

1 **A RESOLUTION TO ALLOW THE OFFICE OF THE SOLICITOR TO RETAIN ANY**  
2 **PROGRAM FEES COLLECTED IN THE ADMINISTRATION OF THE SOLICITOR'S**  
3 **PRETRIAL INTERVENTION AND DIVERSION PROGRAM; TO ESTABLISH THAT**  
4 **THE SOLICITOR'S BUDGET SHALL NOT BE REDUCED BY ANY PROGRAM FEES**  
5 **COLLECTED PURSUANT TO SAID PROGRAM; AND FOR OTHER RELATED**  
6 **PURPOSES.**

7  
8 **WHEREAS**, Pretrial Intervention and Diversion Programs can have profound  
9 positive impacts on the Justice System and citizens by reducing the jail population,  
10 reducing recidivism, saving judicial resources, allowing treatment rather than punishment  
11 for less serious offenses, and generally saving taxpayer dollars through the timely and  
12 efficient handling of certain offenses; and

13 **WHEREAS**, the City of Atlanta recently broke ground on a Center for Diversion  
14 and Services in an effort to reduce the number of individuals jailed and to provide  
15 essential services for people experiencing homelessness, mental illness, substance  
16 abuse, and poverty; and

17 **WHEREAS**, the Board of Commissioners supports the use of Pretrial Intervention  
18 and Diversion Programs for less serious offenses and recognizes the importance of  
19 Pretrial Intervention and Diversion Programs as part of a larger restorative approach to  
20 justice; and

21 **WHEREAS**, O.C.G.A. § 15-18-80 allows the Solicitor of Fulton County to develop  
22 and implement a Pretrial Intervention and Diversion Program; and

23 **WHEREAS**, the Solicitor of Fulton County has operated a Pretrial Intervention and  
24 Diversion Program since 2017; and

25 **WHEREAS**, the Fulton County Solicitor desires to reach more people by  
26 expanding the scope and services offered in his Pretrial Intervention and Diversion  
27 Program and has allocated staff and resources to expand and administer the same; and

1           **WHEREAS**, the expanded Pretrial Intervention and Diversion Program will include  
2 behavioral and mental health components as well as law enforcement agencies from all  
3 15 municipalities within Fulton County; and

4           **WHEREAS**, pursuant to O.C.G.A. § 15-18-80, the Solicitor is authorized to assess  
5 from each offender who enters the program a “program fee” for the “administration of the  
6 program” while accounting for the fact that such a fee or portion thereof may be waived  
7 for “good cause shown”; and

8           **WHEREAS**, pursuant to O.C.G.A. § 15-18-80, program fees shall be collected by  
9 the Clerk of Court and made payable to the County’s General Fund, subject to certain  
10 deductions pursuant to law; and

11           **WHEREAS**, the Board of Commissioners is in support of the expansion of the  
12 Solicitor’s Pretrial Intervention and Diversion and desires that program fees collected  
13 pursuant to that Program are utilized to facilitate the expansion and maintenance of that  
14 Program; and

15           **WHEREAS**, ensuring that program fees generated by the Solicitor’s Pretrial  
16 Intervention and Diversion Program are returned to the Solicitor’s Office will provide that  
17 office with additional and necessary resources to expand the Program, reduce the jail  
18 population, and preserve judicial resources, all in a manner which is budget-neutral.

19           **NOW, THEREFORE, BE IT RESOLVED**, that the Fulton County’s Finance  
20 Department is hereby directed and authorized to ensure that the Solicitor’s Office be  
21 provided with any program fees collected and deposited in the General Fund by the Clerk  
22 of Court, subject to any deductions required by law, due to the administration of the  
23 Pretrial Intervention and Diversion Program by the Solicitor’s Office.

