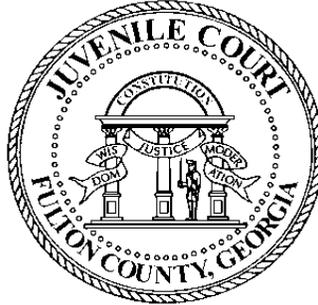


Presiding Judges
Chief Judge Bradley J. Boyd
Juliette W. Scales
Renata D. Turner

Associate Judges
George G. Blau
Phillip Jackson
Wenona C. Belton
Christopher W. Yokom



Chief Administrative Officer
Omotayo B. Alli
**Director of Administration &
Court Support Services**
LaWanda S. Onley
Chief Probation Officer
Adolphus Graves
Director of Court & Family Services
Deana Holiday Ingraham
Behavioral Health Program Manager
Shelly Spizuoco

JUVENILE COURT OF FULTON COUNTY
Judge Romae T. Powell Juvenile Justice Center
395 Pryor Street, S.W., Atlanta, Georgia 30312-2713
Phone: 404-612-4402

July 13, 2017

Mr. Anthony Nicks, Audit Manager
Office of the County Auditor
141 Pryor Street, Suite 8052
Atlanta, GA 30303

RE: Juvenile Court Cash Handling Procedures:

The Mission of Fulton County Juvenile Court is: first, to protect children and the community in matters brought before the court, to rehabilitate children, and to restore families; and second, to create opportunities for the community, partners, and stakeholders to actively engage in this mission.

Please receive this document as Fulton County Juvenile Court's (FCJC) official response to your office's report, Juvenile Court Cash Handling Procedures, dated June 15, 2017. Juvenile Court is committed to being an exacting and responsible steward of any and all funding, and we welcome the Office of the County Auditor's oversight and guidance. In addressing the following findings and audit concerns, please note that Juvenile Court welcomes the opportunity to discuss these matters in more detail.

Finding 1 – Failure to Comply with State Regulation Regarding Restitution

Juvenile Court has in no way failed to comply with state regulations regarding restitution. Unfortunately, this finding demonstrates a misreading of the law cited out of context and is unresponsive to legislative intent, current trends and best-evidence programming that effectively targets restoration of the community as a whole.

It is necessary to quote the most relevant portion of the finding so that it may be refuted as appropriate:

...at the end of 2016, only \$29,313.80 (56%) of that total [restitution] had been collected. It appears that the probation officers failed to enforce the requirement of payment for restitution. As a result, juveniles were not

being held fully accountable and victims may not fully recoup amounts owed to them. In addition, Juvenile Court failed to report these violations to the Council of Superior Court Clerks of Georgia resulting in State being unaware of these infractions.

There is no code section that requires or otherwise mandates that juvenile probation officers, or the Court, collect 100 percent of all court ordered restitution. In addition, Juvenile Court through its restitution program effectively holds children accountable by referring them to a program that allows the child to work and the victim to receive the associated pay. The intent of Georgia's juvenile restitution law is to promote accountability of the youth and restorative justice to the victim. To achieve this goal, restitution collection must be cost efficient, realistic and achievable, however many of the determining factors are not readily ascertainable at the time the restitution payment is ordered.

The percentage of restitution collected is dependent on a number of factors directly outside of the Court's control, as well as other exemptions within the law. The law acknowledges these factors and allows juvenile court judges to modify, adjust or waive unpaid restitution.

The Purpose of Restitution as Outlined in Georgia's Juvenile Code

In any discussion of restitution and its attendant details, it is first necessary to define the term within the legislative intent of providing rehabilitative and restorative justice to all involved: restitution is the act of an offender giving a victim monetary compensation for a loss or injury resulting directly or indirectly from the alleged offense. Restitution's underlying principle, as it relates to juvenile justice, is to hold youth who have committed delinquent offenses accountable to their victims for their behavior.

The benefits of this process are shared between the two parties: the victim receives monetary compensation while the court reifies the concept of accountability for the offender. However, specific considerations codified within relevant laws result in restitution being implemented and enforced in different ways among different judicial circuits and judges. This variability is not a deficiency of Georgia's juvenile restitution statutes, but rather a reflection of their underlying philosophy and a safeguard to ensure maximum effectiveness.

Restitution is chiefly concerned with effecting meaningful accountability from which the offender, the victim and the community all stand to benefit. This is completely separate, both legally and philosophically, from ensuring that 100 percent of the ordered restitution is collected. Collecting the full amount of restitution is a goal of the court and the court continues to work towards the achievement of this goal in the most cost efficient manner.

In writing the law, legislators recognized that there are limiting factors and thus enumerated the mandated considerations for ordering restitution while simultaneously granting judges to adjust or waive restitution orders as necessary. Again, both the intent

and purpose of juvenile restitution is to effect meaningful (realistic and achievable) accountability. The goal is accountability, not extracting remittances at all cost, and the *law* duly reflects this reality.

Rather, the Juvenile Code empowers juvenile court judges to modify, adjust or waive orders of restitution as necessary based on the considerations listed in O.C.G.A § 17-14-10. The ability of juveniles and/or their families to pay restitution and in what amounts is often not readily ascertainable at the time the order is entered. This is important, as the great majority of the juveniles in delinquency proceedings are indigent and their living circumstances and family income are highly unstable. Job loss, new employment, eviction, illness, domestic violence and other co-occurring criminal justice issues can all have a significant and immediate impact on the ability to pay restitution.

Judges are within their authority to order that an adjudicated juvenile remit the full value of the loss, just as they are within their authority to waive any unpaid restitution upon showings of good-faith efforts and the inability to make further payments.

Completion Rate of Restitution Ordered

It is important to note that restitution payment or completion is directly correlated to the socio-economic status of the children and their families. Juveniles from families with higher income level tend to complete restitution order at a higher rate, as compared to juveniles from lower socio-economic status who tend to complete restitution at a significantly lower rate.

The majority of youth referred to the court reside in either Atlanta or the southern portion of the county. This is an important consideration, as the Fulton County Environmental Scan specifically states, “Within Fulton, the city of Atlanta has the greatest income inequality among the nation’s 50 largest cities.” Most of Fulton County Court involved families come from families with low income, low educational attainment and consequently lower ability to pay or complete restitution payments independently of a court mandated restitution program.

In spite of the barriers posed by socio-economic issues revolving around court involved children’s ability to complete restitution payment, Juvenile Court fervently believes in the correlation between accountability and effective rehabilitation. To this end, Juvenile Court has created an evidence based restitution program that seeks to hold children accountable, provide useful life skills that are reinforced through other rehabilitative or educational programs while fostering restorative justice to the victims.

Restitution Programs at Fulton County Juvenile Court

Juvenile Court hosts its own longstanding restitution program in which referred juveniles can earn up to \$300 towards their restitution for successfully completing community services hours. The program is largely successful, with youth making tangible contributions to their communities through service while simultaneously earning

an hourly wage; they reify the concepts of responsibility and accountability through their labor.

Community service is often the only available means for a youth to earn money towards fulfilling their restitution. However, the budget for Juvenile Court's restitution program is limited and thus youth are limited to earning a maximum of \$300. Restitution beyond this amount falls to the resources of the juvenile and their family. Legislation that will become law on July 1 will authorize Juvenile Court to order parents to pay the restitution ordered upon the juvenile, however, the mitigating factors of *O.C.G.A. § 17-14-10* are still in force.

In past years, Juvenile Court relied on a combination of grant and county funds to enroll larger numbers of youth and compensate them above the \$300 limit for commensurate community service activities. However, the grant funding has since become unavailable and year-to-year budget reductions have since resulted in the program's current limitations. Juvenile Court is exploring opportunities for expanding its current restitution program and we welcome the assistance of your office and the county's youth-focused departments.

Outside of the aforementioned restitution program, Juvenile Court hosts multiple educational and diversionary opportunities that promote and contribute to restitution. For example, the in-house Leadership & Educational Advancement Program (LEAP) provides school-excluded (expelled or long-term suspended) youth remedial classroom education lead by a state-certified teacher, a vocational education specialist and a combined career facilitator/case manager. Participants take accredited courses to earn credits while preparing to either return to their traditional schools or earn a GED and continue to a technical school or other post-secondary institution. The students also receive job skills training and participate in practice job interviews and real interviews with business recruiters.

Significantly, the majority of LEAP students have attained employment, often their first job, while enrolled in the program. Thus, LEAP serves as another avenue for participating youth to fulfill their restitution by equipping them with the credentials and skills necessary to obtain employment while leveraging partnerships to successfully place them with local employers. They are earning money while also furthering their education. Thus far over five students have successfully earned a GED within a short period of testing time.

Diversionary programs such as The Learning Club (TLC) and the SMART Moves Chess & Mentoring Club promote restitution by offering participants one-on-one tutoring and mentoring, group counseling and engagement in a variety of pro-social activities such as museum visits, fishing trips and college tours. Involving youth in positive educational, cultural and social activities increases the likelihood they will abide by the conditions of their probation, such as completing their restitution. They also decrease the likelihood of future court-involvement and the incidence of recidivism.

Accountability court programs are another engaging approach to effecting similar results. Qualifying youth receive evidence-based non-confrontational intensive intervention services with regular court visits, drug screenings. These activities are overseen in weekly staffing involving cross-disciplinary experts from throughout Juvenile Court and its partner agencies. These programs are structured with graduated levels culminating in youth and families securing stable housing and employment prior to graduation.

Juvenile Court hosts three unique accountability court programs: Juvenile Drug Court, Family Dependency Treatment Court (FDTC) and Juvenile Behavioral Health Court. The three capture a spectrum of co-occurring disorders that precipitate court involvement, and offer specially structured treatment services to address them. FDTC is unique in that its enrollees are parents facing dependency proceedings, often related to an initial delinquency allegation against their child.

The participants in these services are actively engaged with court staff and treatment providers on an intensive, near-daily basis. This high level of engagement and support increases the likelihood youth or their families will successfully fulfill their court ordered restitution- oftentimes via a paying job secured through the program. Though the wellbeing and development of the patient is the primary focus of accountability courts, not restitution, these programs nonetheless promote and effect the completion of restitution orders. Moreover, this praxis aligns with the overall intent of restitution: accountability, while subordinating repayment to the general wellbeing of the child and their continued healthy development.

Once again, Fulton County Juvenile Court hosts its own in-house restitution program in which juveniles can earn up to \$300 through community service, with restitution beyond this amount falling to the children and/or their family. Aside from the restitution program itself, nearly all of the court's diversionary and accountability court programs promote the completion of restitution through engagement, tutoring/mentoring, skills training, pro-social educational/cultural activities and direct job placement services.

We seek your assistance in expanding the court's restitution program. Expansion of this program is more productive than referring children to Superior Court for further involvement with the criminal justice system. The current trend as seen in the worthwhile discussions surrounding the epidemic use of various drug promotes evidence based solutions that speaks to effective rehabilitation and restoration of families and communities.

Finding 2 – Failure to Remit Unclaimed Restitution Funds to the State

The unclaimed \$3,452.16 in unclaimed restitution funding is held within the court's operating account, which receives an annual audit from an outside auditor. As of this date, there is no prescribed process or protocol for such a transaction, and FCJC will seek guidance from the Finance Department with regards to this matter. Once such a process is in place, the Court will transfer the funds forthwith.

Finding 3 – Insufficient Case Management System

The Juvenile Court Activity Tracking System (JCATS) is in no way insufficient, and FCJC is concerned about the method or analysis that was conducted to reach this conclusion. The JCATS is a juvenile court friendly tracking system that is highly specialized and complex database system.

At issue is the assertion that JCATS is “unable to fully capture all financial activities related to cases.” The exclusion of some financial activities from JCATS is not a flaw or oversight, but rather a feature necessitated by JCATS widespread use among the Court, court partners, and outside agencies.

In addition to Juvenile Court, multiple county and state agencies access JCATS on a daily basis. These include, the Office of the Child Attorney, the Office of the District Attorney, the Office of the Public Defender, and state offices such as Dept. of Juvenile Justice and Special Appointed Attorney Generals (SAAGs) and court-appointed outside attorneys. In addition, several outside community groups that act as crucial court partners, such as Fulton Court Appointed Special Advocates (CASA), routinely access JCATS.

In consideration of the multiple agencies, external partners and plethora of individuals using JCATS on a daily basis, Juvenile Court believes it would be imprudent and unwise to incorporate sensitive financial data into the system. Data security is incumbent upon all agencies, but it is especially important for courts and juvenile courts. To add sensitive and confidential financial information into JCATS poses an unacceptable liability. Furthermore, maintaining some financial data in a separate system provides a much needed safe-guard in the event JCATS experiences a malfunction or loss of data. This has yet to occur, but it would be irresponsible to neglect data redundancy and survivability.

However, such malfunctions and loss have occurred in alternative case management systems, creating exigent circumstances for the court system. For example, the Odyssey software suite’s difficult and fraught implementation at State Court, a process that is still ongoing. As of the writing of this response, the Odyssey’s integration with State Court’s system are incomplete in inoperable. Once again, Juvenile Court cannot afford such a liability.

In discussions with the auditors, it is our understanding that your office would prefer we utilize a system other than QuickBooks, in addition to making the transfer of financial data from JCATS to the financial system more automated and less manual. Juvenile Court has no objections to such measures, and welcomes the opportunity to discuss alternatives to QuickBooks. Accordingly, FCJC will explore means of exporting financial data from the JCATS system as a .csv or other appropriate format, rather than transferring data by hand.

Audit Concern 1 – Failure to Track and Monitor the Collection of Restitution

FCJC tracks and monitors the collection of restitution through JCATS, and the status of restitution is one of many factors considered by juvenile court judges in issuing orders, dispositions and findings.

Audit Concern 2 – Inability to Accept Credit Cards

The Court currently accepts cash and money orders as forms of payment. In addition, FCJC furnishes a publicly accessible ATM machine within its lobby. Money orders can also be purchased from a USPS facility located directly on Pryor Street from the juvenile justice center. For these reasons, the overwhelming majority of customers have little to no difficulty remitting payment to FCJC.

However, FCJC is not opposed to implementing credit card payments for fines, fees, and restitutions. At issue are card transaction fees charged by banks. The Court is in no position to assume these fees on behalf of the end user, indeed it must be the end user that pays associated fees.

Juvenile Court is open to exploring the implementation of credit card payments, and will work with the appropriate county offices to do so.