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***MANAGEMENT AND RESOURCE
NEEDS IN THE MUNICIPAL
COURT OF ROSWELL, GEORGIA***

**FINAL REPORT
December 18, 2000**

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CHAPTER I. OVERVIEW AND SUMMARY

A. Introduction

The Roswell Municipal Court is a trial court of limited jurisdiction adjudicating drunk-driving cases, moving traffic violations, and non-traffic misdemeanors¹ that arise in the city of Roswell, located in the booming Atlanta metropolitan area. While Atlanta's population grew by only two percent from 1990 to 1999, the Atlanta metropolitan area grew by 30.3 percent during that period, making it the eleventh largest metropolitan area in the United States in 1999.²

Most of the explosive population growth in the metropolitan area has been in such suburbs as Roswell, which was the sixth largest city in Georgia in 1999. As Table 1 shows, the populations of the other large cities in Georgia grew little or even declined between 1994 and 1999, while Roswell's population grew by 12 percent. In December 1999, Roswell annexed a nearby area, further increasing its population to an estimated 75,000 in the year 2000. This might make it more populous than the city of Albany (where population declined from 1994 to 1999), so that in the year 2000 Roswell may have become the fifth largest city in the state.

¹ In addition, the court has jurisdiction of parking violations. The court also holds preliminary hearings to determine if there is probable cause for defendants charged with more serious criminal offenses to be prosecuted in the Superior Court or the State Court of Fulton County. The court does not hold jury trials, so that any case in which a defendant claims the right to trial by jury is bound over to Superior Court or State Court.

² Among the 35 largest metropolitan areas in the country, only metropolitan Las Vegas (62 percent growth) and metropolitan Phoenix (34.6 percent) grew at a higher rate than metropolitan Atlanta between 1990 and 1999. See *USA Today* (October 20, 2000), page 5A.

TABLE 1.
POPULATION TRENDS, 1994-1999, FOR GEORGIA CITIES WITH OVER
50,000 RESIDENTS IN 1999^a

City	7/1/94	7/1/95	7/1/96	7/1/97	7/1/98	7/1/99	2000
Albany	78,863	78,134	77,858	77,346	76,794	75,929	
Atlanta	401,681	400,620	400,727	401,072	403,048	401,726	
Columbus	185,853	183,339	181,836	182,199	181,883	181,547	
Macon	111,068	111,392	112,220	113,356	113,521	113,336	
Marietta	48,838	49,862	50,158	50,518	50,780	51,055	
Roswell	51,732	53,222	55,544	56,804	57,721	57,952	75,000 ^b
Savannah	138,363	137,139	135,290	133,294	131,466	129,556	

^a Source: US Census Bureau, "Population Estimates for Places: Annual Time Series, July 1, 1990, to July 1, 1999" (SU-99-7) (Internet Release Date: October 20, 2000).

^b Total Roswell population as a result of the December 1999 annexation is an estimate made by the Roswell City Planning Staff. See city of Roswell, *Comprehensive Plan 2020 (Draft)*, Chapter 2, Table 2.1 (2000).

The growth in population for the city has affected the work of the Roswell Municipal Court. The number of sworn police officers who issue traffic citations and make arrests for criminal offenses can significantly affect caseload in the court. From 1994 to 2000, while city population increased by 45%, the number of sworn officers in the city police department also increased by 45 percent. In the year 2000, new cases filed in the year 2000 are projected to reach a total (17,937) that will be 52 percent higher than the total number of cases that were filed in 1994 (11,791). Yet, the total number of court employees in 2000 (17) is no higher than it was in 1994. (See Table 2.)

TABLE 2.
TRENDS IN ROSWELL MUNICIPAL COURT CASELOAD AND STAFFING,
COMPARED WITH POPULATION AND POLICE TRENDS FOR THE CITY OF
ROSWELL, GEORGIA

<u>Year</u>	<u>City Population</u>	<u>Sworn City Police Officers^a</u>	<u>Municipal Court Cases Filed^b</u>	<u>Total Court Staff Members^c</u>
1980	23,337 ^d	n/av	n/av	n/av
1985	37,850 ^e	n/av	n/av	n/av
1986	40,390 ^f	n/av	n/av	n/av
1990	47,986 ^d	n/av	n/av	n/av
1991	48,802 ^g	n/av	n/av	n/av
1992	49,300 ^g	n/av	n/av	n/av
1993	50,280 ^g	n/av	14,024	n/av
1994	51,732 ^g	87	11,791	17
1995	53,223 ^g	88	11,039	16
1996	55,544 ^g	90	10,411	15
1997	56,804 ^g	100	11,891	15
1998	57,721 ^g	111	14,566	16
1999	57,952 ^g	123	12,161	16
2000	75,000 ^h	126	17,937 ⁱ	17
2005	88,366 ^j			
2010	93,591 ^j			
2015	99,128 ^j			
2020	101,787 ^j			

^a Source: Roswell Police Department.

^b Source: Roswell Municipal Court.

^c Source: Roswell Finance Department.

^d City populations for 1980 and 1990 are from the US Census Bureau, *Census of Population and Housing*.

^e The Roswell City Planning Staff estimated city population for 1985. See city of Roswell, *Comprehensive Plan 2020 (Draft)*, Chapter 2, Table 2.1 (2000).

^f City population in 1986 is from US Census Bureau, *City and County Data Book, 1988*.

^g City population for each year from 1991 through 1999 is from the US Census Bureau, "Population Estimates for Places: Annual Time Series, July 1, 1990, to July 1, 1999" (SU-99-7) (Internet Release Date, October 20, 2000).

^h City population for 2000 is an estimate made by the Roswell City Planning Staff. See city of Roswell, *Comprehensive Plan 2020 (Draft)*, Chapter 2, Table 2.1 (2000).

ⁱ The caseload shown for 2000 is a projection made by NCSC for the entire year, based on total cases filed from January 1 through September 11, 2000, as reported by the Roswell Municipal Court.

^j City populations for 2005, 2010, 2015 and 2020 are projections made by the Roswell City Planning Staff. See city of Roswell, *Comprehensive Plan 2020 (Draft)*, Chapter 2, Table 2.1 (2000).

In fact, the court had fewer employees in 1996 and 1997 than it had in 1993. But this is not surprising in view of the court filings. As Table 2 shows, court filings did not increase in the steady fashion that population and sworn city police officers increased between 1994 and 1999. In fact, court filings in 1996 were lower than they had been in any year since 1993. They increased in 1997 and 1998, and fell off again in 1999. Then they jumped dramatically in 2000, apparently as a result of the annexation and the increased number of sworn police officers.

With filings not increasing at the same rate as either population or the number of sworn police officers, it is understandable that city and court officials were uncertain about the court's resource needs. Faced with such uncertainty, they contacted the National Center for State Courts (NCSC) for assistance. After discussions with officials of the city and the court, NCSC prepared a proposal for a management review to address the following questions:

- Is the court in need of additional staff, to what degree, and in what areas?
- Is the court in need of other necessary resources?

To answer the above questions, NCSC proposed to address two further questions:

- How efficient and effective are current court operations in relation to workflow, caseload, and the use of technology and other resources?
- How can improvements be made to current court operations to increase efficiency and effectiveness?

In August 2000, negotiations between NCSC and the city of Roswell resulted in the signing of a contract. The NCSC project team made an initial visit to Roswell on August 16, 2000. The team then returned on October 15-20 to gather further information and interview judges, court staff, police officials, city officials, and members of the bar. (See Appendix A for a list of persons interviewed. See Appendix B for interview guides that were used as a general outline for interviews.)

B. Summary of Findings and of Resource Conclusions

Answering the questions recited above, the NCSC team members present our findings and recommendations in this report. Those findings and recommendations are summarized in sections 1 and 2 below. In Chapter II, we analyze case processing in the

court. In Chapter III, we address overall management of the court. Finally, we consider issues of court resource needs in Chapter IV.

1. Highlights of Findings. During the course of the study of the Roswell Municipal Court, the NCSC project team reached a number of conclusions relating to court management and resource needs. Our most significant findings are summarized below.

- From 1993 through 1999, the Municipal Court of Roswell received an average of around 12,000 citations per year. In the year 2000, NCSC projects that there will be a dramatic increase – to almost 18,000 case filings. The court has done well to manage the sharp increase in filings, given its present resources.
- If the high level of filings continues in the future, it is clear that more streamlined approaches to traffic case processing may be necessary, in addition to any appropriate additional resources.
- The court is justifiably held in high regard for the quality and fairness of its handling of cases. The judge and the solicitor in Roswell are highly regarded in the local legal community for their knowledge of current law and for their skills in applying law and procedure in individual cases.
- Court staff members are consistently hard working, courteous, helpful, and responsive to citizens appearing in court.
- Improvements can be made in the processing of jailable and non-jailable offenses.
- Steps can be taken to improve management of cash receipts and disbursements.
- Disposition reporting can be improved.
- The court generally performs well in terms of the access to justice that it now provides for citizens. Proceedings are open, and both the judge and court personnel are very courteous to citizens who come to the court.
- Court security, interpreters, facilities planning, and court records are areas that warrant further management attention to provide even better access to justice for the citizens of Roswell.
- Based on national standards, there are problems with the timeliness of dispositions in the Roswell court. Having a part-time judge and a part-time city solicitor contributes to these problems.
- The court deserves a high rating for the integrity of trial court procedures and decisions.
- The court is currently unable to follow up promptly on whether defendants are complying with the terms of probation, including payment of fines. In addition, the court does very little with parking tickets that are filed. In each of these areas, the integrity of the court and its processes are at risk of being undermined.
- There are problems with the manner in which the municipal court relates to general city government officials.
- Technology resources available to the court are not used in an optimal way to promote the court's effectiveness and efficiency.

- The court's current organization of staff to process cases and payments may not permit optimal use of staff resources.

It is important to reiterate that this is a good court, with fair proceedings, and a courteous and responsive staff. As a result of the findings highlighted here, however, the NCSC project team members offer recommendations in Chapters II and III relating to improved case processing and improved court management.

2. Conclusions on Resource Needs. As a result of the analysis reported in Chapters II and III, the NCSC project team reached conclusions about the resource needs of the court. Those conclusions are discussed in detail in Chapter IV and are summarized here.

- If court staffing requirements for 2001 are established in keeping with forecast filing levels, then the court needs 20 staff members – an increase of 30 percent over the 1995-99 average staffing level, or three more staff members than the court now has.
- In order for court performance to be improved, the court may need more resources. Table 3 indicates how recommendations offered by NCSC to improve court performance may affect court resource needs, and whether they may involve additional costs or resource savings.
- Implementing the performance improvements recommended by the NCSC project team will have a complex impact on the court's overall resource needs. As a consequence of some technology changes, it is likely that the court will be able to process cases more efficiently and more expeditiously.
- It is not possible to ascertain with certainty what the court's staff resource needs will be after business process improvements and technology changes are introduced. With the improved management approaches that have been recommended, however, the court and the city should be in a much better position to reach consensus on what the evolving resource needs of the court will be after 2001.

TABLE 3.
POSSIBLE ADDITIONAL COSTS OR RESOURCE SAVINGS FROM
IMPLEMENTATION OF NCSC RECOMMENDATIONS FOR COURT
PERFORMANCE IMPROVEMENT*

Recommendation Number	Resource Impact	Additional Costs?	Resource Savings?
1, 6, 8, 11, 13, 24, 26, 31	Software modification	Yes	Yes
2, 3, 5, 6, 11, 19, 22, 23, 25, 26, 28, 33	Added staff or personnel time	Yes	
4, 8	Personnel time savings		Yes
9, 10, 15	Changed personnel time allocation	--	--
2, 3	Postage	Yes	
7	Potential bank fees	Yes	
7, 12, 16, 17, 18	Equipment	Yes	
12, 18, 20, 32	Facilities modifications	Yes	Yes
14, 30	Revised framework for court-city resource discussions	--	--
19	Court interpreters	Yes	
21	Optical records storage technology	Yes	Yes
27, 31, 32	Education and training	Yes	
28, 29	Private probation	Yes	
33	Annual report publication	Yes	

*Source: NCSC project team analysis. See Table 6 in Chapter IV.

CHAPTER II. PROCESSING MUNICIPAL COURT CASES AND PAYMENTS

For the vast majority of citizens in any community, the court hearing traffic matters is the sole direct encounter they may ever have with the judicial community in their lifetimes.³ As a court of first instance, the Municipal Court of the city of Roswell plays a vital role in creating respect for the law within the city of Roswell and the state of Georgia. It is important, therefore, that case processing be conducted in a competent, efficient, and dignified manner.

In the seven years before Roswell's annexation in December 1999 of additional geographical space and population, the Municipal Court of Roswell received an average of 12,269 citations each year, varying from a low of 10,411 to a high of 14,566. With the recent increase in population as well as in the number of uniformed police officers that are able to issue citations, the NCSC team members project that there will be about 17,937 cases filed from January through the end of December 2000. (See Table 2 in Chapter I.) If the high level of filings continues in the future, it is clear that more streamlined approaches to traffic case processing may be necessary, in addition to any appropriate additional resources. Offered in this chapter is the NCSC project team's documentation of case processing in the Roswell Municipal Court, along with corresponding recommendations for improvement.

A. Processing Jailable and Non-Jailable Offenses

The Roswell Municipal Court has jurisdiction to try drunk-driving (DUI) cases, as well as certain non-traffic misdemeanors, such as "minor possession" (of an alcoholic beverage) and shoplifting, which are jailable offenses. It also has jurisdiction to hear such non-jailable offenses as speeding, other routine moving traffic violations, and municipal code violations. The court also holds preliminary hearings to determine

³ See the observation to this effect that was made in 1983 by Mr. Morris Harrell, then President of the American Bar Association, in his foreword to *Traffic Court Procedure and Administration (2d Ed.)*, by James P. Economos and David C. Steelman (Chicago: American Bar Association, 1983) [hereinafter, Economos and Steelman, *Traffic Court Procedure and Administration*].

probable cause in certain felony cases. Since there are no jury trials in the court, any matters in which a defendant claims the jury right must be bound over to Fulton County Superior Court or Fulton County State Court.

All cases filed with the Roswell Municipal Court begin with a citation issuance. Most are issued by city of Roswell police officers and delivered to the Roswell Police Department at the end of each shift. However, some are generated by other sources. The following is a list of citation-issuing departments:

- Court Marshals
- Court Probation Staff
- Georgia State Patrol
- Roswell Code Enforcement Officers
- Roswell Fire Department
- Roswell Police Department
- Roswell Park Rangers

1. Case Processing Description. In terms of pure volume, the great majority of cases before the court involve non-jailable offenses. The description here of case processing will therefore be based primarily on steps for non-jailable offenses. Yet there are few differences between jailable and non-jailable offenses in the way that such cases are processed. Where the procedure for jailable offenses is different from that for non-jailable offenses, the procedure for jailable offenses will be highlighted by the use of *italics*.

a. Case Initiation and Data Entry. Upon citation issuance, or apprehension, citations are delivered to the police station for initial processing. *If a defendant has been arrested and jailed, then an Offender Based Tracking System (OBIT) form is completed. This form includes a report of charges following arrest and a report of the final disposition of the charges. Two copies of this document are generated. One becomes a part of the court file and then is forwarded to the Georgia Crime Information Center (GCIC) upon case disposition. The police send the other OBIT form immediately (within 24 hours after arrest) to GCIC. The mailing of these forms from the court upon case disposition is done at least weekly, or when the bin becomes "full" at the front counter of the court.*

Twice weekly, a clerk from the front counter walks across to the police department to retrieve a batch of citations. Based on a projected total of 17,937 case filings in the year 2000, the average pickup is 172 citations (if there are two pickups a week for 52 weeks a year). *It is important to note that this figure includes the citations that areailable offenses in which jailed defendants have not yet been released on bond. A court marshal currently picks up these citations four times a week. Case statistics do not distinguish them from cases involving non-ailable offenses.*

All issuing law enforcement departments use a uniform citation, and the court receives two copies of the original ticket. The first is the court's copy, or the original, that stays with the defendant's file indefinitely. The second copy is sent to the Georgia Department of Public Safety (DPS), and, upon entry of judgment, is marked on the back with the disposition and sent to DPS. Again, the mailing of these citations to DPS occurs at least weekly, when the bin is "full" in the front counter at the court. (See **D.**

Disposition Reporting.)

The specific steps at case initiation in the court are the following:

- Defendant names are checked against an in-house criminal history using the court module of the case management system. If the defendant is found to have a previous record, then the clerk will print a copy of the record and place it with the current citation.
- The defendant's file folder is created and sorted by court date and time.
- The file folders are alphabetized within their respective court date.
- A GCIC run is done on each of them to determine an individual's criminal history at a statewide level. If the defendant has a previous record, the date of birth is used for verification and a copy of the record is placed inside the file.
- Data regarding case and court appearance information is entered into the court module of the court's case management system.
- The cases are then alphabetized a second time, taken back to the front counter, and filed by pending court date.

b. Calendar Creation and First Appearance. The current calendar is based on three court hearing days each week. All first appearances (arraignments) are heard on Mondays on two dockets – the first at 8:30 AM, and the second at 1:00 PM. *First appearances for the court to set bond forailable offenses are heard sporadically throughout the 1:00 docket. These bond hearings typically take place the day following a*

defendant's arrest. If a defendant was apprehended over the weekend, however, the bond hearing is held on the following Monday.

Listed below are the steps taken to prepare for and hold the first appearance/arraignment/bond hearing for cases:

- On Fridays, a court marshal prints a calendar of both arraignment dockets to be heard on Mondays from the case management system. Three copies are printed and distributed as follows: judge, solicitor, and court marshal. The calendar consists of the following case information: the defendant's name, case number, court date and time, and judge identification number.
- Files are pulled from record storage and placed with the calendar.
- Any attorney continuance ("reset") requests are then entered time on the case management system.
- On Monday mornings, an attorney sign-up sheet is created for those attorneys who would like to hold a pre-trial conference with the solicitor prior to the court hearings on their respective cases.
- At the beginning of each docket on Monday, a court marshal makes a group announcement that any defendants who wish to plead guilty and pay their fines may step forward and thereby dispose of their cases. As defendants step forward, dispositions are recorded manually on the court copy of the citations. The defendants pleading guilty are given their respective court files and directed to the front counter to make payment. The front counter clerk who accepts the fine amounts enters the court's adjudication in the court's case management system and records the amount of fine payments received.
- Directly after taking the bench the judge addresses those present in the courtroom. This announcement will include but is not limited to the following information:
 - ♦ The rights of the defendants who are present for their first appearance.
 - ♦ The charges that would automatically cause drivers to lose their licenses for a specified period of time if they were found guilty.
 - ♦ Examples of what could possibly happen in a case.
 - ♦ The process by which first-time offenders charged with minor moving violations could elect to attend a "Defensive Driving School" rather than have the guilty adjudication effect their driver's license.
 - ♦ An explanation of how the charges against a motorist could affect his or her auto insurance.
 - ♦ Because of the potential impact on auto insurance, any defendant who is a minor carried on his or her parents' auto insurance policy must be accompanied in court by parents before the court will dispose a case.
 - ♦ Reasons that the court might accept as a basis for granting a continuance in a case.
- Any in-person requests for continuances ("resets") are manually recorded on each citation to be updated on the system later in the week as time permits.
- Any defendants who have not paid their respective fines prior to court or made an appearance on the scheduled arraignment date have a "failure-to-

appear" (FTA) notation entered in court records of their cases. Warrants are issued and attached to their files. For each case, an automated notice of the FTA status is generated for the judge's signature and mailed to the defendant within the same week. *If the defendant was apprehended, released on bond, and subsequently failed to appear on the scheduled court date, then the FTA notice and warrant information are entered into GCIC.* (Warrant service is currently minimal and is done by court marshals when time permits on Tuesdays or part of Fridays. No warrants are now served on those individuals who reside outside of the city of Roswell.)

- As cases are disposed, defendants who have been found guilty are either directed to the front counter for fine payment or to the probation office for initial consultation in terms of time payments. If a sentence carries with it a term of probation to be satisfied, the defendant is directed to the same intake probation clerk for initial consultation and officer assignment. If the defendant has requested and the court has approved community service in lieu of fine payment, probation staff members are to monitor the completion of community service.
- If cases are bound over to Fulton County State Court or Superior Court, a court marshal delivers the files to court locations in downtown Atlanta.

c. Adjudicatory Hearing. Not all cases are disposed on the first appearance of a defendant. Therefore, they must be scheduled for trial. The trial calendar is set to begin at 9:00 AM and is heard on Wednesday and Thursday mornings. Trial dates are based on police officer shifts and run on a five-week rotating basis. The first four weeks include the traffic unit, the day shift, the evening shift, and the morning shift. The fifth week is set aside for environmental court on Wednesdays in which code enforcement cases are heard and in-custody hearings on Thursdays. *In-custody hearing dates are set aside to handle cases for those defendants who remain in the jail and are not able to make bond.*

The activities accomplished at this stage are much the same as the ones listed above for scheduling arraignments, with the following exceptions:

- The day prior to trial, a court marshal prints a calendar for the trial date.
- For cases in which alcohol or drug screening was done at the time of apprehension, the results must be gathered and placed in the court file. The results may be obtained in-house or from the Georgia Bureau of Investigation ("GBI"), depending on where the testing was done.
- Once a week, a court marshal creates, prints, and mails subpoenas to witnesses involved in a particular case. The officer's subpoenas are hand-delivered on the same time-line and as time permits throughout the week. Generally, the delivery of subpoenas, by mail or in person, occurs two weeks prior the actual court date.

d. Probation and Sanction Enforcement. The court's probation department was originally established to manage defendants who were unable to pay their fines in one lump sum. Due to the availability of alternative sanctions and the estimated number of violations that involve some type of substance abuse, however, the probation department is currently set up to provide more traditional probation services. Approximately 70 percent of all probation cases involve the management of sanction compliance and do not solely focus on oversight of time payments.

As of October 17, 2000, there were 705 new cases that had been filed with the probation department in the year. Projected through December 31, this means that there will be about 887 new probation cases for the year 2000. Each probation officer carries a continuous average caseload of approximately 425 probationers.

Listed below are the steps taken from probation intake through satisfaction of sanction compliance:

- Defendants who are sentenced to probation are directed from the courtroom to a probation clerk who asks them to complete a personal information sheet that becomes a part of their probation file. On this sheet they provide such information as place of employment and next of kin.
- While defendants complete the information sheet, the probation clerk enters information in the automated case management system about the disposition of the case, thereby closing the case on the "court" module of the system. She transfers citation information in the court module of the case management system to the "probation" module of the automated system. If the person is already on probation, then the clerk updates the system by entering the latest information.
- If necessary, the disposition information and terms of probation are manually recorded on the OBIT to be forwarded to the GBI.
- The person's probation file is created and officer assignment occurs at this time. Officer assignment is broken down by last name of the probationer; defendants whose last names start "A-K" are assigned to one probation officer and those whose names begin with "L-Z" are assigned to the other officer.
- If any payments are due (such as the monthly \$30 probation fee), the probation clerk accepts payment, records it on the probation module of the case management system, and issues a receipt to the defendant.
- The fine imposed by the court includes several assessments made in addition to the actual fine revenue to be received by the city of Roswell, and the probation clerk manually calculates the allocation of payments and records it on a slip of paper, then transfers the allocation information to the probation module of the case management system directly afterwards.

- The probation file for each defendant is then handed to the assigned probation officer, who holds an initial consultation with the defendant. The terms of probation are recorded on the probation agreement and signed by both the probation officer and the probationer. This document is made a permanent part of each defendant's probation file.
- The probation clerk does not have time to create probation case records for new probationers on the probation module. After consultation, or when time permits, the probation officers themselves initiate probation case records on the probation module by entering the probationers' personal data and terms of probation for their respective cases.
- As time permits, the probation officers develop and analyze a "past due" list that determines which probationers are delinquent in their payments. If the probationer is delinquent in payments or not complying with terms of probation, a letter of delinquency is issued and sent to the probationer giving the person 10 days to contact or appear before his or her probation officer. If after 10 days the probationer has failed to contact the probation department or make an appearance, a probation warrant is issued and GCIC is notified. At this point the term of probation is "tolled," or put on hold, until the defendant is apprehended. *Once a probationer is apprehended, he or she is jailed, served with a revocation notice at the jail, and scheduled to appear in court (typically within a week) for a probation revocation hearing.*
- Most probationers are required under the terms of probation to report periodically to the probation department. Because of in-court and data entry time demands, however, the probation officers currently have little time to consult with their clients on a personal level. Random drug screening is performed as the officers deem necessary.
- In the cases where a probation revocation is necessary, the officer mails a notice to the probationer with a court date of the revocation hearing (usually two weeks from the date of notice). *If the probationer is in-custody, then the service is done at the jail and the hearing will typically be within one week.* The Wednesday and Thursday trial calendars are primarily the days on which the revocation hearings are held. *Some in-custody probation revocations are heard as part of the Monday arraignment calendars, however.*

2. Analysis and Recommendations. Based on our analysis of case processing for jailable and non-jailable offenses, the NCSC project team has several recommendations dealing specifically with the manner in which these kinds of cases are handled by the court. These recommendations have to do with (a) elimination of redundant data entry at case initiation and (b) improving certain aspects of notification and rescheduling of hearing dates.

a. Redundant data entry at case initiation. When the police issue a citation or make an arrest, the city police department enters information relating to the defendant

and the offense in the police department's case information system. After a court staff member picks up citations from the police department, another court staff member then undertakes the time-consuming task of entering information relating to the defendant and the offense in the court's case information system. Much of this is the same information and the information systems of the police department and the court appear to be both compatible and suitable for electronic communication of information. As a result, the court now needs a full-time data entry person to enter initial case information, most or all of which has already been entered in the police information system.

***Recommendation 1.* The court and the police department should work with the city's information technology staff and the technology vendor to link the current case information systems of the police department and the court, so that entry of initial case information by the police department can be used at case initiation by the court without repeating the data entry already done by the police.**

If the two case management systems were linked, the case information transfer would be immediate and would only need to be verified for accuracy purposes. Other entries, such as GCIC criminal case histories and subsequent court appearance information, would still have to be entered by a court staff member. This, of course, will be largely based on the agreement made between the police department and the court, but the staff time that can be saved will still be extremely beneficial.

The recommendation to link the two case management systems also eliminates a current backlog in the system. At the present time, the non-jailable defendant's first appearance will be four to five weeks from the time of citation issuance. Although the initial data entry done at the court is very proficient, the number of cases is beginning to overwhelm. For example, a printed comment on each citation informs the defendant to call the court after a five-business-day waiting period so that the fine amount can be relayed. These five days are to allow the court to enter the information onto the system so that it can be easily retrieved when the defendant phones.

The NCSC project team observed that this is not the current practice based on a backlog that is affecting the court. When a defendant calls the court about a pending case, fine amount is relayed to him or her. Court staff members indicated that most

defendants who call the court to learn the amount of their fines must give the statute or other code section for which their citations were issued, because the information for about 70 percent of all cases has not yet been entered in the court's case information system at the time of such call. This can have a negative effect on the court and on city government generally by giving the public a perception of poor court organization and case management.

Improved communication between the court's case information system and that of the police department can also result in improved notice to the police department about the court disposition of cases. (See analysis and recommendations in **D. Disposition Reporting.**)

b. Notification and rescheduling of hearing dates. In terms of calendar creation and how rescheduling or continuances tie into the administration of justice, the NCSC project team members understand that victims and witnesses are not currently notified when cases are rescheduled or when they have been bound over to Fulton County. Staff time in dealing with these customers of the court both by phone and in-person is taking time away from their other duties. Furthermore, the frustration that the victims and witnesses experience certainly does not give them a high opinion of the court's administrative ability.

Recommendation 2. The court should notify victims and witnesses when court hearing dates have been rescheduled and when cases have been bound over to Fulton County Superior Court or State Court.

Similarly, we noted that private persons or organizations that are posting bond for a defendant are not currently notified of any court dates. By notifying these individuals, the court stands to lower the incidence of failures to appear and, therefore, gain in assuring that the court's valuable resources are not wasted during court hearings. The NCSC project team recommends that notification of all court dates be sent to those parties who have posted bond for the defendant.

Recommendation 3. The court should send notices of court hearing dates and bind over information to the private individuals that have posted bond for defendants.

Both of these recommendations stand to save staff time in dealing with those parties who appear in person or phone to gather scheduling information. They will also heighten public opinion of the court's administrative ability. By notifying private individuals that have posted bond for others of court hearing information, the court should experience fewer problems with failures to appear, thus, freeing up valuable time during court hearings.

A simple recommendation that can and should be immediately implemented has to do with attorney continuance requests that are received by mail. NCSC noted during several interviews that duplicate written requests are being delivered to the court requesting that a particular case be reset to a future date based on a scheduling conflict. These letters are oftentimes addressed to the judge, court services manager, and clerk of court.

Recommendation 4. The judge of Roswell's Municipal Court should issue an order that clearly sets forth who in the court should receive continuance requests from attorneys. Notice of the order should be given by mail or publication to members of the bar who frequently appear before the court.

Mail is delivered three times daily to the Roswell Municipal Court. Staff time for handling and distributing it can be overwhelming at times. The judge and court officials' time in reviewing separate copies of the same continuance request is also being wasted. Clerks make redundant efforts at resetting the case and verifying the changes based on these duplicate requests. Thus, their valuable time is being taken away from other operational duties.

c. Sworn officers performing clerical functions. A year or more before this project was undertaken, the court lost the services of the woman who had been the clerk of court, who also served as in-court clerk during court hearings. Upon her departure, the court services manager and the court marshals (all sworn law enforcement officers, authorized to carry weapons) assumed responsibility for performing in-court clerical functions. Another important clerical function involves scheduling cases. A court marshal (also a sworn officer) now makes all case assignments to hearing dates and performs the scheduling of court hearings.

The court marshals perform these clerical functions well. Yet work as the in-court clerk and the scheduling of court hearings are activities that can be well performed by administrative staff members who need not be sworn law enforcement officers. In addition, having sworn officers perform these functions takes time away from their being able to perform other responsibilities – such as warrant service – that are more properly done by sworn officers authorized to carry weapons.

Recommendation 5. The court should have experienced and competent administrative persons, who need not be sworn law enforcement officers, perform the functions of in-court clerk and scheduling clerk. Two additional staff positions should be created for these activities.

The court is fortunate that it has had sworn officers on staff who have been willing and able to perform in-court clerical and scheduling functions. Especially since these sworn officers can be used more profitably in warrant service and other roles more suited to their knowledge, skills and experience; however, the court needs additional administrative staff members for the important clerical positions of in-court clerk and scheduling clerk. Because each of these is an important and difficult job, the person in each position must be capable and experienced.

B. Processing Parking Violations

In addition to the jailable and non-jailable offenses addressed in Section A, the Roswell Municipal Court also has jurisdiction of parking offenses. The processing of these cases merits brief discussion as a separate issue.

1. Case Processing Description. Very little is now done by the court to process or adjudicate parking citations that are issued in the city of Roswell. After citations are written and a motorist's copy is affixed to a vehicle, police/court copies of the citations are delivered to the police station and data entry is done on the police department's case tracking system. The information that is entered includes the citation number, police case number, vehicle information, date and location of violation, and the issuing officer.

Parking citations are picked up twice a week by a court clerk along with all other citations and taken to the court. They are immediately separated from the other citations and are not processed in the same manner. The parking citations are placed in numerical

order and stored in a designated bin within the records storage area behind the front counter.

Unless the owner of a vehicle comes in to pay a fine, nothing more is done with them. If a vehicle owner appears with his or her citation at the court's front counter to pay a parking fine, then a clerk accepts payment and issues a receipt. If the vehicle owner does not have his or her copy of the citation, the front counter staff member must manually look through all of the stored parking citations in an attempt to locate the citation. This can be time consuming for the court staff member and the citizen.

2. Analysis and Recommendation. The NCSC project team learned during interviews that information relating to parking citations was once entered in the court's case information system, but that this is no longer done. The court thus has no means of tracking whether a parking case has been disposed. There is currently no inquiry made by either the court or police to determine the name of the registered owner of a vehicle for which a parking citation has been issued. Consequently, there is no way to impose sanctions for failure to appear and pay a parking citation. It seems that a growing number of citizens may realize that they can safely ignore parking citations, and that police officers may not write parking tickets because they know that there will be no court action against parking violators who ignore tickets.

Recommendation 6. Instead of its current practice of doing little with parking citations, the court for the short term should actively process parking citations from case initiation through disposition.

For the long term, the court and the city should consider limiting court jurisdiction of parking citations to contested matters and failures to pay fines, with most cases handled at the cashier's window of an administrative parking violations bureau established as part of general city government. Data entry at case initiation for city processing of parking fine payments should be done by the police department and communicated electronically to the parking violations bureau through a computer link. City and court case processing for parking violations should include such features as the following:

- Electronic transfer of case information from the police information system to the court information system at case initiation
- Separate counting and tracking of parking citation filings in case information systems and caseload reports

- **Prompt initiation of an automated court or city record for each parking citation, so that fine payments can be received and processed efficiently**
- **Communication with the state motor vehicle licensing agency to determine the owner of record of each vehicle for which a parking citation has been issued but the driver or owner has failed to appear to pay the fine or contest the citation**
- **Notice to owners who have failed to pay parking citations that they must appear in court to pay their fines or contest their citations or else they will be listed as “scofflaws” in police and court records relating to parking cases**
- **Identification of parking “scofflaws” in court and police records with provisions for enhanced sanctions and penalties**
- **Reports to the police department on all parking case dispositions (see Disposition Reporting, Section D.2.c.).**

At present, it appears that there are relatively few parking citations filed with the court. Because court records do not distinguish parking cases from other offenses, the court has no easy way to determine exactly how many parking cases are filed each year. Moreover, it is not clear how many parking citations would be issued by the police if the court were able to process parking cases more efficiently and effectively. It is clear, however, that the current situation results in both a loss of respect for the law and a loss of parking fine revenue for the city. This problem can be addressed by taking such steps as those suggested in this recommendation.

At a certain level of parking case volume, it may be important to have a means to follow up more actively on motorists who fail to pay parking fines. To that end, the city and the court might explore the prospect of turning matters over to a private collection service. (See Chapter III, Section C.2.)

C. Receipt and Disbursement of Fine and Fee Payments

Part of case processing in the court involves the receipt of fine and fee payments from defendants. This involves a financial process that parallels the court’s handling of persons and case documents.

1. Processing Description. The receipt of payments from defendants can begin before a court clerk picks up citations from the police department. It can continue for

weeks and months after the court has found a defendant guilty of an offense. Processing steps include the following:

- As cash, checks, or money orders are accepted at the front counter and in the probation department, they are held in locked drawers at each location until the end of each business day.
- At the front counter, the court module of the case management system automatically determines how receipts will be disbursed among assessments and city fine revenues in keeping with a pre-set financial allocation schedule.
- The probation clerk manually calculates the allocation of disbursements as payments are accepted, because a defendant may be jailed or may perform community service if he or she cannot make a scheduled periodic payment to the court.
- If payment is made in-person and by check, then the person tendering the check is asked to present his or her driver's license so that it can be photocopied. This is done regardless of who wrote the check as recourse for deposit account fraud (worthless check passing).
- Payments made by check or money order are photocopied twice. One copy of the check or money order will go into an envelope that is sent to the Finance Department on a daily basis. Each employee that accepts money has a separate envelope that is forwarded to the Finance Department. The other copy of the check or money order goes into the defendant's court file. The photocopies of the driver's licenses of those persons who tendered the check to the court are attached to the copy of the check before placement into the court file.
- If a check payment is drawn on insufficient funds, then the financial institution returns the check to the City Finance Department. The Finance Department will redeposit the check as a second attempt that a successful deposit will occur. It was estimated that checks are returned an average of six to eight a month. The notice of the returned check is presented to the court, whereupon a new deposit account fraud case is initiated with the court. A paperless citation is generated with the use of an excel spreadsheet that tracks worthless check citation/accusation numbers. Data entry regarding the case is done. A notice of dishonor is sent to the defendant giving him or her a court date and 10 days to respond in person or by phone. The court date is set on the first Monday available and always within ten days of notice issuance. If the person fails to respond within the ten days, a warrant is issued for that person's apprehension. The warrant worksheet is completed and sent to the police station for entry onto GCIC.
- At approximately 4:30 PM each day, the court services assistant manager closes one of the two drawers at the front counter, so that only one cashier line is open by close of business.
- By 5:00 PM, the probation drawer is closed out following the same procedures that are used at the front counter. The only difference is that the chief probation officer does the account balancing and the monies are kept in a separate safe.

- Using the case management system, the court services assistant manager prints two reports – one by employee name and one by workstation or terminal ID. Each report lists the breakdown of money totals accepted by form of payment and a grand total. By cross referencing reports and counting down the actual payments, the drawers are balanced and totaled out. A photocopy is made of the daily financial reports and placed in the appropriate employee folder that is sent at the end of each day to the Finance Department.
- The monies are then placed in a drop safe located behind the front counter. At the current time, a court marshal makes deposits for both the court and probation at random times throughout the week. It was estimated that deposits are made at least four times per week and typically are done at the close of business.

2. Analysis and Recommendations. The assessment of the handling of fines and fees received by the court leads to several suggestions. These involve (a) fine payment options; (b) apportionment of fees and fine receipts by probation; and (c) overall management control of cash receipts, deposits, and disbursements.

a. Fine payment options. At the current time, payments are only being accepted by mail and in-person. Citizen convenience and levels of fine receipts would probably be improved if the court made additional fine payment options available to defendants. Several surrounding courts (especially those in the Fulton County area where the volume demands it) are currently using such technologies and are experiencing much success in terms of compliance and increased revenue collection.

In light of technology and its far-reaching consequences when it comes to broad-based customer satisfaction and its role of increasing access to disposition, the court should explore two possibilities.

Recommendation 7. The court should permit the use of credit card payments that could be made in any of the following four manners: in person, by mail, by phone, and by the use of the Internet. In addition, the court and the city should explore the installation of an automated teller machine (ATM) near the court area to be made readily available to the public for all necessary transactions.

The court module of the case management system will currently acknowledge credit card and debit payments, so that no changes would have to be made with regard to

its functionality. City and court officials can contact their counterparts in other nearby locales to learn of how they have addressed issues and problems of implementation.⁴

The NCSC project team understands that the city has recently hired a Web designer who could provide invaluable assistance in establishing a link between the city's home page and a court services Web page. Once linked, a secure transaction line should be established and privacy notices posted so that defendants paying over the Internet feel comfortable in doing so. The privacy notice should include the following: what information is collected from the defendant, how the information is used, what choices the individual has with respect to that information, and how long the information is stored. Internet users should also have the option of entering only the last 5 digits of their credit card at the Web site and phoning in the remaining numbers if they wish to do so. This allows for even the most wary individuals to feel protected while disposing of their case on-line.

b. Apportionment of fees and fine receipts by probation. Where appropriate, elimination of manual processes can help to expedite the work of the court. This is especially true where fine and fee payments are concerned. As mentioned earlier in the workflow portion of the report, the probation module of the case management system is not currently configured or programmed to apportion disbursements of monies received.

The probation clerk now manually calculates the allocation of disbursements as payments are accepted, because payments to the probation department involve a more complex set of factors than payments at the front counter. If a defendant cannot pay all of a fine on the date of adjudication or if the motorist must meet other requirements imposed by the court, the case is referred to the probation department. If a schedule is established for the defendant to make fine payments over several months and if the defendant cannot make a scheduled payment, then the court must decide whether to jail the defendant or to accept community service in lieu of fine payment. The probation module of the case management system is not able to track the differential in terms of disbursements. In other words, it is not currently set up to meet the financial needs by

⁴ For further reading on the use of credit cards, see John T. Matthias, Gwendolyn H. Lyford, and Paul C. Gomez, *Current Practices in Collecting Fines and Fees in State Courts: A Handbook of Collection Issues and Solutions* (Denver, Colo.: National Center for State Courts, Court Services Division, 1995).

financial codes that are acceptable in light of the city of Roswell's established assessments.

Recommendation 8. The allocation of cash receipts in the probation department among fees and fines should be done with automated assistance. The court should work with its software vendor to make this possible.

The current practice not only promotes human error in terms of financial calculations, it is extremely time-consuming. It is simply a matter of individual attention that HTE (the software vendor) should provide in the way of reprogramming the current structure of the probation module so that these financial calculations become automated. It is important to note that detail is what is vital to the communication process between the court and the software redevelopers. Without the conveyance of the intricate knowledge behind each financial code and percentages of disbursements, the reprogrammed probation module stands to be useless.

c. Control of cash receipts, deposits, and disbursements. During our interviews in Roswell, the NCSC project team learned that there have been questions raised by the city finance department about problems from time to time with daily reconciliation and balancing of cash receipts and disbursements. For money received both at the front counter and in the probation department, it appears that there have not been any problems with funds being lost, stolen or embezzled. Yet without tighter financial accountability practices, the court is at risk of having such problems in the future.

Recommendation 9. Working with the city finance department, the court should adopt tighter accounting controls for all of its cash receipts and disbursements.

The purpose of the court in Roswell is to provide prompt and fair adjudications, and not to be a revenue-generating agency for the city.⁵ Yet like other limited-jurisdiction courts around the country that hear a high volume of traffic matters, the court in Roswell handles a great deal of cash received in payment of fines and fees. Proper

⁵ See American Bar Association, *Standards for Traffic Justice*, Section 3.0.

accounting and management controls are critical.⁶ Resources are available to aid with the development of appropriate management controls for funds received by the court.⁷

The responsible handling of monies is an everyday occurrence in our courts today. One of the ways that could improve the responsible flow of monies and stand to increase potential earnings in the Roswell Municipal Court is the timely making of deposits.

Recommendation 10. The court should ensure that deposits are made in a timely manner that reduces risk based on the amount that is held in the safe at any given time and increases potential earnings from interest rates.

Based on the differing amounts that are collected each day due to the flow of court traffic and current calendar structures, a lump sum that on its face is smaller when compared to the average may not seem to be deposit worthy, or worth the expense of the court marshal's time, etc. This is not the case, however. Any sum of monies should be deposited on a regular and timely basis.

It should be noted though that the court has taken recent proactive steps to ensure employee accountability and depositor safety. Two different persons – the court services assistant manager and the chief probation officer – are responsible for the account balancing done at the end of each day, and an armed court marshal makes deposits. The fact that the distance between the court and the financial institution is short helps, but the risk factors remain high because \$5,000-\$10,000 is inviting. It is important that the court continue to make deposits in regular but random intervals in terms of time. Therefore, very few individuals will know when the actual deposit leaves the court on its way to the bank.

D. Disposition Reporting

If the court finds a defendant guilty of a jailable or non-jailable highway traffic offense, the court must transmit a disposition report to a state-level office's information system – either the driver records section of the state motor vehicle licensing agency (the

⁶ See Economos and Steelman, *Traffic Court Procedure and Administration*, pp. 68-71.

⁷ See, for example, Robert W. Tobin, *Internal Control of Court-Collected Funds* (Williamsburg, Va.: National Center for State Courts, 1995).

Georgia Department of Public Safety, or “DPS”) or the criminal information center (“GCIC”) maintained by the Georgia Bureau of Investigation (“GBI”). Reports to these agencies are made in separate but analogous fashion.

1. Process Description. Dispositions in all DUI and moving violation cases are reported to the DPS in the following manner:

- The DPS copy of the citation at the time of adjudication is marked with a disposition and placed in a bin behind the front counter. As the bin becomes “full,” the DPS copies are bound and mailed to DPS for driver history updates.

With respect to the court and GCIC communication, the following contacts between the two entities are, or can be, made:

- Inquiries are run to check criminal/motorist histories.
- OBIT reports are used to communicate charges at arrest and the final court dispositions on those charges. The court does the OBIT mailings at least weekly, as the bin behind the front counter becomes “full.”
- All warrants that are issued whether they are the result of an FTA or a probation violation are entered in GCIC. The GCIC Coordinator makes a photocopy of the warrant and supporting documentation for the court file and completes a warrant worksheet. The warrant worksheet is then sent to the police for GCIC entry.

2. Analysis and Recommendations. The assessment of disposition reporting by the NCSC project team has led to recommendations in these areas: (a) disposition reports to DPS; (b) compliance with GCIC reporting requirements; and (c) disposition reports to the police department.

a. Disposition reports to Department of Public Safety (DPS). Disposition reports are now forwarded in hard copy to the state motor vehicle licensing agency at least once a week. As a result, state-level driver records may not be updated until a week or more has elapsed after the court has entered a disposition. Particularly with a problem driver who may be subject to appearances in several courts in the metropolitan Atlanta area, delayed manual transmission of disposition information to DPS may be unnecessary when the means are at hand to have almost instantaneous electronic transmission.

Recommendation 11. The court should work with the Georgia Department of Public Safety (DPS) to arrange for case dispositions to be reported electronically from the court to DPS immediately after the court enters judgment.

In a number of states, it has been possible since at least the late 1970's for such disposition reporting to be done electronically from a traffic court to the state motor vehicle licensing agency.⁸ Given the state of technology in Roswell and the likely state of technology in DPS, it is highly likely that on-line transmission of disposition information from the court to DPS can be arranged.

b. GCIC reporting requirements. The Georgia Criminal Information Center (GCIC) has strict requirements about access to the GCIC system. None but authorized persons should have access to the system or to the information it contains. When the NCSC project team members visited Roswell in October 2000, they observed what appear to be violations of GCIC requirements. The court's GCIC equipment used to be behind a counter, with limited access; but it is not now in a secure area. Attorneys pass back and forth through this area between the courtroom and the solicitor's office, and maintenance men pass through the area regularly, as well. Moreover, GCIC entries are made from documents that should be shredded; yet the clerk responsible for GCIC entries does not have access to a heavy-duty shredder capable of quickly handling the volume of paper that must be shredded each day.

Recommendation 12. The court should take prompt steps to ensure full compliance with GCIC requirements for secure access to GCIC information and the GCIC system.

There have been no known problems that have arisen from the court's current lack of secure access to the GCIC system. Yet the court is vulnerable in this area, and it is possible that unauthorized persons with access to the system could compromise its integrity. With such access, unauthorized persons might tamper with GCIC records relating to criminal dispositions and to outstanding warrants.

c. Notifying the police department of case dispositions. It is important for law enforcement agencies to learn the court outcome of cases they have initiated. Law

⁸ See Economos and Steelman, *Traffic Court Procedure and Administration*, pp. 184-185.

enforcement officials need current and accurate information on whether individual officers have been making “good arrests,” and whether there are areas in which improvements are needed. In addition, individual police officers want to know the general outcomes of matters that they have filed. Yet the city police department does not now receive consistent information from the court about case dispositions.

Recommendation 13. In addition to using improved electronic communication with the police department to reduce data entry redundancy at case initiation, the court should work with the police department, the city’s information technology staff, and the software vendor to make it possible for dispositions in all cases to be reported from the court to the police department.

We have recommended (see Section A.2) that the case information systems of the police department and the court be linked more fully, so that entry of initial case information by the police department can be used at case initiation by the court without repeating the data entry already done by the police. Improved communication between the court’s case information system and that of the police department should also result in improved notice to the police department about the court’s disposition of cases.

CHAPTER III.

MANAGING THE MUNICIPAL COURT FOR EFFECTIVE PERFORMANCE AND SERVICE TO CITIZENS

Before 1950, state and local courts in the United States did not operate as a coherent and organized branch of government. Since then, however, there has been a strong movement across the country to improve the organization and management of the courts in the states.⁹ The current operation of the Roswell Municipal Court in the year 2000 reflects the improvements that have been made in Georgia courts in the past 50 years, and it is decisively more effective than the relative disarray found in many pre-1950 state and local courts across the country. There was universal agreement among those interviewed by the NCSC project team that the Roswell Municipal Court renders a high quality of justice for citizens in cases before it, and that all of the court staff members in Roswell are unfailingly helpful and courteous to citizens.

Yet circumstances facing the municipal court are changing. As Table 2 in Chapter I indicates, the population of Roswell has tripled in the 20 years from 1980 to 2000, and city planners anticipate that over 25,000 more residents will be added to the city population in the next 20 years. Total filings in 2000 are projected to be 47 percent higher than they were in 1999. Georgia statutes are continually being amended in ways that make DUI cases more difficult. Technological change is affecting Roswell as much as it is transforming life in other parts of America and the world. Roswell city officials are exploring ways (through technology and otherwise) to make the delivery of government services to citizens more effective and efficient.

As such changes affect the operation of the municipal court, it is important to address the way that the court is managed. As the workload of the court increases, it will be necessary not only for the court to seek additional resources from the city, but also to manage its existing operations and resources to ensure effectiveness and efficiency. Moreover, it is important for the court to demonstrate to city funding authorities and to the citizens of Roswell that its operations and resources are being well managed.

⁹ See Robert W. Tobin, *Creating the Judicial Branch: The Unfinished Reform* (Williamsburg, Va.: National Center for State Courts, 1999).

Building on the discussion of case processing in Chapter II, this chapter addresses the overall management of the court. Specific issues that arose for the NCSC project team during our visits to Roswell are addressed here in the context of what results might be achieved in a well-functioning limited-jurisdiction trial court that hears DUI and other traffic matters in addition to certain non-traffic misdemeanors.

As a conceptual framework, we employ the approach to defining and understanding the performance of trial courts that was first developed in 1990 by a distinguished 16-person national commission on trial court performance standards, chaired by Robert Murphy, then Chief Judge of the Maryland Courts, and including Mr. Whitfield Smith (former Clerk of Court for the Superior Court of DeKalb County, Georgia) as a member.¹⁰ With the aid of NCSC, the commission promulgated 22 trial court performance standards, along with a system for measuring performance in keeping with those standards.¹¹

Recommendation 14. In viewing the operation, management, and resource needs of the Roswell Municipal Court, court officials should see their work in terms of the *performance* of the court (that is, what the court actually accomplishes with the resources at its disposal) and focus their efforts on *the needs of those served by the court*. The dimensions of court performance should include such factors as (a) access to justice; (b) expedition and timeliness; (c) equality, fairness, and integrity; (d) independence and accountability; and (e) public trust and confidence. In budget discussions, city officials and court officials should communicate in terms of the court's accomplishments in such areas and what the court needs to have and do to improve its performance.

We urge the Roswell Municipal Court and the city of Roswell to view the court and its operations in terms of what results the court should achieve with the resources available to it. We realize that the specific trial court performance standards promulgated by the national commission are not always directly applicable to a limited-jurisdiction trial court like the Roswell Municipal Court.

¹⁰ See National Commission on Trial Court Performance Standards, *Trial Court Performance Standards, with Commentary* (Williamsburg, Va.: National Center for State Courts, 1990) [republished by the Bureau of Justice Assistance as Monograph NCJ 161570 (Washington, DC: US Government Printing Office, July 1997)] [hereinafter, BJA, *Trial Court Performance Standards* (1997)].

¹¹ See Bureau of Justice Assistance and National Center for State Courts, *Trial Court Performance Standards and Measurement System Implementation Manual* (Monograph NCJ 161567) (Washington, DC: US Government Printing Office, July 1997).

In the following sections, the NCSC project team does not exhaust all of the possible aspects of court performance that might be considered. Instead, we focus on particular management issues specific to the Roswell Municipal Court. In doing so, we rely in part on guidance that the American Bar Association offers to courts hearing traffic cases,¹² and also on what court management consultants and researchers have learned about managing the pace of litigation in trial courts.¹³

A. Promoting Access to Justice

To paraphrase the national commission on trial court performance standards, the Roswell Municipal Court must be open and accessible to members of the public, in terms of location, physical structure, procedures, and the responsiveness of personnel.¹⁴

The NCSC project team generally gives the court “good grades” in terms of the access to justice that it now provides for citizens. Proceedings are open, and both the judge and court personnel are very courteous to citizens who come to the court. However, there are four areas that warrant further management attention: court security; interpreters; facilities planning; and court records.

1. Providing for Security in the Court Area. It is important to make sure that persons and property are safe in the courtroom and in related space for court activities. The safety needs of citizens appearing for court hearings, as well as the safety of the judge and court personnel, warrant attention. Security should also extend to property – including money paid to the court for fines and fees. The NCSC project team members observed several problems with court security during their October 2000 visit to Roswell.

a. Safety and security at the entry to the courtroom. Every day that there are court hearings, there are armed and highly capable court marshals providing security in the courtroom. The NCSC project team members learned, however, that the magnetometer outside the courtroom is broken, and that the metal detection wand to scan persons entering the courtroom was stolen and has not been replaced.

¹² See Economos and Steelman, *Traffic Court Procedure and Administration*.

¹³ See David C. Steelman, with John A. Goerdts and James E. McMillan, *Caseflow Management: The Heart of Court Management in the New Millennium* (Williamsburg, Va.: National Center for State Courts, 2000) [hereinafter, Steelman, *Caseflow Management: The Heart of Court Management*].

¹⁴ See BJA, *Trial Court Performance Standards* (1997), p. 7.

Recommendation 15. Whenever the court is in session, the court should position a court marshal at the main entrance to the courtroom, providing visible evidence of security and exercising detection skills to identify any security risk that may be presented to the judge and other participants in courtroom proceedings.

Recommendation 16. The court should immediately have the magnetometer at the main entrance to the courtroom repaired and have the stolen metal detection wand replaced. The good working condition of the magnetometer and the wand should be maintained through regular testing at appropriate intervals.

The court is well served by the quality and skills of the court marshals in responding to any safety or security risks that may arise in the courtroom. Yet the fact that the magnetometer does not work and the fact that the metal detection wand was stolen have compromised the court's capacity to avoid risks *before* they occur. Having recognized the need for a magnetometer and a metal detection wand, the failure by the court and the city to use them effectively may expose the city to potential liability if a citizen is harmed in an event that could have been prevented.

b. Safety and security at court's front counter. One of the main points of contact between court staff members and the citizens of Roswell is the court's front counter. This is where citizens come to learn about pending case events and prior case outcomes, and where they seek answers to questions about court procedures. They may be upset having been charged with an offense they believe they did not commit, or about having to appear in court. In addition, this is where they come to pay fines, and they may be upset about the amount they must pay. Court staff members at the front counter may thus have to deal with many people who are unhappy and may take their dissatisfaction out on the front counter clerks.

The receipt of fine payments at the front counter also means that the front counter staff members are at risk of having someone try to steal the money at the front counter. As a result of recent changes, front counter staff members are now protected by bulletproof glass. Yet, they still may be at risk. Before the NCSC project team was in Roswell in October 2000, two men appeared at the front counter and seemed to be "casing the joint" for a possible theft when, by chance, an armed court marshal appeared

and they left. Those same men were apprehended later that same day as they apparently tried to steal money from another public building.

Recommendation 17. The court should have a “panic button” installed at the front counter as a means of communication between front counter staff and sworn officers who could assist in emergency situations. It is important that each employee be well trained on its use upon installation.

There are seven employees of the court who are sworn officers who are authorized to carry firearms and make arrests if necessary. The installation of a “panic button” at the front counter would allow them to respond quickly if an emergent situation arose.

c. Safety and security in probation area, judge’s chambers, and back offices in court area. Under current practices, payments are accepted in two separate locations – at the front counter and at the probation deputy clerk’s desk. Probationers who enter the court area to report to a probation officer or make a scheduled fine payment need not go through a magnetometer when they go through a locked door to a desk where the probation clerk sits. Down the hall are the offices of the two probation officers, the court services manager, and the judge. Probationers, therefore, have full access to the inner workings of the court and its staff. The possibility exists that an unstable or disgruntled probationer could endanger the lives not only of the probation clerk and the probation officers, but also the court’s other staff members, as well as the judge. It is with this in mind, in addition to a heightened control of monies, that the NCSC project staff recommends that the probation deputy be moved out front and behind the glass.

Recommendation 18. The court should relocate the probation clerk to a desk behind the protective glass at an existing but now unused front counter window. Probationers appearing for a meeting with a probation officer should wait in the front counter area until a probation officer meets them and escorts them through a buzzer-controlled door to one of two probation interview rooms, each with a “panic button” for the probation officer to call for assistance in an emergent situation. A new buzzer-controlled door should be installed to limit and control access to the judge’s chambers and the back offices of the court.

Roswell has been fortunate that there have not been any events in which the safety of either the judge or of other court personnel have been threatened in the area behind the front counter and the court room. Yet the same risks that are presented at the front counter might arise in the probation area or the court's back offices. Having an open court process and courteous staff should be balanced with a need to protect the safety of the judge and all the other court personnel.

Relocating the probation clerk to the front counter area has at least two other benefits. First, it creates a centralized cash intake location within the court. Second, with cross training it would allow for front counter clerical staff and the probation clerk to assist one another as members of a team. (For further discussion of cross training, teams, and centralized cash receipts, see Section D.3.)

2. Providing Interpreters to Assure Effective Participation in Court Proceedings. A significant recent development throughout the United States is the impact of immigration and cultural diversity on court proceedings. Such cultural diversity makes it difficult for courts in criminal cases to meet constitutional requirements of due process, equal protection, and the right to cross-examine adverse witnesses. Laws in most states require that interpreters be appointed when witnesses and defendants in criminal cases cannot speak English.

The Roswell Municipal Court must also deal with a need for interpreters. In the city of Roswell in 1990, Hispanics made up 2.7 percent of the population, while Asian or Pacific Islanders made up 1.8 percent of the population. Since 1990, minorities have increased as a percentage of the population, with Hispanics having the most significant growth.¹⁵ While it will not be possible until the completion of the 2000 US census to quantify the growth of Roswell's minority population since 1990, statewide data for Georgia and countywide data for Fulton County for 1999 give hints about what the new census will show for Roswell. In Georgia, 4.3 percent of the population spoke a non-English language in their homes in 1990.¹⁶ From 1990 to 1999, while Georgia's overall population increased by about 20 percent, the state's Hispanic population increased by 120 percent, and its Asian and Pacific Islander population increased by about 109

¹⁵ See city of Roswell, *Comprehensive Plan 2020 (Draft)*, Chapter 2, Table 2.9 and related text (2000).

¹⁶ See William E. Hewitt, *Court Interpretation: Model Guides for Policy and Practice in the State Courts* (Williamsburg, Va.: National Center for State Courts, 1995), p. 26.

percent. Total Fulton County population grew by 15 percent from 1990 to 1999, but its Hispanic population increased by 90 percent, and its Asian-Pacific Islander population grew by 83 percent.¹⁷

To deal with the growth of Roswell's minority population, the court has been able to patch together *ad hoc* resources for the provision of court interpreter services. The court's probation clerk (who is nearing retirement age) happens to be fluent in Spanish, and she deals with Spanish-speaking probationers as well as aiding during court hearings when time permits. It does not appear that any of the court's front counter staff members are fluent in Spanish or any other foreign language.

When the NCSC project team was in Roswell, we observed in-court proceedings, where there were a number of Spanish-speaking defendants and at least one Japanese-speaking defendant. We saw that a man (whom we understand is an unpaid volunteer) was present to aid communications between the judge and Spanish-speaking defendants. One Hispanic defendant was accompanied by a certified court interpreter, who (unlike the unpaid volunteer) rendered each statement by the judge verbatim in Spanish for the defendant and gave the judge a verbatim translation of each sentence by the defendant.¹⁸ A person who may have been her brother or her husband accompanied the Japanese defendant, and he seemed to serve as an advisor to the defendant as well as a translator.

Defendants appearing before the court may, of course, be members of minority groups other than Hispanic speakers. When such a defendant appears in court and is not accompanied by a friend or relative who can serve as a translator, we understand that the court resorts to telephone interpretation through such means as the AT&T "Language Line Service."¹⁹

Recommendation 19. In coordination with city officials, the court should develop a program to be funded by the city as part of the

¹⁷ See US Census Bureau, "Population of Counties by Race and Hispanic Origin" (April 1, 1990, to July 1, 1999) (CO-99-11) (Internet Release Date August 30, 2000).

¹⁸ In contrast, the unpaid volunteer seemed to summarize the judge's English-language statements to Hispanic defendants. He clearly did not give verbatim translations in English of what defendants had said in Spanish, since what the defendants said involved many more words than the more terse summaries that the volunteer gave to the judge in English.

¹⁹ The most detailed published account of the use of the AT&T service by courts is found in Ann O'Reilly, "On Call Translators: AT&T Language Line," 32 *Judges' Journal* (No. 3, Summer 1993). For an analysis of its advantages and limitations, along with strategies for developing improved telephone interpreting service, see Hewitt, *Court Interpretation: Model Guides for Policy and Practice in the State Courts*, pp. 179-194.

annual court budget for the provision of court interpretation services in court hearings, as well as for aid to foreign-language speakers at the front counter and in probation services. The court should consider developing and maintaining a list of court interpreters from northern metropolitan Atlanta as a means to employ a part-time court interpreter with a minimum of English/ Spanish-speaking ability. In that employee's absence or unavailability, the court can use the list to locate and schedule alternate court interpreters.

The court should consider hiring one or more new court employees with fluency in Spanish (especially after the retirement of the probation clerk) or other languages that may be spoken by a large number of citizens appearing in court. The court and the city should assure that the court's interpretation services program gives the best access to justice for foreign-language speakers that can reasonably be provided with available resources.

When the NCSC project team visited Roswell and observed in-court proceedings, transactions at the front counter, and activities in probation, we saw no great problems that were presented for foreign-language speakers. The court cannot rely forever on the court's probation clerk who is likely to retire in the near future or on the availability of a Spanish-speaking volunteer to aid the handling of cases with Spanish-speaking defendants in the courtroom.

There is now a growing cadre of professional court interpreters. Moreover, experts in the provision of court interpretation services have provided guidelines for policy and practice in the courts, including such features as (a) training for court interpreters, (b) certification testing and other techniques for screening interpreter qualifications, (c) judges' guidelines and standards for interpreted proceedings, (d) provision of interpreter services for the deaf, (e) telephone interpretation, (f) a model code of professional responsibility for court interpreters, and (g) advice on the development of action plans for strengthening court interpreter services.²⁰

3. Planning for Court Facilities. The court is now located in Roswell's city hall. While this is a lovely building, some of the issues and recommendations affecting case processing and access to justice in the court that are discussed in this report are associated with the court's present location. Among these are (a) the NCSC recommendation that an ATM should be installed near the court area to make fine

²⁰ For details, see Hewitt, *Court Interpretation: Model Guides for Policy and Practice in the State Courts*.

payments easier for citizens (see Chapter II, Section C.2); (b) court security issues (see Section A.1 in this chapter); (c) court records storage (see Section A.4 in this chapter); and (d) the NCSC recommendation that receipt of cash payments should be centralized (see Section D.3 in this chapter).

A development with significant long-term implications has to do with city government plans for a new court building in Rockwell. The six-year capital improvement plan includes an allocation of two million dollars in fiscal year 2004-05 for a project either to build a 25,000 square-foot court building or to purchase an existing building and renovate it for a new court facility.²¹ The nature of the new court building will have a major impact on court operations and on access to justice for citizens in Rockwell.

***Recommendation 20.* Court officials should work with city officials to ensure that there is adequate funding in the court budget for the coming year to implement the court facilities implications of the recommendations made in this report. Beginning as early as 2001, the court should play a leading role and work actively with city officials in planning for the new court facility to be funded by the city in fiscal year 2004-05 (or sooner if possible). In this regard, the court's objective should be to assure (a) that the new court facility is safe, accessible, and convenient to use, and (b) that it supports effective and efficient court operations.**

Planning for court facilities should contemplate the addition of a second judge or a second city solicitor, or both, to serve at least part time in order for the court and the solicitor to provide timely dispositions and stay abreast of the court's workload.

The court and the city should take advantage of information on court facilities standards and court facilities planning, which is available from such organizations as the National Center for State Courts.

With regard to the court facilities implications of other recommendations that NCSC has offered in this report, it may be obvious that these improvements cannot be put into effect unless there is funding available in the court budget. It would be difficult, if not impossible, for general government officials or architects not familiar with the needs of courts and of citizens when they are in courts to assure that court facilities are safe,

²¹ See city of Rockwell, "Six-Year Capital Improvement Plan, FY 00-01 through FY 05-06 (Court Services Section)" (1999).

accessible, and convenient to use, and that they are designed to promote efficient and effective court operations. It is therefore critical that the leaders of the court in Rockwell play a leading role from the beginning of planning for the new court facility.

There is considerable literature available to aid courts and local governments with issues of court facilities planning.²² City and court leaders in Rockwell can benefit from early access to this body of literature, as well as from the advice of national experts on planning for the construction or renovation of court buildings.²³

4. Assuring Court Records Preservation and Access. The court currently has limited storage space available for court records. The NCSC project team understands that the city has had to rent four environmentally controlled facilities for storage of records, and that the court routinely has problems with the transfer of case records to and from archival storage. Problems finding and retrieving case records appear to be a source of lost time for court staff and delay for citizens.

Recommendation 21. The court should play a lead role in efforts with the city's information technology staff and other entities of city government to plan for the implementation of optical storage of records. The court's active case records should be optically stored from the time of case initiation, with a link to the court's case information system to provide for indexing and retrieval of case information.

Courts that hear traffic matters are prime candidates for optical records storage because of their high case volume and the limited size of individual case files. Optical records storage has several advantages: (1) it requires only a fraction of the space required for storage of "hard copy;" (2) it allows immediate access to the information sought, (3) it helps to solve the problem of lost records, and (4) it allows more than one person to review a record in different locations at the same time. These advantages allow the cost of optical storage to be offset over time if the volume of records stored is high enough.

²² See, for example, Don A. Hardenbergh, *The Courthouse: A Planning Guide for Court Facilities* (revised edition) (Williamsburg, Va.: National Center for State Courts, 1998), and Robert W. Tobin, *A Court Manager's Guide to Court Facility Financing* (Williamsburg, Va.: National Center for State Courts, 1995).

²³ The NCSC expert on court facilities is Mr. Chang-Ming Yeh, a principal court management consultant in the National Center's Court Services Division in Denver, Colorado (telephone 1-800-466-3063). He recently completed work as the director of a team that reviewed courthouse design projects throughout Kentucky for compliance with national courthouse design standards.

The NCSC project team understands from the city's information technology director that the city finance department and community development department have both considered the prospect of optical storage for their records, but that the cost was too high for them to implement it alone. If the court and these city agencies worked together with the information technology staff, however, the costs of the undertaking might be justified by the benefits to be gained.

The introduction of optical records storage for the court is likely to have a dramatic impact on the way court staff members undertake their day-to-day work. As part of the effort to introduce this technology in support of court operations, it would be desirable to study and refine business processes in the court and to assure that court staff members received appropriate training on the efficient use of technology. (See Section D.2. in this chapter)

B. Ensuring Expeditious and Timely Disposition of Cases

The primary purposes of courts include doing justice in individual cases; *appearing* to do justice in individual cases; protecting citizens from the arbitrary use of government power; making a formal record of persons' legal status; and deterring criminal behavior. Delay hinders a court's capacity to accomplish its purposes. Unnecessary delay in court decisions and other actions is a primary cause of diminished public trust and confidence in the court.

The judge and the solicitor in Roswell are highly regarded in the local legal community for their knowledge of current law and for their skills in applying law and procedure in individual cases. Issues relating to cash receipts and disbursements are addressed in Chapter II. The NCSC project team members are most concerned about the timeliness of dispositions in the Roswell court.

Providing for expeditious and timely case dispositions calls for a court to exercise *caseflow management*, which the National Association for Court Management calls "the absolute heart of court management."²⁴ Effective caseflow management on a day-to-day basis involves three facets common to effective management in general: (1) setting

²⁴ See Steelman, *Caseflow Management: The Heart of Court Management*, p. 205.

reasonable expectations; (2) monitoring actual performance in light of expectations; and (3) using appropriate techniques to bring actual performance in line with expectations.

1. Applying Case Processing Time Standards. If one of the goals of a court is to provide prompt justice, then it is desirable to have some criterion for determining whether such a goal is being met. Courts that are successful in providing prompt justice know what they are trying to accomplish, because they have adopted goals that are reflected in time standards or guidelines. Such standards or guidelines should *not* be based on what can easily be accomplished given current circumstances and resources available to a court. Rather, they should reflect what is reasonable for citizens to expect about how long most cases should take. If a court cannot achieve such reasonable expectations even if it manages its current processes and resources well, then it is appropriate for the court to seek and be provided with a reasonable level of additional resources.

Jailed defendants in Roswell typically appear in court for a bond hearing the day after they are arrested, or on the Monday after a weekend arrest. When the NCSC project team observed court hearings in mid-October 2000, trials were being scheduled for December 14, or two months hence. A non-jailable defendant's first appearance is four to five weeks after the time of citation issuance. If a case is not disposed at arraignment, the court now schedules trial to be held anywhere from four to seven months in the future, using a timetable based on police officers' shift assignments. Table 4 provides information taken from a "reset sheet" given to NCSC project team members on October 16, 2000. The non-jailable cases that were not disposed during the arraignment calendar on Monday, October 16, 2000, were set for trial on the dates shown in the table.

Based on this information, jailable offenses can be disposed in two months or less if the defendants plead before trial, or if their cases are disposed on the first scheduled trial date. Attorneys interviewed by the NCSC project team indicated, however, that such matters as DUI cases can frequently take six months or more to be disposed. As for non-jailable offenses, the information in Table 3 suggests that cases require five to six months if they are not resolved by plea at the time of initial appearance, and if they are then concluded without further continuances on the first scheduled trial date.

TABLE 4. TRIAL DATES FOR DEFENDANTS CHARGED WITH NON-JAILABLE OFFENSES WHOSE CASES WERE NOT DISPOSED AT ARRAIGNMENT ON OCTOBER 16, 2000*

Police Department Unit/Shift	First Available Trial Date	Alternate Trial Date
Day Watch	March 7, 2001	March 8, 2001
Evening Watch	March 15, 2001	April 18, 2001
Morning Watch	February 15, 2001	March 21, 2001
Traffic Unit and Georgia State Patrol	February 28, 2001	March 1, 2001
Environmental (All Ordinance Cases)	November 8, 2000	

Source: Roswell Municipal Court.

The NCSC project team was not able to gather data on elapsed times to disposition in cases before the Roswell Municipal Court. They learned in interviews, however, that the defendants in cases bound over to Fulton County Superior Court and State Court may often wait for a year or more to be scheduled for trial. In the context of comparison with these other courts, the Roswell Municipal Court therefore is relatively prompt. Yet in the context of national experience with time expectations for the kinds of cases heard in the Roswell court, the picture is not so positive.

The earliest efforts to introduce time standards in statewide court systems were made in the 1970s and early 1980s. By the end of the 1980s, over 20 states had adopted statewide goals for the time required to process cases in the state trial courts. By November 1994, this number had increased to 34 states and the District of Columbia. In 12 states, the time standards are mandatory, while in the remainder of the jurisdictions they are voluntary or advisory.²⁵

²⁵ See Janice Fernet, "State Court Case Disposition Time Standards" (Williamsburg, Va.: National Center for State Courts, Information Services, November 1994).

Time standards developed by the National Conference of State Trial Judges and approved by the American Bar Association (ABA) are a common point of reference for the consideration of overall time standards.²⁶ ABA time standards do not include separate standards for traffic cases, and ABA standards for traffic justice provide simply that “Everyone charged with violation of a traffic regulation is entitled to a fair and speedy disposition of the charge before an impartial and qualified tribunal.”²⁷ Yet those for misdemeanors – that 90 percent of cases be disposed within 30 days after initiation and that 100 percent be disposed within 90 days – may be considered applicable as well to traffic cases. A study of traffic cases in 12 urban jurisdictions found that none of the courts were close to meeting ABA’s 30-day standard for 90 percent of cases, although two were close to having all cases disposed within 90 days.²⁸ Only one state (Wisconsin) had a separate time standard for traffic cases in 1994 – that 100 percent be disposed within four months after case initiation.²⁹

Recommendation 22. The Roswell Municipal Court should adopt and comply with the following time standards:

- 90 percent of all jailable offenses should be decided 90 days after case initiation, and 99 percent should be decided within 150 days.
- 90 percent of all non-jailable offenses (including parking cases) should be decided within 60 days after case initiation, and 99 percent should be decided within 90 days.

The court should regularly measure its actual performance against these time standards and take appropriate steps to bring actual performance in line with the expectations that these standards reflect.

The Georgia court system currently has no statewide time standards for trial courts. The time standards suggested here, however, would provide a reasonable set of expectations for determining what constitutes timely disposition of cases. In order to meet these expectations, the court will need information about its actual times to

²⁶ See American Bar Association (ABA), *Standards Relating to Trial Courts*, 1992 Edition, Section 2.52.

²⁷ ABA, *Standards for Traffic Justice*, Section 3.0, in Economos and Steelman, *Traffic Court Procedure and Administration*, p. 201.

²⁸ See John A. Goerd, *Small Claims and Traffic Courts: Case Management Procedures, Case Characteristics, and Outcomes in 12 Urban Jurisdictions* (Williamsburg, Va.: National Center for State Courts, 1992), p. 136.

²⁹ See Fernet, “State Court Case Disposition Time Standards” (1994).

disposition, and it will be necessary to adopt caseflow management techniques such as those recommended.

2. Managing Case Dispositions and Pending Cases. When the NCSC project team visited Roswell, they received information about the number of cases that had been filed in the court in recent years. Yet the court did not provide the team with information about the number of cases that the court has disposed, or about the number of cases in its pending inventory. The project team was not able to determine how well the court is staying abreast of its workload.

Recommendation 23. The court should dispose of as many or moreailable and non-ailable cases (including parking cases) as the number of each that are filed each year. The court's inventories of pendingailable, non-ailable, and parking cases should be no larger than the number of such cases that the court can dispose within applicable time standards.

Keeping current with its incoming caseload is an important element of optimal performance by any trial court.³⁰ The size of the Roswell court's pending inventory is a key measure of the effectiveness of the court's caseflow management efforts. National research shows that the size of a court's inventory of pending cases, in relation to the number of dispositions per year, is strongly associated with delay. Slow courts are almost always "backlogged" courts.³¹

The court's goals with regard to its pending inventory should have two different parts: reducing the size and age of the inventory, and then maintaining it at a level that will permit the court to comply with its time standards. If the court's case processing times are too long, its inventory includes an unacceptable number of cases that are "backlogged" – that is, there is too high a percentage of cases in the inventory that have been pending for longer than the time standards adopted by the court.

The second part of the court's goals for its pending inventory is to *avoid* future backlog and to maintain a pending inventory that is manageable in terms of the workload of judges and court staff members. What constitutes a "manageable" pending inventory?

³⁰ See BJA, *Trial Court Performance Standards* (1997), Standard 2.1.

³¹ See Barry Mahoney, et al., *Changing Times in Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1988), p. 195; see also, John Goerd, Chris Lomvardias, Geoff Gallas and Barry Mahoney, *Examining Court Delay* (Williamsburg, Va.: National Center for State Courts, 1989), pp. 36-39, 42.

In simplest terms, it is the number of pending cases that the court can maintain and still meet its time standards without heroic efforts on the part of judges and staff or undue burdens on parties and counsel. If, after having eliminated its backlog, a court disposes of as many cases each year as are filed, the size of the pending inventory should remain relatively stable and manageable.³²

3. Keeping Caseflow Management Information. As part of this project, the NCSC team asked whether the court could give us information about the age of cases at disposition, the age of pending cases, and the number of cases disposed each year. It appears that the court does not have such information. Without information like this, it is difficult for the court to manage the pace of litigation before it.

Recommendation 24. Successful caseflow management requires that the court continually measure its actual performance against the expectations reflected in its standards and goals. For this purpose, the court should regularly measure times to disposition, whether it is disposing of as many cases as are being filed, the size and age of its pending caseload, and the rates at which trials and other court events are being continued and rescheduled. Caseflow-management information should be provided as part of the management reports produced with the aid of the court's automated case management information system.

While measuring performance is vitally important for effective caseflow management, it is possible to suffer from "information overload." To avoid such overload, court leaders measuring performance should give attention to the key types of caseflow management information.

Measurement by itself does not solve problems. The judge and the court services manager must use it as a tool to manage cases and caseflow. Regular attention by the judge and the court services manager to the court's performance in light of its caseflow management goals and objectives is a powerful way to enhance the likelihood of court success. If the judge and the court services manager meet regularly to review reports and measures of the court's caseflow management performance, they can deal promptly with caseflow management problems as they arise.³³

³² See Steelman, *Caseflow Management: The Heart of Court Management*, pp. 114-115.

³³ *Ibid.*, see pp. 120-123.

4. Taking Steps to Help the Court Provide More Prompt Dispositions While Staying Abreast of New Cases. Given the current operation of the court, it would not be possible for the court to meet the time standards recommended and to assure that dispositions keep up with new filings. It will be necessary for the court to take affirmative steps with support from the city in order to achieve the expectations embodied in those recommendations.

a. Additional days for city solicitor or additional court hearing days. A critical problem for the court with such a dramatic increase in case filings in 2000 is that there simply is not enough judge-time and prosecutor-time to deal with all of the work before the court. One of the most important steps to consider for achieving compliance with time standards and assuring that dispositions stay abreast of new filings would be for the part-time city solicitor to have more days available, or for the court to have more hearing dates each week.

Recommendation 25. To improve the timeliness of case processing and management of the court's workload, the court and the city solicitor, with city funding support, should take incremental steps to increase the amount of judge and city solicitor time that is made available for dealing with cases. Ultimately, it is likely that the court will require at least one full-time judge (or two part-time judges), as well as full-time city solicitor, with at least a part-time assistant city solicitor.

The first step should be taken immediately – the city should provide funding in the upcoming budget for the city solicitor to provide an additional pretrial conference day each week, to meet with defense counsel for plea discussions.

It is likely that this first step alone will not result in the achievement of the objectives recommended here for timely case processing and management of the court's workload. In that case, the city should provide funding for the court and the city solicitor to add another day of court hearings each week for arraignments and other court proceedings.

If the recommended objectives for timely case processing and management of the court's workload are still not met, then the city should provide funding for a full-time judge and a full-time city solicitor with court proceedings every day of the week.

In keeping with the court's experience, consideration should be given to a second judge or a second city solicitor, or both, to serve at least part time in order for the court and the solicitor to provide timely dispositions and stay abreast of the court's workload.

The most powerful mechanism for disposing of cases is to expose them to trial or other court hearing. Every time the participants in a case must face a trial or other meaningful court event, one of two things will happen: either the case will be disposed, or there will be clear progress toward a disposition.³⁴

For the court to deal with the growing caseload, there must be more time available for cases to be in front of a solicitor for possible plea discussions, or to be brought by a solicitor for hearing before a judge in a courtroom. The city must be prepared to provide funding for this. But prudent use of finite public resources calls for incremental steps to be taken, so that the city, the court, and the solicitor can see what level of resources are actually needed for cases to be disposed within applicable time standards, and for the court's dispositions to stay consistently abreast of new filings.

Court hearings are currently scheduled with an eye to the availability of police officers. (See Table 4.) As the court plans for implementation of the time standards recommended and for any additional court hearing days that require police officer presence, it will be necessary for the court to work closely with law enforcement officials.

Ultimately, it may well be necessary to consider the need first for a second solicitor and then for a second judge. Court facilities planning should contemplate the need for a second judge and a second city solicitor. (See Section A.3 in this chapter.)

b. Using empirical information to establish realistic calendar setting levels.

In this court as in any other court, there will inevitably be cases that must be continued for such reasons as the unavailability of the parties or an attorney. Other cases will be settled through plea negotiations. Recognizing this, the court must schedule more cases than it could possibly hear if all cases were to be heard by the judge that day in the courtroom. However, if the court schedules too many cases, citizens may have to wait in court an inordinate amount of time, only to have their cases not heard and rescheduled for hearing at some time in the distant future. Scheduling cases must therefore meet at least three objectives: (1) permit the court to dispose of enough cases in a timely manner to stay abreast of new filings; (2) avoid having citizens, attorneys, and police officers kept

³⁴ See Steelman, *Caseflow Management: The Heart of Court Management*, p. 185.

waiting for an unduly long time to have their matters heard; and (3) make reasonably efficient use of the judge's time and that of the city solicitor.

With significantly more cases filed in 2000 than in 1999, this court has had to make adjustments in the number of cases to schedule for arraignment or trial. There have been discussions among the judge, the city solicitor, the police chief, and the court services manager about the most appropriate number of cases to set on each calendar.

***Recommendation 26.* To determine how many cases to schedule for any given arraignment or trial calendar, the court should use empirical information from the court information system's record of outcomes from recent calendars. Recognizing that a certain percentage of cases will be continued, disposed by plea, or actually heard by the judge in court, the court should experiment with calendar setting levels to determine what number of cases scheduled on each calendar yields the best results in terms of the court's ability to keep dispositions abreast of new filings and to dispose of cases within applicable time standards. After the court has determined what is an optimal setting level, that decision should be revisited from time to time, and setting levels should be adjusted further if necessary to meet the requirements of changing circumstances.**

The most effective way to avoid either excessive overbooking or having too few cases set for trial or other hearing is to develop a "reasonable setting factor" and to apply a reasonable but firm policy limiting the granting of continuances.³⁵ This promotes reasonably firm trial dates and lets the court keep pace with both time standards and new filings. Determining what is a "reasonable" setting factor depends on the dynamics in each individual court. It is the lowest number of cases per calendar that permits the court to keep its pending inventory manageable in terms of size and age. There is no "magic formula" to determine what is an optimal setting level. Rather, it must be based on experience with the circumstances in each court.

To determine how many cases to set on a calendar in Roswell, the court services manager should use both historical information and knowledge about the cases and case participants. How many cases do we now set, and what typically happens with them? Using information from the court's automated case-management information system, the court can determine what has been its recent history with cases scheduled versus cases

³⁵ Ibid., see pp. 11-13.

actually heard, and develop a ratio among those heard, continued, and settled or dismissed.

In addition, it is necessary to make reasoned estimates of the likelihood that cases will go to trial or be disposed by plea or settlement. Factors affecting the likelihood of trial include the type of case; the possible penalty in a criminal case; the complexity of the case; and the practice styles of the attorneys in the case.³⁶

c. Exploring new approaches to managing the pace of litigation in the court.

Beyond the two steps suggested above – providing more dates and developing reasonable setting levels – there are likely to be a broad array of steps that the court might take as part of the development of a program for more effective caseload management.³⁷ It is important for the judge, the court services manager, and other court staff members to work with the city, the city solicitor, the police, and members of the bar on the development of consensus about steps that would be most suitable for assuring that cases reach fair outcomes in a timely manner, and that the court stays abreast of its new filings. In order to do this, it is necessary for the judge and the court services manager to be exposed to further possible steps that might be taken to improve court management of the pace of litigation.

***Recommendation 27.* Court leaders should be prepared to make ongoing refinements in court operations in order to deal with changing circumstances and continue to meet the objective of providing prompt and affordable justice. The court budget should provide opportunities for the judge, the court services manager, and other court staff members to attend workshops and seminars and otherwise learn new approaches to seeing that cases reach fair dispositions within applicable time standards, and that the court's dispositions keep up with new filings.**

The American Bar Association Committee on the Traffic Court Program has published a book on the management of traffic courts,³⁸ and each year it sponsors a traffic

³⁶ In the Wrentham District Court in Massachusetts, the court applies percentages to estimate the likelihood that cases will be settled by plea or go to trial, as part of its "smart calendar" approach to scheduling. See National Center for State Courts, Information Service, *Trends in the State Court*, (1997-1998 Edition) (Williamsburg, Va.: National Center for State Courts, 1998), pp. 11-12.

³⁷ See the matters presented in Steelman, *Caseload Management: The Heart of Court Management*, especially Chapter IX, where the author discusses the process of developing and implementing an effective caseload management improvement program.

³⁸ See Economos and Steelman, *Traffic Court Procedure and Administration*.

court seminar that is attended by judges and court officials from courts that hear traffic matters. The Institute for Court Management, which is NCSC's educational division, holds workshops on caseload management for limited-jurisdiction courts, as well as other workshops relevant to management of courts like the Roswell Municipal Court, including its Court Executive Development Program. The National Association for Court Management, an organization for general- and limited-jurisdiction court managers, publishes the *Court Management Journal* and other specialized manuals on important court management matters, and it holds both national and regional meetings with educational programs for court managers. It is important for the effective and efficient operation of the court that the judge, the court services manager, and other court officials have appropriate opportunities funded in the court budget to learn about more effective ways to manage court operations.

C. Maintaining the Integrity of the Court and Its Orders

Under our federal and state constitutions, all trial courts must provide due process and equal protection of the law to all who have matters before them. The court in Roswell is highly regarded among legal practitioners for the fair and practical manner in which it treats defendants. The NCSC project team gives the court a high rating in terms of equality and fairness, as well as in the integrity of trial court procedures and decisions. But integrity goes beyond decisions in the courtroom:

Integrity refers not only to the lawfulness of court actions (e.g., compliance with constitutional rights to bail, legal representation, a jury trial, a record of legal proceedings) but also to the results or consequences of its orders. A trial court's performance is diminished when, for example, its mechanisms and procedures for enforcing its child support orders are ineffective or altogether nonexistent. It also is diminished when summonses and orders for payment of fines or restitution are routinely ignored. The court's authority and its orders should guide the actions of those under its jurisdiction both before and after a case is resolved.³⁹

The NCSC project team observed that the court in Roswell is currently unable to follow up promptly on whether defendants are complying with the terms of probation, including payment of fines. In addition, as we note in Chapter II, the court does very

³⁹ BJA, *Trial Court Performance Standards* (1997), p. 13.

little with parking tickets that are filed. In each of these areas, the integrity of the court and its processes are put at risk.

1. Enforcing Court Orders for Probation and Fine Payment. When a defendant is now sentenced to probation, he or she visits the probation clerk at the conclusion of his case. The probation clerk initiates information entry on the probation information system. But she is not able to complete data entry in new probation cases, and the probation officers must perform this task themselves. Because they must commit time to completion of data entry tasks, their time for supervision of probationers who have failed to comply with court orders is limited.

We understand that the court collects about a million dollars a year in fines and fees. The court is not able to determine, however, how well it does in terms of collecting all of the fines and fees that defendants have been ordered to pay. The NCSC project team received no information from the court on fine and fee receipts or on delinquent payments. While the court is not (and should not be viewed as) a revenue-collection agency for the city, undue levels of noncompliance with court orders undermines the integrity of the court and threatens the majesty and dignity of the law.

Recommendation 28. Rather than having to spend their time on data entry in probation records, the court's probation officers should be able to spend the majority of their time on supervision of probationers and warrant service. To help make this possible, the court needs an additional probation clerk.

The court should establish a fine and fee collection program, with goals for average time to successful completion of payment; a timetable for issuing notices or warrants; goals for average amounts collected; and procedures for monitoring payments. The court should use the court and probation information systems more extensively to aid the monitoring of compliance with court orders to make payments of fines and fees. Monthly and annual reports should be provided, showing the amounts of fines and fees ordered by the court, the amounts actually paid, and the amounts satisfied through jail time or community service.

Defendants in cases of non-jailable offenses who fail to make timely payment of fines and fees should be sent a notice reminding them of their obligation and directing them to appear promptly for payment. Motorists who fail to respond to such notices in traffic cases should have their default reported to the state motor vehicle licensing agency, and they should be required to satisfy outstanding fine and fee obligations before they are able to renew their licenses.

Defendants who have failed to comply with other conditions of probation should have follow up by probation officers, with a possibility of violation of probation proceedings.

If the court and the city determine that it would be cost-effective, they should provide for follow-up by a “private probation” company on defendants who have failed to pay fines and fees.

Application of additional public or private resources in the probation area would enhance compliance with court sanctions, protect the integrity of the court’s orders, and yield enhanced fine and fee payments. (See Chapter IV, Section C, for further discussion.)

Effective performance by the court in terms of fine and fee payments calls for the court to adopt affirmative steps to manage this area of its operations. Courts in other jurisdictions that have been the most successful have (a) concluded that active efforts at collection are appropriate; (b) decided to improve community perceptions; and (c) dedicated staff and other resources to the management of fine and fee payments. Having appropriate information is a critical element of successful fine and fee management.⁴⁰

The use of a private collection agency to assist with the collection of amounts that might otherwise be written off has apparently been introduced in other jurisdictions in the state of Georgia. Since a “private probation” company will receive payment for what they collect, there will be a cost to the city and the court for such services. In addition, it will be necessary for the court to apply staff resources to its assure that the private company has appropriate information and acts in an appropriate and timely manner as an agent of the court and the city.⁴¹

2. Following Up on Unpaid Fines in Parking Cases. As previously noted in this report, the court now does little with parking cases. (See Chapter II, Section B.2.) This has led police officers to be cynical about the utility of writing parking citations, and it does little to foster respect for the court and the law.

Recommendation 29. Fine payment in parking cases should be actively managed by the court and the city. If the court and the city determine that it would be cost-effective, they should provide for

⁴⁰ See Matthias, Lyford and Gomez, *Current Practices in Collecting Fines and Fees in State Courts: A Handbook of Issues and Solutions* (Denver, Colo.: National Center for State Courts, Court Services Division, 1995), pp. 6 and 28-30.

⁴¹ Ibid., see pp. 23-24.

follow-up by a private collection service on persons who have failed to pay parking fines.

The NCSC project team has offered a detailed recommendation in Chapter II about some of the factors to be addressed by the court and the city in exercising more active management of parking matters. If a decision is made to have a private collection service involved in monitoring and following up on compliance with fine payments for moving violations, it might be possible to include parking violations among the cases for which the company gives assistance.

D. Balancing Independence and Accountability

Under our constitutional framework, every court must assert and maintain its distinctiveness as an entity that is separate from the branches of government that perform executive and legislative functions. Yet all courts are units of government, and they are obliged both to monitor and control their operations and to account publicly for their performance. During our visit to Roswell, the NCSC project team observed that there are differences of opinion about the manner in which the municipal court should relate to general city government officials. In addition, it is important for the court and the city to assure that technology resources available to the court are used in a way that promotes the court's effectiveness and efficiency. Finally, it is important as well that the court achieve and maintain optimal use of its most important resource – court staff members – especially if changes are made in the court's use of technology.

1. Maintaining Integrity and Comity in Relations with City Government.

The NCSC project team observed that there appear to be issues about the relationships among the judge, the court services manager, and officials in the general city government regarding the management of the court. These issues are not unlike those that have been experienced in many other trial jurisdictions throughout the country.⁴² They have to do with whether the court is viewed as a separate branch of government, whether its

⁴² See Tobin, *Creating the Judicial Branch: The Unfinished Reform* (Williamsburg, Va.: National Center for State Courts, 1999), Chapter 9, "Creation of an Administrative Infrastructure: The Trial Court Component."

management ought to be viewed like that of any other agency of local government, and whether the court has the administrative capacity to manage its own affairs.

***Recommendation 30.* In order to assert and maintain its distinctiveness as a separate branch of government, the court should clearly establish its legal and organizational boundaries, demonstrate capacity to monitor and control its own operations, and account publicly for its performance to citizens and to its coequal partners in government.**

Under our constitutional scheme of separation of powers, the Roswell Municipal Court might assert that it should be viewed as a separate but equal branch of government, independent of the “legislative” and “executive” functions of the general city government. As a practical matter, however, the propriety of having the court make such an assertion with regard to its day-to-day administrative operations is contingent on its being able to demonstrate that it has the capacity to use and account for its public resources in a responsible manner. Successful implementation of the recommendations offered in this chapter represent one way that the court could make such a demonstration. Having done so, the court would be in a position to make responsible requests that the city provide additional resources that might be necessary for the court to meet its performance objectives.

2. Making More Effective Use of Technology. During the visit to Roswell, the NCSC project team concluded that the court is not currently making optimal use of technology. We observed several areas in which the court might make more effective use of its technology in order to improve its efficiency and performance.

For example, the court can reduce redundant data entry by using data entered by the police department at case initiation (see Chapter II, Section A.2). Allocation of payments received by probation would be done more expeditiously with the aid of technology (see Chapter II, Section C.2). The court can also improve the manner in which it reports dispositions through improved use of technology (see Chapter II, Section D.2). Records storage problems would be addressed by venturing into the use of optical records storage (see Section A in this chapter). Caseload management would be aided by the regular production of caseload management information reports, as well as by the use of empirical information to aid the development of optimal calendar setting levels (see

Section B in this chapter). Finally, management of fines and fees would be promoted by having regular reports generated with the support of the computer system (see Section C in this chapter).

Recommendation 31. The court should take active steps to make optimal use of technology in support of court operations. Introduction of changes in use of court technology should be accompanied by a close inspection of day-to-day processes in the court and a revision of those processes to increase their effectiveness and efficiency with technology. In addition, the court budget should provide for court staff members to be given adequate training in order to use court technology well.

Making effective and efficient use of existing resources is one of the ways in which a trial court can maintain a balance between independence and accountability.⁴³ Improved use of the information technology available to the court in Roswell can have a dramatic effect on the level and kind of resources that the court requires.

A fundamental part of any effort to make broader use of court technology should be a reconsideration of the business process that technology is expected to support and enhance. A review of workflow; data inputs, exchanges, and outputs; communication patterns and media; and service targets is necessary in order to achieve the optimal and appropriate use of both technology and personnel within the organization. The reconsideration and potential re-engineering of business processes should be conducted jointly between court staff members and technology specialists, with the staff members evaluating the impact of proposed technological enhancements and innovations on the court's work. Implementing technology in isolation from user requirements, specifications, inputs, and assistance will reduce the potential success of the technology.⁴⁴

The introduction of extensive changes in the use of court technology will not yield expected results unless court staff members have adequate training on the use of the new software and procedures. It will be important for the city to provide a sufficient budget for court staff members to have training in the new technology.

⁴³ See BJA, *Trial Court Performance Standards* (1997), Standard 4.2.

⁴⁴ See David C. Steelman, et al., *District of Columbia Superior Court Integrated Justice Information System Requirements Analysis Project* (Volume I) (Denver, Colo.: National Center for State Courts, Court Services Division, 2000), p. 55.

3. Organization of Staff to Process Cases and Payments. Under the current structure for the organization of work in the court, the growth of cases in 2000 has sometimes meant that there have been days when staff members have been overwhelmed, and court performance has suffered as a result. Having only one person officially GCIC-certified has meant that her tasks have gone undone when she has been absent due to illness or vacation. A similar problem was described to the NCSC project team when the court marshal responsible for case scheduling was absent.

The court staff members at the front counter are sometimes put under stress because not all of them can accept cash payments. There have been some concerns expressed by the city finance department about the manner in which cash receipts are handled (see Section C.2.c in this chapter). This situation is not helped by the fact that cash payments can be received at both the front counter and in the probation department, which also can present security problems.

Recommendation 32. The court should consider ways in which court staff members can be cross trained so that they can work more flexibly in one or more teams in the processing of cases and payments. Receipt of fine and fee payments should be centralized in one location.

Court staff members have dealt well with the dramatic increase in filings from around 12,000 a year to a projection of nearly 18,000 in 2000, but not without difficulties. As a result of such difficulties, it is necessary to consider ways in which the organization of work responsibilities might be improved. Organizing court staff in teams whose members are able to perform one another's functions increases the court's ability to deal flexibly with the day-to-day ebb and flow of work demands. It also permits the court to maintain performance if a staff member is absent because of vacation or illness.⁴⁵ It would be desirable to have more than one person on the court staff who is GCIC certified. Cross training to perform data entry functions would also be desirable.

It is desirable to have deputy court clerks cross-trained with the probation clerk when the cash receipt function is centralized. Having the probation clerk located at the front counter will (a) increase the number of court staff members able to work with citizens at the front counter; (b) increase the number of staff members available to take

⁴⁵ For a recent discussion of teams in courts, see Bob Mossing, "Redesigning a Court Using a Self-Directed Work Team Paradigm," 39 *Judges' Journal* (No. 3, Summer 2000) 4.

cash payments; (c) permit greater consistency between “front counter” and “probation” procedures for cash receipts and disbursements; and (d) reduce security risks associated with having two separate locations within the court for receipt of cash payments.

E. Promoting and Maintaining Public Trust and Confidence in the Court

Since the time of our Founding Fathers, we have recognized that citizens’ respect for government and compliance with the law is significantly affected by how much they trust and respect the courts.⁴⁶ Because of the importance that the day-to-day proceedings in the court have for the order and stability of the local community, it is important for the court to take affirmative steps to promote and maintain public trust and confidence in its operations.

Recommendation 33. The court should promote and maintain public trust and confidence by informing the public about its programs and activities and by issuing annual reports on court performance.

Keeping the public informed about its programs and activities is an important way for the court to recognize its accountability to the citizenry, in addition to being a way to promote and maintain public confidence and trust. This can also serve as a means for the court to share information about court activities and performance with the city government in Roswell. (See Section D.1 in this chapter.)

⁴⁶ See Alexander Hamilton, *The Federalist Papers*, No. 17 (New York: New American Library edition, 1961), p. 120:

There is one transcendent advantage belonging to the province of the state governments [as opposed to the federal government] . . . – I mean the ordinary administration of civil and criminal justice. This, of all others, is the most powerful, most universal, and most attractive source of popular obedience and attachment. It is this which, being the immediate and visible guardian of life and property, . . . contributes more than any other circumstance to impressing upon the minds of the people affection, esteem and reverence toward the government.

CHAPTER IV. MUNICIPAL COURT RESOURCE NEEDS

In Chapter I, the NCSC project team notes that the city of Roswell has had a steady increase in population in recent years, and that in the year 2000 the Roswell Municipal Court has experienced a dramatic increase in case filings. In Chapter II, we look at case processing in the court, and we offer suggestions for improvement. In Chapter III, we address court management issues and offer further improvement suggestions. In this final chapter, we offer our thoughts on how those considerations affect resource needs in the court.

A. Impact of Caseload Trends

As Table 1 shows, the population of Roswell has grown at a much faster rate since 1994 than any of Georgia's other large cities. In fact, Table 2 indicates that the Roswell population in 2000 is three times what it was in 1980, and that by 2020 it may be four times the 1980 total.

Typically, the number of criminal and traffic cases that are filed in a trial court is directly related to the number of uniformed police officers there are in the jurisdiction making arrests and writing tickets. While officers from several different law enforcement agencies write citations filed in the Roswell Municipal Court, the city police department writes most of them. Table 2 shows that the number of sworn officers in the city police department has grown steadily as population has increased since 1994. If the trend since 1994 in the number of sworn city police officers were to continue through the year 2020, NCSC forecasts that the department would have 179 sworn officers by then. (See Table C-1 in Appendix C.)

One would therefore expect the number of case filings in the court to have grown in keeping with the increase in population and in sworn city police officers in the 1990s. Yet this did not happen. The city population increased from around 50,000 in 1993 to over 55,000 in 1996, but the number of court case filings dropped precipitously in that same period – from about 14,000 in 1993 to around 10,400 in 1996, despite an increase in the number of sworn city police officers. (See Table 2.) And while there were more

filings in 1999 than in 1996, the 1999 total was 16 percent lower than the 1998 total. Obviously, case filings in the court in recent years have not changed “in lock step” with either population figures or the number of sworn city police officers.

Given this recent history, it seems difficult to anticipate with confidence what will happen to case filings in years to come after the sharp increase in the year 2000. While one might expect annual filings to be at or above the total (17,937) that NCSC has projected for 2000, it may be just as likely for total filings each year in the near future to be less than that. Using an “exponential smoothing, damped trend” statistical approach, NCSC forecasts that while filings might be as high as 21-24,000 each year between 2001 and 2005, the history from 1993 to 1999 suggests that they are more likely to be in the vicinity of 15-16,000 cases per year. (See Table C-2 in Appendix C.)

As a basis for determining how raw caseload trends bear on the court’s resource needs, we believe that it would be better to look at *average* annual caseload filings before 2000 in relation to those projected for the years immediately *after* the year 2000. Table 5 compares filings in 2000 with those in the five preceding years (1995-99) and with those forecast by NCSC for the next five years (2001-05).

TABLE 5. ACTUAL ROSWELL MUNICIPAL COURT FILINGS, 1995-99, COMPARED WITH THOSE PREDICTED BY NCSC FOR 2000 AND 2001-05*			
Year	Actual Filings	Year	Forecast Filings
1995	11,039	2001	14,873
1996	10,411	2002	15,222
1997	11,891	2003	15,571
1998	14,566	2004	15,919
1999	12,161	2005	16,268
<i>Five-Year Average</i>	<i>12,014</i>	<i>Five-Year Average</i>	<i>15,571</i>
Year		Projected Filings	
2000		17,937	

*Sources: see Table 2 in Chapter I and Table C-2 in Appendix C.

As the table suggests, the average number of filings per year forecast for 2001-05 will be 30 percent higher than the average number of actual filings per year in the 1995-99 period. In 1995-99, the court had an average of 15.6 staff members each year. (See Table 2.) Court staffing levels have gone down when filings have gone down, and they have gone up when filings have increased. This seems to be a practical approach. If court staffing requirements for 2001 are established in keeping with forecast filing levels, then the court needs 20 staff members – an increase of 30 percent over the 1995-99 average staffing level, or three more staff members than the court now has. If *actual* filings in 2001-05 are *higher* than what NCSC has forecast, however, then the court and the city may have to make an upward adjustment in the court's staffing requirements based on caseload.

B. Impact of Suggested Case Processing and Management Improvements

While resource needs of the court are surely dependent on the amount of work that the judge and court staff members have to do, they also are affected by how the court's *existing resources* are used in the operation of the court. In Chapter II, the NCSC project team offers 13 recommendations that bear on case processing performance, and in Chapter III we present 20 more recommendations that have to do with improved overall court management. Each of these recommendations has resource implications, which are difficult to quantify. Table 6 shows some of the more likely ways in which the implementation of our recommendations may affect the court's resource requirements.

As Table 6 shows, implementation of the NCSC recommendations will involve software changes and facilities modifications, among other things. *All* of the NCSC recommendations have to do with ways that the court can improve its effectiveness and efficiency in terms of prompt and affordable justice, protection of the integrity of the court (as well as improved fine and fee revenues), and service to citizens that come before it. While the implementation of some recommendations will yield resource savings, the NCSC project team acknowledges that some improvements will require additional expenditures. (See Table 3 for a summary of potential additional costs and resource savings from the NCSC recommendations.)

TABLE 6.
RESOURCE IMPLICATIONS OF RECOMMENDED CASE PROCESSING AND
COURT MANAGEMENT IMPROVEMENTS

Recommendation Summary	Resource Implications
1. Eliminate redundant police-court data entry at case initiation	Software modification cost; court's data entry person free for other tasks
2. Notify victim or rescheduled events	Postage, staff time
3. Give notices to bond sureties	Postage, staff time
4. Order that reset requests be sent to only one court addressee	Time savings for judge, court staff and city solicitor
5. Add in-court clerk and scheduling clerk	Two new administrative staff positions
6. Revise management of parking cases	Software modification cost; additional staff time (less than one FTE)
7. Allow credit card payment of fines	Bank arrangements; cost of ATM installation
8. Provide automated assistance for probation fine and fee allocation	Software modification cost; probation clerk time available for other tasks
9. Introduce tighter controls for cash receipts and disbursements	Time needed for procedures development and implementation
10. Make more timely deposits of cash receipts	Staff time allocation
11. Provide electronic disposition reports to DPS	Software modification cost; court staff time allocation; time savings for DPS staff
12. Achieve compliance with GCIC requirements	Cost of heavy duty shredder; court facilities changes
13. Provide disposition reports to police	Software development costs

<p>TABLE 6 (continued). RESOURCE IMPLICATIONS OF RECOMMENDED CASE PROCESSING AND COURT MANAGEMENT IMPROVEMENTS</p>	
Recommendation Summary	Resource Implications
14. Manage court for performance and service to citizens	Will frame court-city resource discussions
15. Position court marshal at entrance to courtroom	Staff time allocation
16. Repair magnetometer and replace metal detection wand	Cost of repair and replacement
17. Install panic button at front counter	Installation cost
18. Improve probation security	Court facility renovation cost
19. Develop and implement court interpreter services program	Time needed for program development; funding for court interpreter
20. Planning for new court facilities	Planning time; planned facilities cost
21. Store records with optical technology	Technology cost shared with city agencies; savings in storage space
22, 23. Introduce case processing time standards and management of pending inventory	Transition demands on staff time; long-term time savings for court staff and case participants
24. Keep caseflow management information	Software modification costs; management efficiencies from acting on information
25. Move toward full-time judgeship (or at least two part-time judgeships) and full-time city solicitor	Cost of judge time and solicitor time: long-term time savings from scheduling efficiencies
26. Develop realistic calendar setting levels	Software and time costs to gather empirical information; savings from increased scheduling efficiency

TABLE 6 (continued). RESOURCE IMPLICATIONS OF RECOMMENDED CASE PROCESSING AND COURT MANAGEMENT IMPROVEMENTS	
Recommendation Summary	Resource Implications
27. Provide support for ongoing caseload management improvements	Education and conference attendance costs; program development costs
28. Improve enforcement of probation conditions and management of fine and fee collections	Additional probation clerk; program implementation costs
29. Improve follow-up on parking fines	Program implementation costs
30. Balance court independence, court management and public accountability	Will frame court-city resource discussions
31. Improve technology use	Technology costs; training costs; efficiencies from business process modifications
32. Improve organization of staff	Costs of cross training; cost of centralizing cash receipts; enhanced staff flexibility and efficiency
33. Make public reports of court performance	Staff time and publication costs

C. Resource Conclusions

Implementing the performance improvements recommended by the NCSC project team will have a complex impact on the court's overall resource needs. As a consequence of some technology changes, it is likely that the court will be able to process cases more efficiently and more expeditiously. It is not possible to ascertain with certainty what the court's staff resource needs will be after business process improvements and technology changes are introduced. With the improved management

approaches that we have recommended, however, the court and the city should be in a much better position to reach consensus on what the evolving resource needs of the court will be after 2001.

APPENDIX A.

LIST OF PERSONS INTERVIEWED

List of Persons Interviewed (in alphabetical order)

Greg Armour, Court Marshal

Robert Barkley, Chief Probation Officer

Chris M. Cooper, Court Services Assistant Manager

Dawn Davis, Attorney

Wendy Dinsmore, Day Watch Supervisor (City Jail)

Jim Gibson, Court Marshal

Bob Harris, Solicitor

Richard Hicks, Attorney

Judge Maurice Hilliard, Jr.

John Isom, Solicitor (part-time)

Wendy W. Johnson, Director of Finance

Shawn McEwing, Deputy Court Clerk

Karen Neely, Jail Manager

Ricky Padgett, Probation Officer

David Rogers, Attorney

Kevin G. Ryan, Attorney

Stella Skole, Deputy Probation Clerk

Diane Smith, Deputy Court Clerk

Linda Spencer, GCIC Coordinator

Sergeant John H. Tolbert (Roswell Police Dept.)

Edwin Williams, city of Roswell, Chief of Police

Wayne Yandell, Court Services Manager

APPENDIX B.
INTERVIEW GUIDES

Interview Guide #1 for Roswell Municipal Court Management Review: Judges, Solicitors and Defense Attorneys

1. What happens, operationally, from the time a defendant is first cited/arrested, through the disposition of the case? What are the key events and when do they take place? Who is responsible for ensuring timely completion of each event? (Differentiating by Case Type)
2. What court or community trends are affecting the court's caseload or workload?
3. Have any statutory changes affected the court's caseload or ability to manage the caseload or workload?
4. What factors effect how long the process takes from case initiation to conclusion? Without considering resource constraints, how long do you feel that it should take? What goals, standards, or policies exist with respect to the time from arrest/citation to case disposition? Consider:
 - Maximum period from arrest to filing?
 - Maximum period from arrest to initial court appearance?
 - Maximum period from arrest to preliminary hearing?
 - Timing/criteria for prosecutorial review of police charges?

- Timing/criteria for appointment of defense counsel?
- Maximum period from citation to initial court appearance?
- Maximum period from arrest/citation to disposition?
- Trial date certainty?
- Continuance policy?
- Size and age of pending caseload?

5. What considerations might prohibit timely or prompt case adjudication?

6. What information is available to assess court's ability to manage the movement of cases from initiation to conclusion?

- Information on size and age of pending caseload?
- Other information/reports?
- Who receives what information?
- How is the information used? Are there any regularly scheduled meetings to discuss the information?

7. Are there particular types of cases that are especially prone to delay? (OMIT if answered in #4)

- What are the reasons for delays?
- What could be done to make the process work more effectively?

8. How do discussions/negotiations about pleas, sentences, and other dispositions work in the court? Describe.

9. How adequate is the range of sentencing options in the court?

- What are the principal problems or issues with respect to fine and fee collection?

10. What mechanisms exist for exchanging information and shaping criminal justice policy affecting the courts and other agencies in the jurisdiction?

11. Who controls the movement of cases from initiation to conclusion? The Court? The Police? The Prosecutor?

12. What other individuals, institutions or agencies have influence in shaping policy and practice with respect to caseload management in the jurisdiction, from arrest/citation to disposition?

13. What do you see as the biggest challenge facing this court in the next five years?

14. What education and training is provided to court staff members?

15. How well do you interact/communicate with other agencies?

16. How does automation/technology help or hinder the movement of cases?

17. What are your perceptions with respect to the court's current performance?

- What are the major strengths?
- What areas need improvement?
- What suggestions do you have for improvement?

18. What is your perception on the current staffing levels in the court?

19. Do the physical facilities of either the court or the law enforcement agencies work against effective and efficient case processing?

Interview Guide #2 for Roswell Municipal Court Management Review: Court Employees

1. Describe the step-by-step process by which cases move through the court. How are cases filed with the court? How do cases reach the courtroom? How are cases set for trial? (Differentiating by Case Type)
2. What changes have occurred in the last few years that have affected workload? Specifically, how have the changes affected workload?
3. Are there problems with caseflow? Where are the bottlenecks?
4. How is the workweek in the courtroom organized? (If possible, describe allocation of tasks by major time blocks.)
5. What information is available to the judge and court staff members, to help manage caseloads and individual cases?
 - What management information reports are available?
 - What management information reports are used? Why are these reports especially useful?
 - How frequently are key reports provided to judges and staff?
 - How accurate is the information in the reports?

- What information would you like to have that is not currently available?
6. How adequate is the information available on individual cases appearing on a daily calendar? Do the judge and staff have accurate information on:
- the previous events and ruling in the case?
 - previous or currently pending cases involving one or more of the parties, if relevant?
 - the names, addresses, and phone numbers of parties and lawyers?
 - What information on individual cases would you like to have that is not currently available?
7. What are the principal goals of the court as a whole with respect to court management of case movement from initiation to conclusion?
8. What are the principal policies and procedures in this court with respect to caseflow management?
- How are these policies and procedures established? How are they communicated to staff and lawyers?
 - Is there a procedures manual or a set or written guidelines?
9. What do you think about communication in your court between the judges and court staff? To what extent do the judges discuss caseflow management policies with staff?

10. What are the principal policies and procedures in this court with respect to caseflow management?

- How are these policies and procedures established? How are they communicated to staff and lawyers?
- Is there a procedures manual or a set of written guidelines?

11. At what point, in the history of a case, does the judge or a member of the courtroom/chambers staff first meet with the lawyers or parties in a case?

- Who is involved?
- What is sought to be accomplished at this meeting?

12. How are case events scheduled? What are the roles of:

- Judges
- Lawyers
- Courtroom Clerk
- Other Staff

13. How does trial scheduling work in the courtroom?

- When—at what stage in the case, and how far before the anticipated trial date—is a case set for trial?
- Who sets the trial date? Based on what information?
- How many trials will typically be set for the same day or week?
- What happens when too many cases are ready for trial on the same day or during the same week?
- To what extent do members of the judge's staff communicate with the lawyers before trial regarding trial readiness or related issues?

14. What types of cases are most likely to result in trials in this court?

15. How long do trials take?

- Range
- Most common length

16. To what extent, and for what purposes, are pretrial conferences held?

- When are pretrial conferences held, in relation to the trial date?
- What are the purposes of the pretrial conference?

- What role, if any, does staff have in preparing for, conducting, or following up on the PTC?

17. What will a typical “daily calendar” look like?

- How many cases or other matters will be on it?
- How will this vary from day to day?
- How many trials are scheduled?
 - per day
 - per week

18. What are the policies of this court with respect to continuances?

- trial dates
- other scheduled events

19. What is the procedure for requesting continuances?

20. How frequently, and under what circumstances are continuances granted?

21. When a trial or other event is continued, what is the typical length of the continuance?

22. What education and training is provided to court staff members?

- What workshops or seminars have you attended?
- What other types of training have you or others had?
- What kind of training would be most useful to you, in your job, with respect to caseflow management?

23. How well do you interact/communicate with other agencies?

24. How does automation/technology help or hinder the movement of cases?

25. What are your perceptions with respect to the court's current performance?

- What are the major strengths?
- What areas need improvement?
- What suggestions do you have for improvement?

26. What is your perception on the current staffing levels in the court?

27. Do the physical facilities of either the court or the law enforcement agencies work against effective and efficient case processing?

APPENDIX C.

**PROJECTED FUTURE LEVELS OF
SWORN OFFICERS IN CITY POLICE DEPARTMENT
AND OF CASES FILED IN MUNICIPAL COURT**

TABLE C-1.
ROSWELL, GEORGIA, CITY POLICE DEPARTMENT:
PROJECTED NUMBER OF SWORN POLICE OFFICERS, 2001-2020

Exponential Smoothing, Damped Trend*			
Year	2.5 Lower	Forecast	97.5 Upper
2001	117	130	142
2002	106	133	160
2003	101	136	172
2004	97	139	182
2005	94	142	191
2006	91	145	199
2007	89	148	207
2008	88	151	214
2009	86	154	221
2010	85	156	228
2011	84	159	234
2012	82	161	240
2013	81	164	246
2014	81	166	252
2015	80	169	257
2016	79	171	263
2017	78	173	268
2018	77	175	273
2019	77	177	278
2020	76	179	282

* This table presents upper and lower limits of a confidence interval as well as a forecast of the number of sworn officers that the City Police Department will have, based on a statistical analysis of trends in sworn officer levels from 1994 through 2000. (See Table 1 in Chapter I.) The upper and lower limits provide the boundaries of a confidence interval, within which we can be 95 percent confident that the actual levels of sworn officers will fall. Within the confidence interval, the "forecast" is our best guess about how many sworn officers there will be in any given year.

TABLE C-2.
ROSWELL, GEORGIA, MUNICIPAL COURT:
PROJECTED NUMBER OF CASE FILINGS, 2001-2020

Exponential Smoothing, Damped Trend*			
<i>Year</i>	2.5 Lower	Forecast	97.5 Upper
2001	8,120	14,873	21,626
2002	8,196	15,222	22,248
2003	8,282	15,571	22,859
2004	8,377	15,919	23,462
2005	8,481	16,268	24,056
2006	8,591	16,617	24,643
2007	8,709	16,966	25,222
2008	8,833	17,315	25,796
2009	8,963	17,663	26,364
2010	9,098	18,012	26,926
2011	9,239	18,361	27,484
2012	9,383	18,710	28,036
2013	9,533	19,059	28,585
2014	9,686	19,407	29,129
2015	9,843	19,756	29,669
2016	10,004	20,105	30,206
2017	10,168	20,454	30,739
2018	10,336	20,803	31,269
2019	10,506	21,151	31,796
2020	10,680	21,500	32,320

* This table presents upper and lower limits of a confidence interval as well as a forecast of the number of case filings that the Municipal Court will have, based on a statistical analysis of trends in actual case filings from 1993 through 2000. (See Table 1 in Chapter I.) The upper and lower limits provide the boundaries of a confidence interval, within which we can be 95 percent confident that the actual levels of cases filed will fall. Within the confidence interval, the "forecast" is our best guess about how many case filings there will be in any given year.