



Justice

Contains Recommendations*

DJJ Incident Response and Management

Local Victim Assistance Program Funds

Georgia Public Defender Council

* Until the follow-up review is completed, recommendation status shown is based on the agency's response and is subject to change.



Performance Audit Division

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DJJ Incident Response and Management

Problems Identified in Various Incident Response Processes

BACKGROUND

Established in 1992, the Georgia Department of Juvenile Justice (DJJ) provides supervision, detention, and rehabilitation of youth offenders committed to the state's custody. DJJ is responsible for ensuring youth's safety and protection of youth rights within its secure facilities.

DJJ currently operates 25 secure facilities across the state—19 Regional Youth Detention Centers (short-term facilities) and 6 Youth Development Centers (long-term facilities). In fiscal year 2022, DJJ had an average daily population of 969 youth in secure facilities with a total bed capacity of nearly 1,800. Secure facilities accounted for 68% (\$229 million) of DJJ's \$335 million expenditures in fiscal year 2022.

KEY RECOMMENDATIONS

To improve data collection and analysis and provide additional management oversight, DJJ should:

- Centrally track grievance data and implement controls to ensure isolation and disciplinary data are complete and accurate
- Routinely review data to identify potential problems, such as overuse of isolation
- Improve oversight of the employee discipline process to ensure appropriate action is always taken with substantiated allegations
- Conduct facility audits more frequently and hold facilities accountable for addressing internal audit findings

To strengthen processes and policies and ensure policies are executed as intended, DJJ should:

- Establish maximum isolation times, streamline the administrative requirements for imposing youth discipline, and clarify grievance resolution procedures
- Maintain adequate staffing and enhance training

KEY FINDINGS

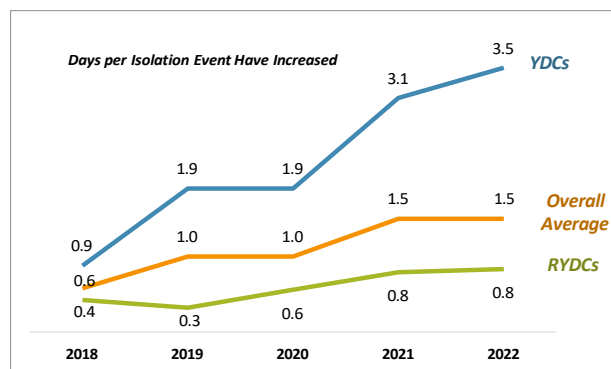
While the number of incidents decreased between fiscal years 2018 and 2022, we identified issues with agency responses to the incidents that did occur. Issues related to incident reporting, isolation, discipline, and investigations can impact DJJ's ability to ensure a safe and secure environment and hold youth and staff accountable for their actions.

Improved data and additional oversight are needed in multiple areas.

- Youth grievances are not centrally tracked and therefore cannot be easily monitored to ensure timely and appropriate resolutions. Furthermore, systemic issues and problems involving particular facilities and staff may be missed.
- Isolation data and youth disciplinary data are centrally tracked, but we identified limitations in both data sets. For example, isolation usage is under-reported, and the data is not tracked in a way that allows for easy analysis of duration and frequency or comparisons among facilities.
- Internal audits, which serve a valuable monitoring function, are not conducted as frequently as required and identified issues are often not corrected.

Policies and processes align with best practices in some respects, but we identified weaknesses.

- While DJJ policies related to grievances, isolation, and discipline align with many best practices, we identified some weaknesses in how the policies and processes are designed. For example, DJJ lacks a maximum time for isolation, and isolation duration has increased since 2018.



Staffing, training, and culture impact compliance with policies.

- Nearly 40% of survey respondents indicated that incidents are not always reported for reasons including lack of consequences for those involved, unawareness of reporting requirements, and fear of retaliation from other staff.
- While most investigations are completed in a timely manner, 41% (122 of 294) of those related to sexual abuse and sexual harassment in fiscal years 2020-2022 were not completed within DJJ's 30-day goal.

DJJ Incident Response and Management
Final Status Pending – Follow-Up Review will be completed in 2025

Finding 1: DJJ should resolve grievances in a timely and appropriate manner and track submissions to identify potential issues.	
DJJ should improve protocols to ensure the regional administrators' QAR reviews are conducted thoroughly and consistently.	Status Pending
Finding 2: DJJ should better ensure that facilities consistently adhere to incident reporting requirements and timelines.	
DJJ should better ensure that facilities consistently meet all SIR requirements and evaluate whether additional staff are resources are necessary to do so.	Status Pending
DJJ should continue to expand strategies that encourage a culture of accountability, such as periodically assessing facility culture, recognizing positive behaviors, ensuring staff can access advice and assistance with any concerns, and consistently taking action when staff fail to report known incidents.	Status Pending
DJJ should provide additional training on reporting requirements to ensure incidents are properly reported with complete paperwork.	Status Pending
DJJ should improve the quarterly regional administrator reviews and SIR monitoring tool to ensure problems are identified and corrected.	Status Pending
Finding 3: DJJ should improve controls to ensure isolation is utilized appropriately.	
DJJ should require staff to record the specific reason for placing a youth in isolation and extending the isolation period in the data.	Status Pending
DJJ should revise the approval continuum to clarify procedures and ensure management is fully informed of isolation duration. As part of this effort, DJJ should continue plans to integrate the approval continuum with isolation alerts to automate this process and require a response (approval or denial) by the designated authorizer.	Status Pending
DJJ should establish maximum time limits for isolation and requirements for any exceptions allowed.	Status Pending
DJJ should implement additional management controls to ensure that isolation events are always entered into the data.	Status Pending
DJJ should improve data tracking methods to ensure that the data is reliable and can be easily analyzed to allow for comparisons across facilities or identification of trends.	Status Pending
DJJ should implement a routine management review of isolation data to ensure consistency and accuracy and to identify any issues (e.g., isolation length, use as a discipline).	Status Pending
DJJ should establish procedures to ensure that regional administrators review isolation practices and document findings.	Status Pending
DJJ should enhance staff training and provide clear directions for utilizing isolation appropriately.	Status Pending
Finding 4: DJJ should modify the disciplinary process to improve accountability, consistency, and efficiency.	
DJJ should review the disciplinary process and identify areas to ease requirements, streamline, and reduce paperwork.	Status Pending

DJJ Incident Response and Management

Final Status Pending – Follow-Up Review will be completed in 2025

DJJ should ensure that facilities maintain sufficient staffing to execute the disciplinary process and that staff receive adequate training.	Status Pending
DJJ should establish additional protocols for integrating PBIS into the disciplinary process.	Status Pending
DJJ should improve management oversight of the disciplinary process, sanctioning, and PBIS implementation. For example, DJJ management should: <ul style="list-style-type: none"> a) Routinely monitor the number of incidents resulting in discipline across facilities; b) Begin tracking disciplinary reports that are dismissed for administrative reasons; and c) Require staff to enter sufficient details regarding sanctions (e.g., hours of early bedtime, description of “other” sanctions) and routinely review the sanctions for consistency and compliance with policy. 	Status Pending
Finding 5: DJJ management should better ensure that investigations are conducted in a timely manner and that appropriate action is taken when allegations against staff are substantiated.	
DJJ should improve its process to meet timeliness requirements, particularly for PREA investigations. For example, improvements could involve additional tracking of milestone dates, review of trend data to identify issues (e.g., with specific investigators or facilities), and a more formal approval process for investigations exceeding 30 days.	Status Pending
DJJ should improve management controls (e.g., the notification process) to ensure all incidents requiring investigation are assigned for investigation.	Status Pending
DJJ should ensure the PREA unit is adequately staffed to manage their full caseloads.	Status Pending
DJJ management should implement additional measures to better ensure that staff are appropriately disciplined when allegations are substantiated. Measures could include more centralized tracking and oversight and additional training on disciplinary policies for facility directors.	Status Pending
Finding 6: DJJ has not been auditing facilities as frequently as agency policy requires, and issues often remain unaddressed following the audits.	
OCI should track and monitor relevant audit milestone dates to ensure they are being met.	Status Pending
DJJ should ensure the audit tool is consistent with best practices regarding summaries of key findings and audit work documentation.	Status Pending
DJJ should audit more facilities each year to comply with policy requirements and ensure that serious problems are identified. To achieve this, DJJ may need to evaluate whether additional resources are necessary or whether the process can be conducted more efficiently.	Status Pending
DJJ should develop mechanisms to ensure that facilities address internal audit findings. For example, DJJ could implement more specific protocols for CAP submittal and review and track facility progress.	Status Pending
OCI should improve communication of the audit process and audit results with facility directors.	Status Pending
DJJ should continue to update and improve the auditor training guide and ensure its dissemination and use by auditors.	Status Pending

DJJ Incident Response and Management
 Final Status Pending – Follow-Up Review will be completed in 2025

Finding 7: While the number of incidents in DJJ facilities have decreased in the last five years, we identified issues with DJJ’s response to the incidents that did occur.	
No recommendations	
Finding 8: DJJ should resolve grievances in a timely and appropriate manner and track submissions to identify potential issues.	
DJJ should clarify grievance policies and provide additional training to all involved staff on issues including emergency grievances, grievances submitted on weekends, grievance responses, and the appeals process.	Status Pending
DJJ should explore a mechanism to provide youth a copy of their grievance for proof of submission (e.g., carbon copy, scanning grievances directly into a system, kiosk submission).	Status Pending
DJJ should electronically track grievances for monitoring purposes. Central office management could review data to 1) ensure compliance with timeliness requirements; 2) ensure that more serious grievances are documented in special incident reports and fully investigated if warranted; 3) identify trends across facilities; 4) identify potential problems with specific facilities and staff; and 5) ensure that resolutions adequately address the problem (i.e., not “discussion with youth”).	Status Pending
Finding 9: DJJ should better ensure that facilities consistently adhere to incident reporting requirements and timelines.	
DJJ should provide additional training on reporting requirements to ensure incidents are properly reported with complete paperwork.	Status Pending



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Local Victim Assistance Program Funds Requested Information on Oversight and Spending

BACKGROUND

The House Appropriations Committee requested this special examination of Local Victim Assistance Program (LVAP) funds. Based on this request, we reviewed (1) how much LVAP funding is collected by courts and remitted to counties and district attorneys; (2) how counties and district attorneys distribute funds to LVAP agencies; (3) how LVAP funds are expended; and (4) what oversight is in place for the entities collecting, distributing, and receiving funds.

In 1995, funding for Georgia’s LVAP agencies became available through a 5% penalty added to criminal fines. Courts collect these penalty monies and typically remit to counties. Funds are then distributed to LVAP agencies—including district attorney offices and nonprofits—to support victim services. Courts reported collecting more than \$11 million in LVAP revenue in 2023.

The Criminal Justice Coordinating Council (CJCC) and the Georgia Superior Court Clerks’ Cooperative Authority (GSCCCA) have statutory responsibilities for LVAP, including compiling reports (both entities) and certifying LVAP agencies to receive funding (CJCC only).

KEY RECOMMENDATIONS

All entities involved in the State Victim Services Commission should:

- Implement the Commission and complete its statutorily required duties.

The General Assembly should:

- Modify statute to clarify the roles of counties and district attorneys and the intended purpose of LVAP funds.

CJCC should:

- Improve county and LVAP agency data collection and review processes.
- Update guidance to align with LVAP statute.

GSCCCA should:

- Modify LVAP penalty revenue reporting.

KEY FINDINGS

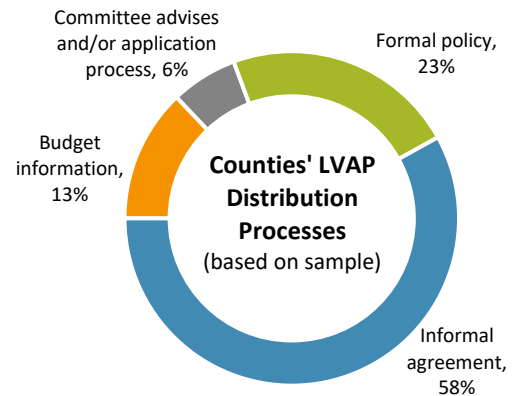
Oversight of LVAP fund administration is limited, making it difficult to coordinate guidance and ensure compliance at the state level. As a result, there are inconsistencies in how funds are distributed and used.

Oversight of the collection, distribution, and use of LVAP funds is limited.

- State law established the State Victim Services Commission with oversight responsibility for LVAP funds in 2004, but it has never assembled. The Commission is statutorily responsible for monitoring compliance among courts, counties, and LVAP agencies.
- In the Commission’s absence, oversight is primarily limited to CJCC’s and GSCCCA’s responsibilities for compiling data submitted by courts, counties, and LVAPs. Gaps and errors in the reports limit their usefulness in ensuring compliance.

LVAP funding distribution roles and processes are inconsistent across counties.

- Counties’ distribution processes—along with the district attorney’s decision-making role in some cases—have resulted in disparities in the funding received among LVAPs. We found that district attorney and solicitor general programs received a larger portion of LVAP funds than nonprofits in the period reviewed.



- State law has been interpreted to require counties to receive LVAP funds when at least one certified LVAP operates within its borders; however, there is ambiguity in the language. We found some counties with certified LVAPs have chosen to defer responsibilities to the district attorney.
- When funds are distributed by counties, most do not have processes that evaluate need or allow LVAPs to apply for funding. Additionally, some counties retain a portion of funds rather than distributing all to LVAPs.

While LVAP agencies generally report spending funds on victim service activities, there are no clear guidelines for how funds may be spent most effectively.

- Agencies surveyed reported using funds for a wide range of services, including salaries, training, and operational expenses. Not all funding is expended annually, however—10% of nonprofits and 19% of district attorney/solicitor general programs reported saving LVAP funds.
- In the absence of the State Victim Services Commission, no entity is responsible for establishing spending guidelines or assessing the extent to which funds are used for direct services.

Local Victim Assistance Program (LVAP) Funds
Final Status Pending – Follow-Up Review will be completed in 2026

Finding 1: Oversight of the collection, distribution, and use of LVAP funds is limited.	
All involved agencies should communicate to implement the State Victim Services Commission. This effort should include all relevant entities make their respective Commission appointments. Once formed, the Commission should utilize existing resources (and identify whether additional resources are necessary) to complete statutorily required duties, including developing a comprehensive state plan to support victim services.	Status Pending
If the Commission is not established, the General Assembly could consider giving additional oversight responsibilities to CJCC.	Status Pending
Finding 2: Due to reporting issues, it is not possible to confirm that LVAP funds are appropriately collected, distributed, and used.	
CJCC should educate entities on how to properly complete LVAP reports and should revise survey instruments as necessary to ensure reporting is effective and clear.	Status Pending
To better identify errors, CJCC should develop and implement data standards and validation process for LVAP. If current resources are not sufficient, CJCC should request additional funding.	Status Pending
When errors are identified, CJCC should follow up and provide technical assistance to ensure that the data is accurate.	Status Pending
CJCC should submit an annual report of counties that did not comply with reporting requirements to the General Assembly as required by statute.	Status Pending
GSCCCA should modify reports to capture the entities to which courts are disbursing funds and include this information in reports sent to CJCC. This information could be used to follow up with courts not disbursing funds in accordance with statutory requirements.	Status Pending
Once established, the State Victim Services Commission should review and reconcile reports to assess compliance with LVAP collection and distribution requirements.	Status Pending
Finding 3: The district attorney’s role in administering LVAP funds should be clarified.	
The General Assembly should modify statute to clarify its intention regarding the role of county governing authorities and district attorneys in LVAP fund administration.	Status Pending
Once the General Assembly clarifies statute, CJCC should adjust administrative rules to align. If the statute is not revised, CJCC should ensure that guidance regarding the district attorney’s roles is consistent.	Status Pending
Finding 4: The process for allocating funds to LVAP agencies varies by county, resulting in inconsistencies in funding distribution and contention among stakeholders.	
As part of the comprehensive state plan, the State Victim Services Commission should provide additional guidance and oversight of funding distribution practices. If the Commission is not established, CJCC should consider creating general guidance.	Status Pending
Finding 5: Most counties report disbursing all fee collections to LVAP agencies, but some retain a portion for administrative expenses and/or contingency reserves.	
CJCC should revise existing guidance (including information in its county survey tool) and agency rules to be consistent with state law.	Status Pending

Local Victim Assistance Program (LVAP) Funds
Final Status Pending – Follow-Up Review will be completed in 2026

<p>If CJCC chooses to leave questions in the survey regarding retaining funds for administrative purposes and accumulating retained funds from prior years to “capture behavior,” it should flag responses that indicate potential noncompliance and conduct appropriate follow up.</p>	Status Pending
Finding 6: Clear guidelines for how LVAP funds may be spent effectively do not exist.	
<p>The General Assembly should consider clarifying the intended purpose of LVAP funds in statute.</p>	Status Pending
<p>Once members have been identified, the State Victim Services Commission should establish guidelines for the most effective uses of LVAP funds. As required by statute, it should also assess the extent to which funds are spent on direct services.</p>	Status Pending
<p>In the absence of guidance from the State Victim Services Commission, CJCC should develop and distribute a set of best practices for the use of LVAP funds.</p>	Status Pending



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Georgia Public Defender Council

Requested information on financial and operational controls

BACKGROUND

The Georgia Public Defender Council (GPDC) is charged with ensuring adequate and effective legal representation to indigent persons who are entitled to such services. State law defines an indigent defendant as a person who earns—or, in the case of a juvenile, whose parents earn—less than a percentage of the federal poverty level as determined by the charge of misdemeanor or felony.

GPDC represents indigent persons in criminal cases, including death penalty and appellate cases, and provides support services on cases involving individuals who are deemed mentally incompetent. GPDC also provides administrative support to local circuit public defender offices in 44 of the state’s 50 judicial circuits.

In fiscal year 2024, GPDC managed approximately \$145 million in federal, state, and other funds. Approximately 30% of this funding is restricted for certain uses specified in contracts with county governments.

The Senate Appropriations Committee requested this special examination of GPDC. The Committee asked that we examine GPDC’s management of its state appropriations (including internal controls around agency finances and compliance with program-based budgeting), use of other or temporary funds for ongoing operations, and practices related to setting and adjusting salaries.

KEY RECOMMENDATIONS

The General Assembly should:

- Consider clarifying how the statewide salary schedule should factor into GPDC attorney pay.

GPDC should:

- Appropriately document rerate decisions.
- Track and analyze case data to support additional funding requests.
- Evaluate how it will continue to meet its obligations once ARPA expires.
- Formally adopt a salary schedule as required by law.

KEY FINDINGS

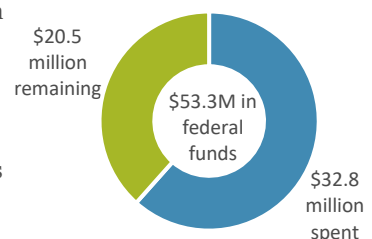
According to the Georgia Constitution, every person charged with an offense is entitled to legal representation, and GPDC is charged with providing this service to qualified individuals. In doing so, GPDC’s financial and operational practices carry risks. In recent years, GPDC has heavily relied on temporary federal pandemic-related funds to cover ongoing indigent defense services and avoid a budget shortfall, though this presents risk for continued stability once the funds expire. In addition, GPDC has regularly transferred expenditures between its two programs without supporting documentation, which places it at risk of non-compliance with program-based budgeting requirements. Finally, while largely compliant with state salary requirements, GPDC has not yet created a salary plan as required by law, though it has attempted to do so. This can lead to inconsistency in compensation practices.

GPDC’s expenditures regularly exceed its monthly revenue, requiring various strategies to balance its budget.

- GPDC’s monthly spending regularly exceeds its monthly allotment of state funds and other revenue. End-of-year deficits were ultimately avoided with an influx of federal American Rescue Plan Act (ARPA) funds (\$2.7 million more than the \$1.2 million GPDC initially anticipated would be available).
- GPDC transferred expenditures between programs and fund sources in a process known as “rerating.” GPDC did not provide documentation to support movement of expenditures from one program to another, citing the executive director’s authority to make such decisions (though this is not explicitly stated in statute). Without justification, GPDC is at risk of noncompliance with program-based budgeting requirements if expenses incurred by one program are charged to another.
- According to GPDC, expenditures often exceed revenue because of the unpredictability of conflict cases, which consist of multi-defendant and other cases involving conflicts of interest. These cases require GPDC to incur additional expenses to hire more contract attorneys. Trend data may assist in determining whether additional state funds are needed to manage the workload in future years.

GPDC uses temporary federal and other funds for ongoing operations.

- Since January 2022, GPDC has spent \$32.8 million in federal funds available through ARPA, leaving \$20.5 million available for spending by December 31, 2026.
- GPDC’s use of ARPA funds for conflict cases presents a risk that additional state funds will be required to maintain the current level of service once ARPA funds are exhausted.



Though attorney salaries largely comply with state requirements, GPDC has not established a salary plan as required by law.

- GPDC’s statute includes salary ranges for its attorney positions, which match statutory requirements for the Prosecuting Attorneys’ Council (PAC). Nearly all of GPDC’s attorney salaries comply with statutory limits.
- GPDC’s statutory ranges do not align with those in the statewide salary plan established by the Department of Administrative Services, which GPDC is also expected to follow as an executive branch agency. Nearly half of GPDC’s attorney salaries exceeded those in the statewide salary plan.
- Unlike PAC, GPDC has not established a salary plan as required in statute, despite multiple attempts to do so.

Georgia Public Defender Council
Final Status Pending – Follow-Up Review will be completed in 2027

Finding 1: GPDC’s expenditures regularly exceed its monthly revenue, requiring various strategies to balance the budget by fiscal year end.	
GPDC should establish procedures to ensure rerated costs are being charged appropriately and are adequately documented.	Status Pending
GPDC should track and analyze case data and other relevant information necessary to document trends that impact its workload and support requests for additional funding.	Status Pending
DOR should issue new regulations for the hotel-motel fee and update the Frequently Asked Questions on its website.	Status Pending
DOR should develop an outreach strategy to inform taxpayers of the hotel-motel fee requirements.	Status Pending
DOR should explore changes within its accounts registration portal to help taxpayers identify applicable taxes and fees.	Status Pending
Finding 2: GPDC has spent federal ARPA funds on ongoing indigent defense services, which presents a risk to the continuation of services once funds expire.	
GPDC should evaluate its use of ARPA for regular operations and consider how it will continue to meet its obligations once the funds are exhausted.	Status Pending
Finding 3: Funds from fees and other sources contribute to a small percentage of GPDC’s operating expenses.	
No recommendations included.	
Finding 4: GPDC salaries largely comply with state requirements, with few exceptions.	
The General Assembly should consider clarifying how the statewide salary schedule should factor into GPDC attorney pay. This would assist in reconciling O.C.G.A. § 17-12-27 with other conflicting code sections and State Personnel Board rules.	Status Pending
Finding 5: GPDC has not set a salary schedule for its attorney positions.	
GPDC should create and formally adopt a salary schedule as required by law.	Status Pending
Finding 6: GPDC’s consolidation of central office duties has risks.	
GPDC should regularly assess the effectiveness and sustainability of its consolidated central office positions.	Status Pending