

REVIEW OF

THE ATHENS-CLARKE COUNTY OFFICE

OF PROBATION SERVICES

Report to the Mayor and Commission

October 2011

Prepared by:

Auditor's Office
Unified Government of Athens-Clarke County

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ATHENS
CLARKE
COUNTY

November 1, 2011

Mayor & Commission
Unified Government of Athens-Clarke County
City Hall
301 College Avenue
Athens, Georgia 30601

Subject: Review of the Athens-Clarke County Office of Probation Services

Enclosed is the Review of the Office of Probation Services conducted as part of the Auditor's Office Work Plan. The report is divided into five chapters:

- I. Project Overview** – explains the scope of the review, definitions and terms, and methods used during the audit;
- II. Overview of the Office of Probation Services** – provides an overview of history, services, and organization and staffing of Probation Services;
- III. Compliance Audit** – discusses the results of the compliance audit of probation case files undertaken during the course of the review;
- IV. Analysis of Cost and Revenue of the Office of Probation Services** – examines the budgeted cost of Probation Services compared to the actual supervision fees and grant revenue received during FY11;
- V. Recommendations** – lists all recommendations based on the findings found throughout the report.

I hope you find the report and response useful and I look forward to discussing them at the next Audit Committee meeting. Should you have any questions prior to the meeting, please do not hesitate to contact me.

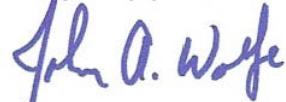
I wish to thank T. J. Bement, District Court Administrator, Dale Allen, Chief Probation Officer, and his staff for their excellent cooperation, assistance, and patience during the course of this review. I would also like to extend my thanks to the judges of Superior,

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State, and Municipal Court for taking time from their hectic court calendars to meet with us and share their insights about probation. Finally, I would also like to recognize the efforts of Tommy Houseman and Laura Welch of my office.

Very truly yours,



John A. Wolfe
Athens-Clarke County Auditor

Copy: Alan Reddish, Manager
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Dale Allen, Chief Probation Officer

Bill Berryman, Attorney
Bob Snipes, Deputy Manager
T. J. Bement, District Court Administrator

EXECUTIVE SUMMARY

In 2008, the Athens-Clarke County (ACC) Mayor and Commission approved the establishment of an in-house Office of Probation Services and provided funding for start-up costs and operations in the FY09 budget. In the fall of 2008, the office became fully operational. Approximately 3,000 cases are managed by Probation Services during any given month. Cases originate most often from State and Municipal Courts, but also from Superior Court and Magistrate's Court.

The office is staffed with 19 full-time employees, including the chief probation officer, deputy chief probation officer, three senior probation officers, 10 probation officers, two administrative secretaries, and two case management clerks. A part-time temporary office assistant was added in FY12. All probation officers have arrest powers and can perform other functions that have led to enhanced service provision compared to when the services were performed by private providers.

The FY11 budgeted cost to provide misdemeanor probation services in Athens-Clarke County totaled approximately \$993,000 which includes the budgeted salary and benefit cost associated with two employees funded from the Special Revenue-Special Projects fund who staff the DUI/Drug Court. Supervision fees and grants for FY11 totaled approximately \$920,000. Expenditures and revenues can be attributed to three service areas:

- Standard Probation - allows an offender to serve a portion of or their entire sentence out of jail if they abide by specific requirements ordered by the court.
- Pretrial Intervention Program - provides an opportunity for offenders charged with certain misdemeanor offenses or ordinance violations to have their charges dismissed. Program participants agree to abide to certain requirements that are similar to standard probation.
- Pretrial Release Program - allows for the release and intensive supervision of individuals who appear not able to make bond/bail in the near future.

In order to evaluate the effectiveness of the new office a compliance audit of misdemeanor cases managed by Probation Services was conducted and included a random sample of 512 files originating from Superior Court, State Court, Municipal Court, and Magistrate's Court in calendar year 2009 (CY09). Documentation in the case files indicated that, overall, Probation Services successfully administered 93.7% of the courts' orders for standard probation and the Pretrial Intervention Program. The rates of compliance varied only slightly by court, with State Court and Municipal Court having rates of 91.7% and 93.1%, respectively. Pretrial Intervention Program cases had a higher rate of compliance at 98.9%. A separate compliance audit was conducted on files from the State Court DUI/Drug Court Program in CY09, with no deficiencies found in any of the 14 case files examined.

A cost of service analysis was undertaken to compare revenue collected from supervision fees by Probation Services to the cost of service. As noted above, in FY11 actual supervision fees and

grants totaled \$920,000 while budgeted costs totaled approximately \$993,000. Although supervision fees and grants were not sufficient to offset all budgeted costs, comparison to actual expenditures shows that Probation Services spent only 81% of its budget in FY11. Actual expenditures for Probation Services totaled \$803,077, resulting in approximately \$116,000 in revenue in excess of estimated actual cost. In FY11 \$186,650 of the fees collected by Probation services was from Pretrial Intervention Program participants. This revenue was earmarked for the DUI/Drug Court funded through the Special Revenue-Special Projects.

In FY12, the supervision of Pretrial Intervention Program participants was transferred to the DUI/Drug Court and is no longer under the direct purview of Probation Services. As a result of this transfer of approximately 600 cases per month, which represented approximately 20% of the total monthly cases, Probation Services may now have additional staff capacity and it is unclear how the DUI/Drug Court has capacity to handle the additional volume of cases. A review of the DUI/Drug Court is recommended to ensure that there is no redundancy in staffing levels. Other recommendations pertaining to Probation Services can be found on page 18 of the report.

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I. PROJECT OVERVIEW

A. Purpose and Authority for the Audit

This audit of the Office of Probation Services was conducted at the request of the Mayor and Commission pursuant to Article IV, Section 4-104 and Article VII, Section 7-410 of the Charter of the Unified Government of Athens-Clarke County, Georgia, and the ordinance and policies guiding the conduct of reviews.

B. Project Scope

The scope of this review focused on the extent to which Probation Services ensures that misdemeanor offenders or Pretrial Intervention Program participants comply with the orders imposed by the courts. In addition, an analysis of the cost associated with the in-house provision of probation and the revenue generated from supervision fees was undertaken.

C. Definitions and Terms

For the purpose of this audit the following terms are used:

- Community Service - A condition of probation ordered by the presiding judge, the terms of which may be mandated by law for certain offenses such as Driving Under the Influence of drugs or alcohol (DUI). Probation officers are required to supervise the completion of community service at court-approved nonprofit organizations and government agencies.
- Compliance - For the purpose of this review, compliance refers to instances either where the probationer or Pretrial Intervention Program participant adhered to the courts' requirements or where Probation Services took action to pursue revocation or other action to enforce the courts' orders.
- Deficiency - A material violation of the probation sentence. A deficiency does not preclude the eventual compliance of the probationer with the order for which a deficiency was noted. For instance, if a probationer attended DUI School as ordered, but failed to complete it within the amount of time specified, the case would be considered deficient for that particular requirement.
- Drug and Alcohol Screens – Refers to random testing of probationers for drugs and/or alcohol use.
- Drug/Alcohol Risk Reduction (DUI) School - A mandatory course for offenders convicted of DUI that must be completed within 120 days of sentencing or release

from jail unless otherwise specified by the presiding judge. The course must be taken from an approved provider, typically involves 20 hours of class work, and costs the probationer approximately \$280.

- DUI/Drug Court Program - A program administered by State Court and supervised by Athens-Clarke County employees for probationers with a history of drug and/or alcohol abuse. The program consists of intensive supervision with home and work visitation, extended counseling and treatment, and continuing judicial supervision of program participants.
- Family Violence Evaluations and/or Treatment - Psychological evaluations and treatment interventions for probationers ordered by the presiding judge in cases of domestic violence as required by law.
- Fines and/or Fees – Court-imposed fines, surcharges, and supervision fees that probationers must pay as a condition of their sentence.
- Misdemeanant - A person who has been convicted of a misdemeanor.
- Misdemeanant Probationer - A person convicted of a misdemeanor and sentenced to probation. The terms of probation may include, but are not limited to, counseling, restitution, payment of fines and fees, drug/alcohol testing, performance of community service, and regular reporting.
- Peace Officer Standards Training Council (P.O.S.T.) Certification - Standardized training required to become a certified peace officer in the State of Georgia.
- Pretrial Intervention Program - A program administered by Athens-Clarke County employees for criminal offenders charged with less serious offenses. Successful participation can lead to the charge[s] being dismissed by the prosecutor with the court's consent. Pretrial Intervention Program participants pay a program fee and monthly supervision fee, and are supervised by a P.O.S.T. certified probation officer.
- Pretrial Release Program – A program administered by Probation Services that allows alleged criminal offenders to be released from jail under court order for intensive supervision prior to trial. Offenders may be monitored using electronic monitoring devices.
- Probation – A sentence in which an offender's period of incarceration is probated either in whole or in part, provided the offender abides by specific conditions imposed by the presiding judge.
- Probation Officer - P.O.S.T. certified probation officers employed by Athens-Clarke County. P.O.S.T. certified officers have arrest powers and may contact probationers at any location including their residences and/or places of employment.

- Substance Abuse Evaluations and/or Treatment - A condition of sentence that may be imposed if a court finds a probationer is at risk for substance abuse dependence or addiction, or as may be mandated by law for certain criminal offenses.
- Victim Impact Panel - A court-imposed class for offenders convicted of DUI in Athens-Clarke County. The class generally must be completed within two months of an offender's sentence date or release from jail unless otherwise specified by the presiding judge.

D. Methods and Tasks

A variety of methods and tasks were undertaken during the conduct of this review, including:

- Met with the judges of Superior, State, and Municipal Court to gain an understanding of the expectations of probation and to discuss the changes since establishing the Office of Probation Services in FY08.
- Reviewed the Probation Services filing systems, procedures and processes, and method of reporting to the courts.
- Audited a random sample of 512 probation and Pretrial Intervention Program case files maintained by Probation Services for compliance with court orders for the period of January 2009 through December 2009.
- Audited a random sample of 14 State Court DUI/Drug Court case files for compliance with sentencing requirements.
- Provided reports of preliminary findings of compliance audits to Probation Services for comment and clarification.
- Provided draft reports to the Office of Probation Services for review and comment.
- Prepared a final report for the Mayor and Commission.

II. OVERVIEW OF THE OFFICE OF PROBATION SERVICES

A. History

Prior to the 1991 unification of the City of Athens and Clarke County, the Georgia Department of Corrections supervised the misdemeanor probationers of Clarke County's Superior, State, and Magistrate Courts. Because Municipal Courts were not considered units of the state, they were responsible for the supervision of their own probationers. The City of Athens Municipal Court's probationers were supervised by an Athens police officer.

Following unification, Municipal Court was abolished and cases that would have fallen under the court's jurisdiction were filed in State Court. As a result, the Department of Corrections assumed responsibility for the supervision of all misdemeanants in Athens-Clarke County. Municipal Court was established in 1992 and a private probation service provider was contracted to supervise the court's probationers.

In 2001, the Georgia General Assembly passed an act authorizing contracts for misdemeanor private probation services in certain courts. Funding for the supervision of misdemeanor probationers by the Department of Corrections was then eliminated, and local governments either hired their own probation staff or contracted for services with private sector probation providers.

For probation services, State Court entered into a contract with Sentinel Offender Services and Municipal Court engaged Community Corrections Corporation.¹ As the Georgia Department of Corrections phased out its supervision of misdemeanor probationers, the Superior Court and Magistrate's Courts of Athens-Clarke County also entered into a contract with Sentinel Offender Services.

In February 2007, the Auditor's Office released a report detailing the findings of a review of the supervision of State and Municipal Court probationers and the participants of the Pretrial Intervention Program. Random samples of the probation case files maintained by Maximus, Inc., which was later acquired by Providence Community Corrections, and Sentinel were reviewed for compliance with the orders imposed by each court. At the time of the review, Maximus supervised approximately 1,200 probation cases for Municipal Court each month. Sentinel supervised approximately 900 cases for the Superior, State, and Magistrate's Courts each month.

In May of the same year, the Auditor's Office conducted a follow-up review of case files managed by Providence Community Corrections after the company had implemented new policies and procedures to remedy the deficiencies found in the original audit.

¹ Community Corrections Corporation was acquired by Behavior Interventions, which was acquired by Maximus, Inc., which was acquired by Providence Community Corrections.

In 2008, the Mayor and Commission approved the establishment of an in-house Office of Probation Services and provided funding for start-up costs and operations in the FY09 budget. In the fall of 2008, the office became fully operational.

All ACC probation officers are required to be P.O.S.T. certified or acquire such certification within their first year of employment, which has led to more service provision in several areas, including:

Field Visits (Home, Work, and Other) - Officers have the ability to conduct routine welfare checks and respond to alleged violations. Probationers suspected of violating the terms of their probation are interviewed, which may include a drug/alcohol test, and sanctioned if a determination is made that a violation has occurred. DUI/Drug Court Officers may conduct downtown bar sweeps. Officers may also conduct field checks at court-mandated treatment sessions to ensure attendance with court orders.

Arrest Powers - State law allows certified peace officers to arrest a probationer determined to be in violation of the terms of their probation. When probationers are taken into custody they are placed in handcuffs and subject to search by the arresting officer.

Additional Charges - In addition to arresting probationers for violations, officers can seek a warrant for new offenses committed while on probation.

Warrant Service - Though typically handled by the Clarke County Sheriff's Office, probation officers may serve warrants on probationers under approved circumstances.

Coordination With Other Agencies - Probation Officers have the ability to conduct joint operations with local state, and federal agencies. Operations include warrant sweeps, drug raids, and theft suppression field operations.

In an effort to facilitate probationers' ability to comply with the terms and condition of their probation, Probation Services has implemented an online payment system and established new policies and procedures for completing community service work at ACC facilities.

B. Overview of Services

Probation allows an offender to serve a portion of or their entire sentence out of jail. Probation may be granted to eligible offenders after a trial conviction, plea bargain agreement, or guilty plea. Failure to obey the terms of probation has consequences that may include the revocation of the offender's probation.

The Pretrial Intervention Program provides an opportunity for offenders charged with certain misdemeanor offenses or ordinance violations to have their charges dismissed. The Solicitor General's Office screens defendants prior to arraignment to determine eligibility for the program. Suitable candidates are primarily first offenders facing less serious charges such as

underage possession or consumption of alcohol, shoplifting, and possession of marijuana. Offenders are accepted into the program on a conditional basis with the approval of the presiding judge.

Approximately 3,000 cases are managed by Probation Services during any given month. Cases originate most often from State and Municipal Courts, but also from Superior Court and Magistrate's Court. The Office of Probation Services oversees four types of probationers and program participants:

- Standard probationers (approximately 2,300 per month)
- DUI/Drug Court probationers (approximately 100 per month)
- Pretrial Intervention Program participants (approximately 550 per month)
- Pretrial Release Program participants (approximately 20 per month)

Standard probationers, Pretrial Intervention Program participants, and Pretrial Release Program participants are supervised by, and report to, probation officers located at the main Probation Services office on Lexington Road. DUI/Drug Court probationers are supervised by two officers, one housed at the Courthouse and one who divides time between Probation Services and the Courthouse.² Table 1 summarizes Probation Services participants by type for 2010.

Table 1: Number of Probationers and Program Participants by Type and Court for 2010

Court	Standard Probation	Pretrial Intervention	DUI/Drug Court	TOTAL
State	1,812	241	44	2,097
Municipal	2,397	728	2	3,127
Superior	219	0	0	219
Magistrate's	24	0	0	24
TOTAL	4,452	969	46	5,467

² Effective July 2011, all Pretrial Intervention Program participants began reporting to the probation office located at the Courthouse. The probation officer who divided time between locations was assigned to the Courthouse full-time.

Standard Probation

Most misdemeanor offenders receive a standard level of probation supervision. Under a standard level of supervision, misdemeanor probationers are required to abide by the terms and conditions set forth at sentencing and agreed to during the intake process. Conditions may include, but are not limited to the following:

- reporting to a supervising officer;
- paying fines and court fees;
- paying a probation supervision fee, typically \$31 per month;
- refraining from the use of drugs and alcohol;
- completing community service at an approved work site;
- undergoing court-ordered evaluation and/or treatment for substance abuse and/or family violence; and
- paying restitution to victims, when applicable.

The supervision level of a standard probationer depends on a number of factors including the terms and conditions contained in the sentencing sheet, information learned during the intake process, and the probationer's level of compliance during the probation term.

Pretrial Intervention Program

Unlike standard probationers, Pretrial Intervention Program Participants have not been adjudicated. Therefore, requirements for each participant are stipulated on the Pretrial Intervention Program Order, which is signed by the judge, the Solicitor General's Office, and the defendant. Requirements are similar to probation and typically include refraining from drug and alcohol use, completing community service at an approved work site, undergoing court-ordered evaluation and/or treatment for substance abuse and/or anger management, and paying restitution to victims, when applicable.

Based on the guidelines for the Pretrial Intervention Program developed by the Solicitor General's Office, participants are typically required to pay a one-time program fee that ranges from \$200 to \$300 and a monthly supervision fee of typically \$30. By law, the Pretrial Intervention Program may charge a program fee up to \$1,000 and a supervision fee up to \$50 per month. In addition, participants charged with an offense involving alcohol or marijuana are required to submit to random drug/alcohol screens. These program participants are required to have a baseline screening, after which they are required to submit to testing no fewer than once every six months. Participants charged with shoplifting are generally not required to submit to random drug testing.

Violation of the terms and conditions of the program may result in the case being returned to the court for criminal prosecution, however if a participant completes the program successfully, the case is *nolle prosequi* (the charge[s] are dismissed) by the prosecutor with court consent.

In reviewing the Pretrial Intervention Program Order form, it was noted that the conditions on the agreement form do not always reflect the Pretrial Intervention Program Guidelines. For example, the guidelines stipulate a minimum number of drug/alcohol screens for certain offenses. However, the agreement order, which is executed by the presiding judge and signed by the solicitor, the defendant, and the defendant's attorney, if applicable, only states that the participant "shall submit to random alcohol and/or drug screens" at the participants' expense.

Pretrial Release Program

The Pretrial Release Program, which became operational in March 2011, allows for the release of "individuals who are currently incarcerated in Athens-Clarke County on current charges pending their next court date and who have a bond/bail set and appear not able to make that bond/bail in the near future." Participants are identified and approved for the program through their assigned judge based on screening and referral by the Pretrial Release probation officer, with input from prosecutors and defense attorneys.

The program's goal is to provide an alternative to incarceration so that participants can continue their employment, family relationships, and other activities while they await trial. An additional goal of the program is to "allow available jail space to be used more efficiently at a savings to the current budget." Currently, one probation officer is assigned to administer the program. Electronic monitoring devices, along with reporting requirements, are used to ensure compliance with the terms of the program.

Approximately 50% of the probation officer's salary and benefits is funded through the Byrne Justice Assistance Grant (JAG) obtained with the assistance of the ACC Police Department. Defendants pay a fee for electronic monitoring unless they are indigent. Monitoring fees are collected by probation services and forwarded to the private vendor, which provides the software and electronic monitoring devices. If a program participant is deemed indigent, a reduced fee is paid that will be reimbursed by the Clarke County Sheriff's Office on a limited basis. The program did not produce any non-grant revenue in FY11 for ACC, but approximately \$4,276 was collected on behalf of the vendor.

DUI/Drug Court

The State Court DUI/Drug Court Program was established in 2001 to provide an enhanced level of supervision for misdemeanor DUI or drug offenders. The program was initially funded by a grant from the Criminal Justice Coordinating Council and thereafter by a two-year federal grant from the U.S. Department of Justice. The grant was extended for an additional year in 2006 and all remaining grant funds were expended in FY07. The DUI/Drug Court

continues to receive an annual grant from the Judicial Council of Georgia's Standing Committee on Drug Courts.

The grant funds for the DUI/Drug Court Program have been supplemented by fees paid by probationers and from supervision fees paid by Pretrial Intervention Program participants. DUI/Drug Court probationers not deemed indigent pay a monthly supervision fee.

Participation in the DUI/Drug Court Program is voluntary, but acceptance is not automatically granted. Probationers must demonstrate an ability to meet the requirements and conditions set forth in the program. Incentives for taking part in the DUI/Drug Court Program include a reduced period of confinement, credit for community service, potential for driver's license reinstatement, and a reduction in fines if program conditions are met. Failure to meet program requirements may result in removal from the program and/or incarceration.

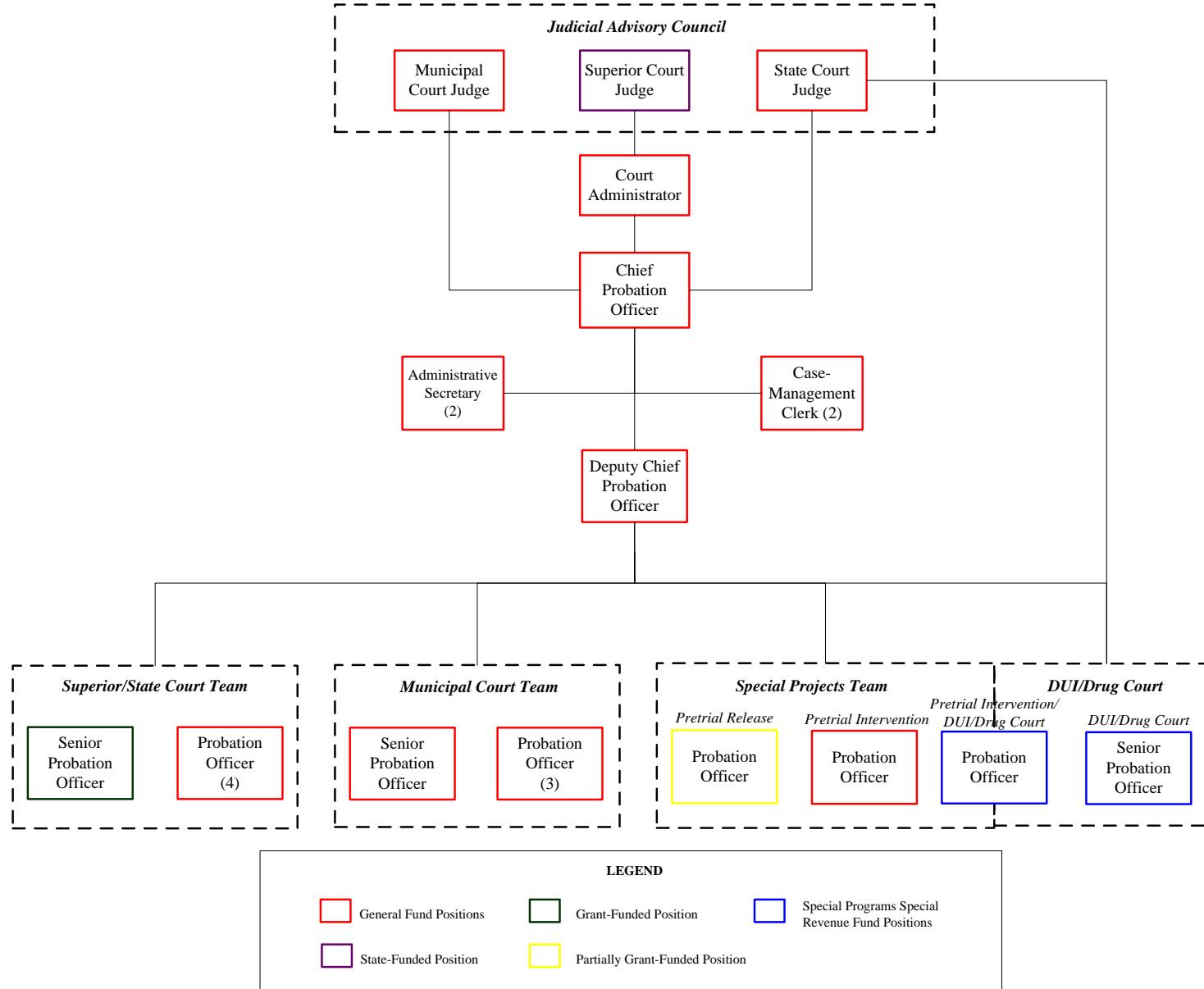
The level of probation supervision in the DUI/Drug Court Program allows for more intensive treatment options and conditions than standard probation. For instance, probationers must attend weekly group meetings, individual counseling sessions, and status conferences every other week with the judge. In addition, probationers are subject to unannounced visits at home and at work from the DUI/Drug Court Probation Officer, and to random and frequent drug and alcohol tests.

C. Organization and Staffing

Probation Services is staffed with 19 full-time employees, including the chief probation officer, deputy chief probation officer, three senior probation officers, 10 probation officers, two administrative secretaries, and two case management clerks. A part-time temporary office assistant was added in FY12. All probation officers are P.O.S.T. certified, have arrest power, and are authorized to carry weapons.

Funding for 15 of these positions is through the ACC General Fund, two of the positions are either entirely or partially grant-funded, and another two are funded through the Special Revenue-Special Projects Fund. Figure 1 depicts the job titles, reporting relationships, and funding sources of Probation Services staff and the judicial staff to whom they report.

Figure 1: FY11 Organization and Reporting Relationships of the Office of Probation Services



The chief probation officer (pay grade 21), with the assistance of the deputy chief, supervises all of the probation officers housed at the Probation Office located on Lexington Highway. The deputy chief (pay grade 18) is a senior probation officer chosen by the chief who receives a 5% salary stipend. This position devotes approximately 70% of their time to supervision of cases primarily from Superior Court. Regular probation officers are assigned to teams that address specific courts or special projects:

- Superior/State Court Team – consists of a grant-funded senior probation officer and four probation officers, funded through the General Fund.
- Municipal Court Team – consists of a senior probation officer and three probation officers, all of whom are funded through the General Fund.
- Special Projects Team - consists of one probation officer that is partially grant-funded and assigned solely to address the Pretrial Release program and another probation officer that is funded through the General Fund and assigned solely to the Pretrial Intervention Program.
- DUI/Drug Court Team - consists of one senior probation officer and one probation officer. These two positions are funded through the Special Revenue-Special Projects Fund. During FY11, the probation officer devoted approximately 50% of their time assisting with the Pretrial Intervention Program and 50% of their time assisting with the DUI/Drug Court. The senior probation officer and probation officer report directly to the Chief State Court Judge on a daily basis, but are under the purview of the chief probation officer for training and logistics support.

As of the beginning of FY12, the Special Projects team probation officer primarily assigned to the Pretrial Intervention Program has been transferred to the Municipal Court Team. The remaining two DUI/Drug Court probation officers have assumed responsibility for administering all Pretrial Intervention Program cases and revenue. Program participants now report directly to the Courthouse rather than the Probation Services Office. In addition, a temporary part-time/no benefits office assistant has been added to the staff at the Office of Probation Services located on Lexington Highway.

III. COMPLIANCE AUDIT

A. Statistical Sampling of Cases and Areas of Study

A compliance audit of misdemeanor cases managed by Probation Services was conducted and included files originating from Superior Court, State Court, Municipal Court, and Magistrate's Court in calendar year 2009 (CY09). A separate compliance audit was conducted on files from the State Court DUI/Drug Court Program in CY09.

A random sample of case files were selected to determine compliance with the terms and conditions specified on probationers' sentencing sheets and Pretrial Intervention Program participants' agreements. In total, 512 case files were inspected for compliance. Of the files reviewed, 419 were for standard probationers. The remaining 93 cases were Pretrial Intervention Program participants. An additional 14 files were inspected for the DUI/Drug Court. The Pretrial Release Program did not become operational until March 2011 and was not included in the compliance review.

Each case file was examined thoroughly for appropriate documentation of all requirements set forth by the courts and agreed to by the probationer or Pretrial Intervention Program participant. If the review of the case file indicated the probationer or participant was non-compliant it was further determined whether the probation officer took appropriate steps to bring the case into compliance.

Cases in which no deficiencies were found and/or the probation officer took steps to remedy deficiencies were deemed compliant. Cases where deficiencies were noted and the probation officer failed to address the deficiencies were deemed non-compliant. Particular attention was paid to the following areas of each file, where applicable:

- Community Service: Was the total required number of hours completed within the specified time period? Did the tracking sheet or log contain sufficient contact information to verify completion of community service?
- Victim Impact Panel: Was there a certificate showing that the probationer completed the required course within the specified time period?
- Drug/Alcohol Risk Reduction School: Was there a form verifying the completion of the required course within the specified time period?
- Substance Abuse/Family Violence Evaluation: Was there evidence indicating an evaluation from an approved behavioral health facility had been completed within the required time period?
- Substance Abuse/Family Violence Treatment: Was there verification that specified treatment was completed within the required time period?

- Program fees and supervision fees: Were all program fees and supervision fees paid before the end of the probation term?
- Fines imposed by the court: Were all fines imposed by the court paid before the end of the probation term?
- Other requirements: If outlined in the terms of probation, did the probationer or Pretrial Intervention Program participant refrain from drugs and alcohol, have no new arrests, and attend all meetings with the probation officer?

B. Summary of Compliance Results

The 512 randomly-selected case files for standard probation and the Pretrial Intervention Program reviewed from Superior, State, Magistrate's, and Municipal Courts contained a total of 1,792 requirements. Documentation in the case files indicated that Probation Services successfully administered 93.7% of the courts' orders for standard probation and the Pretrial Intervention Program. This rate includes instances either where the probationer or program participant adhered to the courts requirements or where Probation Services took action to pursue revocation or other action to enforce the courts' orders. A total of 77 requirements were contained in the 14 DUI/Drug Court files reviewed. All requirements were either met or the probationer was further sanctioned.

Standard Probation Compliance Results

The cases supervised by Probation Services adjudicated in Superior and Magistrate Courts represented only 20 files of the total sample. Hence, results of the analysis presented are only for State and Municipal Court cases. Table 2 provides a summary of the results of the compliance audit with regard to State and Municipal Court standard probation cases.

The review of State Court cases identified an overall compliance rate of 91.7%. The most common deficiency noted was payment of fines and fees, which had a non-compliance rate of 14.4%. With the exception of the DUI School requirement, in which 10.9% of orders were non-compliant, the other requirement categories had compliance rates of over 90%.

The 157 Municipal Court cases reviewed contained 742 conditions and achieved a compliance rate of 93.1%. Requirements with significant deficiencies included substance abuse/family violence evaluations, community service, and verification of completion of DUI School. Ten of the 55 identified requirements for substance abuse/family violence evaluations were non-compliant, resulting in a compliance rate of 81.8%.

Table 2: Requirements of Standard Probation and Number of Deficiencies by Type

Type of Requirement	<i>State Court</i>			<i>Municipal Court</i>		
	Total With Condition	Total With Deficiency	Percent of Total	Total With Condition	Total With Deficiency	Percent of Total
Community Service	92	8	8.7%	105	15	14.3%
Drug/Alcohol Risk Reduction (DUI) School	55	6	10.9%	42	6	14.3%
Victim Impact Panel	27	1	3.7%	37	1	2.7%
Substance Abuse/Family Violence Evaluation	98	8	8.2%	55	10	18.2%
Substance Abuse/Family Violence Counseling	58	5	8.6%	21	0	0.0%
Other Requirements	158	3	8.9%	241	4	1.4%
Fines and Fees	153	22	14.4%	241	15	6.2%
Total Requirements	641	53	8.3%	742	51	6.9%

Pretrial Intervention Program Compliance Results

The sample of cases from the Pretrial Intervention Program included 23 cases from State Court containing 82 requirements and 70 cases from Municipal Court containing 281 requirements. Of the total 363 requirements, only 3 deficiencies were found. Table 3 provides a summary of the results of the compliance audit with regard to Pretrial Intervention Program cases.

Unlike standard probationers, participants in the Pretrial Intervention Program who fail to comply with all terms are dismissed from the program and may face prosecution for their original charges. Consequently, the sample of case files for pretrial intervention demonstrates a very high rate of compliance.

Table 3: Requirements of Pretrial Intervention and Number of Deficiencies by Type

Type of Requirement	<i>Pretrial State Court</i>			<i>Pretrial Municipal Court</i>		
	Total With Requirement	Total With Deficiency	Percent of Total	Total With Condition	Total With Deficiency	Percent of Total
Community Service	17	0	0.0%	69	2	2.9%
Drug/Alcohol Risk Reduction (DUI) School	0	0	0.0%	2	0	0.0%
Substance Abuse/Family Violence Evaluation	15	0	0.0%	45	0	0.0%
Substance Abuse/Family Violence Counseling	4	0	0.0%	25	0	0.0%
Other Requirements	23	0	0.0%	70	0	0.0%
Fines and Fees	23	0	0.0%	71	1	1.4%
Total Requirements	82	0	0.0%	281	3	1.1%

DUI/Drug Court Compliance Results

DUI/Drug Court case files were reviewed to determine compliance with the special requirements of the program as outlined in a previous section of this report. No deficiencies were found in the probation case files examined.

IV. ANALYSIS OF COST AND REVENUE OF THE OFFICE OF PROBATION SERVICES

The FY11 budgeted cost to provide misdemeanor probation services in Athens-Clarke County totaled approximately \$993,000. In order to identify the entire supervision cost associated with misdemeanor probation, the budgeted salary and benefit cost associated with one employee funded from the Special Revenue-Special Projects fund is included in this total. This position provided probation service for the DUI/Drug Court and one assisted with the Pretrial Intervention Program.

Personnel expenditures comprised approximately 83% of the budgeted cost. The largest non-personnel cost was associated with housing Probation Services. Budgeted items such as rent, utilities, and custodial service totaled approximately \$67,000. Other significant non-personnel costs included professional fees associated with the Pretrial Release Program, which totaled approximately \$40,000, and software maintenance and license fees, which totaled approximately \$36,720. All other budgeted costs were an estimated \$34,000.

A cost of service analysis was undertaken to compare revenue received from supervision fees collected by Probation Services to the cost of service. FY11 budgeted operating costs associated with misdemeanor probation were analyzed and isolated into one of four categories:

- General and Administrative – cost associated with the overall general management and administration of the office.
- Standard Probation Supervision – cost identified for the supervision of misdemeanor probationers not under a specialized form of probation. Examples include the salary, benefit, and training costs associated with the employees assigned to the supervision of probationers on Standard Probation.
- Pretrial Intervention Program Supervision – cost identified for the supervision of participants of the Pretrial Intervention Program. Examples include the salary, benefit, and training costs associated with the employees assigned to the supervision of Pretrial Intervention Program participants.
- Pretrial Release Program Supervision - cost associated with the Pretrial Release Program. Examples include the salary, benefit, and training costs associated with the employees assigned to the supervision of Pretrial Release Program participants.

Cost was allocated to the four cost categories based on employee work assignments and estimates of employee effort. The cost identified to the general and administrative category was reallocated to the three supervision categories based on the number of full-time equivalent employees devoted to each. The cost of support staff was allocated among Standard Probation, Pretrial Intervention, and Pretrial Release based on the number of cases supervised by each category during an average month. Non-personnel operating expenses for items such as rent, telephone charges, and software maintenance were allocated among these three supervision

categories based on the number of full-time equivalent employees devoted to each unless the cost was directly attributed to a specific service or program.

Table 4 depicts the estimated budget cost for each of the three supervision categories under Probation Services during FY11 after the reallocation of general and administrative cost and cost associated with support staff and non-personnel operating expenses.

Table 4: FY11 Probation Services Estimated Budget and Actual Revenue by Supervision Category

Service Area	Estimated Actual Supervision Fees and Grants	Estimated Budgeted Cost	Difference
Standard Probation	\$702,148	\$758,821	-\$56,673
Pretrial Intervention	\$186,651	\$143,861	\$42,790
Pretrial Release	\$31,018	\$90,397	-\$59,379
TOTAL:	\$919,816	\$993,079	-\$73,263

In FY11, actual supervision fees and grants collected by Probation Services totaled approximately \$920,000 while budgeted costs totaled approximately \$993,000. Although supervision fees and grants were not sufficient to offset all budgeted costs, comparison to actual expenditures shows that Probation Services spent only 81% of its budget in FY11.

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V. RECOMMENDATIONS

General Recommendations

1. Review the classification, pay grades, and hierarchical structure of the Office of Probation Services given its expanded roles and duties since creation of the office.
2. Establish an operational relationship between the Office of Probation Services and the Manager's Office that is consistent with that of other ACC public safety departments/divisions.
3. Design and implement the use of a tracking sheet to be included in the file of each probationer and program participant. Indicate all probation requirements and corresponding dates of completion on the tracking sheet to facilitate proper documentation of compliance with court orders.
4. Require all organizations that use community service workers to sign an agreement with Probation Services in which the organizations acknowledge their responsibility to abide by the rules and regulations regarding community service workers and documentation of service.

Pretrial Intervention Recommendations

5. Return supervision of Pretrial Intervention participants to the Office of Probation Services and ensure all supervision fees paid by Pretrial Intervention Program participants are used to offset the cost of the Office of Probation Services.
6. List all of the drug and alcohol screening requirements of the Pretrial Intervention Program on the participation order form if so ordered by the judge.

Pretrial Release Program Recommendation

7. Improve the reporting of the revenues from the Pretrial Release Program so that they can be properly tracked within the financial system and reported to Probation Services.

Audit Work Plan Recommendation

8. Include a review of the DUI/Drug Court in the Auditor's Office work plan.