

**PULASKI
COUNTY**

BARRY HYDE
County Judge / Chief Executive Officer

May 23, 2019

Judge Vann Smith
Sixth Judicial Circuit
401 West Markham, Suite 300
Little Rock, AR 72201

Dear Judge Smith:

This letter will respond to the concerns raised in your May 17, 2019, letter regarding the potential addition of a director of juvenile justice services. I appreciate the Circuit Judge's concerns and wanted to note a few things in response.

First, with regard to public comments, in my May 14, 2019, letter I was attempting to convey to you the Quorum Court's standard process for public comments. The Procedural Guide for Arkansas County Quorum Court Meetings, as prepared by the University of Arkansas and Association of Arkansas Counties, guided the operation of the Pulaski County Quorum Court since at least 1996. See 96-OR-120. The Procedural Guide was last revised in 2006. In 2016, the Quorum Court adopted the organizational rules now in place, which are similar in substance to the AAC/UofA Procedural Guide. These documents guide the process for public comments on matters coming before the Quorum Court. As previously stated, the full Quorum Court may discuss this item as it sees fit.

Any citizen may address a committee or subcommittee of the Quorum Court upon submission of a request, subject to time limitations. Public comment on an item considered during a regular meeting may be permitted; however, it is typical for regular meetings to contain only debate among Justices of the Peace. Should additional public comment on an item, including this one, be needed, within the discretion of the Quorum Court, the item may be referred back to the Quorum Court's budget committee.

I am aware of the statutes that you cite regarding assignment of employment authority of county employees to Circuit Judges designated to hear juvenile cases. The Arkansas Constitution, however, squarely addresses the question of which elected officials have the authority to hire county employees. The General Assembly has neither fixed the number of, nor the salaries of these positions. Instead, it established a duty in the county to provide for the creation of, and amount of compensation of, the positions as determined by the Quorum Court of the county, including the option to provide part-time service to meet the needs of the county.

Amendment 55 to the Arkansas Constitution assigns to the Quorum Court of each county the power to fix the number and compensation of deputies and county employees. The Quorum Court's constitutional authority with respect to county employees is comparable to the constitutional authority provided to the General Assembly to fix the number and salaries of the clerks and employees of the different departments of the State. Statutes require that county government, acting through the county quorum court, shall provide, through ordinance, for necessary services for its citizens, including the administration of justice through the several courts of record of the county; and all other services prescribed by state law for performance by each of the elected county officers or departments of county government. The General Assembly and Pulaski County recognize that the administration of justice demands an interdependence of the state and county governments.

Amendment 55 to the Arkansas Constitution also provides that the County Judge shall hire county employees, except those persons employed by other elected officials of the county.

Circuit Court Judges are not elected officials of the *county*. The General Assembly has decided not to fix the number or compensation of these positions, instead creating a duty in the county to provide the service of juvenile probation and intake as a service to the Circuit Courts through county employees. The language in the statute that attempts to make the circuit judge the employer of these positions is at odds with the authority assigned to the quorum court. It is the quorum court, not the General Assembly, that is empowered to determine which elected official employs a particular county employee, and, additionally, only elected officials of the county may be assigned employment supervision of employees of the county.

It is worthy of note that a primary responsibility of the Director of Juvenile Justice Services is to work with judges to implement best practices that promote healthy adolescent development and improved public safety outcomes. The juvenile probation and intake personnel will continue to serve the courts and, to that end, the courts' sentencing orders will compel certain conduct of probation officers, as well as, of our kids.

The position under consideration will provide structure to the juvenile probation and intake services in Pulaski County. In December, 2016 by the Robert F. Kennedy National Resource Center for Juvenile Justice authored a report commissioned by the Arkansas Supreme Court Commission on Children, Youth and Families that was critical of the structural problems that were impeding the services delivered to juveniles. The report states, in part:

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There is essentially an absence of systematic oversight of juvenile court services in Pulaski County. While the existing staff structure is unusual in any size department, it is particularly impractical and unexpected in the largest jurisdiction in the state. The nature of the current practice in Pulaski County defines the primary responsibility of probation officers as liaisons to the court, as opposed to case managers with a primary responsibility of working with youth to reduce risk to reoffend.

While probation staff acknowledged the dysfunction, they also expressed concerns that a department manager would be the employee of one of the three judges and that would lead to unequal treatment of the staff of the other two divisions.

The report continued on to describe other dysfunction in the services, each of which the researchers traced back to problems with employee oversight and peculiarity in structure. These findings were repeated and expanded upon in two (2) additional reports.

The Center for Children's Law and Policy reported in 2017 that the findings and recommendations of the RFK report were "not widely shared outside of juvenile court" and there were no formal plans to implement the outlined recommendations, and highlighted additional opportunities for improvement.

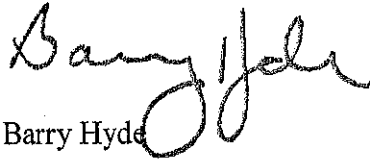
The Arkansas Supreme Court Commission on Children, Youth and Families commissioned a second report that again reviewed Pulaski County's juvenile court operations. In 2018, the University of Massachusetts Medical School on behalf of the United States Office of Justice Programs issued its Risk Assessment and Behavioral Health Screen Project Final Technical Report finding that "the organizational structure of judges being the supervisors of probation officers was a significant limitation, because judges do not have time to perform the level of quality assurance needed to ensure staff is administering assessments and tracking data." You may find the complete reports at <https://pulaskicounty.net/pulaski-county-assessments/>

In short, three separate studies have identified the structure of our juvenile probation system as detrimental to Pulaski County's juveniles. The creation of this position is an attempt to address the "dysfunction" identified in these reports. Over the last year, the County has attempted to address this issue. I appreciate the Circuit Judges' desire to be heard on this position, and hope that we can work together to provide Pulaski County juveniles with the kind

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of system they deserve. Our kids deserve the best system that our combined resources can provide.

Respectfully,

A handwritten signature in black ink, appearing to read "Barry Hyde". The signature is fluid and cursive, with the first name "Barry" and last name "Hyde" clearly distinguishable.

Barry Hyde
County Judge/Chief Executive Officer

cc: All Justices of the Peace
All Sixth Judicial District Circuit Judges
Mr. Larry Jegley, Prosecuting Attorney
Ms. Terri Hollingsworth, Circuit Clerk
Mr. Bill Simpson, Public Defender
Mr. Adam Fogleman, County Attorney