

PUBLIC SAFETY AND THE COURTS

**Chair: John Graham,
Commissioner, Warren County**

**Vice Chair: Audie Rowe,
Commissioner, Cook County**

Staff Member: Gabriel Carter

County governing authorities continue to face challenges as they struggle to find funding to pay for escalating costs of public safety and criminal justice services. A portion of these costs result from inadequately funded federal and state mandates that increase county workload and limit flexibility in providing services. Finally, the push to limit local government taxing and spending authority leaves counties with severe limitations on how to address these concerns. To reduce costs and achieve positive results, counties must develop effective partnerships with federal and state officials, looking at the system as a whole and taking a more comprehensive approach when addressing crime in Georgia. Without a collaborative effort to provide criminal justice services and other necessary public safety services, the citizens we all serve will suffer from an increased tax burden and a loss of professional service. We call on the state and federal governments to help counties maintain the integrity of the criminal justice system and the safety of Georgia communities by doing the following:

COURTS AND CORRECTIONS

Judicial Operations – As a result of the COVID 19 Pandemic, there is a large backlog of cases. ACCG urges the General Assembly to look for more efficient, effective, and safe processes to address the backlog. ACCG supports allowing court proceedings to be conducted via video conference while protecting attorney client privilege. Video conferencing can also be utilized for public defender and private counsel to meet with their clients without having to travel to the jail thereby increasing safety for those attorneys during the pandemic. The Georgia crime labs have long been back logged and video conferencing would allow for their testimony in court proceeding without traveling around the state. Video conferencing will also eliminate the need for the sheriff's department to transport offenders to the courthouse and other counties thereby saving valuable county resources while improving safety for our local law enforcement and jailers.

***Judicial Salary Structure Reform** – ACCG supports the work of the Judicial Council AD Hoc Committee on Judicial Salaries and Supplements as they work toward a more equitable salary structure for the Judges and judicial officers within the state. ACCG urges the legislature to keep the supplement cap in place while the committee continues its work and final recommendations are made.

***Criminal Justice Reform** HB 1176 was passed during the 2012 legislative session which mandates an overhaul of the criminal justice system in Georgia. While ACCG is supportive of efforts by the State to only house serious violent offenders in state prisons, counties must be given the resources to provide services for and supervision of non-violent offenders at the local

level. ACCG urges the Governor and the Legislature to take financial responsibility for state prisoners who are housed in local jails on probation revocation proceedings or who have been arrested for another charge while under active probation. Many of these felony state probationers who are on holds from other jurisdictions or the Department of Community Supervision are experiencing mental illness and substance abuse issues and the local taxpayers are paying for housing and medical services for these state inmates. The state must continue to reinvest state dollars saved through criminal justice reform to address the needs of these state probationers at the local level, at the very least a per day per diem should be paid to the local jails for housing these inmates in community services. We also strongly encourage an on-going evaluation of the impact of the criminal justice reform on public safety and the costs to county government.

Juvenile Justice System - A comprehensive rewrite of the Juvenile Code was passed during the 2013 legislative session. H.B. 242 made significant changes to not only the juvenile justice system, but also the dependency cases in juvenile court. These changes resulted in a significant increase in costs for attorneys and staff at the county level with a very negative impact on local government budgets. In particular, additional requirements for public defenders and prosecutors in juvenile cases that are the responsibility of county government. No additional resources were made available to the counties to provide these additional attorneys. The cost of these additional attorneys are overwhelming local juvenile court budgets. The Governor and Legislature must continue to provide funding for local prosecutors and public defenders to handle the additional caseload mandated by the Juvenile Justice Reform. The Criminal Justice Reform Council predicted a significant savings to the State budget as a result of the changes contained in H.B. 242. A portion of these savings must be reinvested at the local level for both representation and programs if we are to achieve true reform of the juvenile justice system.

There is a movement to change the jurisdiction in juvenile court from 17 to 18 years of age. Thorough review of the policy change is necessary prior to the implementation of and change in jurisdiction. There are literally thousands of traffic offenses committed by 17-year-olds that would be moved from other courts to the juvenile court. Additionally, the tight timeframes for hearings in juvenile courts would mean a significant increase in transports from state juvenile detention facilities back to county of offense for these numerous hearings. With the increased duties and responsibilities of the juvenile courts enacted over the last 5 to 7 years the legislature must give consideration to a standard formula for funding juvenile courts at the local level for administrative staff and operating costs.

ACCG urges the Governor and the General Assembly to:

- Continue to allocate state funding for counties to hire attorneys to prosecute and defend and represent parties in delinquency, CHINS, and dependency cases.
- Appropriate funds for surveillance efforts that measure indicators of family and community health and that are tailored to meet the specific needs of each community.
- Provide sufficient resources to allow appropriate intake, probation, custody and transport of each child that the law commits to the care of the state.
- Provide funding to all counties for Community-based services and/or alternatives to incarceration where appropriate for juveniles, but the State must pay for those services; those costs must not be shifted to county government.
- Continue the support for state appropriations to fund the pay scale for Assistant Public Defenders and Assistant District Attorneys to retain qualified attorneys in these crucial roles in county trial courts.

***Juvenile Court** - ACCG urges the General Assembly to create a study committee to develop recommendations regarding the funding and staffing of juvenile courts. With Juvenile Justice Reform came many additional administrative duties and timelines, the state provides no funding for juvenile court staff, but created mandates to the counties without providing resources. Currently juvenile court judgeships are funded through a grants to counties program that is based on the number of superior court judges within a judicial circuit; there is no known correlation between the number of superior court judges and the caseload or judgeship needs in juvenile courts. We strongly urge the study of juvenile court judgeship needs, caseload recommendations, minimum staffing requirements and state funding where appropriate.

Fully Fund the Superior and Juvenile Court Operations - The Judicial Operations fee of \$125 added to the cost of all civil filings in superior and state courts that is remitted to the state general fund generates approximately \$20 million dollars per year. The funding for the superior and state court operations was reduced year after year during the economic downturn and the passage of the juvenile justice reform resulted in the shifting of more and more of the costs of the operations of the courts to the counties. The General Assembly, as a matter of policy, should appropriate 100 percent of the fees collected to the operation of the courts at the county level, to fund county expenses. This fee is collected and managed by county paid employees using county resources.

Expand Effective Court Programs - Recognizing the vital role of our judiciary as an independent branch of government, counties support any enhancement of the courts' abilities to administer justice to our citizens. In that regard, counties ask the General Assembly to:

- Continue to make appropriations for the expansion of grant funded programs for the operation of special courts, such as drug courts, DUI Courts and mental health courts which divert persons suffering from health impairment out of county jails and the state prison system.
- Continue to increase state funding for counties to provide representation to children and parents in juvenile delinquency, CHINS and dependency cases. Funding was allocated in the FY 17 budget for prosecutors in juvenile court, and public defenders, we strongly urge the Governor and the legislature to continue to fund prosecutor and public defender positions specifically for juvenile court. The standardization of practices within juvenile court will assist in ensuring juvenile justice reform is a continuing success.
- Provide additional funding to District Attorneys to provide prosecutorial staff for Accountability Courts.
- Provide funding to local Juvenile Courts for community-based programs.
- Support state appropriations for grants to assist local sheriffs in the implementation of courthouse security measures mandated by state law.

Increase Magistrate Court Fees - The filing fee for Magistrate Court was not increased to amount requested and recommended by the Fee Study Group convened by ACCG. The recommendation based on the rate of inflation since the last time the fee was increased in 1983. At the very least an increase from \$20 per filing to \$48.00 per filing is in order. A consequence of the implementation of the Judicial Operations Fund Fee of \$125 to each case in State Court resulted in a large number of cases that had been filed in State court now shifted to Magistrate Court.

This shift in caseload without an increase in the fees has placed a huge burden on the county budgets for the administrative costs associated with the increased caseload in Magistrate Court without the increase in fees. ACCG strongly urges an increase in the Magistrate Court Filing fee in line with the rate of inflation.

***Indigent Defense** - Indigent defense is a state responsibility. In criminal matters, it is the state, not any county that prosecutes the defendant. The statewide public defender system created in 2003 poses special problems for county taxpayers. To date, no state funding has been forthcoming for the indigent defense of state crimes in state courts, recorder courts, or probate courts cases, placing on county taxpayers the burden for funding indigent defense in those courts.

Counties continue to fund a majority of the indigent defense system in Georgia, even though the state funding for indigent defense is provided from an add on fee applied and collected at the county level and remitted to the state.

ACCG urges the General Assembly to take the following steps:

- The legislature should appropriate sufficient funds to fully cover the cost of indigent defense services in superior and juvenile courts then expand to include funding for indigent defense services in state and probate courts.
- Reclassification of penalties for certain criminal violations, such as certain traffic offenses and ordinance violations in order to minimize the demand for indigent defense services should be reviewed and implemented by way of state law or local ordinances as appropriate.

Court Reporters - Court reporters are currently regulated by the Judicial Council of Georgia and are compensated in accordance with a fee schedule that is approved by the Judicial Council. The fee schedule was developed and implemented at a time when all court reporters were considered contract employees. Over that last 15 to 20 years many court reporters have become full time county employees with benefits and salary, but they continue to charge the county the per page fee for transcripts. At ACCG's urging the Judicial Council created a committee to study the practice of court reporting to make recommendation as to needed changes within the system to better align with current practice, provide transparency, accountability, and to provide predictability in budgeting for court reporting services. Recommendations were adopted and ACCG strongly urges the Judicial Council of Georgia to enforce those new rules governing court reporting.

ACCG also supports legislation that authorizes the use of digital court reporting in courts, and for the Judicial Council to establish rules and regulations for the use of such systems. This proposal is aimed at lowering the personnel cost of courts by offering digital transcription and recording services. ACCG encourages the General Assembly to provide funding for digital recording systems.

Misdemeanor Probation - The General Assembly made the decision in the 1991 to shift the responsibility to the counties for managing misdemeanor probation operations and permitted them to contract with private for-profit companies for the service. Prior to that change in statute the Department of Corrections was responsible for the management of supervision of misdemeanor offenders, then in 2000 the General Assembly passed legislation to limit the Department of

Corrections (DOC) to supervision of felony probationers only, which in turn, required counties to either establish an in-house probation service or contract with a private company.

Many counties had neither the resources nor experience to create an in-house probation service resulting in the rapid growth of a new private industry providing supervision services to local courts. As this industry has grown, so have the challenges and issues associated with the operation of efficient and effective programs. Local governments were forced to implement some type of probation program when the State decided to shift the responsibility of supervision to the counties, with little guidance and no resources from the State for implementing probation services. With the passage of H.B. 310 during the 2015 legislative session the oversight for the providers of probation services has been incorporated into the responsibilities of the new Department of Community Supervision, which will be responsible for all offender supervision activities in the state.

With the passage of Criminal Justice Reform legislation, many offenses that were felonies, supervised by the State, are now misdemeanors and the counties have the responsibility for the supervision of those offenders. In order for counties to meet these challenges we ask that the Governor and the Department of Community Supervision to:

- Recognize the unique differences between private probation and government run in-house probation services and structure the statute and the rules and regulations to reflect those differences. ACCG has always taken a strong stance on preserving home rule and this is a perfect example of how the State has shifted responsibility and then encroached on the county's ability to determine how to best provide the service.
- Increase transparency of the probationer records and financial data by the probation providers to the county governing authority to ensure compliance with the contract or MOU.
- Require that the Department of Community Supervision provide county governing authorities all audit reports and findings.
- Initiate and fund a statewide database of misdemeanor probation offenders under supervision. This would enable local courts and law enforcement to more effectively supervise offenders. Under the current system an offender can be on probation in two cities and the county and none of the probation providers are aware of the other sentences or know how to contact the other probation officer. Additionally, it would provide a basis for counties to audit and ensure that all fine collections are in fact being turned over to the county general fund.
- Require that the Department of Community Supervision provide each county a detailed financial report regarding fine and fee collections from felony probationers on a quarterly basis.

State Board of Pardons and Parole - ACCG supports legislation that would require the state Board of Pardons and Parole to open the parole process. The Governor and the legislature should codify a process that allows the victim, the prosecutor, and the parolee to be heard in a public hearing and allow parties to have full access to all the evidence that the board may consider in all serious violent felonies and sexual assault related crimes.

***Assume Full Financial Responsibility for State Prisoners** - To ensure that counties have the financial ability to keep their jails and correctional institutions (CIs) open ACCG requests that the state take steps to eliminate any local tax burden for housing state prisoners. ACCG

believes the following actions by the Governor and General Assembly are needed to reach this goal:

- Increase the daily per diem reimbursement rate for housing state inmates in County Cis.
- Change the law to include technical probation violators in the class of prisoner for which the state pays a per diem to counties.
- Develop a plan for incorporating the CI's into the Criminal Justice Reform Re-entry Program to make the operation of the CI's financially viable for counties.
- Appropriate additional funds to the DOC to compensate counties fully for all medical costs incurred from housing state-sentenced inmates.
- Increase the county jail per diem reimbursement rate for housing state sentenced inmates to an amount at least equal to the state Department of Correction's published daily cost for housing an inmate and appropriate the necessary funds to the DOC specifically for this purpose.
- Take responsibility for state prisoners who are housed in local jails on probation revocation proceedings or who have been arrested for another charge while under active probation. Many of these felony state probationers who are on holds from other jurisdictions or the Department of Community Supervision are experiencing mental illness and substance abuse issues and the local taxpayers are paying for housing and medical services for these state inmates.
- Change the law and filing forms so as to require the Attorney General's Office to provide legal representation for sheriffs and wardens named in habeas corpus petitions filed by state inmates housed in county facilities.
- Clarify the rules at the Department of Community Health to assist counties in obtaining Medicaid coverage for those inmates that qualify.

Preserve Local Fine and Fee Revenue - Fines collected through the criminal justice process form a significant part of all local governments' total revenue outlay. The revenue goes toward supporting all public safety, courts and the criminal justice system at the county level. Fine revenues are added to other sources of revenue and applied to local budgets before a county commission even considers the annual property tax levy required to fund government operations. These user fees, along with other fees, shift the burden for the support of the services provided by local governments onto those who create the demand for those services. Thus, it is clear that any effort to diminish counties' ability to collect and utilize criminal fines will detrimentally impact local taxpayers, as well diminish counties ability to provide adequate public safety services. Counties will be forced either to increase their taxes or reduce the services provided to our citizens. We urge the General Assembly to protect property taxpayers by preserving local government fine revenue. Furthermore, we support any effort to simplify the system of add-ons and percentages and streamline the collection process that is currently in place.

LAW ENFORCEMENT

Local Efforts to Enforce Traffic Laws - As local law enforcement officers bear the same responsibility to protect the driving public as the State Patrol, they should also have the same powers and abilities to enforce traffic laws as those bestowed upon the State Patrol. Local law enforcement agencies must be permitted by the Department of Public Safety to use speed

detection devices; the local officers operating these devices must also be trained and certified by the Georgia Peace Officer Standards and Training Council. After meeting these requirements, local law enforcement agencies still do not have the same authority as state patrol officers to enforce the state's speed limits. Local agencies are restricted to using speed detection devices on roads and streets approved by the DOT and having less than a 7 percent grade. Local officers must also be visible for at least 500 feet, and offer each offender a test of the radar's accuracy. Local officers cannot cite a driver for speeding within 10 miles per hour over the posted limit. To give local agencies the same ability to protect the driving public, with the exception of the 10 mile per hour rule, ACCG asks the General Assembly to:

- Allow local officers to utilize speed-detection devices on any and all roads within their jurisdiction, regardless of grade, and without having to be visible for 500 feet; and
- ACCG is strongly opposed to any legislation that would divert revenues, derived from local traffic enforcement efforts from the local government's treasury to the state's treasury, regardless of any proposed dedicated use to support the State Patrol, Highway Emergency Response Operators (HERO), or any other program/entity.
- ACCG opposes any legislation that would impose a time frame for destruction of any data from license plate readers used by law enforcement. These devices only match license plate numbers submitted by other agencies, i.e., lack of insurance, non-payment of ad valorem, etc. These devices do not pull up ownership data on every vehicle whose plate is read or scanned. Local government law enforcement should be given the discretion to determine the length of time data is stored.

Body Cameras for Law Enforcement- Discussion and consideration of implementation of the use of body cameras is becoming more and more prevalent throughout the country. There are many issues related to the use of body cameras by local law enforcement from data storage, open records, maintenance and privacy issues that should be addressed by state law. As a practical matter the decision to use body cameras should be left to local officials. ACCG is opposed to any unfunded mandate for law enforcement to have body cameras. Additionally, we strongly encourage a full study of all matters associated with the widespread use of the body cameras. Clear guidelines and practices should be adopted by the state and local governments prior to the implementation of the use of body cameras by local law enforcement agencies.

Local Efforts to Investigate Crimes and Criminal Enterprises - The Georgia Bureau of Investigation is one of the most powerful investigative resources available to local law enforcement officials; they frequently are able to provide the most innovative technologies used in the detection and prevention of criminal activity. They also provide an excellent infrastructure for the efficient sharing of information among numerous jurisdictions. Additionally, the GBI is currently conducting all investigations of excessive "officer use of force". We urge the legislature to provide additional resources to the GBI for these investigations. To make them even more invaluable to local law enforcement officials in their efforts, The General Assembly should appropriate sufficient funds and direct that the funding be used only for the full operation of all of the GBI's Crime Labs, to enable them to process more trace evidence, latent fingerprints, questioned documents and firearms, in an effort to eliminate growing case backlogs in the judicial circuits.

Implementation of Next Generation 911 System - A well-functioning 911 system is a critical piece of helping to ensure the public safety of all of Georgia's citizens. According to Georgia Emergency Communication Authority, 911 was originally developed to enable voice calls from traditional landline telephone networks, which were tied to specific address points. They believe that since more than 85% of all 911 calls originate from wireless devices, there is a need to update the 911 network to an IP-based network. The system change is referred to as Next Generation 911. ACCG supports GECA's effort to study what infrastructure, personnel, training, and funding is needed to move Georgia to a statewide Next Generation 911 system.

PERSONNEL AND TRAINING

Professional Development of Public Safety Officers - The amount of quality training received by local public safety officers is directly reflected in increased professionalism in the workforce and reduced liability to the county. ACCG supports continuous professional development among our public safety officials, through regular training. To further that end, we ask for the following:

- The General Assembly should pass legislation to require a greater percentage of the revenue generated from the Peace Officer and Prosecutor Training Fund to be spent on local public safety training.
- The General Assembly should appropriate sufficient funds to provide chief executive training for all new fire chiefs and all new 9-1-1 public safety answering point (PSAP) managers, in the same way as funds are appropriated for the training of new police chiefs and sheriffs. The training curriculum could easily be developed by the staff of GPSTC, in cooperation with the respective trade associations for these disciplines. This training is needed to maintain the professionalism of these positions, which are so vital to providing efficient public safety services.
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***PTSD Insurance for First Responders** – ACCG encourages the General Assembly to appropriate adequate funding in order to establish a post-traumatic stress disorder (PTSD) insurance program for first responders. This insurance program will be administered by the Association County Commissioners of Georgia and the Georgia Municipal Association. Eligible first responders are employees who work as a peace officer, correctional officer, emergency health worker, firefighter, highway emergency response operator, jail officer, juvenile correctional officer, probation officer, emergency services dispatcher, or coroner. This insurance program is aimed at offsetting the cost of treatment for any first responder that is clinically diagnosed with PTSD from exposure to a traumatic event during the normal course of occupational duties.

*ACCG also opposes any state mandates that would require local governments to provide specified benefits or compensation at the county's expense.

EMS Zone and Transparency— ACCG supports the work that has been done by the State Emergency Medical Services Advisory Committee and the State Office of EMS to address concerns regarding transparency around EMS Zone Provider decisions. These groups have promulgated draft rules and regulations for the operation of the Regional Emergency Medical

Services Advisory Groups to ensure transparency in the process. Clear bylaws regarding conflicts of interest when voting on zone providers, as well as new quality assurance procedures and reviews to ensure contract compliance. ACCG does not support legislation modifying the regional oversight process. County commissioners are an integral part of the decision-making process because the taxpayers are typically funding the services from local property tax revenues.

Local Control over the Management of Public Safety Employees - A county's right to adopt regulations affecting their employees is a fundamental right guaranteed by the home rule provisions of the Georgia Constitution. ACCG is opposed to any legislation that would interfere with the right of public safety and emergency services officials and department heads to demote suspend or transfer public safety and emergency services officials.