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FINAL REPORT

OPERATIONAL AUDIT OF THE
"ENGLEWOOD MUNICIPAL COURT,"

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PREFACE

"The general neglect of [municipal] courts is incomprehensible, because it must be apparent to all who consider the matter that the local courts of first instance are the very foundation of the enforcement of the criminal law. On them rests the primary responsibility for the maintenance of peace in the various communities of the state, for safety on our streets and highways, and most important of all, for the development of respect for law on the part of our citizenry, on which, in the last analysis, all of our democratic institutions depend. This is the underlying reason why I have repeatedly called the municipal courts the most important in our state."

- Arthur T. Vanderbilt, 1956*

For many Americans, municipal courts are the only courts with which they ever come in contact. Their impressions about the administration of justice generally and, more specifically, about the city or town in which such experiences take place, are likely to be shaped by these contacts. Thus, it is of considerable importance that justice be administered fairly and efficiently in a municipal court. Yet, as Vanderbilt observed 25 years ago, municipal courts have often been neglected--allocated negligible resources, housed in inadequate facilities, and provided with insufficient staff.

In contrast to many municipalities, the city of Englewood, Colorado, has demonstrated a strong concern about the operation of its municipal court. In the summer of 1980, the City initiated the management audit which is the subject of this report, inviting proposals to evaluate the current operation and future needs of the Englewood Municipal Court. Following a competitive selection process, the Institute for Court Management was selected to conduct the study. Three principal objectives of the study were

*Vanderbilt, Chief Justice Arthur T., "The Municipal Court" 10 Rutgers Law Review 650 (1956).

specified:

1. To thoroughly review the current procedures, organization, and staffing of the Englewood Municipal Court.
2. To evaluate the current requirements and needs of the court and evaluate the requirements and needs from one to ten years in the future, covering all aspects of the court's operation and giving particular attention to personnel and data processing requirements.
3. To formulate and present recommendations concerning appropriate methods of meeting the needs that are identified in the evaluation.

The scope of the study has been comprehensive, covering the following operational areas:

- Caseflow management
- Jurors and witnesses
- Court personnel and personnel management
- Financial management
- Forms, records, and records management
- Facilities
- Data processing

In assessing these aspects of the court's operations, the study team has looked not only at the current situation, but also at historical trends regarding the court's workload and staffing problems. Additionally, contacts have been made with a number of other municipal courts in Colorado, in an effort to develop some comparative data on court operations. Methods used in the course of the study have included review of relevant provisions of law (e.g., Englewood City Charter, City ordinances, Colorado Revised Statutes), collection and analysis of data from case records, review of voluminous documentary material including budgeting and statistical data,

observation of court proceedings and of work procedures in the clerk's office, and extensive interviews with court personnel and with other City officials.

Throughout the duration of the project, the study team had the benefit of guidance from a Steering Committee composed of the Court Administrator, Carolyn Boettger; the City's Director of Finance, Gary Higbee; Judge Louis Parkinson; and Assistant City Manager Richard Wanush. The members of the Steering Committee have been very helpful in establishing the parameters of the study, providing suggestions concerning specific topic areas, and reviewing earlier drafts of the report.

While the scope of the study report is comprehensive and goes into considerable detail in a number of areas, two limitations on its coverage should be noted. The first constraint is inherent in any study of this type: the limited availability of resources imposes limits on the depth of exploration of any topic. In the data processing area, for example, we have been quite specific in identifying problems, needs, and recommended approaches, but have not attempted to do a detailed systems design study. Such an effort, in addition to being premature (since the specific configurations of the City's basic computer system have not yet been determined), requires a level of detailed analysis that is well beyond the scope of this management audit. Second, it should be emphasized that, pursuant to the directions of the Steering Committee, the study team has deliberately not sought to address questions concerning the structural relationships of the Municipal Court to the rest of the City government. The issues in this area--e.g., whether the Municipal Court Judge should be elected or appointed; whether the court should be treated as an independent entity, a department

of city government, or a part of the Department of Finance; what type of reporting relationships should exist between the Judge, Court Administrator, City Council, and other City officials--are clearly of great importance, and the ways in which they are resolved may have significant implications for the operation of the court. Our focus, however, has been upon operational and management issues which must be addressed regardless of how the broader structural problems are handled.

The organization of this report reflects the basic organization of the project. Senior members of the team, each of whom has had extensive experience in particular areas, had primary responsibility for particular aspects of the study: Maureen Solomon for caseflow and jury management; Donald Skupsky for records management, information systems, and data processing; Roger Aymami for accounting and financial management; Gerald Kuban for personnel and personnel management; and Harry Lawson for budgeting, workload projections, and facilities. Valuable help in the collection of data has been provided by several students in the University of Denver's Master of Science in Judicial Administration program: Leesa McNeil (who functioned as chief research assistant), Judith Zientek, Lance Wilson, Becky Groft, Don Grochosinski, and Matt Giacomini. Anne Dey Kittredge did virtually all the typing of the report, from the rough draft stage through this final product.

As project director, I have been responsible for the overall conduct of the study, and for integrating the drafts prepared by members of the study team into this final report. The process has been a very stimulating one, and I have greatly enjoyed working with the other members of the study team and with the many Englewood City officials and employees who gave so generously of their time and knowledge in helping us conduct the study.

We found the Englewood Municipal Court to be a well-managed, efficiently operating court. As is true of virtually any institution, public or private, it faces a number of problems, and there appear to be some ways in which its operation could be improved. We hope that this study report, and the recommendations contained in it, provide a useful starting point for making a good court even better and more efficient.

Barry Mahoney

Director of Research
Institute for Court Management

Denver, Colorado
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SUMMARY OF PRINCIPAL FINDINGS AND CONCLUSIONS

Findings

In recent years, there has been a very sharp increase in the caseload handled by the Englewood Municipal Court. The volume of parking violation cases has increased from zero in 1977 (when parking cases were handled by central cashiering) to 17,840 in 1980, while non-parking cases have increased from 4,878 to 8,008 over the same period. Staff size has increased from the equipment of 4 full-time employees in 1977 to 8.25 at the end of 1980. Parking cases are not expected to increase beyond the 1980 level in the near future, but the volume of non-parking cases is likely to continue to rise.

Overall, the court is functioning well. Despite the sharp increases in the volume of cases filed, cases are handled efficiently. Disposition times are speedy, the court's caseload is monitored on an on-going basis, and remedial action is taken when problem areas become apparent. One area which warrants attention in the future is plea bargaining practices. In 1980, 862 cases were set for trial following pretrial conferences, but only 108 of these cases actually resulted in a trial. Most of the others were resolved by plea bargains agreed upon on the date of trial or very shortly before. The high rate of agreed-upon dispositions on the date of trial means that police officers and witnesses are required to appear in court but leave without ever testifying. Court time is lost on these days because it is too late to schedule other matters when a scheduled trial collapses. We believe that pressures for last-minute plea bargaining could be significantly reduced through minor increases in staffing for

the prosecutor's office, firmer policies on "cut-off" of plea negotiations, and better use of existing trial capacity.

The court's staff functions efficiently and competently. Employees are helpful and courteous in responding to questions and complaints from members of the public, and internal operations are performed rapidly and reliably. While the size of the court's staff has increased considerably in the past several years, as caseload has shot up, the total staff size seems reasonable in light of case volume and by comparison to staffing levels in other non-automated municipal courts. Further increases in staff size will probably be necessary if (as expected) the caseload continues to rise, unless labor-saving automation is introduced into the court. If a sound automated system is introduced, however, it should be possible to avoid further staff increases and perhaps to reduce the size of the staff from the present 8.25 persons to no more than 6 employees. The allocation of functions and responsibilities within the court is an area where some changes might usefully be made in the future. In particular, we question whether it is necessary for the Court to have both a Court Administrator and a Clerk of Court, especially if automation makes it possible to reduce overall staff size to 5 or 6 persons.

Over the past ten years, the amount of revenue generated by the court has increased more than five-fold, from \$62,981 in 1971 to \$335,113 in 1980. The court's procedures for collecting, processing, and accounting for these funds appear to be sound, and the "audit trail" is adequate. It is possible to make some improvements in aspects of the cash management system, and the report includes several recommendations in this area. Other aspects of the court's financial management appear to be handled well. Annual expendi-

tures are consistently below the authorized budget level, and productivity-- in terms of expenditures per case and revenue in relation to expenditure--has increased.

The court's current records management system, like its financial management system, is entirely manual. The system operates satisfactorily, but requires a fairly large staff to handle and does not enable rapid production of some types of management information that would be useful for planning and operational purposes.

The court's facilities, although not spacious, should be adequate for at least the next several years. In our judgment, the single courtroom now available should be adequate to meet the needs of the court through 1985, provided that (a) available courtroom time is used effectively; and (b) the number of cases that go to trial does not increase too drastically. In 1980, 108 trials were held. We believe that the court could probably hold several times that number of trials without requiring a second courtroom or using night or weekend sessions.

The principal issues for the future relate to staff size and automation. If automation is not introduced into the court, it is difficult to see how further increases in staff size can be avoided, unless there is an unexpected drop in caseload. However, the fact that the City has made a firm commitment to proceed with the purchase of a new computer system, which is flexible in nature and can be adapted to the needs of different units of government, provides an excellent opportunity to deal constructively with this problem. We believe it makes sense to plan for automation in the court at the earliest possible time. Installation of good automated data processing equipment, well programmed, will enable the court to operate more efficiently in every respect. It should result in generating more revenue, reducing staff size (or, at the

very least, avoiding further increases in staff), and providing management information that will facilitate operational improvements. From a cost-benefit standpoint, there are clear advantages to proceeding with full automation in the court as rapidly as possible, using the city's new computer system as the base.

Recommendations

The following recommendations are made in the body of the report:

Caseflow Management

1. Place greater emphasis on trial-date certainty and allow no plea bargaining later than 7 days after the pretrial conference date.
2. Add a second prosecutor to the City Attorney's staff, on a part-time basis.
3. Resume the practice of making "courtesy" telephone calls to defendants prior to issuance of warrants for non-appearance or non-payment, and do a careful evaluation of the effectiveness of this practice.
4. Develop data on continuance rates in the court and consider implementing a more restrictive continuance policy.
5. Develop mechanisms for regularly collecting and using additional types of management information.
6. Begin planning, immediately, for development and implementation of an automated case management system.

Jurors and Witnesses

7. Implement a one-day, one-trial juror utilization system as rapidly as possible.

Court Personnel and Personnel Management

8. Merge the Clerk of Court position with the Court Administrator position.
9. Reduce the pay differential between Deputy Clerks and Violations Bureau Clerks.

10. Develop a "Court Procedures Manual", to be used for training of new employees and as a reference guide for all members of the court's staff.

11. Establish an overall staffing level of approximately 8.75 FTE for 1981, including a total of no more than 7 permanent employees.

12. Begin planning for staffing patterns following automation and during the transition from a manual to an automated system.

13. Develop plans for providing training for all court employees, stressing training for the transition to an automated system.

Financial Management

14. Strengthen internal controls over the handling of cash, by (a) segregating the duties of persons involved in handling monies received through the mail; (b) establishing fixed accountability over the petty cash fund; and (c) revising the parking fines receipt form to enable the legible recording of information on it.

15. Begin planning for installation of an automated financial management system in the court as an integral part of the City's new computer system and (in particular) its central accounting component.

Forms, Records, and Records Management

16. Design all court forms with a common format, using modern forms design techniques.

17. Develop a records retention schedule to permit destruction of court records within a reasonable time.

18. Use smaller (one cubic foot) storage boxes for closed records, and improve existing storage facilities.

19. Develop a new case numbering system, and redesign citation forms to allow space for recording the court case number of the citation when it is filed in the court.

Facilities

20. Develop contingency plans for holding additional court sessions, in a second courtroom during weekdays or in the present courtroom at night or on weekends, if necessary. (NOTE: The one courtroom presently used should be adequate to meet foreseeable needs, at least through 1985, provided that the existing courtroom capacity is used well. Contingency plans should be made, however, to meet "emergency" situations.)

21. Make plans for reorganization of clerk's office space as part of planning for automation.

Automated Data Processing

22. The court should become closely involved in the City's data processing system development insofar as it affects the court, including detailed systems design and timetable for installation of system components affecting court operations.

23. The court should develop its data processing capability in conjunction with the City's computer system, rather than through a separate system.

24. The court should develop a complete computerized information system, utilizing the full range of potential applications of automation (e.g., financial accounting, case management information, preparation and mailing of notices and warrants, preparation of court dockets, cross-indexing of cases involving same defendant, direct communication with Motor Vehicle Division concerning information on defendants' prior driving records, etc.).

25. In developing an automated system for the court, reduction of staff size to a maximum of six persons should be an important design consideration.

26. The City Council should revise the priority previously given to court application of the City's computer, and raise it to Priority II.

27. An alternative plan should be developed to provide the court with some labor-saving automation, using leased micro-computers or word processing systems, if implementation of court applications on the City's computer is going to be delayed until 1983 or later.

28. The court should streamline its manual information management system as part of the process of developing an automated system.

* * *

The body of the report discusses these findings and recommendations in greater detail, and also provides descriptions of the principal aspects of the court's operations. The general picture is a positive one. As this brief summary indicates, decisions regarding staff size and automation will be of great importance to the court's effectiveness in the future. In particular, it is important that decisions concerning the priority to be accorded to court applications of the city's new computer system be made at an early date. If the decision is to give the court applications a higher priority (as we recommended), then detailed systems

design should begin very soon, with a target date for full implementation in 1982. If the decision is to give the court applications a relatively low priority, then some interim steps toward full automation--e.g., use of (a) leased micro-computer or word processing system capable of handling notices, warrants, docketing, and other routine repetitive work--should be taken, in order to avoid further increases between now and the time the City's computer system is extended to the court.

Regardless of which approach toward automation is adopted, policy-makers should be aware that installing an effective automated system in a court is not an easy task. Existing procedures must be substantially revised, new tasks and employee requirements identified and new job assignments made for employees. Some disruption is inevitable, and it will be necessary to run parallel manual and automated systems until problems in the new automated system are ironed out. Good communications and close cooperation between court personnel and other city officials will be essential if automation is to prove successful.

I. INTRODUCTION: AN OVERVIEW OF THE COURT AND ITS WORK

A. Jurisdiction and Organization

The Englewood Municipal Court is a court of record, with jurisdiction over offenses arising under the Charter and ordinances of the City of Englewood, Colorado. The business of the court can be divided into two broad categories of cases: parking violations and all other cases. Of the latter category, more than 75 percent involve moving violations by operators of motor vehicles. Table I-1 shows the distribution of business in the court during 1980.

Table I-1

VOLUME OF CASES BY CATEGORY, 1980

<u>Category of Case</u>	<u>Number</u>	<u>Percentage</u>
Parking violations	17,840	69.0%
Non-parking cases		
Moving traffic violations	6,660	25.8%
Shoplifting violations	295	1.1%
Animal ordinance violations	340	1.3%
Other ordinance violations	637	1.5%
Non-police complaints (Citizens, Sales Tax, Buildg, Zoning)	76	0.3%
TOTAL	25,848	100%

Not all cases that go to the Municipal Court require some type of formal in-court proceeding. Most are resolved by the person charged with the violation admitting the charge and paying a pre-established fine, either by mail or in person at the Clerk's Office. The court has established a "Violations Bureau" to handle these cases. Virtually all of the parking viola-

lation cases are handled by the direct payment of a fine to the Violations Bureau, as are about 40 percent of the non-parking cases. In some types of cases, however (e.g., reckless driving, speed contest, shoplifting), it is mandatory for the defendant to appear in court. And, of course, if the defendant wishes to plead not guilty and contest the charge, further proceedings will be necessary. During 1980, a total of 2,391 defendants elected to enter an initial plea of not guilty, an increase of 44 percent over the number of not guilty pleas in 1979. Relatively few of these cases ultimately result in a trial, however--a total of only 108 trials were held in 1980.

Although the court has authority to sentence a convicted defendant to jail for up to 90 days, this power is seldom exercised. The most common sanction, by far, is the fine. As authorized by the Colorado Rules of Municipal Court Procedure, the court uses a Fine Schedule which establishes the amount that is ordinarily imposed as a fine for an offense that can be handled by the Violations Bureau. Approximately 95 percent of the cases in which a defendant is found guilty (either on a plea of guilty or on a verdict after trial) result in the imposition of a fine, which is sometimes combined with other sanctions such as a suspended jail sentence or probation. The total amount of fines imposed and collected by the court in 1980 was \$280,249.47. Together with an additional \$54,864.05 collected from other sources (e.g., court costs, witness fees, driver improvement school fees), total revenue generated through the court in 1980 was \$335,113.52.

Located in the Englewood City Hall at 3400 South Elati Street, the Court has a full-time Judge, a Court Administrator, a Clerk of Court, four full-time employees (two Deputy Clerks and two Violations Bureau Clerks),

two full-time temporary employees, and a part-time Court Marshal. When necessary (e.g., because of vacations or illness), a part-time "Associate Judge" may be called upon to preside over court sessions. The full-time Judge is an elected official, chosen every four years (most recently in 1977) by the citizens of Englewood. All of the members of the Court's administrative staff are City employees, classified in accordance with the provisions of the City's personnel plan. The Judge exercises general policy direction over the overall operation of the court, working closely with the Court Administrator. The Court Administrator is the principal administrative officer of the court, and is responsible for supervising the non-judicial administrative activities of the court staff.

The court facilities are in a ground floor section of the City Hall building. The courtroom itself is fairly large, with sufficient space to seat approximately 100 people on days when arraignments are held. On other days, the rear portion of the room is often partitioned off and used as a separate "community room", leaving seating space for about 20-30 persons in the courtroom. A small jury deliberation room is immediately adjacent to the courtroom. Other facilities include the Clerk's Office, which has working space for six employees, shelving and storage space for case records, and a counter for transactions with the public; the court administrator's office; and the judge's chambers. The court is in session Monday through Friday (except holidays), beginning at 8:30 a.m. and continuing until the day's business is concluded--usually in the late afternoon. Working hours for the court staff are 8:00 a.m. to 5:00 p.m., and the Clerk's Office is open to the public from 8:30 a.m. to 4:30 p.m.

B. Workload and Workload Trends

With a total of 25,848 filings in 1980, the Englewood Municipal Court currently has a substantially heavier caseload than other Denver area cities of comparable size. Table I-2 presents data on filings in Englewood and five other municipalities, taking into account population size and number of police patrolmen:

Table I-2

MUNICIPAL COURT TOTAL CASELOADS IN SELECTED COLORADO CITIES, 1980

<u>City</u>	<u>Population^a</u>	<u>Caseload</u>	<u>Caseload per 1,000 Pop.</u>	<u>Size of Police Patrol Force</u>	<u>Cases per Patrolman</u>
Englewood	29,851	25,848	865	71	364
Littleton	28,474	12,040	423	31	388
Northglenn	28,735	11,046	384	28	394
Wheatridge	30,268	4,487	148	34	324
Westminster	49,226	10,801	219	73	148
Arvada	77,749	12,903	166	56	230

a. Preliminary 1980 census figures

Such comparisons, although they can be useful for purposes of getting a rough sense of the level of municipal court activity in different cities, are necessarily imprecise. The nature of the caseloads may differ markedly from one city to another depending on the level of commercial activity in the city, the size of the police force, the priorities that the police and other city officials place upon different types of law enforcement work,

and a host of other factors.² For example, if parking violations are excluded from consideration, the caseload picture appears somewhat different, as indicated in Table I-3.

Table I-3

MUNICIPAL COURT NON-PARKING CASELOADS IN SELECTED COLORADO CITIES, 1980

<u>City</u>	<u>Population</u>	<u>Non-Parking Caseload</u>	<u>Non-Parking Caseload per 1,000 Pop.</u>	<u>Size of Police Police Force</u>	<u>Non-Parking Cases per Patrolman</u>
Englewood	29,851	8,008	268	71	112
Littleton	28,474	4,843	170	31	156
Northglenn	28,735	7,339	255	28	262
Wheatridge	30,268	4,408	146	34	130
Westminster	49,226	8,371	170	73	115
Arvada	77,749	11,509	148	56	205

The caseload in Englewood appears to be relatively high in relation to population. One reason is, of course, the fact that Englewood has a high level of commercial activity. A major shopping center (Cinderella City) is located in Englewood, and there are also many other retail businesses in the city. Three major arterial roadways (Broadway, U.S. 85, and U.S. 285) run through the heart of Englewood. Traffic through the city is heavy, and available parking is somewhat limited. Not surprisingly, one result is a large number of municipal court cases involving parking violations and moving traffic violations. Over the past ten years, the volume in both types of cases (and other kinds of cases as well) has increased markedly, as shown in Table I-4.

As Table I-4 indicates, the Municipal Court has not handled parking

Table 1-4

CASE FILINGS BY TYPE OF CASE, 1971-1980

<u>TYPE OF FILING</u>	<u>1980</u>	<u>1979</u>	<u>1978</u>	<u>1977</u>	<u>1976</u>	<u>1975</u>	<u>1974</u>	<u>1973</u>	<u>1972</u>	<u>1971</u>
Traffic Violations	6,660	4,672	3,424	3,594	2,894	3,024	1,969	2,083	1,457	1,903
Parking Violations*	17,840	10,361	4,688 (9,868)	-0- (12,310)	-0- (8,600)	-0- (8,367)	-0- (7,526)	5,663	4,700	3,898
Shoplifting Viola- tions	295	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Other Ordinance Violations	637	229	260	315	429	279	453	570	368	390
Animal Ordinance Violations	340	336	505	755	548	419	160	36	70	116
Complaints	76	46	27	214	97	90	249	255	131	97
TOTALS	25,848	15,644	8,904 (14,084)	4,878 (17,188)	3,968 (12,568)	3,812 (12,179)	2,831 (10,357)	8,607	7,726	6,404

*NOTE: From January 1, 1974 through June 30, 1978, parking filings and fines were handled entirely by Central Cash-
iering (within the City's Finance Department), although they were recorded statistically as court activity.

throughout the entire ten-year period. From January 1974 through June 1978, parking violation matters were handled by Central Cashiering, although the revenue collected was attributed to the court. Indeed, transfer of authority over parking violations cases from Central Cashiering back to the court in mid-1978 also marks the point at which the court's staff began to increase in size, as workload shot up rapidly. The result of that mid-year transfer was to increase the court's parking violations workload from zero in 1977 to 4,688 for a half-year in 1978. It then continued to rise, going to 10,361 in 1979 and 17,840 in 1980. During the same period, non-parking offenses have nearly doubled, going from 4,216 in 1978 to 8,008 in 1980. Staff size has grown from the equivalent of four full-time employees prior to the transfer to 8.25 at the end of 1980.

As indicated above, the percentage of cases that involve any type of formal in-court proceeding is relatively small in relation to the number of case filings. In terms of absolute numbers, however, the volume of such cases is relatively large, and as total caseload (especially the total of non-parking cases) rises, this number increases. In 1980, a total of 4,056 in-court arraignments were held, compared to 2,979 in 1979. An additional 1,097 persons entered pleas of not guilty at the Violations Bureau in 1980, compared to 691 in 1979.

Although the caseload has risen considerably over the past decade--and very dramatically over the past three years--it is exceedingly difficult to project future caseload trends. There are a great many factors that can influence caseload levels in future years, including the nature and extent of police activity, commercial activity in the city, population growth in the city and the surrounding area, motor vehicle usage, and the rate of criminal

activity in the city. Additionally, even if the number of case filings were to remain constant, other factors--e.g., practices of the City Attorney's office with respect to plea bargaining, new ordinances passed by the City Council--could affect the number of trials and other aspects of the court's overall workload.

Perhaps the most important factor affecting the court's caseload is the level of activity of the City's police force. In an April 1980 memorandum, the City's Police Chief noted that he expected 1980 to be a year of high enforcement activity and low turnover of police personnel. He projected no significant increases for 1981 or future years unless there were to be a significant increase in police personnel. Discussions with senior police personnel that were conducted during the course of this study indicate that the Chief's April 1980 assessment of future enforcement activity remains valid. Police officials indicated that they expected no annual increase in parking violation filings beyond approximately 17,000. Non-parking violations, which have shown a fairly steady increase since 1971, may be more likely to increase somewhat, but it is highly doubtful that future increases will be as dramatic as the 52 percent increase in filings from 1979 to 1980. Thus, simply on the basis of an analysis of expected levels of police activity, it would appear that--at least for the near future--it is unlikely that there will be dramatic increases in the court's caseload.

In attempting to project future caseloads, one technique used by forecasters is to identify other factors that, historically, appear to be associated with case filing trends, and then to undertake a regression analysis which will produce a projection of future filings. Following this approach with respect to case filings in Englewood over the past six years,

using Arapahoe County population as the regressor, the case filing projections shown in Table I-4 were made.³

Table I-4

PROJECTED CASE FILINGS, ENGLEWOOD MUNICIPAL COURT

<u>Year</u>	<u>Total Filings</u>	<u>Parking</u>	<u>Non-Parking</u>
1975	12,179	8,367	3,812
1976	12,568	8,600	3,968
1977	17,188	12,310	4,873
1978	14,084	9,868	4,216
1979	17,188	10,361	6,827
1980	25,848	17,840	8,159
1981	25,275	17,000	8,275
1982	26,122	17,000	9,122
1983	26,969	17,000	9,969
1984	27,817	17,000	10,817
1985	28,667	17,000	11,664

The caseload projection that results from this approach is relatively conservative, and is consistent with the projections made by police officials. It may be noted that the total projection for 1981 is very similar to the actual 1980 figure. The reason for this is that the 1981 figure fits the projection line produced by the regression analysis, while 1980 is considerably above it. If the correlation between Arapahoe County population and Englewood Municipal Court filings is a true fit, and if 1980 is a typical year, then it is possible that future case filings could be considerably greater than indicated here.

C. Assessing Future Needs: Issues Related to Workload Management and the Prospect of Automation

Although it is very difficult to predict the extent of future increases in caseload, it is reasonable to expect that the long-term trend will be up-

ward. The population of the area around Englewood is expected to continue to grow at a rapid rate, and the city's role as a center of commercial activity is expected to continue. Unless there is an unexpected decrease in the size of the police force or a change in the pattern of enforcement activity, court activity will probably be at or above the 1980 level in future years.

The critical issues, in assessing the future needs of the court, revolve around the extent to which (and the rate at which) the court is able to make effective use of automation. Because a great deal of the court's work involves a high volume of basically simple repetitive tasks, there is a significant potential for productivity increases--and a long-term savings in manpower--through effective use of automation for purposes such as recording fine payments, printing notices of non-appearance or non-payment of fines, issuing warrants, and docketing cases. Additionally, automation holds a potential for rapidly producing statistical data, case status reports, information about defendants' prior offenses, and other types of management information not routinely available through the court's current manual systems.

In view of the fact that the City has made a firm commitment to proceed with the purchasing of a computer system which is flexible in nature and will be adaptable to the needs of different units of government, it makes sense to plan for automation in the court at the earliest feasible time. On the basis of discussions with the City officials involved in the development of the City's computer system, it seems reasonable to believe that extensive automation could be achieved in the court within a period of 18 to 36 months from now. At the outside--assuming that automation of court operations was

given the lowest possible priority--automation would probably not take longer than five years.

It is our judgment that the automation of court functions should be given a high priority in the City's overall plan for computerization. There are a variety of reasons for this conclusion, not the least of which is the fact that the court--which already produces a significant amount of revenue for the City's general fund--could, with automation, be substantially more effective in collecting revenue from fines imposed. And, importantly, automation can be a valuable asset in case management, thus aiding the court to perform its most basic function of resolving cases in a fair and efficient manner.

In assessing the court's future needs, therefore, we make a basic assumption that the court will become automated to the maximum extent possible within the reasonably near future. This assumption has significant implications for the recommendations that we make in several of the areas covered in this study, including caseflow management, personnel, financial management, and records management. Key issues that must be addressed, if the court is to become automated reasonably soon, include the following:

- What is the full range of computer applications that the court needs? What applications should be given highest priority?
- What types of case management information are most important? What changes should be made in the court's case management system as the court moves toward automation?
- What staffing level and pattern will be necessary, once the court becomes fully automated? What staffing patterns will be necessary between now and the time the court becomes fully automated?
- What types of changes will be necessary in the court's financial management system as the court becomes automated?

- What types of changes in filing systems and records management will be necessary?
- What sort of processes of communication and consultation, involving court personnel and officials in other parts of the City government, should be developed in order to make the automation of the court (as well as other aspects of its work) as effective as possible?

It is not possible to answer all of these questions definitively at this time, particularly since final decisions have not yet been made with respect to the equipment to be purchased and the schedule for automation of the many different functions of city government. However, we have sought to address these issues to the maximum extent possible, and to make specific recommendations.⁴ These are set forth in the chapters that follow, together with our assessments of the operation of different facets of the current system.

Footnotes - Chapter I

1. Appeals from decisions of the Englewood Municipal Court may be taken to the District Court for the Eighteenth Judicial District. Because it is a court of record, the court must keep a transcript of all trials and other proceedings that are subject to appeal. This is done by audio tape recording.

2. Additionally, it should be noted that it is very difficult to obtain truly comparable data. Many municipal courts in Colorado have little or no data on caseloads. They categorize cases differently, count differently, and handle caseloads that differ significantly in terms of subject matter and complexity.

3. All forecasting methods require that some pattern for a relationship exists that can be identified and used as a basis for preparing a forecast. There is a trend pattern over time in annual filings of non-parking violations, so that time can be used as one variable in a regression (correlation) analysis to project case filings. When one or more socio-economic variables in addition to time are used in making a regression analysis, the assumption is that the curve of the regression line is curvilinear, meaning that it increases or decreases over time, rather than a steady or constant increase over time. The latter is the assumption when time is used as a regressor. The variables considered were Englewood sales tax receipts, Englewood building permits and business license fees, Englewood population projections made by the Colorado Executive Budget and Planning Agency, and Arapahoe County population projections made by the same agency.

Three were chosen as possible regressors for annual non-parking filings: Englewood sales tax receipts, Englewood population projections, and Arapahoe County population projections. The next step in the analysis was to compute the correlation matrix, followed by regressing non-parking violations with one or more of the independent socio-economic variables. In this case, the computer selected just one independent variable--Arapahoe County population--as being the best indicator of the trend in non-parking violations filings. The significance level for the whole regression is .0284 percent, which is very good. This means that past data show that the percent of variance in non-parking violation filings explained by the increase in Arapahoe County population is 86 percent. This result seems logical, because Englewood is apparently not growing as a city, but draws business and traffic from the surrounding area.

As shown in Table I-4, parking violation filings were held at 17,000 for each year, 1981-1985, and these were added to the projections for non-parking violations. The result is a fairly conservative estimate, but it is believed to be accurate, given the assumptions stated above.

4. For extensive discussions of data processing needs and recommendations related to these needs, see Chapter VIII, *infra*.

II. CASEFLOW MANAGEMENT

In order to describe and assess the caseflow process in the Municipal Court, it makes sense to segregate parking and non-parking cases. Although procedures are identical in both types of cases if a defendant elects to plead not guilty and go to trial, the procedures in the two types of cases are significantly different at other stages.

A. Management of Parking Violation Cases

A parking violation case is initiated by a police officer, who fills out a multi-copy citation form and affixes the defendant's copy of the citation to the windshield of the motor vehicle. On the face of the citation, the officer records the type of violation, the time and place of occurrence, and the model and license number of the motor vehicle. The citation informs the owner of the motor vehicle that within 14 days he must either appear at the Parking Violations Bureau of the Englewood Municipal Court to answer the parking violation charge(s) or remit the amount of the fine shown on the back of the citation. The back of the citation (which also serves as a mail-in envelope) shows the fine schedule, as follows:

	<u>If payment received by Parking Bureau within 14 days of date of issue of citation</u>	<u>If payment received by Parking Bureau after 14 days of date of issue of citation</u>
Overtime Parking	\$ 3	\$13
Parking in a Fire Lane	\$10	\$20
All Other Parking Violations	\$ 5	\$15

The owner of a motor vehicle who receives a citation may follow one of several courses of action:

- He may remit the fine, either by mail or in person at the court's Violation Bureau, thus terminating the case.
- He may fail to respond, in which case the court will seek to obtain the name of the owner of the vehicle from the County Clerk's office in the county of registration, or from the State Department of Motor Vehicles. When (and if) the name of the owner is obtained, the Court will send a notice to the owner, informing him that he is subject to arrest if he does not either pay the fine amount (including penalties assessed for late payment) or contact the court to plead Not Guilty and arrange for a trial.
- He may file a written appeal of the charge(s). The appeal will be considered by the Court Administrator, who serves as the court's Parking Referee. If the Parking Referee upholds the citation, the defendant then has 7 days in which to either pay the fine or come in to the court and set a date for trial.
- He may elect to enter a plea of Not Guilty, in which case a date for trial will be set.

Data on what actually happens to parking violation cases are not routinely available. Recently, however, the Court Administrator has done an analysis of the disposition of parking cases over a 12-month period. That analysis indicates that the disposition of the 17,480 parking violation filings of 1980 is roughly as follows:

Of the total of 17,840 citations filed:

3% (535)	dismissed because they lack some material allegation (e.g., no date of violation shown on citation) or were voided by commanding officers.
6% (1,070)	considered uncollectible, because they were issued to vehicles with out of state license plates. Only about 2% of these vehicle owners will pay voluntarily, and it is considered impractical to try to send notices to them.
91% (16,235)	considered collectible.

Of the 235 citations that are considered collectible:

10% (1,624)	file a written appeal with the Parking Referee, disposition of which is roughly as follows:
40% (650)	citation dismissed for reasons set forth in written appeal.
29% (471)	citation treated as a "warning".
31% (503)	citation approved as valid, and notice to pay or appear to set trial dates valid to vehicle owner. Of these, 9% (45) would request a trial and 91% (458) would be considered as collectible.

90% (14,611) considered collectible.

Of the total of 15,069 considered collectible after the appeal process is concluded:

86% (12,959) will be paid.

71% (9,201)	before receiving a notice from the court.
19% (2,462)	after a first notice has been sent by the court.
10% (1,296)	after a second notice has been sent by the court.

14% (2,100) will not be paid.

42% (886)	dismissed as defective/uncollectible because court is unable to get a correct listing or deemed uncollectible because first or second notice was returned (i.e., moved, left no forwarding address) and Court is unable to get a new address.
58% (1,224)	are not paid even though it appears that the vehicle owner received the two notices sent.

Of the 1,224 cases in which the citation and follow-up notices are ignored by the owner of a Colorado vehicle:

- 10% (122) will be habitual offenders (3 or more violations in a 6-month period) and the citations will be sent to the City Attorney for further action.
- 90% (1,102) will be single offenders and no further attempts will be made by the court to collect.

During the course of a year, the court will send requests for the listing of motor vehicle owners (matching license plates to names of vehicle owners) for about 39 percent of the citations filed--a total of about 6,983 such requests in 1980. In 1980, 5,134 first notices and 2,743 second notices were sent. At the present time, all of these requests and notices are prepared manually, with Violations Bureau Clerks filling in the relevant material on pre-printed forms.

B. Non-Parking Cases: Two-Track System

Municipal cases other than those involving parking violations are initiated by serving a copy of the summons and complaint on the defendant, and filing the summons and complaint with the court. Most commonly--as in the case of a moving traffic violation--this is done by a police officer, using a standard form citation that serves as a summons and complaint. The face of the traffic citation indicates the defendant's name, address, license, other identifying information, and the location, time, and type of violation. It summons the defendant to appear either (a) at the Municipal Court's Violations Bureau, no sooner than 14 and no later than 30 days after the issuance of the summons and complaint; or (b) at the Court for arraignment on a date

(always a Wednesday morning) specified by the police dispatch officer. Whether or not the offense is treated as one that can be dealt with by the Violations Bureau or as one requiring a court appearance depends upon the nature of the offense. If the defendant is charged with one of the following offenses, a personal appearance at arraignment is mandatory:

- Careless driving
- Reckless driving
- Speeding 20 or more miles per hour over the limit.
- Speed contest
- Eluding or attempting to elude a police officer
- Any offense resulting in an accident and/or personal injury.
- A total of 3 or more offenses in a single complaint.
- Any offense where the defendant is 17 years of age or under.
- A fourth or subsequent offense within a 24-month period.
- A third of subsequent offense of the same non-traffic ordinance.
- Failure to respond to a summons.
- All offenses involving non-traffic ordinances, except dog at large or possession and consumption of alcoholic beverage.

For all other offenses, a schedule of fines has been established, and the fine may be paid directly at the Violations Bureau.

If the offense is one that simply requires an appearance at the Violations Bureau, then it can be handled in a fashion similar to a parking violation. The defendant can enter a plea of guilty and pay the fine either by mail (after first ascertaining the amount of the fine and the number of points involved by telephoning the Clerk's office) or in person, and the case

is then terminated. Alternatively, he can either (a) ignore the citation (thus precipitating the mailing of a warning notice and, if that fails to produce a response, a second warning notice and subsequently the issuance of a warrant for his arrest); or (b) elect to plead not guilty and contest the charge(s), in which event the case will be set for trial.

If the offense is one for which a court appearance is mandatory, the defendant will be notified--on the face of the summons and complaint¹--to appear in court for arraignment on a Wednesday morning, either at 8:30 a.m. or 10:30 a.m. The arraignment date will be set at least two weeks later than the date of the summons, in order to give the court time to obtain reports about the incident and information about the defendant's prior driving or criminal history record. The date is set by the police dispatch officer, following guidelines established by the court.

C. Court Cases: The Caseflow Process*

There are three key points in the caseflow process in the Englewood Municipal Court: the arraignment, the pretrial conference, and the trial date. Each is described briefly in this section.

1. Arraignment proceedings. On the average, about 60 defendants are arraigned every Wednesday morning, most of them at 8:30 a.m. and a somewhat smaller group at 10:30 a.m. The judge begins by advising everyone in the courtroom that the primary purpose of the arraignment procedure is to determine whether the defendant wishes to plead guilty or not guilty to the ordinance violation with which he or she has been charged. He explains the defendant's rights to representation by an attorney, the choice between a

* For flow charts that graphically depict the caseflow process, see Appendix A.

court trial and a jury trial, the burden of proof at a trial, the meaning of a guilty plea, and the extent of the penalties the court may impose. He also notes that if a defendant decides to plead "Not Guilty", he will be given two dates: a date for the trial and a date for a pretrial conference. The pretrial conference is optional if the defendant elects a court trial, but mandatory if he elects a jury trial.

The formal advisement of procedures and rights* takes about 15 to 20 minutes. The judge then calls the calendar, asking those who intend to plead "Guilty" to raise their hands. Those who intend to plead "Not Guilty" are asked to enter their plea of Not Guilty for the record and then go to the rear of the courtroom to speak with a deputy clerk about the dates for the trial and for the pretrial conference. The defendants who plead Not Guilty are given two pamphlets--one advising them of their rights and obligations with respect to the charges, the other telling them about the optional pretrial conference. They are also given a written notice of the trial date and the date on which the pretrial conference is scheduled.

During 1980, a total of 4,056 arraignments were scheduled, and 3,200 were actually held. The results of these arraignments are shown in Table II-1.

Table II-1

OUTCOMES OF SCHEDULED ARRAIGNMENTS, 1980

<u>Outcome</u>	<u>Number</u>	<u>Percent</u>
Plea of Guilty to Original Charge	1,845	45.5%
Plea of Guilty to Reduced Charge	42	1.0%
Plea of Not Guilty	1,294	31.9%
Continued to Later Date	423	10.4%
Defendant Failed to Appear	433	10.7%
Dismissal	19	0.5%
	<u>4,056</u>	<u>100.0%</u>

* See Appendix B.

As Table II-1 indicates, approximately 45% of the scheduled arraignments (and about 60% of the arraignments actually held) result in the entry of a guilty plea by the defendant. Each of the cases in which a guilty plea is entered is dealt with individually by the court. The judge reads the charges and the written statement of the officer who issued the citation aloud, and offers the defendant an opportunity to ask questions or make statements on his own behalf. He seeks to ensure that the defendant understands the charges and the possible penalties before imposing sentence. After announcing the sentence, he may question the defendant further to make sure that the defendant understands the sentence.

In most cases the sentence is a fine, and the judge advises each defendant who has been fined that before he can leave the court building he must stop at the Clerk's office and pay the fine. If the defendant indicates that he cannot pay the fine immediately, the Judge may grant a stay (or partial stay) of execution, in which case the defendant must sign the stay agreement in the Clerk's office.

In addition to imposing a fine,^{*} the Judge may also sentence the defendant to jail (for up to 90 days), may suspend a jail sentence, and/or may place the defendant on probation. Depending on the circumstances of the case, conditions may be attached to the suspension of a jail sentence, the probation order, or the order to pay a fine. For example, a jail sentence may be suspended on condition that the defendant make restitution for damage inflicted on the complainant. Similarly, attendance at a defensive driving school operated under the court's auspices may be made a condition of probation.

2. Pretrial Conferences. In June 1979, the Court implemented a pretrial conference procedure under which every defendant who pleads not guilty, whether at the Violations Bureau or at arraignment, is given both a trial date

* See Appendix C for Fines Schedule.

and a date for a pretrial conference with the prosecutor. If the defendant demands a jury trial, the pretrial conference is mandatory;² if not, participation in the conference is optional. Every Tuesday is set aside for holding the optional pretrial conferences, and the court's general practice is to schedule a defendant's pretrial conference within a one or two week period following the entry of the not guilty plea. Mandatory pretrials, of which there were 253 in 1980, may be scheduled for any day of the week, and are fitted in around other business.

The primary purpose of the pretrial conference is to determine whether the parties can agree upon a disposition satisfactory to the prosecutor, the defendant, and the court, without necessity for a trial. The conference is held at the prosecutor's office in City Hall, a few steps from the courtroom. If the defendant appears at the pretrial conference and agreement is reached on a disposition, the parties go into open court and enter the plea on the record. As in the case of guilty pleas at arraignment, the judge may question the defendant to be certain that he knows what he is doing prior to accepting the plea and imposing sentence. After sentence is imposed, the previously scheduled trial in the case is stricken from the court's docket. If the defendant appears for the optional pretrial conference and a disposition is not reached, the conference can be continued (one time only) for one week.

According to statistics kept by the Court Administrator, about 77 percent of the defendants in cases set for optional pretrial conferences appear for the conferences. Of these cases, about 78 percent are terminated on the date of the conference, by plea bargain, dismissal, or change of plea to guilty or nolo contendere. Once it is clear that the case is going to trial, the police officers and other witnesses are notified to appear on the trial date.

At the mandatory pretrial conference, the prosecutor, the defendant, and the witnesses for the city are required to be present. When a case is set for a mandatory pretrial, the defendant almost always appears, probably because failure to appear will result in forfeiture of the \$25 jury demand deposit. As in the case of optional pretrials, the parties must report the outcome of the mandatory pretrial conference to the judge in open court. If no disposition is reached at the conference, the Judge advises that the parties have seven additional days in which to try to do so, after which a jury will be called. After the seven day period, the only way in which a case can be terminated is (except in very unusual circumstances) by a guilty plea to the original charge(s) or dismissal of the entire case by the City Attorney. In 1980, of 161 jury trial demands, only 16 (10 percent) were set for jury trial.

3. Trials. The trial date set at arraignment is about four to five weeks after the pretrial conference, to allow time to subpoena witnesses. Police officers are notified to appear on the scheduled date and other witnesses are subpoenaed by the City Attorney's office.

During 1980, a total of 862 cases proceeded past the pretrial conference stage (either because the defendant failed to appear at the pretrial conference or because a disposition could not be reached at the conference) and were set for trial on the docket sheets prepared by the Deputy Clerks five days in advance of the scheduled hearing. As Table II-2 indicates, most of the cases that were set for a jury trial at this point went forward to trial, but only about 12 percent of the cases set for court (non-jury) trials actually resulted in trials. Of the remainder, about three-quarters resulted in dispositions on the date of trial or very shortly before, and most of the others

were cases where the defendant failed to appear and a warrant issued for his arrest.

Table II-2

TRIAL SETTINGS AND TRIALS, 1980

<u>Type of Trial</u>	<u>Number of Trials Initially Scheduled (before Pretrial Conference)</u>	<u>Number of Trials Set When Docket Prepared (5 days before hearing)</u>	<u>No. of Trials Held</u>
Court (Non-Jury) Trial	2,411	846	98
Jury Trial	161	16	10

The high rate of dispositions on the day set for trial means that a large number of police officers and witnesses are required to appear at court but end up leaving without having to testify. Court time is lost on these days, because it is too late to schedule other matters when a scheduled trial "collapses". The prosecutor, faced with the prospect of having to try all of the cases on the day's docket if an agreed-upon disposition cannot be reached, is under pressure to enter into plea bargains.

D. Calendar Practice

The activities of the court are organized to allow time for each of the three major categories of work--arraignments, pretrial conferences, and trials--to be scheduled. Table II-2 illustrates the basic schedule followed by the court in making up calendars for future cases:

Table II-3

MUNICIPAL COURT WEEKLY WORK SCHEDULE-GUIDELINES FOR TRIAL SETTINGS

<u>Time and Activity</u>				
<u>Day</u>	<u>8:30 a.m.</u>	<u>10:30 a.m.</u>	<u>1:30 a.m.</u>	<u>3:00 p.m.</u>
Monday	Approximately 5 Jury Trials		5 Court trials	5 Court trials
Tuesday	15 Optional Pretrials	15 Optional Pretrials	10-15 Optional Pretrials	10 Optional Pretrials
Wednesday	Arraignments	Arraignments	5 Court Trials or 5 Jury Trials	5 Court Trials or
Thursday	5 Court Trials	5 Court Trials	5 Court Trials or 5 Jury Trials	5 Court Trials
Friday	5 Court Trials	5 Court Trials	5 Court Trials or 5 Jury Trials	5 Court Trials

Other types of hearings are scheduled as needed within the above schedule

As Table II-3 indicates, the trial setting guidelines followed by the Deputy Clerks at arraignment is about five trials for a single morning or afternoon time slot. By the time the pretrial conferences have been held, this number will have been pared down sharply. Docket sheets prepared five days in advance of a court date should show an average of two to three cases set for trial on a morning or afternoon where court trials are scheduled, although--because of the court's concern about accommodating police officers' schedules--some mornings or afternoons may have as many as six or eight trials actually on the docket. On many days, none of these settings actually results in a trial.

Actual capacity for trials,⁴ assuming continuation of present scheduling practices (which call for arraignments to be held on Wednesday mornings

and pretrial conferences all day on Tuesday), and the current staffing level of one judge and one prosecutor, is probably a maximum of fifteen per week, figured as follows:

Table II-4

MUNICIPAL COURT JUDGE'S TRIAL CAPACITY

	<u>Morning</u>	<u>Afternoon</u>
Monday	1 Jury Trial	2 Court Trials
Tuesday	0	0
Wednesday	0	2 Court Trials
Thursday	3 Court Trials	2 Court Trials
Friday	3 Court Trials	2 Court Trials

This estimate may be somewhat high, because it allows relatively little time to both hold the trials and conduct other miscellaneous types of business. These miscellaneous matters include, for example, hearings on motions and on orders to show cause why the bond on a defendant who has failed to appear should not be revoked; holding in-court proceedings on a disposition previously agreed upon at a pretrial conference or via telephone; and (for the prosecutor) holding pretrial conferences that could not be held on a Tuesday. A much more conservative estimate of capacity would be a total of nine trials per week, assuming one jury trial on Monday morning, two instead of three court trials on Thursday and Friday mornings, and one court trial instead of two on Monday, Wednesday, Thursday, and Friday afternoons.

Of course, the fact that the court's capacity to conduct trials may be between 9 and 15 per week does not necessarily mean that there can (or should) be a significant increase in the number of trials actually held. There will always be a high percentage of cases in which it is in the interests of justice--and fair to both the City and the defendant--to resolve the matter by negotiation rather than trial. Further, there is ample evidence from research in other courts that defendants' perception that the court has a genuine capacity to hold trials (and is prepared to do so if necessary) is a very important factor in encouraging settlements. A close look at trial capacity suggests that it would be possible to hold a larger number of trials than are being held at present. Indeed, it would appear the court actually has the capacity to try virtually all of the cases that are docketed for trial. In 1980, with a total of 846 cases set for court trials on the docket sheets typed five days in advance of the court date, there was an average of about 17 cases per week for which trials were presumably ready to proceed on the date scheduled. This is only slightly more than the court's actual 15-trial capacity. Under these circumstances, it should be possible for the prosecutor to adopt a much firmer policy with respect to plea bargaining.

E. Case Processing Times

The court's current recordkeeping and management information system does not provide for regular reports indicating how long cases are taking from inception to disposition. In order to obtain information on case processing times, the study team examined court records to obtain data of two types: (a) the age of cases at disposition; and (b) the age of pending cases.

1. Age of Closed Cases. A sample was taken of the 587 non-parking dispositions recorded during the month of September 1980. One hundred eighty-two cases, or 31 percent of the total, were included in the sample. Of the 182 cases, 162 were disposed of either at arraignment or at the pretrial conference. The median interval from arraignment to pretrial (in cases where a pretrial conference was held) was 7.5 days. Three-quarters of the conferences were held within 15 days of arraignment, and 90 percent took place within 30 days of arraignment.

For the 20 cases that proceeded beyond the pretrial conference stage, the median time from arraignment to disposition was 44 days and 90 percent were disposed of in 93 days or less. Two cases (the remaining ten percent) were 136 and 191 days old at disposition, and the data indicated that the defendants had failed to appear at either the arraignment stage or at the pretrial conference.

2. Age of Pending Cases. During the study, a 20 percent sample was taken of pending cases (excluding open warrants), resulting in a sample size of 194 cases. The median age of the cases sampled, including 30 cases in which adjudication had been made but imposition of sentence deferred, was 39.6 days. When these 30 cases are removed from the sample, the median age is 33 days, with no case pending for more than 105 days.

Based upon the examination of data from both pending and recently closed cases, it is clear that the court is well in control of its case-load. About 59 percent of the cases that go to court are resolved at arraignment. Pretrial conferences are held shortly after arraignment, resulting in the disposition of a large portion of the remaining cases, and the remainder are generally disposed of on or before a trial date within

five or six weeks thereafter. Median times to disposition are speedy, even for cases not completed at arraignment, and very few cases take as long as three months to complete.

The court operates under Rule 248B of the Colorado Municipal Court Rules of Procedure, which prescribes the disposition of misdemeanor cases within 90 days of the date of arraignment unless a delay beyond that limit is caused by the defendant or required by other unusual circumstances.

Rule 248B. Dismissal.

(B) By the Court. If there is unnecessary delay in the trial of a defendant, the court may dismiss the case. If the trial of a defendant is delayed more than ninety days after the arraignment of the defendant, unless the delay is occasioned by the action or request of the defendant, the court may dismiss the case and the defendant shall not thereafter be tried for the same offense; except that if on the day of a trial set within the last ten days of the above time limit a necessity for a continuance arises which the court in the exercise of sound judicial discretion determines would warrant an additional delay, then one continuance, not exceeding thirty days, may be allowed, after which the dismissal shall be entered as above provided if trial is not held within the additional time allowed. (Amended May 25, 1978, effective July 1, 1978.)

As shown by the data summarized above, the Englewood Municipal Court operates well within this standard. Excluding cases in which the defendant fails to appear and a warrant is issued, the cases that take more than 90 days are very few in number and in these cases the delays are invariably the result of requests by the defendant for a continuance.

F. Notices and Warrants

Like virtually every municipal court, the Englewood Municipal Court faces problems of motor vehicle owners who fail to respond to parking viola-

tion citations and of defendants in non-parking cases who fail to appear or who, after conviction, fail to pay a fine imposed by the court. The court's approach to dealing with non-responsive defendants varies, depending upon whether the case involves a parking violation or some other type of offense. In the case of a parking violation, the court simply sends notices to the person registered as the owner. If there is no response after the second notice, the court considers the citation uncollectible, and either turns it over to the City Attorney's office (if the listed owner has three or more violations within a six-month period) or files it in an "uncollectible" file.⁵

In non-parking cases that can be handled at the Violations Bureau, if the defendant fails to appear within the prescribed 30 day period, the court sends a warning notice. If that does not produce a response, the court sends a second notice warning that failure to respond will result in the issuance of a warrant for his arrest. Where the defendant has failed to appear for an arraignment or other scheduled court date, a single notice is sent, by certified mail.

If the defendant responds to a notice, the case goes back on its usual track, handled either as a Violations Bureau case or a court case, but with the defendant assessed a penalty for the cost to the court of sending the notices. If there is no response to the last notice, the court will issue a bench warrant for the defendant's arrest.

After the warrant has been issued, it is sent to the Englewood Police Department for execution. The Police Department transmits the information concerning the case into the Colorado Crime Information Center (CCIC), thus enabling police from other Colorado jurisdictions to learn about the outstanding warrant (and to make an arrest on it) if they should pick up the

defendant for other reasons and run a check on him. Englewood officers can make arrests on the warrant only within the boundaries of the City, and tend to try to fit in the "working" of warrants around other duties.

During 1980, the number of warrants issued for non-appearance or non-payment more than doubled, going from 426 in 1979 to 913 in 1980. At the end of 1980, approximately 700 warrants were outstanding. Warrants that are still outstanding after two years are purged from the court's file, and sent to the City Attorney's office for dismissal.

During the period from October 1979 to February 1980, the court adopted a practice of having a Deputy Clerk make "courtesy phone calls" to defendants who failed to respond to notices, prior to the actual issuance of the warrant. The program was dropped at the end of February because of the pressure of the court's other work, but statistics compiled by the Court Administrator indicate that the program produced useful results. Based on the previous percentages of warrants issued in such cases, she estimates that 346 warrants would have been issued if the calls had not been made and that in 185 of these cases (53 percent) the phone call produced a response and made it unnecessary to issue the warrant.

G. Overall Assessment

A 1973 monograph published by the American Bar Association, entitled Caseflow Management in the Trial Court, identifies and discusses a number of elements of effective caseflow management.⁶ Subsequent research in a number of different courts has provided further validation of the basic principles of caseflow management set forth in that 1973 monograph.⁷ The chart on

KEY ELEMENTS OF AN EFFECTIVE CASEFLOW MANAGEMENT SYSTEM

EVALUATION OF ENGLEWOOD MUNICIPAL COURT CASEFLOW MANAGEMENT PRACTICES

1. Policy level commitment by judges to control of caseload and speedy disposition of backlog.

2. Continuing consultation among court, bar, prosecutor, et al about system operation and means of improvement.

3. Established procedures governing the flow and processing of cases, including judicial commitment to tight control of continuances.

4. Centralized responsibility for operation of the caseload management system.

5. Continuance cognizance and control of case progress.

6. Simple recordkeeping system specifically designed to facilitate control of case progress.

7. Case processing standards and caseload system performance standards developed and adapted by judges and administrators as explicit management goals.

8. Continuing measurement of system performance against management goals, including monitoring and feedback and periodic modification of the system.

9. Established techniques for avoiding or minimizing the possibility of attorney and police officer schedule conflicts.

10. Service of a court administrator to act as a coordinator and innovator in the caseload management process.

Very strong commitment. Judges and court administrator constantly monitor system operation, develop workable procedures to deal with problems (e.g., optional pretrial program).

Consultation concerning court practices appears good. For example, City Attorney's office participated in development of pretrial conference program. Work schedules of police officers are taken into account in scheduling pretrials and trials.

Court is very good at developing workable policies and procedures for case management. These should be incorporated in a formal procedures manual when possible. Continuance rate appears to be relatively low, but this is an area where tighter policies may be needed as caseload rises.

With one-judge court, responsibility is necessarily centralized in judge, working closely with court administrator.

Good monitoring and control. Judge reviews case status and age each time a case comes up on the calendar to assure that the 90-day limit will not be exceeded. Additionally, cases are always assigned a "next action" date. Case files of pending cases are filed in chronological order according to next scheduled action date, thus assuring that next action date will always be assigned. Only weakness in the system is lack of capacity to quickly ascertain age of pending cases and thus identify all "old" cases, but under present conditions, this is not a major problem.

Adequate. Case files indicate key dates (e.g., date of offense, dates of prior court proceedings), thus providing the judge with this essential information when case is on calendar. Additionally, case filing system (see 5 above) helps ensure that case is always assigned a next action date and that time limits are not exceeded.

Adequate. The court has some standards dealing with internal operations (e.g., number of arraignments, trials, and pretrials to schedule per day; time periods for setting pretrial conferences and trials). Particularly if caseload continues to rise, tighter policies concerning number and length of continuances, inventory control; and cut-off dates for plea bargaining would be useful in enabling continuing control of caseload.

Very good. Court regularly produces useful statistical report, but lack of standards and goals--except for 90-day limit for trial--means that the reports are not related to explicit management goals. Availability of information on prior list day of case (in case file), plus practice of always assigning a next action date, effectively guards against exceeding 90-day limit in individual cases. Minor modifications of existing recordkeeping system would facilitate monitoring of case age.

Good. Attorneys are routinely consulted in setting dates for trial, and accommodations are made when necessary. Police Department supplies each officer's schedule, which is consulted by court when date is set.

Very good. The Englewood court has a court administrator who performs these functions very efficiently.

Page II-20 summarizes our assessment of the caseflow management practices of the Englewood Municipal Court in light of these principles. As the chart indicates, the study team's overall evaluation of the court's current caseflow management system is highly positive. Despite a very sharp increase in the volume of cases filed (both parking and non-parking cases) the cases are handled efficiently. Disposition times are speedy, and are well within the 90-day time standard established by the Colorado Rules of Municipal Court Procedure. The judge and the court administrator are clearly concerned about effective caseflow management, and monitor the caseload on an ongoing basis. Remedial action is taken when problem areas become apparent. The court's internal scheduling practices are sound and well managed.

H. Recommendations

In view of the fact that the court's existing case management system operates effectively, the principal recommendations outlined in this section relate to planning for case management when the court becomes automated to a significant extent. There are, however, two areas in which we believe that steps could be taken now to improve the court's operation. The first area--utilization of trial capacity--is largely out of the court's control, and mainly involves questions of policy and staffing in the City Attorney's office. The second area--issuance and service of warrants--would probably involve some increment in staffing in the court above the 1980 level. The recommendations are as follows:

1. Place greater emphasis on trial-date certainty and allow no plea bargaining later than seven days after the pretrial conference date. In 1980,

the court held only 98 court trials and 10 jury trials. The rate of "collapse" of court cases docketed for trial following pretrial conferences was very high (over 88 percent), largely because of last minute agreements on pleas. Since defendants know that they can get a favorable plea bargain on the date set for trial, they have little incentive to settle earlier, and the court's trial docket gets clogged with cases that will never be tried. The court has the capacity to try virtually all of the cases that are docketed for trial. An expectation should be established that cases which are on the trial docket when it is prepared (five days in advance of the hearing date) will be tried. In order to achieve this objective, there would have to be a general policy on the part of the prosecutor of not agreeing to last-minute reductions in charges. A date seven days after the pretrial conference could be the effective cut-off date for plea negotiations in all cases. Such a plea cut-off policy is now in effect in cases for which a jury trial has been demanded, and the results appear to be good. Settlements are encouraged, and cases not settled earlier in the process have a high degree of certainty of going to trial. If a case is not settled by the cut-off date, it should--except in extraordinary cases--result in a trial, a plea to the original charges, or a dismissal. If implemented, it is highly probable that such a policy would result in fewer cases being docketed for trial, thus further increasing the likelihood that those scheduled for trial could be tried.

2. Add a second prosecutor to the City Attorney's staff, on a part-time basis. One reason for the current heavy reliance upon plea bargaining is that the prosecutor must deal with a very high volume of cases. A single prosecutor cannot both try cases and hold pretrial conferences at the same

time. Time when the prosecutor is holding pretrial conferences or doing other out-of-court work is "down time" for the court. If the City Attorney had a part-time prosecutor who could handle some of the workload, the Court's existing capacity could be utilized much more effectively. At the present time, for example, no trials are scheduled on Tuesdays because optional pretrial conferences are held on that day. If a second prosecutor were available, several trials could be held on Tuesdays. The court's capacity would be better utilized and pressures to resolve a case by plea bargaining would be appreciably lessened.

3. Resume the practice of making "courtesy telephone calls" prior to issuance of warrants for non-appearance or non-payment and do a careful evaluation of the effectiveness of this practice. The growth in the number of warrants issued and outstanding is posing an increasingly serious problem. The warrant process is relatively expensive (estimated at a minimum of \$25 per case; could be closer to \$75 per case when all the court and police time is computed), and ineffectual handling of warrants means both loss of respect for the administration of justice and loss of revenue for the city. The court's five-month experiment (October 1979-February 1980) with making courtesy telephone calls to defendants, following failure to respond to notices but prior to issuance of a warrant, appears to have been effective in reducing the number of warrants issued and increasing the revenue collected by the court. Additionally, it avoids unnecessary arrests of citizens. If the court's workload remains at or above the 1980 level (as we expect it will), some increment in staffing will be necessary to enable performance of this function. We estimate the time involved as approximately one-half the time of one experienced full-time employee, and discuss re-

lated staffing questions in the chapter on Personnel Management. If additional staffing is made available to enable the performance of this function, it should be treated as an experimental pilot program. The program should last a minimum of six months, and should be carefully monitored and evaluated.

In recommending this approach to handling the problem of outstanding warrants, we have also considered an alternative approach under which the court would employ a marshal who would have specific responsibility for serving the warrants. Although both approaches have merit, we believe that the phone call notification approach is sounder, for several reasons. First, it is not clear that the marshal could validly serve warrants outside the City of Englewood, and many defendants with outstanding warrants against them are not Englewood residents. Second, the notification system is probably cheaper. It does not require use of a car, can be organized easily, and will have a broader geographic reach since telephone calls can be made to persons located outside Englewood. Third, the process of "tracing" defendants who ignore citations and notices, even if it does not produce an appearance or payment by the defendant, should produce information about the defendant's whereabouts that will be valuable in enabling the service of the warrant if one is issued. Fourth, it is widely believed that service of warrants should be treated as a law enforcement (police) responsibility, especially since there may be elements of physical risk involved. In this connection, it should be noted that warrants currently go on CCIC, and that routine police checks made during the issuance of a traffic ticket sometimes result in discovery that there are outstanding warrants against an individual.

4. Develop data on continuance rates and consider implementing a more restrictive continuance policy. On the basis of observation in court and analysis of case record data, excessive continuances do not appear to be a significant problem in the court at the present time. The court's general policy has been to be fairly lenient in granting continuance requests when both sides agree, except in jury-demand cases. However, particularly if caseload continues to increase, the continuance policy may have to be tightened in order to enable the court to operate on a reliable schedule. We recommend that the court develop a simple system for keeping track of (a) the number and percentage of scheduled events (both trials and pre-trial conferences) which are continued to a future date; (b) the source of the request (City Attorney, defendant, or both); and (c) the reasons for the requests. On the basis of analysis of such data over a three to six month period, judgments can be made about possible policies that could be implemented in this area. For example, consideration might be given to a policy of allowing no more than one continuance for a maximum of four weeks, regardless of who requests it, and of refusing (or sharply limiting) further requests even if both sides wish one.

5. Develop mechanisms for regularly collecting and using additional types of management information. The court does an excellent job of producing statistics on court activities. Much of the regularly produced statistical information is useful for management purposes and, in addition, the court administrator periodically collects and analyzes data from court dockets and other sources to help assess specific aspects of court operations. The fact that the court's operations are entirely manual necessarily imposes some constraints on the extent to which (and the speed with which) some

types of useful management information can be produced. It is our recommendation that--particularly as the court begins to move toward automation, which will enable very rapid production and analysis of such data--the court develop mechanisms for accumulating the following data and regularly producing simple reports utilizing these data elements:

1. The number of filings, by type of case.
2. The number of dispositions, by type of case.
3. The number of court cases pending, by type of case.
4. The number of pending court cases 0-30 days old (measured from arraignment); the number 31-60 days old; the number 61-90 days old; and the number over 90 days old, with an explanation for any cases which are over 90 days old.
5. A breakdown of court case terminations by type of termination. For example, number terminated by plea at arraignment, number terminated by court trial, number terminated by jury trial, number terminated at optional pretrial conference, number terminated by mandatory pretrial conference; or any similar breakdown which shows how cases are being disposed of in the court. The court administrator presently accumulates much of this information by going through the docket.
6. The number and percentage of court cases continued and reasons for continuances. This is a measure of the extent to which the court (and not the attorneys or defendants) is controlling case progress. Presently, only those continuances which occur after the docket has been typed are recorded in the statistical tabulation. As discussed above, all continuances should be identified and accounted for, so that the percent of scheduled cases continued can be calculated.
7. The number and age of outstanding warrants.
8. Age of cases at disposition, by type of case and type of disposition.

6. Begin planning, immediately, for development and implementation of an automated case management system. This is perhaps the most important recommendation of all. It is clear that, in the reasonably near future, many of the functions that are now performed manually by the court staff will be

automated. Automation has great potential for improving the management of the caseflow process (as well as other aspects of the court's work), but will also require substantial changes in the way specific tasks are performed. Since tasks currently performed will no longer be necessary, new ones will have to be added, and a wide range of changes made. It is essential that court staff--especially the judges and court administrator--be involved in development of case management applications of the city's new computer system, on an ongoing basis.

Footnotes - Chapter II

1. However, if the reason for the arraignment being mandatory is that it is the defendant's fourth or subsequent offense within a 24-month period, this may not be known at the time the citation is issued by the police officer. In this event, the summons to appear in court will be issued by the court, after a Deputy Clerk has obtained and examined the defendant's driving record.

2. The mandatory pretrial conference procedure, for cases in which a jury trial is demanded, has been in effect since 1974.

3. Ninety-eight trials is about 4 percent of the number of trials initially scheduled and--more significantly--only about 12 percent of the "five-day" docket.

4. Trial capacity refers to the number of actual trials the judge could hear, considering trial length and the amount of judge time available to be devoted to trials. For example, if court trials average an hour and the judge has three hours available every morning, his trial capacity is three court trials per morning.

5. A warrant cannot be issued for the arrest of the vehicle owner because, technically, the court does not have jurisdiction over that individual. In order for the court to acquire jurisdiction, the City Attorney must personally serve the vehicle owner with a summons and complaint (as is done by the police department in non-parking cases), and file proof of such service with the court.

6. Maureen Solomon, Caseflow Management in the Trial Court, (American Bar Association, 1973), pp. 1-3, 30-47.

7. See, e.g., Thomas W. Church, Jr. et al, Justice Delayed: The Pace of Litigation in Urban Trial Courts (Williamsburg, Va.: National Center for State Courts, 1978); Ernest C. Friesen, "Justice in Felony Courts: Report on a Study of Delay in Metropolitan Courts During 1978-79", 2 Whittier Law Review 7 (1979); Larry L. Sipes et al., Managing to Reduce Delay (Williamsburg, Va.: National Center for State Courts, 1980).

III. JURORS AND WITNESSES

A. Jury Utilization Practices

During 1980, 161 defendants pleaded not guilty and demanded a jury trial and, as required, posted the \$25 jury deposit with the court within ten days of the demand. When such a demand is made, the defendant is given both a date for the trial and a date for a mandatory pretrial conference. Typically, the date for the pretrial conference is set about three weeks from the date of the plea and five weeks in advance of the trial date in order to allow time for the service of notices and subpoenas to witnesses.

As indicated in Chapter II, most of the cases in which a jury trial is demanded are resolved at the pretrial conference or shortly thereafter. After a seven day period following the conference, the only way a case can be terminated without a jury trial is through a guilty plea to the original charge(s) or dismissal of the entire case by the City Attorney. In 1980, of the 161 jury trial demands, only 16 (10 percent) were actually set for jury trial.

Ten days prior to the scheduled date of a jury trial, the prosecutor is required to file a certificate of readiness, which includes a list of witnesses for the trial. At that point, the case is considered a "firm" jury trial, and the Clerk of Court--who also serves as Jury Commissioner--draws up a list of jurors.

In the past, the basic source list for selection of jurors has been the Cole Metropolitan Street Directory. The court picks an arbitrary number of addresses per street and sends two jury questionnaires to each of

these addresses. In 1980, approximately 794 questionnaires were mailed, resulting in a yield of approximately 396 prospective jurors who were qualified and available to serve. Recently, the Court has made arrangements with the Colorado Judicial Department to use the Judicial Department's source list of jurors, which is a combination of the voter registration list, driver registration list, and certain city directories. The Court will screen out non-Englewood residents of the 81110 zip code area, and a random selection process will be used to identify names of prospective jurors from the integrated list. These individuals will be sent questionnaires to determine their qualification for jury service.

When it appears clear that a jury trial is "firm" and the list of prospective jurors has been drawn up, summonses for jury duty are prepared by the Clerk and served personally by the court's marshal. If the defendant has requested a six-member jury, 15 prospective jurors will be summoned, thus allowing for a total of nine challenges. If the request is for a three-member jury, 12 will be brought in.

Once jurors are summoned, a jury trial is almost always held; during 1980, only two jury panels were dismissed after the jurors had come to court, and both of these occurrences were regarded as unusual. The attitude in the court is that "if we call a jury, there had better be a jury trial". In the past, jurors were summoned to be available for up to three days or until they served on a trial. Under a "one-day, one-trial" system now in the planning stage, citizens will be called to jury duty for one day only and will not be summoned again until the source list is re-created. Jury trials typically last about half a day, and may go longer in unusual circumstances. They are ordinarily scheduled for a Monday morning, and no other court business is

scheduled for a Monday morning on which a jury trial has been docketed and the jury summoned.

B. Witnesses

In most cases, the principal witnesses (assuming the case goes to trial) will be the police officer who issued the citation and the defendant. In some cases, additional witnesses may be necessary.

If a jury trial has been demanded, the prosecutor is supposed to have all of the City's witnesses present at the mandatory pretrial conference. At the conclusion of the conference, if a settlement is not reached, these witnesses are subpoenaed to return to court to testify on the trial date.

By and large, the parties are responsible for getting their witnesses to the court. If the court's authority is necessary to get a witness to come to court, the primary method for doing this is by mailing the subpoena to the witness, together with a letter explaining the system and a pre-stamped postcard which the witness is asked to sign and return to the court, acknowledging receipt of the subpoena and waiving the right to personal service. If the postcard has not been received back at the court within 14 days of the date it was sent, the subpoena is given to the Court Marshal for personal service on the witness.

Witnesses who testify at a trial (except for City employees) are paid a fee of \$5. If the verdict is guilty, the defendant must pay the witness fees; if the defendant is found innocent, the fees are paid by the court. If a trial is not held, no witness fees are paid.

C. Overall Assessment

The systems for handling jurors and witnesses appear to be adequate. Although jury system management is not a major management concern of the court, the court administrator and the judge have taken steps to improve its operation. The use of the integrated source list provided by the Colorado Judicial Department will significantly improve the juror selection process, providing a more complete pool of prospective jurors. Adoption and implementation of a "one-day, one-trial" juror utilization system--under which citizens are called to jury duty for one day only and will not be summoned again until the source list is re-created--will be a further improvement, minimizing the inconvenience to citizens.

D. Recommendation

1. Implement a one-day, one-trial juror utilization system as rapidly as possible. Plans for full implementation of this system have been made, but have not yet been implemented. Under the system currently in effect, jurors are summoned to be available for up to three days, or until they serve on a trial. A one-day system makes jury duty less of a burden on citizens, is clearly feasible in light of the availability of the Judicial Department's integrated juror source list, and should be implemented as quickly as possible.

IV. COURT PERSONNEL AND PERSONNEL MANAGEMENT

A. Staffing Structure

Municipal court organizational structures and staffing patterns differ considerably from court to court, depending on factors such as size and nature of court caseload, allocation of functions related to court operations (e.g., payment of parking tickets, service of process, execution of warrants), and city budgetary constraints. Because of these differences, together with differences in the way courts count cases and organize statistics, it is difficult to obtain reliable comparisons of staffing levels and staff workloads in different courts. As Table IV-1 indicates, it is possible to get widely varying measures of workload per staff member in different courts, depending upon whether the base used for such computations is total caseload or number of parking and non-parking cases.

Table IV-1

CASELOADS PER FTE IN SELECTED COLORADO MUNICIPAL COURTS

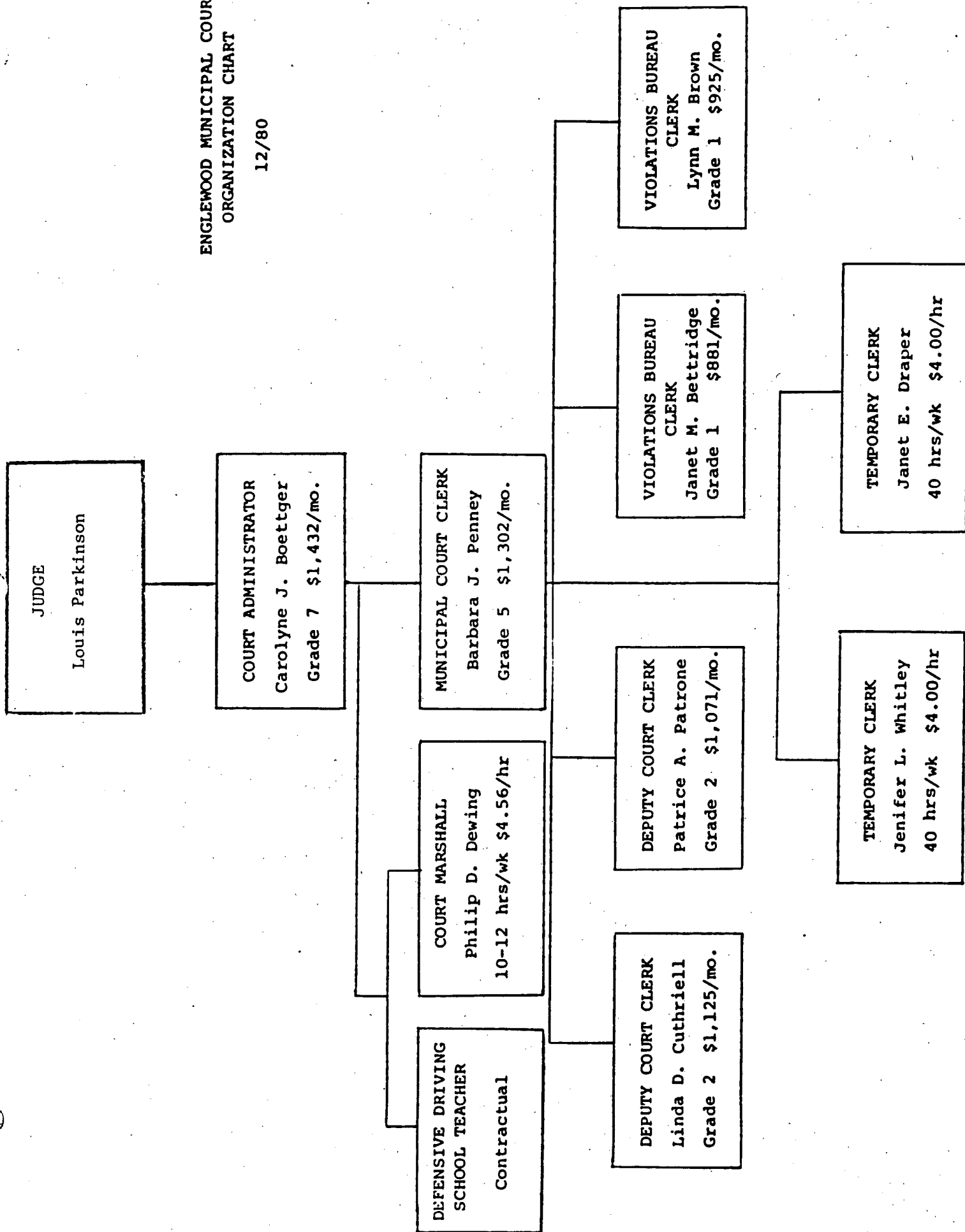
City	Size of Court Staff (FTE)	Total 1980 Case Filings	Total Cases per FTE	1980 Non- Parking Filings	Non- Parking Cases per FTE	1980 Parking Filings	Parking Cases per FTE
Englewood	8.25	25,848	3,133.1	8,008	970.7	17,840	2,162.4
Littleton	6.5	12,040	2,189.1	4,843	880.5	7,197	1,308.5
Northglenn	3.5	11,046	3,156.0	7,339	2,096.9	3,707	1,059.1
Wheatridge	2.4	5,826	2,427.5	4,408	1,836.7	1,418	590.8
Westminster	6.2	11,571	1,866.3	8,371	1,350.2	3,200	516.1
Arvada	6.0	12,903	2,150.5	11,509	1,918.2	1,394	232.3
Boulder	8.0	95,356	11,919.5	11,528	1,441.0	83,828	10,478.5

In terms of number of cases per full-time staff member, the Boulder court--which is the only court with extensive computer capability--appears to be by far the most efficient. Of the other courts, Englewood and Northglenn handle the greatest number of total cases per full-time staff member, but it is virtually impossible to assess relative efficiency because of the diversity in the makeup of the caseloads.

Within the city of Englewood itself, a number of aspects of court operation have changed markedly over the past decade. Ten years ago, the court was essentially a low-volume, part-time operation, staffed by two full-time employees and one part-time person. During the past decade, as the caseload has increased, the size of the staff has also grown. The most significant changes occurred in 1978, when parking violation matters--which had been handled by Central Cashiering from January 1974 to June 1978--were added back to the court's caseload. At that time the court staff was enlarged and reorganized to enable it to handle the increased workload created by the transfer of parking violation cases to the court plus an expected growth in non-parking filings. From a staff size of 4.0 FTE in 1977, the size of the court's staff increased to 7.0 FTE by 1979. The court administrator position was created in mid-1978, and the court administrator was assigned responsibility for supervising the non-judicial staff (subject to the overall direction of the judge), for analyzing court operations and suggesting recommended changes, and for performing a wide range of other senior-level administrative functions. With the increase in workload during 1980, additional part-time and temporary employees have been utilized, but the basic organization of the court staff has remained essentially the same for the past 2-1/2 years. The chart on page IV-3 depicts the existing organizational arrangement.

ENGLEWOOD MUNICIPAL COURT
ORGANIZATION CHART

12/80



B. Personnel Policies and Allocation of Functions

All of the court's employees, except for the temporary clerks and the part-time Court Marshal, are part of the Career Service of the City of Englewood. The court hires the employees, but must have the approval of the City Manager before filling any vacancy in a "permanent" position or hiring any temporary employees. In filling vacancies for permanent positions, usual career service practices must be followed. Applicants take a written test, a typing test, and an oral exam, and final selection is made from among the three highest scoring applicants. The Englewood Employees Association is the exclusive representative of the full-time permanent classified employees, and the basic document governing conditions of employment in the court (as in other units of city government) is a negotiated agreement between the City and the Employees Association. On a day-to-day operating basis, policies and working procedures governing the activities of the court employees are established by the Judge and the Court Administrator.

The Judge's functions with respect to the day-to-day work of court employees are two-fold: First he exercises general policy direction over the overall operation of the court, working closely with the Court Administrator and delegating principal responsibility for supervising the non-judicial administrative activities to the court administrator. Second, within the courtroom, he exercises direct supervision over the court employees (principally the two deputy clerks) who are involved in courtroom activities when the court is in session. In addition, of course, he handles all of the judicial functions. He presides over all courtroom sessions, conducts arraignments and trials, accepts pleas of guilty (including questioning defendants to make sure they understand what they are doing), and imposes sentences.

The court administrator's principal responsibility is to direct the administrative operations of the court, within policy guidelines established by the judge. This work includes assigning functions and tasks to the other members of the court's staff; instructing the staff members in the performance of specific tasks; conducting spot checks and other periodic reviews to ensure that goals and standards are being met; acting as liaison between the court and other agencies; and generally dealing with administrative problems as they arise, within established policy. The Court Administrator handles key stages of most personnel actions (e.g., interviewing of job applicants, handling day-to-day employee relations problems, evaluating employees) and confers with the judge concerning actual hiring of new employees and disciplinary action with respect to existing staff members. The Court Administrator also handles a range of quasi-judicial functions, again pursuant to guidelines established by the Judge. These functions include acting as Parking Referee to hear appeals of parking violation citations; acting on requests for personal recognizance bonds for arrested defendants; and handling requests for extensions of time for trials or for satisfaction of sentences previously imposed by the judge. Other functions of the Court Administrator include acting as the court's liaison with other agencies, supervising the management of the court's budget and the handling of revenue, conducting research on caseload management and other aspects of the court's operation, and developing short-range and long-range plans for court operations.

The Clerk of Court is a somewhat anomalous position in the Englewood Municipal Court, as it is in many courts where a court administrator has been added to the court's staff in the past ten years. The Court Administrator position was established in recognition of the fact that, as caseload increases, the court's operations become more complex and the chief administrative supervisor needs a broad range of management skills. Particularly where the Court Administrator proves to be an effective manager--as is clearly the case in Englewood--it is questionable whether there is a need for a separate clerk of court.

In the Englewood Municipal Court, the Court Clerk reports directly to the Court Administrator, and is responsible for assisting the court administrator in supervising the clerical personnel of the court. She is also responsible for balancing the daily cash receipts, preparing the cash report that is transmitted to the Finance Department, ordering and maintaining the court's inventory of supplies and forms, and handling non-routine questions and complaints from members of the public. In practice, she also spends a substantial portion of her time handling typing and other secretarial duties for the judge and the court administrator. When one of the Deputy Clerks or Violations Bureau Clerks is absent, she may also perform some of their duties. Given the relatively small size of the court and the fact that it has a court administrator whose competence and general managerial skills are well regarded, it seems questionable whether the court needs a separate clerk of court position.

The court has two Deputy Court Clerks, whose principal responsibilities involve the handling of all cases that require a court appearance. This includes handling the office paperwork for these cases (e.g., docketing cases, preparing court calendars, ensuring that information on defendants' prior records is avail-

able in court when the case is on the calendar; checking to see that fines and costs are paid when due, preparing bench warrants and execution warrants when necessary, etc.) and acting as the "in-court" bailiff, court clerk, and court reporter during court sessions. The Deputy Clerks call the court to order, swear in witnesses, mark exhibits, and prepare memos for defendants and witnesses concerning their next court appearance dates.

There are two Violations Bureau Clerks at the court. Their principal responsibilities involve the handling of parking violation citations and non-parking cases that do not require a court appearance. They log in new citations that come over from the Police Department, take payments of fines, log the payments when they have been made, answer questions from members of the public, prepare notices to be sent for non-payment of fines, and handle a wide range of other clerical functions. They also assist the Deputy Clerks with some of their functions, including handling some of the in-court work.

During 1980, the court has had two full-time temporary employees, both of whom functioned principally as assistant Violations Bureau clerks. Each was assigned to work closely with one of the two Violations Bureau Clerks, performing duties such as logging cases and payments, sending notices concerning failure to respond to a citation or failure to pay a fine, preparing warrants, and responding to inquiries from members of the public. Turnover has been relatively high in these temporary positions.

In addition to its full-time employees, the court also employs an individual with the title of Court Marshal, whose principal duties involve service of process. The Marshal, who works 10 to 12 hours per week, delivers summonses and complaints to defendants charged with some types of ordinance violations (e.g., building code, sales tax), subpoenas to witnesses, and jury service summonses to citizens.

C. Employee Classification and Pay

Employees of the City of Englewood, including employees of the Municipal Court, have been divided into four occupational groups for purposes of establishing pay schedules under the new "Benchmark" plan recently adopted. Three of the four occupational groups are represented on the Municipal Court staff, as follows:

<u>Occupational Group</u>	<u>Court Position(s)</u>
Supervisory and Managerial	Court Administrator
Professional, Administrative, Techno- logical	Clerk of Court
Labor, Trades and Craft	(None)
Clerical, Office Machine Operators, Technical	Deputy Court Clerk (2) Violations Bureau Clerk (2)

Within each of the occupational groups, various skill levels have been established. Table IV-3 shows the pay schedules for the employee positions in the Municipal Court, together with an indication of the other city employees presently included in the same skill level of the relevant occupational group. As that table indicates, implementation of the Benchmark plan as currently structured would have the effect of widening the existing pay differential between Deputy Court Clerks and Violations Bureau Clerks, although the nature of the functions performed by employees in the two positions is similar in many respects. Both positions involve a substantial amount of contact with the public, and require individuals capable of exercising forbearance when dealing with citizens who may be upset or even irate because they have been fined or had some other type of sentence imposed. From a review of job de-

Table IV-3

CLASSIFICATION AND PAY SCALE OF MUNICIPAL COURT STAFF

<u>Court Position</u>	<u>1980 Pay Range</u>	<u>1981 Pay Range</u>	<u>1981 Benchmark Pay Schedule</u>	<u>Other Positions Classified in Same Range</u>
Court Administrator	\$1299-1578	\$1390-1688	\$1679-1943	Revenue Chief Purchasing Agent
Clerk of Court	\$1071-1302	\$1146-1393	\$1223-1416	Engineering Aide II Buyer/Supervisor Librarian I Code Enforcement Off. Recreation Leader
Deputy Court Clerk (2)	\$971-1181	\$1039-1264	\$1019-1180	Chief Storekeeper Employee Benefits Coordinator Animal Warden Support Service Technicians
Violations Bureau Clerk (2)	\$881-1071	\$943-1146	\$830-962	Bookmobile Driver Engineering Aide I PBX Operator/Recep- tionist Clerk Typist II Purchasing Clerk Library Aide

scriptions and analysis of work actually performed, it would seem that the Violations Bureau Clerks might more appropriately be placed in the \$953-\$1104 skill range rather than in the \$830-962 range. The other positions in the higher range share clerical accounting and public contact characteristics similar to those required of the Violations Bureau Clerks. A reading of the basic job descriptions indicates significant commonalities:

Classification

Job Tasks

Violations Bureau Clerk

Compute fines; process and receipt ticket payments received through mail and over counter; prepare cash vouchers for disbursement of fees, return of appearance bonds and jury deposits; process appearance bond money and jury fees and prepare receipts; log in paid tickets; count and balance money; court file and record on tally sheet; prepare overdue payment listings; prepare and send notices on citations; prepare cash report; prepare letters on uncollectable checks; answer inquiries on fines; prepare stay of execution and warrants for nonpayment.

Customer Service Representative

Collects delinquent accounts; authorizes deferred payments and turnoffs for nonpayment; issues receipt for money collected; maintains records; investigates and recovers bad checks; corrects billing data.

Accounts Technician
(Central Cashiering)

Accepts payments by mail or in person, issues receipts, computes cash amounts, redeems cash vouchers, counts and balances money; makes bank deposit, reconciles receipt paper work. Compiles cash report; documents delinquencies.

Accounts Technician
(Customer Service)

Utility billing bookkeeping; receive and process requests for licenses; prepare billing data for accounts; special charges and credits; answer billing inquiries; calculate account exceptions.

ClassificationJob Tasks

Utilities Service Clerk

Receives and processes applications and permits; types and files billing information; calculates assessments; answers inquiries on consumer billing; computes charges of water/sewer materials for applicants; issues receipts for payment of fees; calculates billing information.

Clerical Technician
(Building Inspections)

Accepts and processes departmental fees; handles petty cash; transfers data or figures; performs a variety of bookkeeping and clerical procedures.

D. Employee Performance

On the basis of observations and interviews conducted during the course of this study it appears that, by and large, the employees of the Englewood Municipal Court perform their functions efficiently and competently. Much of their work involves contact with the public, often under circumstances where there is at least the potential for hostility on the part of citizens who face court action or who have just been sentenced to a fine or other penalty. Despite this strain, plus the added pressure of a sharply increased caseload in 1980, employee performance in relation to the public is very good. Employees are helpful in responding to questions and complaints from members of the public, and are courteous in their contacts with citizens in court and at the counter at the Clerk's office. Internally, the operations of the court are also performed efficiently. Incoming cases are logged quickly, information on defendants' records in court cases is gathered speedily, case files are readily retrievable, notices are sent out promptly to defendants who fail to appear or pay fines, and other aspects of the court operation are handled expeditiously.

The generally efficient performance of court functions is aided by several factors. First, the court administrator does a considerable amount of spot-checking of various aspects of court operation, in order to identify problems and devise appropriate solutions. Second, the court has followed the practice of rather extensively "cross-training" its employees, in order to provide flexibility in handling problem situations as they arise and provide coverage when particular employees are absent. Third, the court administrator is readily available to answer questions and deal with problems as they arise.

To a certain extent, the fact that the court administrator is competent and knowledgeable about all aspects of the court's operation means that she is the person to whom all members of the staff turn for guidance when a new problem or question of policy arises. Although the Clerk of Court is supposed to be providing an intermediate level of supervision and guidance, a substantial number of day-to-day problems and relatively routine questions are directed to the Court Administrator by the Deputy Clerks and Violations Bureau Clerks. The need for the intermediate level of supervision that the Clerk is supposed to provide appears to be problematic.

E. Training

Most of the training provided to members of the court staff below the level of court clerk is "on-the-job" training, supervised by the Court Administrator and by other court employees. Because the court staff is small and a great many different functions are performed, this training is very important. The entry level position is Violations Bureau Clerk. Training in the duties of that position is provided by others on the court staff who have held or are currently

holding that position. After approximately six months to a year in the Violations Bureau Clerk position, an individual should have a good knowledge of the duties of the position and of the overall operation of the court. At some point during this period, a Violations Bureau Clerk will begin to be trained to do some of the work of a Deputy Court Clerk, such as preparing dockets and acting as bailiff and clerk during courtroom sessions. Instruction tends to be of an informal nature, provided on an ongoing basis as problems arise. Additionally, at any time a new policy or procedure is established in the court, the Court Administrator will lead a discussion of it at a meeting of the full court staff.

At the present time, there is no "Court Procedures Manual" or similar guide covering the principal activities of the court and the duties of court employees. Work has been started on such a manual at various times over the past several years, but has never been completed due to the press of the court's regular business. One result of the lack of such a manual has been that a considerable amount of staff time has been expended in training of temporary employees. The amount of time devoted to such training is highest during the first few days and weeks that a new employee is on the job, but the temporary employees turn over at a fairly rapid rate.

Training of the Court Clerk, Court Administrator, and the Judge has also been mainly on the job (largely self-learning), but has also included participation in seminars and conferences conducted by organizations such as the American Judges Association, the National Association for Court Administration, the Colorado Municipal League, and the Institute for Court Management. Experience in these programs is believed to have helped make the participants aware of recent developments in the field of court administration and to increase their ability to deal with specific problems and tasks.

F. Future Staffing Levels

Although the size of the court's staff at the end of 1980 was 8.25 employees, in addition to the judge, it was lower during the early part of the year. The staffing level for the entire year--computed by taking into account the number of hours by temporary employees, number of overtime hours worked, etc.--was the equivalent of 7.57 full-time employees (FTEs). Of this number, approximately 3.16 FTE is devoted to Violations Bureau work--mainly parking violations matters. As noted in Chapter I, police officials believe that parking citations reached a peak in 1980, and are not likely to go much over 17,000 in future years. Assuming that this projection is accurate, the current 3.16 FTE allocated to parking violations matters is probably adequate for these functions in the future, as long as the court continues to operate a manual system. However, since the volume of non-parking cases is expected to increase in future years, the court's overall staffing level would probably have to increase to handle it unless labor-saving automation is introduced into the court. The following are projections of staffing needs for the next five years, assuming (a) that the non-parking caseload rises as projected in Chapter I; (b) that the court continues with the existing manual system; and (c) that needs which are currently unmet (e.g., making courtesy phone calls to defendants who have failed to appear, prior to issuance of a warrant) continue to go unmet. Two sets of projections are made, one assuming that the overall 7.57 FTE of 1980 is adequate to handle the 1980-level workload, the other assuming that the current 8.25 FTE is necessary for that base level of work.

TABLE IV-4

Projected Staffing Needs in FTE, 1981- 1985

	Projected Non - Parking Filings	FTE Needed to maintain current level of operations, with manual system	
		(a) Base of 7.57 FTE ¹	(b) Base of 8.25 FTE ²
1980	8,159	7.57	8.25
1981	8,275	7.63	8.32
1982	9,122	8.09	8.87
1983	9,969	8.54	9.38
1984	10,817	9.00	9.91
1985	11,664	9.46	10.44

Notes:

1. Does not include any additional judicial time or employee time required for additional judicial time.
2. Figures in this column derived by subtracting the 3.16 FTE allocated to parking violations from 1980 FTE of 7.57; then dividing the result (4.41 FTE) into 1980 non-parking violations. The resulting ratio (1602.9) is the 1980 non-parking caseload per FTE, and is divided into projected future non-parking filings.

As with any projections of this nature, the projection shown in Table IV-4 are based on a number of assumptions. The assumptions are believed to be reasonable, but they are not necessarily accurate. It does appear clear, however, that--unless automation is introduced--a continual increase in non-parking filings will require an increase in staffing levels. If the court is to be able to deal with the growing problem of outstanding warrants and to perform other tasks not now being undertaken (e.g., preparation and updating of a procedures manual), the future staffing would probably have to be even greater than projected in Table IV-4. If automation is introduced into the court, as outlined in Chapter VIII, it should be possible to prevent staff size from continuing to increase and perhaps to enable some reduction. In this connection, it is noteworthy that the Boulder Municipal Court--which is the only municipal court in the area that has a substantial degree of automation--handles a caseload of over 95,000 filings (including approximately 84,000 parking filings) with a staff of only 8 persons. The extent to which reduction in staff size can actually be achieved depends to a significant extent on the configurations and quality of the automated system that is installed. Conceivably, it might be possible to reduce staff size to as few as 5 persons.*

G. Overall Assessment

Overall, the Court's personnel are working well as a group, and the general level of performance is good. The principal problems in the court

* For further discussion of staffing under an automated system, and for a cost analysis of alternative approaches to court staffing and automation, see Chapter VIII, *infra*.

relate to (1) the position of Clerk of Court (particularly with respect to supervision of employees); and (2) the establishment of appropriate staffing patterns for the future as the court moves toward automation. Recommendations dealing with these and related issues are set forth below.

H. Recommendations

1. Merge the Clerk of Court position with the position of Court Administrator. The Clerk of Court position appears to be of questionable value as a separate position independent of the Court Administrator position, particularly if the introduction of automation enables a reduction of court staff size to 5 or 6 persons. The general administrative and supervisory functions, as well as policy planning and some quasi-judicial functions can be (and are) handled effectively by the Court Administrator. The existing Clerk of Court position adds an extra level of supervisory authority that appears to be unnecessary and possibly confusing to both employees and outsiders. The present size of the court's staff is not large enough to clearly require the intermediate supervisory position between the Court Administrator and the staff and, in fact, the Deputy Clerks and Violations Bureau Clerks tend to look directly to the Court Administrator for supervision and guidance.*

* As a practical matter, the present Clerk of Court spends a large portion of her time performing duties that are essentially secretarial in nature, including typing correspondence, memoranda, reports, notices, court orders, and other court papers; responding to inquiries about court procedures; compiling statistical reports; and arranging meetings. All of this work is essential to the operation of the court, and is performed satisfactorily by the present Clerk of Court. She is particularly good at dealing with members of the public. The Clerk's strengths appear to lie in these areas, and she also functions well in other capacities not requiring her to exercise supervision over other employees (e.g., when filling in for an absent Violations Bureau Clerk). It appears, however, that supervision and management of personnel are not areas of strength for her. Assuming that the Court Administrator and Clerk of Court positions are consolidated into a single position in the near future, we believe it would be appropriate to create a position of Court Secretary, with a salary range which would enable the present Clerk of Court to take that position with no loss in pay.

Some ongoing supervision of "routine" main office work is necessary, and there is also a need for "backup" supervision in the event of the illness or other absence of the Court Administrator. However, these functions can be performed by a lower level employee acting as an informal "team leader". The key Clerk of Court functions could be combined with the Court Administrator functions, thus strengthening and streamlining the management capacity of the court. There is ample precedent for merging the two positions. In the Denver District Court, for example, the Court Administrator is also the Clerk of Court.

2. Reduce the pay differential between Deputy Clerks and Violations Bureau Clerks. Although there is some degree of specialization in the work of the Deputy Clerks and Violations Bureau Clerks, there is also a substantial overlap between the two positions in the functions that are actually performed. Court employees are cross-trained so that Violations Bureau Clerks can perform many of the functions of Deputy Clerks (and vice versa), and there is a considerable amount of "helping out" by all employees, to deal with problem situations (e.g., the presence of a large number of citizens at the counter, waiting to pay fines) when necessary. Over the past two years, the work involved in the two positions has become more similar than in the past in terms of commonality of tasks. The current Benchmark plan, however, would widen the pay differential between the two positions from about 10 percent to approximately 20 percent. In our view, the classification of the Deputy Court Clerk position (at the same level as Chief Storekeeper, Employee Benefits Coordinator, Animal Warden, and Support Service Technician, with a salary range of \$1019-\$1180) is appropriate. Given the nature of the work of the Violations Bureau Clerks, the placement of this

position in the \$830-\$962 pay range seems undesirable. Classification at the \$953-\$1104 skill level seems much more sensible; this would place the Violations Bureau Clerks in a skill level grouping with others who perform similar clerical accounting functions, and would leave a pay differential of about seven percent between the Deputy Clerks and the Violations Bureau Clerks.

3. Consider a complete re-classification of the court employee position below that of Court Administrator, to create a progression of Court Clerk positions. One alternative to the previous recommendations would be a re-classification of positions within the court. For example, instead of separate position of Violations Bureau Clerk, Deputy Court Clerk, and Court Clerk, there could be three or four levels of Court Clerk positions--e.g., Court Clerk I, Court Clerk II, Court Clerk III. Such a re-titling (and appropriate revision of the descriptions) would more accurately reflect the substantial amount of cross-training and shared duties that now exists in the court. It might also allow somewhat greater flexibility in assigning job responsibilities and filling positions in light of current and future needs. This will be of particular importance during the transition from a manual to an automated system.

4. Develop a procedures manual. A "Court Procedures Manual" would ideally describe the court's operations and activities in a systematic fashion, would detail all procedures, and would provide instructions for completing forms and conducting court business. Such a manual would be a very effective training tool to speed the integration of new staff into the clerk's office, and would also be a valuable reference to answer staff questions--thus making it unnecessary to interrupt the work of other court personnel. Finally, the manual

losses involved in long-term reliance on temporary personnel. During 1981, we expect the court's workload to be at approximately the same level as 1980, or slightly above. At the current staffing level of 8.25, the court is able to handle that workload, but with little or nothing to spare. If one half-time employee were added to the staff, that should provide enough staff capacity to (a) handle the "courtesy telephone calls" that we recommend be made prior to issuance of a warrant; (b) provide some flexibility in the event that court caseloads were to rise precipitously; and (c) free staff time to enable a completion of major portions of the recommended procedures manual. Because of the uncertainty concerning the staffing level that will be required once automation is fully installed in the court, we recommend that the court have no more than seven "permanent" employees during 1981. Staffing during 1981 would be as follows:

<u>Position</u>	<u>Permanent</u>	<u>Temporary</u>	<u>Total</u>
Court Administrator	1		1
Clerk/Court Secretary	1		1
Deputy Clerk	3		3
Violations Bureau Clerk	2	1.5	3.5
Marshal (Process Server)	—	<u>.25</u>	<u>.25</u>
TOTAL	7	1.75	8.75

6. Begin planning for staffing patterns following automation and during transition from manual to automated system. It is appropriate to begin planning at once for (a) the type of staffing pattern that would be used once an automated system is fully installed; and (b) the interim "transition" period. Once the automated system is fully installed, it should be possible to avoid increases in staff beyond the present level, and quite possibly to reduce the size of the

would serve as a vehicle for information exchange, documenting the knowledge of experienced court clerks so that the information will be accessible by other individuals in the clerk's office in case senior staff are not available or leave the court. It is essential that the procedures manual be prepared by senior, experienced staff in the clerk's office. They are the ones most familiar with procedures and would be in the best position to document these procedures correctly and rapidly. This might mean that the court would have to hire some temporary students or part-time help to free up some time for senior staff to complete this task. Since court procedures may be changed as laws change or as improved procedures are developed, it would be desirable to use word processing to develop this manual.* This would insure that the changes in the manual are rapidly produced and will be available to court staff in an orderly and useful manner.

5. Establish an overall staffing level of approximately 8.75 FTE for 1981, including a total of no more than 7 permanent employees. Establishing appropriate staffing levels for the court involves predicting both the level of future workloads and the speed and effectiveness with which automation is likely to be introduced into the court. It makes little sense to create new permanent positions at this time if the introduction of automation will soon enable a reduction in the size of the court staff. On the other hand, there are severe productivity

* For discussion of appropriate equipment configurations for word processing, see Chapter VII, *infra*. Our recommendation is that the court utilize the word processing capabilities of the City's computer.

court's staff. However, automation does not necessarily mean the elimination of employees. A very tentative post-automation staffing pattern might look something like this:

<u>Number of Employees</u>	<u>Position</u>	<u>Key Duties</u>
1	Court Administrator	General supervision and management
2-3	Deputy Clerks (Court Clerks II, III)	In-court bailiff and clerical work; preparation of dockets, supervision and assistance with data entry and retrieval
2-4	Violations Bureau Clerks (Court Clerk I, II)	Counter transactions; data entry and retrieval

During the transition from the manual to the automated system, it is probable that the court will have to have a temporary increase in staffing, because of the necessity for running parallel manual and automated systems until the automated system is fully in place. Staffing during this transition period is one of the issues to be resolved during the planning period.

7. Develop plans for providing training for all court employees, stressing training for the transition to an automated system. Training is important for all persons working in the court, never more so than during a period of planning and implementing a transition from a manual to an automated system. It is essential, first of all, that the key court managers--the Judges and the Court Administrator--have a sound and complete understanding of (a) the workings of the computer system to be purchased by the City, and its potential applications in the court; and (b) the best possible approaches, from the standpoint of court management, to the management of an automated court and effective utilization of the equipment. There are a number of different ways in which such training can be obtained, such as through training sessions conducted by the vendor of the equipment and the city officials involved in its development; seminars and work-

shops conducted by national organizations; and site visits to courts where effective automated systems are presently in operation. All of these approaches should be utilized in connection with implementation of the automated system. Once the basic outlines of the automated system have been established, careful training of other members of the court staff--beginning well in advance of the installation of the equipment, to acquaint them with the basic concepts and approaches--should be conducted.

V. FINANCIAL MANAGEMENT

A. The Court Budget

As the caseload and staffing level of the court have increased, so too has the size of the court's budget. Over the past six years, the budget amount authorized by the City Council has gone up from \$77,447 in 1975 to \$199,707--an increase of 158 percent. When analyzed in terms of costs per case, however, it appears that costs have decreased significantly--from \$18.75 per case in 1975 to \$7.32 per case in 1980. Table V-1 summarizes these changes.

Table V-1

BUDGET AMOUNTS AND COST PER CASE, 1975-1980

<u>Year</u>	<u>Budget</u>	<u>Actual Expense</u>	<u>Case Filings*</u>	<u>Cost Per Case</u>
1975	\$ 77,447	\$ 71,504	3,812	\$18.75
1976	92,500	83,799	3,968	21.12
1977	83,368	92,709	4,878	19.00
1978	143,162	131,202	8,904	14.73
1979	174,491	165,010	15,644	10.54
1980	199,707	187,325	25,848	7.32

*Case filings include parking violation matters only for the period that the court has handled parking cases (i.e., mid-1978 to present).

It should be remembered, of course, that during the period from January 1974 through June 1978 the court did not handle any parking violations, and that the per case cost of handling parking cases (which very seldom result in a court appearance) is appreciably lower than the cost of

handling cases where a court appearance is necessary. Nevertheless, it appears that substantial productivity gains have been made. Over the 1975-1980 period, the court's parking ticket caseload went from zero to 17,840 and its non-parking caseload increased from 3,812 in 1975 to 8,008 in 1980 (about 110 percent).

Because the court staff did not handle parking violation cases for a 4-1/2 year period, and since there is a substantial sharing of functions on the part of court staff at the present time (e.g., Violations Bureau Clerks handle some non-parking cases), it is extremely difficult to compare per case costs for non-parking cases over time. However, assuming that parking cases required the time of the equivalent of 3.16 full-time employees in 1980 (see Chapter IV), some calculations can be made. In round figures, the salary of a Violations Bureau Clerk in 1980 was approximately \$11,500. Subtracting the salaries of three persons at this level from total 1980 expenses, and disregarding all other costs allocable to parking violation cases, leaves a total of approximately \$152,825 allocable to the 8,008 non-parking cases filed in 1980. This is \$19.08 per case--only 33 cents per case more than in 1975, and appreciably less if adjustments are made for inflation.

For reasons noted in preceding chapters of this report, comparisons with other cities are even more difficult than comparisons over time in Englewood alone. However, some sense of budget/caseload relationships in various Colorado cities of comparable size can be obtained from the data in Table V-2. As that table indicates, court expenditures as a percentage of the total city budget tend to be higher in Englewood than in the other cities, but expenditures per case are lower. Over the five year period,

Table V-2

Comparison of Funding and Court Caseload for
Selected Colorado Cities, 1976-1980

City	1976	1977	1978	1979	1980	Percent of Increase (Decrease) 1976-1980
<u>Englewood</u>						
29,851 Pop. ^a						
City Exp.	\$7,233,676	\$8,142,948	\$9,029,622	\$9,990,764	\$11,315,238	56.4%
Court Exp.	83,799	92,709	131,202	165,010	187,325	123.5
Court/City Ratio	1.16 %	1.14%	1.45%	1.65 %	1.67%	
Per Capita Court Exp.	\$2.81	\$3.11	\$4.40	\$5.53	\$6.34	
Cases Filed	3,968	4,878	8,904	15,644	25,848	551.4
Exp. Per Case	\$21.12	\$19.00	\$14.73	\$10.54	\$7.24	(65.7)
<u>Littleton</u>						
28,474 Pop. ^a						
City Exp.	5,366,696	5,638,949	6,648,441	9,082,293	10,934,185	103.7%
Court Exp.	66,770	76,616	94,200	99,590	127,980	91.7
Court/City Ratio	1.24%	1.35%	1.42%	1.1%	1.17%	
Per Capita Court Exp.	\$2.34	\$2.69	\$3.31	\$3.50	\$4.49	
Cases Filed	9,054	9,078	9,927	10,810	12,090	33.5
Exp. Per Case	7.37	\$8.44	\$9.49	9.21	\$10.59	43.7
<u>Wheatridge</u>						
30,268 Pop. ^a						
City Exp.	2,592,716	3,247,323	3,173,693	3,723,422	6,374,243	144.6%
Court Exp.	52,242	53,837	54,464	35,902	80,073	53.2
Court/City Ratio	2.01%	1.66%	1.72%	1.5%	1.25%	
Per Capita Court Exp.	\$1.73	\$1.78	\$1.80	\$1.85	\$2.65	
Cases Filed	2,812	4,371	3,596	4,124	5,826	106.8
Exp. Per Case	\$18.58	12.32	\$15.15	\$14.50	\$13.74	(26.1)
<u>Westminster</u>						
29,226 Pop. ^a						
City Exp.	7,622,295	10,392,865	16,590,557	17,475,242	16,073,528	110.9%
Court Exp.	38,567	63,399	78,973	111,201	105,292	173.0
Court/City Ratio	.05%	.061%	.048%	.064%	.063%	
Per Capita Court Exp.	\$.78	\$1.29	\$1.60	\$2.26	\$2.14	
Cases Filed	6,123	7,266	7,734	8,080	11,371	85.7
Exp. Per Case	\$6.30	\$8.72	\$10.21	\$13.76	\$9.26	47.0

1980 preliminary census figures.

expenditures per case have decreased markedly in Englewood (taking into account parking filings) at the same time that they have either increased or declined slightly in other places.

The budget process and the basic system for budget management is essentially the same for the Municipal Court as it is for other units of city government. The fiscal year is the same as the calendar year, and the budget cycle for each year begins in May with the submission of a budget request for the year beginning the next January. The court administrator does the detailed budget preparation work and submits a proposed budget to the Judge. After review by the Judge, the proposed budget is submitted by the court directly to the City Council. A copy of this proposed budget is sent to the City Manager for his information. The judge and the court administrator subsequently appear before the City Council (usually in October) to defend the court's budget.

Once the Court's budget has been established for the year, the Court is responsible for keeping its expenditures within the authorized amount. The principal budget management tool is a monthly financial report, prepared by the Finance Department, which shows expenditures for the month and for the year to date, for each budget category. This report is usually available about two weeks after the end of the preceding month. A detailed breakdown of expenditures in each budget category is provided together with the summary report, thus facilitating the monitoring of expenditures from month to month.

In making expenditures, the principal constraints on the court are the budget ceiling and the policy of obtaining the approval of the city manager before filling any vacancies or hiring temporary personnel. If it appears

during the course of the year that additional funds may be necessary, the court will prepare a request for a supplemental budget appropriation. The supplemental request is handled in essentially the same fashion as the regular annual budget, with review by the city manager and action by the City Council.

As Table V-3 indicates, the Court has ordinarily been able to operate within its budget. Over the past six years, there has been only one year (1977) in which there was a budget overrun.

Table V-3

COURT BUDGET AUTHORIZATIONS AND ACTUAL EXPENSES, 1975-1980

<u>Year</u>	<u>Budget</u>	<u>Actual Expenses</u>	<u>Percentage of Budget Actually Expended</u>
1975	\$ 77,447	\$ 71,504	92.3%
1976	92,500	83,799	90.6%
1977	83,368	92,709	111.2%
1978	143,162	131,202	91.6%
1979	174,491	165,010	94.6%
1980	199,707	189,220	94.7%

B. Revenues

All revenues collected by the court from fines, fees, court costs, and other sources go into the City's General Fund. Over the past ten years, the total amount of revenue generated by the court has grown dramatically-- from \$62,891.50 in 1971 to \$334,760.52 in 1980. Most of that increase has taken place in the past five years; indeed, revenue has doubled from 1978 to 1980. Table V-4 shows the amounts collected in each of the past ten years, by source.

Table V-4

SOURCES AND AMOUNTS OF REVENUE COLLECTED BY ENGLEWOOD MUNICIPAL COURT, 1971-1980

REVENUE SOURCE	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971
VIOLATIONS BUREAU FINES	\$ 68,238.00	41,196.01	29,265.00	30,494.50	27,728.50	28,151.50	14,715.00	31,977.50	32,590.00	28,250.00
PARKING VIOLATION FINES ¹	74,601.47	30,446.50	27,293.60	30,261.00	19,300.00	18,840.00	18,462.00	included above	included above	included above
COURT CASE FINES	137,192.00	94,693.50	78,980.00	44,868.50	34,610.00	34,590.00	26,451.00	28,491.00	29,029.00	27,287.00
COURT COSTS	40,309.00	19,778.00	15,086.50	9,418.00	7,145.00	8,144.75	5,370.00	5,427.00	6,719.00	5,695.00
WITNESS FEES	1,145.00	1,755.00	2,060.00	1,510.00	715.00	820.00	530.00	1,157.00	1,020.00	688.00
JURY FEES	100.00	300.00	200.00	175.00	175.00	900.00	500.00	575.00	375.00	427.00
BOND FORFEITURES	1,560.00	1,860.00	612.50	1,815.00	735.00	650.00	885.00	1,815.00	985.00	630.00
DRIVER IMPROVEMENT FEES	1,750.00	2,210.00	2,330.00	2,825.00	2,462.00	1,811.00	1,178.25	-0-	-0-	-0-
APPEAL BOND FEES	4.50	1.50	4.50	-0-	-0-	1.50	-0-	4.50	4.50	4.50
ARAPAHOE CO. DUI FINES ²	7,360.55	9,751.87	15,250.00	8,093.00	5,015.00	6,269.00	13,512.00	12,184.50	9,744.50	-0-
TOTALS	\$ 334,760.52	191,992.38	171,082.60	129,600.50	97,886.50	99,997.75	81,603.25	81,631.50	79,467.00	62,981.50

NOTES: 1. During January 1974-June 1978, parking violation fines were collected by Central Cashiering, but treated as court revenues for statistical purposes.

2. Since 1972, one-half of all fines collected by the Arapahoe County Court, in cases involving Driving Under the Influence, have been returned by the County to the municipality in which the violation occurred. These are treated as court revenues in Englewood, although the court is not actually involved in their collection.

The increase in court revenue is attributable to a variety of factors, including the increase in cases filed, inflation (reflected in higher fines, fees, and costs imposed by the court), and the capacity of the court staff to process cases and to the follow-up and payment of fines. Table V-5 compares court revenues and expenditures over the past ten years.

Table V-5

MUNICIPAL COURT REVENUES AND EXPENSES, 1971-1980

<u>Year</u>	<u>Court Revenues*</u>	<u>Total Revenues*</u>	<u>Actual Expenses</u>	<u>Excess of Revenue Over Expenses</u>	<u>Revenues as a Percentage of Expenses</u>
1971	\$ 62,981	\$ 62,981	\$ 47,939	\$ 15,042	131.4%
1972	79,467	79,467	52,563	26,904	151.2%
1973	81,631	81,631	64,826	16,805	125.9%
1974	63,141	81,603	75,588	6,015	107.9%
1975	81,157	99,997	71,504	28,493	139.8%
1976	78,586	97,886	83,799	14,087	116.8%
1977	99,339	129,600	92,709	36,891	139.8%
1978	158,197	171,082	131,202	39,880	130.4%
1979	191,992	191,992	165,010	26,982	116.4%
1980	335,113	335,113	187,325	147,789	178.9%

* NOTE: Total Revenue figures include parking violation fines collected by Central Cashiering from January 1974 through June 1978. Court Revenue figures exclude these amounts

By comparison with the municipal courts in other Colorado cities of comparable size, the revenue generated by the Englewood Municipal Court is relatively high. Table V-6 indicates that Englewood's total revenues are higher than any of the municipal courts in other Colorado cities of comparable size for which 1980 data are available, and also shows a relatively high ratio of revenues to expenses for the Englewood court.

Table V-6

MUNICIPAL COURT REVENUES AND EXPENSES FOR
SELECTED COLORADO CITIES, 1980

<u>City</u>	<u>Court Revenue</u>	<u>Court Expenses</u>	<u>Court Revenues as a Percentage of Expenses</u>
Englewood	\$335,113	\$187,325	178.9%
Littleton	177,682	127,980	138.8%
Wheatridge	81,446	80,073	101.7%
Westminster	261,883	105,292	248.7%

When municipal court revenues in different Colorado cities are analyzed in relation to caseload, it appears from Table V-7 that the per case revenue

Table V-7

MUNICIPAL COURT REVENUE IN RELATION TO CASELOAD AND
STAFF SIZE FOR SELECTED COLORADO CITIES, 1980

<u>City</u>	<u>Court Revenue</u>	<u>Court Caseload</u>	<u>Revenue per Case</u>	<u>Staff Size (FTE)</u>	<u>Revenue per FTE</u>
Englewood	\$335,114	25,848	\$12.96	8.25	\$40,576
Littleton	177,682	12,138	14.64	5.0	35,536
Wheatridge	81,446	4,487	18.15	2.4	33,935
Westminster	261,833	10,801	24.24	6.2	42,239

in Englewood is relatively low, reflecting the large number of parking violations (for which fines are low) in the caseload. However, the same table indicates that court revenues in relation to staff size are relatively high.

C. Accounting and Cash Management Practices

The Englewood Municipal Court collects revenue from the following sources:

- Parking Violation Fines

- Violations Bureau Fines (in non-parking cases not requiring a court appearance)
- Court Case Fines
- Court Costs
- Witness Fees
- Jury Fees
- Bond Posting
- Bond Forfeitures
- Driver Improvement School Fees
- Appeal Bond Fees
- Arapahoe County DUI Fines

Monies are received in three ways: (1) via the mail; (2) over the counter, at the court; and, (3) from the Police Department, when a defendant has posted a bond with the police. The court does not maintain Accounts Receivable. Revenue is received and recorded only on a cash basis.

1. Monies Received by Mail. Each day that the court is open for business, the Court Clerk (or, upon occasion, one of the Violations Bureau Clerks) picks up the mail from Central Cashiering. At the court office, the clerk sorts the mail into three main categories: parking violation receipts; moving violation receipts; and all other. The Clerk opens the unidentified mail, and distributes it to the appropriate Violations Bureau Clerk (or other staff member) for appropriate processing.

All receipts of monies sent to the court in connection with parking and non-parking cases are handled by the Violations Clerks, using the following procedures:

1. The clerk opens the mail (if it has not already been opened) and identifies the type of case and reasons for payment.
2. The court matches the court's copy of the citation with the copy sent by the payor.
3. If payment is by check, the citation number is written on the check.
4. The original (court copy) of the citation is stamped "PAID".

At this point, the parking and non-parking violations are handled somewhat differently.

Non-Parking Violations

5. The Clerk checks the citation form received in the mail, to see whether the violator has signed the ticket in the appropriate space to indicate that he is pleading guilty. If the space has been left blank, the Clerk stamps the ticket "Payment Accepted as Plea of Guilty".
6. The Clerk writes out a receipt, using a pre-numbered three-part NCR receipt form, for each violation for which payment has been received. The receipt form shows:
 - Date receipt written
 - Payor's name
 - Bank name and check number (if payment is by check)
 - Amount received
 - Citation number
 - Allocation of monies received among more than one account, if necessary (e.g., Fine \$35, Costs \$5, Total \$40)

If cash is received rather than a check, this is noted on the receipt. Upon completing the receipt form, the Clerk initials it.

Parking Violations

- 5a. There is no space for a guilty plea on a parking citation, and no need to check for such a plea.
- 5b. Using the same type of pre-numbered 3-1/2" x 8" three-part NCR receipt forms as are used for non-parking cases, the Clerk writes a receipt for the monies received. (A separate receipt book is used for Parking tickets, but the receipt form itself is identical to the receipts used for non-parking costs.) Instead of preparing a separate receipt for each citation for which payment is received, however, the Clerk ordinarily uses a single receipt for payments from several different individuals. As many as 15 different payments may be recorded on a single form. The receipt shows:

- Date receipt written
- Names of payor(s)
- Amount(s) paid
- Payment by check or cash
- Parking citation number(s)
- Initials of the Clerk who made out the receipt (Note: During observation, it was noted that not all receipts were being initialed by the temporary employee who processed the monies.)

Once the receipt has been completed, the yellow copy is attached to the monies received. The white and pink copies remain in the receipt book as court records.

2. Monies Received Over the Counter. Monies may be received over the counter after a fine (and perhaps costs and fees) have been imposed by the Judge in the courtroom or, in cases where no court appearance is necessary, when a citizen simply chooses to pay in person rather than by mail. When the case is one that has gone to court and the defendant has pleaded guilty or been found guilty after trial, the judge announces the sentence in the courtroom. Whenever a fine or other monetary sanction is imposed, the judge also tells the defendant to pick up a memo slip from the Deputy Clerk (who is sitting at the desk below the bench) and to take it into the Clerk's office and pay the fine, after which he will be free to leave the court. The Deputy Clerk prepares a small memo form, using two-part NCR paper, which shows the case number, the defendant's name, and the amount of the fine. The defendant takes the memo slip into the Clerk's office, where the payment transaction is handled by a Violations Bureau Clerk. The procedures are as follows:

1. The Clerk matches the violator's citation to the Court's copy of the citation (in cases not requiring a court appearance) or to the memo slip prepared by the Deputy Clerk (in cases that have gone to court).
2. The Clerk takes the money, puts it in the appropriate cash drawer, and prepares a receipt in the proper receipt book. The white copy of the receipt is given to the payor, and the yellow and pink copies remain in the receipt book.
3. If necessary to make change for a cash transaction, the Clerk goes to the petty cash fund, which is arbitrarily split into two parts--\$30 for non-parking cases, and \$20 for parking cases.

3. Monies Received via Bond Posting with Police Department. When a defendant is arrested by the Englewood Police Department on a warrant for failure to appear on a scheduled court date, he may obtain release from police custody by posting a bond. The police (and the court) will accept either a cash bond or a surety bond posted by a licensed bail bondsman when the warrant is for failure to appear. The police are responsible for filling out the appearance bond, collecting the money from the defendant, and preparing a receipt in the bond receipt book. The defendant is given one copy of the receipt. The following morning, the police bring the bond, the bond receipt book, and the cash over to the court. A member of the Clerk's office staff counts the money, and verifies the amount and receipt by signing her name on both the yellow and the goldenrod copy of the bond receipt. The receipt number, name of defendant, and amount of the bond are included in the daily cash report prepared by the Court, and the cash is included with the court's own cash receipts to be turned over to Central Cashiering.

Essentially the same procedures are followed with respect to defendants arrested on an execution warrant (for failure to pay a fine) except that the police will only accept cash and no appearance bond is necessary. The defendant must ordinarily post cash in an amount sufficient to cover the fine and costs, and it is explained that this amount will not be returned to him. Surety bond will not be accepted. The police record the amount received in the bond receipt book, give the defendant one copy of the receipt, and bring the cash and the bond receipt book to the court the following morning.

1. Cash Report Process. At 5 p.m. each day, all of the day's receipts are taken in two locked drawers (one for parking cases, one for non-parking

cases) to Central Cashiering for overnight storage in the vault. At 8 a.m. the next morning, the cash drawers are picked up from Central Cashiering, and the process of preparing the cash report for the preceding day is begun. At this time, the day's receipts are summarized on a three-part NCR Daily Cash Receipts Report. The report shows revenue by type received and account number, parking or non-parking receipt numbers for that day's business, and bond receipt money listed by individual receipt number. The Report must balance to receipts written and monies received. At this time the yellow copies of all of the receipts are put together with the monies received, and the calculating machine control tapes used to add up the payments, and then taken to Central Cashiering, where they are due to be delivered by noon. Central Cashiering validates the Cash Report and returns the yellow copies of the receipts to the court.

5. Disbursements. The court does not disburse funds directly. All disbursements over \$25 are initiated by the Court Administrator or Court Clerk, using an official Cash Voucher or a Request for Cash Disbursement (both standard City forms). Deputy Clerks are authorized to initiate disbursements up to \$25 (e.g., return of jury deposit) and Violation Bureau Clerks can authorize amounts up to \$15. The Official Cash Voucher is given to the payee, who can obtain the cash only from Central Cashiering. The Request for Cash Disbursement is sent by the Court to the City's Finance Department, for issuance of a City Warrant.

D. Overall Assessment

Particularly in view of the relatively large amount of cash revenue collected by the Court, it is of critical importance that the Court's procedures for collecting, processing, and accounting for monies be sound, and that the "audit trail" be adequate. In our judgment, the existing manual system is a

good one, and is well-administered. There is, however, room for improvement in three aspects of the cash management system, as outlined in the recommendations set forth below. Other aspects of the court's financial management appear to be handled well. Annual expenditures are consistently below the authorized budget level, and productivity--in terms of expenditures per case and revenue in relation to expenditure--has increased, especially in 1980.

E. Recommendations

1. Strengthen internal controls over the handling of cash.

(a) Segregate the duties of persons involved in handling monies received through the mail. At the present time, the Clerk of Court is responsible for direct supervision of two Violations Bureau Clerks who handle the monies received by the court. The Clerk of Court also has the following additional duties: (a) daily pick-up of mail from Central Cashiering; (b) sorting mail, opening unidentified mail, and distributing mail; (c) preparing Municipal Court Daily Cash Report; and (d) hand carrying the Cash Report and money to Central Cashiering. The concentration of all of these duties in a single individual, which is a carryover from the days when the clerk's office was a two-person operation, means that internal controls over cash handling are relatively weak. The problem is compounded by the fact that some persons send cash to the court by mail in payment of fines. Although the small size of the court's staff makes it difficult to segregate duties and achieve fully satisfactory internal controls, the following procedures would strengthen these controls:

- 1) Have someone other than the Clerk of Court or a Violations Bureau Clerk pick up the mail. One of the Deputy Clerks could perform this function.
- 2) Have the two Deputy Clerks open the mail, in an open area of the office. The Deputies would run control totals of all checks and cash received at the times they open the mail, and distribute the mail to the Violations Bureau Clerks. They would give the control tapes to the Clerk of Court, and would give the totals shown on the tapes to the Court Administrator for purposes of subsequent verification.
- 3) Have the Court Clerk continue to prepare the Daily Cash Report.

(b) Accountability over Petty Cash Fund. During the period that observations were made at the court, as many as five different court employees were involved in receiving and disbursing cash in over-the-counter transactions, utilizing the petty cash fund to make change when necessary. With so many persons involved, there is little or no direct accountability over the fund. In view of the fact that the principal division of cases (and of monies received) is between parking and non-parking cases, it seems logical to establish two petty cash funds--one for each type of case. One Violations Bureau Clerk could be made responsible for one of the petty cash funds, and accountable for all receipts and disbursements of cash through that fund.

(c) Revise the Parking Fine Receipt Form. With as many as fifteen parking citation numbers being recorded on a single 3-1/2" x 8" receipt form, the information is not always clearly legible and there may be little room for other important information such as the initials of the employee who handled the transaction. This is a simple matter of form revision--probably

the use of a larger receipt form to allow inclusion of all relevant information.

2. Begin planning for installation and operation of an automated financial management system in the court that is an integral part of the City's new computer system and, in particular, its central accounting component.

The top priority for the Englewood city government, as it develops software applications for the new computer system, is the financial-budgetary management system. The court's financial management system--especially its system for collection of revenue from fines, costs, and other sources--is an important component of this system, and is closely intertwined with its overall case management system. It appears to us that it is essential for key court personnel to have a good working knowledge of the basic functioning of the city's central accounting system as it becomes fully automated, and to be closely involved in the development of accounting and other financial management applications in the court.

VI. FORMS, RECORDS, AND RECORDS MANAGEMENT

A. The Current Records Management System

Although the installation of automation is contemplated for the near future, the Englewood Municipal Court currently uses a records management system that is entirely manual. This chapter deals only with the current manual system*, beginning with a brief description of the principal records management components now used by the court for current operations.

1. Citations. The court has developed and designed citation forms ("tickets") for traffic, parking, and miscellaneous violations. The traffic and miscellaneous violations ticket has legal effect of a summons and complaint while the parking ticket only serves as notice to the defendant of the violation. The following design characteristics were evident in the tickets examined:

Size: All tickets are 5"x 8" in size when detached from the ticket book.

Ticket Numbers: Each ticket is assigned a sequential number for identification and accountability purposes. The identification number for each ticket series includes an alphabetic prefix as follows: TR (traffic), PKG (parking), and MI (miscellaneous).

Inscription: Each ticket contains a great deal of pre-printed information (e.g., list of types of offenses) which can simply be checked by the officer. Variable information was printed by hand by the officer. Even though "tick marks" were not provided on the ticket to force police officers to print, most information was readily legible.

Design: New tickets are designed in multi-part format so that parts can be distributed to the defendant, police officer (city attorney) and the court (Violations Bureau). The parking ticket is designed with a self-addressed mailer envelope to facilitate return of the fine.

* For discussion of specific applications of automation in the court, see Chapter VIII, *infra*.

2. Summons and Complaint Register. The Summons and Complaint Register is a book maintained by the court for each type of ticket issued, to identify and account for the receipt and progress of each matter. The court is responsible for ordering, storing, and distributing the tickets to the police department. In addition, the court also has accountability responsibilities for recording each ticket as received. The log consists of ticket number, name of defendant (when known), date ticket was issued, amount of fine, date paid, and receipt number. As such, this register serves as the "docket" required by Rule 255(a) of the Municipal Court Rules of Procedure. This is the only docket for matters for which no court proceeding is required. (In addition, a separate looseleaf docket is maintained for court matters.)

3. Court Docket. The court maintains a looseleaf "docket" which consists of a reproduction of the court worksheet prepared for each case. This docket is maintained in order of disposition and is referenced by a code recorded on the index card. The court docket enables the court staff to quickly retrieve information on court cases, precluding the need to retrieve this information from remote storage.

4. Indexes. Index cards are maintained for all traffic and miscellaneous violations, and for parking violations cases in which the defendant appeals the ticket. An individual index card is prepared for each pending matter. Multiple index cards for the same defendant are stapled together to enable court staff to determine previous cases, as well as other pending cases against an individual. The index card also serves to identify the location (book and page number) for the court docket book.

5. Active Filings. The court maintains two principal filing systems--one for court cases and one for all "non-court" (Violations Bureau) matters. Court case documents are stapled together and filed by date of next event.

When the court case closes, the case papers are filed in the rear filing room by date of disposition and the related citation is filed by defendant name in the closed citation file (with the appropriate cross reference to the case file described). The court worksheet is used by the judge and the Deputy Clerks to maintain relevant information concerning court activity; a copy of the court worksheet is retained in the court docket book by date of last activity or disposition (and appropriately cross referenced).

Active citations (for which no court hearing has been scheduled) are maintained by date of next event in appropriate tickler files. This clearly indicates to staff when the next activity will take place or when subsequent notice is required. These citations remain stored by date of next event until there is a final disposition, dismissal, or warrant issued.

When a citation is disposed of or dismissed, the citation is then stored in a ten-drawer lateral roll-out in trays (four trays per shelf). Parking citations are stored in citation number order, traffic citations are stored by defendant name, and miscellaneous citations are also stored by defendant name by type of violation. With this system, the court staff can readily determine, for example, whether an individual had previously been convicted of a violation of the City's dog barking ordinance, so that this previous history can be taken into account for a court case.

6. Forms. The court has developed a number of pre-printed forms to assist in daily operation. In parking, for example, the court has developed forms for first notice, second notice, and partial payment. The first notice is issued fourteen days after the defendant fails to pay parking violations; second notice is issued fourteen days later; the tickler file system indicates to the court when the notices should be sent. Although the management and handling of notices requires substantial personnel time, the court receives payment for

approximately 50 percent of the outstanding cases each time a notice is issued. When only a partial payment is received (as is often the case when the fine is increased due to late payment), the partial payment form notice is sent. The court has experienced receipt of approximately 85 percent of the remaining fine whenever a partial payment notice has been sent. Other forms and notices are issued by the court as matters dictate.

7. Receipt Book. As noted in Chapter V, the court maintains a three-part receipt book for recording payments and fees. The same type of receipt form is used to record payments received in the mail, but receipts are not sent to the payors. The court copy of the receipt is maintained in the receipt book for auditing purposes. The various components of the fine are broken out on the receipt for use later in determining the amount of money attributed to each account.

8. Closed Record Storage. The court maintains closed citations in a storage area in the east side of the City Hall. These records are stored in large two cubic foot boxes (15" wide, 24" long, and 10" high) which are either stacked on the floor or on a wooden shelf constructed by the city. These boxes are often difficult to handle due to their size and weight. Retrieval from this storage area is also time-consuming and cumbersome.

B. Records Retention

The Division of State Archives and Public Records has published a booklet entitled "Guidelines for the Preservation and Destruction of Records, Municipal Courts, Courts of Record" (1975). These guidelines provide information on the procedures for handling inactive records, conducting the records survey, and determining record retention, as well as a listing of suggested records retention periods and dispositions for the various types of municipal court records. As stated in the preface to this publication, the records retention and disposal

guidelines presented in it are only recommendations; they are not directives to retain or dispose of any records. The Englewood Municipal Court, therefore, is not obligated to follow this schedule unless the periods designated are accepted by the court. No municipal court records have yet been destroyed under this or any other retention schedule.

C. Procedures

The court has designed the records management system and procedures to correspond to the major ways records are needed and used by the court staff. For example, closed records of dog barking cases are kept together by individual, so that this information is readily available in case there are subsequent cases. Although the court has started to develop a procedures manual to document the existing system, the task has not been completed due to lack of personnel and the volume of court work required.

D. Overall Assessment

The Court's records management system functions adequately for the current case volume. A great deal of time and thought has gone into development of the forms and the records used by the court and into the development of streamlined procedures. The records management system design takes into account the major functions performed by the court staff and minimizes the amount of manpower needed to perform a specific task. The major yardstick by which any court records management system must be evaluated is whether the system functions well in achieving the intended purpose. The Englewood Municipal Court records management system does indeed enable staff to perform the work required by the court in a reasonably efficient manner.

In almost every system, there is room for improvement. In most cases, the improvements which should be considered by the Englewood Municipal Court are ones which are really only feasible in connection with the development of a comprehensive data processing system as described in Chapter VIII. At this time, however, the court can begin reviewing existing manual operations to identify components which will need restructuring when the data processing system is implemented. Some of the areas for future consideration are discussed below.

1. Case Management Information. The caseflow management section of this report discusses in some detail the type of information which the court should maintain in order to effectively manage the flow of cases through the system. Much of this information is cumbersome to maintain in manual form and to retrieve a useful format. In many cases, when this information is maintained for one type of application, it must be duplicated to perform another.

2. Location of Physical Record Use to Provide Information. The court currently maintains active citations by date of next event. This enables the court to readily determine the action which must be taken for each group from tickets until disposition and ensures that no matter will go "off calendar". This type of filing system seems to be necessary due to the case volume handled by the existing staff, and it works satisfactorily. A filing system organized by date of next event has its drawbacks, however. First, the staff must physically move records from one location to the next. Second, there is a great chance for misfiling due to gaps in the filing system and the constant handling of records. Finally, records can only be organized for one type of use. Access to the records for another purpose is often cumbersome, if not impossible. Ideally, therefore, the records should be maintained in one physical location, but the information concerning the status of a case, next event, type of case, etc. should be organized by some external index or other source of information, such

as a data processing file. This type of arrangement is, for all practical purposes, impossible in a manual records system which experiences such rapid activity.

3. Cross Referencing. Currently, parking, traffic, and the various types of miscellaneous case records are all segregated. The court maintains traffic tickets together by name of defendant, and each type of miscellaneous violation is also maintained together by name of defendant. Unpaid parking tickets are maintained by name of defendant for six months. This type of system facilitates the retrieval of case history or pending case information for a particular type of case or defendant.

There is no mechanism, however, for linking together all open cases or outstanding fines for a particular defendant, regardless of case type. This is particularly important because the court often encounters an individual for one type of matter (e.g., payment of one parking ticket) when that ticket is being paid in person. However, the court has little ability to determine, at that time, whether there are outstanding warrants or unpaid fines in other types of cases involving that particular individual. A cross index, enabling rapid checking of names and addresses, would enable the court to increase revenues collected as well as facilitate the enforcement of court orders and state and local laws. Due to the complexity of such a system, however, data processing represents the only practical means for consolidating this information.*

* Some concern was expressed during the course of the study that the court cannot enforce the payment of a parking ticket because it does not constitute a summons and complaint. As such, the court would have no jurisdiction to require an individual to pay an outstanding parking fine whenever the individual might be before the court on another matter. As a practical matter, however, defendants are told that they are required to pay parking fines both on the ticket and through subsequent warnings and notices sent to the individual. Thus, effective use of the cross referencing system would just be another method of telling the defendant to pay the fine. Of course, if the defendant refuses to pay, a summons and complaint would have to be issued before more coercive action could be taken by the court.

E. Recommendations

Since the court's current manual system operates satisfactorily, the principal recommendations in this section relate to steps that should be taken in preparation for installation of a comprehensive data processing system. However, the first three recommendations set forth below concern effective operation of the manual system. The recommendations are as follows:

1. Design all court forms with common format using modern forms design techniques. The court currently maintains two major files, one for court cases and one for non-court cases (generally, only the citation and record of payment). All forms for court cases should be letter size, which would be consistent with the new letter sized standard being advocated by the Supreme Court of Colorado. Other notices and other forms sent to the public should also be letter size, to reduce cost and increase uniformity. It appears that no forms (except for driving records) are maintained in the citation file, so sizes are therefore not critical in that case. These design approaches should be used when re-designing the tickets as well as other associated forms. Some points of particular relevance to court forms design include the following:

- Information on the form should be organized to facilitate computer data entry, if appropriate.
- Tick marks should be used on tickets for variable information to be filled in by the police officer by hand. Even though the police officers appear to print information on the tickets, tick marks will provide a little more space between letters and speed the data entry process.
- The court case number should appear on each document in the same location.
- The form number and date of issue should appear on each form in one common location.
- The form should be labeled in plain English in the same location on each form.

- The contents of the form instructions should be written in plain English.
- Lengthy instructions for the form should be placed on the back.
- Information to be typed or written on the form should be organized in a box format.
- Distribution of forms should be clearly indicated in one unique location.

2. The court should develop a record retention schedule to permit destruction of all records within a reasonable time after filing. As noted above, the State's Division of Archives and Records has published "Guidelines for the Preservation and Disposition of Records, Municipal Courts, Courts of Record". This publication provides guidelines for the retention of municipal court records and additional information appropriate for storage and disposition of these records. These guidelines, however, are not mandatory upon the municipal court and should only be used as a starting point for the court to develop its own record retention schedule. The major problem with the Guidelines is an assumption that there are some permanent municipal court records. However, it is doubtful that any of the records maintained by the municipal court are of sufficient value to be viewed as necessarily permanent. Some of them may, however, have administrative, legal, or fiscal value for some period of time.

The court should review these records in order to determine possible reasons for later use and the maximum time they should be retained. Issues such as habitual criminal statutes, increased penalties for multiple violations, and requirements for criminal information in civil suits should be given serious consideration. In no case, however, does it appear that it is reasonable to maintain any record in the municipal court longer than seven years. It is probable that most records could be destroyed within three years after filing.

The period of retention for these records should be as short as possible, considering the value attributed by the court. Since the court is audited each

year, the records retention period should be at least one year and after audit.

The following periods may be considered:

- Parking: Retain one year after payment or two years from filing in case of non-payment. (If the court cannot collect parking violations within two years, costs for collecting after that time would be prohibitive.)
- Traffic Violations: Retain three to seven years. Traffic violations should be retained at least three years to determine whether sufficient points have been accumulated to warrant revocation of license or an increase of fines. A seven year period may be necessary since the Colorado Habitual Criminal statute may be effective in traffic matters for seven years and civil suits may be dependent on the outcome of criminal cases.
- Miscellaneous: A period of three to five years should be sufficient in tracking multiple offenses against an individual. In case no statutory limitation exists on particular types of cases (e.g., violation of dog control ordinances), the court should determine a reasonable period for considering previous offenses which weighs the needs of society versus what is fair for the defendant.

In no case, should the retention schedule designate different retention periods for different documents in a single case file, as implicitly advocated by the Division of Archives and Public Records. It is generally better to have a longer period for all records in the case file than different periods for selective ones. The Division of Archives and Public Records should, however, be consulted in developing the retention schedule. The court should first examine the existing records retention guidelines, the recommendations made in this report, and other factors deemed necessary. The court should then prepare an effective records retention schedule which best meets its needs. This retention schedule should be reviewed by the State Division of Archives for comment prior to its adoption. The Division will probably request a procedure under which it is contacted prior to destruction of records and given an opportunity to store these records in the Archives. After the retention schedule has been accepted, the court should undertake a systematic program to destroy records on an annual basis. Determination should be made which of the existing records can be destroyed and the appropriate procedures developed for destruction on an ongoing basis.

3. The court should use smaller (one cubic foot) storage boxes for closed records and should improve the existing storage facilities. The court currently stores closed records in large boxes (two cubic feet in size) which are stacked on the floor or on wooden shelving in a warehouse storage area in the municipal building. Smaller one cubic foot boxes (12" by 15" by 10" high) should be used by the court, since they weigh much less when filled and are much easier to handle. These boxes should be readily available at discount prices through the State Archives or other state sources. Assuming that a new records retention schedule is developed and many existing closed records are destroyed, the court will be able to eliminate many boxes now being stored in the warehouse storage area. The court recently has inventoried the warehouse storage area and has documented the location and contents of each box; this should facilitate the rapid destruction of the boxes under the new retention schedule. However, it is important that the storage area be kept orderly so that the court staff can retrieve records rapidly. In addition, the city should expand the warehouse storage area if the growth of "permanent" inactive records, which cannot be destroyed, exceeds the space available.

4. The court should develop a new case numbering system, and redesign citation forms to allow space for recording the court case number. At the present time, citation forms are prepared with preprinted sequential numbers in the upper right-hand corner, a practice which facilitates accountability for blank tickets assigned to police officers. Under this recommendation, which is an integral part of an automated system, the pre-printed sequential number would still appear on the face of the citation, but there would also be a blank space left for the recording of a court case number. This court case number would be filled in by the court staff on each traffic and miscellaneous citation received. A court case number would be assigned for parking citations only when the ticket had not been paid promptly and the court had obtained the name and address of the vehicle owner.

The court case numbering system should reflect the year of filing, the type of case, and a sequential number. Probably the best type of numbering system now in use in other courts around the country is one which consists of the last two digits of the year of filing, the case type, and a sequential number beginning with 1 each year. For example, the 27th traffic ticket filed in 1980 would be written as "80TR27". Since the case number is written in a numeric-alphabetic-numeric, no spaces or hyphens are required when writing or typing this number. This type of court case numbering system will enable the court to readily identify and track cases filed each year, for management information and statistical reporting purposes. The alphabetic case type indicator will also enable the court to divide the three major case types in the filing room. Since the actual sequential number is the most significant part of the number sequence, it is desirable to begin the sequence with 1 each year to reduce the number of significant digits in the total case number.

5. All citations should be filed in court case number order. If a sequential numbering system is adopted, as recommended above, then citations should be maintained in case number order. The computer system will provide court staff with information necessary for retrieving records prior to court hearings and will automatically perform such activities as preparing notices. In addition, the computer generated cross-index will cross reference previous cases which may have an impact on the penalty for a current violation.

From the standpoint of file integrity, it is most desirable that all citations be kept in straight sequential number order and that the computer system manipulate the information as necessary to perform court operations. In some instances, however, the court may determine that it would be best to keep certain groups of citations initially by order of next event. For example, the traffic citation will indicate the date of arraignment. The court may decide

to maintain all traffic tickets having the same arraignment date together until arraignment, and then file them in court case number order for all subsequent activities.

VII. COURT FACILITIES

A. Facilities Currently in Use

The space occupied by the Englewood Municipal Court is located in a separate wing in the southwest corner of the Englewood City Hall. The room in which court is held is shared with the Englewood City Council; in fact, this space was designed purposely for this multiple use.

The jury room is located adjacent to the court room. It is triangular in shape and is southwest of the court room. The jury room opens into a corridor along which are located the judge's chambers, the court administrator's office, and a room which was originally intended to be a holding room, but is now used for the court's copying machine. The arrangement of the court room and adjacent space is shown in the diagram in Appendix D. which also shows the space occupied by the clerk's office (including the violations bureau) which is in the most southern portion of this wing.

1. The Courtroom. The courtroom/council chamber appears very adequate for court purposes. On Wednesday mornings, when arraignments are held, the entire room is used, providing seating for 165 people. This capacity is more than sufficient for the usual number of arraignments. Indeed, it is large enough to enable Deputy Clerks to use the back of the room to set pretrial conference dates for defendants who plead not guilty, without undue interference with proceedings at the front of the courtroom where defendants are pleading guilty. On other days the room is partitioned, with the rear portion being used as a "community room" in which other activities are held. This arrangement reduces the seating capacity in the courtroom to 57, which is still quite adequate to accommodate the parties, wit-

nesses, friends, and relatives of those involved in cases on the day's docket.

2. The Jury Room. The jury room is sufficiently large to accommodate juries of six persons, and there is easy and direct access to this room from the jury box in the court room. There is also easy and direct access to the lavatories which are located immediately to the south of the jury room. The dimensions of the triangular jury room are approximately 26 feet x 16 feet x 24 feet.

3. Judge's Chambers. The judge's chambers encompass 208 square feet (13 feet x 16 feet) and provide room for a credenza bookcase behind the judge's desk and a small conference table in front of the desk. It is adequate in size and furnishings, and compares favorably with judges' chambers in other municipalities.

4. Court Administrator's Office. The court administrator's office is relatively small - 117 square feet (9 feet x 13 feet), but does provide workspace and privacy, including room for meetings with one or two people. In some municipal courts (e.g., Arvada) the court administrator does not have a separate office. One disadvantage of its location is that it does not enable the Court Administrator to observe activities in the Clerk's office.

5. Clerk's Office. The major space problems are centered in the clerk's office, which has 624 square feet and contains working space for

seven clerical employees and the marshal. The space is barely adequate for the number of people in the office even if minimum standards of 75 to 100 square feet are applied. These standards include desk, chair, equipment, files and circulation space.¹

When desk and adjacent space for all eight employees is taken into consideration (seven clerks plus the marshal), footage per employee is 79 square feet. While this is minimally adequate, the shape of the space detracts from its utility. Also detracting from the useability of the space is the entrance way on the west side of the clerk's office, which is primarily used by police officers for quick access to the court and other parts of the building. Although this entrance is not in continual use, even occasional use of it adds to confusion and crowding in the clerk's office when people take this route into the building.

If additional clerical help is added to cope with increasing caseloads, the office will be overly crowded. As a practical matter, there does not appear to be any immediately adjacent space suitable to accommodate a larger clerical staff. Some overcrowding of staff in this area seems unavoidable, unless labor-saving automation is introduced.

6. Public Areas. There are two public areas of the court which have space problems. One such area is the "lobby" of the clerk's office, immediately in front of the counter. This area is relatively small (approximately 60 square feet) and on some occasions cannot accommodate the number of people waiting to pay parking tickets. The other area is the space just outside the courtroom, running from the entrance to the courtroom north to the corridor leading to the prosecutor's office and the front door of the City Hall building. This area is heavily used on Tuesdays, where pretrial conferences are held, and may also be used by parties

waiting for their cases to be called on other days, There is no seating space in this area, and on busy days there can be considerable milling around in this part of the building.

B. Possible Future Needs

The space problems noted above are relatively minor, and should not adversely affect the work of the court, In our judgment, the existing facilities should be adequate to meet the needs of the court for at least the next two or three years and probably for several years beyond. This is especially true if the recommendations concerning caseload management (to make better use of existing trial capacity) and automation (to avoid hiring additional staff, and probably cut down on current staff size) are followed.

In the event that, contrary to our expectations, additional court sessions appear to be the only way to handle increasing case volume, there appear to be two possible options with respect to space. One option is to schedule additional sessions for weekday evenings or for Saturday mornings. A number of municipal courts in the Denver metropolitan area presently schedule evening sessions, and the practice appears to work satisfactorily. However, this would require alteration in working hours for the court staff (probably including overtime pay) and may also pose problems of building security. A second alternative would be to open a second court room, perhaps using the community room for this purpose on certain mornings or afternoons. While this room receives fairly heavy usage, it should be possible to reserve it for court use two or three half-days a week if necessary.

It is possible that if a plea cut-off policy were established and the prosecutor's staff were augmented, as recommended in Chapter II, there could be an upsurge (at least initially, probably not over an extended period) in the number of cases going to trial. Although we believe that the existing capacity is sufficient to handle such demands, it would be strained, and the court should be in a position -- if necessary -- to provide trials if defendants wish them.

C. Recommendations

1. Develop contingency plans for holding additional court sessions necessary. In the event that the existing courtroom does not provide enough space to meet the demand for trials during normal business hours (i.e., 8:00 a.m. - 5:00 p.m., Mondays through Fridays), it is important for the court to be able to use other space. We believe that either of the two options suggested in the text -- night and weekend sessions in the present court or weekday use of the community room -- would be acceptable. However, both involve costs in terms of staff time, and the night/weekend court option also raises questions of building security and possible overtime pay for non-court staff. In our estimation, such extra sessions should rarely (if ever) be needed in the foreseeable future if existing court room capacity is used well. However, the court should develop contingency plan in cooperation with the City Attorney's Office and the city officials, for use of additional space if it should prove necessary.

2. Make plans for reorganization of clerk's office space as part of planning for automation. The introduction of automation -- whether it involves the City's new computer system or stand-alone equipment -- will

inevitably require some reorganization of space in the clerk's office. Plans for utilization of space -- including precise location of terminals and CRTs -- should be part of the detailed systems design work preceding the installation of automation.

FOOTNOTES - CHAPTER VII

1. Standards are based on F. Michael Wong, Space Management in the Courts, Design Handbook (Washington, D.C.: U.S. Department of Justice, Law Enforcement Assistance Administration, 1973); F. Michael Wong, A Program of Facility Needs for the Colorado Judicial Building, (New York, N.Y.: Space Management Consultants, 1973).

VIII. AUTOMATED DATA PROCESSING

The City of Englewood is currently developing a centralized data processing system for use by all agencies within the city government. The new system will replace the existing batch system which has been primarily used for vital accounting functions. Approximately one year ago, the city government's Data Processing Steering Committee prepared a questionnaire for all city agencies to help in planning for development of the automated system. After reviewing the questionnaire, a preliminary systems design was developed indicating the applications and priorities for each agency. A request for proposal was later prepared and distributed to several computer vendors to enable them to bid on the data processing system. System selection is scheduled for February or March of 1981, with programming and implementation to begin shortly thereafter.

At the time the questionnaire was distributed, the municipal court indicated that parking violations was its only area of interest. Since that time, however, the court has become increasingly concerned about increasing case volume and the limitations of the existing manual system. There has since been substantial discussion regarding various court applications and the court's involvement in the city data processing system. Recently, the court has considered the possibility of operating an information system using a stand-alone word processing system.

In examining the data processing and other management needs of the municipal court, the study team has considered possible applications of a word processor as well as possible applications of the much larger computer system. The remainder of this chapter discusses the data processing system design considerations which are important to the court operation and presents recommendations regarding the development and implementation of the data processing system in the court environment.

A. Potential Data Processing Applications in the Court

A variety of applications would be appropriate in a court environment. For the most part, the data processing system should maintain information which is frequently required ("high access information") regarding each citation handled by the Violations Bureau and each court case handled by the court. In the data base management systems being considered by the city, the court would have a great deal of flexibility in retrieving information and designing reports to meet its needs. Key data processing applications are outlined in this section.

1. Financial accounting. As discussed in Chapter V, the city's highest priority, as it develops software application for the new computer system, is the financial-accounting-budgeting management system. The city is justifiably concerned about accurately accounting for all monies received by units of city government, including the court. Development of an automated accounting system in the court is clearly an essential application for the court, and should be closely coordinated with development of other aspects of the city's automated accounting system.

2. Case management information. As discussed in Chapter II, automation will make it possible to provide instantaneous information on the court's case-load (e.g., number and age of pending cases; identification of "old" cases), thus enabling the court to monitor caseflow and identify potential problems before they become serious. The same type of information can, of course, be used to rapidly prepare periodic statistical reports.

3. Notices and Warrants. If an individual fails to respond to a citation, the court staff currently prepares a notice to be mailed to him. Similarly, when a defendant fails to appear before the court or fails to pay a fine, and ignores the notice, a warrant is prepared. A computerized system can automatically

generate notices and warrants at the appropriate time, using information previously keyed into the computer.

4. Calendar. The cases to be heard each day could be printed on a regular basis with the disposition noted for later data entry into the system.

5. Accountability. The pre-printed sequential ticket numbers could be included in the system, so that the court and senior police officials could readily identify tickets not submitted to the court.

6. Docket. Through the case monitoring process, the system would maintain a list of all activities related to the case as required by the Rules of Court.

7. Cross Index. Currently, the court maintains citations together by name of defendant whenever it is necessary to maintain a criminal case history. Through use of a centralized data processing system, the computer could maintain a cross index of all cases pending against an individual as well as criminal histories of all cases disposed of against an individual. With this system, the computer could then generate the requisite case numbers, case histories required by the court in the case of habitual offenders, increased fines, and other case related information. More importantly, the court can readily check for all outstanding fines and warrants and require the defendant to deal with the situation immediately.

8. Telecommunications. Once the computer system is installed, it might be possible for the court to communicate through the city computer directly to the state computer to determine vehicle ownership for parking citations and to receive information on previous traffic violations from the Motor Vehicle Division of the Colorado Department of Revenue (once its computer system is fully operational). If these systems can be accessed directly by telecommunications, it might also be possible to transmit computer tapes. In addition, the court would be able to report various warrants and case dispositions to state agencies in computer-readable form.

B. Backup Capability

The court has great concern regarding the availability and response time of the computer system during regular court business hours. Although modern data processing systems have exhibited improved reliability, there will always be periods when malfunctions occur. This is particularly a problem during start-up periods, when the various application packages are being developed. The court needs immediate access to information when individuals come to the counter, when phone calls are received, when cases must be processed, and for a variety of other purposes. Some backup system must therefore be available in case of computer malfunction.

Although other alternatives would be available, computer output microfilm ("COM") would probably represent the least expensive method. With computer output microfilm, a copy of court's entire active file could be reproduced periodically (e.g., every week or every month) on microfiche. A single microfiche card could hold up to 288 computer pages of information at 48X reduction. COM is relatively inexpensive in large volumes, and would enable the court to maintain a complete duplicate set of records (as of the date the COM was produced) in a small amount of space. A microfiche reader costing about \$200 would be required to read the COM microfiche. In case of computer malfunction, with COM the court would have a great deal of information which would enable them to continue functioning for most matters.

Probably the only feasible alternative to COM would be some duplication of the data processing capabilities, either through the use of a backup computer or distributed data processing. Both these approaches, obviously, would be extremely expensive and should only be considered if absolutely necessary.

C. Priority

The court currently processes a great deal of information using its manual system. An automated data processing system could substantially improve the court operation and would very probably produce a significant increase in city revenues. The introduction of the computer system would also enable the court to reorganize staff assignments so that important tasks, previously set aside, could be accomplished. To date, the court has not been very involved in the development of the computer system specifications design, and has been relegated a low priority for systems development. It appears, however, that the court's priority could be changed, and that the various applications needed by the court could be implemented relatively quickly.

D. Configuration

The city will be developing a centralized, on-line data processing system which also has batch processing capabilities. The court will obviously need terminals for data entry as well as retrieval of information. The court will also need a reasonably good quality line printer for preparation of forms, notices, warrants, and other purposes. Whenever a particular form must be distributed, the court can then simply mount the proper form (in continuous form format) and instruct the computer to prepare the necessary forms and information.

The court will probably need three computer terminals: one at the front counter (for inquiry and data entry when persons come to that counter to pay fines) and two in the staff area behind the counter (a second terminal for data entry and inquiry and one primarily for data entry alone). Since the court has a great deal of information to be keyed into the system, it would probably be wise to provide it with at least one terminal equipped with floppy disk storage. This would enable the court to record information on the floppy disk during periods

of peak usage (therefore slow response time) and malfunction. Although this type of system would increase the terminal cost, it would enable the court to continue entering data so that court activities can remain on schedule.

E. Cost Analysis

Tables VIII-1, VIII-2, and VIII-3 provide rough cost estimates concerning alternative approaches to issues of staffing and automation. Table VIII-1 projects 1981-1985 costs for anticipated increases in staff size, assuming that no automation is introduced. As discussed in Chapters I and IV, it appears reasonable to assume that parking violation filings will not go much above 17,000 per year, but that the volume of non-parking cases will continue to increase. Additional staff, at the Deputy Clerk level, will be needed to handle this increased volume. With starting Deputy Clerk salary levels adjusted annually for inflation, the costs of the additional staff--independent of other cost increases in the court--is projected at \$84,752, through the end of 1985. In 1981 dollars, this would be \$69,332.

Table VIII-2 presents extremely rough cost estimates for automating the court. The principal cost (and the amount most difficult to estimate) is software costs, including programming expenses. Since the City is contemplating a data base management system, a relatively modest amount of programming costs are covered by the estimate. With a software estimate of \$25,000, the rough cost estimate for introduction of a relatively complete automation system into the court would be about \$44,500. As Table VIII-3 indicates, introduction of such a system in 1981 can be estimated to produce savings of about \$23,976 by the end of 1985, through avoidance of costs for additional staff.

Two types of alternative projections should be noted. On one hand, it is possible that the estimate for software is too low. Conceivably, it could be as high as \$50,000, which would mean that--unless the introduction of automation produces a reduction of staff size--the system would not really begin to produce cost savings until 1986.

A second alternative projection assumes that the system can be designed in a fashion which enables a significant reduction in staff size. Because a well-designed manual system can save enormous amounts of personnel time now used to record data, retrieve information, prepare dockets, send notices, check prior records, and perform other tasks, some staff cutbacks should be possible. A possible staffing pattern after the court is automated might look something like this:

One Court Administrator - General supervision of staff; duties essentially the same as at present.

Two Deputy Court Clerks (or Court Clerk II or III) - Both would handle in-court proceedings, preparation of dockets, notifications and warrants for non-appearance, jury summonses, etc. Most of the time, one would probably be in court, and the other would be handling data entry at a CRT.

Two Violations Bureau Clerks (or Court Clerks I or II)- Both would handle parking violations (including in-person payments at the counter and payments by mail), non-parking cases not requiring a court appearance, telephone inquiries, etc. At any one time, one would be primarily responsible for handling business at the counter (using a CRT located at the counter), while the other would work at a desk with a CRT.

This staffing pattern calls for only 5 persons, and is probably the minimum necessary after automation, given the diversity and volume of the court's business. A sixth person (or the equivalent of one full-time employee) would probably be necessary, to provide some flexibility and back-up capability, to serve process when necessary, etc.

Since minimizing staff size is one of the primary objectives of introducing automation, this objective should be built into the detailed systems design work that must precede introduction of an automated system.* That is, in designing the system, criteria should include the capacity to handle a volume of work well in excess of what can now be projected for 1985 and doing this with a staff size of no more than six.

Assuming that it is possible to introduce an effective automated system requiring a staff of no more than six persons, which we believe should be possible, substantial cost savings would be produced. Table VIII-4 presents an estimate showing savings of \$116,404 through 1985 as a result of such automation, provided that the installation were accomplished in 1981 with a software cost of approximately \$25,000.

* The detailed systems design work for the court should take no more than two man-months (est. cost: maximum of \$5,000), and should be done after the City has made final decisions regarding the basic computer system to be purchased.

** While automation should result in a reduction of staff size, relatively few courts have been successful in reducing staff size by automating, although they have been able to avoid or minimize further increases. While we believe the Englewood court should be able to reduce staff size through automation, policymakers should be aware of the disappointing results elsewhere. Sound planning can make a great difference in ultimate system effectiveness.

Table VIII-1

PROJECTED COURT STAFF COST INCREASES IF AUTOMATION IS NOT INTRODUCED¹

<u>Year</u>	<u>Projected Non-Parking Filings²</u>	<u>Projected Non-Parking Staff Size (FTE)³</u>	<u>Projected FTE Increase From 1980</u>	<u>Salary⁴</u>	<u>Increase⁵</u>
1981	8,275	5.16	.07	\$12,228	\$ 856
1982	9,122	5.71	.62	13,083	8,111
1983	9,969	6.22	1.13	14,000	15,820
1984	10,817	6.75	1.66	14,979	24,865
1985	11,664	7.28	2.19	16,028	35,101
TOTAL, 1981-85					\$84,753 ⁶

1. Costs for staff increases are for non-parking personnel, as discussed in Chapter IV. No increases are anticipated in amount of staff time devoted to parking violations, above the level (3.16 FTE) devoted to these cases in 1980.

2. See Tables I-4, IV-4.

3. See Table IV-4. Figures assume that 1981 staffing will be at level of 8.32 FTE (3.16 for parking cases, 5.16 for all other matters).

4. New staff added for increase in non-parking caseload would require Deputy Court Clerk skills. Salaries assume 1981 base of \$12,228 per year (\$1019 per month) as per lowest pay in Deputy Clerk range under Benchmark plan. Salaries are adjusted for annual inflation of 7 percent.

5. Anticipated personnel cost increases reflect salaries only, and do not include associated fringe benefits and overhead costs.

6. If not adjusted for inflation (i.e., if expressed in 1981 dollars), total projected 1981-85 costs for additional staff would be \$69,332.

Table VIII-2

COST ESTIMATES FOR INTRODUCTION OF AUTOMATION

A. Personnel - Court Staff

Part-time help during conversion to automation, while parallel manual and automated systems are in operation.

\$ 5,000

B. Equipment

3 CRT Terminals	4,500
1 Line Printer (good quality)	7,000
1 Floppy Disk Drive	1,500
4 Equipment Sounds	1,500
	<u>14,500</u>

14,500

Note: Does not include possible costs for disk storage, CPU, interfaces, main computer

C. Software

25,000 (?)

Cost estimate assumes selection of a good quality Data Base Management System by the City, to include powerful report generating and utility programs. Software cost estimate includes time required to design and program user interfaces (masks) and to coordinate data communications. Cost could be higher (\$50,000 or more) if extensive programming is required, especially if major programs must be custom designed.

TOTAL \$ 44,500

TABLE VIII-3

ESTIMATED COST SAVINGS THROUGH 1985, FROM
INTRODUCTION OF AUTOMATION, ASSUMING NO REDUCTION
IN STAFF SIZE FOLLOWING INSTALLATION OF SYSTEM IN 1981

A. Projected increases in personnel

costs, 1982-1985, if automation is

not introduced, expressed in 1981

dollars (Table VIII-1)

Estimated 1981-85 costs
Less Est. 1981 costs

\$ 69,332
856

68,476

68,476

B. Estimated costs for introduction

of automation (Table VIII-2)

44,500

C. Cost savings, 1982-85

\$ 23,976*

Table VIII-4

ESTIMATED COST SAVINGS THROUGH 1985, FROM
INTRODUCTION OF AUTOMATION, ASSUMING MAXIMUM
STAFF SIZE OF SIX FOLLOWING INSTALLATION OF SYSTEM IN 1981

- A. Amount saved by not adding additional
personnel above 8.32 projection for 1981

Projected savings, 1982-1985

(from Table VIII-1)

\$ 68,476

- B. Amount saved by cutting back from 8.32
to 6.0 FTE

Assume elimination of 2.32 persons

at salary level of starting Viola-

tions Bureau Clerk (\$9960 per year)

1982-1985

\$9,960 x 2.32 x 4 years

92,428

\$ 160,904

Less:

- C. Cost of installation of automated
system (from Table VIII-2)

44,500

\$ 116,404

F. Recommendations

1. The court should become closely involved in the development of the city and court data processing system. To date, the court has had minimal involvement in the development of the city's data processing system. From this point on, the court administrator should be actively involved in all aspects of data processing development as it affects the court. The court should begin by reviewing all documentation that the city has developed as part of the proposal process and by consulting with city officials and employees involved in the implementation of the system. At an early point, the court will need to develop a list of applications which it would like to see in the court, and a timetable for that development. The court must then work very closely with the systems analyst to insure that the automated system is designed to meet the court's needs. Many court computer systems have failed because the courts have relied on others to devise and develop the system for them. The municipal court must be involved in all stages to make sure that the system is developed to meet its needs in the shortest possible time.

2. The court should develop the data processing capability in conjunction with the city's computer system. The court has considered the possibility of developing a stand-alone word processing system to manage its own information. While modern word processing systems offer tremendous capabilities which emulate data processing, a stand-alone word processing system does not have the storage or technical capability to handle the large volume of data encountered in court work. These word processing systems have small records processing or list processing packages which would enable a small office or a small business to maintain certain types of records and prepare necessary reports. This capability,

especially in the area of sorting and data manipulation, falls far short of what the court needs in terms of an overall information system. Most of the court applications for which automation is appropriate for "data processing" applications and not word processing applications. Data processing principally involves the manipulation of information and the calculation of numbers. Word processing involves the typing and revision of text. A computer properly programmed can perform data processing functions substantially better than any word processing system on the market. It would be highly desirable, however, for the data processing system to have a line printer and to be equipped with a word processing package to facilitate the preparation of procedures manuals, custom letters, notices, warrants, and other types of text used by the court.

3. The court should develop a complete computerized information system.

Section A of this chapter describes the various applications for which data processing might be applicable in the court environment. It is recommended that all these applications be developed. A sound case management system actually requires the design of a complete information system package. This means that all relevant data elements must be defined and entered into the system. From that point, the court could retrieve the information as needed to perform the necessary functions. This approach would be far superior to any attempt to develop individual applications, such as notices, which only require a limited subset of the data base required for case monitoring.

4. In developing an automated system for the court, reduction of staff size to a maximum of 6 persons should be an important design consideration.

At the present time, the court's high volume of business requires a large staff, with much of the staff time spent on relatively simple and essentially repetitive tasks. With an automated system, it should be possible

to eliminate much of the staff time that now goes into manually retrieving information from case files, preparing court dockets, preparing and mailing notices of non-appearance and non-payment, compiling statistics and management information reports, and the like. In order to achieve optimum savings with automation, however, reorganization of the physical filing system, reallocation of staff members' duties, and development of a new set of procedures will be necessary. We suggest that, in designing the automated system, the court and other city officials involved in the development of the system take it as a "given" that once the automated system is fully operational, court staff size should not exceed six persons unless there is a very drastic increase in caseload above the projected 1985 level. This sort of a personnel ceiling or target, which we believe is realistic for an automated court with the volume the Englewood Municipal Court seems likely to face in the future, will provide a structured incentive for the design of caseflow and records management procedures that will work efficiently.

5. City council should review the priority given to the court application, and raise it to Priority II. Due at least in part to the lack of involvement by the court, the steering committee has preliminarily assigned a rather low priority for court applications. It is apparent that this priority can be changed, and we strongly recommend that implementation of court applications of the city's new automated system be given a high priority. It is important to note that applications such as notices and the cross index could potentially increase city revenue. Other applications such as case management information, warrants, and docketing, could enable the court to handle greater case volumes without substantial staff increases or to perform other court-related functions which could not be performed today. Finally,

by carefully monitoring court operations and the flow of cases through the system, the court and the city government can improve the quality of justice administered in Englewood.

6. An alternative plan should be developed to provide the court with some automation in case development of court applications on the City's computer is delayed until 1983 or later. Although Recommendations 1-4 emphasize court participation in the City's overall computerization program, we recognize that delays may be encountered in completing court applications. As discussed above, some increase in personnel costs will be virtually inevitable if automation is not introduced. Our rough estimates are that such costs would be approximately \$8,111 in 1982 and \$15,820 in 1983. (See Table VIII-1.) It would probably be less expensive to provide the court with some stand-alone automation that could avoid the necessity for adding staff. While sophisticated word processing and microcomputer systems cannot manage and manipulate data like a larger computer system can, a stand-alone system with records processing capability could help with the following applications: notices, correspondence, docket preparation, mailing lists, reports and manuals, and case status monitoring. No special programming would be needed, although operators would have to be trained. In order to be cost justified, the system would have to perform the work of the additional .62 FTE projected for 1982 and the 1.24 projected for 1983. It would probably be advisable to rent such a system (approximate rental: \$500 per month) instead of buying it (approximate purchase cost: \$15,000 - 20,000), so that the financial commitment can be terminated once the court applications of the City's central computer system are operational. Installation of such a system would be most

useful in connection with the non-parking cases that result in court proceedings. The system is not likely to enable reduction of existing court staff size, but it should enable avoidance of staff increases in the next two to three years.

. The court should streamline the manual system when developing the data processing system. Chapter VI included recommendations concerning changes in the manual system which would be appropriate regardless of whether automation is introduced or not; these recommendations could be implemented immediately. Also in that chapter some recommendations were provided for changes in the manual records management system only if data processing was implemented. The second group of recommendations would be vitally important to streamline the filing system, in particular when used in conjunction with the new data processing system. During the course of this project, several possible changes in the present manual system were informally discussed with court personnel. Such changes would begin transforming the court procedures to ones that would parallel the procedures finally adopted with the data processing system. In many cases, changes in the manual system which emulate the data processing system could be extremely complex and cumbersome and therefore were not recommended in this final report. The court should, however, constantly review its operations in conjunction with the development of the data processing system design, to see where components can be streamlined and reorganized so that the transition to an automated data processing system will be smoother and fewer errors will result. Courts that have attempted to make a transition from a manual system to a totally different data processing system without an appropriate evolution in the manual system have often experienced delays and cost overruns in developing the data processing system itself. The closer the manual system comes to the ultimate data processing system, the faster the computer system can be developed, with fewer errors, and at lower cost.

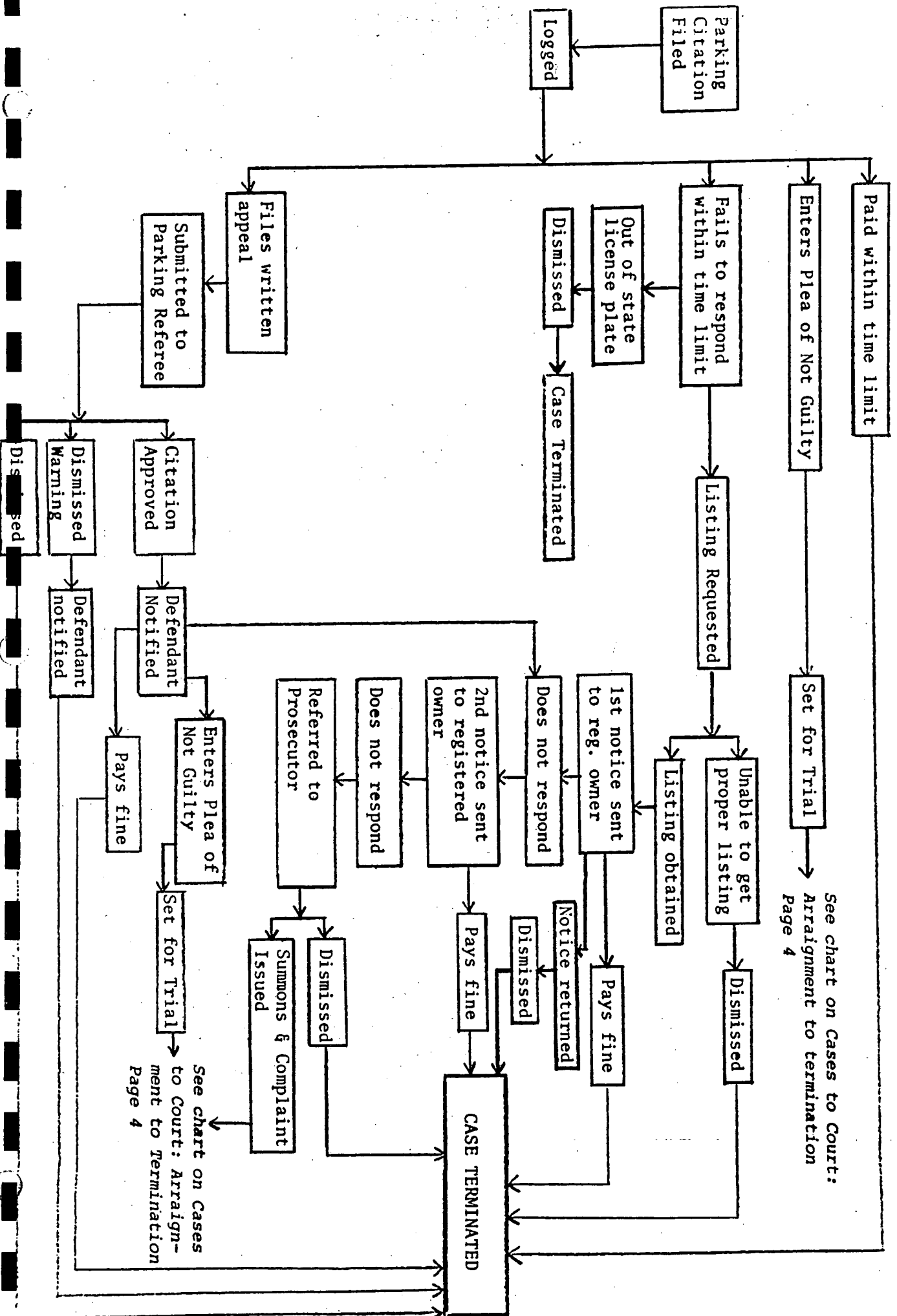
APPENDIX A

Flow Charts - Englewood Municipal Court

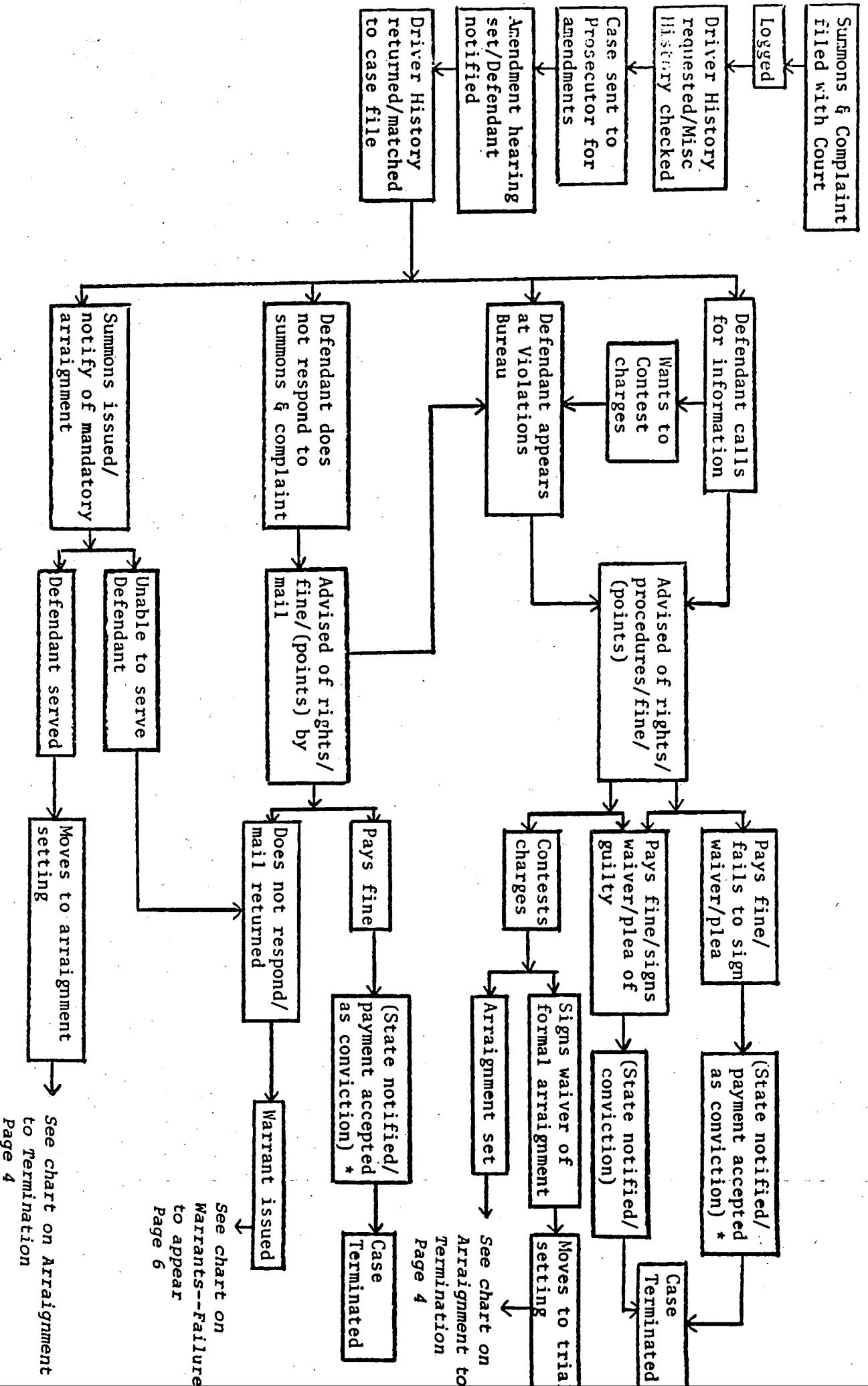
1. Parking Citations Filed with the Court
2. Non-Parking Cases Set for Appearance at Violations Bureau
3. Cases Filed with the Court--Set for Mandatory Arraignment
4. Cases to Court: Arraignment to Termination
5. Sentencing
6. Warrants: Failure to Appear
7. Warrants: Failure to Pay

Prepared by Carolyne Boettger, Court Administrator
April, 1980

PARKING CITATIONS FILED WITH THE COURT



NON-PARKING CASES SET FOR APPEARANCE AT VIOLATIONS BUREAU



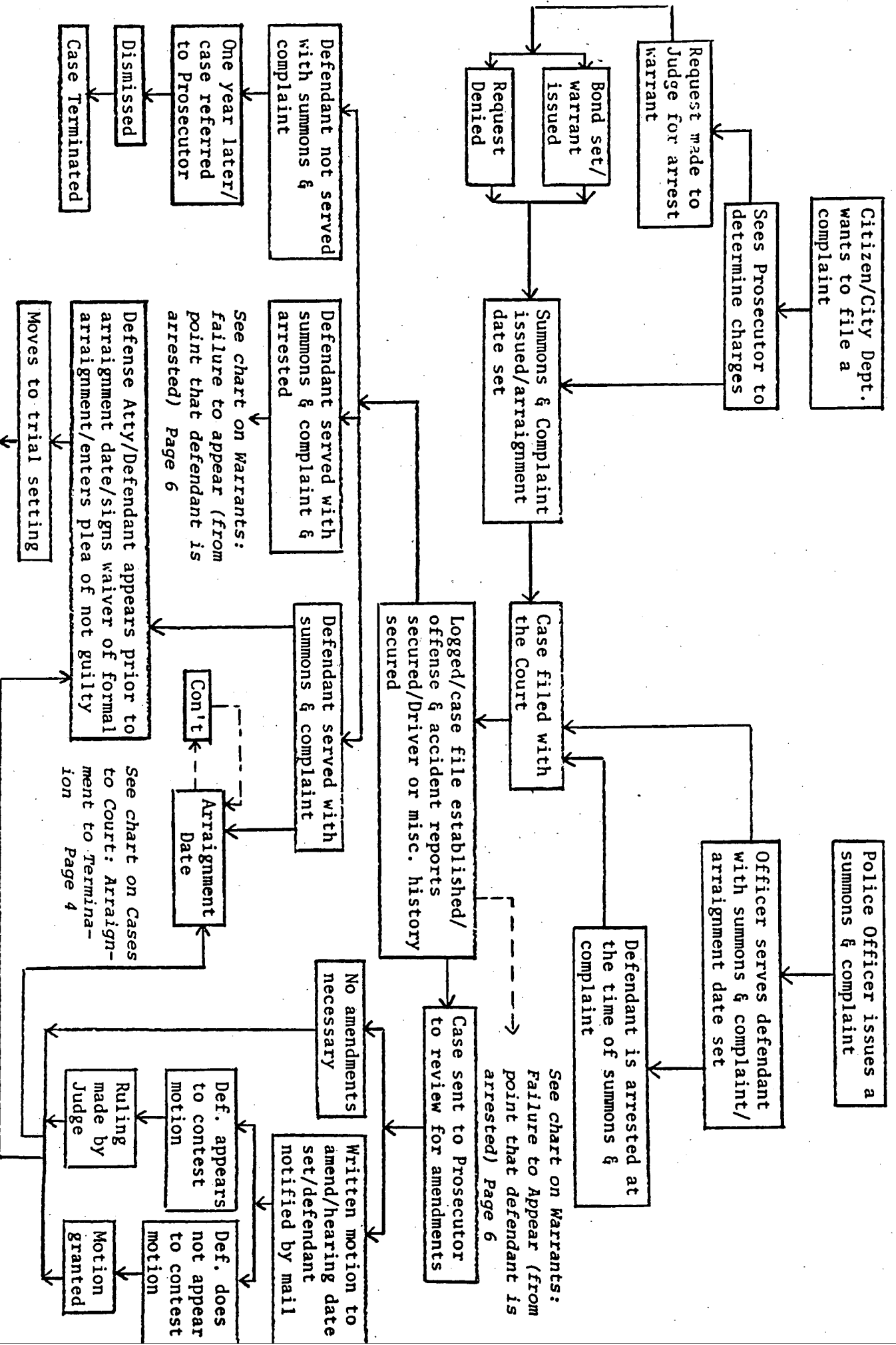
*Case could be reopened at a later date since no plea was entered

See chart on Arraignment to Termination Page 4

See chart on Warrants--Failure to appear Page 6

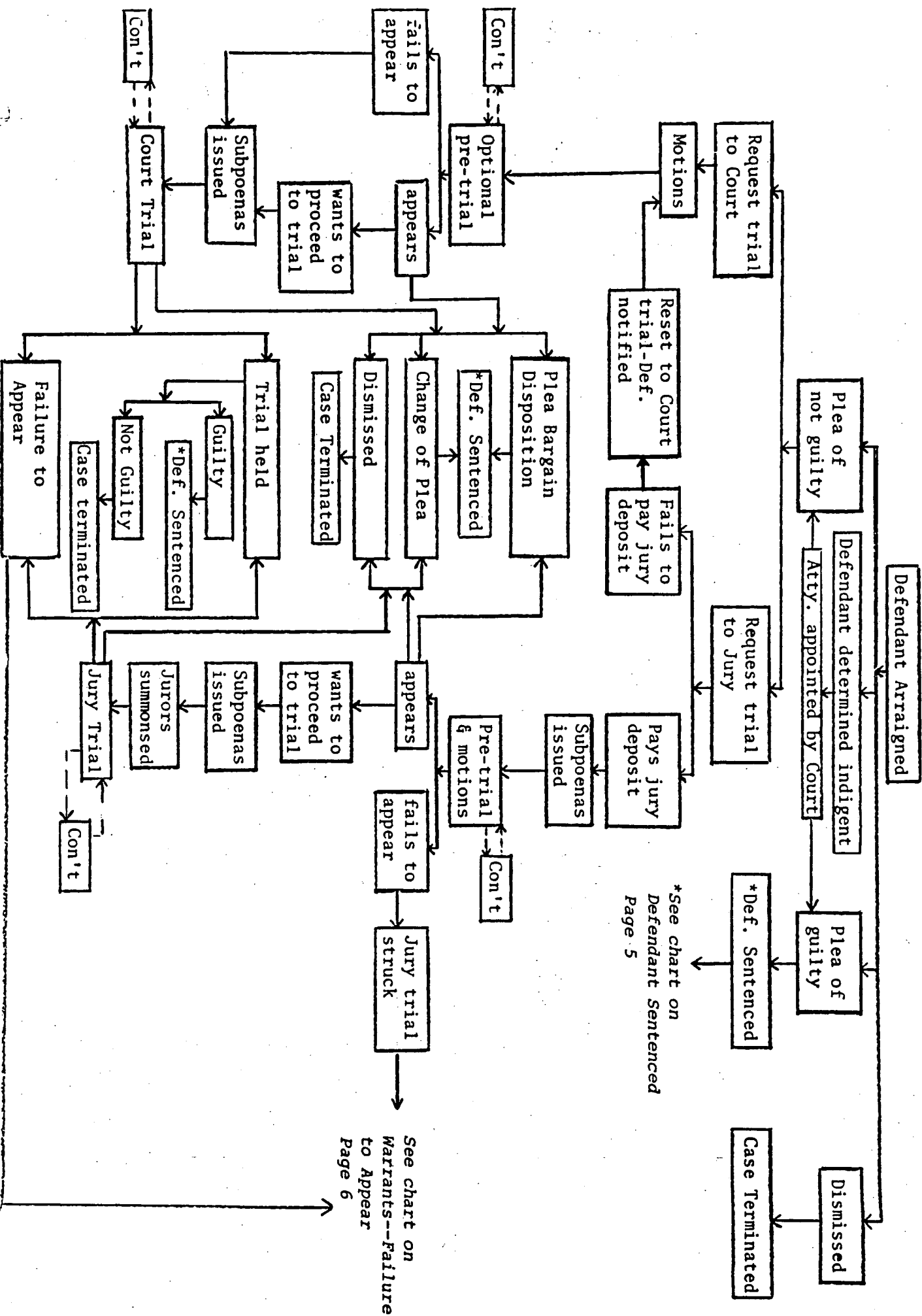
See chart on Arraignment to Termination Page 4

CASES FILED WITH THE COURT - SET FOR MANDATORY ARRAIGNMENT

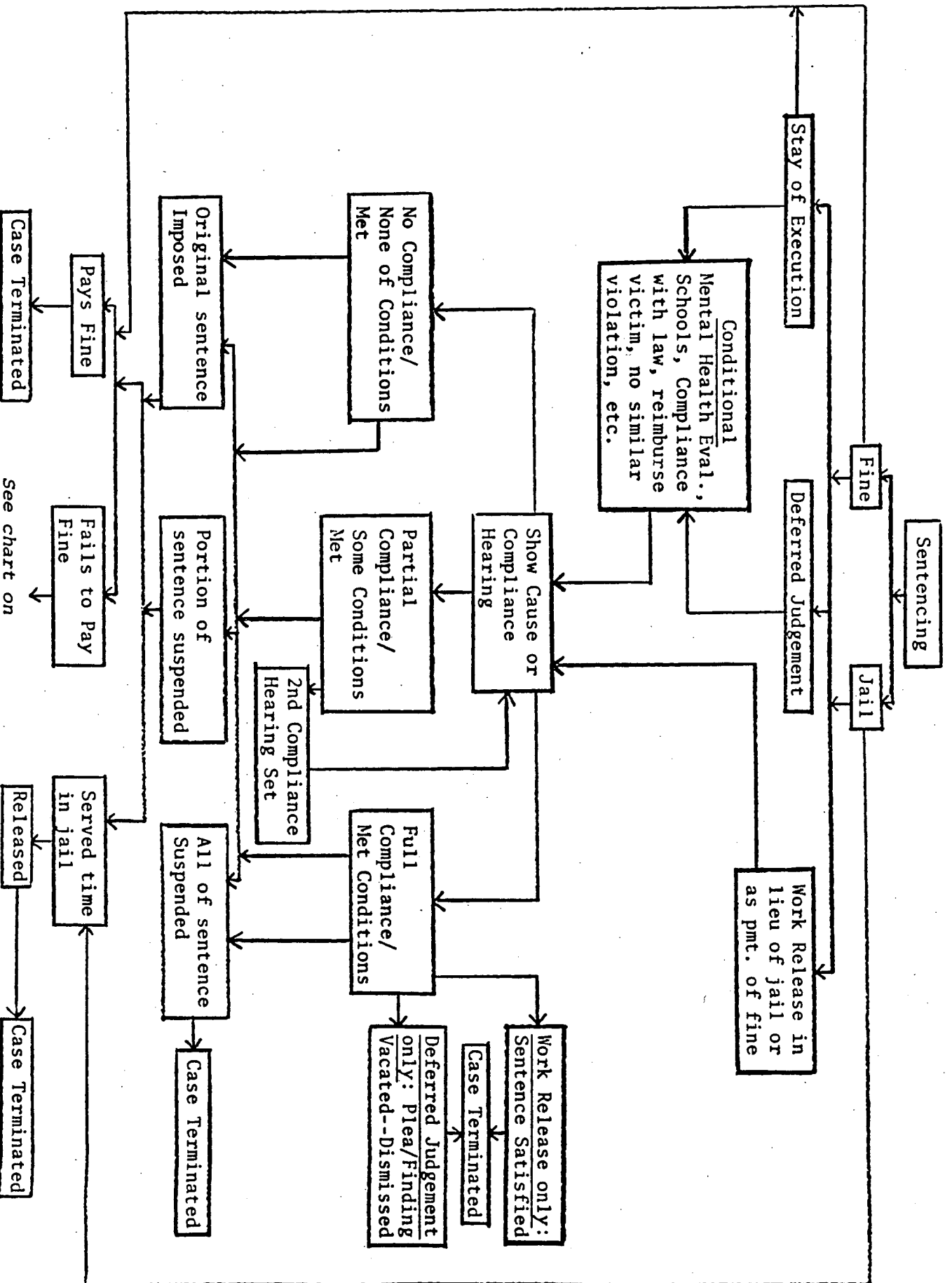


See chart on Cases to Court:
Arraignment to Termination

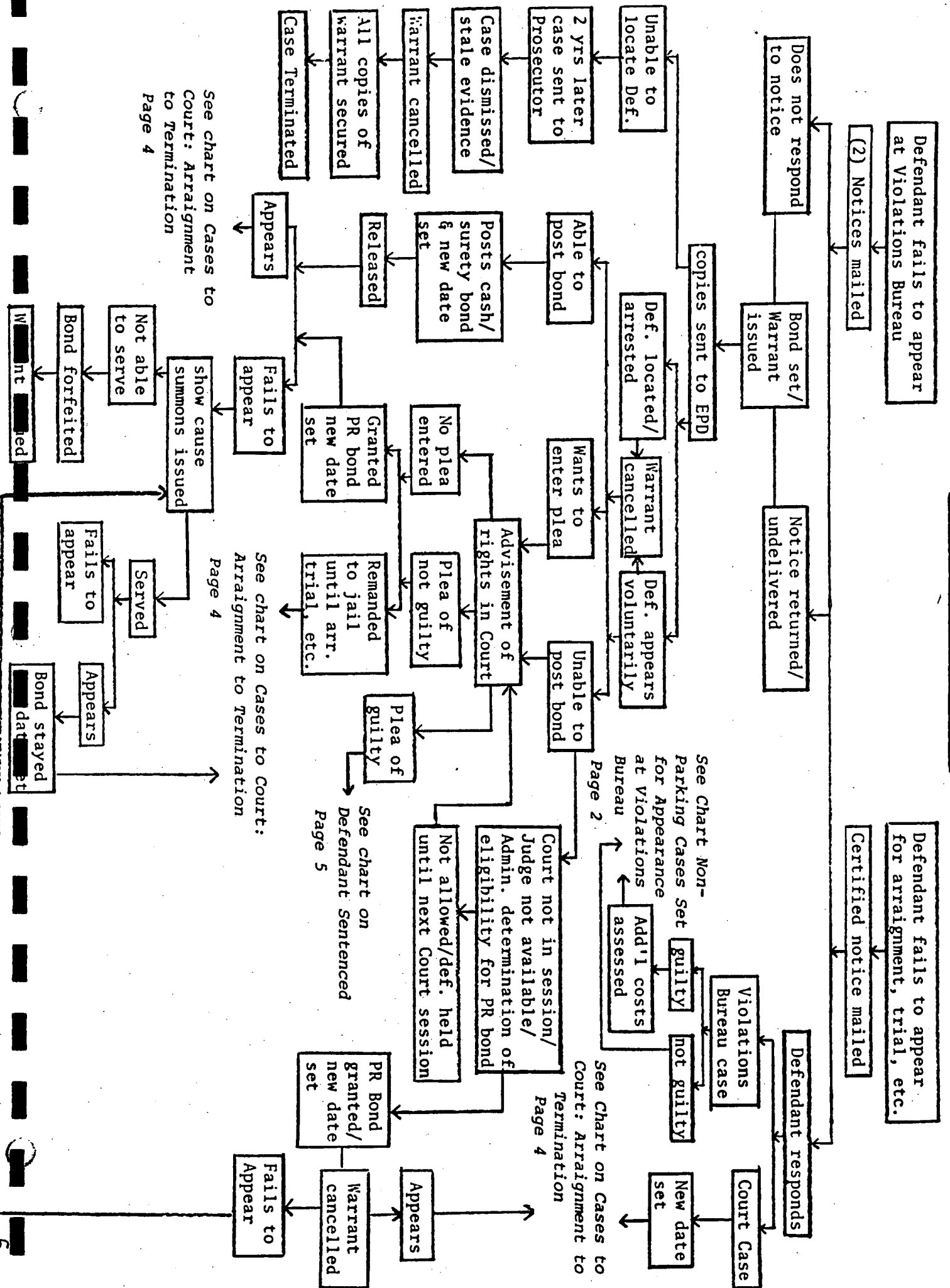
CASES TO COURT: ARRAIGNMENT TO TERMINATION



DEFENDANT SENTENCED



WARRANTS: FAILURE TO APPEAR



[illegible]

APPENDIX B

Formal Advisement at Arraignment

FORMAL ADVISEMENT AT ARRAIGNMENT

Judge Louis Parkinson

Good Morning. Before we begin the nine o'clock docket the Court has a few explanatory remarks to make.

Most, if not all of you, are here because you received a summons and complaint which alleges that you violated some ordinance of the City of Englewood. You are here today for an arraignment. An arraignment is a procedure which has one primary purpose - that is to determine if you wish to plead guilty to the charge or not guilty to the charge. You have an absolute right to plead not guilty to the charge and you should plead not guilty to the charge if there is any doubt in your mind as to whether you violated the ordinance or not. If you should plead not guilty, you wouldn't be found guilty of anything unless the City proved at a trial, beyond a reasonable doubt, all of the elements necessary to show that you violated the ordinance. The way the City would do that, upon your entry of a plea of not guilty, would be at a trial date in the future. Today, we would set the date of that future trial on your entry of a plea of not guilty.

Now at that trial you would have the right to represent yourself, be represented by an attorney you choose, or if you wish to be represented and can show the Court through a financial affidavit that you cannot afford an attorney, representation would be appointed for you free of charge. The representation that the Court uses under those circumstances are law students from the University of Denver. That is a procedure which is specifically permitted by a rule of the Colorado Supreme Court. Also, you have the right to have the Court order the appearance of anyone you wish to testify in your behalf.

At that trial you would have the right to have a trial to the Court or to a Jury. If you wish to try to a Jury, you would be required to post a jury deposit of \$25.00. All of that would be refunded to you unless the City did prove to that Jury beyond a reasonable doubt that you violated the ordinance. In that event, the \$25.00 jury deposit would be taxed as costs to the case.

Now, upon your entry plea of not guilty, the Office of the City Attorney has instigated a policy whereby they are willing to discuss prior to trial your case with you. You will receive, upon your plea of not guilty, two (2) dates - a date for your trial and a date at which time you may appear to discuss the matter with the City Attorney. You are not required to discuss the matter with the City Attorney; whether you do so is entirely your own decision. It is your option to do it or not to do it. If you elect not to appear at the optional pre-trial conference, you will have to appear on the trial date ready for trial.

Now, on the other hand you have the right to plead guilty to the charge. A plea of guilty does constitute admission on your part that you violated the ordinance. If the Court accepts your plea of guilty, it would look at all the circumstances surrounding the issuance of the summons and complaint.

FORMAL ADVISEMENT AT ARRAIGNMENT
Judge Louis Parkinson
Page 2

That would include, in the case of traffic offenses, your previous driving record, if any; and in the case of other offenses it would include an inquiry as to whether or not there had been previous similar offenses by the same defendant. The Court would also look at all police officer's notes and the accident reports before pronouncing any penalty. It will allow you equal opportunity to make any explanation you wish to make in your own behalf.

Now, you should be informed that the maximum penalty for any violation of an Englewood ordinance is 90 days in jail, \$300 fine, or both. This Court has never imposed any penalty nearly approaching that severity, but you should be informed that that is the maximum penalty which could be imposed.

You may have noticed from that explanation that if your intention today is to plead not guilty, all that happens is that we set down the two (2) dates - the date of your trial, your pre-trial date and determine if you wish to have it tried before the Court or to a Jury. Therefore, as I call the roll call of the nine o'clock docket, if your intention is to plead not guilty when your name is called, say the words "not guilty"; otherwise, when your name is called you may wish to hold up your hand.

(The roll is called.)

APPENDIX C

Schedule of Fines and Designation of
Offenses Requiring Mandatory Appearance
and of Offenses for which Fines may be
Paid at Violations Bureau

IN THE MUNICIPAL COURT
CITY OF ENGLEWOOD
STATE OF COLORADO

EFFECTIVE DATE:
MARCH 1, 1980

PURSUANT TO THE AUTHORITY VESTED IN THE JUDGE OF THE MUNICIPAL COURT, BY THE CITY OF ENGLEWOOD MUNICIPAL CODE, "TITLE I, SECTION 6, CHAPTER 6," I DO HEREBY SET OUT THE SCHEDULE OF FINES AND THE DESIGNATION OF OFFENSES UNDER THIS ORDINANCE WITH RESPECT TO WHICH PAYMENT MAY BE ACCEPTED AT THE VIOLATIONS' BUREAU IN SATISFACTION THEREOF AND THE TYPE OF SUCH OFFENSES WHICH SHALL REQUIRE APPEARANCES BEFORE THE COURT.

THE FOLLOWING OFFENSES SHALL REQUIRE MANDATORY APPEARANCE BEFORE THE COURT:

1. CARELESS DRIVING
2. RECKLESS DRIVING
3. SPEEDING 20 OR MILES PER HOUR OVER THE SPEED LIMIT
4. SPEED CONTEST
5. ELUDING OR ATTEMPTING TO ELUDE A POLICE OFFICER
6. ANY OFFENSE RESULTING IN AN ACCIDENT AND/OR PERSONAL INJURY
7. A TOTAL OF THREE OR MORE OFFENSES IN A SINGLE COMPLAINT
8. ANY OFFENSE WHERE THE DEFENDANT IS 17 YEARS OF AGE OR YOUNGER
9. A FOURTH OR SUBSEQUENT MOVING TRAFFIC OFFENSE WITHIN A 24 MONTH PERIOD
10. A THIRD OR SUBSEQUENT OFFENSE OF THE SAME NON-TRAFFIC ORDINANCE
11. FAILURE TO RESPOND TO A SUMMONS
12. ALL OFFENSES INVOLVING NON-TRAFFIC ORDINANCES EXCEPT:
 - A) 11-11-2 DOG AT LARGE
 - B) 11-2-8 POSSESS AND CONSUME

THE FOLLOWING IS THE SCHEDULE OF FINES FOR WHICH PAYMENT MAY BE MADE AT THE VIOLATIONS' BUREAU:

MODEL TRAFFIC CODE ORDINANCES IN ORDER (EXCEPT PARKING & PEDESTRIAN) 14-1-1:

<u>§ CODE NO.</u>	<u>ORDINANCE</u>	<u>POINTS</u>	<u>1ST OFFENSE IN 24 MONTH</u>	<u>2ND OFFENSE IN 24 MONTH</u>	<u>3RD OFFENSE IN 24 MONTH</u>
1-1	APPROACHING OR ENTERING UNCONTROLLED INTERSECTION	3	\$ 21.00	\$ 32.00	\$ 42.00
1-2	VEH. TURNING LEFT	3	21.00	32.00	42.00
2-2	STOP SIGN:				
	RAN STOP SIGN	4	28.00	42.00	56.00
	ROW/STOP OR YEILD	3	21.00	32.00	42.00
3-1	STOP SIGN AT RR CROSSING	4	28.00	42.00	56.00
3-2	OBED. TO RR SIGNAL OR BARRICADE	4	28.00	42.00	56.00
3-5	EMERGING FROM OR ENTERING ALLEY, DRIVEWAY, OR BLDG.	3	21.00	32.00	42.00
3-6	STOP/SCHOOL BUS	4	28.00	42.00	56.00
3-7	STOP CLEAR OF CROSSWALK	0	14.00	21.00	28.00
4-1	SPEEDING:				
	1 TO 9 MPH OVER LIMIT	3	21.00	32.00	42.00
	10 TO 19 MPH OVER LIMIT	4	28.00	42.00	56.00
4-4	SPECIAL HAZARDS	3	21.00	32.00	42.00
4-5	IMPEDING TRAFFIC	3	21.00	32.00	42.00
6-1	MOVE PARKED VEHICLE	3	21.00	32.00	42.00
6-2	WHEN SIGNAL REQUIRED	2	14.00	21.00	28.00
6-3	POSITION/METHOD OF TURN	3	21.00	32.00	42.00
6-6	U-TURN	3	21.00	32.00	42.00
6-7	TURN PROHIBITION SIGN	3	21.00	32.00	42.00
7-1	DRIVE ON RIGHT-EXCEPTIONS	4	28.00	42.00	56.00
7-2	PASS RT OF ONCOMING VEH.	4	28.00	42.00	56.00
7-3A	OVERTAKE VEH. ON LEFT	4	28.00	42.00	56.00
7-3B	FAILURE TO GIVE WAY WHEN VEHICLE OVERTAKEN	3	21.00	32.00	42.00
7-4	OVERTAKE VEH. ON RIGHT	4	28.00	42.00	56.00

<u>§ CODE NO.</u>	<u>ORDINANCE</u>	<u>POINTS</u>	<u>1ST OFFENSE IN 24 MONTH</u>	<u>2ND OFFENSE IN 24 MONTH</u>	<u>3RD OFFENSE IN 24 MONTH</u>
7-5	LIMITATIONS OVERTAKE VEH. ON LEFT	4	\$ 28.00	\$ 42.00	\$ 56.00
7-6	FOLLOWING TOO CLOSELY	4	28.00	42.00	56.00
8-1	WRONG WAY/ONE WAY	3	21.00	32.00	42.00
8-2	LANE CHANGE	3	21.00	32.00	42.00
9-1	DRIVE ON DIVIDED STREETS	3	21.00	32.00	42.00
15-2	OFFICIAL TRAFFIC DEVICE	3	21.00	32.00	42.00
15-5	SIGNAL LIGHTS:				
A-2	GREEN TURN ARROW	3	21.00	32.00	42.00
C-1	STOP FOR STEADY RED	4	28.00	42.00	56.00
C-1-I	RT. TURN RED/PROHIBITED	4	28.00	42.00	56.00
C-1-I	RT. TURN RED/YIELD ROW	3	21.00	32.00	42.00
C-3	RED WITH GREEN ARROW	4	28.00	42.00	56.00
15-6	FLASHING SIGNALS	4	28.00	42.00	56.00
15-8	YIELD/PEDESTRIAN ROW	4	28.00	42.00	56.00
15-9A	INOPERATIVE SIGNALS	3	21.00	32.00	42.00
15-10	TRAFFIC LANES	3	21.00	32.00	42.00
15-11	BARRICADES	3	21.00	32.00	42.00
15-13	INTERFERE/DEFACE CONTROLS	0	14.00	21.00	28.00
16-9	DRIVE ON SIDEWALK	0	14.00	21.00	28.00
16-11	DUE CARE/PEDESTRIANS	4	28.00	42.00	56.00
18-2	SIZE/WEIGHT RESTRICTIONS	0	14.00	21.00	28.00
18-3	HEIGHT/LENGTH/WIDTH OF VEH.	0	14.00	21.00	28.00
18-4	PROJECTING LOAD	0	14.00	21.00	28.00
18-5	SPILL LOAD ON ST/HWY	0	14.00	21.00	28.00
19-1	UNSAFE VEHICLES PROHIB	2	14.00	21.00	28.00
19-2	REQUIRED EQUIPMENT:				
	LIGHTS, TIRES, SIGNALS, HORN, WIPERS, ETC.	0	14.00	21.00	28.00
	BRAKES	2	14.00	21.00	28.00
19-3	LIGHTED LAMPS	2	14.00	21.00	28.00
19-4	OBSTRUCTED WINDSHIELD	0	14.00	21.00	28.00

JP 2/26/80

<u>§ CODE NO.</u>	<u>ORDINANCE</u>	<u>POINTS</u>	<u>1ST OFFENSE</u> <u>IN 24 MONTH</u>	<u>2ND OFFENSE</u> <u>IN 24 MONTH</u>	<u>3RD OFFENSE</u> <u>IN 24 MONTH</u>
19-7	INSPECTION OF VEHICLES	0	\$ 14.00	\$ 14.00	\$ 14.00
20-1	OBSTRUCTION OF DRIVER VIEW	0	14.00	21.00	28.00
20-2	UNLAWFUL RIDING	0	14.00	21.00	28.00
20-5	OPEN/CLOSE VEH. DOORS	0	14.00	21.00	28.00
20-6	LIMITS ON BACKING	2	14.00	21.00	28.00
20-8	FOLLOW FIRE APPARATUS	3	21.00	32.00	42.00
20-9	CROSS FIRE HOSE	0	14.00	21.00	28.00
20-13	MOTORCYCLE SAFETY EQUIP.	0	14.00	21.00	28.00
20-17	TEMPORARY CONTROLS	3	21.00	32.00	42.00
21-8	YIELD ROW EMERGENCY VEH.	4	28.00	42.00	56.00

PEDESTRIANS

16-1 THRU 16-7	ALL PEDESTRIAN VIOLATIONS (INCLUDES HITCHHIKING)	0	14.00	21.00	28.00
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BICYCLES & MOTORIZED

BICYCLES

17-1 THRU 17-21	ALL ORDINANCES	0	14.00	21.00	28.00
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VEHICLE NOISE

EMC 14-2-3, 14-2-4, 14-2-5	MOTOR VEHICLE NOISE	0	14.00	21.00	28.00
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PARKING

SEE PAGE 5

ANIMAL ORDINANCE

11-11-2	DOG AT LARGE		15.00	25.00	COURT
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MISC.

11-2-8	POSSESS & CONSUME		7.00	14.00	COURT
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§ CODE NO.

ORDINANCE

POINTS

1ST OFFENSE
IN 24 MONTH

OFFENSE
1 MONTH

3RD OFFENSE
IN 24 MONTH

PARKING

10-4	UNATTENDED MOTOR VEH.	0	\$ 6.00	\$ 6.00	\$ 6.00
12-2	OVERTIME PARKING	0	A. PAID WITHIN 7 DAYS OF ISSUE	\$ 3.00	
			B. PAID AFTER 7 DAYS/BEFORE FINAL NOTICE	\$ 4.00	
			C. PAID AFTER FINAL NOTICE	\$ 5.00	
ALL OTHER PARKING VIOLATIONS		0	A. PAID WITHIN 7 DAYS OF ISSUE	\$ 4.00	
			B. PAID AFTER 7 DAYS/BEFORE FINAL NOTICE	\$ 5.00	
			C. PAID AFTER FINAL NOTICE	\$ 6.00	

See below

THIS ORDER SUPERCEDES ANY PREVIOUS SCHEDULE OF MANDATORY APPEARANCE AND FINES FOR WHICH PAYMENT MAY BE ACCEPTED AT VIOLATIONS' BUREAU AND THIS ORDER WILL BECOME EFFECTIVE ON MARCH 1, 1980.

ADOPTED THIS 26 DAY OF Feb., 1980.

Louis Parkinson
LOUIS PARKINSON
MUNICIPAL JUDGE

1ST OFFENSE 2ND OFFENSE 3RD OFFENSE
IN 24 MONTH IN 24 MONTH IN 24 MONTH

§ CODE NO.

ORDINANCE

PTS.

10-4	UNATTENDED MOTOR VEHICLE	0	\$ 7.00	\$ 7.00	\$ 7.00
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PARKING VIOLATIONS

IF PAYMENT REC'D WITHIN
14 DAYS OF DATE OF VIO.

IF PAYMENT REC'D AFTER
14 DAYS OF DATE OF VIO.

12-2	OVERTIME PARKING	\$ 3.00	\$ 13.00
11-1-c-2	PARKING IN FIRE LANE	\$ 10.00	\$ 20.00
ALL OTHER PARKING VIOLATIONS		\$ 5.00	\$ 15.00

THIS ORDER SUPERCEDES ANY PREVIOUS SCHEDULE OF PARKING FINES FOR WHICH PAYMENT MAY BE ACCEPTED A VIOLATIONS' BUREAU AND WILL BECOME EFFECTIVE ON MAY 1, 1980.

Louis Parkinson
LOUIS PARKINSON, MUNICIPAL JUDGE

April 15, 1980
DATE

APPENDIX D

Diagram of Court Facility

