.*
- (6) Explore funding of indigent defense.
  - *We understand the recommendation to say the county should explore funding of indigent defense. A committee of Attorneys (county employees as well as external attorneys within the county) currently reviews these types of fees. Indigent defense is constitutionally mandated. The defense must also be sufficient to withstand a charge of ineffective assistance of counsel. However, funding for indigent defense is limited. Accordingly, the indigent defense system must balance competing goals and priorities. The flat fee billing model can work in some instances. However, in my opinion, there are also some potential downsides under the flat fee model. For example, there is an inherent incentive for the attorney to get the case resolved as soon as possible with the least effort since that is most profitable for the attorney. However, this may not be in the best interest of the client. It is also difficult to establish a set rate for each type of case since facts and individuals differ in each case. For example, if the defendant is a non-English speaker, it will require more time for the attorney to communicate with the client since he will need the services of an interpreter. On a flat fee case, if the case lasts a long time, at some point the attorney starts losing money on the case and has less incentive to provide the requisite attention.*
- (1) Implement an educational initiative to leverage citizen volunteer capacity for community building to extend and compliment the service delivery of the law enforcement and judicial system.

- *We understand the recommendation to say the county should leverage citizen volunteers to extend and compliment the service delivery of the law enforcement and judicial system which includes supporting current, ongoing review of indigent defense funding and fee-per-case vs. hourly rate. Please see the responses below.*
- **Support current, ongoing review of indigent defense funding**
  - *We understand the recommendation to say the County should support current, ongoing review of indigent defense funding. Currently there is a committee of Attorneys that reviews indigent defense (county employees as well as external attorneys within the county).*
- **Recommend fee-per-case vs. hourly rate**
  - *We understand the recommendation to say the County should bill using a fee-per-case model for indigent defense instead of billing using an hourly rate. Indigent defense is constitutionally mandated. The defense must also be sufficient to withstand a charge of ineffective assistance of counsel. However, funding for indigent defense is limited. Accordingly, the indigent defense system must balance competing goals and priorities. The flat fee billing model can work in some instances. However, in my opinion, there are also some potential downsides under the flat fee model. For example, there is an inherent incentive for the attorney to get the case resolved as soon as possible with the least effort since that is most profitable for the attorney. However, this may not be in the best interest of the client. It is also difficult to establish a set rate for each type of case since facts and individuals differ in each case. For example, if the defendant is a non-English speaker, it will require more time for the attorney to communicate with the client since he will need the services of an interpreter. On a flat fee case, if the case lasts a long time, at some point the attorney starts losing money on the case and has less incentive to provide the requisite attention.*