

NCSC
KFT
1719
R66
R66
c.3

NATIONAL CENTER FOR STATE COURTS

OK TO

DISTRIBUTE

**ROSENBERG TEXAS
MUNICIPAL COURT
MANAGEMENT REVIEW**

Final Report
July 12, 1995

Project Staff

John T. Matthias

Paul C. Gomez

Hugh Nugent

Stephen A. Bouch

Vice President

James D. Thomas

Rec'd

8-9-95

**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

**ROSENBERG TEXAS MUNICIPAL COURT
MANAGEMENT REVIEW**

| | |
|--|-----------|
| I. INTRODUCTION..... | 1 |
| A. Background..... | 1 |
| B. Methodology..... | 2 |
| II. SUMMARY OF RECOMMENDATIONS | 3 |
| III. CASELOAD ANALYSIS..... | 11 |
| A. New Filings | 11 |
| B. Quantity of Pending Cases | 12 |
| C. Warrant Backlog | 14 |
| D. Mail Campaign for FTAs | 16 |
| E. Court Policy on Warrant Issuance..... | 16 |
| F. Interaction with Regional Law Enforcement Agencies | 17 |
| G. Warrant Officer | 18 |
| IV RESOURCE ANALYSIS..... | 22 |
| A. Organization of the Court Within City Government | 22 |
| B. Supervision of the Clerk of Court's Office..... | 22 |
| C. Internal Structure of the Clerk's Office..... | 29 |
| D. Job Descriptions in the Clerk's Office..... | 30 |
| E. Staffing Levels in the Clerk's Office | 32 |
| F. Associate Judge Position | 36 |
| G. Permanency of the Current Judge's Appointment | 37 |
| H. Additional Court Sessions..... | 38 |
| I. Language Interpretation Needs of the Court | 40 |
| V. ANALYSIS OF CLERICAL FUNCTIONS AND AUTOMATION | 44 |
| A. Need For a Standard Operating Manual of Procedures..... | 44 |
| B. Fine Payment Procedures..... | 45 |
| C. Records Management Background | 47 |
| D. Records Retention Schedules..... | 48 |
| E. Criminal History Index Cards..... | 51 |
| F. Automating the Criminal History into an Information System..... | 52 |
| G. Legal Status of Optically Scanned Documents | 53 |
| H. Automated Case Management System Background | 53 |
| I. Data Entry Responsibilities | 55 |
| J. Case Management Reports | 55 |
| K. Training Needed by Court Staff | 59 |
| L. Other Technological Innovations | 60 |
| VI. COLLECTION OF FINES AND FEES | 62 |
| A. Fine and Fee Structure..... | 62 |
| B. Collection Methods | 63 |

| | |
|---|--|
| C. Communication of the Court's Collections Policies..... | 64 |
| D. Writing Off Uncollectible Accounts | 65 |
| E. Clearing the Backlog of Uncollected Fines and Fees | 66 |
| F. Use of a Collection Agency | 68 |
| VII. MUNICIPAL COURT TRIAL AND PROSECUTION PRACTICES | 70 |
| A. Presence of Prosecutor for Bench Trials | 70 |
| B. Arraignment, Pre-trial Conference and Trial..... | 70 |
| C. Bond/Security for Jury Trial | 71 |
| VIII. COURTROOM FACILITIES | 71 |
| IX. PRIORITIES OF RECOMMENDATION | 75 |
| | |
| APPENDIX A | Survey Matrix of Similar Size Texas Municipal Courts |
| APPENDIX B-1 | 1992 Case Filing and Disposition Statistics |
| APPENDIX B-2 | 1993 Case Filing and Disposition Statistics |
| APPENDIX B-3 | 1994 Case Filing and Disposition Statistics |
| APPENDIX C | Flowchart of Court Clerk Processes |
| APPENDIX D | Examples of Flyers / Mailers |
| APPENDIX E | City of Rosenberg Record Retention Schedule |
| APPENDIX F | Reports Generated by the Themis Court Management System |
| APPENDIX G | Sample Notice of Fines Policy Handed at Sentencing |

ROSENBERG TEXAS MUNICIPAL COURT MANAGEMENT REVIEW

I. INTRODUCTION

A. Background

In response to an RFP distributed by the city manager of the City of Rosenberg, Texas to conduct a management review of its municipal court, the National Center for State Courts, Court Services Division ("NCSC") responded with a proposal to help the court ensure a high level of public service, delivered as efficiently as possible. The NCSC project team along with its consultant, Public Administration Service, identified several factors to be considered in developing a comprehensive, realistic plan for future operations of the Rosenberg municipal court, including:

- The appropriate placement of the court within the government structure of the City of Rosenberg;
- The adequacy of the court's automated systems, court procedures, paper flow, and recordkeeping;
- Judicial and support staff needs;
- Improvement of fines and fees collections; and
- Reduction of case backlogs and the appropriate handling of warrants.

The Rosenberg municipal court is a trial court of limited jurisdiction, having jurisdiction over such matters as traffic misdemeanors, class C misdemeanors such as disorderly conduct, assault, theft under twenty dollars, etc., and violations of city ordinances, including plumbing code violations, fire safety, public health and sanitation. More than 8,000 cases are filed in the municipal court per year, with over 6,000 cases disposed of annually. The court is served by a part-time judge who is appointed by the city council, and by the clerk of court and two deputy clerks.

The City of Rosenberg, located about 35 miles southwest of Houston, in Fort Bend County, has a population of approximately 20,000 people. The economic base of the area is supported mainly by agriculture and light industry. Rosenberg shares a border with Richmond, the county seat of Fort Bend County. The population of the city is approximately 50% Hispanic.

B. Methodology

The NCSC staff undertook to initially familiarize itself with the organization and legal basis of the municipal court through reference to the Texas Judicial System Annual Report, state statutes, and the Rosenberg City Charter. Through a series of extensive on-site interviews, and a review of data and information collected from telephone surveys with 12 other similar Texas municipal courts, NCSC staff feels that they obtained a true sense of the pace and nature of the court's operations, staffing levels of clerks and judges, fine/fee collections, trial and prosecution practices, as well as an overall sense of how its operations compare to those of other similar size municipal courts.

The NCSC staff met with the municipal court judge, the court administrative personnel, the city manager, and members of the city council, the mayor, the chief of police, police administrative lieutenant, police communications/automation supervisor, and the finance director, in an atmosphere of openness, cooperation, and candor throughout our site visit. This candor and openness clearly reflects the court's willingness to engage in a meaningful self-appraisal and an acknowledgment that a detached, outside review of court operations may lead to improvements or innovations from which both the court and the community can benefit.

NCSC staff also reviewed court automation and current court clerk work flow procedures to determine areas for improvement, as well as areas that are efficient and serve the court well. Filing procedures and record keeping policies were also analyzed to determine the best methods for record retention and storage, given the requirements of the municipal court. Finally, NCSC staff reviewed the court facilities, and current as well as anticipated automation to determine their respective capacity, to allow court personnel to perform their individual functions effectively.

NCSC staff selected 12 Texas municipal courts for surveying, based primarily on similar number of cases filed annually, and secondarily population of the city. These courts were chosen from data compiled in the Texas Judicial System Annual Report dated December 1993. Questions in the survey were posed to determine whether the practices of the Rosenberg municipal court were similar to other municipal courts in Texas. Staff prepared a survey instrument which was completed by court staff in all 12 cities, and NCSC staff conducted follow-up telephone interviews to confirm and clarify information received in written form. A table listing the cities and topics surveyed is set forth in **Appendix A**. Results of the survey are discussed in connection with the topics surveyed.

II. SUMMARY OF RECOMMENDATIONS

Recommendation No. 1

The court should expend a small effort to sample the backlog of citations with unissued FTA warrants to determine the proportion of Rosenberg to non-Rosenberg addresses. Starting with the latest citations, the court should go back in time, month by month to obtain a residence profile of such citations. That would give the court a better grasp of whether it is worthwhile to issue warrants on the citations. Further, preparation of these old warrants should be given low priority.

Recommendation No. 2

The court should conduct a mail campaign to notify selected violators that warrants will be issued, advising them that they would benefit from settling the matter voluntarily, rather than suffer the consequences of having a warrant issued and being subject to arrest.

Recommendation No. 3

The court should adopt a policy of routine issuance of FTA warrants within 30 days of citation issuance if defendants do not appear.

Recommendation No. 4

The city should evaluate the cost and benefits of participating in the regional warrant system SETCIC (Southeast Texas Crime Information Center) to promote enforcement of the city's laws and the court's orders.

Recommendation No. 5

If the police department has sufficient need and resources to hire a warrant officer, it should do so to bring defendants to the court who have failed to appear after being cited for violations or who have broken a promise to appear at trial after having pled not guilty.

Recommendation No. 6

If the city council determines that the community perceives the clerk of court's office subject to a conflict of interest while under the supervision of the police department, supervision should be shifted to the city manager's office. Until such time as the city council funds a position in the city manager's office to enable an adequate level of supervision of the municipal clerk's office, supervision should continue by the police department.

Recommendation No. 7

The clerk of the court should serve in the capacity of administrative head of the municipal court, exercise supervisory responsibility over other staff in the office, and receive periodic training in basic supervision and management skills.

Recommendation No. 8

The "Knowledge, Skills and Abilities" section of the Court Clerk, Clerk III and Clerk II job descriptions should include the following:

- Has the ability to reach into file drawers in standard four-drawer filing cabinets;
- Has ability to transfer up to 25 pounds, and to work under conditions of substantial standing, sitting, walking, speaking, listening, stooping, crouching, and reaching with hands and arms;
- Has visual ability sufficient to operate office equipment including computer, copier, etc., and to read reports, correspondence, instructions, etc.
- Has hearing ability sufficient to hold conversation with other individuals both in person and over a telephone;
- Has speaking ability sufficient to communicate effectively with other individuals in person and over a telephone.

The "Duties and Responsibilities" section of the Court Clerk job description should include the following:

- Develops court computerization goals and objectives in conjunction with the municipal judge;
- Supervises implementation and internal training on the court's computer system;
- Coordinates clerk's office budget planning and preparation, and monitors budget performance.

Recommendation No. 9

One deputy clerk should be hired on a temporary or permanent basis to maintain staffing of the clerk of court's office at three for at least the next 12 months.

Recommendation No. 10

The clerk of the court should be given the added responsibility and title of associate judge in order to handle what are essentially administrative duties, without requiring personal approval of the judge, including approving or modifying payment plans, accepting proof that defendants have complied with conditions of their sentences, and accepting guilty pleas at the cashier's window.

Recommendation No. 11

The current municipal judge has instituted a number of procedural and substantive improvements during his tenure with the court, and the city should consider making his status regular part-time.

Recommendation No. 12

Although there is no obvious need for additional court sessions, the municipal court may wish to consider implementing the city's public service ethic to an even greater degree by experimenting with holding Saturday and/or more evening sessions in order to accommodate people who cannot take advantage of current schedules.

Recommendation No. 13

Because of the high numbers of court users who do not speak English, or who do not speak English well enough to understand court proceedings, the court should find some method of providing Spanish interpretation services, preferably using an interpreter pool within city hall or community volunteers.

Recommendation No. 14

The court should consider developing a standard operating procedure manual if a suitable alternative cannot be obtained from the Texas Municipal Court Training Center.

Recommendation No. 15

The court should promote payment by mail. It could minimize start-up costs of encouraging mail-in payments by printing envelopes with the court's address and a small flyer in English and Spanish explaining, in plain language, the plea alternatives, the procedure for mailing payment, and the procedure for taking the defensive driving course. Police officers should be instructed to hand an envelope and/or flyer to every traffic violator.

Recommendation No. 16

The municipal court should consider taking payments of fines by personal check and develop some policies and procedures for dealing with checks with non-sufficient funds.

Recommendation No. 17

The municipal court should change its record retention schedule in the following ways:

- A. Case papers in record number 2350.03 should be retained for three years after case initiation instead of five years after offense.
- B. Unserved arrest warrants, also in record number 2350.03, should be retained for two years after issuance instead of four years.
- C. The "Disposition" column of the record retention schedule should specify "Destroy" instead of "Destroy. Municipal Court maintains record copy".
- D. The reference in record number 2350.04 to "Docket/docket sheets" should be replaced by "Index of cases, including traffic offenses & violations of municipal ordinances".
- E. "Reports to state agencies" in record number 2350.08 should be reduced from five years to one year.

Recommendation No. 18

The clerk's office should discontinue creating and updating the criminal history index cards, and should cull the existing cards, retaining only defendants with cases no more than five years old, as soon as staff levels permit performing this task.

Recommendation No. 19

If the court and the police desire to automate the court's criminal history records, they should consider either (1) scanning the index cards and loading the images on a CD-ROM disc, or (2) data entering the information into a database.

Recommendation No. 20

The city attorney should maintain current knowledge of the status and retention requirements of optically scanned documents under Texas law as city departments, including the court, adopt imaging technology for document storage and retrieval.

Recommendation No. 21

The police department should make all reasonable efforts to accomplish data entry of the citations it generates into the case management system.

Recommendation No. 22

The court should immediately, or as soon as practicable, use the following case management reports by implementing the capabilities already in the system:

Individual Case Information

- A1. Ticklers to track need to enforce payment of fine and costs through phone call, letter, or warrant (using "Unpaid Cases Report" and "Scheduled Payments Past Due");

Aggregate Case Information

- B1. The number of pending cases at the end of each month by type of charge (using "Individual Judge Report") and by age (using the "Pending Case Report");
- B2. An analysis of adjudicated cases by aging of accounts receivable, in order to inactivate accounts that are, for all practical purposes, uncollectible, to provide a realistic assessment of the amount of fines and costs the court expects to collect (using the "Scheduled Payments Past Due" report);

Recommendation No. 23

In the budget cycle for 1996, the court should request an appropriation to contract with the vendor to acquire the following case management reports:

Individual Case Information

- C1. Ticklers indicating warrants ripe for cancellation based on time since issuance or address of defendant;

Aggregate Case Information

- D1. An analysis of adjudicated cases:
 - (a) -- Number and amount of fines and fees sentenced by type of case during a month;
 - (b) -- Number and amount of fines paid during a month by mailed-in payment, counter payment, and installment payment, either mailed-in or over the counter;

- D2. An analysis of the age, gender and ethnic characteristics of defendants, to provide information to counteract potential complaints based on discrimination;**

Recommendation No. 24

All court staff should have at least an intermediate level of knowledge of the case management system, and the clerk of court should have an advanced level of knowledge.

Recommendation No. 25

The court should consider, on an experimental basis, a short-range plan to implement credit card authorization for accepting payment of fines by credit card, and a long-range plan to implement an interactive voice response (IVR) interface to the case management system to provide information to telephone callers who enter a case number on a telephone keypad.

Recommendation No. 26

Regarding collections, the judge should develop a written policy including specific short-term and long-term goals, to lead the court in the direction of improving collection rates. After the court articulates its policy and goals, the judge and the clerks should develop written procedures for implementing the policy and goals, and periodically review progress.

Recommendation No. 27

The judge and clerks should reinforce, at every opportunity, the seriousness of the court's enforcement policy, and consistently and in a timely manner follow up on threatened actions in cases of non-compliance.

Recommendation No. 28

The court should develop a procedure for identifying uncollectible fines and marking the accounts as "inactive", removing them from the total of outstanding fines and fees that can be expected to be collected.

Recommendation No. 29

The municipal court should, after screening its inventory of uncollected fines and fees of uncollectible accounts, conduct a mail campaign to collect the most remaining outstanding receivables.

Recommendation No. 30

The court should, after implementation of the case management system is stabilized, assess the condition of its accounts receivable and determine the cost and benefits of using a private collection agency to collect outstanding fines and fees.

Recommendation No. 31

The court should continue its present practice of using the city attorney or contract counsel in representing the city in bench trials.

Recommendation No. 32

The court should continue its present practice of requiring defendants to appear for an arraignment, at which time the judge advises them of their rights, and takes a plea of guilty or not guilty. If a defendant pleads not guilty, a pre-trial conference and trial are scheduled.

III. CASELOAD ANALYSIS

A caseload analysis forms the foundation needed to address a number of the issues for which the city desires recommendations. A compilation of the statistics of cases filed and cases disposed by various means is set forth in **Appendix B-1** for ten months of 1992, **Appendix B-2** for 1993, and **Appendix B-3** for 1994. The measures of performance analyzed in this section include the number of new traffic and criminal case filings in the court, the number of dispositions, and the rate of growth of the pending caseload.

Explanation of terminology used in the appendices would be helpful to the general reader. A citation, commonly known as a ticket, is issued to an accused violator by a police officer or other officer empowered to cite plumbing, fire safety, or other code (ordinance) violations. These are referred to below as new filings.

If the accused violator pleads not guilty to the charge, the clerk's office assigns a case number to the citation and it becomes a pending case. A case can be disposed of by several means, as follows:

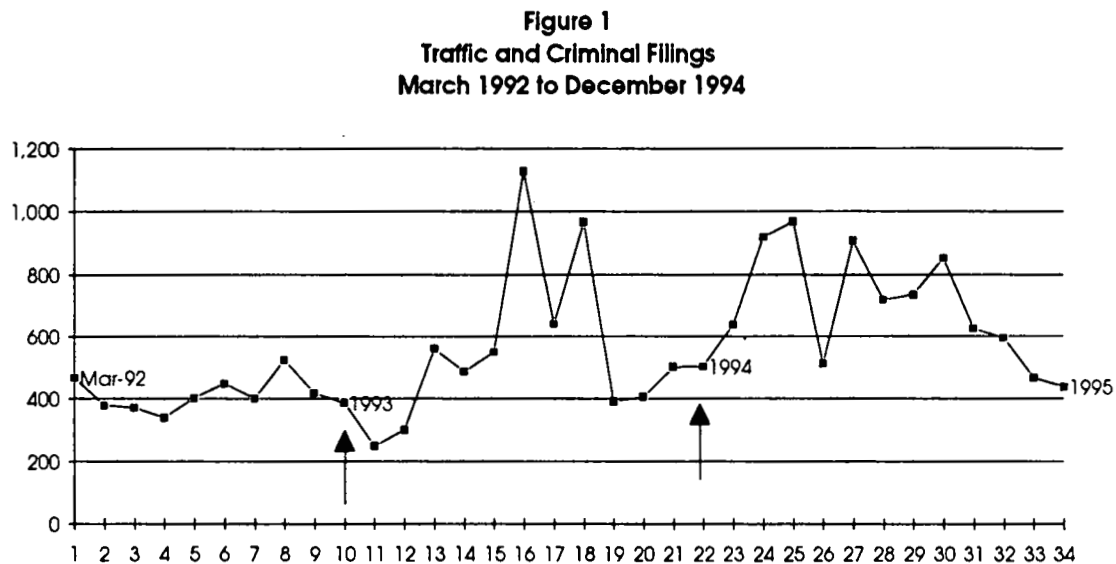
1. Before trial, by the defendant pleading guilty and either paying a fine at the window of the clerk's office, or forfeiting a bond paid when released from jail;
2. At trial, by the defendant being found guilty or not guilty by the judge or a jury at trial, by the defendant pleading guilty at some point in the process, or by the judge dismissing the case for legal cause during trial; or
3. By the judge dismissing a case after the defendant has satisfied such conditions as completing a Driver Safety Course, providing proof of financial responsibility or repair of equipment, or qualifying for deferred disposition.

The court will issue an arrest warrant (known as a failure to appear or FTA warrant) if an accused violator fails to appear at the court in response to a citation within a certain period after required to appear, or if the accused violator, after pleading not guilty, fails to appear for trial.

This section includes recommendations about issuance and enforcement of warrants. Recommendations for additional or better caseload information are included in the section on the court's automation system.

A. New Filings

The actual numbers of traffic and criminal (non-traffic ordinance violations) cases for the period March 1992 to December 1994 are set forth in **Figure 1** below:



The figure shows considerable variation during the 34 months. One outstanding trend noticeable is that filings tend to decrease during the last two or three months of each year, and peak during the summer months. This tracks the activity of the police department which initiates the filings.

During 1993 and 1994, the Rosenberg police department received a federal grant known as STEP (Specialized Traffic Enforcement Program), funding at least one traffic patrol position. This substantially increased the number of traffic citations resulting in an increase in the number of traffic to non-traffic filings as follows:

Ratio of Traffic to Non-traffic Filings

| | |
|------|----------|
| 1992 | 3.1 to 1 |
| 1993 | 5.0 to 1 |
| 1994 | 5.8 to 1 |

As a result of this increase, the clerk's office was inundated with traffic citations. No funds were available, however, for clerks to work overtime to cope with the increase.

B. Quantity of Pending Cases

The Municipal Court does not have a backlog in the sense that there are cases ready for trial that have not yet come to trial. There are no cases in that category.

In considering backlog issues, it is always important to understand the difference between cases going through an ordinary maturation process, with parties meeting reasonable deadlines and moving from one stage of the case to the next, and cases where either the parties or the court are falling behind schedule. Only the latter constitute a problem.

The existing statistical system, copied from and maintained to accord with a Texas state form, gives the court no easily accessible information on how many cases are in the system. Where case backlog is truly a concern, the first thing a court manager wants to know is how many cases or potential cases are in the pipeline. The state system does not answer that question or provide a methodology for calculating the answer. One would ordinarily expect a statistical report that showed cases received, cases disposed, and cases remaining or carried over. The cases carried over would be an indicator of whether a backlog was building. Everyone understands that the cases disposed of in a reporting period include a large number carried over from the previous reporting period.

Two simple tables, both using hypothetical data, illustrate the point.

Table 1
Hypothetical Court A

| | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter |
|---------------------------|-------------|-------------|-------------|-------------|
| Cases at Start of Quarter | 219 | 205 | 185 | 146 |
| Cases Received | 131 | 220 | 181 | 206 |
| Cases Disposed | 145 | 240 | 220 | 220 |
| Cases at End of Quarter | 205 | 185 | 185 | 132 |

Table 2
Hypothetical Court B

| | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter |
|---------------------------|-------------|-------------|-------------|-------------|
| Cases at Start of Quarter | 219 | 233 | 253 | 292 |
| Cases Received | 145 | 240 | 220 | 220 |
| Cases Disposed | 131 | 220 | 181 | 206 |
| Cases at End of Quarter | 233 | 253 | 292 | 306 |

The court in **Table 1** consistently disposes of more cases than it receives in a quarter, and it does not have a rising backlog problem. The court in **Table 2** disposes of fewer cases than it receives each quarter, and the number of cases carried over steadily rises. By the last quarter, its backlog has almost 40 percent more cases than it has been able to dispose of in any one quarter. That may well represent a backlog problem deserving management attention. It would be more informative if a revised statistical system generated monthly status reports enabling court managers to assess whether the number of cases carried over is rising or falling, and at what rates.

Conclusions about Rosenberg, however, can be drawn from monthly statistical reports, summaries of which are set forth in **Appendices B-1 through B-3**. The last rows of numbers in these appendices represent the "net gain/loss" to the pending caseload for each period. The data is summarized in **Table 3** below:

Table 3
Summary of Case Filings and Dispositions

| | 1992 | 1993 | 1994 |
|----------------|-------|-------|-------|
| Cases Filed | 4,955 | 6,685 | 8,363 |
| Cases Disposed | 4,662 | 5,557 | 6,615 |
| Net Gain/Loss | 293 | 1,128 | 1,748 |

The net gain/loss is the number of cases filed minus the number of cases disposed, and represents the growth or diminishment of the pending caseload. (For purposes of this analysis it does not matter that a case filed in one month or one year is disposed of in the same month, a later month or a later year. Although no statistics are available on the duration of cases, probably most cases are disposed of within two or three months.)

Most traffic tickets are simply paid without ever being contested at trial; therefore the number of cases carried forward has not been a concern. Traffic cases represent the great majority of work coming into the court, and most of them are disposed of without any judicial action whatsoever.

The net gain in cases filed over cases disposed during the last three years raises questions as to why the court may not be maintaining dispositions comparable to filings. One explanation may be that the number of FTAs (failures to appear) has increased significantly, resulting in a filing but no disposition because the alleged traffic violator is cited but fails to appear. Another explanation, although no data supports it, might be that citations are somehow being overlooked after filing and not being handled, perhaps due to the avalanche of filings triggered by the STEP program. Once information is available through the new automation system, court managers will be able to pinpoint the type or types of filings that are not being disposed of, and will be able to take appropriate action.

C. Warrant Backlog

Information provided by the police department stated that approximately 1,800 warrants were outstanding as of the time of the site visit (March 1995). In addition, approximately 800 to 1,000 violations existed for which warrants had not been issued, due largely to the large number of citations issued during the STEP (Specialized Traffic Enforcement) program, and the lack of clerk staff time available during business hours (or funds for overtime pay) to issue them.

There appears to be a backlog problem in the court concerning warrants. Failure to appear (FTA) cases include two kinds of situations: (1) those in which a defendant failed to appear in response to a police citation, violating a promise to the officer to appear, or (2) cases in which the defendant failed to appear on a particular date for trial, violating a promise to the court to appear. The court can issue warrants for the arrest of the defendants who failed to appear in either type of situation. Well over a year has passed since the court last issued any significant numbers of warrants, the staff having fallen behind in preparing warrants because of their heavy workload. The question posed by the city is whether to do anything about this backlog of issued and unissued FTA warrants.

Warrants are not self-executing. They must be served by someone, ordinarily a law enforcement officer, and a return made to the court issuing the warrant. It is conceivable that the Rosenberg police department would want to serve some of the outstanding warrants because of a special interest in particular defendants involved. If

police are interested in particular individuals, the court's present filing system would enable the court to inform the police whether there are any outstanding charges against those individuals.

If the court were somehow able to issue all of the presently unissued FTA warrants without a massive and concerted effort to serve the warrants, the police department would execute most of them only when they encountered the defendants on new problems. This is the usual practice nationwide. Therefore the value of issuing all back FTA warrants must be weighed against the likelihood that the Rosenberg police are going to encounter these defendants again.

It is the nature of traffic tickets that many are issued to people passing through town, either for the day or for a relatively short period of time. Defendants with home addresses outside Rosenberg or Fort Bend County may never come within the reach of Rosenberg police again. Issuing warrants on them is probably not worth the effort.

Short-term residents represent a somewhat different problem. The further back in time, however, the FTA warrant was issued, the more likely the defendant will have moved on. We can expect a sharp decline in returnable warrants as we go back in time.

Rosenberg's primary concern is the persons who continue to violate its ordinances in Rosenberg. By definition, this group of people shows up again and again. If they return to Rosenberg Municipal Court, they can be charged with their previous FTAs. It is not necessary to issue warrants to find them.

Recommendation No. 1

The court should expend a small effort to sample the backlog of citations with unissued FTA warrants to determine the proportion of Rosenberg to non-Rosenberg addresses. Starting with the latest citations, the court should go back in time, month by month to obtain a residence profile of such citations. That would give the court a better grasp of whether it is worthwhile to issue warrants on the citations. Further, preparation of these old warrants should be given low priority.

If the court were to issue and execute a random sample of its FTA warrants, it would probably find that the majority of them would return unsatisfied, either because the violator was a Texas non-resident or a city or county resident had moved with no forwarding address. It is common knowledge in courts and law enforcement that the longer the time between citation issuance and later enforcement action, the less likely it is that the defendant will still be at a given address (assuming the address on the drivers

license was correct in the first place). Therefore the older citations, particularly those older than approximately six months will, more than likely, not lead to an appearance or conviction.

Warrants issued even many months after the date of the citation where the defendant is considered to be still living in the area, can be loaded into the police data base for reference when the defendant is stopped for another violation. It is always a question of fact, however, whether the officer who issued the original citation is still on the police force or can remember the facts sufficiently to testify at a trial on the citation after such a relatively long time. Still, defendants should not escape justice through administrative inefficiencies, and the possibility exists that the prosecutor could obtain a plea bargain covering both the earlier and later citations.

This recommendation is aimed toward realistically handling the backlog of unanswered citations and outstanding cases.

D. Mail Campaign for FTAs

Once likely candidates for issuance of warrants have been identified, the court will be in a position to take steps to enforce its order for defendants to appear on charges filed.

Recommendation No. 2

The court should conduct a mail campaign to notify selected violators that warrants will be issued, advising them that they would benefit from settling the matter voluntarily, rather than suffer the consequences of having a warrant issued and being subject to arrest.

The procedure of this mail campaign would be similar to the campaign recommended for collecting unpaid fines, described below in the section on improving collection of fines.

E. Court Policy on Warrant Issuance

The current policy on issuance of warrants reflects the judge's intent to make the court user-friendly and give violators every reasonable opportunity to respond before the force of the law is used against them. This is commendable and reflects the judge's philosophy on the role of the court in the community. It leads, however, to certain inefficiencies in the caseflow process, and probably contributes to reduced enforcement of the laws against violators.

Recommendation No. 3

The court should adopt a policy of routine issuance of FTA warrants within 30 days of citation issuance if defendants do not appear.

Courts and law enforcement nationwide recognize that timeliness is essential to making the warrant system effective. The warrant system is not effective under current practices. The court's sending a courtesy letter should continue when an accused violator fails to appear, particularly in light of the generally-supported opinion that these letters are successful in bringing a substantial number of defendants into court without further action. The reminder letter should, however, state unequivocally what the consequences will be of a failure to appear (perhaps both in English and Spanish) within 10 days. Then the court must fulfill that promise and issue the warrant.

The court could make its policy known by issuing a press release to the local newspaper and by creating a flyer for officers to hand out when they issue a citation. (The flyer could address other issues such as payment of fines by mail -- see the recommendation about that in the section on "Traffic and Ordinance Adjudication".)

F. Interaction with Regional Law Enforcement Agencies

Rosenberg is one of several population centers in Fort Bend County, in fairly close proximity to Houston and to other areas of suburban Houston. If the court intends to enforce its citations and judgments outside the immediate city, it needs to consider the means available to reach beyond the city limits. This is not strictly a court concern, because the means of participating in a regional warrant system would involve, from a resource perspective, primarily the police. Enforcement of the city's laws and the court's judgments are always, of course, the court's concern.

Recommendation No. 4

The city should evaluate the cost and benefits of participating in the regional warrant system SETCIC (Southeast Texas Crime Information Center) to promote enforcement of the city's laws and the court's orders.

The city currently operates on a collegial, informal basis with law enforcement of other cities in the county and with Fort Bend County. This informal system depends more on professional relationships than on technology. Law enforcement departments telephone or fax each other lists of suspects arrested on a regular basis, to be matched with a list of "wanteds", very inexpensively. It has a limited geographical range, however,

and probably many warrants are not executed because law enforcement agencies in the area are not aware of Rosenberg's warrants.

The Southeast Texas Crime Information Center (SETCIC) is a cooperative effort between the Harris County Commissioner's Court, the Harris County Justice Information Management System, and area chiefs of police. It is a central repository for law enforcement data, principally arrest warrants, supported by annual fees paid by participating agencies. NCSC staff learned about SETCIC through the Rosenberg police department which has studied its cost and benefits.

In estimating the system's benefits, a recent month's warrants (or cases ripe for warrant) could be tallied to determine the residence of the defendant and, therefore, the need to extend the arm of the law beyond the city. Further, the possible revenue execution of warrants could result in (fines and costs), could be factored with a probability that a conviction would result, to arrive at the financial benefit of participation. Determining the cost of participating should be straightforward and easily obtainable.

In practice, if the Rosenberg police were notified that a suspect or defendant on a Rosenberg warrant had been apprehended, the police would make a determination whether the defendant should be transported to the city or released, based on a number of criteria, including the distance from where the defendant is being held, the type of offense for which the defendant is wanted, and the availability of staff to transport the defendant. The court and the citizens of Rosenberg would be the beneficiaries of such a practice.

At such time as Rosenberg participates in the SETCIC regional warrant system, the city will have a higher level of activity in executing warrants and transporting prisoners. As more defendants are brought to justice, the number of case dispositions will more nearly approximate the number of citations filed.

G. Warrant Officer

Within the recent past Rosenberg has employed a police officer responsible for serving warrants, but no longer does. The city poses the question whether it should employ a warrant officer.

Recommendation No. 5

If the police department has sufficient need and resources to hire a warrant officer, it should do so to bring defendants to the court who have failed to appear after being cited for violations or who have broken a promise to appear at trial after having pled not guilty.

A warrant is a court order authorizing a law enforcement officer to seize and bring before the court a certain person to answer charges. The warrants being issued by the court charge a person with failure to appear before the court, either in response to a citation or in accord with the person's promise to appear for trial.

Every police officer is a warrant officer, authorized to execute (serve) outstanding warrants whenever the officer encounters the person named in a warrant. The question here is whether the police department should have an officer whose specific duty is to execute warrants.

Many police departments nationwide, and a majority of similar size Texas cities surveyed, have one or more warrant officers. They are used in different ways, representing quite different kinds of work. In larger cities with warrant sections in criminal investigative divisions, detectives are expected to look for and arrest criminal suspects. While some of these detectives work the street very aggressively, others are content to watch daily patrol or jail reports to see if someone they are looking for has been picked up for something else. Part of their duty may be picking up prisoners extradited by other jurisdictions in response to local warrants.

Other warrant sections are essentially administrative support offices responding to street officers who want to know if there are any outstanding warrants on someone they have stopped. What this all comes to is that a warrant officer can be as active or as passive as police managers wish them to be. An aggressive warrant officer can be an asset to a department. A passive warrant officer can disappear into the woodwork.

Any decision to dedicate an officer's time to serve failure to appear (FTA) warrants must first consider why the people sought have failed to appear. These people may be categorized as follows:

- Drivers passing through Rosenberg who believe that they will never be there again;
- Drivers who occasionally come to Rosenberg and do not think they will be stopped again;
- Temporary residents who think police will make no effort to find them before they leave;
- Permanent residents who simply failed to appear; and
- Habitual scofflaws.

Later in this report NCSC staff will recommend a procedure for sampling the backlog of unserved warrants to determine the best method for handling them. For future

FTAs, however, the police department should consider assigning an officer the specific duty of serving FTA warrants on local residents. The police department should consider the following three alternatives:

- Option 1. An officer working full-time on all outstanding warrants, including both criminal and traffic warrants.
- Option 2. An officer working part-time on all outstanding warrants, including both criminal and traffic warrants.
- Option 3. An officer working part-time on traffic FTA warrants, perhaps one day a week.

The city's ultimate choice of these alternatives will depend on (1) the volume of work, and (2) the probability of success in executing these warrants.

To make such an assignment useful, the officer selected must be willing and able to work neighborhoods aggressively, particularly in tracking down temporary residents. It is important to remember that the purpose of serving these warrants is at least twofold: (1) to collect money due the city, and (2) to increase public safety by imposing effective sanctions on persons whose driving is a danger to the community. Waiting for these people to reappear in the justice system means that, in the meantime, they continue to menace public safety.

Furthering the purpose of collecting money due to the city, the city has referred past-due fines to a private collection agency, in cases where warrants have been issued. In these cases amounts due have been established by the court, and the task is to collect them. That is a public function that can be performed by the city itself, but it is similar in many respects to private collections work. The issue of using a private collection agency to collect outstanding fines where a warrant has or not has been issued is addressed in the section titled "Collection of Fines and Fees".

The vast majority of cases involve traffic violations. A number of violations, however, involve noncompliance with tall grass and weeds, plumbing code or other violations of city ordinances. A warrant officer, in cooperation with city officials with authority to enforce the city code, could also be assigned to help enforce compliance in those areas.

In cases where a warrant has been issued, whether before a fine amount has been established by the court or for nonpayment, the city's purpose is to vindicate a public interest, to enforce a judgment of the court, to promote public safety, as well as to collect

the money. A police officer, either part-time or full-time, can perform this function with all the powers of a public law enforcement officer.

IV. RESOURCE ANALYSIS

A. Organization of the Court Within City Government

The court is currently organized like other municipal courts of similar size in the State of Texas. It consists of a part-time judge who is also an active and practicing member of the local bar, a clerk of the court, and two full time deputy clerks.

The municipal court judge conducts traffic arraignments every Monday, Wednesday and Friday morning; night court arraignments the fourth Tuesday of each month; bench trials the second Wednesday of each month; jury trials the fourth Wednesday of every month; as well as making jail calls on Saturdays and Sundays when necessary. The judge is currently spending a great deal of time at the municipal court, reshaping the court's methods and procedures from previous practices under his predecessor.

The present structure of the Rosenberg city government places the municipal court clerks under the supervision of the Rosenberg police department, specifically, under the direct supervision of the police administrative lieutenant. Prior to this arrangement, the clerks reported to the city finance director. The current arrangement has been in place for approximately one year.

Although this current supervision arrangement seems to be working efficiently, there were some concerns from a number of those interviewed by NCSC staff about public perception of this arrangement. Approximately half of the city council members felt that the community was wary of a situation where the agency that issued citations for traffic and ordinance violations, also supervised the clerk's office that rendered judgments on those violations. Although NCSC staff had no means for polling the views of people in the community, a substantial proportion of their elected representatives indicated that some community members may feel that justice for them may not be possible under this arrangement.

B. Supervision of the Clerk of Court's Office

One of the mandates of the management review of the municipal court was to examine the effectiveness and appropriateness of police department supervision of the court. With respect to the organizational structure of the municipal court, as well as the level of court supervision and the court's placement within the city government, the NCSC makes the following recommendations.

Recommendation No. 6

If the city council determines that the community perceives the clerk of court's office subject to a conflict of interest while under the supervision of the police department, supervision should be shifted to the city manager's office. Until such time as the city council funds a position in the city manager's office to enable an adequate level of supervision of the municipal clerk's office, supervision should continue by the police department.

Separation of Powers Analysis

At first blush, it seems inconsistent with American constitutional principles to have a judicial branch agency placed within an executive branch agency, to have a court a part of the very law enforcement agency from which almost all its judicial business flows. Separation of legislative, executive, and judicial branches is a fundamental principle of American government. Upon close examination, however, the situation of the Rosenberg municipal court makes good sense, despite its apparent violation of the separation of power principle.

First of all, the rigorous separation of power does not work at every level of American government. While it is extremely important at the federal and state level, it becomes less and less significant with smaller and more local governmental bodies. The council-city manager model, employed in Rosenberg as it is in many American cities, to a large extent merges the legislative and executive functions, with the city manager being directly answerable to council rather than to the electorate. (In Rosenberg, the chief of police also reports to the city council.)

Second, given the fact that the municipal court in Rosenberg has one part-time judge, three full-time staff in the clerk's office, it is ludicrous to think of it as a separate, free-standing branch of government.

But most important is the independence of the judicial function. The judge, while appointed by city council, is not subject to city council in the disposition of cases that come before the court. It is that independence that is at the heart of separation of powers. As long as the judge remains independent of legislative (council) or executive (council or city manager) influence in the administration of justice and disposition of cases, the basic constitutional principle is honored.

Municipal courts in the State of Texas, and more than likely in many areas in the United States, are under the supervision of the city manager, finance director or police department. This is one of the realities of managing a municipality the size of Rosenberg.

Despite apparent violations of separation of powers principles, placing the municipal court under the auspices of an executive branch agency is many times the most logical and efficient placement of this entity.

The incumbent judge has no difficulty distinguishing judicial from administrative functions within the court. As a part-time judge, he has neither the time nor the inclination to provide continuing supervision of the clerical staff. He is satisfied that the present arrangement provides him the administrative support necessary for him to perform his judicial functions fairly and competently, and to sustain judicial independence. As long as this support is provided, the supervision of the overall clerical operation can and should be provided by someone other than the municipal judge himself. But by whom?

Management/Supervision Analysis

There are several possible answers to that question. The department that manages the clerk's office will provide the following functions:

- Setting priorities concerning backlogs and other matters of long-range significance that may be ignored in the press of day-to-day business;
- Monitoring implementation and maintenance of the automation system;
- Setting of the budget (after receiving input from the clerks);
- Providing administrative support concerning payroll, vacation and sick time, and purchasing;
- Interviewing and making the final decision on hiring of clerk's office staff; and
- Coordinating the office's activities with other parts of city government.

These managerial functions require some knowledge, but not in-depth knowledge, of the court's operation. Because of the importance of automation in the daily operation and strategic planning of the court, the manager of the clerk's office needs to have considerable knowledge of information systems in general in order to deal with resource issues that are bound to arise. At least in the beginning, managing the court will require or entail daily or at least even frequent contact with clerk's office staff and the judge. After the supervisory relationship has been established and operations have become stabilized, the amount of supervisory contact can be expected to diminish somewhat.

Within the municipal court itself, the clerk of court can function as the workgroup supervisor, assuming that the incumbent desires to and is capable of providing leadership within the office. Staff members are usually immersed in the press of business, handling a

myriad of details to keep up with the workload. A workgroup supervisor should be able to answer substantive questions about the job at hand and make decisions that have tactical, but not strategic, consequences. Although a workgroup supervisor should be trained or experienced in handling the full range of supervisory issues, some managerial oversight is needed to make sure that all staff obtain resources needed to do their job, that the exceptions reported by the workgroup supervisor are handled, and that strategic issues are addressed. A workgroup supervisor with strong training or experience can function as a manager in some circumstances; given the current structure and workload in the clerk's office, the manager should be someone outside the office.

That leads to the question of to whom that clerk should report on behalf of the court. Two alternative managers of the clerk's office can be eliminated. First, from observing courtroom proceedings, as well as clerical work flow and functions, NCSC staff have determined that the judge, serving on a part-time basis, has neither the time nor the desire to provide day-to-day supervision of the clerk's staff. The judge will continue to provide legal advice to the clerk's staff on issues that arise from time to time.

Second, NCSC staff cannot recommend supervision by the city attorney's office because a potential conflict of interest exists between the prosecutor's interests in obtaining convictions and the neutral environment of the clerk's office. This is arguably more severe than the potential conflict of interest caused by police supervision, where police officers are prosecuting witnesses in a traffic or criminal case, not an advocate as the prosecutor is. In any event, as seen below, supervision by the city attorney is not prevalent among the similar cities surveyed.

In determining which department should provide oversight of the municipal court clerical functions, three possible options are available; the city manager, the finance director or the Rosenberg police department (the current arrangement). As part of this study, the NCSC conducted a survey of twelve other municipal courts from Texas jurisdictions of similar size and caseloads. Of the courts surveyed, the clerk of court's office was supervised as follows:

- 5 -- Finance director
- 4 -- City manager
- 2 -- Police department
- 1 -- City attorney

NCSC staff cannot call these survey results conclusive because of the relatively small sample. The tendency, however, is clear that supervision is generally provided by someone other than the police department. On the other hand, supervision of the clerk of court's office by a police department is not unprecedented. The matter of which office supervises the clerk's office must be considered a close question without a distinct, clear-cut answer. Analysis of the remaining alternatives follows.

Supervision by the Police Department

The police department is one of at least three options for providing oversight to the municipal court clerks. The police department initiates virtually all of the court's business because its citations are in effect the charging documents initiating the court's processes. The judge and the city attorney do not participate in uncontested cases at all. In those cases, the police department and the clerk's office generate and conduct all the work, with the clerk ultimately transferring the money collected to the finance department at the end of the case. In contested cases, the municipal court judge and the city attorney are still dependent upon the paperwork generated first by the police department and then by the municipal court clerks.

A primary reason that the police department assumed day-to-day supervision of the clerk's office was acquisition of a new police computer system that also provided court case management functions. The court's old computer system did not allow adequate data retrieval or information sharing with the police department because it was fairly outmoded. Because the work of the court results directly from police activity, it made sense to place clerks under the supervision of the police department.

Does having the clerks responsible to the police department create a public perception of injustice? Because no traffic cases would reach the court unless a police officer issued a citation and is prepared to testify as the prosecution witness, one might surmise that the police have a conflict of interest in supervising day-to-day operations of the court which is a neutral adjudicator of fact and law. One might argue that this arrangement is similar to the city attorney supervising the court. The answer to this objection is that the independence of the judge is preserved, regardless of who supervises the administrative function of the court.

In the existing physical arrangements, there is little evidence of police involvement in the court. Not being sworn officers or police department employees, the clerks are not dressed in uniforms or wearing any insignia that suggest they are part of the police department. Police officers sometimes serve as court bailiff, but that is not unusual. Nor

is the presence of police in the court office unusual. Police are frequently seen around courts and government buildings. All things considered, the municipal court does not look at all like part of the police department. Still, some doubts persist, at least among members of the city council.

Supervision by the Finance Department

Prior to the current arrangement, the court clerks reported organizationally to the finance director, although the municipal judge, at that time, directed the majority of day-to-day activities and tasks of the clerks. A number of factors led to the change of supervision by the police department: first, implementation of a computer system that would serve both the court and the police department in a more effective manner; and second, the change was logical because of the regular contact between the court and the police department, compared to the fewer contacts between the court and the finance department. Based on an interview with the finance director, if called upon, he would willingly reassume supervisory responsibility for the court.

Supervision by the finance department, as with the police department, holds a potential for conflict of interest: placing responsibility for the clerk's office there might foster the notion that the court is a profit center for the city. NCSC staff encountered no indication that city council members regarded the court this way, but the potential still exists.

Supervision by the City Manager

The least controversial and most logical department to assume control of the court clerks is the city manager's office. This choice is preferable for several reasons. Primarily, it preserves the appearance of the court as a separate and independent entity, removed from the influences of the police department or the finance department. In other words, it removes the appearance of potential impropriety that the finance department will pressure the court for guilty verdicts (resulting, presumably, in more revenue to the city, or in the court obtaining favorable finance department consideration of its budget requests), or that the police department will pressure the court for guilty verdicts (presumably, to artificially increase perceptions of police effectiveness). Although these events are highly unlikely to occur, these perceptions may exist within the community and may affect the way in which the community perceives the role of the municipal court and, in turn, affect the enthusiasm with which they pay fines and fees imposed by the municipal court. It makes the court less like an old-style "police court".

Bolstering this view are guidelines and standards suggested by the American Bar Association, relating to court organization. According to Section 1.00 of the Court Organization Standards, an objective of the court system is to maintain itself as an independent and respected branch of government.¹ Section 1.40 further states that administrative services are important to the court, to preserve and support the independence of the judiciary as a separate branch of government.² Although it may be practical and necessary to intermingle the judicial branch with another branch at the municipal level, supervision by the city manager provides the least violation of the ABA standards and preserves constitutional separations more effectively than the other options.

Finally, it should be noted that one of the recommendations offered by the current municipal court judge, and endorsed by the NCSC, is to elevate the clerk of the court to the position of associate judge. Although these functions are ministerial in nature (not requiring judicial discretion), having her under supervision of the police department may fuel public perceptions of collusion between the court and the police department. Giving the clerk additional responsibility as associate judge probably should not be implemented until the supervision is transferred to the city manager's office.

On the negative side, however, this recommendation would increase the number of department heads reporting directly to the city manager, and would spread his responsibility that much thinner. The clerk of court's office, with such a small staff, would not be comparable to other departments, such as community development, public works, the fire department, the police department, or the finance department. In addition, no department has many day-to-day contacts with the municipal court, nor understands the mission and procedures of the court, with the exception of the police department.

A potential negative is that supervision by the city manager, like the finance department and the police department, holds a potential for conflict of interest: because the city manager is fundamentally responsible for the fiscal well-being of the city, placing responsibility for the clerk's office there might also foster the notion that the court is a profit center for the city.

The solution to the perception problem and the "span of control" problem is a position in the city manager's office (combined with other duties to make a full-time

¹ American Bar Association, Judicial Administration Division, *Standards of Judicial Administration, Standards Relating to Court Organization*, 1990 Edition.

² *Id.* at p. 88.

position) to oversee the clerk's office. The clerk will continue to go to the judge to ask questions of a legal or procedural nature. Under this recommendation the clerk will have a neutral party to whom to refer questions of an administrative nature, capable of being answered by someone with a relatively high degree of managerial and computer experience.

Conclusion

Although the current arrangement appears to provide the clerk's office with adequate supervision, the issue of public perception of this arrangement remains an issue of fact that the city council needs to determine. The issue arose several times during site interviews with city council members. Because the same department that oversees a function of the court system also brings people into that process through citations, a perception exists of potential conflict of interest at the least, or of potential collusion between the court and the police department at the worst. If the city council determines that a perception problem exists, in order to ease these perceptions, the council should consider moving supervision of the court from the police department.

Another issue for city council determination is staffing of the city manager's office. While supervision of the clerk of court's office is certainly less than a full-time position, and probably less than a half-time commitment, no suitable staff person in the city manager's office is available to handle even a part-time responsibility. If the city manager needs an additional position for already-existing duties, perhaps supervision of the clerk's office could be an additional duty. It is possible that the need for supervision will diminish slightly after the first year of supervision by the city manager's office (although it may take longer), as various workflow and automation transitions are made in the clerk's office. While the problems are not insurmountable, organizational changes are never easy or simple to implement and cannot be expected to be implemented overnight. In any event, NCSC staff must conclude that the city council needs to address the needs of the court staff in the context of the larger issues of city manager office staffing.

Careful monitoring of any arrangement of supervision should be undertaken to ensure quality service to the citizens of Rosenberg, and appropriate modifications made if necessary.

C. Internal Structure of the Clerk's Office

During the site visit, the project team was particularly impressed with the conscientious dedication, competence, and accommodating attitude toward the public of each of the employees of the clerk's office. Although the number of staff in the clerk's

office is small (currently two, previously three), every office needs some structure and leadership to assure that staff duties are performed in accordance with expectation.

Recommendation No. 7

The clerk of the court should serve in the capacity of administrative head of the municipal court, exercise supervisory responsibility over other staff in the office, and receive periodic training in basic supervision and management skills.

Upon viewing the volume of the work of the clerk's office relative to other courts surveyed, the range of responsibilities of staff duties, the unremitting demands placed upon each employee in terms of interaction with an often disgruntled public, in person and over the phone, the handling of large amounts of cash, and the accounting for thousands of important documents and court records, the project team observed a clerk's office staff that functions at a very high level. Further, this high level of performance is being achieved during a period of transition--while implementing a new information system. Therefore, NCSC staff recommend that the general organizational structure of the clerk's office remain intact.

Cross-training and use of automation are critical factors in the Rosenberg clerk's office. In a well-supervised office, employees are cross-trained to perform each other's duties to the extent that the office will continue to function in the absence of staff. This is particularly true in small offices such as the Rosenberg clerk's office. Every clerk in the office must be fully conversant in use of the computer system which is the lifeblood of the office's operation. The clerk of court as the administrative head of the office needs to exert leadership in promoting these initiatives.

It would be in the court's and the city's best interests to invest a small amount of training funds in its workgroup supervisors, including the clerk of court.

D. Job Descriptions in the Clerk's Office

The city requested examination of the job descriptions of the clerk's office staff.

Recommendation No. 8

The "Knowledge, Skills and Abilities" section of the Court Clerk, Clerk III and Clerk II job descriptions should include the following:

- **Has the ability to reach into file drawers in standard four-drawer filing cabinets;**

- **Has ability to transfer up to 25 pounds, and to work under conditions of substantial standing, sitting, walking, speaking, listening, stooping, crouching, and reaching with hands and arms;**
- **Has visual ability sufficient to operate office equipment including computer, copier, etc., and to read reports, correspondence, instructions, etc.**
- **Has hearing ability sufficient to hold conversation with other individuals both in person and over a telephone;**
- **Has speaking ability sufficient to communicate effectively with other individuals in person and over a telephone.**

The "Duties and Responsibilities" section of the Court Clerk job description should include the following:

- **Develops court computerization goals and objectives in conjunction with the municipal judge;**
- **Supervises implementation and internal training on the court's computer system;**
- **Coordinates clerk's office budget planning and preparation, and monitors budget performance.**

One often takes for granted the physical demands of a job. One purpose of including a description of the physical demands of the jobs is to be realistic about the job requirements, and another is to bring job specifications into compliance with the Americans with Disabilities Act (ADA). Under the ADA, employers cannot discriminate against individuals in regard to any employment practices or terms, conditions, and privileges of employment. The next time that the personnel classification system is reviewed, some attention should be given to aspects affected by ADA.

The job description of the court clerk lacks mention of duties related to the court's automation system and to the budget of the clerk's office. The court clerk is in a position to promote the use of computers in the office, and should coordinate with the municipal judge the on-going efforts to computerize the court and train users in the office. Similarly, as administrative head of the office, the court clerk should provide input into the budget planning and preparation for the clerk's office, and should monitor budget performance against the plan.

E. Staffing Levels in the Clerk's Office

As stated earlier in this report, the municipal court, which currently consists of one part-time judge, a clerk of court, two full-time deputy clerks,³ disposes of approximately 6,000 cases of the more than 8,000 filed per year. Docket calls are held three times a week, with jury and bench trials held once a month. There is an evening session for arraignments held once a month. The judge, or his alternate, also makes a jail call to bond in-custody defendants on Saturdays and Sundays, when necessary. However, there are currently no weekend sessions for arraignments.

Clerical functions are varied and rather extensive. The regular duties of the clerk's office include the following:

- Setting dockets,
- Managing the court calendar,
- Preparing monthly, quarterly and yearly reports,
- Cashiering functions,
- Notifying potential jurors of jury trials,
- Filing records, preparing complaints for defendants who plead not guilty, and
- Keeping track of compliance with conditions of probation, including completion of defensive driving classes, deferred sentences, community service hours.

Clerical positions are identified as the Clerk of Court (who supervises deputy clerks and is head of administrative functions), Deputy Clerk II, and Deputy Clerk III (position vacant). Although the functions of these positions are defined in their respective job descriptions, many of the functions overlap, which tends to obscure accountability within the clerk's office.

Currently, clerks are empowered to accept no-contest pleas at the cashier's window for traffic citations and ordinance violations, and accept payment of fines for these violations. However, they may not adjust fine amounts, alter payment schedules, or accept guilty pleas. These must all be approved by the judge during regular court sessions. Clerks also provide general information concerning traffic violations, ordinance violations, court dates, fine and fee amounts and due dates, and other information.

³ It should be noted that at the time of our site visit (March 25, 1995), there were two full-time deputy clerks, in addition to the clerk of the court. One deputy clerk had elected, however, to retire, leaving only the clerk of the court and one deputy clerk. As of June 30, 1995, a temporary full-time clerk had been hired to replace the retired clerk.

However, they may not provide legal advice, or predict what consequences a plea or other action by the defendant may have.

Since the retirement of one of the deputy clerks and the temporary hiring of a replacement, the city needs to decide whether to fill the position permanently or to continue the temporary placement, depending primarily on the long-term needs of the office.

The next twelve months or more will be a period of transition. After implementation of the new computer system in early 1995, the vendor programmed changes to the system to match functions of the old system. The clerk's office, as of June 30, 1995, discontinued operation of its old computer system. The court can anticipate many months of learning all of the essential features of the system and how the system will affect the workflow of the office.

That the court has experienced a backlog on the issuance of warrants since the beginning of 1995 is an indication that current staffing levels should not now, or in the foreseeable future, be reduced to two full-time clerks.

Recommendation No. 9

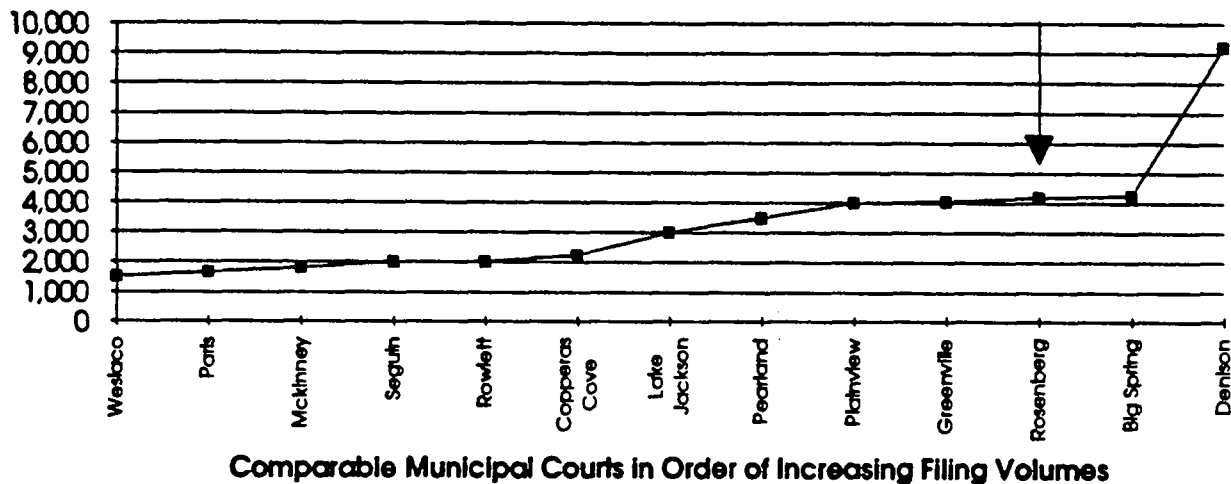
One deputy clerk should be hired on a temporary or permanent basis to maintain staffing of the clerk of court's office at three for at least the next 12 months.

As part of this study, the NCSC conducted a survey of twelve other municipal courts from Texas jurisdictions of similar size and caseloads. Of the courts surveyed, as one would expect, those with larger clerical staffs experienced fewer backlogs, and felt less pressure in handling daily tasks. Those with clerical staffs of two persons, experienced more backlogs. Reasons cited for backlogs included the number of functions and tasks each clerk had to deal with in a day, and disruptions in these tasks dealing with the public at the cashier's window. Most of the two person staffs reported they could get more accomplished and reduce backlogs with the addition of even one temporary or part-time person to handle window operations.

One method of determining the staff needs of the office is determining the number of cases processed per employee of comparable courts. The courts were selected for similarity in case filings and population of the city which the court serves. All of the courts have some degree of automation. Traffic and non-traffic filings for 1994 are used as the measure of case processing. **Figure 2** shows for all 13 municipal courts, in order of

increasing filing volumes, how Rosenberg's court compares to other courts if the clerk's office has two clerks.

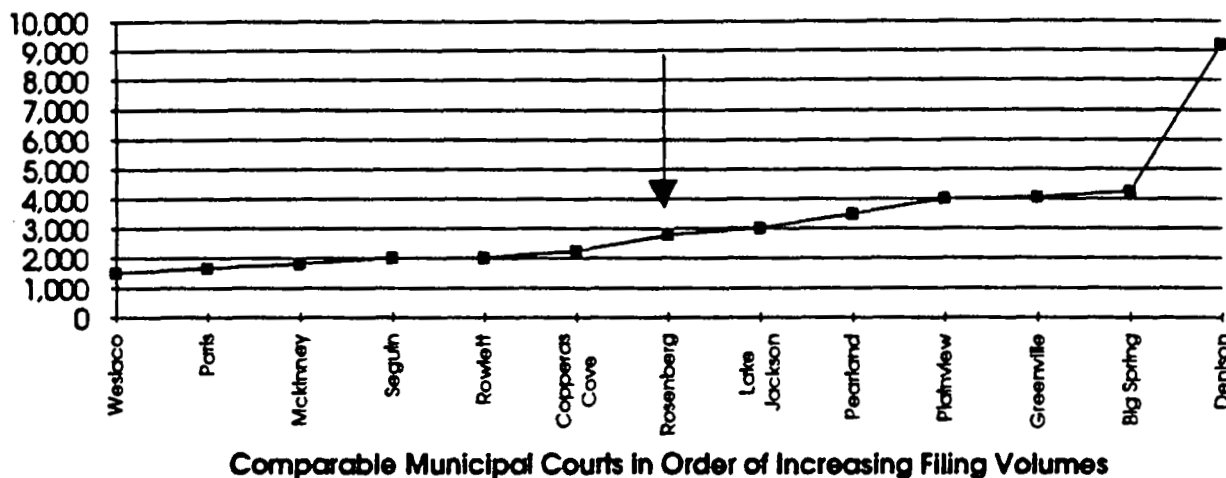
Figure 2
Cases Processed Per Employee
(Arrow Indicates Rosenberg's Position With Two Clerks)



Two clerks in the Rosenberg court would process 4,182 cases, compared to 1,500 cases in Weslaco and 4,250 cases in Big Spring. (Denison, with 9,215 seems high, but was confirmed upon further inquiry.) This puts Rosenberg in the high range, although several other courts are operating at that capacity.

For comparison, **Figure 3** shows for all 13 municipal courts, in order of increasing filing volumes, how Rosenberg's court compares to other courts if the clerk's office has three clerks.

Figure 3
Cases Processed Per Employee
(Arrow Indicates Rosenberg's Position With Three Clerks)



At a staffing level of three clerks, Rosenberg is in the middle of the range, and numerically is the median. This method of analysis is designed to determine a proposed staffing level comparable to similar courts, whether at an extreme or somewhere in the middle. Based on this analysis, the proper staffing level for the clerk's office is three. This conclusion assumes that traffic citation issuance in Rosenberg will be maintained at 1994 levels.

Regardless of case filings, a major issue to consider in determining staff levels is implementation of the new automation system. During the transition to the new system, in order to recover from understaffing in the past, the third clerk should be added on a temporary or permanent basis. While staff are learning the practicalities and nuances of the new system, production will probably decline somewhat until staff are more accustomed to the system. Further, if the system does not perform as expected, or does not make staff perform their functions more effectively, staff will continue to have difficulty in keeping up and staffing should remain at three. On the other hand, the automation system may make staff so productive that a part-time clerk (a total of 2.5 full time equivalents) may be adequate to meet the office's needs, making a regular part-time position a desirable option at some point.

Finally, it should be pointed out that in the event police resources are again increased to cite traffic violations, the increased volume would impact the court negatively, resulting in even more backlogs than are currently being experienced.

Therefore, clerical staff should be maintained at current levels, even with the use of a temporary clerk, at least until it can be determined whether the new automation system will be effective.

F. Associate Judge Position

Recommendation No. 10

The clerk of the court should be given the added responsibility and title of associate judge in order to handle what are essentially administrative duties, without requiring personal approval of the judge, including approving or modifying payment plans, accepting proof that defendants have complied with conditions of their sentences, and accepting guilty pleas at the cashier's window.

During NCSC staff interviews with Judge Baker, he articulated a plan to increase the responsibilities of the clerk of the court by making her an associate judge of the municipal court, which the NCSC staff endorses. Although this proposal should be carefully considered, the city charter and local ordinances allow wide latitude in which to define the role of a municipal judge as the city deems proper. From interviews with the municipal court judge, the powers given to this position would be greatly limited, and specific guidelines would be implemented as to what these duties would entail.

The functions of this position would be entirely ministerial and administrative. Responsibilities would include accepting guilty pleas at the cashier's window; approving or modifying payment plans; and approving compliance in cases involving expired motor vehicle inspections, expired drivers license, and defective equipment, and financial responsibility cases, such as lack of insurance. These procedures would allow many traffic cases to be handled administratively rather than having defendants wait for or come back for a court session. If the defendant disagreed with the decision of the associate judge, the defendant would have to see the judge at a regular court session.

Chapter 29 of the Government Code⁴ provides that a home-rule city shall establish by charter or ordinance the position of judge (and associate judge if desired), and municipal court clerk. The city can appoint these positions for no less than two year terms.

⁴ V.T.C.A., Government Code, section 20.007, Municipal Court Panels or Divisions; Temporary Judges.

One person cannot hold two titles, namely, associate judge and clerk of court. One person can, however, while acting as associate judge, also act as clerk of court. In order to qualify as an associate judge, a person must attend the prescribed training offered by the Texas Municipal Court Training Center. Training includes instruction concerning the boundary between a clerk's authority and a judge's authority. Distinguishing the two roles requires a certain amount of judgment, but it is not an impossible task, as indicated by a growing number of smaller communities in Texas that have adopted this mode of operation.

Although the associate judge would be assigned essentially administrative duties with little discretion, the clerk of the court voiced some reservations during the site visit about assuming this role. Her role as associate judge, however, would be carefully defined, and she would be trained. These measures should alleviate any concerns she may have with the added responsibilities or with any liability issues.

Concerns regarding liability issues should not present a stumbling block to implementation of this plan. All civil servants acting within the scope of their duties enjoy broad personal immunity for their official acts. Judges as a class have the broadest immunity of all. They are immune from all acts executed in their capacity as judicial officers. Further, Judge Baker's proposal has the associate judge modifying administrative details of sentences previously ordered, as well as approving or accepting evidence of performance of conditions of probation. If she refuses for any reason to approve a request, that defendant could immediately elect to remove the matter to the municipal judge himself. Because defendants could, in effect, appeal administrative decisions of the associate judge, they would have no grounds to proceed legally against the associate judge.

G. Permanency of the Current Judge's Appointment

One of the issues raised verbally during the site visit was whether the current judge's status should be made "regular" status. Staffing issues are always sensitive. NCSC staff had limited but sufficient opportunity to interview the judge and observe court sessions in order to form an opinion.

Recommendation No. 11

The current municipal judge has instituted a number of procedural and substantive improvements during his tenure with the court, and the city should consider making his status regular part-time.

Although the judge was not appointed on a regular ("permanent") status, he undertook to make substantial changes from the way the court was run under his predecessor. He has exercised good judgment and made practical improvements to the court's operation.

The judge, for example, instituted evening arraignment and evening bench and jury trials to accommodate working people who have received citations. As another example, the judge has also devised a creative method of dealing with one of the nation's most pervasive and endemic problems: how to enforce compliance with a probation order to maintain financial responsibility for one's vehicle. Traffic defendants nationwide, on a charge of not carrying car insurance, are notorious for presenting proof of insurance to a judge and then immediately canceling insurance, or for purchasing insurance for only one week to comply, on the surface, with the requirement. This judge requires defendants charged with this to appear monthly and present evidence of insurance, rather than simply order payment of a fine without any assurance that the defendant will actually carry insurance.

The judge is aware of the requirements of the code of judicial ethics prohibiting *ex parte* proceedings,⁵ and conducts the court's business in a business-like and forthright manner. He is committed to dispensing justice in an even-handed manner, treating all defendants with the respect and fairness to which they are entitled, yet dealing with them firmly or leniently as the situation demands. NCSC staff make this recommendation without reservation.

The judge has devoted substantial paid and personal time to improvement of court processes, and has additional ideas to implement as time and opportunity permit. NCSC staff have adopted as recommendations in this report several suggestions made by the judge, and recommend his continued tenure.

H. Additional Court Sessions

One of the questions posed by the city was whether there is a need for additional hours for the judge to be available for court sessions. There are inevitable comparisons between the incumbent and his predecessor.

Recommendation No. 12

⁵ Under this requirement judges are not permitted to talk privately with any party to a lawsuit about the merits of the case without the other party being present. The American legal system requires representatives of both sides to be present to have the opportunity to counter the other side's assertions.

Although there is no obvious need for additional court sessions, the municipal court may wish to consider implementing the city's public service ethic to an even greater degree by experimenting with holding Saturday and/or more evening sessions in order to accommodate people who cannot take advantage of current schedules.

The City of Rosenberg is predominantly a working class community, with the overwhelming majority of people working 8:00 to 5:00 Monday through Friday. The judge currently conducts traffic arraignments every Monday, Wednesday and Friday morning; night court arraignments the fourth Tuesday of each month; bench trials the second Wednesday evening of each month; jury trials the fourth Wednesday evening of every month; and jail calls on Saturdays and Sundays when necessary.

Approximately half of the similar size courts surveyed hold at least one evening court session per month, including Rosenberg. Four courts hold more evening sessions than Rosenberg, but eight hold only one or none. Nationwide it is rare to find evening court sessions, putting Rosenberg in a leading position in this respect.

A primary goal of any court should be providing adequate access to justice. This philosophy can take several forms, including providing quality customer service, easy to understand directions and instructions relating to court proceedings, as well as providing convenient hours for the public to take care of their legal matters. The current municipal judge holds evening court sessions for arraignments and trials. NCSC staff commend this because court sessions outside of regular business hours are relatively rare in American courts, and reflect the judge's individual philosophy and the city government's philosophy of customer service. The survey of 12 other municipal courts of similar size in Texas showed that although many of the courts did not hold any evening or weekend sessions, other courts held at least one evening session a month.

The NCSC staff did not hear any criticism of the judge's choice of days and times for court sessions. In order to provide even better service to the public, the NCSC staff recommends that the court consider experimenting with implementing another evening session and perhaps a Saturday session to assure accommodating all court users. By temporarily instituting shifted or added sessions, the court can determine whether the benefits derived from these additional sessions would be more convenient to court users, and increase attendance at hearings and arraignments, potentially increasing fine and fee collections.

An alternate court schedule is suggested in **Table 4** below in which the first Friday morning traffic arraignment of the month is shifted to Saturday morning. Otherwise, the table shows the current court session schedule.

Table 4

Suggested Monthly Court Schedule
(Changes from Current Schedule in Italics)

| | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|-------------------------------|-----------------------------------|-----------------------------------|--|----------|-----------------------------------|--|
| Week 1 | Jail call (when needed) | Morning traffic arraignment | | Morning traffic arraignment | | <i>(Shifted to Saturday)</i> | <i>-Morning traffic arraignment</i> -Jail call (when needed) |
| Week 2 | Jail Call | Morning traffic arraignment | | -Morning traffic arraignment -Evening bench trials | | Morning traffic arraignment | Jail call (when needed) |
| Week 3 | Jail Call | Morning traffic arraignment | | Morning traffic arraignment | | Morning traffic arraignment | Jail call (when needed) |
| Week 4 | Jail Call | Morning traffic arraignment | Evening traffic arraignment | -Morning traffic arraignment -Evening jury trials | | Morning traffic arraignment | Jail call (when needed) |

The clerk of court's office will need to staff these court sessions with at least one person. Currently a clerk either is paid overtime, or takes time off from regular court hours in order to be present during evening sessions to avoid overtime pay regulations. The same arrangement can be extended for the recommended experimental Saturday morning hours.

I. Language Interpretation Needs of the Court

About half of the city council members interviewed expressed interest that non-English speakers should be able to converse with court staff in Spanish.

Recommendation No. 13

Because of the high numbers of court users who do not speak English, or who do not speak English well enough to understand court proceedings, the court should find some method of providing Spanish interpretation services, preferably using an interpreter pool within city hall or community volunteers.

The population of Rosenberg is approximately 50% Hispanic, and therefore many of the people appearing in the court or merely seeking information do not speak English at all, or do not know enough English to understand court processes.⁶ A few defendants observed at arraignment required interpretation to understand court proceedings, and clerks reported that occasionally a person at the clerk's window required interpretation. The one clerk with bilingual abilities was scheduled to retire shortly after the time of the site visit.

Rosenberg is one of four cities surveyed whose population is 45% Hispanic or more. It is the only one of the four with no bilingual staff in the clerk's office. Of the six cities in the next tier -- 25% to 40% Hispanic -- only one has bilingual staff in the clerk's office. No court surveyed makes Spanish bilingual ability a job requirement.

It is important that a court of law provide access to justice for all residents of the community. In this case, this means providing interpreters to those who do not speak English well enough to understand court proceedings or any sanctions that may be imposed against them. Because of budget constraints and the added costs associated with requiring a court clerk to be bilingual, creative methods should be developed to deal with this issue.

Several methods of providing interpreters would be viable alternatives for the Rosenberg municipal court. For example, two or more clerks from within the departments that operate within city hall could be designated as "on-call" interpreters, providing their services for scheduled court appearances, or whenever non-English speaking people need an interpreter while at the clerk's window. The same procedures could be implemented in any city department needing interpretation services. These on-call interpreters would receive compensation for their services, the cost of which would be shared by all the departments within the municipal building that need them.

Another alternative that may be more cost-effective and provide for better logistics and that could be used in conjunction with the first alternative above, would be for the court to recruit several interpreters from the community on a volunteer basis. Many communities incorporate a program known as the Retired Services Volunteer Program

⁶ The percentage of people appearing in court or seeking information who cannot adequately communicate in English is not exactly known, although estimates of 70% are given. Although substantial numbers of the people in the community are Hispanic, many can effectively communicate in English. The city or, specifically, the court should survey city hall users on their language abilities to determine the actual need for bilingual services.

(RSVP) into the regular services they provide. These retired volunteers perform many functions a community could not otherwise afford to provide to its citizens. A program similar to this would be an excellent way for the municipal court to provide interpreters both at the cashier's window, and for court proceedings.

In order for this option to work efficiently, volunteer time could be allocated among city departments so that interpreters would only be required to spend a few hours on selected days at city hall. For example, one volunteer could work from opening until noon at the clerk's office, and a second volunteer could work from noon until closing. Further, the court may wish to consider setting aside one arraignment day during the week, and one weekend arraignment day for court users requiring interpreter services. This would provide more structure to the time frames for when interpreters are needed by the court. Because trial dates are set well in advance, provisions can be made for interpreters to be present.

If volunteers cannot be found, another option that may be available to the court is to employ Spanish-language majors with adequate language ability from area community colleges or universities. This option would operate similar to the volunteer program and would provide experience to the students. This would also be an economical option in that interns would provide interpreting services for course credit or merely experience and not for pay.

If the above options were not viable or needed a supplement or back-up the court could consider using is the AT&T Language Line®. The charge for the use of this line is approximately \$1.60 per minute, and interpreters used by AT&T are qualified to handle most language barriers that could conceivably exist in the municipal court, including languages other than Spanish. Given the high cost of the use of the telephone interpretation service, it should only be used when in-house interpreters are not available within a predetermined time of a request for their services.

Other alternatives include using interpreters performing their community service obligation, or allowing court users to bring their own interpreters. These options, although inexpensive, may present several problems. Principally, there may be no way for the court to know whether these interpreters understand court proceedings or terminology well enough to provide effective interpreting services. In addition, one cannot be certain of the goodwill of community service defendants in performing the interpretation without doing some mischief.

One method to reduce the risk of an interpreter providing misinformation to a defendant or to the court, is to require a basic threshold, ten-question multiple choice test of commonly used legal terminology that the potential interpreter must take and pass before being allowed to provide interpretation services. Several versions of the test can be made available so the answers are not memorized or passed on to someone else. This testing process can also be used to determine the competency of volunteers or interns used as interpreters. Although this process will not guarantee that these uncertified interpreters will be totally competent, it will allow the municipal court to determine whether those brought to the court are minimally competent to provide interpreting services.⁷ Even though this option may not be the most desirable, given the resources and finances most communities such as Rosenberg must deal with in providing interpreter services, use of community service people is certainly a viable option that should be given consideration.

⁷ Several states are in the process of developing such tests of language competence. The NCSC will provide copies of Spanish-language tests as soon as they become available.

V. ANALYSIS OF CLERICAL FUNCTIONS AND AUTOMATION

The RFP requested an assessment and recommendations concerning the court's clerical functions, records management, and automation.

A. Need For a Standard Operating Manual of Procedures

The court clerk's office is small enough (three staff) that no manual of procedures exists. One clerk (until recently) has worked in the court for many years and knows procedures thoroughly.

Recommendation No. 14

The court should consider developing a standard operating procedure manual if a suitable alternative cannot be obtained from the Texas Municipal Court Training Center.

Several benefits can accrue from creating a procedures manual. First, staff turnover and the need for initial and continuing training create an impetus to document work procedures. Many courts nationwide have created procedures manuals. Second, the office as a whole would benefit from participation by all staff in creation and annual review of procedures. Every staff member has potentially useful ideas that could improve office procedures and solve perennial problems.

On the negative side, two points need to be considered before deciding to create a procedure manual. First, a certain amount of time and effort must be expended to create and later to update a procedure manual. Procedures change from time to time, and documentation is easily overlooked in the press of business. Second, a manual must be designed to be easily used, or it will be ignored. It is not uncommon to hear in courts, "I do not have time to look something up in the manual; I'll just ask someone." Therefore the costs must be weighed against the benefits.

If a manual or a reasonable facsimile has been created by the Texas Municipal Court Training Center, the effort of an in-house development would be saved, but the benefit from the development process would not accrue. The manual produced by the Texas Municipal Court Training Center that project staff reviewed briefly in the judge's chambers was a thorough treatment of such topics as complaints, docketing, warrants, and bonds. While this is good as a reference, it is not readily understandable by subordinate staff in the clerk's office. Some other kind of tool would be helpful for internal training of clerks (and when new clerks join the office).

A flowchart of the court's operation from issuance of a citation to disposition of a case is set forth in **Appendix C**. This may serve as a starting point for development of a user-friendly operating procedures manual.

Appendix C reflects current operating procedure, including preparation and updating of the criminal history index card ("docket card") which is recommended in this report for discontinuance. The old saying goes that "one picture is worth a thousand word". The flowchart depicts information not easily communicated or comprehended through prose.

B. Fine Payment Procedures

Fine payment procedures can be considered part of the fine collection process, but are addressed here as a clerical function. The recommendations would improve both office procedures and collections.

Payment of Fines by Mail

In every court some percentage of guilty pleas and fine payments are mailed in by defendants. A court's acceptance of mailed payments reflects the philosophy that the court should make it as easy as possible to comply.⁸ The court is considering plans to encourage fine payments by mail.

Recommendation No. 15

The court should promote payment by mail. It could minimize start-up costs of encouraging mail-in payments by printing envelopes with the court's address and a small flyer in English and Spanish explaining, in plain language, the plea alternatives, the procedure for mailing payment, and the procedure for taking the defensive driving course. Police officers should be instructed to hand an envelope and/or flyer to every traffic violator.

One workflow advantage of payment by mail is that clerks can process mailed payments at their convenience during the day rather than at the window, when being called to the window may have interrupted some other office process. Also, given the choice of paying by mail or paying in person, many people will choose the former because of

⁸ Most courts accept payment by personal check, and some which do not accept checks at the clerk's office will accept a mailed check rather than turn away money.

personal convenience. The easier the court can offer compliance, the more people will comply.

In an effort to increase the number of payments by mail, several courts nationwide have persuaded law enforcement officers to give traffic offenders an envelope addressed to the clerk along with the citation or a schedule of fine amounts by offense. Not only does the use of a distinctive pre-addressed envelope facilitate the handling of payments, courts report that providing traffic defendants with written payment information at the time of the stop substantially reduces the number of inquiry calls to the court. The defensive driving alternative can also be further explained in the flyer. Some courts use a special citation form constructed with an envelope attached, although this requires a more specialized (and expensive) envelope design.

Although the proposed flyer would duplicate some information on the reverse side of the citation, it would be in a format more conducive to being read and understood. Examples from other jurisdictions are set forth in **Appendix D**. Example 1, from Joplin, Missouri, is an information sheet from Joplin Municipal Court, describing the court in general terms, and the plea alternatives under Missouri law. Example 2, from Mesa Municipal Court in Arizona, is an envelope with a double flap (front and back) with five panels of information on defensive driving school, mail deposit and requesting a trial, paying violation by mail, the fine schedule, and a general notice. Example 3, from Orlando, Florida, is a pre-addressed envelope and an insert with information on options in responding to the citation: mail payment, request driving improvement school, request a court date, and appear in person. Example 4, from Miami, Florida, is an English/Spanish envelope insert for violators of the state's automobile child restraint law. These examples are intended to provide alternatives for the court's designing of its own flyer or mailer.

The court should also adopt a policy for mailed payments that do not exactly match the fine due. Rather than refuse and return inexact amounts, it would be a better policy to retain the funds and respond with a demand letter for the balance due or with a refund. For administrative convenience, the court might establish a minimal level (a few dollars) of over- or under-payment that will be accepted by the court without adjustment. Staff would be instructed to deposit the funds and show the account satisfied without further action if the payment fell within the range established by policy. For over-payments, a refund would be sent only if the defendant requested one.

Payment by Personal Check

NCSC staff discovered that the court accepts payments only in cash or money order. A majority of courts in the U.S. accept personal checks under some circumstances.

Recommendation No. 16

The municipal court should consider taking payments of fines by personal check and develop some policies and procedures for dealing with checks with non-sufficient funds.

The philosophy of courts that accept personal checks is to make payment as easy as possible for defendants. Most report that bad checks represent a small percentage of those received and are not a significant problem. Defendants are ordered to resubmit payment by cash or money order along with a processing fee (usually about \$20). If the defendant fails to pay as ordered, the case is processed like other delinquent payment.

As a guide to implementing such a policy, the court can consider the following:

- Is it good policy to make payment as convenient as possible for a defendant?
- Should availability of funds be verified before accepting personal checks?
- What administrative procedures should exist for bounced checks? Should the court maintain a list of defendants who have "bounced" checks and refuse to accept future payments by check?
- Can the court legally impose a fee or service charge for non-sufficient funds (NSF) check (either a flat amount or a percentage)? If a fee is imposed, is it adequate to cover the costs of processing a bad check (assuming that costs can be determined)?

C. Records Management Background

The strong archival needs of court systems are often not understood by outsiders. Most business decision-making is focused on the future. Business decisions are essentially predictions, that is, if certain things are done, then certain consequences will follow. The past is not a matter of great concern except insofar as it improves one's ability to predict the future.

Courts, on the other hand, are concerned with decisions that fix rights and duties. Criminal courts deal with persons alleged to have violated laws or ordinances. Past violations affect the way courts look at new violations and frequently enhance the

sentences or fines that can be imposed. Therefore, courts have an interest in preserving records far greater than that found in the rest of society. Paperwork and records become more of an end in themselves than we are accustomed to seeing elsewhere.

The media selected for long-term storage must be carefully assessed. Those who have worked with old court records know that inks fade and papers decay. Boxes in which records are stored sometimes eat the records they are storing. Current electronic storage methods have not been in existence any great length of time. Technology is changing very rapidly, creating a new kind of problem. Records stored electronically in 1995's technological forms may not be accessible by 2005's computer systems, even though they still exist.

If court documents have retention periods of more than a few years, optical disk imaging may not be not a suitable archival medium. The Association for Information and Image Management (AIIM) in a technical report makes it clear that the use of optical disks as storage media for long-term and permanent public records is unsatisfactory for two reasons: (1) the stability characteristics of optical recording media are claimed on the basis of accelerated aging tests, but none satisfy storage requirements for permanent public records; and (2) information recorded on optical recording media is dependent on specific hardware and software configurations that have, based on recent history, limited service lives.⁹ One needs only to think of 8-track audio tapes and Beta video tapes to realize that some storage technologies are relatively enduring and some are not, and one can cite examples in computer storage technology.

D. Records Retention Schedules

Records management as defined by the Texas Local Government Code means:

"the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping".¹⁰

Records and information are not unlike physical, capital, and human resources of the community. The court spend tax dollars and time creating, receiving, and maintaining records, and good management of records benefits the court and the community.

⁹ "The Use of Optical Disks for Public Records," Association for Information and Image Management, AIIM TR25-1990, pp. 21-23.

¹⁰ V.T.C.A., Local Government Code, section 201.003, Definitions.

The court appears to be keeping records reasonably required to conduct its business. By comparison to some other courts in the nation visited by NCSC staff, the clerk's office in Rosenberg was relatively uncluttered, indicating control over the records created, received, and maintained by the court. Further, random sampling of court files revealed nothing unusual about the files reviewed, indicating that the paperwork maintained was sufficient to perform the work of the court and not irrelevant or redundant.

The court appears to take a practical approach in its records retention program. When a case file is closed (dismissed or otherwise adjudicated) and the time for appeal has passed, files are stored in cartons in a storage room or an off-site location. The Texas statute governing local records states:

"(12) Records control schedule" means a document prepared by or under the authority of a records management officer listing the records maintained by a local government or an elective county office, their retention periods, and other records disposition information that the records management program in each local government or elective county office may require."¹¹

The city's record retention schedule (dated August, 1994), set forth in **Appendix E**, specifies retention of records by type of record. Overall it conforms to generally accepted standards, with a few exceptions.

Recommendation No. 17

The municipal court should change its record retention schedule in the following ways:

- A. Case papers in record number 2350.03 should be retained for three years after case initiation instead of five years after offense.**
- B. Unserved arrest warrants, also in record number 2350.03, should be retained for two years after issuance instead of four years.**
- C. The "Disposition" column of the record retention schedule should specify "Destroy" instead of "Destroy. Municipal Court maintains record copy".**

¹¹ V.T.C.A., Local Government Code, section 203.042(a), Retention Periods.

- D. The reference in record number 2350.04 to "Docket/docket sheets" should be replaced by "Index of cases, including traffic offenses & violations of municipal ordinances".**
- E. "Reports to state agencies" in record number 2350.08 should be reduced from five years to one year.**

Item A conforms to the practice in municipal courts nationwide, where reference is made to the date the case came to court rather than the offense date. Five years retention is unnecessarily long because three years is adequate time to resolve cases and refer to case records before destruction.

Item B conforms to the practice in municipal courts nationwide. It is generally accepted that warrants for offenses adjudicated in a municipal court become stale after more than a year or two. If the accused has never made an appearance and is apprehended within that period, the defendant can be arraigned although it is possible that the officer who issued the citation is no longer a member of the police force, or that the officer can remember the facts well enough to testify at trial.

Item C clarifies an ambiguity, stating that the municipal court's copy will be destroyed. Current language implies that although someone can destroy their copy of the record, the court will maintain a "record copy", presumably an official copy, perhaps indefinitely. The purpose of the schedule is to destroy records that are no longer useful.

Item D reflects the computerized reality of the court's record system. The idea behind this record retention rule is to keep a summary of each case history for a longer period than the case papers are retained. The case history (the so-called docket sheet) should include the basic information of defendant name and other identification information, offense, date, citation, case number, and disposition. This information will be retrievable by defendant name or other key fields. Currently the case jacket of each case contains this case information, which is duplicated on the criminal history index card ("docket card"). Project staff recommend below discontinuing the card system as duplication of effort.

Item E questions the need for keeping information sent to the Office of Court Administration longer than one year. If there were some question about that information, it would certainly arise during the year following submission. The information is published by that office and backup information is hardly necessary unless there has been some particular difficulty in the past.

E. Criminal History Index Cards

One records management issue is the set of 50,000 - 60,000 five-by-seven-inch index cards on which are recorded the history, by defendant name, of cases filed in the court, dating back a period of many years. The judge uses this information occasionally because it has defendants' criminal history in the court. The state driving history, by comparison, is purged every three years. The police also use the index cards in investigations.

The court has considered two alternatives: (1) culling index cards to retain only defendants with cases no more than five years old, and (2) optically scanning the entire card collection to preserve the criminal history of court cases. These are both feasible alternatives, and deserve some examination.

Recommendation No. 18

The clerk's office should discontinue creating and updating the criminal history index cards, and should cull the existing cards, retaining only defendants with cases no more than five years old, as soon as staff levels permit performing this task.

The new computer system will maintain the criminal history of defendants recorded in the system. After a defendant pleads guilty or is found guilty, if the judge wants to determine whether or not to enhance punishment, he will look up (or have a clerk look up) the defendant in the system, or check the file of criminal history index cards.

As a practical matter, criminal history in municipal courts has diminishing value as the time period grows longer. The state keeps driving history for three years. The court's desire to keep a slightly longer history is not unreasonable, but continuing to create and update cards is duplication of effort. .

Perhaps as many as one-quarter or one-third of the cards may qualify for culling. Sampling one hundred consecutive cards anywhere in the index, or every 10th card, would provide a fairly accurate estimate of how many cards would be culled.

The manual operation of culling cards using this simple criteria will not be extremely time-consuming for a single card, but the time needed to examine more than 50,000 cards will consume substantial time. In addition, it is fairly low priority work. If trustworthy community volunteers could be found to do the culling, the court could save substantial effort during the coming period of transition in the clerk's office. Every effort should be made to assure that volunteers are trustworthy because of proximity in the work area to the court's cash drawer.

F. Automating the Criminal History into an Information System

Once the new computer system is fully implemented, criminal history from that time forward will be maintained in that system. Only cases pre-dating the new system would need to be separately automated. Two alternatives exist for automating the criminal history records of the court that remain after culling.

Recommendation No. 19

If the court and the police desire to automate the court's criminal history records, they should consider either (1) scanning the index cards and loading the images on a CD-ROM disc, or (2) data entering the information into a database.

The first issue of automating the information on the criminal history index cards is whether having the information available by computer will be so beneficial as to justify the expense of automating the information. Benefit can be measured by time saved when inquiring on-line from the police department, compared with going to the clerk's office to locate a card, if one exists. If the judge desires to see criminal history, he merely goes to the next room where the cards are located.

The benefits must be weighed against the costs. Both recommended alternatives involve some combination of software licensing cost, hardware cost, and staff cost. In the end, staff cost is usually the greatest of these.

In the first alternative, when each card is scanned by a clerk in the process of loading the CD-ROM, the defendant's name and the case number of each case would have to be data entered into an index program located preferably on the computer system used by the police and the court, or on a stand-alone PC. In either case, the computer would need to be connected to the CD-ROM drive. When someone inquired into criminal history, they would logically use either the defendant's name or a case number to locate the desired information. The index program would locate the card image on the CD-ROM and display the image to the user.

In the second alternative, information from each card is data entered into a database which would permit on-line inquiry using the defendant's name, case number, or other additional fields designated as key fields during design of the database. Cases less than five years old would be data entered, and cases on the same card more than five years old could be eliminated by not entering them. The database would preferably be located on the police and court computer to enable the police to access the data, or it could be located on a stand-alone PC in either the clerk's office or the police department.

Using a CD-ROM system for criminal history alone probably would not justify the cost of the hardware and software. The court has no other potential use for CD-ROM technology. Although the cost of storing data on a CD-ROM system has decreased over the last several years, other methods of preserving the data such as microfilming are less expensive, although data retrieval is easier using CD-ROM. If the police department has other applications of CD-ROM, preserving criminal history on CD-ROM may be merely an adjunct to other uses.

G. Legal Status of Optically Scanned Documents

One question posed by the city is, if the city optically scans documents, do forms with original signatures have to be saved?

Recommendation No. 20

The city attorney should maintain current knowledge of the status and retention requirements of optically scanned documents under Texas law as city departments, including the court, adopt imaging technology for document storage and retrieval.

Texas law authorizes electronic storage of records as follows:

"Any local government record may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of this chapter and rules adopted under it."¹²

Although the city attorney should confirm the interpretation, it appears that paper and electronic records have equal status, including an original signature and the image of a signature. In illustration of this, an attorney general's opinion states that a justice of the peace is not required to maintain hard copy of a criminal docket if he or she has chosen to maintain such records electronically.¹³

H. Automated Case Management System Background

The city requests an opinion on the adequacy of the court's automated system and related matters.

At the time of the site visit, case information was being entered into both old and new information systems in parallel, creating a considerable burden on court staff. At such

¹² V.T.C.A., Local Government Code, section 205.002, Authorization.

¹³ Op.Atty.Gen.1992, No. DM-139.

time as modifications to the new system would be complete, use of the old system would be discontinued. As of June 30, 1995, computer operations were transferred completely to the new system.

The Themis Court Management System, which runs on an IBM AS/400 midrange computer, is integrated with the Aegis police department system.¹⁴ The court management system is not integrated with the city's financial management system, but produces a transaction report used for manual posting to the general ledger.

The system was modified to print labels containing all pertinent information about the case that are applied to a folder holding the citation. The information on the label includes the defendant's name, date of birth, citation number, type of violation, case number, violation and appearance dates, scheduled fine, costs to be paid to the state, and total fine and costs. The judge, at the defendant's court appearance can at a glance grasp the specifics of the case, particularly the costs to be paid to the state. When the judge knows the amount to be paid to the state, he is able to sentence the defendant and make certain that the city will not receive less than it must remit. One citation can accommodate up to four violations, and one label prints for each violation. The new system has been programmed to perform this function.

Capabilities of the New Information System

Although project staff did not have an opportunity to review operation of the court management system at length and in depth, they were able to evaluate its capabilities based on information in the user's manual and operations manual furnished with the system. The new information system appears to be a full-function case management system suitable for a limited jurisdiction court.

One of the strong points of the court management system is being integrated with the police system and, potentially, the financial management system. Many municipal courts nationwide suffer from operating a case docketing system isolated from either the police system or the city's financial system, or both. In these situations, the police have difficulty obtaining information from the court's system, and vice-versa, and data must be entered once into each system, essentially duplicating a substantial amount of work. The same problems apply where the court system is not integrated with a financial management

¹⁴ Themis Court Management System 4.2, licensed from New World Systems Corporation, Troy, Michigan. The court component is integrated with the AEGIS ticket and arrest modules operated by the police department.

system: cash transactions are recorded in the system "after the fact", and accounting transactions must be generated manually. In Rosenberg's case, an automated cash register function records fine payments at the time they occur.

I. Data Entry Responsibilities

Currently the court clerks enter information from most of the citations into the information system. In general terms, one goal of information systems implementation is entry of data at its origination point which, in this instance, is the officer who wrote the ticket.

Recommendation No. 21

The police department should make all reasonable efforts to accomplish data entry of the citations it generates into the case management system.

The officer who wrote the ticket is most familiar with the information and is less likely to make mistakes in entering the data. In courts nationwide court clerks typically have some difficulty reading officers' handwriting, and this potential problem is eliminated when the officer enters the data.

Currently a dispatcher does some data entry, which makes good use of time not spent doing dispatching. Data entry is most accurately performed, however, without interruptions. The question of whether the officer or the dispatcher does the data entry is properly left to management in the police department. Regardless of who in the police department enters citations, the locus of citation data entry should be in the police department.

J. Case Management Reports

The court management system is designed to generate a number of case management reports. The entire list of 23 reports is listed in **Appendix F** for reference and is a fairly complete set. A clerk will be able to generate any given report using the following parameters to select cases:

- Date range,
- As-of date,
- Case type,
- Case status,
- Defendant name,
- Hearing type,

- Activity type,
- Judge name,
- Active warrants only,
- New past-due notices only,
- Bond type, and
- Detail or summary listing.

The judge identified the kinds of information he would like from the information system, and many of them match reports generated by the system. Project staff suggest additional reports to help manage the adjudication and clerical functions. The information system should be able to provide both individual case information and aggregate information for optimal management of the court.

Recommendation No. 22

The court should immediately, or as soon as practicable, use the following case management reports by implementing the capabilities already in the system:

Individual Case Information

- A1. Ticklers to track need to enforce payment of fine and costs through phone call, letter, or warrant (using "Unpaid Cases Report" and "Scheduled Payments Past Due");**

Aggregate Case Information

- B1. The number of pending cases at the end of each month by type of charge (using "Individual Judge Report") and by age (using the "Pending Case Report");**
- B2. An analysis of adjudicated cases by aging of accounts receivable, in order to inactivate accounts that are, for all practical purposes, uncollectible, to provide a realistic assessment of the amount of fines and costs the court expects to collect (using the "Scheduled Payments Past Due" report);**

The issue of case management reports is closely connected to the issues of caseload analysis, because it affects both the adjudication and clerical functions. From an adjudication point of view, a periodic report showing fines by case type permits, for example, consistency of sentencing, and allows analysis of sentencing trends over time. From a clerical point of view, periodic reports of collection by mailed-in payment and

collection rate of installment payment plans can give important clues to potential need for shifts of policy and practice, as well as potential need for staffing adjustments.

A tickler is an automatic notification that some action needs to be taken. The system does not appear to have ticklers. The same function can be achieved by entering the current date to display defendants who qualify for reminders, warrants, or whatever action is required.

Item A1 will provide clerks with the names of defendants who have failed to make a scheduled payment or who have otherwise failed to pay. It would be necessary to run this report daily or every-other-day to keep current with delinquent payments. (This is part of an enforcement program recommended in the section below on "Collection of Fines and Fees".)

Item A2 will provide clerks with the names of defendants who are required to remedy some violation. Although there are screens for entering probation information, no sample reports were shown in the manual to enable tracking defendants who failed to comply. Possibly entering a date or date range in generating the "Probation Docket" or "Probation Report" will provide this information.

Item B1 will provide the judge and clerk with information on whether the court is keeping up with the cases filed. If the number of pending cases increases in a month, more are being filed than disposed; if the number decreases, the court is becoming more current.

Item B2 will provide information on the collectibility of fines based on their age. The older a fine is, the less likely the court will be to collect it. This would be helpful in projecting for budgetary purposes the amount of fine revenue the court could expect to collect.

Few courts in the United States have all of the above kinds of information, even courts with full-time data processing staffs. These kinds of information, however, would enable the court to improve its performance.

The court should be warned, on the other hand, that one of the traditional problems in data processing is generating reports that users never look at, thus wasting resources. Court computer users are advised to look something up on-line if possible rather than print a report. They also should regularly evaluate the usefulness of the information they receive, and modify the procedure when necessary.

Recommendation No. 23

In the budget cycle for 1996, the court should request an appropriation to contract with the vendor to acquire the following case management reports:

Individual Case Information

- C1. Ticklers indicating warrants ripe for cancellation based on time since issuance or address of defendant;**

Aggregate Case Information

- D1. An analysis of adjudicated cases:**
- (a) -- Number and amount of fines and fees sentenced by type of case during a month;**
 - (b) -- Number and amount of fines paid during a month by mailed-in payment, counter payment, and installment payment, either mailed-in or over the counter;**
- D2. An analysis of the age, gender and ethnic characteristics of defendants, to provide information to counteract potential complaints based on discrimination;**

Item C1 will provide clerks with information on canceling warrants beyond a certain age. The court and the police will need to implement a policy on how old a warrant should be when it is canceled. A "Wants and Warrants Cancellation" screen exists to cancel a warrant, but there is no apparent means to identify them by age.

Item D1(a) will provide a profile of the kinds of cases adjudicated in a month. The number of fines tells a judge or court manager more than the total amount of fines which may include some high fines and some low fines. "Manage the numbers, and the dollars will take care of themselves." Based on trends perceived, the court may decide to undertake public education related to a particular type of offense.

Item D1(b) will provide information on how payments are being made, whether mailed in or over the counter. This could be used to evaluate the effectiveness of an initiative to increase the number of mailed payments, or it could be used to estimate the amount of staff time used in counter service.

Item D2 will provide information to counteract potential complaints based on discrimination. This item is the least urgent of the management reports recommended. Whether the court would ever need this information is unpredictable, but at least the age portion could be used to profile juvenile problems in the community.

Few courts in the United States have all of the above kinds of information, even courts will full-time data processing staffs. These kinds of information, however, would enable the court to improve its performance.

The court should be warned, on the other hand, that one of the traditional problems in data processing is generating reports that users never look at, thus wasting resources. Court computer users are advised to look something up on-line if possible rather than print a report. They also should regularly evaluate the usefulness of the information they receive, and modify the procedure when necessary.

K. Training Needed by Court Staff

Courts, like other government and business entities, cannot, with static staff levels, process increasing workloads without computer support. The case management system is an essential tool in operating the court.

Recommendation No. 24

All court staff should have at least an intermediate level of knowledge of the case management system, and the clerk of court should have an advanced level of knowledge.

Some standardized software packages such as word processing have de facto levels of proficiency -- beginner, intermediate, and advanced. One can apply the same analogy to proficiency in using the case management system. The clerk of court, as administrative head of the office, should be able to perform every computerized task in the office, particularly those tasks relating to setting priorities of work, and to delegating other staff to perform tasks relating to a certain grouping of defendants (such as identifying past-due payments for dunning, or identifying defendants who have not submitted a driver safety school certificate). Having an advanced level of proficiency is not something that can be delegated to a subordinate.

Automation of case management inevitably changes the way a clerk's office conducts business. If the software is well-designed and mature (free of errors and not constricting the way business is done), it can reduce redundancy, speed answering inquiries, and generally make clerks more efficient. Receiving these benefits requires an investment of time to learn the system. With staff turnover the court incurs an immediate and substantial loss; therefore the court should make every effort to retain trained staff.

Unfortunately it is not uncommon in courts nationwide for clerks to know only a portion of a system, or to work around a system, not using its full capabilities. Because

the clerk's office has relatively few staff, all clerks must be fairly conversant in how the system works and what it can do for them. Some office procedures may have to be changed to adapt to the system, but this provides an opportunity to evaluate whether a particular procedure fulfilled an important purpose, or was merely a hold-over from some office precedent. Training is an essential but time-consuming effort.

L. Other Technological Innovations

The city requested a recommendation concerning technological innovations that would improve operation of the court. Except for recommendations in the area of records management, few technological innovations besides implementation of the case management system are needed.

Recommendation No. 25

The court should consider, on an experimental basis, a short-range plan to implement credit card authorization for accepting payment of fines by credit card, and a long-range plan to implement an interactive voice response (IVR) interface to the case management system to provide information to telephone callers who enter a case number on a telephone keypad.

During the site visit, the administrative lieutenant mentioned that the city was considering accepting credit cards for payment of fines. Although this could be addressed under the subject of fines collection, it has broader implications for the way the city might collect fees for services it provides. If residents could pay water bills or building permits by credit card, the amounts of money paid to the court would probably be small by comparison.

A small but growing number of courts nationwide accept credit cards. Many states have laws governing the acceptance of credit cards by public agencies. The primary issue raised by credit card payments is who is to cover the transaction fee related to card use, and different strategies have been developed. State law generally governs whether the fee charged by a financial institution for handling credit transactions (a) can be passed on to the customer (defendant), or (b) must be absorbed by the court as a cost of doing business. A third option available to some is to have the bank absorb the fee costs as a negotiated element of the court's banking package. The city attorney will need to research and stay current on the legalities of credit card use by municipalities.

Credit cards are not universally successful for fine payments. Generally, individuals who qualify for credit have bank accounts or other available means of paying a

fine. For acceptance of credit card payments to be most efficient, the court should be prepared to accept payments by telephone. Ideally, the court should install the equipment to process a credit card on site and a modem and telephone line to obtain automatic verification of credit for telephoned payments. Several courts reported that the most popular use for credit cards is to make bond payments.

Another technological innovation used in some courts, and that may be feasible in Rosenberg, is interactive voice response (IVR). This involves development of an interface to the case management system allowing telephone callers who enter a case number on a telephone keypad to obtain information about their case. The benefit of such a system is to relieve clerks from answering telephone inquiries. In courts where this is a heavy burden, an IVR system can make a big difference.

This is a long-range recommendation. The court would need to evaluate whether the workload justified the expense of software modification and hardware. In the short term other modifications to the case management system should have higher priority.

VI. COLLECTION OF FINES AND FEES

As is the case in many courts throughout the country, fine and fee collections are problematic in the Rosenberg Municipal Court. Failure to pay within a reasonable time, or at all, is destructive to the justice process. If an offender does not comply with a court order for any reason, the impact of the sentence is lessened, the integrity and credibility of the court are called into question, and the process has failed.

A. Fine and Fee Structure

Fine and fee amounts in Rosenberg are not excessive and fines could, conceivably, be increased. In many jurisdictions, however, fines and fees are often much higher than many offenders are capable of paying at all, or paying within a reasonable amount of time. Given the socio-economic climate of the city, collection efforts should be aimed at improving efficiency of collections rather than increasing amounts imposed. Stronger enforcement of the court's judgments will go farther in promoting traffic safety and deterring illegal conduct than imposition of higher fines.

The court has little discretion in the various fees it can impose. Maximum fines for city ordinance violations for fire safety, public health and sanitation violations is \$2,000, while maximum fines for all other city ordinance violations is \$500. The maximum fine for most traffic offenses is \$200. The court currently imposes amounts lower than these maximums. Further, the court cannot impose any local fees unless provided for by state statute. All administrative fees that the court has discretion to implement are all currently being imposed, such as the \$10 fee for driver safety courses, expired driver's license, inspection certificate and motor vehicle registration.

Determination of an increased, optimal fine level, using average income levels of citizens, and tracking histories of successful completion of fine payments at various amounts, would require significant surveying and research, and is beyond the scope of this report. However, even if this fines study were to be conducted, there is no guarantee that recommended fine amounts would be the most ideal level. NCSC staff finds from national collection practices that the most important elements in setting fine amounts are (1) the severity of the violation, and (2) the message the court desires to send to the community regarding its seriousness in enforcing local laws and deterring further violations. Financial means to pay are not often taken into account.

This is not to say that fine amounts should be ignored; quite the contrary, fine amounts should reflect what the average offender is able to bear, in relation to the severity of the violation. Given Rosenberg's economic environment, it is realistic to suggest that

current fine levels should not be altered significantly within state statute parameters. Therefore, various collection methods should be reviewed to optimize the amount of revenues the court brings in.

B. Collection Methods

Currently, the court's collection methods include sending a courtesy letter for FTAs, and allowing payment plans for fines and fees imposed. According to court clerks, payment plans allowing defendants to pay relatively small amounts on a regular basis seem to be working fairly well at this time. There are still many outstanding and delinquent accounts, however, that must be dealt with. Backlogs in the system (described in an earlier section) have focused attention elsewhere than on collection of fines and fees.

In order to implement a successful collections program, several elements must be present. They are:

- assessing fines at realistic amounts;
- setting short time periods for payment;
- making sure offenders are aware of what is expected of them;
- using incentives to encourage prompt payment;
- establishing collection procedures and adhering to them;
- setting collection goals and monitoring performance;
- responding *immediately* to non-payment;
- establishing a range of effective sanctions for non-compliance and using them similarly in all cases;
- maintaining strong financial controls; and
- making certain procedures are understood by everyone, including judges, court staff, juvenile offenders and their parents.

It is imperative that the court follow these guidelines as closely as possible in order to ensure an effective, consistent collections policy. Based on these elements, the NCSC project team makes the following recommendations.

Recommendation No. 26

Regarding collections, the judge should develop a written policy including specific short-term and long-term goals, to lead the court in the direction of improving collection rates. After the court articulates its policy and goals, the judge and the clerks should develop written procedures for implementing the policy and goals, and periodically review progress.

In addition to a written policy statement, the judge should develop specific short-term and long-term goals that clarify and carry out the aims of the policy statement. However, care should be taken to prevent making these goals too broad or vague. Next, the judge and clerks together should develop written procedures for collecting fines and fees. Once these procedures are in place, the judge and clerks should review monthly collection reports to determine the level of achievement of the program objectives. If objectives are not being met, the judge and clerks should determine the reasons, and develop strategies to help meet their stated goals.

A realistic collection philosophy should take into consideration several factors. First, parameters must be determined that define the levels of how strict, as well as how flexible, the court wishes to be in collecting fines. If all involved in the imposition and collection of fines are not comfortable with the court's philosophy in this regard, collection efforts may be less than enthusiastic, resulting in no gains in collections.

Another factor to consider is the economic circumstance of the typical offender that appears in municipal court, and what their tolerance level is for making payments on imposed fines. Although the court should be firm in the imposition and collection of fines and fees, it should also balance this firmness with the realization that many offenders are able to pay only a certain amount in any given month.

The final factor to consider when determining a philosophy for the court is the amount of resources the court has available to carry out a fine and fee collection program. Heavier enforcement of collections will require staff time, automation support, and perhaps the use of outside resources to maintain an efficient program. Without dedication of resources, a collections policy may become merely a dubious theory with no meaning to those whom it is supposed to guide.

C. Communication of the Court's Collections Policies

Human nature dictates paying attention to urgent matters; therefore every court needs to make payment of a fine an immediate matter in the lives of guilty defendants by communicating this message at every opportunity.

Recommendation No. 27

The judge and clerks should reinforce, at every opportunity, the seriousness of the court's enforcement policy, and consistently and in a timely manner follow up on threatened actions in cases of non-compliance.

Offenders usually perceive a sense of the seriousness with which the court imposes fines and fees, and quickly pass this perception to others in the community. The court has three opportunities to communicate its policies on sentencing and enforcement of sentences:

- (1) orally during mass admonition at the beginning of the docket;
- (2) orally upon sentencing of every offender; and
- (3) in writing by having the offender handed a fine payment notice upon sentencing.

A defendant's initial contacts with the justice system set the tone for what kind of interaction it is going to be. Communicating the importance of paying a fine begins with the judge. Many courts successful in collections have a judge who admonishes offenders at sentencing that payment must be made that day or within 24 hours (if the fine is \$100 or less), that an arrest warrant will be issued for failure to comply, or that failure to pay violates a condition of probation (if applicable).

Appendix G contains a sample notice which may be given to convicted defendants in court. An important part of the written notice is the list of consequences which the court has the power to invoke if the defendant does not pay.

D. Writing Off Uncollectible Accounts

Collection efforts need to be focused on accounts that can realistically be collected at reasonable cost. Uncollectible accounts need to be written off in some manner. The amount of outstanding accounts receivable, however, can be a politically sensitive issue. If the issue is not handled properly, the public may perceive that some people are escaping the reach of justice.

Recommendation No. 28

The court should develop a procedure for identifying uncollectible fines and marking the accounts as "inactive", removing them from the total of outstanding fines and fees that can be expected to be collected.

A process for separating active and inactive cases for reporting purposes should be developed. Inactive cases are those which have undergone the full collection process without success, including service of a warrant or license suspension notice. They are not "written off" because the warrant or suspension may eventually generate a payment.

Formal write-off procedures for uncollectible accounts should be established. Possible criteria for writing off some uncollectible accounts include the following:

A: One set of criteria for declaring accounts uncollectible is mandated for Nevada centralized collection systems.¹⁵ If it become impossible or impractical to collect an account receivable because:

- (a) The debtor has filed bankruptcy;
- (b) The debtor has died;
- (c) The amount of the account receivable is less than the amount it would cost to collect it; or
- (d) Some other reason or circumstance,

a person with authority can notify the county auditor in writing that the account receivable is uncollectible and the reason for the determination, documenting why the account was written off.

B: A court might use the state's record retention schedule as a means of writing off uncollectible accounts. Although an account most likely is, from a practical point of view, uncollectible long before the purge date for the court record, using the state's record retention schedule is a practical fall-back procedure to handle old accounts.

For warrants issued on an initial failure to appear, some courts set a limit of two years, for example, for a warrant to be outstanding, on the theory that an officer would be unable to remember the facts adequately to testify at trial beyond that time. The court might find it useful to issue time-limited warrants in cases where the offense is minor. Doing so will ensure that a next event date, a hearing on dismissal or renewal of the warrant, is entered in the court's information system, automatically triggering review and action on the case.

Documenting the reasons or the procedure for converting accounts to an inactive status may not be a sensitive issue for a court but, if ever questioned, the court should be able to articulate its rationale.

E. Clearing the Backlog of Uncollected Fines and Fees

Every court has some inventory of uncollected fines and fees. Unless the task of collecting them is broken into manageable chunks, it will appear to be impossible. Whether the court does this in-house or refers these cases to some outside agency, the procedure is the same.

¹⁵ Nevada Revised Statutes Chapter 354 as amended by S.B. 416, Chapter 379, Sec. 4, Approved July 1, 1993.

Recommendation No. 29

The municipal court should, after screening its inventory of uncollected fines and fees of uncollectible accounts, conduct a mail campaign to collect the most of the remaining outstanding receivables.

After the court has weeded out those accounts that are deemed to be uncollectable either because of the age of the account, or because the offender has since moved and cannot be located, the court can send a demand letter stating the amount owed, demanding payment or appearance at a hearing on the matter of non-payment.

The court can send a letter stating the amount owed, and demanding payment or appearance at a hearing on the matter of nonpayment. The names, addresses and amounts owed can be data-entered into a simple PC-based database system to facilitate preparation of address labels and tracking of responses. Mail sent to the last known address with "ADDRESS CORRECTION REQUESTED" stamped or printed on the envelope will automatically be forwarded if the address has been filed with the postal service. The postal service also will then provide new addresses to governmental agencies upon request.

Some percentage of letters demanding payment will be returned by the postal service. For these defendants in-house "skip tracing" can be considered, or the accounts turned over to a collection agency.

Addresses on letters that come back undelivered can be checked in a variety of ways: through a law enforcement system, a new warrant, the driver's license file. Many delinquent defendants do not file address changes or use relatives' or friends' addresses and thus are difficult to track.

Demand letters not returned presumably were received, and some percentage of defendants will respond with payments or appearance at the hearing as required by the letter. Active collection can be pursued with this group. Defendants who apparently received the letter but did not respond are more problematical. Additional effort will be required to obtain a response from them, and some percentage of them will ultimately become uncollectible.

A mass mailing is a good mechanism for launching a new fine collection program, in particular. It identifies uncollectible accounts and accounts more appropriately handled by a private collector, eliminating the need for further court action. More importantly, courts that utilized the process reported significant financial success. In all cases, the revenue generated exceeded by several times the expense of the program.

Many courts have found a multi-contact approach effective in reaching defendants who have not made payments for some period of time.

Although it is important that the court improve its collection of fines and fees, it should be understood that the purpose is to bolster the authority and efficacy of the court and the justice system. It must be recognized that the municipal court is not a profit center for the City of Rosenberg. The court is part of the system for the administration of justice within the city, and that system in turn is part of the city's overall responsibility to maintain civil order within the city. The court's specific responsibility is to adjudicate cases involving traffic and ordinance violations.

F. Use of a Collection Agency

A number of courts nationwide use a collection agency to assist in collecting fines and fees. Collection is one of the few areas where a court can contract with private agencies for services, and the cost and benefits of using an agency need to be examined.

Recommendation No. 30

The court should, after implementation of the case management system is stabilized, assess the condition of its accounts receivable and determine the cost and benefits of using a private collection agency to collect outstanding fines and fees.

The use of a collection agency may be beneficial in an attempt to collect accounts that might otherwise be written off. Since the agency will receive a percentage (usually 25 - 33%) of the total they collect there is an indirect cost to the court. Therefore, the court should carefully consider the point in the collections process at which the court has little or no hope of collecting the fine through in house efforts and the expense of using a private agency is justified. Private collection is probably most valuable for tracking down transient defendants. Collection agencies have the resources to locate ("skip trace") and contact these defendants, a time consuming process for the court to perform itself.

The court should consider the following issues in deciding whether to contract with a collection agency or perform collection in-house:

- Is the contractor paid a flat fee or on a contingency basis (and at what percentage of the proceeds) for collections?
- Can the contractor compromise or settle for less than the amount due, including interest?
- At what point is the net cost to the court of using a private agency to collect delinquent fines less than in-house collection efforts?

- If the contractor uses unlawful methods, is the court insulated?
- How would the court handle a dispute between the court's collection agent and a payor?

Courts report mixed experiences with collection agencies. Those that are understaffed with limited technical capabilities are the most likely to use an outside agency because they do not have the internal resources to follow up on delinquent accounts. Many courts feel that with adequate technology (particularly the capacity to generate notices) they could do virtually all functions performed by collection agencies, with the exception of skip tracing. With better and cheaper automated systems increasingly available, many find collections can be better handled by court staff.

Some suggested guidelines for using a collection agency include the following:

- A court should retain accounts for the initial collection steps, up to the point at which a defendant cannot be located or does not respond. The court can thus collect the "easy" cases, and still turn accounts over to the agency while relatively new. Waiting too long will hinder the agency's success.
- Clarify how and when the court will get accounts back from the agency. Possible methods are to limit the time to "work" the accounts, and to take back accounts with no funds coming in. The agency should be required to prove that it is continuing to expend efforts in order to keep an account.
- Define any exclusions from the contract. Will the agency be paid its percentage for all cases it receives, whatever the reason for payment, including arrest on a warrant?
- Clarify the agency's experience and capabilities for skip tracing since this is usually the most important service the agency provides the court.
- A collection agency should have the capability to look up credit information and to report delinquent accounts to credit bureaus.
- Even though local law may not require it, the court should issue a request for proposals (RFP) to find the agency with the best capabilities and most advantageous business terms.

VII. MUNICIPAL COURT TRIAL AND PROSECUTION PRACTICES

The city's RFP requested review of the city's trial and prosecution policies.

A. Presence of Prosecutor for Bench Trials

Currently in Rosenberg there are not many trials of any kind, and very few jury trials. Not having seen any Rosenberg officers testify, the project team cannot evaluate the officers' ability to present their cases without the assistance of the city attorney.

In large jurisdictions, where traffic officers make frequent court appearances, officers often are competent to present most cases unassisted. City or contract attorneys often try cases without any preparation prior to the court day, largely relying on the officers to make the cases.

Recommendation No. 31

The court should continue its present practice of using the city attorney or contract counsel in representing the city in bench trials.

Where trials are infrequent, as in Rosenberg, the presence of experienced trial counsel improves case presentation and facilitates the work of the court. In addition, defendants sometimes appear at trial with an attorney (where previously they had none), and even experienced police officers may be no match for a defense attorney in an adversarial proceeding, particularly cross-examination of witnesses.

All cities surveyed use a prosecutor to conduct trials.

B. Arraignment, Pre-trial Conference and Trial

In large jurisdictions it is a common practice for traffic officers to have assigned court days each month. The citations they issue set their court days as the return dates in which defendants must appear either for arraignment only (with a trial scheduled for a later date), or both for arraignment and, if they plead not guilty, for trial. In Rosenberg, defendants come to court on their return dates for arraignment only rather than for trial also. At arraignment the judge advises them of their rights, advises them of the possible consequences of various pleas, and assigns trial dates for those who plead not guilty. The court also requires pre-trial conferences with the city attorney, at which she gives defendants a straightforward assessment of what is likely to happen at trial. In Rosenberg, the pre-trials lead to a number of pleas, substantially reducing the number of cases that actually go to trial.

Recommendation No. 32

The court should continue its present practice of requiring defendants to appear for an arraignment, at which time the judge advises them of their rights, and takes a plea of guilty or not guilty. If a defendant pleads not guilty, a pre-trial conference and trial are scheduled.

Judge Baker does not think that trying cases on the officer's return date would be a good practice for Rosenberg, and articulated a number of reasons with which the project team agrees. For one thing, the volume of cases does not require such a system. But more important is the fact that many defendants coming before the court do not have a very clear idea of what is happening. Few would be capable of handling their own defense, even in simple cases, without assistance. Part of the judge's responsibility is to advise them of their rights in a way that they will understand, assessing their ability to understand as he talks to them. By speaking directly with them, and then by referring them to the required pretrial conference with the city attorney, Judge Baker believes that he greatly improves their understanding of the process and the likelihood that their case will be treated fairly.

The pre-trial conferences are successful in obtaining plea bargains in the majority of cases in which defendants plead not guilty (approximately 10 to 20 each month). Once defendants hear the prosecutor relate the kind of evidence to be presented at trial, and the judge gives a general assessment of the city's case, many defendants decide to change their plea and the judge can accept the plea immediately. Pre-trial conferences are a progressive practice that NCSC staff recommend to all courts that do not conduct such conferences.

C. Bond/Security for Jury Trial

One question posed in the request for proposals is whether a bond, or some other form of security, can be required of a defendant as a condition for the granting of a trial by jury. Where a trial by jury is required by the Constitution unless waived, no burden can be placed on that right. The answer to the question is no.

VIII. COURTROOM FACILITIES

The city requested a brief review of the courtroom facilities.

Courtroom Configuration

The current layout of the municipal court (**Figure 4**) has the bench located against the south wall of the courtroom, adjacent to an alcove and the door (on the west wall) leading to the judge's chambers and the clerk's office. The witness stand is located to the left

of the bench, with the jury seating located along the east wall, with the gallery chairs and the entrance door located to the north of the courtroom. A utility window opening into the clerk's office is located on the west wall, through which files and other court documents can be passed to clerks. Although this configuration is a logical layout in a rectangular room, it does not provide for a work station for the clerk at the bench or some other arrangement that will not require the judge to rise and leave the bench frequently during proceedings to pass files to the clerk's office.

A reconfiguration of the courtroom should take into consideration several factors. First, because of the relatively large volumes of people that are in the court during arraignments, efficient traffic patterns should keep the flow of people moving in and out of the courtroom with the least amount of interruption to court proceedings. Second, the court may wish to consider providing a work area at the bench for a clerk's station, in order to process paperwork more efficiently, and to deal with files. Third, for security reasons, and to allow the judge a clear view of the courtroom, the bench should generally face the front door. **Figure 4** below depicts the courtroom in its current configuration. **Figures 5, 6 and 7** depict alternative configurations that will allow an optional clerical station at the bench, while maintaining efficient circulation patterns. These suggested reconfigurations would be cost-effective to implement, requiring only that the bench be moved and slightly modified.

The courtroom configuration depicted in **Figure 5** moves the courtroom slightly to the right, as viewed from the public entrance. This places the bench in front of the chamber's door, and provides an area for the witness stand on the right side of the bench, as well as a clerk's work station to the left of the bench. This configuration allows the judge to maintain adequate sight lines, and provides adequate traffic patterns for traffic arraignment days.

The suggested configuration in **Figure 6** moves the bench to the north side of the courtroom to provide for a clerk's work area. Although this arrangement may provide this additional work area, it places the entrance to the courtroom to the judge's left, thus diminishing his sight lines somewhat.

The final configuration depicted in **Figure 7** would keep the current courtroom configuration, while reducing the width of the bench in order to accommodate a courtroom clerk's work area. The clerk's station and witness stand can either remain configured as depicted, or be switched with each other. However, if the witness stand is placed to the left of the bench, care must be taken to ensure that witnesses remain within view of the jury.

NCSC staff recommend configuration number one, depicted in **Figure 5** as the most efficient use of courtroom space. This arrangement allows the judge to keep important sight

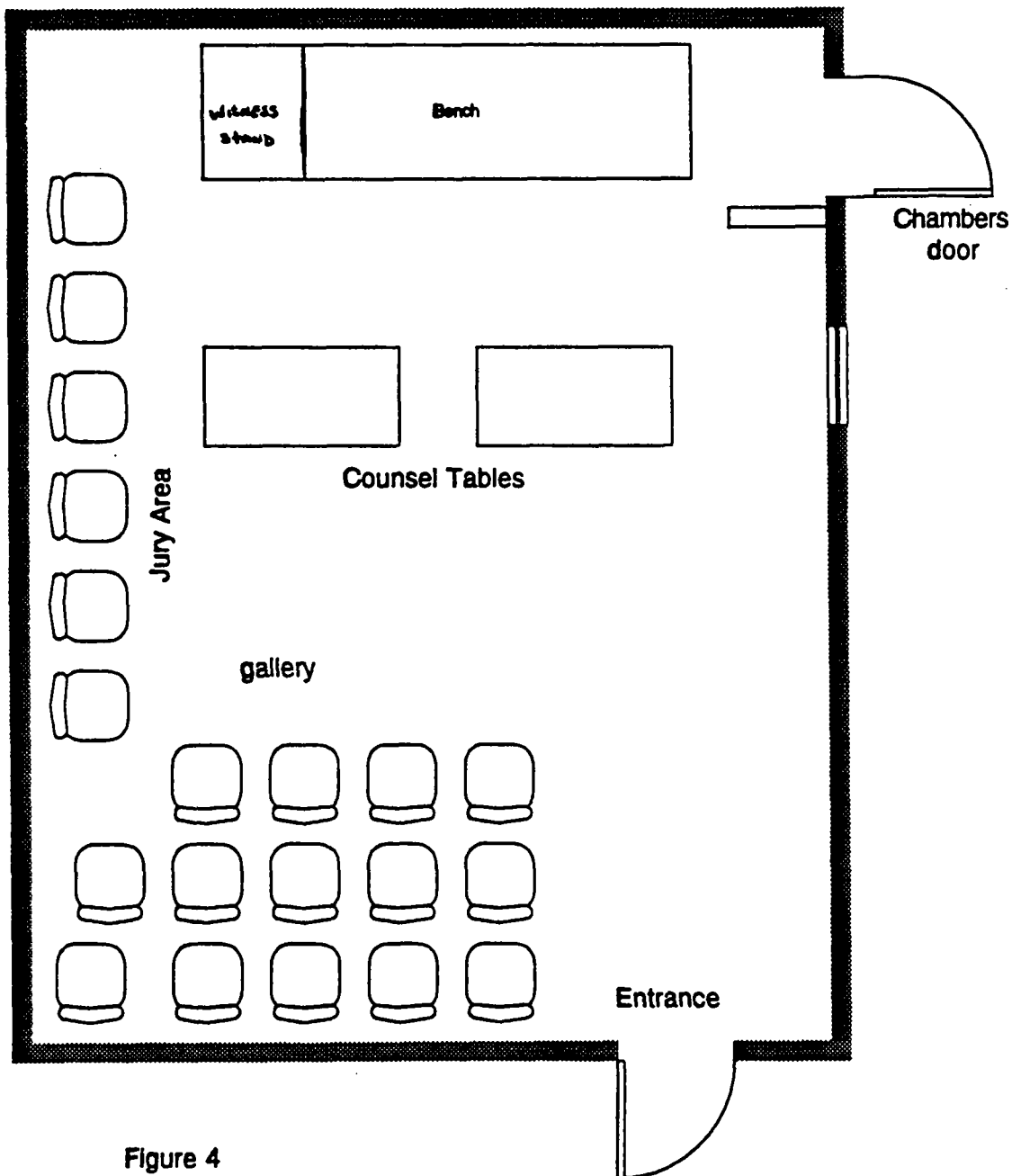


Figure 4
Original Configuration

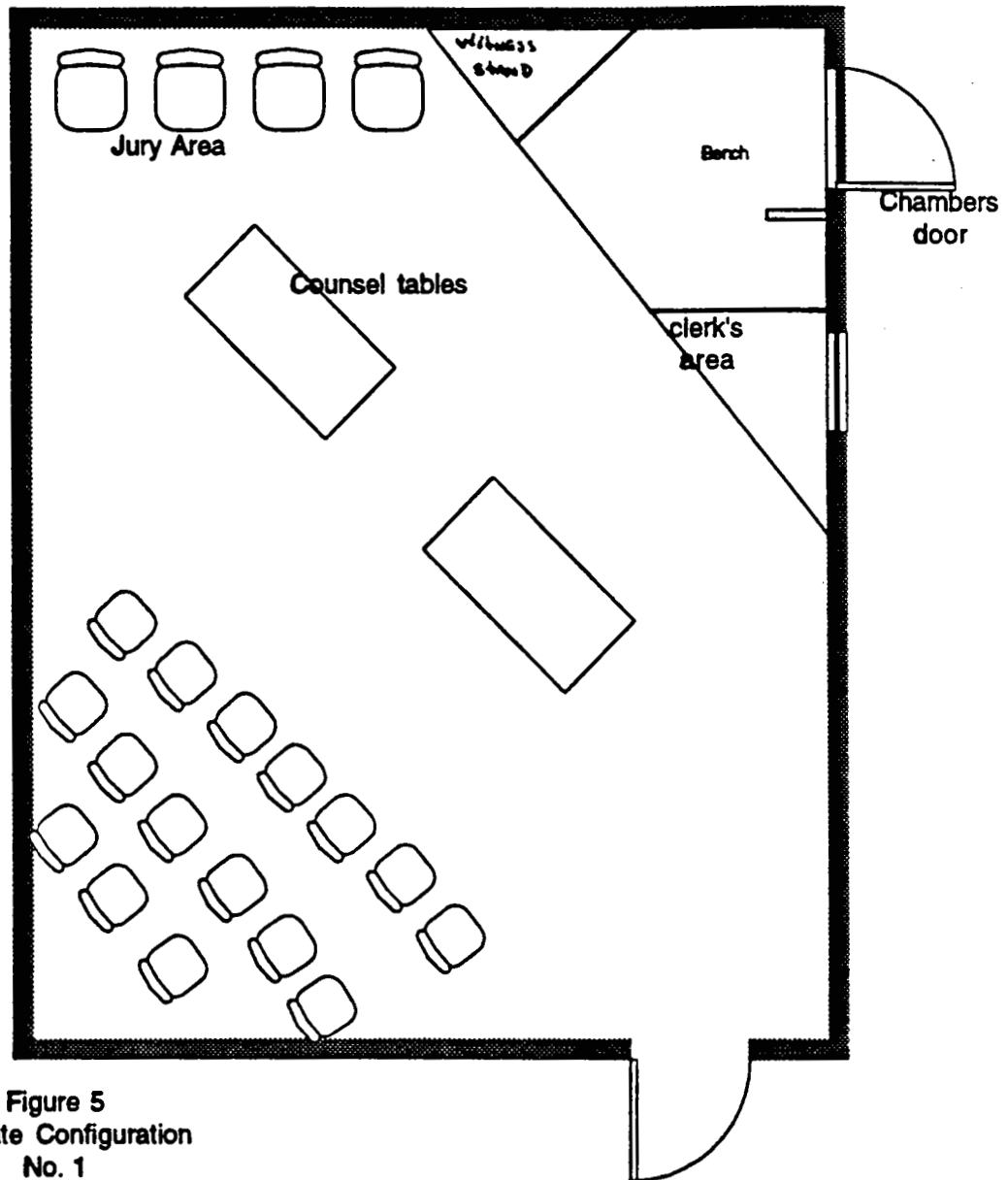


Figure 5
Alternate Configuration
No. 1

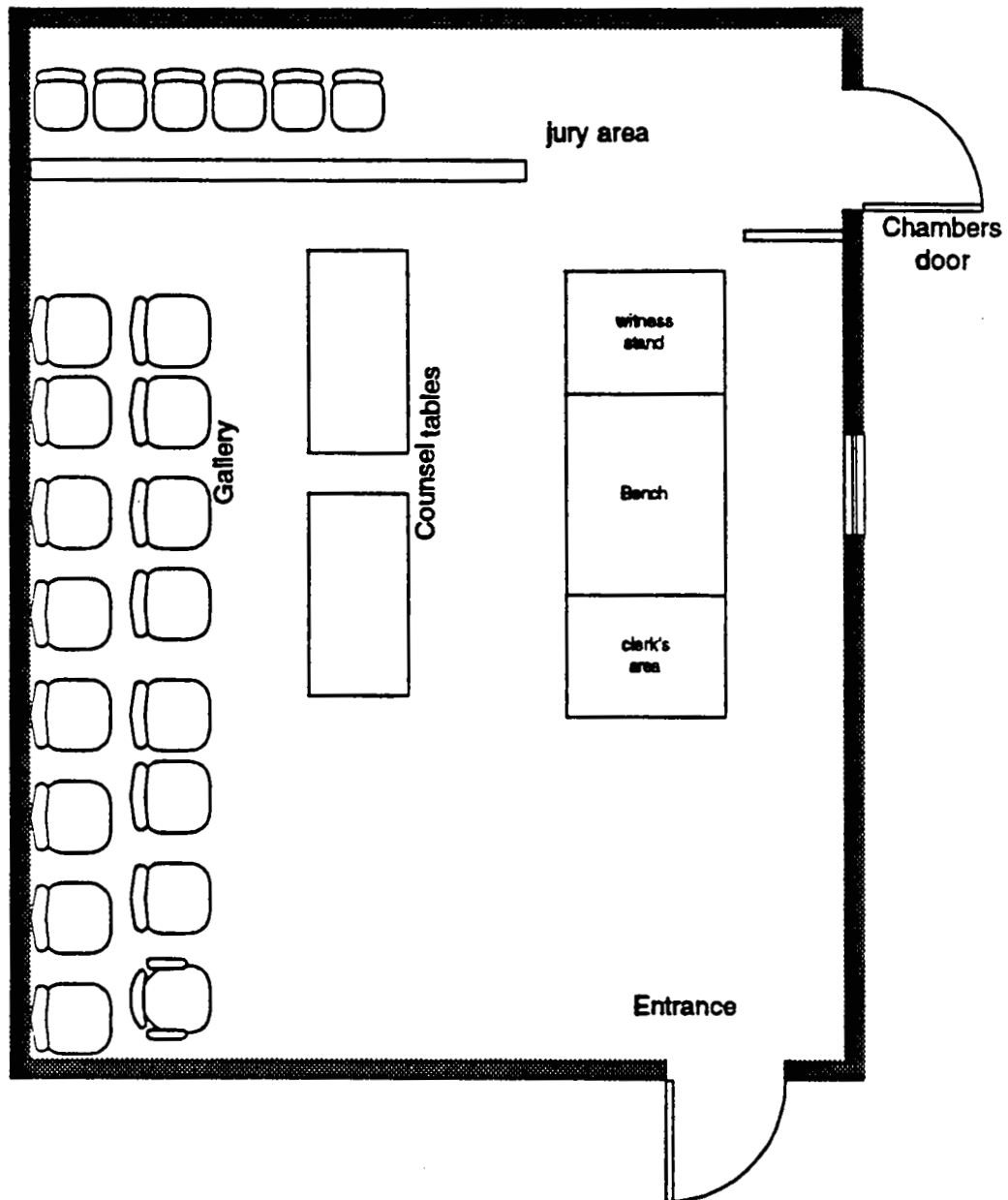
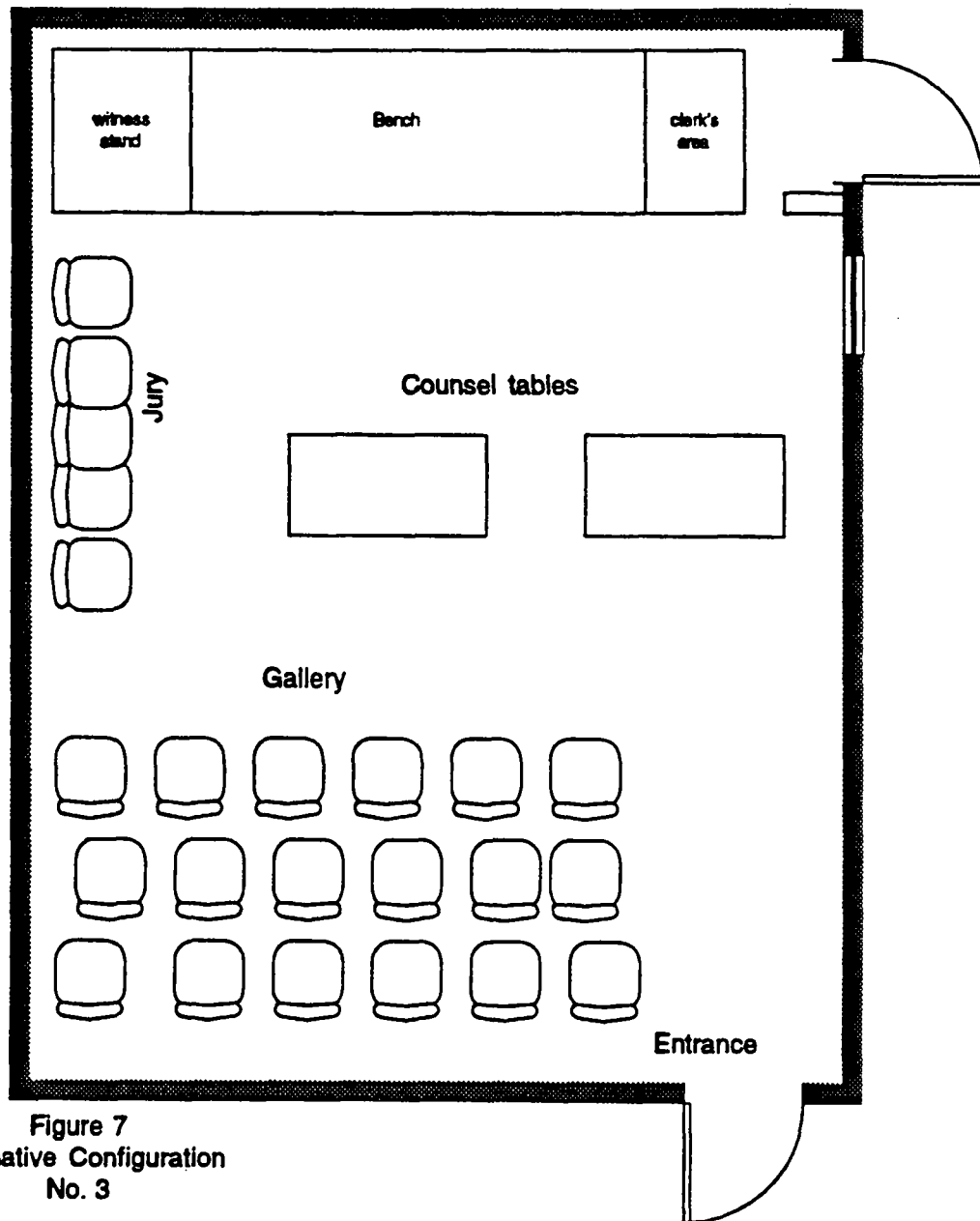


Figure 6
Alternate Configuration
No. 2



lines throughout the court, as well as allow more efficient traffic flow patterns during traffic arraignment sessions. Another important feature of this configuration, is that it allows for a clerk's work station if it is decided to incorporate this feature into the courtroom. However, this feature is optional, and with this configuration, the judge can easily slide case files through the utility window that will be next to the judge and behind the bench. This would allow the judge to pass files to the clerk without having to leave the bench.

Clerk's Window

Given current space allowances in the municipal building, few options exist to improve the configuration and operation of the clerk's window. It is conveniently located in a small hallway in fairly close proximity to the entrance to the courtroom and immediately adjacent to the door to the clerk's office, and there is no apparent alternative to its current location. Due to this, it then becomes incumbent to make the current arrangement as efficient as possible.

One important factor in redesigning public access to the services of the court is the possibility that the clerk of court may assume judicial duties as an associate judge, and would be engaged in discussions with the public. Another factor is the need for language interpretation at the cashier window.

One option is to use the small conference/work room across from the cashier's window specifically for the associate judge to advise defendants on matters within the scope of the associate judge duties described in this report, and for an interpreter to conduct language interpretation with defendants. Moving this area across the hallway would help alleviate some congestion at the clerk's window and reduce the noise levels that result from conversations with the public at the window. This option would also leave the original windows open to handle payments and general inquiries. A major disadvantage of this alternative, however, would be the separation, on occasion as needed, of the associate judge/clerk from the clerk's office to conduct these consultations. One must remember that the functions of any judge, including the associate judge, must be held publicly in an open environment to prevent any perception that special treatment is afforded to anyone. If this conference room were used for this purpose, the door would need to remain open. Further, the frequency and duration of these consultations need to be considered, and whether they can be more efficiently conducted at a cashier's window or sitting at a table.

A second option would be to place a sound buffer between the two cashier windows to diffuse the sound of conversations between the associate judge and a defendant, or an interpreter and a defendant, at one window from people at the other window who are making

a payment or an inquiry. This option would allow current use of the storage and conference rooms to remain intact.

NCSC staff observed that foot traffic to the cashier's windows was steady but not especially heavy during the day. Although no actual counts of members of the public served at the windows were taken, there was never a time observed that long lines formed, or that court users had to wait an inordinate amount of time to speak with someone.

Until such time as the frequency and duration of the public consulting the associate judge or requiring an interpreter are established, the NCSC staff recommend the second option as the most effective in serving the public at the cashier's windows.

IX. PRIORITIES OF RECOMMENDATION

All of the recommendations in this report are, in some sense, "important". From a project planning point of view, however, all of them could not be implemented at once. Therefore the court and the city must make choices about what is important.

Although a recommendation is not devoted specifically to it, the major task facing the court and the clerk's office is whole-hearted adoption of the new automation system. Use of the new system will be the means for the clerk's office to catch up and keep up with its workload. As of June 30, 1995, the old system was discontinued, and updating the manual system of criminal history index cards should likewise be discontinued (Recommendation No. 18). Furthermore, with clerk's office staffing levels back at three, the office has a fighting chance. Thorough knowledge of the computer system (recommendation No. 24) will also provide the judge and the clerk with individual case and aggregate case information to determine where to put resources (Recommendation No. 22).

Two areas of compliance require some attention, warrants and collections. Warrants need to be issued within a relatively short period of time after the court has determined that the defendant is not going to comply (Recommendation No. 3). Fines need to be collected in a similar aggressive manner (Recommendations No. 26-29). Management of these efforts depend to some extent on use of the automation system, so should be subordinated to implementing recommendations in that area. Analysis of the backlog of citations with unissued FTA warrants (Recommendation No. 1) should command a relatively high priority. The issues of a warrant office (Recommendation No. 5) and joining the regional warrant system (Recommendation No. 4) are related but slightly lower priority.

The organization of the court within city government is a topic that the city council can deal with in a forthright manner (Recommendation No. 6). If the council determines a community perception problem of the court under the supervision of the police, the upcoming budget cycle is an opportunity to correct the problem.

The court is taking the right steps to turn around a situation that developed over a number of years. The police department deserves some credit for this, and, to a lesser extent, the city attorney. Equally important, if not more important, the judge and clerks are dedicated to their duties. Project staff are confident that further progress is forthcoming.

APPENDIX A **Survey Matrix of Similar Size Texas Municipal Courts**

Appendix A: Survey Matrix of Similar Size Texas Municipal Courts

| | Weslaco | McKinney | Seguin | Lake Jackson | Plainview | Paris | Pearland | Rowlett | Greenville | Rosenberg | Big Spring | Copperas Cove | Denton |
|----------------------------------|--|---|--|--|---|---|---|---|---|--|---|---|---|
| Yearly Caseloads | 3,000 | 3,600 | 4,000 | 6,000 | 6,000 | 6,600 | 7,000 | 8,000 | 8,100 | 8,363 | 8,500 | 8,900 | 9,215 |
| Population | 27,000 | 28,000 | 20,000 | 25,000 | 27,000 | 25,000 | 27,000 | 30,000 | 23,000 | 23,000 | 25,000 | 29,000 | 21,500 |
| No. of Judges in municipal court | 1 part-time | 1 part-time | 1 part-time | 1 part-time | 1 full-time | 1 part-time | 1 presiding judge, and 2 associate judges - all part-time | 2 part-time; 1 presiding judge and 1 alternate | 1 part-time | 1 part-time | 1 part-time | 1 part-time | 1 full-time |
| No. of clerks in municipal court | 2 | 2 | 2 | 2 | 1 clerk with police dept. plus a 1/2 time clerk helps out | 4 | 2 full-time 1 temp | 4 | 2 | 3 | 2 | 4 | 1 |
| Are any clerks bilingual? | Yes - but is not a job requirement | No - and is not a job requirement | Yes - but is not a job requirement | Yes - but is not a job requirement | Yes - but is not a job requirement | No - and is not a job requirement | No - and is not a job requirement | No - and is not a job requirement | No - and is not a job requirement | Yes - but is not a job requirement | No - and is not a job requirement | No - and is not a job requirement | No - and is not a job requirement |
| When do clerks report to? | Finance Dir. | Finance Dir. | Finance Dir. | Finance Dir. | City Mgr. | City Atty. | City Mgr. | Finance Dir. | Police Dept. | Police Dept. | City Mgr. | City Mgr. | Police Dept. |
| % of Hispanics among populace | 70% | 33% | 50% | 25% | 50-60% | 5% | 30% | 40% | 30% | 45-50% | 35-40% | 10% | 5% |

| | Weslaco (1) | McKinney (2) | Seguin (3) | Lake Jackson (4) | Plainview (5) | Parts (6) |
|---|--|--|--|---|----------------------------------|---|
| Caseload | 3,000 | 3,600 | 4,000 | 6,000 | 6,000 | 6,600 |
| Any trends in caseload during last two years? | no | yes - govt. program increased caseload | yes - valley in 1995 - is now up | no | no | yes - increase due to change in police management |
| Are any clerks bilingual? | yes-but is not a job requirement | no-and is not a job require. | yes-but is not a job require. | yes-but is not a job requirement | yes-but is not a job requirement | no-and is not a job requirement |
| Clerk responsibilities (job descriptions) | Filing, setting the docket, monthly reports, warrants, take payments, set schedules, grant payment extensions, | Filing, setting docket, complaints, jury trials, monthly reports, warrants, take payments, set schedules, can set payments by 1/4s anything longer must be approved by judge | General clerical duties | General clerical duties, can set payment plans, but must have judge's approval for extensions | General clerical duties | General clerical duties |
| Clerk's salary range | \$5.67/hour | Head clerk-\$1700-2200 per month; other clerks \$1500-\$1900 per month | not given | not given | \$13,000/year | Head clerk-\$21500-\$26000 Clerk I - \$14,000-\$17000 |
| Whom do clerks report to? | Finance Director | Finance Director | Finance Director | Finance Director | City Manager | City Attorney who in turn reports to City Manager |
| How is staff assigned? | By job description everyone does all tasks | Everything done by everyone | By job description each has assigned tasks | Some assigned duties, but mostly do everything | No specific assignments | By job description |
| Is court automated | Yes | Yes | Yes | Yes | Yes | Yes |

| Pearland (7) | Rowlett (8) | Greenville (9) | Rosenberg (10) | Big Spring (11) | Copperas Cove (12) | Denison (13) |
|------------------------------------|--|---|--|---|--|------------------------------------|
| 7,000 | 8,000 | 8,100 | 8,363 | 8,500 | 8,900 | 9,215 |
| no | no | no | yes -increase due to temporary federal program | no | yes -peaked this year due to hot check program | no |
| no-and is not a job require. | no-and is not a job require. | no-and is not a job require. | yes-but is not a job require. | no-and is not a job require. | no-and is not a job require. | no-and is not a job require. |
| General clerical duties | General clerical duties | General clerical duties | General clerical duties | General clerical duties | General clerical duties-file motions for time payments fill out personal data sheet and submits to judge | General clerical duties |
| not given | Head clerk \$23,000 Deputy clerks \$17,500 | Head clerk \$22,000 Deputy clerks \$18,000 | Head clerk \$16,500 Deputy clerks \$14,000 | Head clerk \$16,500 Deputy clerks \$14,000 | Head clerk \$22,300 Deputy clerks \$16,000 | not given |
| City Manager | Finance Director | Police Chief | Police Department | City Manager | City Manager | Chief of Police |
| Not given | Assign specific duties based on seniority, though everyone does a little of everything | Everything done by everyone | By job description, but everyone does a little of everything | As work comes in | All handle all functions | Only one clerk |
| Yes | Yes | Yes | Yes | Yes | Yes | Yes |

| | Weslaco (1) | McKinney (2) | Seguin (3) | Lake Jackson (4) | Plainview (5) | Paris (6) |
|--|--|---|--|--|--|--|
| Does court hold evening or weekend sessions | 1 evening session per month | evening sessions twice per month | evening sessions every Thursday | every Tuesday evening | none | none |
| Average number of jury trials | 5 per year | 3 per year | 4-6 per year | 3-5 per year | about 40 jury and non-jury trials/year | 3 per year |
| Is a prosecutor used in trials? | yes-city attorney | yes-assistant DA | yes - part-time contract attorney | yes-city attorney | yes-city attorney | yes-city atty |
| Does court impose local arrest fee? | yes-\$5.00 | No | yes-\$5.00 | \$5.00 warrant fee | No | Yes-\$5.00 |
| Do local police enter their own citations? | No-clerks do | No-clerks do | No-clerks do | No-clerks do | No-clerks do | No-clerks do |
| Do you have a warrant officer? | Yes-but is not very effective | No-but will get one in December | Yes-is fairly effective | Yes-is fairly effective, but has some backlogs | Yes-small backlog | Yes-needs some improvement |
| Methods employed to collect fines and fees | send courtesy letters-give 10 day grace period, then goes to warrant | send courtesy letter then issue warrant | send notice letter before warrants are issued-additional letter after warrant reminding them of consequences for not paying or appearing | send letter to FTAs-give 3 days to appear-phone calls to come in to set up pymnt plan-if don't show up-goes to warrant officer | send courtesy notice-give 1 week grace period-then goes to warrant | send courtesy letters, past due letters, FTA letters |
| Is city jail under federal court order for overcrowding? | City jail not overcrowded, but county jail is | No | No | No | Jails over-crowded, could not arrest females | No |
| If no, is overcrowding a problem? | | | | | | |

| Pearland (7) | Rowlett (8) | Greenville (9) | Rosenberg (10) | Big Spring (11) | Copperas Cove (12) | Denison (13) |
|--|---|-------------------|-------------------------------|----------------------------|---|--------------------|
| none | all sessions held in evening Tuesday and Thursday | none | two evening sessions per week | none | none | none |
| 3-5 every other month | 1-4 per month | 5-6 per month | | 3-5 per year | 1-3 per month | 1-2 per year |
| yes-city attorney | yes-contracted attorney | yes-city attorney | yes-city attorney | yes-city attorney | yes-city attorney only on Wednesday | yes-city attorney |
| Yes-\$5.00 | Yes | No | Yes-\$5.00 | Yes-\$5.00 | Yes | No |
| No-clerks do | No-clerks do | No-clerks do | No-clerks do | No-clerks do | No-clerks do | No-clerks |
| Yes-very effective | No-now contract with Municipal Services Bureau | No | No | Yes-is some-what effective | Yes-very effective is backlogged | Yes-very effective |
| have them sign pymnt plan letter informing them of consequences for missing payments | send out warrant letters-if no response, goes to Municipal Service Bureau | only warrants | send courtesy letter | only warrants | issue FTA forms and warrants, send notice letter-give 10 days to appear | warrants |
| No | No | No | No | No | No | No |

| | Weslaco (1) | McKinney (2) | Seguin (3) | Lake Jackson (4) | Plainview (5) | Paris (6) |
|---|--|--|--|--|---|---|
| Percentage of minorities in community | Hispanic-70% African-American-10% Asian-5% | Hispanic-33% African-American-33% Asian-1-2% | Hispanic-55% African-American-10% Asian-1-2% | Hispanic-25% African-Amer-10% Asian-3% | Hispanic-55% African Am.-30% Asian-5% | Hispanic-5% African American-25% Asian-1-2% |
| Economic base of area | manufacturing and agriculture | farming and general retail | agriculture, some small manufacturing | Dow Chemical, retail | agriculture, some manufacturing | manufacturing and agriculture |
| Current economic environment | slightly depressed | fairly stable | fairly stable | stable | good/stable | not sure |

| Pearland (7) | Rowlett (8) | Greenville (9) | Rosenberg (10) | Big Spring (11) | Copperas Cove (12) | Denton (13) |
|---|--------------------------------|----------------------------|------------------------|---|--------------------|---|
| | | | | | | |
| Hispanic-30% | Hispanic-40% | Hispanic-30% | Hispanic-55% | Hispanic-40% | Hispanic-10% | Hispanic-5% |
| African-Amer.-20% | African-Amer.-15% | African-Amer.-30% | African-Amer.-5% | African-Amer.-25% | African-Amer.-10% | African-Amer.-40% |
| Asian-2-5% | Asian-1-3% | Asian-1-2% | Asian-2% | Asian-10% | Asian-5% | Asian-1-2% |
| | | | | Native Amer.-3% | | |
| NASA-bedroom community of Houston | bedroom community of Dallas | E-Systems, Rubber- Maid | agriculture, retail | VA hospital, fed prison camp, state hospital, oil | military | manufacturing, some agriculture, some oil |
| stable | stable | stable | fairly stable | stable | stable | good |

STATS92.XLS

[illegible]

STATS93.XLS

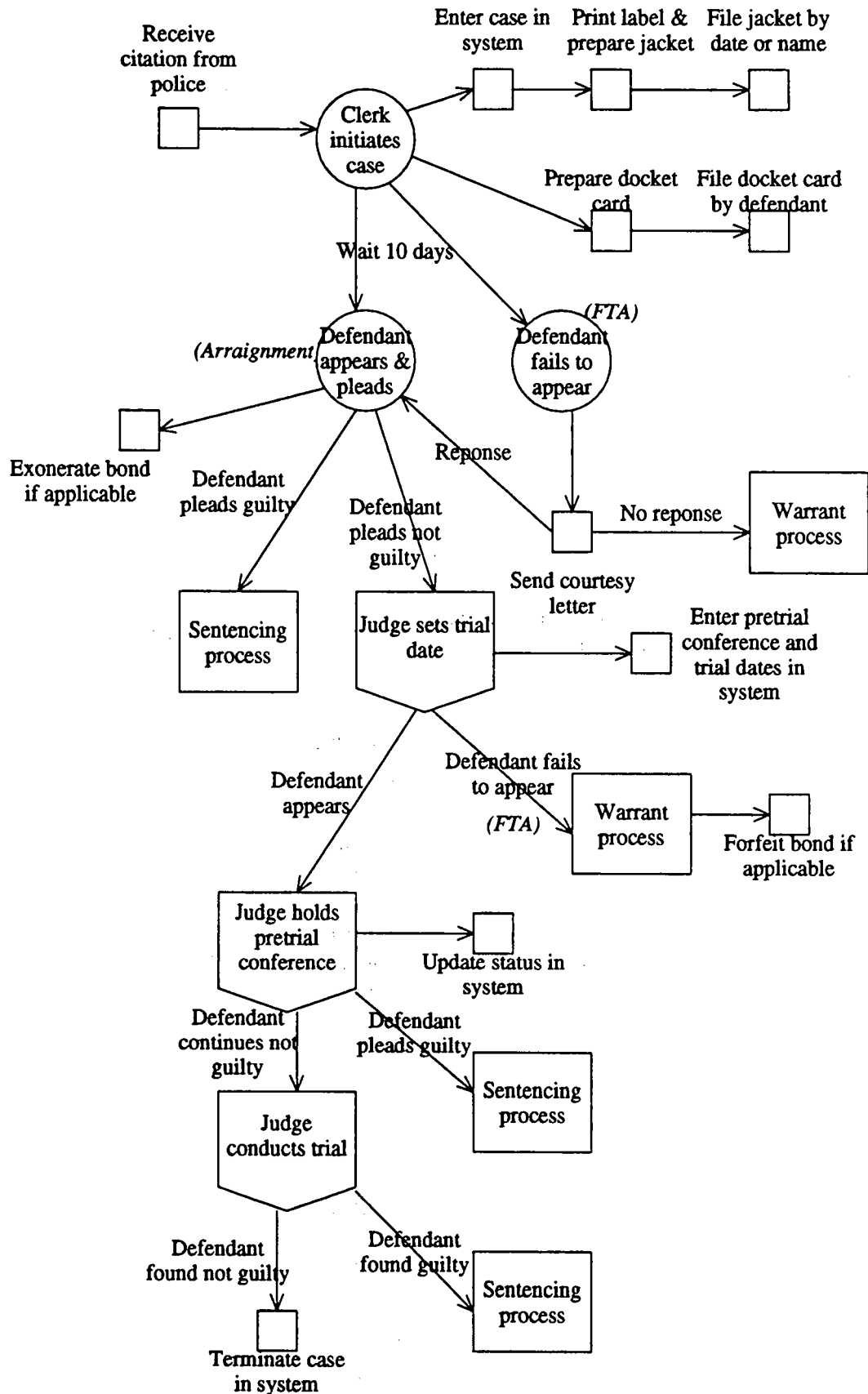
[illegible]

STATS94.XLS

| 1994 Statistics | | | | | | | | | | | | | | |
|------------------------------|------|------|------|-------|-----|------|------|------|-------|------|------|------|-------|------|
| | Jan. | Feb. | Mar. | April | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Total | Avg. |
| | 94 | 94 | 94 | 94 | 94 | 94 | 94 | 94 | 94 | 94 | 94 | 94 | 94 | |
| Cases Filed | | | | | | | | | | | | | | |
| Traffic | 398 | 537 | 797 | 861 | 788 | 623 | 614 | 752 | 529 | 508 | 365 | 353 | 7,125 | |
| Criminal | 104 | 101 | 122 | 107 | 119 | 96 | 120 | 100 | 97 | 87 | 101 | 84 | 1,238 | |
| Total Filed in Month | 502 | 638 | 919 | 968 | 907 | 719 | 734 | 852 | 626 | 595 | 466 | 437 | 8,363 | 697 |
| Dispositions Before Trial | | | | | | | | | | | | | | |
| Bond Forfeited | 27 | 21 | 27 | 29 | 19 | 9 | 17 | 27 | 21 | 26 | 11 | 3 | 237 | |
| Fined | 82 | 103 | 147 | 177 | 185 | 162 | 122 | 130 | 94 | 93 | 76 | 72 | 1,443 | |
| Dismissed Before Trial | 7 | 16 | 2 | 5 | 2 | 2 | 2 | 2 | 2 | 1 | 0 | 2 | 43 | |
| Total Dismissed Before Trial | 116 | 140 | 176 | 211 | 206 | 173 | 141 | 159 | 117 | 120 | 87 | 77 | 1,723 | 144 |
| Disposed at Trial | | | | | | | | | | | | | | |
| Trial by Judge | 144 | 188 | 164 | 173 | 183 | 181 | 169 | 215 | 180 | 182 | 142 | 144 | 2,065 | |
| Trial by Jury | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 3 | 3 | 3 | 0 | 11 | |
| Dismissed at Trial | 55 | 62 | 63 | 100 | 103 | 101 | 94 | 82 | 74 | 61 | 42 | 36 | 873 | |
| Total Disposed in Month | 199 | 250 | 227 | 273 | 287 | 282 | 263 | 298 | 257 | 246 | 187 | 180 | 2,949 | 246 |
| Dismissed | | | | | | | | | | | | | | |
| Driver Safety | 41 | 50 | 62 | 50 | 76 | 95 | 98 | 121 | 80 | 70 | 62 | 42 | 847 | |
| Deferred Disposition | 29 | 24 | 45 | 70 | 51 | 71 | 35 | 2 | 32 | 60 | 40 | 65 | 524 | |
| Proof Fin. Resp. | 37 | 42 | 63 | 68 | 51 | 51 | 48 | 64 | 49 | 43 | 33 | 23 | 572 | |
| Total Dismissed in Month | 107 | 116 | 170 | 188 | 178 | 217 | 181 | 187 | 161 | 173 | 135 | 130 | 1,943 | 162 |
| Net Gain/(Loss) | 80 | 132 | 346 | 296 | 236 | 47 | 149 | 208 | 91 | 56 | 57 | 50 | 1,748 | 146 |
| Arrest Warrants Issued | 41 | 6 | 2 | 6 | 1 | 9 | 1 | 14 | 1 | 2 | 1 | 0 | 84 | 7 |
| Arrest Warrants Cleared | | | | | | | . | | | | | | | |

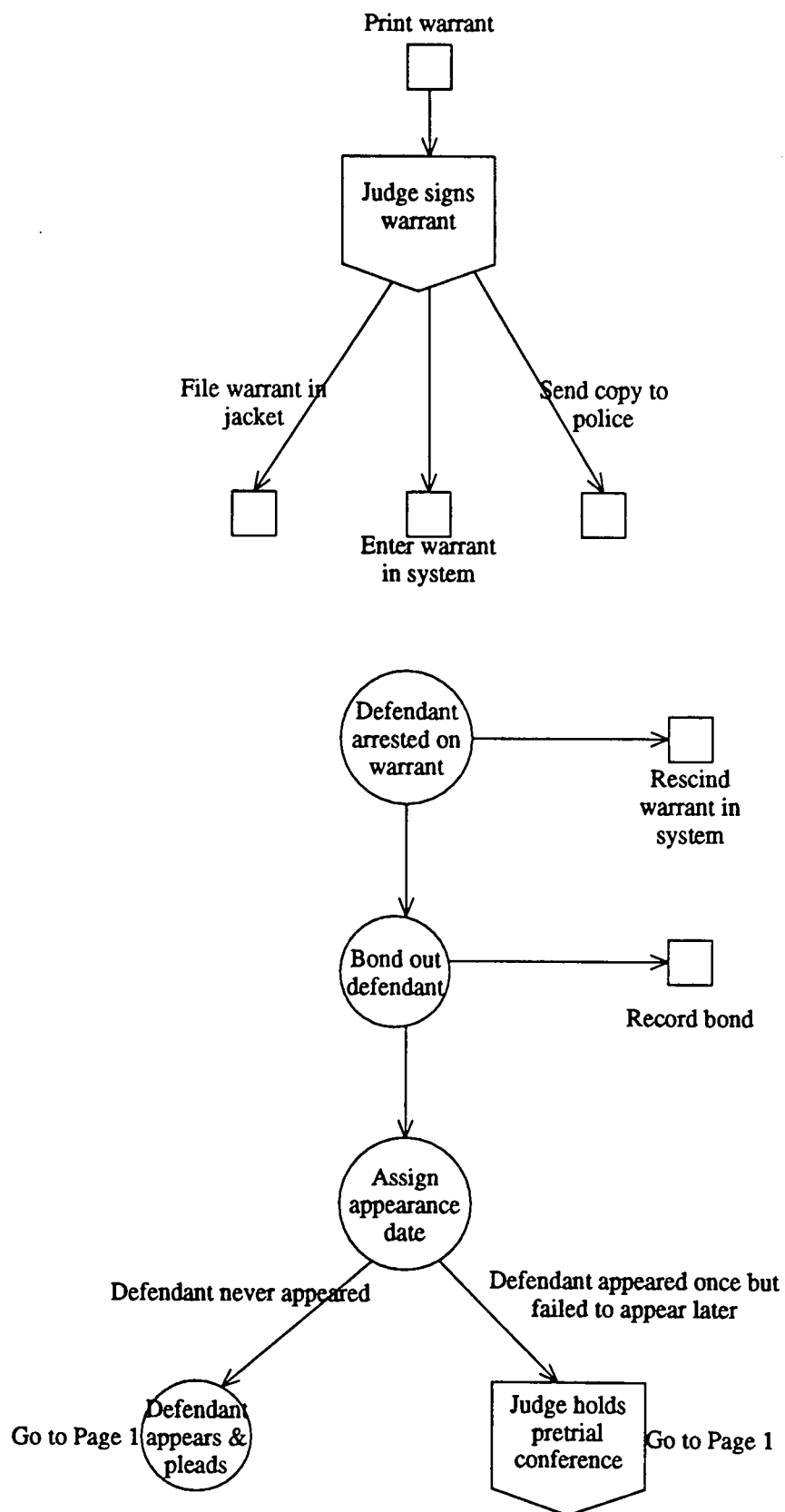
APPENDIX C

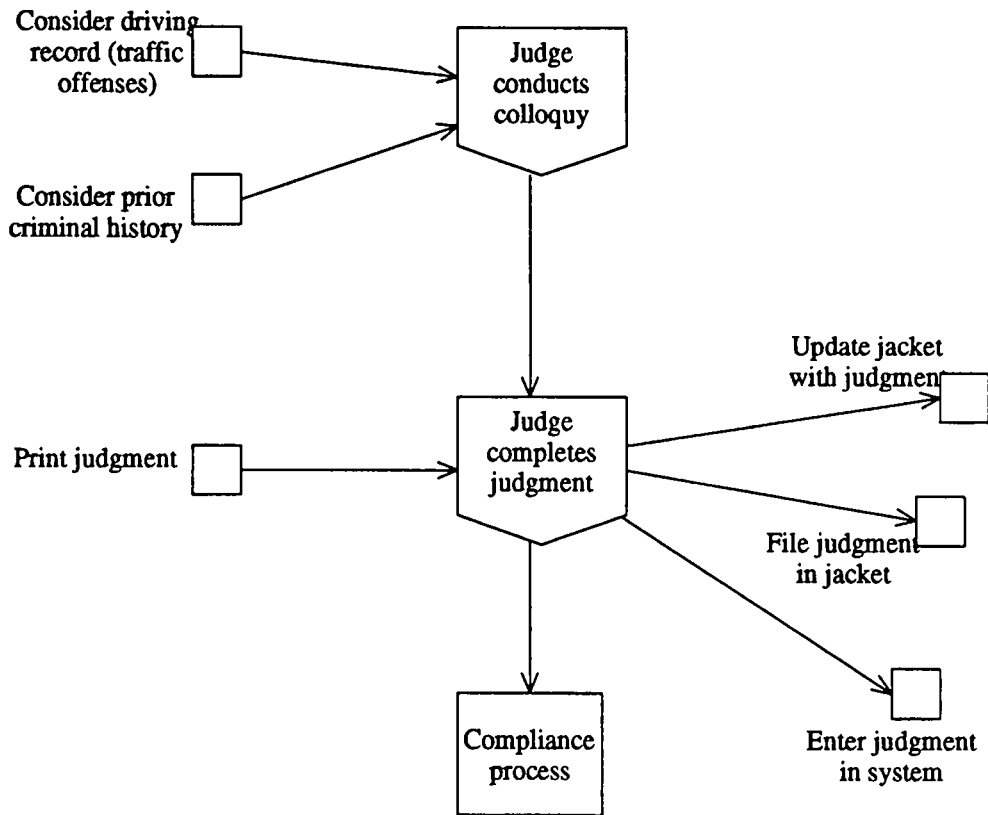
Page 1 of 5



Warrant Process

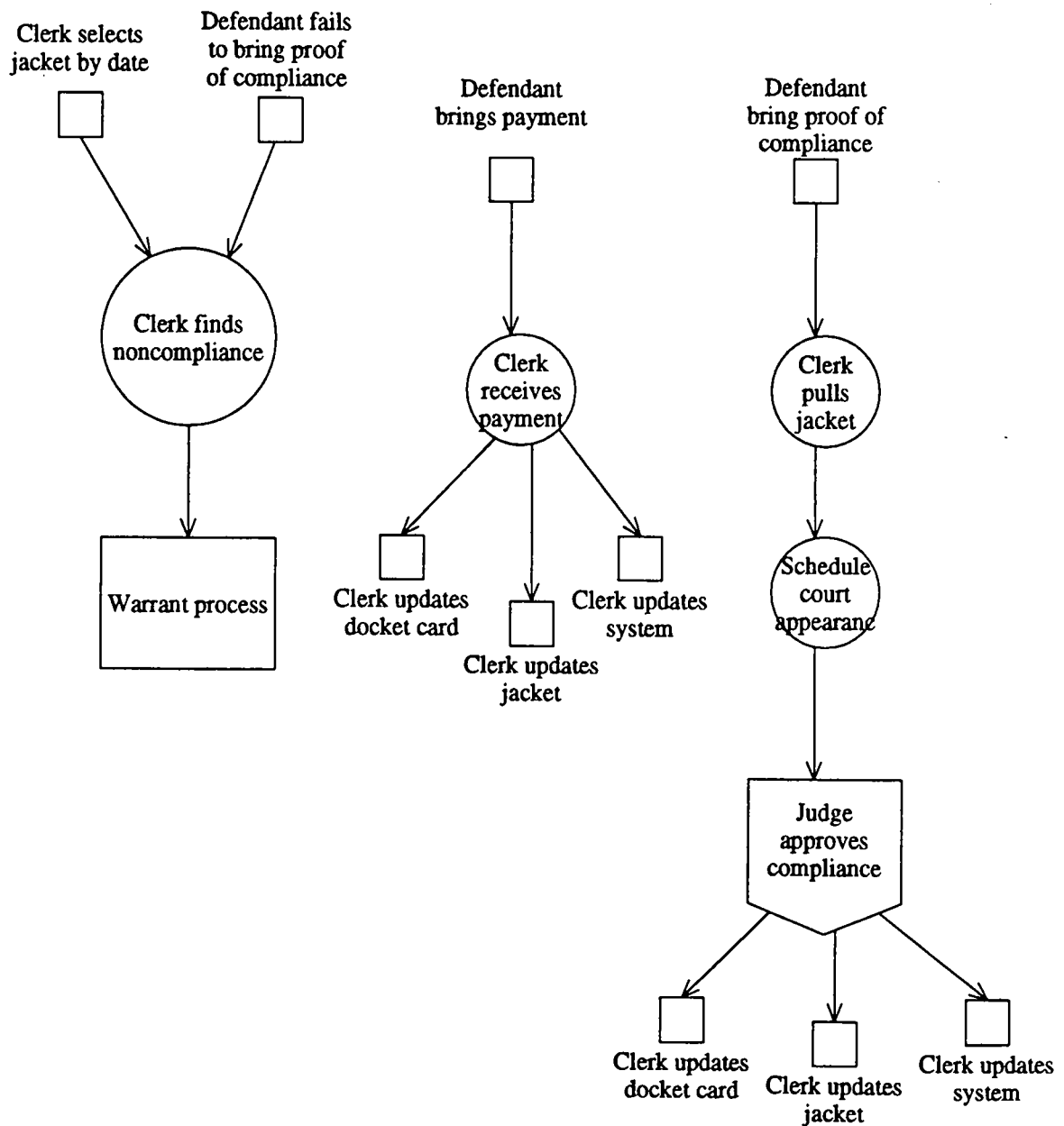
APPENDIX C
Page 2 of 5





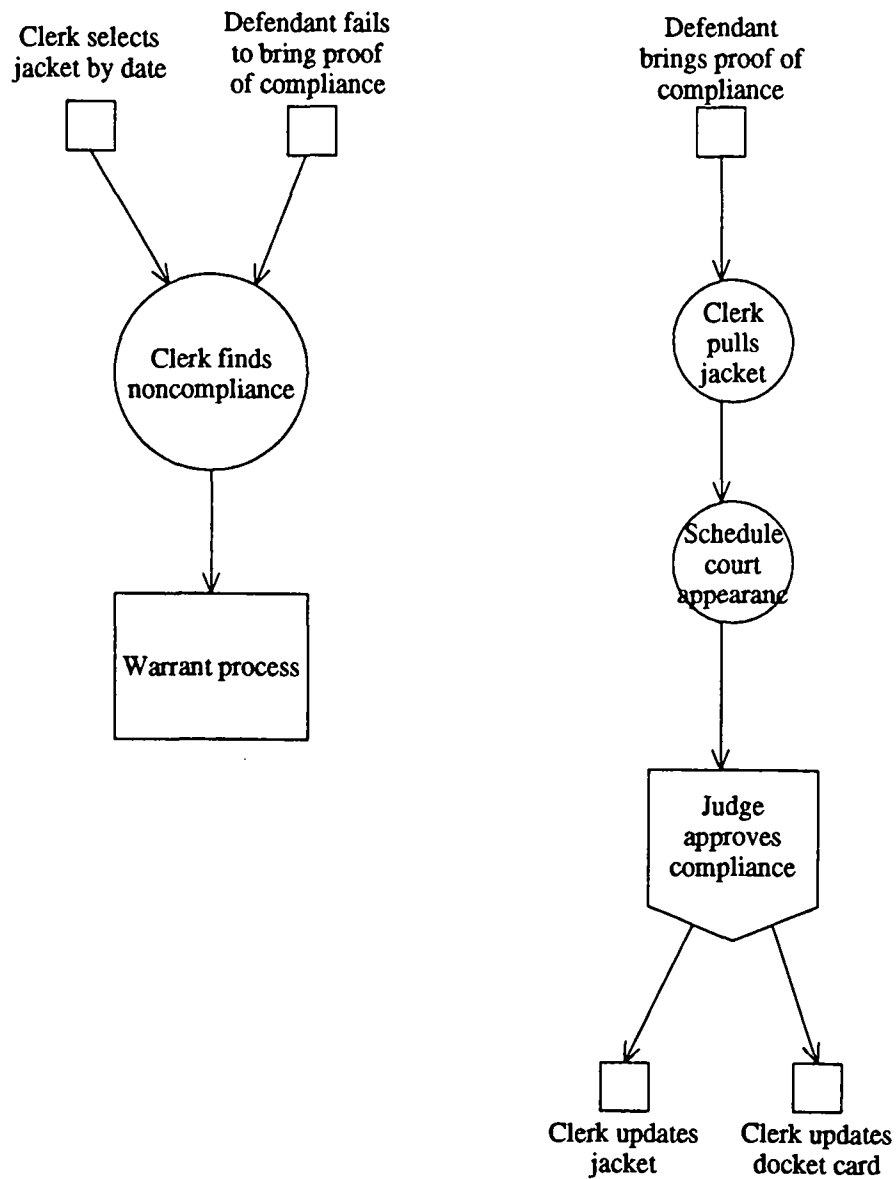
Periodic
compliance

| | |
|------------------------|-----------------------|
| Installment payment | Proof of insurance |
|------------------------|-----------------------|



Compliance Process

| One-time compliance | | |
|----------------------------|-------------------------------|--|
| Proof of Community service | Proof of driver safety course | Drivers license |
| Vehicle registration | Equipment violation repair | Proof of other compliance (tall weeds, etc.) |



APPENDIX D
Examples of Flyers / Mailers

| | |
|-------------------|-------------------------|
| Example 1: | Joplin, Missouri |
| Example 2: | Mesa, Arizona |
| Example 2: | Orlando, Florida |
| Example 3: | Miami, Florida |



Joplin Municipal Court

303 East Third, Joplin, MO 64801 (417) 624-0820 Ext. 1230

Your Rights In Municipal Court

Your presence in Municipal Court today is perhaps your first experience in any court. This information has been prepared to help you understand the court proceedings and to inform you of your rights and duties. Every person should leave this court feeling that he or she has had a fair and impartial trial or hearing.

- Municipal Court is the judicial branch of city government, and is a part of the state judicial system.
- City traffic charges and misdemeanor ordinance violations are tried in Municipal Court. The Court may impose a fine upon conviction ranging from \$1.00 to \$500.00 and a jail sentence from 1 hour to 100 days, or both.
- Trials are conducted under the rules set forth in the Missouri Revised Statutes.

BEFORE COURT BEGINS

Gentlemen, please remove your hats when the Judge enters the Courtroom. There is no talking, drinking, or smoking during court. When instructed to do so, come forward and wait to be summoned before the Judge. The violations that you are alleged to have committed will be read and at that time you should be prepared to plead either:

1. Guilty
2. Guilty with an explanation, or
3. Not Guilty.

If you signed a citation in front of an officer, you did not plead guilty, but only signed a promise to appear in court on your appearance date.

Your decision on what plea to enter is the most important decision you will have to make. We suggest that you read the following explanations before entering your plea. If you decide that you would like to seek the services of an attorney, please inform the Judge and you will be given time to do so.

PLEA OF GUILTY

By a plea of guilty you admit that you committed the act charged, that the act is prohibited by law and that you have no defense for your act.

Before entering a plea of guilty you need to understand the following:

1. The City has the burden of proving its case against you. You have the right to hear the City's evidence and to require it to prove its case. The law does not require you to prove anything.
2. If you were involved in a traffic accident at the time of the alleged offense, your plea of guilty could be used later in a civil suit for damages as an admission by you that you were at fault or were the party responsible for the accident.

You are **URGED** not to plead guilty if you do not feel that you are guilty.

PLEA OF GUILTY WITH AN EXPLANATION

This plea has the same effect as a plea of guilty, but says that you would like to explain to the Judge mitigating circumstances with respect to the punishment only.

In both cases of a plea of guilty, a fine will be assessed. The mitigating circumstances explained to the Judge may or may not have an effect on the amount of the fine assessed.

PLEA OF NOT GUILTY

A plea of not guilty means that you deny guilt and that the City must prove its charges against you. Your case will be set for trial and you will be given a date to appear. You will receive no other notice with regard to your trial date.

If you plead not guilty you will need to decide whether to employ an attorney to represent you at trial. You may defend yourself but no one else except an attorney may represent you.

At the time of the trial, the City will be required to prove all the allegations against you as contained in the formal complaint "beyond a reasonable doubt", before a verdict of guilty can be reached.

THE TRIAL

Under Missouri law, you can be brought to trial only after a formal complaint has been filed. The complaint is the document which alleges what you are supposed to have done, and that your action was unlawful.

- You have the right to inspect the complaint before trial, and have it read to you at trial.
- You have the right to have your case tried before a jury if you desire. All jury trials are conducted at the Jasper County Courts Building at Sixth & Pearl in Joplin before a state court Judge.
- You are entitled to hear all testimony against you.
- You have the right to cross-examine any witness who testifies against you.
- You have the right to testify in your own behalf or not as you choose.
- You may call witnesses to testify in your behalf.
- You also have the right to have the court issue subpoenas for witnesses to ensure their appearance at trial. However, you must furnish the names, addresses and telephone numbers of these witnesses to the court as soon as possible so that they may be located and subpoenas served, at least two weeks prior to the trial.
- You may be represented by an attorney but one is not required unless conviction would likely result in a jail sentence. In such cases the Judge shall so advise you.

PRESENTING THE CASE

As in criminal trials, the City will present its case first by calling witnesses to testify against you.

After each prosecution witness has finished testifying, you will have the right to cross examine him or her. Your examination **MUST BE IN THE FORM OF QUESTIONS**. This is not a time to make a statement and you must not argue with the witness. You will have an opportunity to make a statement later in the trial.

After the prosecution has presented its case, you may present your case. You have the right to call any witness who knows anything about the incident. You may testify in your own behalf, but cannot be compelled to do so.

THE VERDICT

The verdict of the Judge will be based on the testimony which sounds most reasonable and believable and on the facts proven during the trial. In making his determination, he will only consider the testimony of the witnesses who are under oath.

If you are found guilty by the Judge, he will announce the penalty. You should be prepared to pay the fine at that time. You may request an extension of time to pay by providing credit information to the Court and signing a written Promise to Pay. **Read this agreement carefully.** Failure to comply with its terms could result in a jail sentence.

FINES

The amount of fine assessed by the court is affected by the facts and circumstances of the case. Mitigating circumstances may lower the fine. However, aggravating circumstances may increase the fine. In **no** case may the fine exceed \$500. All fines are deposited in the General Fund of the City of Joplin.

COURT COSTS

If you are found guilty of an offense court costs will be added to the fine. Court costs are required by state law and are remitted both to the General Fund of the City and to the State Department of Revenue. Court costs range between \$13.00 and \$26.00, plus jail recoupment fees on DWI/BAC.

RIGHT TO APPEAL

If you are not satisfied with the judgment (verdict) of this court, you have the right to appeal the verdict to the Jasper County Circuit Court. If you do appeal, you must post \$30.00 (either certified check or money order) to cover court costs with the Court Clerk who will forward the money and the case files to the Circuit Court. You will be notified of a new court date and your case will be heard again by another judge in its entirety. You must file this appeal within ten (10) days of the judgment. If the judgment is not appealed within ten days it becomes final and you must pay the fines and costs assessed by this Court.

THE MUNICIPAL COURT

The Judge will base his decision only on the State Law or City Ordinance involved and the facts as determined by the testimony and other evidence presented. When you testify, try to be fair and calm. Do not try to evade answering any questions.

REMEMBER: The City is not always right; that is why we have courts. The defendant is not always right; that is why we have officers. The Court is not always right; that is why you have a right to appeal.

CIVIL TRAFFIC FINE SCHEDULE

A PERSONAL APPEARANCE IN COURT IS REQUIRED IF THE VIOLATION CODE LISTED ON YOUR TRAFFIC TICKET AND COMPLAINT IS NOT SHOWN BELOW (OR) AN ACCIDENT OCCURRED WHICH RESULTED IN A DEATH OR SERIOUS INJURY.

If an accident was involved and the violation code is listed below in red, add \$40.00 to the fine amount.

VIOLATION CODES LISTED IN RED ARE ELIGIBLE FOR THE DEFENSIVE DRIVING SCHOOL.

REFER TO THE ENCLOSED INFORMATION SHEET FOR INSTRUCTIONS.

SPEEDING - A.R.S. 28-701A or 28-702.01

Adult: 1A and over:

| | |
|------------------------------------|---------|
| 1-10 miles over posted limit | \$5.00 |
| 11 miles over posted limit | \$6.00 |
| 12 miles over posted limit | \$7.00 |
| 13 miles over posted limit | \$8.00 |
| 14 miles over posted limit | \$9.00 |
| 15 miles over posted limit | \$10.00 |
| 16 miles over posted limit | \$11.00 |
| 17 miles over posted limit | \$12.00 |
| 18 miles over posted limit | \$13.00 |
| 19 miles over posted limit | \$14.00 |
| 20 miles over posted limit | \$15.00 |
| 21 miles over posted limit | \$16.00 |
| 22 miles over posted limit | \$17.00 |
| 23 miles over posted limit | \$18.00 |
| 24 miles over posted limit | \$19.00 |
| 25 miles over posted limit | \$20.00 |
| 26 miles over posted limit | \$21.00 |
| 27 miles over posted limit | \$22.00 |
| 28 miles over posted limit | \$23.00 |
| 29 miles over posted limit | \$24.00 |
| 30 or more miles over posted limit | \$25.00 |
| Juveniles, under 18 years of age | \$75.00 |

NO CURRENT REGISTRATION - A.R.S. 28-326C

(OR) \$70.00 with valid proof of current registration.

Juveniles under 18 years of age

VEHICLE AND TITLE VIOLATIONS - A.R.S. 28-302 (except for 28-302E, 28-305, 28-309, 28-312, 28-314)

INSURANCE VIOLATIONS - A.R.S. 28-125D, 28-125C or 28-1251

(OR) \$70.00 with valid proof of insurance after date and time of violation.

(OR) provide court with valid proof of insurance showing coverage was in force at the date and time of violation.

Juveniles, under 18 years of age

NO DRIVER'S LICENSE IN POSSESSION - A.R.S. 28-423

(OR) provide court with valid proof of driver's license or authorized duplicate at the date and time of violation.

FAILURE TO CHANGE ADDRESS - A.R.S. 28-427

(OR) provide court with notification your address change has been filed with the Department of Motor Vehicles

SEAT BELT VIOLATION - A.R.S. 28-309

PEDESTRIAN VIOLATIONS - A.R.S. 28-646, 28-701, 28-703, 28-705, 28-706

BICYCLE VIOLATIONS - A.R.S. 28-813 to 28-817

EQUIPMENT VIOLATIONS - A.R.S. 28-921 to 28-964

OVERWEIGHT AND TOWING VIOLATIONS - A.R.S. 28-1005

A.R.S. 28-1007

OTHER MOVING VIOLATIONS - A.R.S. 28-644, 28-645, 28-647, 28-651, 28-704 to 28-706, 28-721 to 28-776, 28-782, 28-791, 28-831 to 28-856, 28-858, 28-891 to 28-897, 28-903, 28-904

Juveniles under 18 years of age

Violations not listed require a personal appearance in court.

Cash, checks, money orders, MasterCard, VISA, and Discover are accepted in person at court. MasterCard, VISA, and Discover are accepted by telephone.

Court hours are 7:30 a.m. to 5:00 p.m.

IF YOU FAIL TO APPEAR OR PAY THE FINE ON OR BEFORE THE COURT DATE SHOWN ON YOUR TICKET, YOU WILL ALSO BE CHARGED \$12.00 FOR LATE FEES AS WELL AS \$50.00 PER VIOLATION. A DEFAULT JUDGMENT WILL BE ENTERED AGAINST YOU, AND YOUR DRIVER'S LICENSE WILL BE SUSPENDED UNTIL THE CIVIL FINE IS PAID TO THE COURT AND AND REINSTATES YOUR LICENSE.

IMPORTANT: If you have been charged with a Criminal Criminal Traffic or Petty violation, you must appear at Mesa Municipal Court on the date and time specified on your Traffic Ticket and Complaint.

MESA MUNICIPAL COURT

245 West 2nd Street
Mesa, Arizona 85201
(602) 644-2255

IMPORTANT - READ ENCLOSED INFORMATION

- This envelope is provided for your convenience.
- Refer to the enclosed information sheet for options.
- If the violation code listed on your Arizona Traffic Ticket and Complaint is not listed on the enclosed sheet labeled Civil Traffic Fine Schedule, you MUST appear in court.
- No court date extensions will be granted by telephone.
- If the information you need is not found on the enclosed information sheets, you may request additional information at (602) 644-2255. MESA MUNICIPAL COURT hours are Monday through Friday, 7:30 a.m. to 5:00 p.m.

FROM _____

STREET ADDRESS _____

CITY _____

STATE _____

ZIP _____

☐ ☐ ☐ ☐ ☐ ☐

Complaint Number (located in upper left corner of Traffic Ticket & Complaint)

MESA MUNICIPAL COURT
245 West 2nd Street
Mesa, Arizona 85201

OPTION 1 - CIVIL TRAFFIC
DEFENSIVE DRIVING SCHOOL
(Adult or Juvenile)

You are eligible to attend the Defensive Driving Course to have a violation dismissed if:

1. The violation code the officer charged you with is listed in red on the Civil Traffic Fine Schedule (found on the reverse side of this page).
2. You do not request a trial for the violation.
3. You have not completed a defensive driving class for ticket dismissal in Arizona within two (2) years from the previous violation date.

If you complete this program, the violation will be dismissed, no points will be placed on your driving record (points may cause an increase in Insurance rates), and you do not have to appear in court.

The Defensive Driving Course is an 8 hour classroom program on techniques for safer driving. You must complete the course before your court date to have a violation on your Traffic Ticket dismissed.

INSTRUCTIONS:

1. Call the Arizona Chapter National Safety Council at 263-9565 or toll free outside Maricopa County at 1-800-293-0112 Monday through Friday 8:30 a.m. to 5:00 p.m. to schedule a date and location for the class. Call immediately! Classes fill up fast.

2. Have your Traffic Ticket and Complaint with you when you call. You will need to write down instructions for attendance and give information from your ticket to the person registering you. Have a pencil or pen and paper ready.

3. Bring to the class: your driver's license, your Traffic Ticket and Complaint (or legible photocopy), and an \$85.00 money order. Cash and personal checks are not accepted for the payment of the class! If you have lost your Traffic Ticket and Complaint, the court will provide you with a copy for a charge of \$1.00.

4. If you are eligible and have been granted a continuance of your court date, you must bring the continuance form with you in addition to the items listed above in #3. NO CONTINUANCES OF COURT DATES FOR DRIVING SCHOOL ARE GRANTED BY PHONE!

Mesa Municipal Court is open Monday through Friday 7:30 a.m. to 5:00 p.m., excluding holidays.

MESA MUNICIPAL COURT
245 W. 2ND STREET
MESA, AZ 85201
(602) 644-2255

OPTION 2 - CIVIL TRAFFIC
MAIL DEPOSIT AND REQUEST A CIVIL TRAFFIC TRIAL
(Adult or Juvenile)

You may enter a plea of "not responsible" and ask for a trial. You can request a trial by personally appearing at court or by mail.

1. You may request a trial by mail if:
You have been charged with a violation that is listed on the information sheet labeled Civil Traffic Fine Schedule found on the reverse side of this page.
2. You do not wish to attend the Defensive Driving Course.
3. You want a trial.
4. You include the appropriate deposit amount to secure an appearance date before the Mesa Municipal Court Hearing Officer.

INSTRUCTIONS:

1. Write the complaint number located in the upper left corner of your Traffic Ticket in the boxes below.

| | | | | | | | |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|

PRINT LAST NAME:

2. Look at the middle of your ticket on the left side next to the large numbers (1 through 5) to find the section/code for the violation. Write the number(s) and corresponding deposit amount(s) provided in the space below.

| Violation Code | Deposit Amount |
|---|-------------------------|
| <input type="text"/> 28- <input type="text"/> | \$ <input type="text"/> |
| <input type="text"/> 28- <input type="text"/> | \$ <input type="text"/> |
| <input type="text"/> 28- <input type="text"/> | \$ <input type="text"/> |
| <input type="text"/> 28- <input type="text"/> | \$ <input type="text"/> |
| <input type="text"/> 28- <input type="text"/> | \$ <input type="text"/> |

Fill out this information sheet and tear at perforation. Mail the deposit amount (check or money order) to secure your appearance in court with this sheet at least seven (7) days prior to your court date. A Civil Traffic Trial date will be scheduled and mailed to you at the address listed below. If you choose the option to request a Civil Traffic Trial, the court date listed on your Traffic Ticket and Complaint will be cancelled.

Total = \$

3. SIGN THE FOLLOWING STATEMENT:

I want to have a trial.
I hereby enclose a deposit for the violation(s) listed on my traffic complaint.

Signature _____

Parent Signature _____

Current Mailing Address _____
(required for juveniles under 18 years old)

Area Code _____ Phone Number _____

The deposit amount received will be posted as a bond and held until the time of your scheduled Civil Trial. If you fail to appear at the trial, a default judgement will be entered against you and your deposit will be forfeited to satisfy the judgement and the Department of Motor Vehicles will be notified of the result. If you are found not guilty, the deposit will be mailed back to you.

IMPORTANT

If you have been charged with a Criminal or Criminal Traffic violation, you must appear at Mesa Municipal Court on the date and time specified on your Traffic Ticket and Complaint.

MESA MUNICIPAL COURT
245 W. 2ND STREET
MESA, AZ 85201
(602) 644-2255

OPTION 3 - CIVIL TRAFFIC
PAY VIOLATION BY MAIL
(Adult or Juvenile)

If you are charged with a violation listed on the Civil Traffic Fine Schedule and you want to pay for the ticket by mail, follow these instructions.

1. Write the complaint number located in the upper left corner of your Traffic Ticket in the boxes below.

| | | | | | | | |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|

PRINT LAST NAME:

2. Look at the middle of your ticket on the left side next to the large numbers (1 through 5) to find the section/code for the violation. Write the number(s) provided in the space below.

| Violation Code | Fine Amount |
|---|-------------------------|
| <input type="text"/> 28- <input type="text"/> | \$ <input type="text"/> |
| <input type="text"/> 28- <input type="text"/> | \$ <input type="text"/> |
| <input type="text"/> 28- <input type="text"/> | \$ <input type="text"/> |
| <input type="text"/> 28- <input type="text"/> | \$ <input type="text"/> |
| <input type="text"/> 28- <input type="text"/> | \$ <input type="text"/> |

Total = \$

3. Look at the information sheet labeled Civil Traffic Fine Schedule and find the amount for the violation number(s) on your ticket. Write the amount next to the violation number listed above.
4. Fill out this information sheet and tear at perforation. Mail this sheet and a money order or check (no cash, please) payable to Mesa Municipal Court in the envelope provided.

Mail your payment and this sheet at least 7 days prior to your court date. Your money order stub or cancelled check will be your only receipt.

5. **SIGN THE FOLLOWING STATEMENT:**
I hereby enclose payment for the violation(s) listed on my traffic complaint. I do not want a trial (if you choose this option, you do not have to appear in court).

Signature _____

Parent Signature _____

Current Mailing Address _____
(required for juveniles under 18 years old)

Area Code _____ Phone Number _____

PLEASE READ

1. Make checks or money orders payable to Mesa Municipal Court.
2. Include complaint number located in upper left corner on your check or money order.
3. No partial payments will be accepted on fines.
4. Do not mail cash.
5. Your cancelled check or money order receipt is your only receipt for payment.
6. Cash, checks, money orders, Mastercard, VISA, and Discover are accepted in person at court. MasterCard, VISA, and Discover are also accepted by telephone. Court hours are 7:30 a.m. to 5:00 p.m.

MESA MUNICIPAL COURT
245 W. 2ND STREET
MESA, AZ 85201
(602) 644-2255

RETURN ADDRESS

TO: CLERK OF THE COUNTY COURT
TRAFFIC DIVISION
P.O. BOX 1660
ORLANDO, FL 32802-1660

DRIVER'S LICENSE NUMBER - STATE

CITATION NUMBER (INCLUDE LETTER SUFFIX)

*****IMPORTANT--PLEASE READ****

INSTRUCTIONS TO AN INDIVIDUAL CHARGED WITH A TRAFFIC VIOLATION IN ORANGE COUNTY, FLORIDA

YOU MUST COMPLY WITH ONE OF THE FOLLOWING PROCEDURES TO PREVENT A DELINQUENCY FEE AND YOUR DRIVING PRIVILEGE FROM BEING SUSPENDED.

- I. If charged with a **CRIMINAL TRAFFIC OFFENSE**, you have ten (10) calendar days from the date of citation to appear at the **CLERK OF THE COUNTY COURT, TRAFFIC DIVISION** as noted on your copy of the citation given to you by the officer. Please contact the appropriate Clerk's office for the days and time court is held.
- II. If charged with a **TRAFFIC INFRACTION** the Clerk **MUST RECEIVE** your election of one of the options below **WITHIN THIRTY (30) CALENDAR DAYS** of your having received the citation or you will lose options available to you, your driving privileges will be suspended and additional costs assessed. **PLEASE NOTE: POSTMARK ON THE ENVELOPE IS NOT ACCEPTABLE!!**
 1. **MAIL PAYMENT:** Make cashier's check, money order, or personal check payable to: Clerk of the County Court, in accordance with the Civil Penalty indicated on the back of your citation. Fill in all information on this envelope, enclose the yellow copy of your citation, proper payment and mail. **POINTS WILL BE ASSESSED.**
 2. **REQUEST DRIVING IMPROVEMENT SCHOOL:** Contact the appropriate office of the Clerk of the County Court as noted on your citation to obtain the proper amount of cost. Make cashier's check, money order or personal check payable to: Clerk of the County Court. Complete the enclosed Affidavit before either a Deputy Clerk or a Notary Public. Mail the original (white) copy of the Affidavit, yellow copy of the citation and proper payment in the envelope provided. **REMEMBER:** the Clerk **MUST** be in receipt of this correspondence within the thirty (30) calendar days or your request for school will be denied, your driving privileges suspended and additional costs assessed. You must then contact the school of your choice to arrange attendance to the driver improvement course. They must have a copy of the completed Affidavit to enroll you in the course. You will be required to pay a registration fee. If you comply with the terms above, **POINTS WILL NOT BE ASSESSED.**
 3. **REQUEST A COURT DATE:** You may request a court appearance but only in person and only at the Clerk of the Court office noted on your citation. **NO COURT DATES WILL BE SET BY PHONE!!!**
 4. **APPEAR IN PERSON:** you may appear for a **TRAFFIC INFRACTION** within thirty (30) calendar days from the issue date of the citation at any Clerk of the Court location listed on this envelope to:
 - A. **PAY THE CIVIL PENALTY**
 - B. **REQUEST DRIVER IMPROVEMENT SCHOOL**
 - C. **PROVIDE PROOF OF VALID INSURANCE, REGISTRATION OR DRIVER LICENSE.**

****IF YOU HAVE ANY QUESTIONS, CALL ANY OFFICE NOTED ON THIS ENVELOPE****



REGISTRATION FORM AUTOMOBILE CHILD RESTRAINT OFFENDER'S PROGRAM

(LAST NAME) (FIRST NAME) (MIDDLE)

STREET ADDRESS

CITY STATE ZIP CODE

DRIVER'S LICENSE # DATE OF BIRTH

CITATION NUMBER

PROGRAM BENEFITS:

- Provides one-hour class on automobile child restraint safety.
- No points will be applied against your driving record.
- Will avoid having to pay statutory civil penalty of \$155.00

PROGRAM COSTS:

- Mail payment of \$30.00 for payment of required court costs. Pay by check or money order made payable to: CLERK OF COUNTY COURT.
- Call 663-6865 to register for a class. The night of class you will have to pay a fee of \$30.00 and appear with an Approved Child Restraint Seat.

Classes will be held at:

MIAMI CHILDREN'S HOSPITAL - Auditorium
6125 S.W. 31st Street
Miami, FL 33155

I will attend the class on _____ from
7:00 - 8:30 p.m. (Date of class)

Offenders who provide written proof of enrollment in Medicaid do not have to bring a child restraint seat.

I certify that I have not elected the class more than one time in my life-time.

I acknowledge that falsifying this certificate or failure to complete the class will result in the suspension of my driver's license.

SIGNATURE DATE

MAKE CHECK PAYABLE TO: CLERK OF THE COUNTY COURT.

PLEASE DO NOT SEND CASH. Mail \$30.00 payment to:

Clerk of County Court
Central Traffic Division
Metro Justice Building
1351 N.W. 12 St., Room 124
Miami, FL 33125-1685

This registration form must be completed and mailed along with your payment and the yellow copy of your citation.



FORMULARIO DE MATRICULA PROGRAMA PARA INCUMPLIDORES DE LA LEY DE RESTRICCION DE NIÑOS EN AUTOMOVILES

(APELLIDO) (NOMBRE) (INICIA)

DIRECCION

CIUDAD ESTADO ZONA POST.

NO. LICENCIA CONDUCIR # FECHA DE NACIMIENTO

NUMERO DE CITACION

BENEFICIOS DEL PROGRAMA:

- Una hora de instrucción acerca del uso de la restricción de niños en automóviles.
- No se le impondrán puntos en su récord de conducir.
- Evitará tener que pagar \$155.00 en penalidades civiles estatutarias.

COSTOS DEL PROGRAMA:

- Envíe \$30.00 en pago de los costos de la corte. Pague por cheque o giro postal a: CLERK OF COUNTY COURT.
- Llame al 663-6865 para matricularse. La noche de la clase debe traer \$30.00 de derecho de matrícula y presentarse con un Asiento Protector de Niños para Automóviles que haya sido aprobado federalmente.

Las clases se llevarán a cabo en:

El Auditorio del Miami Children's Hospital
6125 S.W. 31 St.
Miami, FL 33155

Participaré en la clase el día _____
de 7:00 a 8:30 p.m. (Fecha)

Los incumplidores que pueden presentar prueba por escrito de que reciben Medicaid no tiene que traer un asiento protector a la clase.

Certifico que no he elegido participar en esta clase más de una vez en mi vida.

Atestiguo que falsificar este certificado o no completar esta clase tendrá por consecuencia la suspensión de mi licencia de conducir.

Firma Fec

HAGA EL CHEQUE A: CLERK OF THE COUNTY COURT.

NO ENVIE EFECTIVO. Envíe los \$30.00 a:

Clerk of County Court
Central Traffic Division
Metro Justice Building
1351 N.W. 12 St., Room 124
Miami, FL 33125-1685

Llene este formulario de matrícula y envíelo con su pago y la copia amarilla de su citación.

APPENDIX E
City of Rosenberg Record Retention Schedule

CITY OF ROSENBERG RECORD RETENTION SCHEDULE
 (X) Original Filing [] Amended Filing
 Approved SLR 500 Substitute

PART 3: FINANCE DEPARTMENT

Date: August, 1994

| RECORD NUMBER | RECORD TITLE | RECORD RETENTION | | | DISPOSITION |
|------------------|--------------|------------------|---------|-------|-------------|
| | | OFFICE | STORAGE | TOTAL | |

| | | | | | |
|---------|--|------------------------|--|------------------------|---|
| 1075.01 | Bid/Bid Documentation- a)Requests for bids or proposals, including invitation to bid, bid bond, bid sheet and similar documentation. | 1 year | | 1 year | City Secretary maintains record copy, review for administrative value before destruction. |
| 2350.02 | Bonds/Fines-Records relating to the setting or taking of bail or recognizance bonds. | 3 years | | 3 years | Destroy. Accounting maintains record copy. |
| 2350.03 | Case Papers- c)Criminal case papers including traffic offenses and violations of municipal ordinances, except: 1)Papers in cases dismissed for want of prosecution or for other reasons with power of the court. | Offense date + 5 years | | Offense date + 5 years | Destroy. Municipal Court maintains record copy. |
| | | Offense date + 5 years | | Offense date + 5 years | Destroy. Municipal Court maintains record copy. |

| | | | |
|-----------------------------|---|--|------------------------|
| CITY OF ROSENBERG RRS | Abbreviations used: CP-Consideration of Petition FE-Fiscal Year End LA-Life of Asset RL-Release of Lien | SC-Settlement of Claim/Suit SL-Statute of Limitations US-Until Superseded VC-Verification of Correction | PAGE 60 of 96 |
|-----------------------------|---|--|------------------------|

CITY OF ROSENBERG RECORD RETENTION SCHEDULE
 [X] Original Filing [] Amended Filing
 Approved SLR 500 Substitute

PART 3: FINANCE DEPARTMENT

Date: August, 1994

| RECORD NUMBER | RECORD TITLE | RECORD RETENTION | | | DISPOSITION |
|------------------|--------------|------------------|---------|-------|-------------|
| | | OFFICE | STORAGE | TOTAL | |

| | | | | | |
|---------|--|--------------------|--|--|---|
| 2350.04 | 2)Unservd arrest warrants for misdemeanors within jurisdiction of the court. | Issuance + 4 years | | Issuance + 4 years after dismissed by judge as pre-scribed by law. | Destroy. Municipal Court maintains record copy. |
| | 3)Parking or pedestrian violation tickets that have been cleared by payment, dismissal or other action. | 1 year | | 1 year.If ticket issued FE + 3 years. | Destroy. Municipal Court maintains record copy. |
| | Docket/Docket Sheets- b)Criminal docket, including traffic offenses & violations of municipal ordinances. | 5 years | | 5 years | Destroy. Municipal Court maintains record copy. |

| | | | |
|---------------------------------|---|--|------------------------|
| CITY OF ROSENBERG RRS | Abbreviations used: CP-Consideration of Petition FE-Fiscal Year End LA-Life of Asset RL-Release of Lien | SC-Settlement of Claim/Suit SL-Statute of Limitations US-Until Superseded VC-Verification of Correction | PAGE 61 of 96 |
|---------------------------------|---|--|------------------------|

CITY OF ROSENBERG RECORD RETENTION SCHEDULE
 [X] Original Filing [] Amended Filing
 Approved SLR 500 Substitute

PART 3: FINANCE DEPARTMENT

Date: August, 1994

| RECORD NUMBER | RECORD TITLE | RECORD RETENTION | | | DISPOSITION |
|------------------|--------------|------------------|---------|-------|-------------|
| | | OFFICE | STORAGE | TOTAL | |

| | | | | | |
|---------|---|-----------------|--|-----------------|---|
| 2350.05 | Fee Books-Books/ledgers de- tailing fees/costs incurred in cases heard by the court & status of payment or waiver of costs/fees if maintained separately from dockets. | FE + 5 years | | FE + 5 years | Destroy. Municipal Court maintains record copy. |
| 2350.08 | Reports to State Agencies- a) Reports to State agencies including the Office of Court Administration. | 5 years | | 5 years | Destroy |
| 2975.02 | Property Cards- b) Taxing Unit records of current appraisal for property subject to appraisal by the City. | US | | US | Review for historical/ administrative value before destruction. |

| | | | |
|---------------------------------|---|--|------------------------|
| CITY OF ROSENBERG RRS | Abbreviations used: CP-Consideration of Petition FE-Fiscal Year End LA-Life of Asset RL-Release of Lien | SC-Settlement of Claim/Suit SL-Statute of Limitations US-Until Superseded VC-Verification of Correction | PAGE 62 of 96 |
|---------------------------------|---|--|------------------------|

APPENDIX F
Reports Generated by the Themis Court Management System

1. Case Summary Report
2. Defendant Case summary
3. Case Activity Report
4. Individual Judge Report
5. Administrative Judge Report
6. Pending Case Report
7. Print Dockets
8. Print Warrant Summary
9. Scheduled Payments Listing
10. Monthly Cash Report
11. Penalties Collected
12. Revenue Disbursements Report
13. Revenue Disbursements Detail
14. Unpaid Cases Report
15. Scheduled Payments Past Due
16. Bond Activity Report
17. Bond Ledger
18. Pending Jury Trials Report
19. Calendar by Judge
20. Criminal Court docket
21. Officer Trial List
22. Criminal Disposition Report
23. Fine Billing Report

APPENDIX G
Sample Notice of Fines Policy Handed at Sentencing

Rosenberg Municipal Court
Policy on Payment of Traffic Fines

Fines are due in full by 4:30 p.m. on the day of sentencing unless the judge orders otherwise.

Pay with cash, check or money order at the Clerk's office.

Be sure to consider possible sources of money: your bank account, "rainy day" funds, credit company, friend, relative, or sale of personal property.

If you do not pay your fine when ordered, the court may:

- ✓ Suspend your driver's license.
- ✓ Make information on suspension of your driver's license available to your auto insurance company which may cause your rates to increase.
- ✓ Issue a warrant for your arrest and your warrant will go into the regional law enforcement warrant system.
Any law enforcement officer may arrest you on the basis of that warrant.
- ✓ Notify a credit bureau about your bad debt and place your future credit at risk.
- ✓ Seize your wages, bank accounts, or personal property including your car if non-exempt.