

***PERFORMANCE AUDIT OF THE
DAVIDSON COUNTY, TENNESSEE
JUVENILE COURT SYSTEM***

*Executive Summary
March 2006*





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This document has been prepared under an agreement dated June 28, 2005 between the National Center for State Courts and the Metropolitan Government of Nashville and Davidson County, Tennessee. The points of view and opinions offered in this report are those of the project consultants and do not necessarily represent the official policies or position of the Metropolitan Government of Nashville and Davidson County or the National Center for State Courts.

Online legal research provided by LexisNexis.



EXECUTIVE SUMMARY

Background

The National Center for State Courts and the Matrix Consulting Group (the Project Team) were retained by the Metropolitan Government of Nashville-Davidson County to conduct a Performance Audit of its Juvenile Court and Juvenile Court Clerk's Office. The purpose of this audit was to:

- Compare the Juvenile Court and Juvenile Court Clerk's actual practices against written policies, procedures, and established standards in primary areas of operation
- Compare the Juvenile Court system operations to industry benchmarks, peer city model juvenile court systems, and best practices
- Evaluate the operating efficiency and effectiveness of all Juvenile Court system operational areas
- Examine the allocation of personnel and other resources
- Assess the Juvenile Court Clerk's office implementation of recommendations contained in the Internal Audit report issued in August 2003
- Identify major strengths and weaknesses for all operational areas and describe significant contributing factors
- Describe any instances of non-compliance with laws and regulations, fraud and abuse, or illegal acts
- Provide a list of recommendations for areas where performance could be improved

The audit began in July, 2005 with an initial meeting of the Steering Committee at which Juvenile Court stakeholders met with the Project Team leaders to identify key issues and concerns to consider in the audit. The first data collection site visit occurred in October 2005 with follow-up site visits conducted in November 2005. A variety of data collection and analytic approaches were utilized by the Project Team including:

- Discussions with Metro’s Internal Audit staff Office to obtain background information, identify potential issues, and confirm the scope of work and schedule
- Review of prior audits and evaluations of the Davidson County Juvenile Court and Juvenile Court Clerk’s Office as well as Court data, reports, policies and procedures, and other background information
- Intensive interviews with the leadership of the Davidson County Juvenile Court and Office of the Juvenile Court Clerk as well as with the managers of each Court unit and Clerk’s Office section and many members of the staff of both organizations
- Obtaining available data from the Juvenile Court and Juvenile Court Clerk’s Office to determine workloads, workflow, service levels, and costs
- Requesting data from comparable jurisdictions to provide a context for assessing the operations of the Juvenile Court and Juvenile Court Clerk
- Identifying best practices from jurisdictions throughout the country and the literature on juvenile court operations, procedures, and facilities
- On-going discussions with the leadership and key managers of the Juvenile Court and Juvenile Court Clerk’s Office to refine issues and obtain additional information

Based upon the examination of this information, the Project Team prepared a report that describes the organization, staffing, operations, and management of each organizational unit of the Davidson County Juvenile Court and the Office of the Davidson County Clerk of the Juvenile Court; identifies the strengths and weaknesses found; and offers over 90 recommendations for improvements. The appendices include overall organization charts, workflow diagrams, and contextual information regarding the staffing and organization of comparable jurisdictions.

Profile of the Juvenile Court and Juvenile Court Clerk’s Office

Juvenile Court

The mission of the Davidson County Juvenile Court is:

To provide a judicial and non-judicial service delivery system that is fair, accessible, efficient and responsive that will meet the

immediate and long term needs of the citizens of Greater Nashville and Davidson County Tennessee in a manner consistent with public safety.¹

The Davidson County Juvenile Court is one of 17 Juvenile Courts in the state of Tennessee that is a "Private Act" court. The Court is headed by Judge Betty Adams Green. It has jurisdiction over all cases related to delinquency, neglect, parentage², and status offenses³, and is one of four counties in Tennessee to administer county probation. State probation is considered more serious and restrictive than county probation. Juveniles are usually placed on county probation first and then on state probation if delinquency continues.

In 1996, the Davidson County Juvenile Court was designated as a Model Court by the National Council of Juvenile and Family Court Judges' Permanency Planning for Children Department. An outgrowth of this program, driven by the Court's desire to strive for excellence and better service to the public, was to implement a one family-one judge docket system throughout the court in 2004. The intent of this docketing structure is to improve the process of assigning and disposing cases and to decrease caseloads. The one family-one judge system extends beyond judicial officers and includes probation staff and intake personnel in the singular involvement of court staff with families. Additionally, agencies outside of the court such as the District Attorney's Office, the Public Defender's Office, the Department of Children Services, and other agencies involved in the Juvenile Court system honor the one family-one judge system.

The Davidson County Juvenile Court is organized around three divisions: the Adjudication Division, Professional Services Division, and the Administrative

¹ Nashville Juvenile Court website 9/15/05), Nashville Juvenile Court website 9/15/05)
http://www.nashville.org/juvenile_court/index.htm.

² Parentage cases include child custody matters, visitation, determination and establishment of parentage (fathers) and child support orders.

³ Status offenses are those acts which are unlawful because of a person's age, such as running away from home, truancy, violations of curfew and unruly behavior.

Services Division. The Adjudication Division is responsible for hearing all cases relating to alleged delinquency, unruly child behavior (truancy, curfew, runaway), neglect and abuse, termination of parental rights, paternity, legitimatization, child support, child custody and visitation, and all parentage cases filed by the Title IV-D agency.

The Professional Services Division provides specialized services to the Court and juveniles that come before it. These include the Juvenile Family Drug Courts, Truancy Prevention and Reduction, Community Supervision Probation, Resource Services and Assessment, Enforcement and Warrants, Community Service, Building Security, Centralized Intake and Pretrial Services, Family Services, Parentage/Child Support, and Detention Contract Monitoring.

The Administrative Services Division is responsible for the day-to-day operations and management of the Juvenile Justice Center, including management of the Juvenile Court's fiscal and purchasing services, provision of human resources services, coordination of training and all grants and contracts, and provision of information systems services to the Court and court facilities.

In 2005, the Juvenile Court heard 60,363 cases; this figure is slightly higher than the five-year average of 58,455. The Court's Probation Unit retained oversight of 7,407 children including those on delinquent, unruly, neglect and dependent, and diverted case status, compared to a five-year average of 7,891 children. Annual probation caseload figures were not available for 2005; however, during the past five years (2000 through 2004), probation caseloads have averaged between 32 and 35. Caseload figures for the end of January, 2006 were at 32 for general caseloads; 34 for CPIT cases, and 25 for the specialized gang unit. The Juvenile Court's 2005 budget was \$9,745,900.

Juvenile Court Clerk's Office

The Juvenile Court Clerk is an elected official and maintains a separate budget from the Juvenile Court. The Clerk's Office is responsible for keeping all minutes, dockets, and records for all matters before the Juvenile Court. Additionally, the Office of the Juvenile Court Clerk collects fines, payments, and restitutions, as well as maintains accounts for child victim criminal injury. The Juvenile Court Clerk is also responsible for receiving and placing in the proper case files all petitions and other pleadings and documents filed with the Court. The Office of the Clerk is staffed by total of 34 permanent personnel including the elected Clerk of Court, plus temporary summer personnel.

The Office is organized into two operating groups – Fiscal Operations and Court Operations.

Fiscal Operations -- manages the finances of the Office. This involves the collection and accounting of monies for court fines and fees and for Title IV-D Child Enforcement Support Services.

Court Operations -- is composed of two separate and distinct functions: Records and Minutes.

- Minute Clerks operate in the courtroom with the judicial officers. The Minute Clerks ensure that all records are available for court sessions. They also record case decisions and outcomes in the Court's automated records systems (JIMS).
- Record Clerks are responsible for creating and maintaining case files, updating the JIMS information system, pulling and re-filing case files from the Clerk's various record repositories, answering the office phone, and staffing the Clerk's customer counter to answer citizen inquiries.

In addition, the Clerk employs two senior administrative officers -- the Administrative Services Manager who serves as a deputy to the Clerk, sits on various Metro committees, interacts with the JIS on information system updates and enters leave data into Metro's personnel system; and the Administrative

Services Officer-3 who collects leave data from employees, distributes court documents, including mail, reviews the collection of court costs, and makes garnishment decisions. Neither of these positions involve supervision of staff.

Summary of Recommendations

In the view of the Project Team, the Davidson County Juvenile Court is dedicated to achieving excellence and to fully meeting its responsibilities to assist troubled youth and families, protect public safety, ensure justice, and operate as efficiently as possible. By reviewing some of its current approaches, making a number of administrative changes, and upgrading some of its infrastructure, the Team believes that the Court can even more fully meet its goals and the expectations of the citizens of Davidson County. The Davidson County Juvenile Court Clerk's Office, on the other hand, though it has implemented a number of the recommendations resulting from its most recent audit, is still not operating at the level of quality required to fully meet its responsibilities.

In considering the more than 90 improvements proposed for the Court and the Clerk's Office in this report, six themes emerge. While perhaps a third of the recommendations are related only to a specific unit or procedure, the remaining two-thirds fall within the following overarching categories:

1. The need to establish clear performance expectations and methods for measuring performance for Juvenile Court staff, Clerk's Office staff, and the interactions between the Court and the Clerk's Office.

Throughout the Court and the Clerk's Office, most units and staff do not have a defined set of performance standards, and the leadership and managers of the Court and the Clerk's Office do not receive regular management reports that provide an indication of how well they are operating. Although the

Juvenile Court is currently supported by two automated information systems - the Justice Information Management System (JIMS), which maintains electronic Juvenile Court case files for both the Juvenile Court and the Juvenile Court Clerk; and the Juvenile Case Management System (JCMS), which maintains case information for probation officer monitoring and tracking – neither provide management reports to the leadership and managers. Examples of problems and specific recommendations encompassed by this theme include:

Performance Expectations:

Currently, the efficiency of the Juvenile Court's adjudicatory process is hampered by:

- Missing pleadings in case files
- Incorrect computer schedule for dockets
- Incomplete decree sheets
- Missing information and paperwork for cases on the docket

These are responsibilities of the Minute Clerks employed by the Juvenile Court Clerk. Accordingly, Recommendation 1-4 calls for *establishment of a set of written performance expectations for Minute Clerks regarding the services they provide the Court*. Recommendation 2-4 extends this suggestion to all members of the Clerk's Office staff.

Several recommendations urge the preparation or updating of detailed policy and procedures manuals to guide various types of staff and promote consistent, high quality performance. These include guidelines for:

- Probation officers handling juveniles found to have committed a sexual offense (*Recommendation 1-22*)
- Court security officers regarding the use of deadly and non-lethal force (*Recommendation 1-59*)
- The staff of the various operational units in the Clerk's Office (*Recommendations 2-7, 2-11, 2-14, and 2-18*)

Measuring Performance:

While establishing performance standards is a first step, they are of little value unless data is regularly collected and reported and measures the

extent to which units and individual employees are meeting the established expectations. Thus, the Project Team has recommended that performance measurement and evaluation processes be instituted for the Court and Clerk's Office as a whole (*Recommendations 1-52, 2-5, 2-6, and 2-9*) as well as for specific functions and units including:

- Dependency cases (*Recommendation 1-32*)
- Drug Court programs (*Recommendation 1-38*)
- Clerk's Office employees (*Recommendation 2-6*)
- The Collections Program (*Recommendation 2-15*)
- The Records Unit (*Recommendation 2-18*)
- The Minutes Unit (*Recommendations 2-27 and 2-28*)

Upgrading the Court's and Clerk's Automated Data Systems:

In order to obtain the data and generate the reports for measuring performance most efficiently, it would be optimal if these functions were included as part of the JIMS and JCMS information systems, and that these systems include all the types of cases handled and all the dispositions used by the Court. Therefore, there are recommendations to:

- Integrate the tracking of diverted cases and Drug Court cases into JIMS (*Recommendations 1-15 and 1-38*)
- Working with Metro's Justice Integrated Systems Department (JIS) to upgrade, fix, and complete the JIMS and JCMS systems and add a management reporting capacity (*Recommendations 1-52, 1-53, and 2-5*)
- Add a component for tracking service of process and arrest warrants (*Recommendation 1-57*)
- Provide for automated financial controls (*Recommendations 2-11 and 2-12*)
- Activate the bar coding and imaging functions of JIMS to permit comprehensive file tracking and simplify the sharing of documents (*Recommendations 2-19 and 2-20*)
- Enable tracking of employee leave schedules to assure that all courtrooms can be covered by trained minute clerks (*Recommendation 2-24*)

2. The need to increase, broaden, and improve staff training and cross-training.

Most of the training that Juvenile Court staff and particularly Clerk's Office staff receive is "on-the-job." There is little orientation for new employees to explain their duties and what is expected of them; little skill enhancement training; little or no safety training to protect themselves and the juveniles they may be supervising; and little cross-training to facilitate staffing flexibility and job development. An enhanced training program is closely related to implementing a performance standards/measurement system and ensuring that the Juvenile Court and the Clerk's Office operate as fairly, consistently, efficiently, and effectively as possible. The concerns and recommendations related to this theme include:

Training on job requirements and procedures:

Providing instruction and materials regarding the tasks to be performed, the procedures to be used, and how duties of the position are integrally related to the operation of the juvenile justice system helps new employees and employees new to a job become productive more quickly, reduces disruption in a work unit, and promotes consistency and efficiency. They also provide the basis for establishing uniform performance expectations and measuring individual performance. While mentoring and "learning-by-making mistakes" can ultimately be effective, they are slow and practices may vary depending on who offers advice. Refresher training allows for more rapid introduction of improved practices and provides an opportunity to address questions and develop improved methods of operation. Accordingly, specific recommendations address job requirements training for:

- Staff supervising juveniles custody (*Recommendation 1-17*)
- Community Supervision Probation Officers (*Recommendation 1-31*)
- Staff assigned to the Drug Court Programs (*Recommendation 1-37*)
- Clerk's Office Staff (*Recommendations 1-6 and 2-10*)
- The Court's half-time MIS employee on creating Crystal reports (*Recommendation 1-51*)

- All staff on the software they need to perform their jobs and on the rules governing work hours, comp. time, overtime, and work schedules (*Recommendations 1-27, 1-45, and 1-56.*)

Safety training:

Some level of training on how best to assure personal safety is needed for all persons who work in the Juvenile Justice Center, but it is particularly important for probation officers who must make home visits or supervise juveniles in the community, security officers and probation officers who supervise detained youth, and security officers who serve attachments or provide protection in the Juvenile Justice Center. The Project Team recommends safety training for at least:

- Community Supervision Probation Officers temporarily assigned to staff the Detention Center (*Recommendation 1-26*)
- Staff assigned to the Community Work Service Program (*Recommendation 1-43*)

Cross-Training

Cross-training is needed to accommodate absences due to vacation or illness and to enable managers to more easily shift staff assignments because of changes in work volume. Cross-training is particularly recommended for:

- Intake staff (*Recommendation 1-12*)
- Fiscal Operations Division staff (*Recommendation 2-11*)

3. The need for improved coordination between the Juvenile Court and the offices and agencies that work with the Court.

All courts necessarily have a symbiotic relationship with the office responsible for creating, receiving, maintaining, and providing its case files and records, and a defining characteristic of juvenile and family courts is their close collaboration with a host of juvenile justice, child and family services, educational, and health social services agencies. Thus, effective coordination is key if a court is to be able to provide timely justice and facilitate the

delivery and receipt of needed services. Like most juvenile courts, the Davidson County Juvenile Court maintains a broad range of court-agency relationships. Thus, it is noteworthy that the Project Team learned of only a few coordination issues. The most significant of these concerns the on-going service delivery and communication problems related to the support functions of the Juvenile Court Clerk's Office. Areas in which coordination can be improved are discussed in the following recommendations:

- With Youth Services regarding diversion (*Recommendation 1-16*)
- With DCS to increase number of DCS court liaisons (*Recommendation 1-33*)
- Between the Juvenile Court and Juvenile Court Clerk (*Recommendations 1-44, 1-48, and 2-8*)

4. The need for the Juvenile Court to carefully define its role and determine the workload and resource implications when it takes on new programs or expanded responsibilities.

Tennessee Code sections 37-1-105 and 37-1-106 define the Juvenile Court's work as determining and addressing the needs of juveniles and their families. The Davidson County Juvenile Court interprets this authority expansively. Throughout the Court organization there is a "can-do" attitude and a "if no one is willing to do it, we will" approach. This is reflected in its numerous specialized programs, the emphasis on families rather than juveniles, the "work-arounds" developed to deal with problems with court records and the timely distribution of court orders, and the willingness of Court staff to take on responsibilities that may be more properly performed by other entities. In the instance of the acceptance of child support payments, the Clerk's Office has also taken on a burden that is another office's responsibility. While this full-service approach is a clear benefit in many instances to troubled families and youth, it may be unnecessarily straining the capacity of the Court's and Clerk's Office staff. Many Court employees regularly work extra hours each

week just to get their work done. Others are performing tasks for which they are not trained or equipped. In some instances this is the result of inadequate support or inefficient processes and procedures. In some, it may be the result of inadequate staffing. But, in at least a few notable instances, it can be ascribed to the Court absorbing functions that are properly vested in executive branch agencies. Recommendations concerning these issues include:

- Return the responsibility for making charging determinations in felony matters to the District Attorney (*Recommendation 1-9*)
- Promote direct payment of Title IV-D child support to the state rather than through the Clerk's Office (*Recommendation 2-16*)
- Conduct workload assessments for Community Supervision Probation Officers and the staff engaged in the new *ex parte* protection order program (*Recommendations 1-18 and 1-8*)
- Employ a more strategic approach in using probation (*Recommendations 1-19, 1-21, and I-42*)
- Streamline the release from probation decisionmaking process (*Recommendation 1-23*)

5. *The need for a thorough review of salary classifications, job qualifications, and job descriptions.*

In almost any organization, the salaries, duties, and qualifications of staff will drift out of balance over time, as duties and jobs change, personnel leave or change positions, and workload shifts. This has happened in both the Juvenile Court and the Clerk's Office. Staff with the same job title have highly different responsibilities; staff performing the same functions have differing titles and salary classifications; administrative staff have taken on professional staff responsibilities; and line staff are serving as supervisors. To ensure fair payment and recognition of individual staff, maintain the integrity of the job classification system, and make certain that staff have the training and experience to perform the duties they are assigned, the Court's

and Clerk's personnel structures require realignment. Classification reviews are specifically recommended for:

- Intake staff (*Recommendation I-14*)
- Probation officers (*Recommendation 1-25*)
- Minute clerks (*Recommendation 2-26*)

6. *The need to enhance the security of Judicial Officers, staff, litigants, detainees, witnesses, attorneys and members of the public using the Juvenile Justice Center.*

Recent incidents have graphically demonstrated that courthouse security and the security of probation officers and other court staff who work directly with juvenile offenders and troubled families cannot be ignored. Emotions run high in many types of cases coming before the Juvenile Court, and at least a few of the juvenile and adult respondents with which Court and Clerk's staff must work, are prone to violence. Building design, appropriate procedures, and proper equipment, and training can significantly lessen the danger to all involved and reduce the potential liability of the County should an incident occur. In addition to the recommendations on safety training noted above, the Report points out ways for improving the safety for:

- Intake staff who supervise detained youth (*Recommendation 1-17*)
- Probation "outpost" offices (*Recommendation 1-29*)
- Home visits (*Recommendation 1-30*)
- The administrative offices in the Juvenile Justice Center (*Recommendation 1-47*)
- Probation officers and security officers (*Recommendation 1-58*)
- Waiting areas in the Juvenile Justice Center (*Recommendations 1-60 and 1-61*)
- Clerk's Office staff, funds, and records (*Recommendation 2-13*)

The Project Team recognizes that many of these recommendations are inter-related, and that because of the time, funds, and efforts required, they all cannot be implemented immediately. However, they provide a roadmap for a multi-year

journey toward improved operations, service, and results for the Davidson County Juvenile Court and the Davidson County Juvenile Court Clerk.

In closing, the Project Team wishes to acknowledge and thank Judge Betty Adams Green, Juvenile Court Clerk Vic Lineweaver, Court Administrators Tim Adgent and Phoebe Johnson, and the managers and staff of the Davidson County Juvenile Court and the Office of the Juvenile Court Clerk for their openness, cooperation, and candor. We also wish to thank Don Dodson and his colleagues at the Metro Governments Finance and Internal Audit Department for their guidance and encouragement throughout this project.