

**GWINNETT COUNTY
JUSTICE SYSTEM MASTER PLAN STUDY:
COURT OPERATIONS AND
EFFICIENCY ASSESSMENT**

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EXECUTIVE SUMMARY

This report presents findings from an operational and efficiency analysis of the courts of Gwinnett County and the County Justice System. The information presented in this report comes from (1) a review of demographic and workload data, (2) observations of court operations in three separate site visits to the county, and (3) structured personal interviews between PSI staff and judges, court personnel, and numerous justice system agency representatives.

We found many commendable innovations and improvement efforts that have been undertaken throughout the system over the past few decades. In particular, we found that at the present time the Gwinnett County courts and justice system partners are going to extraordinary lengths to keep current with caseloads and provide a high quality of justice. In light of rapidly changing demands on the courts and justice system, however, we believe that future court and justice system efficiency and effectiveness and ultimately the quality of local justice will become increasingly difficult to maintain without substantial additional innovation and improvement.

The study's final report is divided into four main sections:

- ♦ An overview of the context of changing community needs in Gwinnett County and the effects that the changes can be expected to have on the courts and justice system;
- ♦ An in-depth discussion of four fundamental strategic issues that we believe the courts and their justice system partners need to address over the next decade;
- ♦ A discussion of the key components that should be considered in an improvement strategy for addressing the fundamental issues confronting the courts and justice system; and
- ♦ A cause and effect analysis to develop, to the extent possible, a simple formula or model for understanding the prospective impacts of selective resource allocations throughout the justice system.

THE CONTEXT: RESPONDING TO CHANGING COMMUNITY NEEDS

The courts of Gwinnett County and their local justice agency partners must serve a rapidly expanding and increasingly diverse (e.g., ethnically, economically, socially) population. Some specific challenges created by this growth include:

- ♦ The population is geographically dispersed, living in numerous suburban and rural communities across a large area.



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- ♦ The county has experienced a dramatic growth in its minority population. In particular, the Hispanic population grew 657 percent from 1990 to 2000 and the non-Hispanic white population is expected to be a minority of the total population by the year 2020.
- ♦ Gwinnett County has emerged as a premier location of corporate home offices.

Our interviews highlighted the importance of these changes for the work of the Gwinnett County courts and justice system. For example, the rapid expansion of minority ethnic groups has brought greater numbers of non-English speaking people and people with limited familiarity with justice system operations into the county. As a result the courts and their justice system partners are now being confronted by more numerous and more complicated expectations for the types and scope of services they should provide. There also has been an increase in the presence of what were once thought of as “urban” crimes, particularly drug crimes, throughout Gwinnett County.

FUNDAMENTAL STRATEGIC ISSUE AREAS

In responding to the changing community needs, the study identified four fundamental strategic issues that we believe the courts and their justice system partners need to address over the next decade.

Issue 1: Managing the flow of Cases

The pressures of changing demographics in Gwinnett County will put an increased premium on effective caseload management in all of the county’s courts and the broader justice system. Effective caseload management assures that cases move through the court system in a way that makes efficient use of justice system resources, provides access to all litigants, uses the jail effectively, and promotes a high quality of justice. Three aspects of caseload management that are particularly important in Gwinnett County are: (1) managing cases among judges and courtrooms within each court; (2) managing cases that require coordination between different courts; and (3) managing cases that require coordination between the court and other agencies in the justice system.

Issue 2: Providing Appropriate Justice Services

Dealing with the demands on the justice system in Gwinnett County will require additional resources and new programs and services, particularly programs aimed at reducing the use of the jail.



Issue 3: Promoting Justice System Collaboration and Coordination

With the growth in demand for justice services, the size and scope of the Gwinnett County justice system can be expected to grow substantially in the future. In addition to this growth, there has been a tremendous increase in the complexity of service provision and the magnitude of interdependence among the courts, justice, and human services agencies. The resource requirements associated with this growth both within particular justice system agencies and for the system generally have not kept pace with increasing demand. As one result, there is a critical need for effective policy and work process collaboration and coordination among the courts, justice and human service agencies.

Issue 4: Monitoring Outcomes and Measuring Performance

The justice system of Gwinnett County operates in dynamic, constantly changing, community environments. Both long-term community trends and more immediate events lead to new problems and contribute to changing and increasing expectations and demands for justice services. As one result, the courts and justice agencies of Gwinnett County, like their counterparts across the nation generally, need to constantly assess their performance in light of the changing community needs and modify their organizational performance to better meet those needs.

IMPROVEMENT OPPORTUNITIES AND STRATEGY

The study recommends five key components to consider in an improvement strategy for addressing the fundamental issues confronting the courts and justice system in Gwinnett County.

Work Process Improvements

Work processes are the unifying force within increasingly complicated courts and justice systems. Thus, the cornerstone of successful court and justice system improvement requires comprehensive understanding of work processes, and considerable work process improvement. In justice institutions, as in all institutions, the work of the institution is performed by a variety of organizations using numerous, often interconnected, sequential work processes. These work processes encompass both case responsive processes (e.g., justice system processing of cases involving juveniles) and organizationally initiated processes that focus on a project, approach, or style of service delivery (e.g., violence prevention programs within a community).

One way to approach work process improvements is to create detailed case processing flow charts to identify areas for improvement. The present study developed “top down” flow charts of felony, misdemeanor,



deprivation, and delinquency case processing for the purpose of identifying case management issues and problems. These flow charts could serve as a beginning for creating the more detailed flow charts needed for an extensive work process analysis.

Effective Policy and Collaboration Forums

In light of the rapidly escalating quantitative and qualitative demands for court and justice services, there is a need for better coordination and collaboration among the judges of the individual courts, among the different courts in the county, and between the courts and other justice system agencies.

Establishing and Maintaining Appropriate Services

There is a need for a variety of improved services, including:

- ♦ pretrial diversion programs;
- ♦ pretrial release programs;
- ♦ treatment programs for certain types of offenders; and
- ♦ culturally appropriate services to reach minority communities.

These services will reduce jail usage, reduce recidivism and probation violations, and improve the overall quality of justice in Gwinnett County. Based on our findings, we believe an issue of particular importance is for the courts of Gwinnett County to become more user friendly and responsive to the needs of Latino parties. The report discusses a number of ideas to address this issue that have been tried successfully in other locations around the country. Among others, this includes: (1) making ^{ES-3} greater use of bilingual signage at the courthouse; (2) creating bilingual forms, particularly for pro se litigants; and (3) hiring more Spanish-speaking staff.

Information Management

The Gwinnett County Court System remains a paper-intensive court despite the county's coordinated effort to integrate technology into everyday business practices within county government. The lifeblood of the justice system is information regarding case status and case management. For this information to be timely, reliable and accessible, we recommend improvements in the following areas:

- ♦ Include information management in ongoing collaborative planning and improvement efforts.



- ♦ Clarify information needs and information technology goals, principles and outcomes among court and justice system actors.
- ♦ Summarize priority technology business needs in the areas of (1) improved case processing, (2) increased public access and convenience, and (3) enhanced technology management and interorganizational coordination.

Performance Measurement

The courts of Gwinnett County, local justice agencies, and the justice system generally should consider establishing comprehensive performance measurement systems. Performance measurement will help the courts and justice system determine the effectiveness and costs-benefits of particular work processes, programs, treatments, confinement and other system interventions and assure that they collectively use resources efficiently. Further, performance measurement can provide a foundation for continuous system and organizational improvement and help justify the need for additional resources.

Establishing a Common Strategic Direction

As a final recommendation, we believe that it is becoming increasingly critical for all of the courts and related justice system agencies in Gwinnett County to develop a common strategic direction. This could be accomplished through a strategic planning effort that addresses three main questions: (1) Where would you like to be as a system? (2) Where are you now relative to where you would like to be? and (3) How do you get from where you are now to where you would like to be?

CAUSE AND EFFECT ANALYSIS

The cause and effect analysis we present is intended to help decision makers avoid the problem of costly or detrimental consequences and help them understand better the inter-relatedness of justice system components and the ripple effects of potential, specific resource allocations throughout the county. In building a model, we use the example of adding police officers to the system because we have good data about the growth in officer staffing levels over the years. Our analysis indicates that every additional officer will require one more staff position somewhere in the judicial or detention/corrections systems. The precise cost impacts of these additions can be known using staff salary data and the space impacts can be calculated using the square foot/person estimates published in Phase I of the Master Plan.

While our study does outline a general cause and effect model, it also cautions users of the model about the need for accurate historical data. In general, we found an absence of reliable data from the courts and justice



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system to estimate the impacts of selected changes in resource allocations. We therefore encourage the system to develop new approaches to data collection that capture more complete data for calculating potential impacts.

**GWINNETT COUNTY
JUSTICE SYSTEM MASTER PLAN STUDY:
COURT OPERATIONS AND EFFICIENCY ASSESSMENT**

**PART I
COURT OPERATIONS AND EFFICIENCY**



Section I: Introduction

This report presents findings from an operational and efficiency analysis of the Courts of Gwinnett County and the County Justice System. Information presented in this report was obtained from a review of demographic and workload data, along with detailed discussions in structured interviews between PSI staff and judges, court personnel, and numerous justice system agency representatives, conducted in three separate site visits to the county.

The groups interviewed were:

- ♦ Superior and State Court judges;
- ♦ Magistrates Court, Juvenile Court, Probate Court, and Recorder's Court judges and staff;
- ♦ Court Clerk's office personnel;
- ♦ District Attorney's office personnel;
- ♦ Solicitor's office personnel;
- ♦ Law enforcement agency personnel from several local police departments;
- ♦ County Sheriff's office representatives, including the county jail;
- ♦ Local corrections agency representatives and state correctional institution representatives;
- ♦ Juvenile detention personnel;
- ♦ Adult probation personnel;
- ♦ Pre-trial release program personnel;
- ♦ Juvenile diversion program personnel;
- ♦ Indigent defense attorneys;
- ♦ DFACS and other social service agency personnel responsible for providing treatment programs for dependency, domestic violence, substance abuse, and mental health cases; and
- ♦ Members of the bar.

The remainder of this report is divided into the following Sections.

- ♦ Section II presents an overview of the context of changing community needs in Gwinnett County and the effects that the changes can be expected to have on the courts and justice system.
- ♦ Section III presents an in-depth discussion of four fundamental strategic issues that should be pointed out to the courts for their attention over the next decade.
- ♦ Section IV outlines the key components that should be considered in an improvement strategy for addressing the fundamental issues confronting the courts and justice system.

In particular the overview of the Gwinnett County community context in Section II stresses three main points.



- ♦ The courts and justice system agencies must serve rapidly expanding populations that are increasingly diverse (i.e., ethnically, economically, and socially) and that live in numerous suburban and rural communities across a large geographic area.
- ♦ The rapid demographic changes in Gwinnett County have been accompanied by a variety of economic and social changes with potential positive and negative long-term implications for the courts and justice system.
- ♦ The courts and justice system are increasingly confronted by more and more individuals, children, and families that have (1) serious problems, but limited skills and resources to deal with them; (2) a reduced capacity to navigate through extensive justice and human service systems; and (3) trouble dealing with the complexities of everyday life.

The four fundamental strategic issues discussed in Section III that emerged from the assessment are:

- ♦ managing the flow of cases across each court, between courts, and across the justice system by coordinating court and justice agency work processes, maintaining effective infrastructure, applying established caseflow management principles, and fostering supportive court and justice system organizational cultures;
- ♦ providing appropriate justice services at all stages of justice delivery, including pretrial, adjudication, and post-adjudication;
- ♦ promoting intra and inter-court, as well as justice system collaboration and coordination; and
- ♦ monitoring and measuring individual, organization, and system outcomes and performance.

Section IV discusses the following components that we believe should be included in a general court and justice system improvement strategy:

- ♦ numerous work process improvements for more expeditious case processing and more effective use of expensive resources such as jail space;
- ♦ strengthening inter-agency collaborative forums and processes;
- ♦ establishing more effective support services, especially pre-trial and post-trial release, diversion, and alternatives to incarceration;



- ♦ institutionalizing local court and justice system capacity for ongoing system-wide assessment, monitoring, and performance measurement; and
- ♦ perhaps of first importance, developing a common strategic direction for all of the courts and the related justice agencies of Gwinnett County.

Note now that even though this report focuses heavily on improvement opportunities and what might be done better in the Gwinnett County Courts and broader justice system, it also includes observations about some of the many commendable innovations and improvement efforts that have been undertaken throughout the system over the past few decades. In particular, innovations that provide a strong foundation for ongoing improvements are highlighted throughout the report. In general we found that, at the present time, the Courts and justice system partners in Gwinnett County are going to extraordinary lengths to keep current with caseloads and provide a high quality of justice.

However, in light of rapidly changing demands on the Courts and justice system, without substantial additional innovation and improvement, we believe that in the future court and justice system efficiency and effectiveness, and ultimately the quality of local justice, will become increasingly difficult to maintain.



Section II: Responding to Changing Community Needs

The Courts of Gwinnett County, along with local justice agencies, must serve rapidly expanding and increasingly diverse (i.e., ethnically, economically, and socially) populations living in numerous suburban and rural communities located across a large geographic area. Population statistics reveal that the County population increased by 62 percent between 1993 and 2003, from 417,581 to 676,284. Perhaps as significant, over the past decade or so the pattern of the population growth has moved from rapid population growth in those portions of Gwinnett County most proximate to DeKalb County, to dramatic suburban population growth throughout Gwinnett County, with very rapid growth clustering along highway corridors.

Further, from 1990 to 2000 Gwinnett County had the largest percentage growth in minority population and Hispanic population of all U.S. counties. The Anglo population of the county is projected to become a minority by the year 2020. Specifically, the minority population overall increased 321 percent in that time period, and the Hispanic population increased 657 percent. Meanwhile, the non-Hispanic white population dropped from 90 percent of the county in 1990 to 68 percent of the county in 2000, and non-Hispanic whites are projected to be only 47 percent of the county's population by 2020. Along with the Hispanic population, there have been significant increases in Asian and East European populations. Finally, although official statistics are scarce, there is much speculation that the size of the actual Hispanic population in Gwinnett County likely exceeds official statistics by as much as 20 percent.

The demographic changes in the county have been accompanied by a variety of related economic and social trends, including: (1) the growth of local construction and service industries; (2) the availability of relatively affordable housing; (3) social trends that isolate children and families from participation in community activities; and (4) land-use policies that channel growth into suburban communities. In addition, Gwinnett County's emergence as a premier location of corporate home offices has accompanied the rapidly changing community demographics. Approximately 8,000 Georgia corporations have moved their registered agents to Gwinnett County in recent years, so lawsuits against those corporations may now be filed in the Gwinnett County courts. Lawsuits involving these corporations can be expected to involve multiple parties and lawyers, complex legal issues, and advanced evidence presentation requirements. Over time it can be expected that this will have a major effect on the civil caseload of the county's courts.

Our interviews highlighted the importance of these demographic changes for the work of the Gwinnett County courts and justice system. The rapid expansion of minority ethnic groups has brought greater numbers of non-English speaking people and people with limited familiarity with justice system operations into the county. As a result the courts and their justice system partners are now being confronted by more numerous and more complicated expectations for the types and scope of services they should provide.

In particular, the people we interviewed stressed that there are more and more individuals, children, and families involved in the courts who have serious problems but limited skills and resources and have a reduced



capacity to navigate through the extensive justice and human service systems, much less deal with the complexities of everyday life. Similarly, interviewees indicated that long-term trends, such as increasing income stratification, economic restructuring, and differing expectations about the role of social institutions, are altering what were once more commonly held societal norms and values.

Further, participants noted that demand for alternative resolution forums, pretrial release mechanisms and treatment services (e.g., substance abuse and restorative justice programs, system of care and other service-intensive wrap-around programs) are likely to increase over the next five years, even as federal, state, and local level funding resources remain limited and fall short of needs. Finally, interviewees stressed that there remains a lack of capacity for the courts and justice system partners to collect and analyze, systematically and expeditiously, data to identify and understand the specific needs of changing communities.

Interviewees routinely stressed that the growing gap between existing court and justice system capacity and the increasing demand driven by changing community demographics exists despite numerous efforts on the part of the courts and other justice agencies to improve service capacity in recent years. For example, the Gwinnett Circuit was among the first in the state to establish an alternative dispute resolution program, which is funded 100 percent by statutory filing fees. Also, divorcing parent seminars targeting Spanish and English speakers are now part of the ADR program. Similarly, the Circuit's law library provides some assistance to litigants and is increasing its capacity to help non-English speaking litigants. In the opinion of interviewees, however, none of these current efforts is likely to eliminate the need for ongoing efforts for addressing the growing gap between community need and court and justice system service delivery capacity.

In addition, the following were identified as the more important specific demands likely to face the Gwinnett County courts and justice system over the next five years.

DEMANDS ON THE COURTS AND JUSTICE SYSTEM GENERALLY

- ♦ There is both an increased need and an increased opportunity to build new sources of political support for the courts and justice system among Latino, Eastern European, Asian, and a variety of other racial and ethnic groups.
- ♦ The courts and justice agencies will face an increased need to provide workforces with the knowledge and skills needed to serve diverse groups across the community by (1) taking inventory of existing workforce knowledge and skills and developing new skills, and (2) recruiting and hiring employees who reflect the cultural diversity of the county.
- ♦ The courts and justice agencies will need to establish ongoing partnerships with racially, ethnically, and culturally diverse groups throughout Gwinnett County in order to develop a better understanding of



the particular needs of different groups of people and the potential implications of cultural differences on court services.

- ♦ All types of cases with an interpreter take longer. For example, judges must speak more slowly and regularly stop to wait for the interpretation. Time should also be provided to allow the interpreters to meet with the parties to assure that they can effectively establish communication. As the number of non-English speaking litigants increase, this may have an increasing effect on the trial docket.
- ♦ A problem is starting to surface with jurors who have limited English ability. State law requires that jurors must speak English to qualify for service, and the court cannot provide interpreters for jurors.

CRIMINAL CASELOAD DEMANDS

- ♦ There has been an increase in the presence of what were once thought of as “urban” crimes throughout Gwinnett County, particularly drug crimes. As one approach to addressing this problem, the Superior Court is looking into the possibility of forming a drug court.
- ♦ There is likely to be an increase in crime resulting from inter-ethnic and intra-ethnic conflict, including ethnicity-based gang and organized crime, and greater numbers of victims from different ethnic backgrounds. Gang crime is likely to become particularly problematic as the younger generations of immigrant families struggle with their traditional culture and attempt to find new sources of group identity.
- ♦ Along with the increase in urban crimes, there is likely to be an increase in numbers of court participants with serious mental illness and other chronic problems. This will put pressure on the social service system, the jail, and the courts to provide appropriate treatment programs and monitor the progress of offenders sent to those programs. It will also require an increased need to educate judges, attorneys, and court staff about cultural diversity, mental illness, and treatment innovations.
- ♦ The increase in non-English speaking defendants will increase the need for interpreters. Even now, the courts are having some difficulty finding interpreters for unusual Eastern European and Asian dialects. The hardest hit caseloads are the DUI and traffic caseloads, where there seems to be a large proportion of Spanish-speaking defendants. Further, with the growth in ethnic diversity and ethnic conflict in the county, it will be increasingly likely that a single case will require interpreters for more than one language. The court does not always know in advance that an interpreter will be needed, especially with regard to the arraignment calendar, and this can cause delay in the system if a case has to be continued to obtain an interpreter.



- ♦ The courts are already seeing an increase in numbers of indigent and unrepresented criminal defendants, and the trend is likely to continue. This will put increased pressure on the public defender system. Judges and Magistrates are likely to find the need to appoint attorneys for criminal defendants more compelling as more and more marginalized people appear in front of them.

JUVENILE AND FAMILY CASELOAD DEMANDS

- ♦ There is likely to be a growing number of families with multiple problems, including substance abuse by parents and children, criminal offenses, domestic violence, delinquency, child abuse, and divorce. Dealing with these families in court will more and more require coordinating multiple and sometimes conflicting treatment programs imposed by the juvenile court in a deprivation or delinquency case or as conditions of probation in a criminal case. The Circuit has a strong history of coordination on which to build. For example, there is a Superior Court Child Support Unit, which fosters coordination among the Clerk's Office, Superior Court, and Juvenile Court. Similarly, where deprivation or parent unfitness issues appear in pending divorce cases, the cases can be transferred to custody investigations, and the Juvenile Court may act by designation as the Superior Court when emergency child services are needed.
- ♦ Many immigrants come from places where dealing with officialdom is fraught with danger, so they may be reluctant to seek help here with their problems if doing so requires that they talk to government officials. This is likely to lead to an increased reliance on the courts as a last resort for addressing social problems, including the problems of children and families.
- ♦ The courts are likely to be faced with increased numbers of time-intensive cases, including cases that involve people with limited education, newer arrivals to the United States, people with diverse language expectations and skills, people with varying levels of understanding of court processes, and unrepresented parties. This will create a demand for language and "cultural" interpreters and perhaps even mentors to help families.
- ♦ Non-English speaking parties in civil and family cases (e.g., divorce) do not get a court-paid interpreter. They have to either pay for an interpreter or use a friend or family member to interpret. This can slow the trial substantially and give rise to problems of accuracy in the interpretation.
- ♦ There are a growing number of unrepresented parties in divorce cases and they often make mistakes. Sometimes it is necessary to send the parties out to refile. Other times, the judge may be able to work through the problems with the parties in court. Some of the pro se parties are non-English speaking and a family member or friend may serve as an interpreter. In the long term, the court may find it advantageous to develop a capacity to provide assistance to self-represented litigants, perhaps in conjunction with the bar, to help mitigate the effects of pro se litigants on the family docket.



- ◆ Families from other cultures bring different norms, beliefs, and values that affect family relationships. To respond to this, there will be a need to increase the types of disposition options available to the courts in family and juvenile cases, especially in domestic violence and child abuse and neglect cases, and a need to educate judges, attorneys, and court staff about cultural issues in family and juvenile cases and ways to provide culturally-responsive treatment options.
- ◆ With an increased caseload of families from other cultures, there will be an increased need to develop mechanisms for: (1) implementing dispute resolution methods that meet the needs of different cultures and (2) implementing dispute resolution mechanisms for resolving disputes and misunderstandings between people from different cultures, particularly where the misunderstanding is between a family and an official in a justice system agency.

CIVIL CASELOAD DEMANDS

- ◆ The complexity of the caseload is increasing with case filings against corporations. The increase is most dramatic in the State Court since many plaintiffs are choosing to use the State Court in order to reach trial faster, even with such complex cases as medical malpractice cases and complex contract cases. This effect also implies that caseload measures must be redefined to reflect caseload complexity.



Section III: Fundamental Strategic Issue Areas

ISSUE 1: MANAGING THE FLOW OF CASES

The pressures of changing demographics in Gwinnett County will put an increased premium on effective caseload management in all of the courts in the county and the broader justice system. In Phase I of this project we projected that in five years the courts in Gwinnett County will be required to process nearly 223,000 cases. Effective caseload management assures that cases move through the court system in a way that makes efficient use of justice system resources, provides access to all litigants, and promotes a high quality of justice.

The court management research and practitioner literature, buttressed by practical experience, indicates that effective case processing requires:

- ♦ coordination across justice system agencies;
- ♦ effective court and justice agency governance structures;
- ♦ case calendaring designed to maximize resource use;
- ♦ efficient work processes;
- ♦ the application of long-standing caseload management principles; and
- ♦ supportive court and justice system organizational culture.

The discussion below first presents three aspects of caseload management that are particularly important in Gwinnett County:

- ♦ managing cases among judges and courtrooms within each court;
- ♦ managing cases that require coordination between different courts; and
- ♦ managing cases that require coordination between the court and other agencies in the justice system.

The section concludes with an in-depth look and how caseload management affects jail usage in Gwinnett County.



Managing Cases Within Each Court

The way that cases are managed within a single court can greatly affect the efficiency with which the court moves its caseload and the quality of justice that the courts provide. The following are some of the major strengths and weaknesses that interviewees identified in the ways that the different courts in Gwinnett County manage their cases.

Managing the Superior Court Caseload

The following are the major issues with regard to managing the flow of cases that emerged from our assessment of the Superior Court. A flow chart of the felony process is shown in Exhibit 1 of Appendix A, attached to this report.

- ♦ The Superior Court and State Court take different approaches to their governance structure. The State Court judges attempt to coordinate their approaches to managing the court's caseload, By contrast, the Superior Court judges value the abilities of the individual judges to decide how to manage their own caseloads rather than seeking uniformity among the judges.
- ♦ Since the Superior Court judges believe that each judge should be able to manage his or her caseload, there is understandably some inconsistency in the approach to case management among the judges. For example, some judges make greater use of judicial assistance through Magistrates or Senior Judges than other judges.
- ♦ There is variation among the judges in the ways calendars are constructed, which leads to variation in the ability of the judges to anticipate the length of trials and leave adequate time for longer trials. This can give rise to the need for continuances that can sometimes delay a trial for several months.
- ♦ Cases in the Superior Court are randomly assigned to judges. Random assignment, however, can result in unequal workloads among the judges over the short term. The Superior Court periodically holds up case assignments to compare the workload among the judges and assign cases to equalize the workload.
- ♦ The Superior Court makes extensive use of Magistrates and Senior Judges to provide judicial assistance. The use of Magistrates and Senior Judges allows the court to compensate for the fact that it has a shortage of judges, according to a judicial workload study done for the state. The Magistrates can handle any type of case, but are given primarily domestic cases. Sometimes a Superior Court judge will have a Magistrate serve as a second judge for a calendar to provide another resource to move the calendar. The second ready courtroom serves as an incentive to move parties to settle. There was no suggestion by any interviewee that the use of Magistrates has resulted in any reduction in the quality of justice.



- ◆ The increased use of Magistrates creates an additional staffing burden on the Clerk of Courts' Office and the District Attorney's Office because their staffing levels are linked to the number of Superior and State Court judge positions and not the number of Magistrates.
- ◆ Since the Magistrates do not have their own courtrooms, it is not possible to provide a double courtroom calendar unless there is an empty courtroom available.
- ◆ At the time of our interviews, we learned that the Superior Court judges hold violation of probation (VOP) hearings on Tuesdays and Wednesdays every other week, although recently a Senior Judge has been reassigned to hear probation violations weekly. In addition, the use of Senior Judges to hear VOPs varies from Judge to Judge within the Superior Court. The way in which the courts handle VOP hearings was a major source of criticism in our interviews because there is a perception that it results in delay that contributes to jail overcrowding.
- ◆ An arrested person who is on probation or parole cannot get bond set by a Magistrate. A hearing before a Superior Court judge is required. This may take from 15-30 days from arrest, during which time the offender is in jail.
- ◆ On trial day some cases may wait most of the day before starting. The parties, attorneys, and witnesses may have to spend the better part of the day waiting in court with nothing else to do.
- ◆ There is an opportunity for better coordination among the judges with regard to the use of courtrooms. With each judge scheduling his or her own cases without coordination with other judges, the use of courtrooms becomes inflexible. If a case settles, it is difficult to fill it with another trial, so the courtroom will go unused. The judges report that there is a person in the court administrator's office who coordinates and checks on courtroom availability daily and weekly so that courtrooms are used effectively. We were not allowed to talk with staff in the court administrator's office, however, so could not confirm these reports.
- ◆ The courthouse has a limited number of courtrooms large enough to hold a felony trial, with enough seats to pick a 12-person jury and access to a holding cell for incarcerated defendants.
- ◆ The court is in the process of establishing a drug court.



Managing the State Court Caseload

The following are the major issues with regard to managing the flow of cases that emerged from our assessment of the State Court. A flow chart of the misdemeanor process is shown in Exhibit 2 of Appendix A attached to this report.

- ♦ The State Court makes extensive use of Magistrates to provide judicial assistance. As with the Superior Court, the use of Magistrates allows the court to compensate for the fact that the court has a shortage of judges, according to a judicial workload study done for the state. The Magistrates can handle any type of case.
- ♦ Some State Court judges use Magistrates to handle violation of probation hearings. This permits the hearings to be held at the jail. Other State Court judges prefer to hear VOP cases themselves, and hold hearings one day per week. For the most part VOP hearings by judges are held at the courthouse, although one division has begun using video conferencing to conduct hearings between the judge at the courthouse and the probationer at the jail to eliminate transportation costs. As most persons convicted of misdemeanors get sentenced to probation, most jail sentences for misdemeanor offenders come as probation revocations.
- ♦ The State Court is planning to set up a master calendar docket later in 2004 to help reduce the civil case backlog. One judge will serve to direct traffic among the judges. They plan to call 400 cases to the docket. The Superior Court so far has resisted the idea of a master calendar for any types of cases, although they do use Magistrates or Senior Judges to provide a second courtroom for a given calendar, as mentioned earlier.
- ♦ Where a criminal defendant has multiple cases in the State Court, any State Court judge hearing one of the cases can take pleas in all the cases, even if the cases were originally assigned to different judges.
- ♦ In State Court the use of ADR techniques in civil cases appears to vary from one judge to another. Some of the techniques that judges reported using are: (1) telephone pre-trial conferences to explore settlement, handle discovery issues, and suggest mediation or other ADR methods; (2) judicial settlement conferences; and (3) binding arbitration.

Managing the Magistrates Court Caseload

The following are the major issues with regard to managing the flow of cases that emerged from our assessment of the Magistrates Court. The Magistrates Court plays a role in both the felony process and the misdemeanor process, as pictured in the flow charts attached in Appendix A as Exhibits 1 and 2, respectively.



- ♦ The Magistrates provide seven day a week, 24-hour a day coverage at the jail for warrant hearings, bond setting, first appearance hearings, and probable cause hearings. This greatly reduces the need for prisoner transport from the jail to the court for hearings that the Magistrates are empowered to conduct.
- ♦ The major forms of release for persons arrested are cash bail or bond. Release on recognizance is used rarely and only for some misdemeanors, and there is no pre-trial release or diversion program available. This inhibits the ability of the Magistrates to relieve pressure on the use of the jail for pre-trial defendants.
- ♦ In Magistrates Court mediators are available for the civil contested calendar, which is held every Thursday evening. The presence of the mediators assists the court in assuring that all cases scheduled for each session are heard on the day scheduled.
- ♦ Courtroom space is so limited in the Magistrates Court that there are times when weddings and domestic violence Temporary Protection Order (TPO) hearings have to be held in the same courtroom, one after another. On occasion, TPO hearings have to be held in the hallway. Not only is this situation chaotic, it is also dangerous since domestic violence cases are among the most volatile and unpredictable cases that come into the courthouse.
- ♦ Some attorneys expressed a concern that the appointment and use of part-time Magistrates can create an appearance of impropriety and may provide opportunities for abuse. Specifically, they noted that it is possible to appear as counsel before a part-time Magistrate in one case while the same part-time Magistrate may be the opposing counsel in another case.

Managing the Juvenile Court Caseload

The following are the major issues with regard to managing the flow of cases that emerged from our assessment of the Juvenile Court. Flow charts of the delinquency process and the deprivation process are attached to this report in Appendix A as Exhibits 3 and 4, respectively.

- ♦ The intake unit of the Juvenile Court reviews all complaints in delinquency and deprivation cases and must approve the filing of a case. This provides a check on DFACS and law enforcement by weeding out weak cases or cases that should be dealt with outside of the courts.
- ♦ The Juvenile Court uses citizen review panels to conduct the required six-month reviews of the progress of case plans in deprivation cases. A written record is prepared during the hearing and reviewed by all participants before the hearing is adjourned. A judge must approve any changes in the



case plan recommended by the panel. If the panel members cannot agree, a court hearing will be required (this has happened only once in the last ten years).

- ◆ DFACS social workers are responsible for filing case plans in deprivation cases. If plans are filed on time, they are distributed to all of the relevant parties and, if no objection is raised, the Juvenile Court will approve the plan without a hearing. If the plan is filed late by the DFACS social worker, the court will schedule a hearing to approve the plan. This requires the social worker, the Guardian ad litem (GAL) and the appointed attorney for the parents to appear.
- ◆ On trial days all participants in all of the cases scheduled for a given day must appear in court at 8:30 a.m. Each day's calendar has one judge assigned to it. Calendar call is held at 9:00 a.m., and the court then works its way through the calendar, which can take most of the day. Typically cases with shorter hearings are held first, with longer hearings held later in the day. In cases called late in the day, the parties, attorneys, witnesses, social workers, and other participants must wait in court for most of the day. In deprivation cases, the children involved in the cases must be in the courthouse. There is a small room for the children, which is used for all the children in court that day. Children who are required to stay into the afternoon are provided lunch. As the social workers provide the transportation for the children, some children whose cases are called early may still have to stay in court all day to wait for the social worker to finish all of his or her cases for the day.

Managing the Recorder's Court Caseload

Responding to already high but expanding case volumes and accommodating changing community demographics are the primary sources of caseload management concerns in the Recorders Court. In particular:

- ◆ Recorders Court personnel are being confronted by increasing numbers of environmental and zoning violations cases in part as a result of sizeable construction growth and changing population demographics. For example, more complicated cases involving developers and construction defects have become increasingly apparent. Environmental, building, and zoning cases tend to be more difficult and time-consuming than other cases typically heard by the Court. In addition, cultural differences about life-styles, such as use of yards, the appropriate number of people who should live in a dwelling, and appropriate times for celebrations, appear to be resulting in more complicated ordinance violations cases.
- ◆ Greater numbers of non-English or limited-English speaking court users are also posing challenges for Recorders Court at all phases of the operation. Spanish speaking personnel in particular are needed throughout the system.



- ♦ Interviewees also reported that the high volume of cases involving Latinos poses challenges for traditional treatment options. They also reported that there is a large number of Latinos without drivers' licenses coming before the court.

Managing the Probate Court Caseload

The following are the major issues with regard to managing the flow of cases that emerged from our assessment of the Probate Court.

- ♦ The Probate Court makes extensive use of the Chief Clerk to provide judicial assistance. As is the case with the other levels of court where there is a shortage of judicial officers, the use of this position allows the court to compensate for the fact that there is only one Probate Judge position authorized by law for Gwinnett County.
- ♦ The Chief Clerk is law trained and the court is currently seeking to have her be designated as a hearing officer to better address increased workload demands.
- ♦ The Probate Court does not distinguish between pre- and post-judgment cases. All cases are maintained in "open" status. A law clerk reviews the case files for compliance with estate and guardianship requirements. The caseload volume is so large, however, that the law clerk can only review a sample of cases rather than reviewing the entire caseload.
- ♦ Staff estimate that four of every five litigants in Probate Court are self-represented. The result is that many petitions are incomplete and require staff time to be completed. This occurs despite the fact that individuals filing guardianship cases are shown an orientation film.
- ♦ A criminal history report is run on every person who wants to be a guardian. A lack of resources prevents monitoring estates or guardianships to determine if either omission or commission is exploiting the ward or minor.
- ♦ The Probate Court office also provides a vital records function. Marriage licenses, death certificates, firearms licenses, birth certificates, and other records are issued and/or maintained by this court. The office is required to microfilm all vital records and forward them to the State Archives. The multiple and diverse services provided by the court creates confusion for people who may find themselves standing in the wrong line for the type of service they need.



- ◆ The Probate Court needs better management information resources to improve both its case scheduling and case management functions.
- ◆ The Probate Court is both physically and administratively isolated from the other courts. Its functions are very different from the functions of the other courts and the judge and staff are not included in any forums involving the other courts' judges and staff.

Managing Cases Between Courts

Caseflow management is especially important in this jurisdiction because the fragmented structure of the courts creates numerous complicated interdependencies that somehow must be managed. Caseflow management is the one way to manage and work around the structural interdependencies imposed on the courts by Georgia law. Some of the structural problems that the courts must deal with include the following.

- ◆ There is overlapping jurisdiction between the Superior Court and State Court for civil cases. A recent trend has been for larger and more complex cases, such as medical malpractice and construction contract cases, to be filed in the State Court due to the likelihood of reaching trial quicker.
- ◆ Split jurisdiction between the Superior Court and the Juvenile Court makes coordination between related cases involving a single family difficult. Divorce and domestic violence cases are heard in Superior Court, while a child abuse or neglect case involving the same family will be heard in Juvenile Court. In addition, a criminal child abuse case must be filed in Superior Court while a civil deprivation case against the same family will be filed in juvenile court. This means that the juvenile court handles any treatment programs that might be ordered in the civil case, while the State Department of Probation handles probation conditions on the criminal side.
- ◆ Some cases start in one court and then are transferred to another court. For example, criminal cases start in Magistrates Court and then are heard in State Court or Superior Court. The Magistrates may take pleas only in cases where they are empowered to do so by the higher court.
- ◆ Domestic violence TPOs start by filing in Superior Court. The petitioner then must go to a Magistrate for a hearing to grant the TPO. After the TPO is granted, the paperwork is returned to the Superior Court, with a copy to the Sheriff.



Managing Cases Involving Other Justice System Agencies

Case management is often affected by the court's dependence on the actions of other agencies to move cases through the system.

- ♦ For misdemeanors, the Solicitor has a fast track process at the jail in which the defendant can plead guilty at the first appearance hearing, generally held the day after the arrest. The Magistrate at the jail can accept the plea and enter a sentence.
- ♦ The District Attorney has developed a fast track process for non-violent crimes. The offender can waive indictment and enter a plea. The pleas are heard by Senior Judges. About 34 percent of the District Attorney's caseload is now being handled in this manner.
- ♦ Some criminal cases are being delayed due to the inability of drug labs to produce test results in a timely manner. This is likely to be an increasing problem as the number of drug cases increases in the county.
- ♦ For felony offenders, the state Department of Probation monitors people on probation. The probation officers control the filing of probation violation cases. There was some expressed concern that too many probationers spend time in jail for technical violations due to the delay in both the filing of VOP cases by probation officers for offenders being held in jail and the court's scheduling of VOP hearings.
- ♦ The lack of services available for people on probation, as we discussed in Key Improvement Area 2 below, may contribute to the incidence of probation violations.
- ♦ A private company handles probation for misdemeanor offenders. The company has no computer connection to the courts or jail, so it is not always notified when one of its probationers is arrested on a new offense.
- ♦ There is a video connection between the court, the jail, and police precinct stations for police to request warrants from the Magistrates Court. This greatly assists both law enforcement and the court in processing warrants efficiently.

The Effects of Caseflow Management on Jail Usage

Starting with federally supported efforts that began in 1973 and carried over into the early 1990s, thinking about overburdened local jails shifted from one-time high impact jail studies (i.e., jail overcrowding studies) to viewing jail usage as a continuing problem to be addressed by cooperative system-wide management (i.e., jail population management). Both the terms "jail overcrowding" and "jail capacity (or population) management" are used interchangeably in the discussion below.



Jail overcrowding is an elusive concept. All jails have a rated capacity in terms of the number of beds they can fill. State law, state administrative agencies and jail accreditation organizations may rate a jail's capacity. A jail can be within its rated capacity and yet be functionally overcrowded because a jail is a collection of different kinds of detention areas each of which may have its own rated capacity. For example, many jails have specialized detention areas for the mentally ill, for those ill with contagious diseases, and for women. Each of these will have a specific capacity, and if there are too many inmates who belong in specialized units for the number of beds available, then the jail is functionally overcrowded, even if all the beds in the jail are not occupied. In order for the inmate classification system to work, functional capacity is said to be 80-90 percent of the total number of beds.

The Sheriff's deputies have little to say about who is admitted to the jail or when the inmates will leave it. Other agencies (e.g., law enforcement, probation, prosecution, courts, service providers), which operate in a complex interplay, affect intake and release. They may act independently or they may act in a coordinated fashion to determine jail bed use.

Jail population management has become of increasing concern to counties around the nation and was identified as an important issue for our assessment in Gwinnett County. There are several reasons for this interest.

- ♦ Jails are expensive to build and maintain. Procurement costs typically range from \$40,000 per bed for minimum-security beds to \$60,000 for maximum-security beds and the useful life span standard for a jail is now about 20 years. Costs will also vary depending upon the layout of the jail since the layout affects the number of Sheriff's deputies that are needed.

The Gwinnett County Detention Center — referred to hereafter as the “jail” — officials estimate that current daily operations cost about \$35 per inmate per day, a figure that is low compared to some jurisdictions around the country. The average daily population at the jail in 2000 was 1,270 inmates, giving a staffing ratio of 7.7 inmates per deputy. This compares to a ratio of 5.6 inmates per deputy in some larger jail systems. In addition, the county pays to house detainees at jails in surrounding counties. Costs run over \$10,000 per day for the 220-300 detainees that are housed in jails outside of Gwinnett County. The Sheriff's Office estimates that by 2006 the cost of housing inmates in jails outside the county will exceed \$7 million annually. In sum, jail beds are expensive and are scarce commodities.

It is also noteworthy that the state pays the county \$20 per day for state prisoners held in county facilities. Up until now, the state has been accepting inmates sentenced to a year or more. However, it is closing state prisons and soon will not be accepting inmates with less than a sentence of two years. The impact on Gwinnett County could be substantial.



- ♦ Overcrowding puts deputies and inmates at risk. The classification system that allows jail officials to minimize aggression breaks down when a jail is operating at close to or over capacity. The ratio of deputies per inmate per shift may leave the officers in danger.
- ♦ Most inmates will be released into the general population at some point, many within days after incarceration. Double and triple bunking can lead to a high rate of sick calls to the infirmary or hospital at great cost to the taxpayer. Upon release, many of these inmates will carry their illnesses with them. Former inmates are likely to be working in the food service industry or other jobs with significant public contact.
- ♦ An inmate riot or deputy misconduct are more likely in an overcrowded jail. People can adjust to crowding but it takes time. Housing inmates of different customs, languages and cultures makes packed jails even more volatile.
- ♦ An overcrowded jail creates stress on deputies, which can result in increased work related sick days, medical costs and disability retirement.
- ♦ Overcrowding results in what some call compression; that is, spaces designed for some uses are converted into other uses as a way of coping with inadequate space. Programmatic efforts which seek to help inmates deal with such issues as drug or alcohol problems, vocational training, GED completion, or anger management need appropriate physical space.

On a typical day (May 12, 2004) the jail housed inmates in many different categories, some requiring special holding conditions. While the exact numbers in each category will vary daily, they do so within predictable ranges. Some categories in the jail snapshot below have been combined.

Jail Snapshot May 12, 2004	
Category	Number of inmates
Awaiting trial	765
Felony probation violations (technical)	387
Misdemeanor probation violations (technical)	27
Parole violations or awaiting transfer	115
Sentenced	272
Probation violation (new offenses)	121
Inmates held in other jails	253
Total	1,933



The Gwinnett County Jail houses unsentenced inmates awaiting trial in Gwinnett county courts, those sentenced and serving county jail sentences, sentenced inmates awaiting transfer to the state penal system, non-jurisdictional inmates held under contract with federal authorities, and civil contempt cases. Each of these populations may have distinct housing needs and the comparative numbers in each category changes constantly and are beyond the control of jail officials.

In addition to the jail, Gwinnett County has a correctional facility, the Gwinnett County Correctional Institute (GGCI). There are 280 work release beds in this facility, of which about 220 are generally used. Many of the beds are filled by child support violators and technical probation violators. The facility also has 254 state sentenced work camp beds, only a handful of which are sometimes available for county sentenced inmates. GGCI staff make great efforts to keep the beds filled. With better interagency coordination and online communication, a higher percentage of these beds might be filled.

Some jail consultants argue that instead of looking at the total number of inmates in a given day, a more accurate indicator of jail population is the average daily population (ADP). ADP is calculated by the total number of days of housing provided for all inmates during a particular period and dividing by the number of days in the period. Since the length of stay varies for each inmate, averages are used. Average length of stay is the total number of days of housing provided divided by the number of admissions. Admissions multiplied by average length of stay give the total number of housing days provided. ADP goes up when admissions increase and/or the average length of stay increases.

ADP in the Gwinnett County jail has been increasing and is likely to continue to do so unless appropriate steps are taken. The ADP was 498 inmates in 1991, 1,299 inmates in 2001 and is projected to rise to 1,941 inmates by 2005. If we add to this number the approximately 250-300 Gwinnett detainees who are housed in other counties' jails, the number climbs to about 2,294 inmates. These numbers do not include inmates who will receive sentences from 1 to 2 years who are now housed in state correctional facilities, but who the state may no longer accept for transfer and so will need to be housing in the jail.

Gwinnett Jail Appearance Study

The following data show that there is a substantial number of inmates who have had five or more court appearances. The discussion that follows this table describes the complexity of bringing an inmate from the jail to the courthouse.

- Mean (average) number of appearances in court = 11.5. This average excludes all inmates who did not go to court.
- Median number of appearances = 2. This number also excludes inmates who did not go to court.



Frequency of Court Appearances	Number of Inmates
0	141
1	99
2	105
3	52
4	50
5	17
6	12
7	7
8	12
9	6
10	3
11	6
12	2
16	1
17	1
18	4
20	1
22	2
24	1
26	2
28	1

The process of scheduling a court appearance for an inmate is complex. There are several processes by which the court appearances are scheduled. The first is by the booking officer scheduling a first appearance hearing while booking the inmate. This involves entering the court date in to the TAG System (the Jail Offender Tracking System). Active Records personnel enter all additional court dates. Normally, Active Records receives a telephone call or a fax from a court clerk advising them of the upcoming court date(s). The Active Records Clerk enters the information into TAG. Each day the Transport Clerk pulls a court schedule of upcoming court appearances. The Transport Clerk confirms that the inmates needed for court are in fact housed at the jail.

The county is currently housing over 300 inmates across the state. If the inmate is not housed locally, the clerk must make arrangements to have the inmate returned to the Gwinnett County jail. Some inmates are housed as far away as four hours (e.g., Pelham, Georgia). This requires an eight-hour drive to pick the inmate up and return him to the jail. On the day prior to the court date, the Active Records Clerk pulls the court list, double checks it and pulls the inmate folders of the inmates that will go to court.



On the morning of the court date at approximately 5:00 a.m., the Admissions Clerk generates a court list of inmates who will be transported to GJAC (Gwinnett Justice and Administration Center) for Court. She also creates a court list of inmates that will be seen at the jail for first appearance. Once the list is generated, Internal Security Officers organize moving the inmates from the housing units in the facility to Admissions. Each Housing Unit Deputy has already pulled a court list, awakened the inmates early, fed them and allowed them to shower and shave. Computer movements are then made in TAG to show the inmate being moved from the housing unit to Admissions.

The inmates are then moved to the Admissions area of the jail and organized in different cells according to what court they will be attending and using caution to separate all rival gangs and enemies (a separate report generated from the computer allows for this search). Some inmates, on jury trial, are afforded the opportunity to dress in "Court clothes" brought by their attorney or family. Once the inmates arrive in Admissions the inmates sit in the cells until Transport arrives to coordinate the movement across town to the Courthouse. Inmates are patted down for contraband, shackled and loaded into vans or the bus for transport. Male and female inmates are kept separate and all juveniles are transported separately as well. Occasionally, when dealing with a violent or aggressive inmate, the inmate must be transported separately from all others.

The inmates are driven to GJAC and unloaded in the secure garage area and moved into the facility. The Courthouse has a secured holding area in the basement for the Sheriff's Department. The inmates are unshackled, patted down again and organized into cells within the Court holding area. The deputies assigned to particular courtrooms retrieve the inmates and take them to a holding cell adjacent to the courtroom where the hearing will be held, provided there is a cell close by. The deputy is responsible for the inmate until he/she is returned to the holding cells in the basement awaiting return to the detention center. Once the inmate and his court disposition arrive in the holding area, transport picks up the inmates and returns them to the detention center (again the inmates are patted down and shackled for the transport).

If the inmate is held at the courthouse for the entire day or through the lunch hour a sack lunch is provided to the inmate from the detention center kitchen. The transport officer takes the lunches to the courthouse. Upon return to the detention center all inmates are unshackled and patted down. The Admissions officer assures that there is paperwork that accompanies each inmate. The paperwork is given to an Active Records Clerk that reviews the documents and determines which inmates will be released. All other actions are noted in TAG and sentence/release dates are input. Computer transactions are made to indicate that the inmates are back in Admissions. The inmates are then returned to their housing units by internal security and computer entries are made indicating the return to their housing unit.



Jail Release Log Study

The sample release data in the table below are for all defendants released in April 2004. Two of the most important findings from the table are:

- There were over 180 defendants released on bond, some within an average of eight or nine days after arrest and others after several weeks. An adequately resourced pre-trial services agency normally would speed up the pre-trial release of many defendants, some right after the first appearance. Release criteria are typically established with court and prosecution oversight and sometimes defense counsel input.
- Many cases were resolved with a sentence of time served. In some jurisdictions these are called “go home pleas” which means the defendant served enough jail time pre-trial to satisfy the need for punishment. This also avoids the need of taking what might be a weak case to trial, although we cannot tell if that is the case in Gwinnett County.
- The average length of stay for all inmates was 16.2 days. The average length of stay for felony inmates who were released in April 2004 was 67.3 days.

Charge by Disposition	Average Length of Stay (Days)	Frequency
<u>Accident involving Death</u>		
• Bond	1.0	1
<u>Aggravated Assault</u>		
• Bond	9.1	17
• Released for time served	353.6	5
• Released per court order	121.7	3
• Released to other agency	267.0	4
<u>Aggravated Battery</u>		
• Bond	2.0	1
<u>Aggravated Sexual Battery</u>		
• Bond	30.0	1
<u>Aggravated Stalking</u>		
• Bond	19.0	3
• Released for time served	126.0	2
• Released per court order	142.0	3
<u>Armed Robbery</u>		
• Bond	<1	2
• Released to other agency	205.0	2
<u>Bad Check</u>		
• Bond	3.0	12
• Released per court order	10.0	1
<u>Bondsman Off Bond</u>		
• Bond	1.0	1



Charge by Disposition	Average Length of Stay (Days)	Frequency
<u>Burglary</u>		
• Bond	6.0	13
• Released for time served	296.0	3
• Released per court order	48.3	3
• Released to other agency	127.6	5
<u>Child Molestation</u>		
• Bond	81.8	5
• Released per court order	122.0	1
• Released to other agency	575.5	2
<u>Credit Card Fraud</u>		
• Bond	6.0	7
• Released per court order	30.0	1
<u>Criminal Damage to Property</u>		
• Bond	8.4	9
• Released per court order	25.0	1
<u>Cruelty to Children</u>		
• Released per court order	36.0	1
<u>Drug Charges</u>		
• Bond	9.7	63
• Released to probation	9.3	3
• Released for time served	362.5	4
• Released per court order	78.4	7
• Released to other agency	220.7	12
<u>Entering Auto</u>		
• Bond	13.3	4
• Released per court order	52.0	1
<u>Enticing A Child</u>		
• Released to other agency	187.0	1
<u>Escape</u>		
• Bond	520.0	1
• Released to probation	15.5	2
<u>False Imprisonment</u>		
• Bond	4.0	2
<u>Forgery</u>		
• Bond	16.6	12
• Released for time served	124.3	3
• Released per court order	51.3	3
• Released to other agency	61.0	3
<u>Fugitive from Justice</u>		
• Released to other agency	26.1	10
<u>Habitual Violator</u>		
• Bond	8.0	5
<u>Interference with Gov't Property</u>		
• Bond	12.0	2
• Released for time served	58.0	1



Charge by Disposition	Average Length of Stay (Days)	Frequency
<u>Kidnapping</u>		
• Released to other agency	14.0	1
<u>Murder</u>		
• Released per court order	607.0	1
• Released to other agency	654.0	1
<u>Obstruction</u>		
• Bond	94.0	4
• Released to probation	121.0	2
<u>Possession Weapon</u>		
• Bond	12.7	3
• Released for time served	328.0	2
• Released per court order	102.0	1
• Released to other agency	177.5	2
<u>Probation Violation-F</u>		
• Bond	14.1	7
• Released for time served	130.2	31
• Released to probation	34.8	23
• Released per court order	49.7	23
• Released to other agency	52.6	28
<u>Rape</u>		
• Bond	39.0	2
• Released for time served	274.0	1
• Released to other agency	419.0	1
<u>Robbery</u>		
• Bond	12.5	4
• Released for time served	540.0	1
• Released per court order	22.0	1
• Released to other agency	268.0	1
<u>Statutory Rape</u>		
• Bond	32.0	1
<u>Superior Court Bench Warrant</u>		
• Bond	1.0	1
• Released for time served	85.0	1
• Released per court order	20.3	6
• Released to other agency	114.0	1
<u>Terrorist Threats</u>		
• Bond	14.6	10
• Released for time served	98.0	2
• Released to probation	181.0	1
<u>Theft</u>		
• Bond	8.4	42
• Released for time served	176.0	5
• Released to probation	88.5	2
• Released per court order	37.8	6
• Released to other agency	119.8	6



Charge by Disposition	Average Length of Stay (Days)	Frequency
<u>Vehicular Homicide</u>		
• Bond	1.0	1

* Parole Figures are not included in this analysis since they do not attend Court in the County.

Probation

The table below displays some statistics on inmates in the jail being held for probation violations. For the 80 defendants being held for technical violations, the average time from booking to a court appearance was just under 29 days. It is possible that many jail bed days could be saved if this time were cut in half. Our observations about this group in the sample are:

- ♦ Released for time served: The 30 defendants who got released for time served might have been sentenced to more county jail time if the court appearances were closer to the arrest date.
- ♦ Released to probation: released per court order, bond: The 12 defendants who were released to probation, the 14 who were released by court order, and the 8 who bonded out might have been resolved with less county jail bed space being utilized.
- ♦ Released to other agency: The 16 defendants who were released to agencies most likely were sent to the local state facility.

Gwinnett Jail Probation Study								
Probation Violation Type	Arrestees (n=)	Days to first Court Appearance (average)	Disposition					Days in Custody (average)
			Released Time Served (n=)	Released to Probation (n=)	Released per Court Order (n=)	Bond (n=)	Released to Other Agency (n=)	
Technical	80	28.6	30	12	14	8	16	62.3
New offense	23	31.7	6	4	5	1	7	65.1
Combination technical and new offense	12	26.8	3	0	4	0	5	87.2



SOME ELEMENTS OF JAIL BED UTILIZATION

A common way of identifying the factors affecting jail bed utilization is the application of decision theory. Different actors make decisions during the sequential stages of a criminal prosecution that affect the Average Daily Population (ADP). Some examples include:

- ♦ Changes in police policy can profoundly affect the jail. Drug stings, prostitution round ups, and DUI enforcement crash programs can overload a jail in a few hours.
- ♦ High bail bond amounts can prevent many defendants from securing release prior to trial.
- ♦ Prosecution filing policies may dictate waiting for tardy drug analysis prior to filing and court caseflow practices can affect pre-trial incarceration.
- ♦ Probation and judicial policies dealing with violations of probation can play a role in jail bed utilization. The exact mix leading to jail bed usage varies by jurisdiction and within a jurisdiction over time.

Some Jail Overcrowding Reduction Strategies

Some jail overcrowding remedies include front end programs and efforts, such as (1) creating or expanding pretrial release services, (2) loosening detention criteria, (3) using electronic monitoring, including sophisticated GPS based monitoring, (4) expanding the use of custody releases, and (5) enhancing rehabilitation services for pretrial populations. Pretrial diversion programs, usually prosecution based, are fairly common around the nation.

The list of alternatives to straight jail time includes back end programs and efforts as well. Examples include (1) expanded non-custodial work camps, (2) supervised community service hours and options, and (3) enhanced restitution.

What Can Be Done to Control Future Jail Utilization

Jail capacity is ultimately decided by what the taxpayers are willing to spend to build and operate their county jails. The options outlined above can provide safe and effective alternatives to ever-bigger jails and allow the county to channel resources to potentially more productive uses. Even so, with an expanding population and a more challenging population mix, jail population growth in Gwinnett County seems inevitable.



There is no single agency or individual who is accountable for jail bed utilization. Unless the county wants to continue building more jails, jail beds will be scarce resources. It therefore seems important to establish priorities for jail bed use and some guidelines for appropriate lengths of stay in jail. The greatest challenge for justice system agencies is to cooperate collectively to maximize jail utilization. Many of the approaches to jail population management mentioned above could be considered for adoption in Gwinnett County by its justice system leadership acting in a strategic and collaborative manner.

Jail capacity is a resource that needs to be continually monitored and cooperatively managed. Monitoring requires having credible information about the characteristics of arrestees, case processing practices, the time from one decision point to another, and the action taken at each decision point. The data must be inmate specific and be readily capable of being aggregated to show emerging trends. The suggestions we offer below are based on very limited hard data. Accordingly, the criminal justice system leadership and their staff should immediately begin assessing existing databases with a view to creating common identifiers and processes to compile and extract data to support decision-making. The cost should not be unduly burdensome given the depth of information system expertise in the county government, the clerk's office, the jail, and law enforcement.

Jail issues confronting the Gwinnett County Justice System include:

- ♦ Inadequate pretrial release mechanisms and services.
- ♦ Diversion programs that are too restrictive and under resourced.
- ♦ Lengthy case processing times from arrest to screening, from screening to Superior Court trial setting, and from the first trial setting to disposition.
- ♦ Lengthy processing times in violation of probation (VOP) cases, relatively long sentences in VOP cases, and the use of probation for inmates who are likely to violate probation unless given more services.
- ♦ Probation staffing that no longer reflects the culturally changed nature of probationers.
- ♦ The absence of mechanisms to handle the volume of drug possession cases.
- ♦ Despite efforts to expand sentencing alternatives, a lack of a full range of focused options for indigent, non-English speaking offenders.
- ♦ A perverse incentive system that now rewards the state for delaying transferring prisoners to state facilities and the planned state prison closings.



- ♦ Overall, inadequate resources throughout the system to reflect the changing reality of justice system clients.

ISSUE 2: PROVIDING APPROPRIATE JUSTICE SERVICES

A mobile, poor, and immigrant population presents a major challenge for any justice system. Detention/release criteria nationally evaluate the risk of flight, the likelihood of complying with scheduling demands for court and other agencies appearances, the risk of recidivism, the level of danger to the community and in some cases victims, and the danger of harm to the defendant. In general, the failure to appear rate (FTA) is highest in misdemeanors especially with poor, indigent, and mobile defendants.

A full service pretrial services agency would first study, in depth, the FTA rate for various offenses and type of defendants. For some defendants, the lack of access to a telephone and a reliable address means detention pre-trial until the case(s) against the defendant are closed and for other defendants, once released, unacceptably high FTA rates. A limited use cell phone can be a cost effective way to release some detainees. Of course, there are many other techniques available. In all but the most minor of charges in Gwinnett County, FTA guarantees pretrial detention at great cost to the county. At the other extreme, some defendants can be safely released on a GPS based electronic tether. In any case, effective notification is essential to reducing FTA especially where many court appearances may be rescheduled. Just as doctors' and dentists' offices routinely call patients with reminders to reduce no shows, so can the criminal justice system.

Alternatives to arrest such as citation or station house release might be used for an expanded selection of crimes. Many of those eligible for an expanded pretrial diversion program would seem to be likely candidates for citation or station house release. Careful data collection and analysis might yield other criteria for safe use of alternatives in lieu of a full custodial arrest.

Diversion is generally limited in Gwinnett County to first time shoplifting, minor misdemeanor drug possession, under age alcohol possession and some jail guilty pleas. As has been the case nationally until recently, diversion is not often used in domestic violence cases. Diversion decisions generally rest with the police and prosecution. Expanding the use of diversion should be based upon careful review of cases in which defendants have successfully completed a term of probation and in which a formal adjudication of guilt is not required. In such cases, diversion frees court, prosecution, defense, clerical and other resources for use in higher priority situations.

Services available post trial should selectively be available pre-trial. Many of the people we interviewed believed that as in the case of pretrial release mechanisms, Gwinnett County is lacking a full range of adequately funded pretrial services. Drug court tops the list of many interviewees' stated needs.



Nationally, drug courts are receiving mixed reviews. The Miami model, an intensive 12-month program was last evaluated in 1995 and was found to have a high success rate for those who completed the program. It is judge-oriented which places a premium on finding the rare judge who has the needed outlook and interest to make the program work. Other models are more staff intensive and rely less on the judge to make the program effective. The national evaluations of these models have not led to the development of an ideal model that is recommended for courts. It would therefore be useful to examine the drug offender population and assess the available resources to determine the model and level and type of staffing suitable for operating a drug court in Gwinnett County.

Dealing with the demands on the justice system in Gwinnett County will require additional resources and new programs and services, particularly programs aimed at reducing the use of the jail.

- ◆ There are few options for the use of alternative sentencing in criminal cases. Other than jail, the options are fines, community service, house arrest, work release, some drug treatment programs, and probation. Particularly with regard to drug cases, space in treatment programs is limited, as local hospitals are stretched due to the growing number of indigent patients. As a result, probation is often the only viable option.
- ◆ There are no pre-trial release programs available in the county, and many defendants are unable to make even relatively low bonds. This contributes to the overcrowding problem at the jail.
- ◆ Lack of resources can contribute to the incidence of probation violations. A lot of probation violations are due to alcohol or drug use, such as positive drug tests, DUIs, and new drug-related crimes, and the lack of drug treatment programs probably contributes to the incidence of those violations. In addition, the incidence of probation violations is proportionally higher in the minority and immigrant populations, and particularly the non-English speaking populations. The lack of bilingual programs contributes to this problem. Further, offenders who do not understand English are more likely to misunderstand or ignore probation conditions, and offenders who are sent to programs that make no sense to them are more likely to stop going.
- ◆ According to a recent statewide study, both the Superior Court and the State Court have too few judges for their caseloads. As a result, court backlogs are beginning to increase. The courts are thus likely to face increasing backlogs and delay and an increasing need to make use of judicial assistance.
- ◆ At present the county is providing the judges with very high quality support staff by paying competitive salaries that are high enough to attract good law clerks. The law clerks provide substantial assistance to the judges in keeping their caseloads current. There is a concern, however, that maintaining competitive salaries will become increasingly difficult in the future.



ISSUE 3: PROMOTING JUSTICE SYSTEM COLLABORATION AND COORDINATION

With the growth in demand for justice services discussed above, the size and scope of the Gwinnett County justice system can be expected to grow substantially in the future. In addition, the complexity of service provision and the magnitude of interdependence among the courts, justice, and human services agencies have increased greatly. At the same time, resources, both within particular justice system agencies and for the system generally, have not kept pace with increasing demand. As one result, the need for effective policy and work process collaboration and coordination among the courts, justice agencies, and human service agencies have become critical.

Ad hoc, problem-solving, topic focused work-groups and committees have been used over the past decade to address both court specific and justice system issues and problems. For example, the Superior Court Judges have worked together to:

- ♦ collaborate with the Ninth District Court Administrator to conduct a nationwide search and select the new Court Administrator;
- ♦ update Internal Operating Procedures; and
- ♦ coordinate on case assignment issues regarding capital cases, indicted and “quasi” cases, related cases, family violence cases, and cases with speedy trial demands;

In addition, representatives from the Superior, State, Juvenile, Recorders Courts, have worked in various combinations to:

- ♦ coordinate courtroom usage;
- ♦ implement a fast-track plea program;
- ♦ preserve the existing local indigent defense program;
- ♦ participate in the new courthouse study and other committee and study groups; and
- ♦ appoint various judges, including juvenile, magistrate, and recorder’s court judges.

Moreover, in the past, various courts, clerks’ offices, and justice agencies have worked together to:



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- ♦ increase security at the Gwinnett Justice and Administration Center;
- ♦ conduct a comprehensive salary study;
- ♦ create a drug court;
- ♦ share information technology personnel; and
- ♦ maintain a law library.

Despite these efforts, growth in the size and complexity of demand for services has placed great strain on the existing decision-making and management structures of both the system and partner agencies, including the courts. For example, interviewees routinely stressed that heavy reliance on ad hoc, topic-focused committees and work-groups have proven to be overly burdensome for the courts and many agencies, as well as ineffective in resolving the concerns of particular agencies and especially system-wide issues and concerns.

In short, despite current efforts, there is a need for better coordination and collaboration among the judges of the individual courts, among the different courts in the county, and between the courts and other justice system agencies. Interviewees raised the following specific issues and concerns.

Collaboration Among Judges in a Single Court

- ♦ The Superior Court lacks the administrative apparatus to develop new programs. The size and resources of the court administrative office have not grown in concert with the size of the court and the caseload.
- ♦ There is no coherent management structure for the court as a whole and thus the court does not speak to the county with a unified voice.
- ♦ None of the courts in the county has a strategic plan.
- ♦ Participation in collaborative activities varies greatly from judge to judge within a court.

Collaboration Among the Courts



- ♦ There is a lack of collaboration between the State and Superior Court. The lack of collaboration and a sense of common purpose make it more difficult for the various courts to define their needs strategically and present a coherent plan to the county to justify resource requests. In particular, this makes it more difficult for the courts to work with treatment providers and social service agencies to develop alternative sentencing and treatment programs.
- ♦ The various courts do not collectively and systematically plan for, or address, common issues or establish court system-wide policies, procedures, or work processes.

Collaboration Between the Courts and Other Justice System Agencies

- ♦ Both across the different types of courts and across the broader justice system there is a lack of alignment about long-term strategic direction and priorities. As one result, both within the courts and among agencies, individuals and units can sometimes, unknowingly, work at cross-purposes. Interviewees also have indicated that justice partners neither share common expectations about desirable system outcomes nor take collective, rather than agency-by-agency, responsibility for assuring that case specific and more general system outcomes are achieved.
- ♦ System-wide policies are not routinely established in interagency policy groups but rather are established piece-meal within individual agencies. For example, the courts do not communicate or work together with law enforcement, the DA, the Solicitor, probation, or the jail with regard to practices and policies that can affect one another.
- ♦ Participants in some interagency efforts do not have the authority or support needed to formulate policy on behalf of their organization.
- ♦ Agreed-upon work processes that cut across court and justice system organizational boundaries are limited, and where previously agreed-upon work processes are present, they are not known or followed by line personnel.
- ♦ Mechanisms for establishing system policy, processes, and programs or resolving interagency conflicts are not effective.
- ♦ Agencies are reluctant to share resources.



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ISSUE 4: MONITORING OUTCOMES AND MEASURING PERFORMANCE

The justice system of Gwinnett County operates in dynamic, constantly changing, community environments. Both long-term community trends and more immediate events lead to new problems and contribute to changing and increasing expectations and demands for justice services. As one result, the courts and justice agencies of Gwinnett County, like their counterparts across the nation generally, now need to not only constantly assess their performance in light of the changing needs generated by the dynamic communities in which they serve, but also modify their organizational performance to better meet changing needs. In short, given the dynamic communities they are part of today, the Gwinnett courts and their justice partners need to consider both how to develop new organizational practices, as well as improve existing practices, to better meet evolving community needs.

Moreover, the lack of reliable, readily obtainable information that could be used for performance measurement was extremely scarce in both the courts and across justice agencies in general. For example, the PSI team was informed that the most basic information (e.g., processing time between events, continuances, length of stay in jail and corrections facilities), let alone data about treatment outcomes, were unobtainable without heroic, costly, time-intensive effort on the part of system practitioners.

Nonetheless, performance measurement should become a priority across the courts and throughout the justice system. In part, performance measurement in courts and justice agencies can help provide the foundation for organizational performance improvement by first setting standards for what should be accomplished by the organization, subsequently examining actual work in light of standards, and finally by identifying improvement opportunities. In addition, court and justice system performance measurement can help provide a foundation for performance improvement by fostering an organizational climate of routine self-examination for continuous improvement, and by identifying where additional resources are needed.



SECTION IV: Improvement Opportunities and Strategy

INTRODUCTION

The Courts of Gwinnett County and justice system agencies should work together to complete a three to five year justice accountability and improvement initiative designed to institutionalize local court and justice system capacity for ongoing system-wide assessment, monitoring, and performance measurement by:

- ♦ first undertaking aligned strategic planning efforts in each of the Courts of Gwinnett County, across all of the Courts, and across the entire justice system;
- ♦ subsequently conducting detailed work process assessments and redesigning inadequate processes;
- ♦ next developing and implementing programs which both meet the needs of the increasingly diverse and demanding Gwinnett population, and serve the collective interest of courts and justice agencies; and program development; and
- ♦ continuing with detailed but integrated and compatible system and agency development efforts; and
- ♦ concluding with implementation of agency and system performance measurement and monitoring.

There are numerous opportunities for improvement throughout the Courts of Gwinnett County and the broader justice system. In this section we catalog the potential improvements that we believe should be included in the initiative. These opportunities are:

- ♦ numerous work process improvements for more expeditious case processing and more effective and efficient use of resources, particularly expensive resources such as jail space;
- ♦ strengthening inter-agency collaborative forums and processes;
- ♦ clarifying the common strategic direction of all justice agencies and the unique roles of particular agencies;
- ♦ establishing more effective support services, especially pre and post-trial release, diversion, and alternatives to incarceration; and
- ♦ implementing court and justice system performance measurement.



IMPROVEMENT OPTIONS

Work Process Improvements

Work processes are the unifying force within increasingly complicated courts and justice systems. Thus, the cornerstone of successful court and justice system improvement requires comprehensive understanding of work processes, and considerable work process improvement. In justice institutions, as in all institutions, the work of the institution is performed by a variety of organizations using numerous, often interconnected, sequential work processes. These work processes encompass both case responsive processes, such as justice system processing of cases involving juveniles, and organizationally initiated processes that focus on a project, approach, or style of service delivery, such as violence prevention programs within a community. Moreover, our experience with justice institutions generally, has revealed that work processes should:

- ♦ reflect public expectations;
- ♦ embody well articulated justice system goals, values, and core functions;
- ♦ be supported by efficient organizational and institutional infrastructure; and
- ♦ contribute to community embraced, legitimate, institutional outcomes, such as public satisfaction, reduction in fear and disorder, and harm reduction.

Work process improvements *within the Courts* worthy of detailed assessment and redesign might include:

- ♦ calendar call processes, particularly in the Recorders and Magistrates Courts;
- ♦ issuance of bench warrants and warrant processes in general;
- ♦ entry of traffic citations into management information systems;
- ♦ issuance of temporary restraining orders;
- ♦ use of uniform forms and orders; and
- ♦ Spanish language versions of basic court forms.

Work process improvements which target the *interdependencies among the courts and justice agencies* worth examining likely include:



- ♦ potentially greater use of video conferencing among the courts, jail, and local law enforcement agencies, including the use of video arraignment;
- ♦ paperflow processes in general and especially the potential increased use of electronically transmitted documents and files;
- ♦ prisoner movement across the county including movement to jail from local law enforcement agency locations, and from the jail to the courts;
- ♦ violation of probation case processing, particularly the processing of technical violations;
- ♦ transfer processes to the county jail and programs; and
- ♦ the intersection of federal INS policies and procedures and the local justice system.

A FRAMEWORK FOR ASSESSING WORK PROCESSES

To assess and redesign work processes, we frequently use a six-part work process assessment and improvement framework that also could be used in future assessment efforts in Gwinnett County. This framework, shown in the exhibit below, has the following components.

Component A: Public Expectations and Workload Demands

This component includes the general public expectations and workload demands placed on a particular incident/case work process or on an organizational work process. For example, often the public expectations and workload demands on work processes for addressing juvenile alcohol abuse include a desire to help reduce alcohol use, increase awareness of the harm from alcohol use, and reduce public fear associated with exposure to intoxicated people.

Component B: Goals of Particular Work Processes

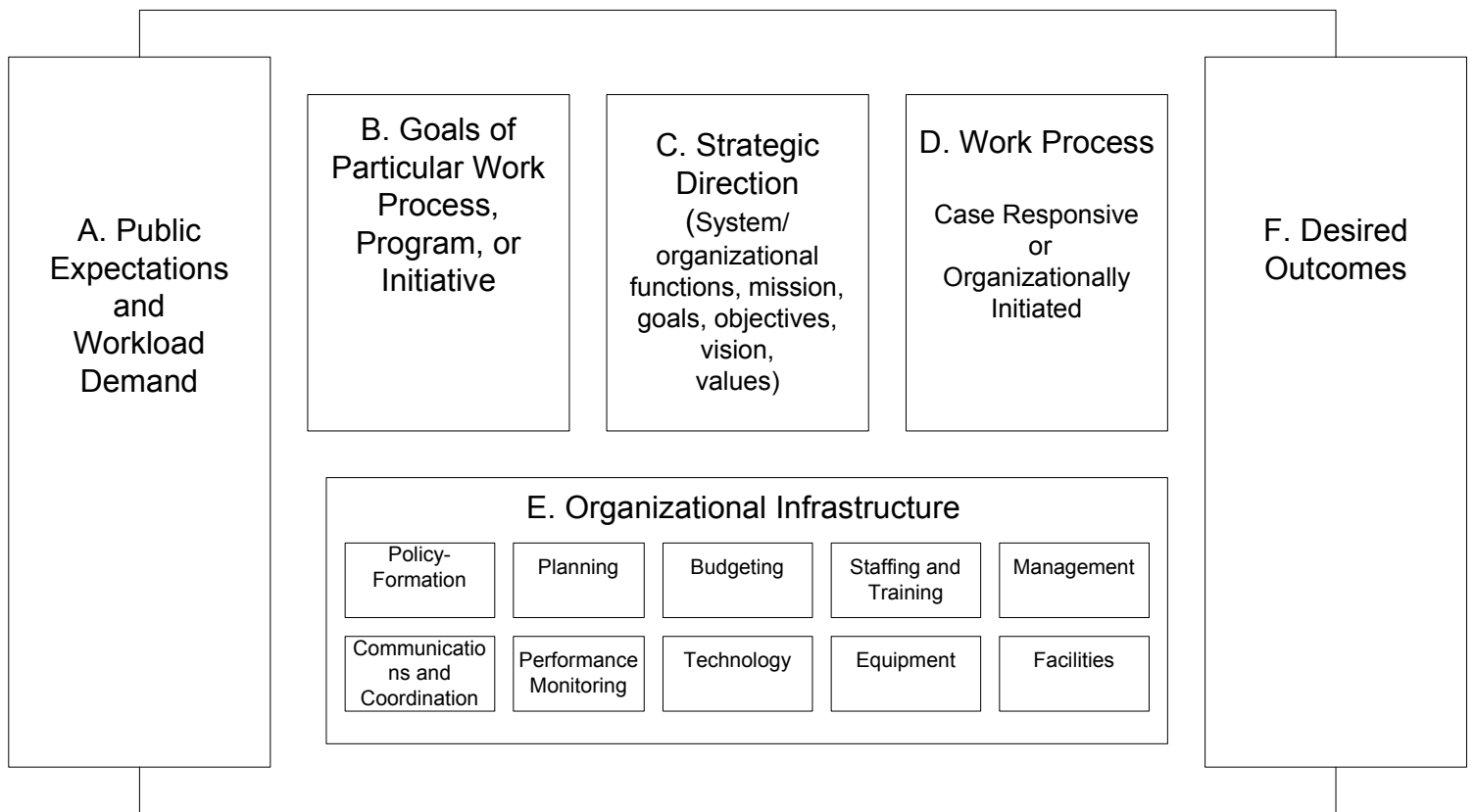
Both components B and C focus on agency or system strategic direction, but component B examines the specific goals of a work process. For example, the goals of a justice agency recruitment and hiring process in a rapidly changing community like Gwinnett County might include:

- ♦ improving justice agency services by hiring honest and competent staff;
- ♦ recruiting and selecting a culturally and gender diverse workforce; and



- ♦ operating a fair, open, and non-biased recruitment and hiring process.

Figure 2: Work Process Assessment and Improvement Framework



Component C: Strategic Direction

This component includes aspects of the broader strategic direction of an agency, agencies, or the institutions of justice in general that are applicable to a work process. For example, the mechanisms used in a recruitment and hiring process might reflect aspects of an agency’s long-term goal of maintaining an atmosphere of respect for the dignity of all individuals. Similarly, the specific goals of substance abuse case processing involving juveniles (the example used for component B), as well as the structure and organization of work processes for addressing substance abuse (component D), often both reflect aspects of the broader strategic direction of agencies (component C) which stress providing resources for holding offenders accountable for their actions while building public trust and confidence in the institutions of justice generally.



Component D: Work Process

This component includes the specific steps involved in a particular work process, such as juvenile substance abuse case processing (a case oriented process) or the hiring and recruitment process (an organizational initiated work process). These are the types of steps often captured in process flow-charts.

Component E: Organizational Infrastructure

Component E includes a variety of hard and soft infrastructure designed to support work processes. Hard infrastructure encompasses technology, equipment, and facilities. Soft infrastructure includes needed budgeting, planning, staffing and training, policy formation, communications and coordination mechanisms, and management activities.

We need to emphasize that a detailed identification of infrastructure needs and a thorough assessment of the adequacy of the infrastructure for supporting a work process is an extremely important component of court and justice system improvement. Indeed, the infrastructure needed to support both case-related and non-case related work processes is extensive, often not visible to or appreciated by the public, difficult to maintain, constantly changing, and routinely cuts across numerous agency boundaries within the broader social, human services, and justice systems within a society.

Component F: Desired Outcomes

The desired outcomes of a particular work process are reflected in Component F. These outcomes include items associated with more traditional approaches to agency service delivery as well as more community-focused approaches. Specifically, the outcomes might include (1) public satisfaction, (2) reduction in fear and disorder, (3) harm reduction, (4) fulfillment of mission, values, and vision, and even (5) long-term cultural change (e.g., changes in the tobacco and alcohol consumption habits of youth).

There are a variety of assumptions about the relationships among the six components that are built into the work process assessment and improvement framework. In particular, the framework assumes that:

- ◆ The goals of a particular work process should reflect public expectations. In addition, the goals of a work process should be compatible with the broader values and principles of justice agencies.
- ◆ The characteristics of a work process should reflect both the goals of the process as well as the broader strategic direction of agencies and the institutions of justice in general.
- ◆ Work processes should lead to desired outcomes.
- ◆ Outcomes, in the long-term should be translated into public expectations and workload demand.



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- ◆ Organizational and system infrastructure should both effectively support work processes and reflect fundamental system values and principles.

In practice, using the framework means not only doing the difficult work involved in describing the steps involved in particular work processes, but also examining the relationships among components. Specifically, the focus of assessment and measurement is on answering questions centered on the relationships among components. For example, assessing performance regarding the relationships among public expectations, strategic direction, a work process, and infrastructure focuses on answering the following two questions:

- ◆ Do agencies or does the justice system have the capacity, in general, to do the work needed to be done in an appropriate manner?
- ◆ Does the justice system's strategic direction, work processes, and infrastructure sufficiently anticipate and meet workload demand and its sources?

Similarly, the focus of assessment in this first set of relationships among components is on determining, in general, whether or not outcomes adequately address public expectations and workload demands.

With regard to the relationships among strategic direction — as expressed in the goals of a particular work process and the broader mission and values of the justice system — and a work process, support infrastructure, and outcomes, the fundamental assessment questions addressed are:

- ◆ Do work processes and the structure and operations of agency infrastructure incorporate and reflect aspects of the system's strategic direction, especially fundamental agency values?
- ◆ Does the agency's or system's strategic direction reflect desired outcomes?
- ◆ Do desired outcomes reflect the agency's strategic direction?

The corresponding focus of assessment and improvement in this second set of relationships is largely a qualitative assessment of:

- ◆ the match or congruence between strategic direction, the features of a work process, and infrastructure; and
- ◆ the match between strategic direction and outcomes.

Finally, the assessment questions for the relationships among a work process, infrastructure, and outcomes are:



- ♦ Does agency or system infrastructure efficiently and effectively support work processes?
- ♦ Do work processes support desired outcomes?

EFFECTIVE POLICY AND COLLABORATION FORUMS

As noted previously, ad hoc, problem-solving, topic-focused work groups and committees have been used over the past decade to address both court specific and justice system wide issues and problems. Sometimes this ad hoc approach has served the Courts and justice system well and sometimes it has not. More importantly, in light of the rapidly escalating quantitative and qualitative demands for court and justice services, there is a need for better coordination and collaboration among the judges of the individual courts, among the different courts in the county, and between the courts and other justice system agencies. This includes the need for efficient and effective:

- ♦ within and across court policy-making and procedures development mechanisms;
- ♦ justice system wide policy-making and procedures development mechanisms;
- ♦ justice system wide agency information technology planning and policy groups; and
- ♦ justice system wide assessment and work process redesign mechanisms.

We use the word “collaboration” to mean “to work together” in the sense of working to create a greater good. The notion goes beyond communication, cooperation, coordination, stakeholder involvement, and citizen input. Collaboration is a process where diverse parties with differing and oftentimes competing interests come together and form a mutually beneficial relationship to work toward a common goal or solve a mutual problem. Participants in collaborative processes constructively explore their differences and search for solutions that go beyond the purview of any one person or organization.

When truly collaborating, individual agendas, group identities and loyalties, and organizational and institutional boundaries are set aside. Our experience working with justice agencies has shown that eventually, as participants in collaborative processes continue to work together, there is a shift from viewing problems narrowly from a parochial perspective to a broader communal perspective. As this shift occurs, routinely there is recognition that an individual’s ability to do something about complex issues requires new collective solutions, rather than ongoing advocacy for a specific interest, position, or point of view. The typical results of collaborative processes are the formation of new relationships and partnerships among justice actors and



organizations that stress shared responsibility, authority, and accountability for results. In short, collaborative processes allow individuals to work together to obtain results that transcend narrow interests.

The law enforcement community in Gwinnett County has already made a good start at creating a collaborative forum, the Gwinnett Police Chiefs Association. The Association, which meets monthly to discuss law enforcement problems across the county, includes all of the local Chiefs of Police, the District Attorney, the Solicitor, the chief investigators of those two offices, the Sheriff, and the Chief of Probation.

ESTABLISHING AND MAINTAINING APPROPRIATE SERVICES

We have discussed earlier the need for a variety of improved services, including: (1) pretrial diversion programs; (2) pretrial release programs; (3) treatment programs for certain types of offenders; and (4) culturally appropriate services to reach minority communities. These services will reduce jail usage, reduce recidivism and probation violations, and overall improve the quality of justice in Gwinnett County.

Of particular importance for the courts of Gwinnett County is becoming more user friendly and responsive to the needs of Latino parties. The discussion below provides a variety of suggestions that have been tried in other jurisdictions across the country to achieve this goal.

Use Bilingual Signs in the Courthouse

The courthouse is an imposing place for most litigants, Anglo or otherwise. Newer Mexican immigrants are likely to be easily scared away when faced with the metal detectors manned by armed guards who speak no Spanish and with the lack of Spanish signage. It would require minimal expense to erect signs at all entrances in English and Spanish directing people to the places where they can get help, such as the clerk's office, and to the most frequently visited parts of the court.

Hire more Spanish Speaking Staff and People of Color

When recent Mexican immigrants come to the court, they often have a sense of desperation but also a sense of humility. They need assistance, someone to tell them what to do. The judge cannot ethically answer all of their questions. There is a serious lack of Spanish speaking staff in the court to help them. Further, the court does not provide interpreters in domestic relations cases. The courts need to improve access by having more Spanish speaking staff and more people who understand Latino culture and have the right "heart." Interpreters should understand vernacular Spanish as well as "proper" Spanish.



It would be especially helpful to Latino litigants to have a Spanish speaking guard at each security entrance, as this is the point of first impression for the litigant. Otherwise, the court is an inhospitable, foreign place for the unsophisticated, non-English speaking litigant, and it is easy to see why such a person might be scared away from entering. If that happens, serious injustice may result.

Create Bilingual forms

Bilingual forms are essential if the courts truly desire to provide justice to all. Of particular importance would be instruction sheets that accompany pro se forms, such as small claims complaints and answers and uncontested divorce petitions.

Use Non-Traditional Staff

Many Latinos, particularly newer Mexican immigrants, are very reluctant to deal with people in positions of authority. They will talk more readily with people from their community, including people who regularly deal with authority, such as clergy and attorneys, and other people in the community respected for their judgment or knowledge. These people serve as a bridge between the individual and the government. In many communities with large Latino populations the police know who the community gatekeepers are and often turn to them as interpreters and go-betweens to assist the police in dealing with the Latino community.

The courts could consider hiring some non-traditional staff, including some that may not have the level of formal education typically required of court support staff, to serve as advisors to the parties. Such staff might be especially valuable were the court to develop a self-help center. Typically, self-help centers in the courts are of limited utility to non-English speaking people because the heavy reliance on technology as the channel for providing information presents a barrier to them. The courts could better provide help guiding people through the system and explaining what is happening to them.

Expand the Concept of Representation

Latino culture in general, and particularly that part of Latino culture represented by people from Mexico, places great importance on interpersonal relationships, particularly extended family and friends and neighbors. In the public arena, this “friends and neighbors politics” tends to blur public and private roles, so that dealing with one’s government becomes personalized. Absent a direct personal relationship with a government official, the newer Mexican immigrant may turn to a respected member of the community for help in dealing with personal problems. Those respected individuals may include priests, lawyers, and other professionals who are given great deference, as well as community activists and counselors.



There may be instances where a respected individual, a family member, friend or chosen representative could be valuable to the individual in court. One possible function of such a person is as an interpreter, particularly in civil cases where a court-paid interpreter is not available. With paralegal training, or perhaps even without that training, such a representative might also be able to help the litigant with court paperwork and possibly even in trial.

Contract With Community Organizations

There are a variety of Latino community service organizations that provide services to the Latino community. They are typically located in Latino neighborhoods. The courts already refer people to many of these organizations for formal counseling or treatment following court cases. The courts could create additional relationships with these organizations to provide a variety of additional services, such as:

- ♦ help to litigants in filing cases, answering summonses and getting to the court at the right place and the right time, and
- ♦ informal or formal mediation services, so that people would not have to go to the courthouse.

Develop Neighborhood Courts

Neighborhood courts may have staff that are more willing to interact with people and provide assistance. As a result, the parties may be more confident and willing to speak up for themselves. They may be more willing to say, "Here is my problem. What do I do about it?"

Publicize the Court's Services

One key for the courts is to plug into the Latino community better. Local Spanish radio stations might provide a good vehicle for informing the Latino community about the services offered by the courts. Radio as a source of information may be especially important to more recent arrivals from more rural areas where oral traditions tend to be stronger than written traditions. The courts may also want to survey families in the Latino community on a periodic basis. If there is an organization in the community already doing this, the courts may be able to piggyback some questions onto the survey. Such surveys could be a good source of information on what the Latino community is thinking.



INFORMATION MANAGEMENT

The Gwinnett County Court System remains a paper-intensive court despite the county's coordinated effort to integrate technology into everyday business practices within county government. The lifeblood of the justice system is information regarding case status and case management. For this information to be timely, reliable, and accessible the following process improvements are recommended:

- ♦ Include information management in ongoing collaborative planning and improvement efforts;
- ♦ Clarify information and IT goals, principles, and outcomes among court and justice system actors; and
- ♦ Summarize priority technology business needs in the areas of (1) improved case processing, (2) increased public access and convenience, and (3) enhanced technology management and interorganizational coordination.

Improved Case Processing

- ♦ Technology Business Need 1: Enhanced Efficiency of Court Case Record Keeping, Document Production and File Retrieval. The labor and time intensive processes of file creation and file retrieval should be replaced with an imaging solution. The imaging solution can be partnered with electronic filing but need not be delayed while authentication issues are resolved. The Clerk of Court's Office and many other locations within the present courthouse are past capacity for the storage of paper files and documents. This situation leads to inappropriate ad hoc storage solutions and inefficient record retrieval.

The initiation of any case requires two fundamental activities, file creation and filing fee collection. These activities should be combined into one activity where the file is opened and fees collected rather than the two-step process now in place.

- ♦ Technology Business Need 2: Data Entry at Point of Transaction. In addition to the imaging solution proposed the courts and clerk of courts office should move toward allowing credit card payments for fees, fines, and other payments due and owing. Credit card payments should be allowed using interactive voice recognition (IVR) and web-based payment systems.
- ♦ Technology Business Need 3: Enhanced Capacity for Information Transmission Within and Between Various Courts and Justice Agencies on Case-Related Events. Ideally, the recommendation here would be for the court system as a whole to operate on a single case management system that manages both the case management and financial accounting components of the courts' operations. The structure of



the Gwinnett County Courts makes attaining this objective difficult. As noted in the Technology Section of the Phase I report, the next best solution is making sure that the information running on different databases can be shared, not only for information purposes, but also to reduce duplication of effort.

- ♦ Technology Business Need 4: Improved Handling of Distance Sensitive Services. The courts should make greater use of (1) video-conferencing between the jail and other sites, including the courts and police agencies and (2) video and telephone conferencing for work groups and committee meetings. These technologies can be used to the objective of this project of reducing the number of individuals entering the courthouse facility. We recognize that there is, and should be, an irreducible number of citizens who must report to the courthouse (e.g., jurors, attorneys on trial, persons wishing to observe trials and hearings, litigants, witnesses). That being said, however, the courts should take every advantage of communication technologies that better serve the public and the courts.

Increased Public Access and Convenience

- ♦ Technology Business Need 5: Enhanced Public Access and Convenience. Given the technological strength of the county, information about and access to court services should be web-based. In the past this recommendation may have also included expansion to remote business sites and kiosks located in shopping malls.

Enhanced Technology Management and Interorganizational Coordination

- ♦ Technology Business Needs 6: Enhanced Information Retrieval For *Operational and Management Purposes Within and Across Justice Agencies.* This includes access to performance measurement data, data reports, and the like.
- ♦ Technology Business Need 7: Enhanced Interorganizational Coordination and Consistency of Technology Applications Across Justice Organizations. This need addresses the issue of compatibility, governance, and collective infrastructure planning and implementation.

PERFORMANCE MEASUREMENT

The courts of Gwinnett County, local justice agencies, and the justice system generally should consider establishing comprehensive performance measurement systems. Performance measurement will help the courts and justice system both determine the effectiveness and costs/benefits of particular work processes,



programs, treatments, confinement, and other system interventions and assure the courts and justice agencies collectively use resources efficiently. In particular, performance measurement in Gwinnett County should focus on five goals in our opinion.

Performance measurement should provide the foundation for improving court and justice system performance.

Performance measurement can help provide the foundation for system and organizational performance improvement by first setting standards for what should be accomplished, subsequently by examining actual work in light of standards, and finally by identifying improvement opportunities. In addition, measurement can help provide a foundation for performance improvement by fostering an organizational climate of routine self-examination for continuous improvement.

Performance measurement should increase the accountability of the courts and justice agencies to policy-makers and the public to use resources effectively and efficiently.

Here, the effective use of resources focuses on the capacity of the courts and justice agencies to use resources to achieve ends or produce outcomes that are acknowledged as being important by local policy-makers and the public as well as by the standards of larger professions. Efficient use of resources refers to the capacity of the courts and justice agencies to use all of the resources available to them to achieve important goals with minimal waste. The resources to be accounted for should include the good will and cooperation of neighborhood and community groups, justice system partners, and individual citizens, in addition to the dollars, personnel, and equipment typically addressed in annual budgets.

As suggested earlier, performance measurement can help increase accountability to policy-makers and the public for effective and efficient resource use largely by providing a review of the outcomes of court and agency activity in light of:

- ♦ a comprehensive inventory of the types and magnitude of resources being accessed and used for service delivery; and
- ♦ a complete description of how resources are being used; that is, by providing a complete description of the work processes used by courts and justice agencies within a community.

In addition, the public sector performance measurement experience suggests that to be effective performance measurement should:

- ♦ reflect community values in a form understandable to the community; and



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- ♦ be accessible by ensuring the periodic and systematic disclosure of results achieved through agency efforts.

Performance measurement should promote ethical behavior and integrity among everyone employed by or associated with the courts and justice system.

Accountability to the rule of law by judges, court, and justice agency staff has long been a central goal of American Justice. Under more traditional management approaches, ethical behavior and integrity are promoted by a variety of mechanisms, including (1) the promulgation of standard operating procedures, (2) specialized training, (3) tight spans of control and close supervision, and (4) the establishment of an effective chain of command. To these mechanisms, more community service oriented management approaches have added the need to implement ways for assuring that system personnel understand and respect the people in the community they serve, especially people from diverse cultures, and exercise their authority appropriately in public encounters.

Performance measurement can help promote ethical behavior and integrity within a court by determining how and to what extent important court values have and have not been embedded in significant aspects of agency structure and operations. In addition, performance measurement can help promote ethical behavior and integrity within the courts by assessing public satisfaction (or dissatisfaction) with important aspects of agency performance, such as the quality of interactions between the public and the courts in day-to-day encounters.

Performance measurement should help determine organizational progress in light of an articulated strategic direction.

Over the past decade, in the courts and justice system as in other aspects of public service there has been increased emphasis on the potentially important roles played by leadership development and strategic planning and management in improving organizational performance.

As suggested previously, strategic planning and management have been credited with helping to improve organizational performance by:

- ♦ clearly articulating what an organization should be doing by establishing an organizational mission statement, fundamental organizational values, and a vision of a desired future;
- ♦ assessing an organization's capacity for providing services in light of community and stakeholder needs;
- ♦ developing an enduring, future-oriented, service provision strategy that responds to critical issues by establishing general improvement strategies that include comprehensive goals, objectives, and tasks; and



- ♦ establishing a foundation for ongoing strategic planning and management throughout the organization and among all of its staff.

In turn, performance measurement can help determine whether or not a court or justice agency is moving towards its long-term vision, fulfilling its mission, meeting its goals, and incorporating its fundamental values. More specifically, performance measurement can provide an integrated framework and method for assessing how the values, vision, mission, goals, and other aspects of strategic direction are being reflected in:

- ♦ organizational work processes;
- ♦ the infrastructure used to support work processes (e.g., training, technology, staffing), as well as
- ♦ the outcomes of agency activity (e.g., public satisfaction with aspects of agency performance).

Performance measurement should help increase the capacity for leadership development within justice institutions.

This may be especially important to the Courts of Gwinnett County and the justice system because of the likelihood of substantial changes in leadership over the next few years and the introduction of new judges and court personnel, and new justice agency personnel.

Leadership development is a means for increasing an individual's capacity to be effective in leadership roles and processes that enable groups to work together in productive and meaningful ways. Self-awareness, systemic thinking, and creativity — the key skills associated with increasing ones leadership capacity — are fostered by maximizing a person's exposure to experiences that simultaneously challenge them, support them, and provide them with an understanding of how they are doing.

Performance measurement can support leadership development for justice agencies by modeling, on an organizational level, the capacity for self-awareness, systematic thinking, and creativity desired in individuals. In particular, performance measurement should challenge organizations by:

- ♦ asking them to incorporate new values, and move beyond traditional roles and boundaries towards a more ambitious organizational vision;
- ♦ supporting a culture of continuous improvement and innovation; and
- ♦ providing the tools for evaluating both why and how well the courts, justice agencies, and the system in general are doing what they set out to do.



In addition, court performance measurement in Gwinnett County should be able to accommodate a variety of important dimensions, which collectively say a great deal about the dynamics of the court and justice system structure and operations. These dimensions are from:

- ♦ shorter to longer term time-frames and outcomes;
- ♦ direct to more indirect measures of activity and results;
- ♦ more quantitative to more qualitative measures; and
- ♦ measures focused on individuals, through those focused on sub-units within a court, or across courts such as programs or specialty divisions, to measures focused on the performance of the courts in general.

Finally, the Courts of Gwinnett County and justice agencies should include six different types of performance measures, which collectively can provide useful information for comprehensive performance measurement.

The specific types of measures needed are:

- ♦ need/demand measures of the magnitude of client populations and other sources of demand for court and justice system services, such as the relative size of the juvenile population and public expectations for specific services;
- ♦ work input measures of the magnitude of work to be done by the courts and justice agencies, such as calls for information or cases filed;
- ♦ work output measures of the amount of work produced by the courts and justice agencies, such as calls responded to, public contacts and cases disposed;
- ♦ productivity measures of the output per judge, courtroom, program, or for other units and time periods;
- ♦ outcomes (effectiveness) and quality measures of the outcomes or accomplishments, and/or quality of services provided, such as satisfaction and cultural change; and
- ♦ efficiency measures of the resource costs and benefits of court and justice system activity, such as dollar costs and the percentage of personnel using technology appropriately.



ESTABLISHING A COMMON STRATEGIC DIRECTION

One of our performance goals called for assessing organizational progress in light of an articulated strategic direction. We believe it is becoming increasingly critical for all of the courts and related justice system agencies of Gwinnett County to develop a common strategic direction. To promote that effort, we describe a strategic planning process below that addresses three critical questions: (1) where would you like to be? (2) where are you now? and (3) how do you get from where you are now to where you would like to be? There is a logical progression to the process. For example, knowing where the justice system would like to be is critical to assessing where it is now, since assessing strengths and weaknesses of the system can be done only with regard to a desired ideal. The process, however, does not have to be linear and may be iterative. The results of later steps may give a justice system cause to revisit an earlier step.

A critical aspect of strategic planning is to encourage system-wide thinking in developing justice system reforms. This requires involving representatives from all components of the justice system in the planning process, including law enforcement, prosecution, defense, courts, social services, corrections and probation. Taking a system-wide approach means that a jurisdiction needs to recognize and take into account how the actions of each part of the justice system affect the actions and abilities of other parts of the justice system, in order to develop coherent and effective justice system policies.

The following are typically viewed as the critical elements of a strategic planning process.

Element 1: Creating an Appropriate Planning Team and Establishing the Planning Process

The first step in the strategic planning process is to ensure that the process is structured to include appropriate participants who share a common understanding of the value, purpose, scope, benefits, mechanics, and potential implications of long range strategic planning and who agree on the process to be followed. Completion of this step should result in a comprehensive and shared road map of the entire planning effort.

Element 2: Defining Purpose: Identifying Mission and Fundamental Values

Institutions, like individuals, need a sense of purpose if they are to function effectively in the long term. A mission statement defines the justice system's purpose. A mission statement also helps the justice system focus on what is important and provides a reference point to help it when it develops and prioritizes goals and strategies. The mission statement should reflect: (1) the formal mandates that justice systems are required to meet; and (2) the expectations, needs, and desires of all the different stakeholders of the justice system.



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We define stakeholders as people, groups, or organizations in society that can place a claim on the justice system's attention, resources, or services, or that are affected significantly by the justice system's performance.

Element 3. Establishing a Common Vision of Success.

In contrast to a mission statement, a vision statement describes what an institution desires to become. It provides a picture of what the justice system would like to be under ideal conditions; it describes what the justice system intends to move towards. Vision statements tend to be one of two general types, (1) status quo statements and (2) visionary statements. Status quo statements envision that in the future the justice system would, for the most part, continue to do the work it does today but do it better. Visionary statements envision that agencies within the justice system would significantly expand or alter their justice system roles.

Element 4: Examining Trends and Trend Implications

A trend is a series of related events, or activities, that appear to have a demonstrable direction over time. A trends analysis identifies the nature, magnitude, and sources of demands likely to be placed on the justice system over the next few decades and assesses the potential implications of the demands on the structure, organization, and operations of the justice system. It involves understanding the "external" justice system environment, including the social, political, economic, and technological trends generating demands on the justice system. In the context of Gwinnett County, much of the work in examining trends has already been done as part of Phase I of this study. The planning team could start with the trends described in the Phase I report and simply reaffirm them or add to them as necessary.

Element 5: Conducting An Institutional Assessment

An institutional assessment describes the structure and operation of an institution and identifies its strengths and weaknesses. It helps to determine the justice system's ability to meet current and likely future demands in a way that protects its mission and fundamental values and promotes its vision. The types of attributes examined in an institutional assessment includes: (1) the basic structure of the institution; (2) the rules, policies, and procedures designed to shape performance; (3) practices, work habits and attitudes of justice system staff and their expectations about the appropriate role of the institution; and (4) the magnitude and predictability of resources available to the institution. The organizational assessment presented in this report could serve as a starting point, although the mission and vision may suggest other areas for analysis or areas in which more detail is needed.



Element 6: Identifying Strategic Issues and Developing Strategies

Strategic issues are the trends, events, or policy choices that affect the basic mission, values, and activities of an institution and the institution's capacity to respond to service demands. Identifying strategic issues and developing institutional responses to those issues are the heart of the strategic planning process. Strategic issues typically focus on general direction and are often the underlying or more encompassing issues of what might superficially appear to be numerous unrelated or loosely related problems. In addition, strategic issues routinely involve conflict and focus on: (1) ends, or what the justice system should be doing; (2) means, or how the justice system can do what it should be doing; (3) timing and philosophy; and (4) the particular interests of groups within the justice system that might be advantaged or disadvantaged by different ways of resolving issues.

Element 7: Developing Priorities, Implementation Schedules, and Performance Measures

Well developed goals and objectives alone are not sufficient to move a justice system in the direction it would like to move. Goals and objectives need to be accompanied by a detailed action plan that specifies priorities, time lines, and indicators of progress and performance. An effective action plan should specify the ultimate outcomes to be achieved, the goals and objectives from the strategic plan that are to be addressed, the specific tasks that are needed to achieve the objectives, the individuals who are assigned to each task, the resources that are needed, objective performance indicators to measure progress toward each objective, and start and end dates.

Element 8: Institutionalizing Strategic Planning and Management

Successful implementation of the strategic plans prepared in each jurisdiction requires moving from strategic planning to strategic management. This requires that the justice system institutionalize an approach to management, which emphasizes continuously evaluating its performance in light of the longer-term goals and objectives outlined in its strategic plan.

**GWINNETT COUNTY
JUSTICE SYSTEM MASTER PLAN STUDY:
COURT OPERATIONS AND EFFICIENCY ASSESSMENT**

**PART II
CAUSE AND EFFECT ANALYSIS**



Section I: Introduction

As part of Phase II of the Judicial System Master Plan study, Gwinnett County requested the following:

The consultant shall review the impact of resource allocation in all areas of the judicial system to determine the cause and effect relationship throughout the system. This review shall be done to develop an impact ratio for needs assessment. For example, the analysis shall reflect the projected impact in terms of caseload and resulting space and human resource needs if more police officers per capita are added.

The challenge this creates is to develop, if possible, a simple formula or model for understanding the prospective impacts of selective resource allocations throughout the justice system. Resource allocation is one of the most important public policy considerations. It is crucial to determine where resources should be placed in order to accomplish the greatest benefit without leading to unintended and perhaps costly or detrimental consequences. Often, however, resource allocations are driven by some specific event (e.g., shooting at the courthouse), group (e.g., state legislators), or expediency (e.g., enforcement of drug laws) without a clear understanding of the additional demands for resources that will emerge as a result.

The cause and effect analysis we outline here is intended to help decision makers avoid the problem of costly or detrimental consequences and understand the inter-relatedness of justice system components and the ripple effects of potential, specific resource allocations throughout the system.

It must be recognized though at the outset, that as far as we know, there are no specific applicable standards that would define a complete set of ideal system staffing ratios and demand factors against which to compare the results of the analysis. Our approach is to learn what we can from the historical data in Gwinnett County. We believe that the historical realities, tempered as they might become by the other evaluations and findings of this study, will give a strong sense of the system wide impacts of targeted resource allocations.

Lastly, we offer this observation and warning. The term “cause and effect” implies a level of connection and relationship between data elements or system factors that simply cannot be proven or confidently predicted to continue in the future. What we can show is possibilities and probabilities. We cannot prove “cause and effect.” So long as this qualification is kept in mind, the analysis that follows will be understood correctly and can be used to suggest what *might* happen and to generally estimate the impacts that *might* result from particular actions. Beyond that, we cannot say with the certainty of scientific precision that we have determined and documented “causes and effects”.

This analysis is presented in three parts. The first part is a discussion of the data elements that have been included in the analysis and covers the sources, limitations and general usefulness of the information. The second is a presentation of a series of ratios that emerge from the data and a discussion of their meaning and



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potential relevance to the purpose of the analysis. The last part addresses the crucial question of the analysis, “Is there a simple statistical model arising out of Gwinnett County’s own history that can be responsibly used to predict system impacts under different resource allocation scenarios?”



Section II: Demand and Personnel Factors

A first step in the cause and effect analysis is to develop a baseline of Gwinnett County historical data related to system demand factors (e.g., population, offenses, arrests, bookings, caseloads) and related personnel who either respond to, produce, or process those demands (e.g., police officers, prosecutors, clerks, judges and probation officers). We have constructed this database in Table 1 below. Each of the data elements in the table merits some explanation since each comes from a different source and each contains limitations or characteristics that affect its accuracy, reliability and its usefulness.

POPULATION

The dramatic growth of population in Gwinnett County has been a consistent theme throughout our study. Historical and projected population data come from information provided by the Gwinnett County Department of Financial Services, Forecasting and Research Division and the Gwinnett County Planning Department. The data also incorporate findings from the 2000 U.S. Census and indicate that between 1993 and 2003 — the time period within which there is the most consistent justice system data — population rose 62 percent (from 417,581 to 676,284). Population growth is one of, if not the most important underlying factors influencing demands for service, staff and space throughout the justice system.

Part I Offenses

The Part I Offenses data is taken from the 2002 Uniform Crime Report published by the FBI. The Uniform Crime Reporting (UCR) Program's Crime Index is composed of selected offenses used to gauge fluctuations in the volume and rate of crime reported to law enforcement. The Index reports offenses in the categories of murder, non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, theft, arson and motor vehicle theft. This Index is widely used as an indicator of serious crime. The offenses listed are typically felonies in most state court systems.

The historical data for Gwinnett County show that the volume of Part I Offenses has remained quite constant. The combination of a constant volume of Part I offenses and the sharp population increase means that the rate of Part I Offenses/1000 Population has been declining. We review and examine this issue in greater detail later in this report.

In Phase I of the Gwinnett County Justice System Master Plan, we predicted that in the years to come both the volume and the rate of Part I Offenses will grow as a result of a number of factors, including the rapid urbanization of parts of the county and the changing demographic and income patterns that are clearly



evident. In the 17 remaining years of the planning period, Gwinnett County is likely to experience substantially higher crime rates and a significant increase in the volume of crime as reported by the Part I data.

Other criminal acts (i.e., besides those reported in Part I) are typically documented as Part II offenses. These are less serious categories of crime and constitute a larger proportion of total offenses and total arrests. Unfortunately, these data are not consistently gathered by the police departments in Gwinnett County and therefore are not available for the county as a whole. Without these data, it is very difficult to get a clear picture of the overall crime rate in Gwinnett County and, as a result, the relationship of that rate to total arrests and to total caseload. In other words, we only have a portion of the picture. Consequently, we cannot develop as comprehensive a picture of reported crime as we would like or as would be desirable for a cause and effect analysis.

Arrests

We have displayed arrest data from two sources. For the period 1993 through 1998 we show data published by the Georgia Bureau of Investigation. Those data purport to show total arrests in Gwinnett County for those years. We cannot attest to the accuracy of those data. We tried to collect the reports from the individual police departments in the county that are used in the Georgia Bureau of Investigation's reports, but we were unable to secure all of them for all the years.

For the period 1997 through 2003 we base arrest data on admissions to the Gwinnett County Detention Center. As of 1997, all police departments in the county (as we understand the process) began to use the Detention Center rather than local jails to book their arrests. A distinctive feature of Gwinnett County is that everyone who is arrested is booked at the Detention Center. There has not, until very recently, been any form of citation release that would ordinarily mark a different category of arrests and distinguish them from bookings.

As evident in Table 1, there is a dramatic difference in the number of arrests reported by these separate data sources in the years in which they overlap (i.e., 1997 and 1998). The scale of this difference — 6,292 arrests in 1997 and 11,417 arrests in 1998 — raises serious concerns about the accuracy of both data sources. We are concerned that one source may under-report arrests (for some reason), while the other may over-report arrests. We cannot determine the accuracy of either data source and although we use the detention center data in our subsequent analyses, we caution against over reliance on them. Ordinarily, arrest data would provide a crucial bridge from reported crime to court caseloads. Without accurate data, this bridge cannot be constructed with any confidence.



Total Caseload

Case filings are the most common and consistent indicator of demand for judicial system services. They are by no means a completely accurate representation of judicial system workload, but they are typically the most available, reliable and comparable among jurisdictions within a state. The data displayed in Table 1 include all case types. We include them in the table particularly for reference to population and to overall system staff, and as a baseline for calculating the proportion of cases directly related to criminal matters.

Adjusted Caseload

Total caseload is an important measure of justice system activity. For the purpose of examining the criminal justice portion of the system and the relevant staffing impacts, however, it is necessary to define that portion of the caseload that actually relates to criminal activity or is derived in some form from police activity. Adjusted caseload is our attempt to segregate that portion of the total caseload that could be characterized as “criminal” in nature or that could reasonably be expected to include police action at some point in the process. It is the total of criminal cases, warrant applications, juvenile delinquency actions and traffic cases. It can be related — as we do later in this analysis — to the number of sworn police officers.

As a follow-up to the Adjusted Caseload figures, we have included a calculation of the ratio of the adjusted caseload to total caseload. This ratio of adjusted caseload to total caseload shows the relative proportion of total caseload that can be attributed to criminal/police related actions. It is important to note that this ratio has declined from about 78 percent in 1993 to about 64 percent in 2003. This finding is consistent with our finding in Phase I that civil cases and family cases form a growing percentage of total caseload. Based on this data, the average percentage of caseload derived from police activity is about 70 percent over the 11 years of historical data we assembled. While the 2003 rate is presently lower than the 70 percent average, our projection of increasing crime volume and rate suggests that this relative proportion will soon return to the average and may even grow.

Sworn Officers

These data are taken from the statistics we gathered for Phase I of this Master Plan. We asked all police departments in the county to report the number of sworn officers. Most police departments are composed of both sworn law enforcement officers and civilian employees. For purposes of addressing system planning and projections, it is common to rely on the number of sworn officers as the group responsible for criminal investigations, arrests, and other law enforcement activities (e.g., traffic enforcement). Additionally, it is this group that was one of the key components of the request for the Cause and Effect Analysis. That is, the



county wanted to be able to identify the prospective impacts of increasing the per capita ratio of police officers.

Judicial System Staff

We include two data elements here: total judicial system staff and adjusted judicial system staff. Total judicial system staff is the total number of employees in each component of the judicial system in each of the historical years displayed in Table 1. The Gwinnett County Department of Finance provided this information. These staff are involved in processing the total court caseload: civil, criminal, family, juvenile, recorders, magistrates and probate.

The second category, adjusted judicial system staff, is a sub-set of the larger group and is the approximate proportion of staff dedicated to processing the Adjusted Caseload. It includes, of course, the staff of the District Attorney and the Solicitor, but it is very hard to isolate staff utilization in many of the other components into the discreet categories of cases because:

- ♦ Superior and State Court Judges handle mixed caseloads,
- ♦ Clerks work across divisional boundaries,
- ♦ Some family cases involve criminal allegations and some do not, and
- ♦ Juvenile court personnel handle both delinquency (criminal) cases and deprivation cases (non-criminal for the most part).

Rather than try to distinguish the proportion of time spent on Adjusted Caseload matters by every staff person in the system, we decided to apply the average proportion (70%) of the adjusted caseload to the total caseload as a reasonable approximation.

Detention/Corrections Staff

This data element, provided by the Gwinnett County Department of Finance, reports the Sheriff's employees who staff the Detention Center and the staff of the Gwinnett County Corrections facility. A word of explanation is needed in regard to this latter staff category. The Corrections Facility houses both local sentenced prisoners and State prisoners under a contract arrangement. We thought that since this latter group of prisoners is not directly the result of justice system action in Gwinnett County that we should adjust the Corrections Center staff to cover only those estimated to be needed for county prisoners alone. The intent of this adjustment is to permit a more accurate assessment of total staff impact directly related to the criminal, police and court action in the county and not to "muddy the waters" with staff covering state prisoners.



Total System Staff

This statistic is the combined count of police, judicial system and detention/corrections staff. It is provided to give the big picture of total system operations and to relate to total population and to total caseload in the analyses that follow.

Total Adjusted System Staff

This is the combined total of police, judicial and detention/corrections staff directly related to the criminal/police activity-based elements of the caseload.



Table 1: Data Elements

Category	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Population	417,561	441,474	467,292	489,381	561,032	540,954	567,569	596,652	624,742	650,771	676,284
Part I Offenses	19,008	19,527	19,832	23,322	21,834	19,302	25,300	17,186	19,680	19,726	—
Arrests											
• Georgia Bureau of Investigation	13,916	20,001	15,628	10,952	14,365	13,410	—	—	—	—	—
• Gwinnett County Sheriff	—	—	—	—	20,657	24,827	26,676	27,051	28,496	29,235	30,122
Caseload											
• Total	91,423	95,374	104,215	103,315	107,184	112,360	127,584	134,772	153,341	172,483	169,699
• Adjusted ¹	71,668	75,220	75,625	72,730	73,441	81,654	87,497	91,357	101,850	116,586	107,765
• Ratio (adjusted/total)	0.78	0.79	0.73	0.70	0.69	0.73	0.69	0.68	0.66	0.68	0.64
Police											
• Sworn Officers	—	—	525	569	613	661	688	714	757	762	808
Judicial System											
• Prosecutor staff	48	50	53	54	55	59	65	70	73	74	76
• Solicitor staff	29	32	32	32	37	35	35	35	40	42	45
• Judges	19	19	19	19	20	22	22	22	23	25	26
• Judicial staff	43	45	45	42	44	48	48	49	52	58	58
• Court administration	8	8	8	10	11	11	12	14	13	9	11
• Clerk of Courts	56	58	58	58	59	67	69	71	74	79	86
• Juvenile Court staff	31	32	35	37	38	41	41	41	43	46	47
• Recorders Court staff	15	15	15	14	14	14	14	14	14	15	16
• Probate Court staff	10	10	11	11	12	13	13	13	14	14	16
• Sheriff (Civil & Court Section)	40	43	43	42	53	60	61	63	68	70	77
Total judicial system staff	299	312	319	319	343	370	380	392	414	432	458
Adjusted judicial system staff (0.70)	211	220	225	225	242	261	268	276	292	305	323
Detention/Corrections											
• Detention staff	205	196	206	205	205	225	235	244	254	259	274
• Corrections staff	73	79	79	79	79	79	82	71	71	72	75
Total detention/corrections staff	278	275	285	284	284	304	317	315	325	331	349
Total System Staff											
Total System Staff	—	—	1129	1172	1240	1335	1385	1421	1496	1525	1615
Total Adjusted System Staff	—	—	1035	1078	1139	1226	1273	1305	1374	1398	1480

¹ Criminal traffic, delinquency, warrants,

Section III: Data Analysis

If the first step in undertaking a cause and effect analysis is to define the appropriate set of data elements and create a database, the second step is to develop and understand the relationships among the data elements and identify what those relationships may mean in a predictive sense. Our reference for this is a sequence of ratios presented in Table 2. Table displays three categories of ratios that we have defined to coincide with what seem to be the most important or potentially important causal factors.

- ♦ Population Based Ratios. Population, and in particular population growth, is seen by many in the justice system and in government as a strong causal influence.
- ♦ Staff Related Ratios. Staff growth in one portion of the system is typically seen as creating a need for staff growth in other portions of the system.
- ♦ Workload Based Ratios. Specific workload measures are often seen as causing specific staff growth requirements.

Each category of ratios offers a different perspective on the issues and a different potential usefulness in predicting future impacts. Below we explore each of these categories and the specific issues raised by each.

POPULATION BASED RATIOS

Population based ratios examine the relationship of many of the demand, workload and staff elements to population. Each ratio is really a rate. Stability in the rate suggests a strong connection and offers potentially predictive value and confidence. Where variation of the rate over time can be seen, the effect of intervening variables such as policy, legislation, community interests, financing and outside trends can be recognized.

Table 2 shows each ratio over the historical period 1993-2003. At the end of each row, the lowest rate, the average rate and the highest rate during the historical period are shown. These differing rates are the basis for the development of a predictive strategy for those ratios that are ultimately determined to have the most potential for broad application. For each ratio, we provide a brief commentary below to help explain the trend and define its potential utility to a predictive model.

Part I Offenses/1000 Population. It is very clear from this ratio that *serious crime has been in decline as related to population.* The question that presents itself is whether this trend can be expected to continue or whether some turnaround can be expected. We have previously indicated a belief that this ratio will soon begin to increase



as a result of the rapid urbanization of Gwinnett County, the emerging demographic characteristics, and the changing patterns of economic conditions.

The absence of Part II data makes it difficult to say whether there is an overall decrease in total offenses to population or whether this decline applies only to serious crime as defined by the FBI. The absence of Part II data also prevents a connection to Gwinnett County Corrections population figures. Misdemeanor offenses and related arrests could be expected to be a causal factor in Corrections Center population estimates. Without them, no connection can be established.

Arrests/1000 Population: These ratios have stayed *quite stable for the years we have data available*. We must, however, remark again on how little confidence we have in the accuracy and reliability of these figures. This is where the absence of the Part II offenses data again hurts the analysis because we are not able to tell how arrests (if accurate) are going against total offenses. We cannot separate felony arrests from misdemeanor arrests. In short, we have a figure for total arrests, but no way of knowing what it includes, how it divides, or whether it is accurate.

As we mentioned above, arrests would ordinarily have given us a clear connection between offenses and criminal (adjusted) caseload. Because of the limitations of these data, however, we cannot make that connection with any certainty.

Caseload/1000 Population: This ratio *is increasing*. We know from our previous analysis that the caseload that is increasing the fastest is in civil and family-related matters. It is certainly not in serious crime if we are to believe the data on Part I Offenses. It may be in lesser criminal offenses based on the stability of the arrest rate (while Part I offenses are falling), but we cannot say for certain.

Adjusted caseload/1000 Population: This ratio is *variable to rising*. It is lower than its 1993 value but is higher than its 1996 value. The increase compared to 1996 appears to be due to warrant applications and traffic cases. This adds credibility to our previous hypothesis that the stability of the arrest rate suggests that more arrests are being made for lesser or misdemeanor offenses than for Part I offenses (or that arrests and formal charges are reduced to lesser offenses).

Sworn officers/1000 Population: This ratio has *remained quite constant* and is a testament to the ongoing commitment of the county and the cities to law enforcement staffing. Given the decline in Part I Offenses, it is also a clear indication that sworn officer staffing is not related to the crime rate. It is most likely driven by a commitment to a recommended staffing model either drawn from an outside (and authoritative) source or based on that source but adjusted for local crime and funding realities.

This ratio is so stable that it has strong predictive value. To the extent that other portions of the justice system can be related to it, departures from it will likely have clear cut ripple effects.



Judicial system staff/1000 Population: This ratio has *declined slightly* since 1993, but has stayed very constant since 1995. It should be noted, however, that in Phase I of this study we determined that (1) there were existing staff shortfalls in the judicial system that needed to be rectified and (2) there was pending legislation regarding the creation of a Public Defenders Office that raised the prospect of legislatively mandated increases in total judicial system staff. So the historical trend of this ratio, stable as it has been since 1995, may not hold up in the longer term. Higher ratios of staff to population may be coming as a result of as yet uncertain legislative initiatives.

Adjusted judicial system staff/1000 Population: This ratio is estimated at about 70 percent of total staff. As a consequence, it appears to have followed the same trends as described above.

These ratios describe the relationship of demand, workload and staffing factors to population. Most show a level of variation that reveals the impact of other influences and outside variables. There is one, however, that has enough stability to warrant consideration in the overall “cause and effect” model and that is the ratio of sworn officers to population. The variations are relatively small and the consistency of the historical reality can be used a basis for defining future impacts and testing future variations.

STAFF RELATED RATIOS

These ratios explore the relationships among select demand, workload and staff with other staff allocations in the system. Our intent in computing these ratios is to examine whether any one of them appears to offer predictive value for another, again because of the ratio’s stability over time or because the trend is so clear and explainable. If population ratios form an important connection to either demand or staff, then these staff relationships should form the interconnection within the system and enable some sense of how one affects the other.

Part I Offenses/Sworn Officer: This ratio clearly supports the drop in serious crime that is evidenced in the crime data we displayed in Table 1. The ratio of Part I Offenses to sworn officers has *dropped* between 1993 and 2002 (the last year for which data were available).

Arrests/Sworn Officer: This ratio has *stayed stable* for all practical purposes. Since serious crime is down, these data support the previous suggestion that officers are continuing to make arrests at the same rates as before, but that if we could examine the nature of those arrests we would find that a larger percentage are related to less serious offenses (Part II).

Adjusted Judicial System Staff/Sworn Officers: This ratio has stayed *quite constant* over time. The exact reason for this is not discernable from either our numbers or our analysis. We could hypothesize that the



number of sworn officers, stable as that number is with respect to population, generates a relatively constant stream of arrests and case filings (court workload) that in turn lead to a parallel rise in the number of court system staff related to these case types. This hypothesized relationship may be true, but we cannot prove it from any analysis because the critical links are not available (i.e., Part II Offense data and the differentiation of arrests data).

What we can say — and more in the way of an observation than as a cause and effect finding — is that these two staff groups in Gwinnett County have tended to remain in a stable relationship to one another. Whether they should have remained in a stable relationship or whether they will remain in a stable relationship in the future is pure speculation.

Sworn Officers/Total Judicial System Staff and Sworn Officers/Adjusted Judicial System Staff: These two ratios parallel one another since the figure for adjusted judicial system staff is calculated at a constant 70 percent ratio of total staff (See Section II). In essence, these ratios show the inverse of the previous category (i.e., Adjusted Judicial System Staff/Sworn Officers). These ratios can be seen to be *very stable*. These two ratios together with the previous ratio permit the easy calculation of either officers from staff or staff from officers.

Sworn Officers/Total System Staff and Sworn Officers/Total Adjusted System Staff: These are among the most important ratios in this analysis. They show that over the historical period the relationship between sworn officers and total system staff (including police, judicial and corrections/detention staff) has been *very consistent*. Essentially, the number of sworn officers has been about one half of the total system staffing. *In other words, for each sworn officer there is another person in the system, either someone in the judicial system or someone in the detention/corrections system.*

In this connection, we should express our belief that the judicial system is presently somewhat understaffed. As a consequence, for purposes of developing a predictive model, we would suggest using the low ratios (historically) rather than the high ratios or the average ratios. In other words, judicial staff demands will relate better to a lower rather than a higher number of sworn officers over time.

Caseload/Total Judicial System Staff and Caseload/Total Adjusted Judicial System Staff: Both of these ratios — again, the ratios run in parallel because the latter is calculated at a fixed 70 percent of the former — indicate that the volume of filings/staff in the judicial system is *rising*. This was part of the reason in Phase I of the Master Plan that we thought that portions of the system were understaffed. Even believing as we do that technological innovation, better management, and better organization and training allow greater productivity from staff (i.e., more output with fewer staff or at least with the same number of staff), the existing staff cannot be expected to absorb all additional increases in the caseload volume and the rate of caseload activity.



What these ratios show, however, is that staff have been doing better; they have been doing more with less. As a consequence, any predictive model should use the average rate rather than the high rate to account for the existing shortages and offer a realistic estimate of future staff impact.

Arrests/Detention-Corrections Staff: This ratio looks at the relationship between arrests and the people who staff the jail and corrections facilities. The ratio has been *rising*. If we had confidence in the arrest numbers (which we do not), it would be possible from this ratio to estimate probable detention/corrections staff.

Arrests/Prosecutor-Solicitor Staff: This ratio examines the relationship between arrests and the District Attorney and Solicitor staff who process the arrests and determine (or guide the determination of) which arrests will result in actual court system cases (adjusted caseload). This number has *grown* over time. Our lack of confidence in the arrest data undermines any attempt at meaningful interpretation of these data.

Adjusted Caseload/Prosecutor- Solicitor Staff: The rate of cases/staff is *increasing*. This increase has occurred despite a substantial increase in prosecutor-related staff over time. Given that Part I Offenses are down, this increase does not appear to be related to the number of serious offenses, but more likely to the increasing volume of Part II offenses (for which we have very limited data) and to increases in other types of cases (e.g., juvenile cases, domestic violence cases, traffic cases).

The staff related ratios presented in Table 2 begin to offer some insight into the historical relationships of different parts of the justice system and clues to how potential changes in one or another part of the system might be expected to affect the others.

WORKLOAD BASED RATIOS

The final category of ratios in Table 2 is those that are workload based. These are limited in number and are very limited in value due to the limitations of some of the data elements. Ordinarily, these ratios could be expected to provide a connection between the work product of one agency and the demand factor of another; for example, the connection between arrests and caseload (adjusted caseload in particular). Unfortunately, the critical starting point of these ratios is arrests and, as we have mentioned several times in this report, we have very little confidence in that data element.

Arrests/Adjusted Caseload: This ratio could be expected to help us understand the link between the activity of the police and the number of cases filed, which is the basic indicator of demand for court services and the best basis for determining and understanding the need for judicial officers and thus judicial system staff. Without good arrest data, we cannot make this connection.



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Arrests/Part I Offenses: This ratio should give us the relationship between police activity and the basic measure of crime. In this instance, we not only have the missing arrest data to complicate the interpretation, but we have the missing information about Part II crime data as well. As a result, there is little we can learn from this ratio.

Although we are able to use these workload based ratios for any cause and effect analysis, we have presented them in Table 2 to show the use to which they could be put if the information was available. One of our strongest suggestions for Gwinnett County is that a better, more complete system of defining and capturing important and useful information should be put in place. The numbers could be used to better understand system relationships, to better predict system needs, and to better manage system resources.



Table 2: Data Analysis

Ratio	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Alternatives		
												Low	Avg.	High
POPULATION BASED RATIOS														
• Part I Offenses/1000 population	45.52	44.23	42.44	47.66	42.31	35.68	44.58	28.80	31.50	30.31	—	30.31	39.30	47.66
• Arrests/1000 population	—	—	—	—	40.03	45.89	47.00	45.34	45.61	44.92	—	40.03	44.80	47.00
• Caseload/1000 population	219	216	223	311	208	208	225	226	245	265	251	208	227	265
• Adjusted caseload/1000 population	192	170	162	149	142	151	154	153	163	179	159	151	160	179
• Sworn officer/1000 population	—	—	1.12	1.16	1.19	1.22	1.21	1.20	1.21	1.17	1.19	1.12	1.19	1.22
• Judicial system staff/1000 population	0.72	0.71	0.68	0.65	0.66	0.68	0.67	0.66	0.66	0.66	0.68	0.65	0.68	0.72
• Adj. jud. system staff/1000 population	0.50	0.50	0.48	0.46	0.47	0.48	0.47	0.46	0.47	0.47	0.48	0.46	0.48	0.50
• Det.-Correc. staff/1000 population	0.67	0.62	0.61	0.58	0.55	0.56	0.56	0.53	0.52	0.51	0.52	0.51	0.57	0.67
• Total system staff/1000 population	—	—	2.42	2.39	2.40	2.47	2.44	2.38	2.39	2.34	2.39	2.34	2.40	2.27
• Total adj. system staff/1000 population	—	—	2.21	2.20	2.21	2.27	2.24	2.19	2.20	2.15	2.19	2.15	2.21	2.27
STAFF RELATED RATIOS														
• Part I Offenses/sworn officer	—	—	37.78	40.99	35.62	29.20	36.77	24.07	26.00	25.89	—	25.89	32.04	40.99
• Arrests/sworn officer	—	—	—	—	33.70	37.56	38.77	37.89	37.64	38.37	37.28	33.70	37.32	38.77
• Adj. jud. system staff/sworn officer	—	—	0.43	0.40	0.39	0.39	0.39	0.39	0.39	0.40	0.40	0.39	0.40	0.43
• Det.-Correc. staff/sworn officer	—	—	0.54	0.50	0.46	0.46	0.46	0.44	0.43	0.43	0.43	0.43	0.46	0.54
• Sworn officers/total jud. system staff	—	—	1.65	1.78	1.79	1.79	1.81	1.82	1.83	1.76	1.76	1.65	1.78	1.82
• Sworn officer/adj. judicial system staff	—	—	2.33	2.53	2.54	2.53	2.57	2.58	2.59	2.50	2.50	2.33	2.52	2.59
• Sworn officer/total system staff	—	—	0.47	0.49	0.49	0.50	0.50	0.50	0.51	0.50	0.50	0.47	0.49	0.51
• Sworn officer/total adj. system staff	—	—	0.51	0.53	0.54	0.54	0.54	0.55	0.55	0.55	0.55	0.51	0.54	0.55
• Caseload/total jud. system staff	305.8	305.7	326.7	323.9	312.5	303.7	335.7	343.8	370.4	399.3	370.5	303.7	336.2	370.5
• Adj. Caseload/adj. judicial system staff	340.0	342.0	336.3	323.4	303.7	313.1	326.6	331.3	349.0	382.8	333.8	313.1	334.7	382.8
• Arrests/det-correc. staff	—	—	—	—	72.7	81.7	84.2	85.9	87.7	88.3	86.3	72.7	83.8	88.3
• Arrests/prosecutor-solicitor staff	—	—	—	—	224.5	264.1	266.8	257.6	252.2	252.0	248.9	224.5	252.3	266.8
• Adj. caseload/prosecutor-solicitor staff	930.8	917.3	889.7	845.7	798.3	868.7	875.0	871.8	901.3	1005.1	890.6	798.3	890.4	1005.1
WORKLOAD BASED RATIOS														
• Arrests/adjusted caseload	—	—	—	—	0.28	0.30	0.30	0.30	0.28	0.25	0.28	0.25	0.29	0.30
• Arrests/Part I Offenses	—	—	—	—	0.95	1.29	1.05	1.57	1.45	1.48	—	0.95	1.30	1.57



Section IV: Cause and Effect Model

Sections II and III have identified the system data elements we need to conduct a cause and effect analysis. They also have defined and examined a series of ratios among demand, workload and staffing factors. The question now is whether a reasonable and unified predictive model can be constructed from this information and analysis.

In our opinion, we cannot create a cause and effect model that meets the test of scientific validity from these data. We can, however, show strong enough relationships between and among certain elements to create a sense of probability as to the long term outcomes and impacts.

Here is what we believe we can say with some certainty.

- ♦ The police staffing ratio (sworn officers/population) is very consistent and is clearly based on a formula/1000 population rather than on any direct relationship to reported crime. Thus, the number of future sworn officers can be predicted with some certainty on the basis of the official population forecasts using the average rate of about 1.19 sworn officers/1000 population. It will be remembered that this is a rate that includes both the county at large and the cities within the county in a common number.
- ♦ The number of adjusted judicial system staff and thus the number of total judicial system staff in relation to sworn officers has been very consistent. This means that we can use this ratio to predict total judicial system staff. Given that we believe there are some existing staffing shortfalls in the judicial system, we suggest that the low ratio of officers to judicial system staff be used to predict the number of future court staff or, in reverse, to predict the number of police officers.

Here is how the model works.

Divide the number of sworn officers (as calculated by the ratio to population) by the chosen factor (1.65 for total judicial system staff; 2.33 for adjusted judicial system staff; .47 for total system staff — including detention/corrections staff — and .51 for adjusted system staff) to find the predicted number of staff for the grouping. Selected groupings within the judicial staff category or the detention/corrections category can be estimated by simple manipulations of the formulas.

Once the size of the judicial staff grouping is known, a series of other analyses and impact assessments become possible. For example, it is possible to calculate the number of judges, clerks, attorneys, etc. within the group and to convert the various staffing components into average salaries and benefits. This enables a calculation of prospective staff costs.



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The same clustering allows the calculation of general space needs. Phase I of this Master Plan study has defined a long term judicial staff need that is approximately 15,000 Building Gross Square Feet/Judge. This is not to say that each judge gets that much space, rather that the space required to accommodate a combination of staff from the various judicial agencies and functions necessary for the operation of the court total up to about that amount. The cost of that space can then be calculated using an average cost/square foot model.

This model could be used to calculate other portions of the justice system as well. We have not gathered or tried to determine detention or corrections bed space needs, but they could be developed as a ratio to population or to sworn officers or to caseload as we have done here. Once jail bed space needs are projected, staffing requirements can be estimated — these can be cross referenced to the formula that we have provided here for detention/corrections staff — and from them the cost of construction and the cost of operations.



Section V: Conclusion

At the start of our study, we had hoped to be able to create a strong and compelling link among demand, workload, staff and space data. The absence of crucial data has limited our ability to achieve that goal. Despite this, however, we are able to answer the key question of the study defined in the proposal solicitation, namely, “What happens if the per capita ratio of police officers (sworn officers) is increased?” Our answer in terms of 2003 data is the following:

- ♦ The number of sworn officers in 2003 was 808 at a ratio of 1.19 per 1000 population.
- ♦ If the per capita ratio had increased by 10 percent (i.e., to 1.31/1000 population), the number of sworn officers would have been 886. This is a total increase of 78 sworn officers.
- ♦ The addition of 78 sworn officers would have been paralleled by a prospective need for about 33 additional staff in the adjusted judicial system staff (78/2.33) (that portion of the judicial system dedicated to police related or criminal activities).
- ♦ Additionally, the increase of 78 officers could have been expected to generate sufficient arrests/bookings/convictions to support an additional 34 detention/corrections staff. If this seems high, it is important to remember that detention and corrections facilities run 24 hours a day/7 days a week and that any time a post is added, the total number of staff required to fill it over the entire week is typically about three. Gwinnett County Detention can give the exact relief ratio.

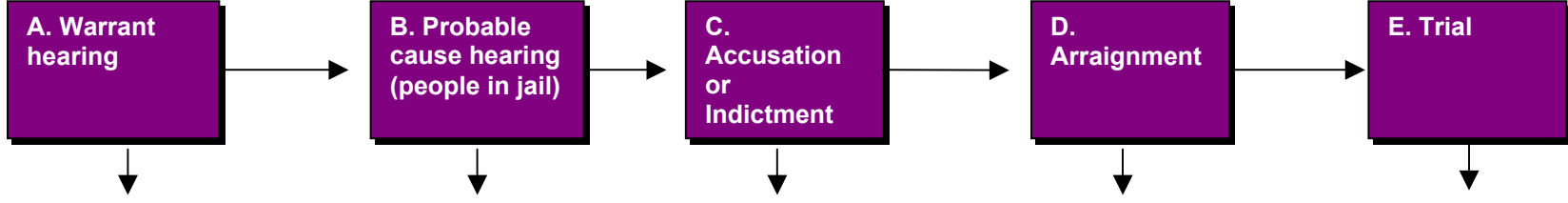
At its very simplest, the formula projects that every additional police officer is matched by another staff position somewhere in the judicial or detention/corrections systems. The precise cost impacts of these additions can be known using staff salary data, and the space impacts can be calculated using the square foot/person impacts published in Phase I of this Master Plan.

APPENDIX A

Flow Charts

- **Exhibit 1: Felony**
- **Exhibit 2: Misdemeanor**
- **Exhibit 3: Juvenile Delinquency**
- **Exhibit 4: Juvenile Deprivation**

**EXHIBIT 1
Felony Case Top Down Flow Chart**



<p>A. Warrant hearing</p> <ol style="list-style-type: none"> 1. A warrant application hearing is held for most citizen initiated arrest warrants, pursuant to 17-4-40. 2. Arrest Warrants may be issued prior to arrest. (This is commonplace.) 3. Defendant (D) may be arrested with or without a warrant. (In some instances the accused is arrested on an indictment – Step C.) 4. D taken into custody. 5. Warrant hearing: warrant issued, bond set. Magistrate conducts hearing at jail. 6. Non-incarcerated – probable cause hearing may be set. 	<p>B. Probable cause hearing (people in jail)</p> <ol style="list-style-type: none"> 1. First appearance: next day in front of Magistrate, D advised of charge, bond, date of probable cause hearing; attorney appointed. 2. Superior Court (bond) hearing required for probationers or parolees to get bond (5-10 days), there are many offenses for which only a superior court judge can set bond, not just probation or parole cases. 3. Probable cause hearing in front of Magistrate. Magistrate may dismiss case here. DA can still investigate and decide to prosecute. 4. Fast track procedure, DA decides when and who goes to fast track pleas. This happens after the case is bound over and is in the DA's office, for victimless crimes, using Senior Judge to hear pleas. 	<p>C. Accusation or Indictment</p> <ol style="list-style-type: none"> 1. DA intake unit investigates and prepares case, including contacting victims. 2. DA filing decision made after investigation complete, including drug test results where needed. 3. Accusation issued if permitted by law. 4. Grand jury hearing where required. 5. Defense can waive grand jury to enter plea. 6. Formal charging document issued. 7. Case randomly assigned to Superior Court judge. 	<p>D. Arraignment</p> <ol style="list-style-type: none"> 1. Asst. DA assigned to that judge takes over case. Cases also may be handled by one of DA's special teams (e.g., child team, drug team). 2. Arraignment hearing, often pleas are taken on the arraignment date. 3. Pre-trial motions. 	<p>E. Trial</p> <ol style="list-style-type: none"> 1. Possible assignment to Magistrate for trial. Calendar Call held prior to trial 2. Trial by Superior Court judge. 3. Continuances: when continuances are granted, case is placed on next trial calendar unless continuance is for a longer period of time.
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F. Sentencing



G. Probation violation process

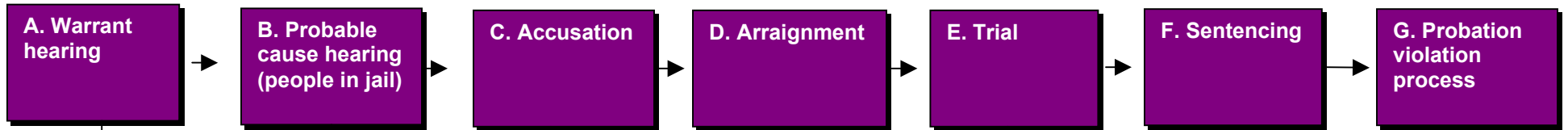


1. Incarceration
2. Probation
3. Alternative sentencing



1. Probation officer obtains warrant from the judge who place D on probation. Judge issues pick-up order. D picked up and taken to jail.
2. Probation officer applies for VOP hearing. Judge schedules a hearing date.
3. VOP hearing: some judges delegate to senior judge.

EXHIBIT 2 Misdemeanor Case Top Down Flow Chart



1. A warrant application hearing is held for most citizen initiated arrest warrants, pursuant to 17-4-40.
2. Arrest Warrants may be issued prior to arrest. (This is commonplace.)
3. Defendant may be arrested with or without a warrant.
4. Defendant (D) taken into custody.
5. Warrant hearing: warrant issued, bond set. Magistrate conducts hearing at jail.
6. Non-incarcerated – probable cause hearing set.

1. First appearance: next day in front of Magistrate. D advised of charge, bond, date of probable cause hearing; attorney appointed.
2. If accused does not post bond, State Court jail calendar handled by Magistrates at the Detention Center within 72 hours. D may enter plea and receive sentence at this hearing. If Defendant does not enter plea, case immediately set for trial in trial division.
3. Accusation filed within 72 hours of arrest if bond is not posted. This is an expedited process for jail cases.

1. Solicitor intake unit investigates and prepares case, including contacting victims
2. Solicitor makes filing decision after completing investigation, including drug test results where needed.
3. Accusation filed.

1. Case assigned to State Court judge.
2. Solicitor assigned to that judge takes over case.
3. Arraignment hearing.
4. Pre-trial motions.

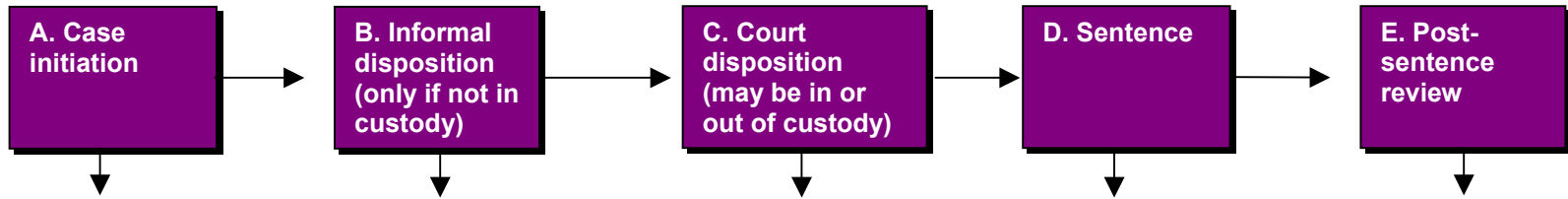
1. Possible assignment to Magistrate for trial.
2. Trial by State Court judge.
3. Continuances: new trial date chosen a month later, not at time continuance granted.

1. Incarceration
2. Probation
3. Alternative sentencing

1. Probation officer obtains warrant from judge who placed D on probation. Judge issues pick-up order. Some probationers are assigned to report directly to court at jail and are not arrested prior to hearing.
2. Probation officer applies for VOP hearing.
3. VOP hearing: some judges delegate to senior magistrate judge.
4. Most hearings are conducted at the jail, 5 days per week. Cases heard within 48 hours of arrest. Hearings are scheduled by jail staff and by court order upon arrest..
5. Also conduct “walk-in” hearings, 5 days per week at jail. Magistrate conducts hearing.

* Magistrate Court is conducting a pilot project on using citations for misdemeanor shoplifting cases. This is a current alternative to arrest. The Court also has a project on changing GA law to permit field citations for more misdemeanors, similar to laws in 46 other states.

EXHIBIT 3 Delinquency Case Top Down Flow Chart



1. Police arrest or release to parents
2. Complaint filed with juvenile clerk and sent to Court Intake
3. Review by Court Intake
4. If no detention, Court Intake may dismiss, refer to informal disposition, or file petition
5. Detention of child if authorized by Court Intake
6. Detention hearing in court within 48 hours of detention
7. Possible disposition at detention hearing

1. Court Intake can determine informal dispositions internally or send to diversion panel
2. For cases sent to diversion panel, panel sets requirements
3. Panel reports to Court Intake on progress of juvenile
4. Complaint dismissed when diversion completed (no juvenile record)
5. Failure to complete diversion requirements may result in filing of petition by Court Intake

1. Petition filed by Court Intake. If child is in custody, must be filed within 3 days of detention hearing. If child not in custody, Court Intake will wait to file until trial can be calendared within 30 days
2. Case assigned to judge by calendar clerk
3. Court Intake notifies DA
4. DA juvenile unit investigates and prosecutes case
5. DA may request Court Intake to handle as informal disposition. If accepted as informal disposition, intake will dismiss petition
6. Court Intake can modify or dismiss petition at any time
7. Final hearing held 10 days from petition if in custody, 60 days if out of custody
8. Court order after final hearing. Order in effect for a maximum of 2 years.

1. Juvenile sentenced to custody for a specified time period.
2. Juvenile sentenced to probation. Must meet with juvenile probation officer to set requirements of probation. Probation terminates when requirements completed

1. For juveniles in custody, agency files progress report with court every six months. Court can modify or reduce sentence, or extend for maximum of 2 additional years., up to age 21
2. Probation monitors progress of juveniles on probation. If probation requirements not met, court may modify the probation or sentence to in-custody
3. For violation of probation, Court Intake files violation and DA prosecutes. Detention may be ordered by probation for certain violations. Court hearing held.

EXHIBIT 4 Deprivation Case Top Down Flow Chart

