

NATIONAL CENTER FOR STATE COURTS

OK TO

DISTRIBUTE

**STATE OF DELAWARE
↑ JUSTICE OF THE PEACE
COURT ;**

**OVERVIEW OF COURT OPERATIONS
IN THE 8-HOUR, 16-HOUR,
AND 24-HOUR COURTS ;**

**Briefing Report
February, 1999**

**Project Director
Timothy F. Fautsko**

**Project Staff
Cindy K. Dietrich
Daniel J. Hall
Laura G. Klaversma**

**Vice President
James D. Thomas**

Rec'd 3-17-99

**COURT SERVICES DIVISION
1331 Seventeenth Street, Suite 402
Denver, Colorado 80202
(303) 293-3063**

**Library
National Center for State Courts
300 Newport Ave.
Williamsburg, VA 23187-8798**

NCSC
KFD
520
573
c.2

TABLE OF CONTENTS

	Page
I. Background	1
II. History	1
A. Preparation for Initial Site Visits	1
B. Site Visits	2
III. Review of Court Operations	2
A. Resources	3
B. Administrative Office Support	6
C. Organization, Management, Operations, Caseflow	7
D. Training	10
E. Automation	12
F. Customer Service	13
IV. Conclusion	14

I. BACKGROUND

Officials from the Administrative Office of the Justice of the Peace Court (AO), in cooperation with the Court's Strategic Planning Committee, asked the National Center for State Courts (NCSC):

- To review selected court sites.
- To analyze the workflow of the Court's Voluntary Assessment Center.
- To review the organizational structure and services provided by the Administrative Office.
- To assess the current methods used for assigning staff in their court system.

As part of the review of selected court sites, NCSC agreed to conduct site visits and perform a brief review of certain Justice of the Peace Court. This report describes the NCSC findings from the site visits to the 8 hour, 16 hour and 24 hour criminal courts and offers preliminary recommendations regarding the future operations of these courts.¹

II. HISTORY

A. Preparation for Initial Site Visits

Prior to the site visits the project director met with the Chief Magistrate, Court Administrator and the Strategic Planning Committee to identify which court sites would be reviewed. After this determination, the project director conducted an analysis of reports, materials and statistical information in order to gain a better understanding of the operation of the Justice of the Peace Court. During the initial on-site visit several court clerks working in Court #11 were interviewed to gather some initial information on workflow and operations in these court types.

¹ This report addresses only a small portion of the work to be performed by NCSC for the AO on operations review and staffing standards analysis. Additional reports will be submitted on the other aspects of NCSC's analysis.

B. Site Visits

The project director conducted the initial site visits during the week of August 16, 1998. The following courts were visited:

<u>Court</u>	<u>Number</u>	<u>Location</u>
24 Hour Courts	11, 7, 3	New Castle, Dover and Georgetown
16 Hour Courts	10, 2, 4	Prices Corner, Lewes, and Seaford
8 Hour Courts	9, 8, 1	Townsend, Smyrna, and Millboro

During these visits, the project director held brief meetings with judges, court managers, and court staff to better understand the current operations, management and customer service programs of the Court. These interviews focused primarily on six issues:

1. Resources
2. Administrative Office Support
3. Organization, Management, Operations and Caseflow
4. Training
5. Automation
6. Customer Service

The results of the initial site visits and observation by the project director are discussed in the balance of this report, along with the preliminary recommendations regarding each of these subject areas.

III. REVIEW OF COURT OPERATIONS

In order to completely review the operations of the 8 hour, 16 hour, and 24-hour courts, discussions with staff and judges in the nine different courts focused on the six areas listed above. Each of the six areas is discussed separately below, along with NCSC's preliminary recommendations. In many areas, the conclusions and recommendations for the three different types of courts are identical. Any significant differences observed between the 8-hour, 16-hour, and 24-hour courts are noted.

A. Resources

Staff and judges in the three types of courts were asked whether they have enough resources to do their jobs well. Many of those interviewed expressed general satisfaction with the level of resources provided. At the same time, several areas of need were identified by the NCSC:

- 1. Updated Equipment.** Prior to this review, the Administrative Office has embarked on a program of updating and improving equipment used in the courts. Due to extended hours of operation and volume of work in 16 and 24 hour courts, the life span of equipment is shortened and needs to be replaced more often. Despite the AO's efforts at upgrading equipment, a common concern expressed by court staff interviewed was the condition of some of the operating equipment in the courts. Many of the courts visited by the NCSC operated with copy machines, printers, fax machines and other equipment which, according to court staff, broke down with some regularity. At many of the sites visited by the project director equipment had broken down that day and was causing delays in case processing. Although the situation may not be widespread and the breakdowns described above coincidental to the NCSC site visits, it did provide enough concern to be mentioned in this report as an obstacle to the efficient operation of the courts.

RECOMMENDATION:

It is recommended that the Administrative Office continue its program of updating office equipment in the courts. It is further recommended that the Administrative Office record equipment breakdowns in the courts in order to isolate and resolve persistent problems with equipment.

2. Need for Additional Staff. Personnel in many criminal court locations expressed a need for additional staff. Presently, the NCSC is conducting a staffing standards analysis to provide the AO an accurate determination of staffing needs in the criminal courts. Further, there is some concern by the NCSC whether the staffing needs expressed by personnel is just due to staff shortage or there is a need to review the hourly assignments of personnel as well as how cases and customers are being processed through the system. Oftentimes, when staff are reassigned or when procedures are improved and standardized the need for additional staff diminishes due to the increased efficiencies gained in operations.

In the 8-hour courts, the primary concern for additional staff relates to the need for back up during vacations and lunch breaks. In the 16-hour and 24 hour courts, the expressed need for additional staff is significantly stronger. Many individuals in these courts expressed concern that a single staff person on a shift was not sufficient, particularly on weekends. These courts are open on Saturday mornings with one staff person and one judge. Given the volume of work on Saturdays, at least one additional staff person is needed at these times to assure that the courts operate efficiently. In addition, several of the 24-hour courts may need additional staff. Again, this issue will be addressed in greater detail in the NCSC staffing standards analysis.

RECOMMENDATION:

It is recommended that the Administrative Office continue to review assignment of existing staff, as well as improve case processing and service to customers in the courts by conducting a detailed workflow analysis in each court to improve and standardize procedures presently used by the courts.

Note: The court through its strategic planning effort has created a committee to review and offer recommendations to improve and standardize procedures used by the court.

3. **Staff Salaries.** The Chief Magistrate and the Court's Strategic Planning Council have regularly petitioned Delaware's Administrative Office of the Courts to increase staff salaries of employees working in both the civil and criminal courts. However, a staff concern expressed by many, particularly in the 16-hour and 24 hour courts, was that staff salaries are too low for the level of work performed. Many individuals interviewed suggested that all staff should receive pay raises for the complexity and level of work performed. Others recommended that regular step increases should be implemented to provide additional incentives for court staff to stay in their positions. Of particular concern to the NCSC was the 5% pay differential for working evening and night shifts. The percentage of increase seemed too low for the work differential expected of employees. Moreover, increasing the pay differential for the evening and night shifts will increase employee morale and reduce turnover

RECOMMENDATION:

Since court staffs who work the evening and night shifts receive only 5% more than other staff, it is recommended that this amount be increased.

4. **Security.** The Administrative Office has a goal of providing full-time security at all of its courts. Presently, due to legislative funding, security is only provided at 42% of the courts. As a result there is not enough coverage to ensure the safety of both employees and customers at all courts. This is of concern to the NCSC especially in light of the Court's increase in the number and severity of domestic violence cases, as well as due to the number of defendants the courts process on a daily basis. A common concern expressed by court staff in all three types of courts was security. In some courts, this concern could be partially be satisfied by providing better security entry locks, by changing combinations regularly or by making other fairly simple changes to entry procedures. In other locations that have security officers present, additional security staff may be required. For example, security officers assigned to guard a court are not always present to provide full time security. At times, security

officers are called away from their stations for other duties, take breaks, and are not present to operate the magnetometer, to screen people, or to control crowds. In addition, in the 24-hour courts there are no security personnel on the midnight shift where two may be needed. Simply stated, to be fully effective, security in courts, like security in airports, should be in effect at all times. Back ups are needed when a guard is away or on break. And, attention to detail in the security screening process is critical to the success of any program.

RECOMMENDATION:

It is recommended that the Administrative Office continue to petition the Delaware Legislature to fully fund their security program for all Justice of the Peace Court. It is further recommended that Administrative Office review the operation and effectiveness of court security programs presently in place.

B. Administrative Office Support

The staff and judges interviewed were asked to describe the support they receive from the Administrative Office. In the 8-hour courts, the reaction to the AO was generally favorable, including comments like “they are always there when you need them” and “when you call them they answer the question.” In the larger courts, many staff were not aware of what support was available from the AO and had not dealt with them directly. Others indicated they had asked the AO for help and had received answers to specific questions. Many of those interviewed acknowledged the role of the AO in providing statistics, legislative updates and other information, equipment, supplies, general support and training. In the larger courts, the reaction toward the AO was less enthusiastic and staff expressed a concern that the AO is too far removed, does not know what is going on in the courts, and does not adequately communicate to staff about standards and policies and how resources are allocated. In the 24 hour courts, several staff were troubled that supplies and other information were not available when they needed them, including at night. This is a problem that should be proactively resolved by court managers by planning ahead and ordering enough supplies and forms to operate the courts

effectively and efficiently. Some individuals expressed frustration that the AO's role with respect to the courts is often reactive rather than proactive. In addition, some staff were concerned that the AO was overwhelmed, did not "stand up" for staff and that problems needed to get to a crisis level before the AO became involved.

Although the most frequent comment made about the AO was "we'd like to see them," it is unlikely that the AO will be able to satisfy all the concerns expressed by court personnel. Periodic visits to the courts to meet with staff and listen to their concerns and suggestions will address some of the comments raised during the interviews. However, it is important to note that the Chief Magistrate and AO have developed a schedule of on site visits to both the civil and criminal courts in 1999. This program will address many of court staff listed above.

RECOMMENDATION:

It is recommended that the AO continue its program of visits to courts.

Further, it is recommended the operations managers develop and publish a regular schedule of visits that will be implemented in the 8, 16, and 24 courts in 1999.

C. Organization, Management, Operations and Caseflow

Court staff and judges were asked a series of questions regarding organization of the courts, management and supervision, day to day operations and case processing. Only limited concerns were expressed regarding organization, management and supervision. Significant suggestions were made regarding operations and caseflow.

- 1. Organization, Management and Supervision.** The overwhelming response of court personnel interviewed was that the organizational structure of the Court works well and promotes efficient operation of the courts. Several individuals suggested that a career ladder should be established to improve employee morale and to retain employees.

Most of those interviewed believe the court managers and assistant court managers are "doing a fine job" and that the local courts are "very well managed."

Others commented that their courts were very organized. They also stated that the

court managers were proactive, helped staff, and sought their input. Among the suggestions made by court staff for improvements for court clerks were (a) additional management training, (b) stronger direction from operations managers, (c) more aggressive supervision, (d) more communication with staff, and (e) stronger support for staff dealing with “difficult customers.”

Comments about the assistant court managers were similarly mixed. The strongly prevailing view, particularly in the 24-hour courts, was that the deputy clerks are generally very good to excellent. Deputy clerks were also acknowledged for their problem solving skills and the back up they provide court staff in conflicts with customers. Although it was noted that the productivity of the deputy clerks varies considerably. Among the suggestions made by court staff for improvements for deputy court clerks were: (a) supervision training, (b) more formal and stronger supervision, (c) increased accessibility and authority (particularly in the 24 hour courts), (d) greater staff input, and (e) stronger support for staff dealing with “difficult customers.”

2. Operations and Caseflow. A significant concern was expressed about the need for additional staff². Nonetheless, many court personnel believe the courts operate smoothly and efficiently and that cases flow through the system well. Among the typical comments were “it’s smooth, quick and efficient,” “it works well; it’s good,” “we do a good job,” “things generally run smoothly,” and “cases flow through fairly well.” At the same time, court staff expressed some concerns regarding the courts operations, including:

- The policy and procedures manuals are old and not used.
- There is little uniformity in procedures; operations in most courts are different.
- There are too many continuances and judges are unwilling to enforce limits on continuances or otherwise control the scheduling of cases.
- Lots of police judge shop (to make sure they get the judge they want) when they file a case.
- People do not show up for court and there are no consequences.

² See discussion above.

- The incorporation of the municipal court into the 24-hour court has been difficult.
- Courts push work off onto each other (e.g., 16-hour courts push work off on the 24-hour courts at the end of the shift).
- Police need to use computerized ticket writers to issue citations.
- The courts do too much for the police (courts in some locations actually type police warrants).
- Police don't file charges on misdemeanors; the victim has to file an affidavit of probable cause and the judge has to issue the summons or warrant.
- Video arraignments should be more widely used and the paperwork for the video processing should be simplified.
- Criminal case information needs to be more accessible.
- The paperwork "doesn't catch up with us" which doubles and triples workload.
- Sometimes clerks are not able to keep up.
- Need a better records retrieval system; sometimes cases are misfiled and at other times it's hard to find cases.
- There is a high stress level and lots of staff turnover, particularly in the 24-hour courts.
- There is a backlog of work and little jobs get pushed off and ignored.
- Need to improve arrangements for staff coverage during holidays, including considering countywide staffing for holidays.
- Clerks in larger courts should be assigned to specific judges.

RECOMMENDATIONS:

Based on these comments and on the observations of the NCSC project staff, it is recommended that the following changes in the court operation and caseload processing be considered:

- 1. There are too many small courts and too many functions. The courts could benefit from consolidation and, possibly, from the establishment of regional service centers in the counties. For example, the system for video arraignments, currently in place in several locations, should be expanded and could easily be made available to all courts, if it was consolidated and located at a regional center.**

2. In at least several locations, court staff appears to be processing matters, which are more properly the responsibility of the police. In some locations, the court staff type arrest warrants which should be issued by the police. Similarly, in certain criminal cases, victims have to go to court to file complaints, when the complaints should be initiated with the police. These procedures should be examined and modified where appropriate.
3. Operations in the various courts should be reviewed and appropriate policies and procedures should be standardized so they are uniform in all courts, to the extent practicable. A uniform, simple to understand operations manual should be developed and implemented in the courts.
4. Compliance with the existing continuance policy should be examined and documented. As necessary, a new policy directive concerning the availability of number of continuances should be reissued and enforced.
5. Scheduling should be examined to assure the maximum use of staff time and consideration of customers. For example, all arraignments are currently scheduled for the same time on Wednesdays and Saturdays. A more user-friendly procedure like the one used for DUI appearances and county code violations should be used to schedule specific cases for specific times, e.g., traffic at 9:00 a.m. and misdemeanors at 11:00 a.m., etc.
6. The Administrative Office should continue to assess the physical location of all criminal courts for cost efficiency and operational effectiveness. As feasible, 8-hour should be consolidated into 16-hour courts.

D. Training

The Administrative Office currently provides orientation and in-service training for court staff and judges. Court personnel and judges interviewed during the site visits were asked to describe their training needs. Very few individuals indicated that their needs in this area had been fully met. Rather, court staff had numerous comments and suggestions on the types of training that would be most useful.

- The most frequently mentioned training need was computer training. This theme was echoed by staff in all three types of courts and suggestions included updates on all computer developments and specific training on DELJIS, including more training about the entries on each screen.
- Strong interest was also expressed in strengthening orientation training of new employees. Several individuals recommended that the present orientation training program used by the AO needed redesigned and suggested court clerks that do the work design a new training program for new employees. Some employees interviewed thought being oriented in a 24-hour court and then being sent to work in a 16-hour or 8-hour court was not completely useful. They stated they learned procedures in one court that were not used at their court of assignment.
- Another common theme among staff in the three types of courts was the need for additional management and supervisory training. Some employees indicated that they had received leadership training, while others suggested that this type of training should be tailored to the court system and not to the corporate world.
- Many employees acknowledged the training they had received on customer service issues and stated that additional training in this area would be welcome. The primary needs were described as “communication skills with the public,” “dealing with the public,” “dealing with angry people” and “human behavior.”³
- Several court staff expressed interest in training on legal issues, including statutes and laws, criminal and civil law, changes in the laws, jurisdiction, and evidence.
- Other suggestions for possible training areas included: Spanish classes, fax processing, video arraignments, and warrants.

RECOMMENDATIONS:

Based on these comments and on the observations of the NCSC project staff, it is recommended that the following changes in the training of court personnel be considered:

- 1. New employee training. Modifications should be considered in the procedures for training new employees to include at least: (a) considerable pre-service training, (b) a centralized training center for new employees; (c) extensive exposure to computer operations; and (d) 1-2 months initial in-service training in a 24 hour court.**

2. **Ongoing training.** Changes should also be considered in the training available for existing employees, including (a) increased training availability for line staff, (b) regional training to standardize information disseminated, and (c) training on topics selected with staff input.

E. Automation

The court staff was asked to describe their automation needs. The responses addressed several areas: (a) the computer system, (b) problems with other existing equipment, (c) the need for additional types of equipment, and (d) paperless courts.

1. **Computer System.** Many acknowledged the new computer system and indicated that it had helped considerably. However, several people expressed concerns about the system, including: (a) the system is often slow or broken, (b) it goes down on Sundays for longer than planned, (c) it should be able to generate statistics and time reports (so that these do not need to be done by hand) and (d) clerks should be consulted for their input when the program is updated. Other suggestions specifically related to the computer included: (a) data entry should be done in the courtroom, (b) uniformity on case processing, (c) a better case processing system and (d) a scheduling program to automatically schedule certain trial dates.
2. **Other Old Equipment.** Many of the comments about automation focused on the need to replace old and broken equipment, including faxes, printers, computers and copiers. Typical comments included: (a) “the copy machines go down a lot,” (b) “need a better printer,” (c) “need faster copier machines,” (d) “need more printers for arraignment paperwork,” (e) “need more and faster fax machines” and (f) “the PC needs to be upgraded.”
3. **Different Equipment.** Several suggestions were made for new types of equipment, which would enhance the operation of the courts. Most frequently mentioned was a new phone system with an automatic answering capacity. It was suggested that this system could save considerable staff time by automatically directing calls and by

³ See discussion of customer service below.

permitting callers to access recorded information for consumers. Other suggestions included having more paper shredders in the courts and pagers for the relief clerks.

4. **Move to Paperless Court.** One suggestion made by several court staff and endorsed by NCSC is the move to a paperless system.

F. Customer Service

Court personnel were asked about customer service in their courts. They provided many interesting and different definitions of customer service, including: (a) “be helpful, treat people the way they want to be treated,” (b) “it’s how to treat the person at the counter,” (c) “the philosophy is to give customers information,” (d) “customer service seems to be just be nice,” (e) “it’s treating people with dignity and respect,” (f) “dealing with people effectively,” and (g) “we do a lot for everybody, we are the point of entry.”

In describing how they learned about customer service, court staff frequently stated “its common sense,” others suggested it was learned by experience, while some indicated they had received customer service training in previous jobs. Many of the court staff mentioned the training they had taken during the previous two years, including phone etiquette and how to treat people at the window (public counter).

Based on the staff’s comments about customer service, it appears that neither the customer service training nor the significant statewide customer service program has taken hold with the court staff. In describing the current status of customer service in their courts, staff said: (a) “policy directives are there,” (b) “customer service comes from line staff culture, not from training,” (c) “there is no incentive to provide it and no repercussions for not providing it,” (d) “we have been to the training but it’s not part of our organizational culture,” (e) “there’s no customer service program,” (f) “there are directives on how to process,” and (g) “chief clerks must set the tone to achieve effective customer service.”

These comments strongly suggest there is no staff ownership of the customer service program and that the training has not been effective in implementing the program at the line staff level.

RECOMMENDATION:

It is recommended that different strategies for delivering the program be explored. For example, program planning should include a wide range of staff from different levels (clerks, deputy clerks and line staff). In addition, there should be regional planning efforts to permit input from local courts on their unique customer service training needs and suggestions. Also, local staff and judges should be used as training resources, as time and workload permit.

IV. CONCLUSION

The preliminary review of the 8-hour, 16-hour, and 24-hour courts indicates that, for the most part, they are generally operating well. It is clear that they could benefit from higher quality equipment, additional staff and security, and more face-to-face contact with the AO. Additionally court functions and day-to-day operations should be reviewed, standardized and consolidated on a regional basis, as appropriate. Scheduling of staff, examination of staff assigned to shifts, and court location and consolidation should also be reassessed. The training programs for both new and existing employees can be improved, as can the customer service program, by increasing opportunities for local input and participation.

The Court's Strategic Planning Council has done a fine job setting forth the mission, vision, goals, and objectives of the Justice of the Peace Court. However, the message of "we must improve service to the customer" must continue to be reinforced from top management down to the lowest classified court staff position in the organization. This must not only be accomplished through yearly statewide training sessions, but each court manager must develop a plan to reward their staff for cooperating with one another and putting service to the customer first and foremost. For example, front counter staff always appreciate sincere "thank you" and good jobs" from supervisors and managers. Effective reward and recognition systems encourage court staff to perform at their best. Recognition can range from a sincere "well done," receiving the employee of the month parking space award, or compensatory time-off. Moreover, the AO should continue to improve and expand their employee recognition program on an ongoing basis.

It was a pleasure for the NCSC project staff to work with the judges and court staff in the Justice of the Peace Court. Their dedication and sincere interest in improving the quality of justice in the criminal courts was heartening. In time, by implementing the recommendations contained in this report, the system will continue to improve and become a national model for limited jurisdiction courts in the country.

**“Excellence is more than competence...
It is striving for the highest possible standards”**