



Legislation Details (With Text)

File #: 2018-2706 **Version:** 1 **Name:**

Type: Resolution **Status:** Action

File created: 9/14/2018 **In control:** Board of Commissioners

On agenda: 12/11/2018 **Final action:**

Title: Commission District(s): all
PRETRIAL JUSTICE DIVISION-1st Appearance Hearings At Jail--District Attorney, Public Defender and Magistrate Court/Pretrial Release

Indexes:

Attachments: 1. 2018 12.11 Item 2018-2706, 2. PreTrial Justice Budget--8.30 am edition

Date	Ver.	Action By	Action	Result
12/11/2018	1	Board of Commissioners	tabled	Pass
12/11/2018	1	Board of Commissioners	taken off table	Pass
12/11/2018	1	Board of Commissioners	approved substitute submitted from the floor	Pass
12/4/2018	1	FAB-Finance, Audit & Budget Committee	recommended for approval.	Pass
11/5/2018	1	FAB-Finance, Audit & Budget Committee	recommended holding in committee	
11/5/2018	1	Board of Commissioners	deferred	Pass
10/23/2018	1	Board of Commissioners	deferred.	Pass
10/16/2018	1	FAB-Finance, Audit & Budget Committee	recommended holding in committee	
10/2/2018	1	FAB-Finance, Audit & Budget Committee	recommended holding in committee	
9/25/2018	1	Board of Commissioners		
9/18/2018	1	FAB-Finance, Audit & Budget Committee	recommended holding in committee	
9/18/2018	1	Committee of the Whole		

Substitute

Public Hearing: YES NO **Department:** District Attorney

SUBJECT:

Commission District(s): all

PRETRIAL JUSTICE DIVISION-1st Appearance Hearings At Jail--District Attorney, Public Defender and Magistrate Court/Pretrial Release

Information Contact: Sherry Boston or Roz Harris

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PURPOSE:

To consider the creation of four positions and related operating expenses in the District Attorney's Office; and

To consider the creation of eight positions and related expenses in the Public Defender's Office; and

To consider the creation of two positions and related expenses in the Magistrate Court/Pretrial Release Office; and

To approve the addition to the fleet of one law enforcement vehicle in the District Attorney's Office and one law enforcement vehicle in the Public Defender's Offices; and to

To authorize the Chief Executive Officer to execute any necessary documents.

NEED/IMPACT:

The District Attorney's Office, Public Defender's Office, and Magistrate Court/Pretrial Release Office are collaborating to create a PreTrial Justice Division. The two primary functions of the project, as required under State law, are to protect due process for defendants and to provide early victim notification related to all arrestees brought to the DeKalb County Jail. When a person is arrested for a felony crime and taken into custody at the DeKalb County Jail their first time in front of a Judge is at First Appearance. Under the law, the arrested person has a right to an attorney and due process at this first stage of the proceedings. Currently, the only people present at the First Appearance are the arresting police officer, the Judge and the arrestee. Given the current climate of bail reform and to ensure that the rights of all arrestees are recognized, there must be a change to the current system. This request is in line with ensuring justice by having the District Attorney and the Public Defender involved at the earliest possible stage. Services to defendants and victims will increase by creating these positions and people who should be released from the Jail can be released and others who require mental health services or other similar services can receive help to obtain them at this early stage. The three main parties involved, the Magistrate Court/Pretrial Release, the Office of the District Attorney and the Office of the Public Defender are jointly making this budget request. This request is also supported by the DeKalb County Sheriff's Office and the DeKalb County Police Department. Currently, the arresting officers must leave the streets of DeKalb County and appear at First Appearance. Under this new request, Officers will not have to come and appear at First Appearance and can better spend their time on the street, at work, protecting the citizens of DeKalb County.

The expansion necessitates appropriate staffing by the District Attorney, the Public Defender, and Magistrate Court beginning December 3, 2018. The District Attorney will require two (2) Attorney I positions, one (1) Investigator, and one (1) Victim Advocate. D.A. personal services costs for the remainder of 2018 will be \$27,840.38, with \$14,420 in necessary operating expenses, and \$22,000 for a law enforcement sedan to be added in the Vehicle Replacement Plan. Total increase required in the D.A's 2018 Operating Budget is \$64,260.38

The Public Defender's required staffing for the new division is three (3) Attorney I positions, one (1) Attorney II position, one (1) Investigator II and one (3) Social Workers. Total personal services for the remainder of 2018 are \$62,516. Total necessary operating supplies costs are \$10,800 and \$22,675 for a vehicle, for a total increase required in the Public Defender's 2018 Operating Budget of \$95,991.

The Magistrate Court's required staffing for the new division is one (1) Clerk position and one (1) Pretrial Release Officer II. Personal Services costs for the remainder of 2018 will be \$9,699.16. Total necessary operating supplies costs are \$4,500 for a total increase required in the Magistrate Court/Pretrial Release Office's budget of \$14,199.16.

This will be an ongoing project and the parties will ask for complete salaries of employees moving forward in 2019.

FISCAL IMPACT:

\$64,260.38 for District Attorney, \$95,991 for Public Defender, and \$14,199.16 for Magistrate Court

RECOMMENDATION:

Approve the creation of four positions and related operating expenses in the District Attorney's Office; and approve the creation of eight positions and related expenses in the Public Defender's Office; and approve the creation of two positions and related expenses in the Magistrate Court/Pretrial Release; and approve the addition to the fleet of one law enforcement vehicle in the District Attorney's Office and one law enforcement vehicle in the Public Defender's Offices; and authorize the Chief Executive Officer to execute any necessary documents