



RENTON, WASHINGTON MUNICIPAL COURT

Court Operations Study

Final Report

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Table of Contents

I.	BACKGROUND AND INTRODUCTION	1
II.	FINDINGS AND RECOMMENDATIONS	3
A.	Business Processes	3
1.	General Work Environment	3
2.	Staffing and Work Assignments	4
3.	Functional Tasks	8
4.	Caseflow Management.....	14
5.	Records Management.....	21
6.	Collections	23
III.	CONCLUSION	29
IV.	FILINGS AND DISPOSITIONS – 5 YEAR Trend by Case Type.....	30

I. BACKGROUND AND INTRODUCTION

The National Center for State Courts (NCSC) was originally engaged by the Renton Municipal Court to conduct an assessment of court operations in anticipation of the potential expansion of city boundaries and increased workload. Specifically, the NCSC was asked to consider the following factors.

- Current operations in the light of a pending increase in city population.
- Case management, workflow, and workload in relation to staff and judicial resources.
- Services that the Court provides to the public and City stakeholders, primarily the Police Department, City Attorney, and the Public Defender.

One of the principal reasons for the review of court operations was the pending incorporation of neighboring communities into the City of Renton. King County established an Urban Growth Boundary that identified two unincorporated areas with urban population density designated as Potential Annexation Areas for Renton. In 2008, one of these areas was annexed by Renton adding 16,272 residents to the City and bringing the current population to approximately 86,000. A proposal before the voters in 2010 would have annexed the Fairwood community area with 27,000 residents, resulting in a 20 percent increase in population for the City. However, this proposal failed to pass. A third annexation proposal affecting the West Hill community will be considered in February 2012 to become effective in 2013 if passed by the voters. Despite the failed passage of the Fairwood incorporation proposal in 2010, the Court has experienced an increasing workload in the face of budget reductions. The primary contribution to the increase in the Court's workload was the installation in 2008 of traffic safety cameras, adding several thousand new cases each year.

The Renton Municipal Court is a court of limited jurisdiction with a caseload that consists of city ordinance and Revised Code of Washington criminal misdemeanors, criminal traffic, traffic and non-traffic infractions, and parking cases. Administrative oversight of Court operations is the responsibility of the Presiding Judge and Court Services Director, who supervises a Probation Officer, two Lead Specialists, a Training Specialist and eight Judicial Specialists. Judicial

resources include the elected Presiding Judge and a part-time pro tem judge. Criminal cases are prosecuted by City Prosecutor, and the City employs contract public defenders to represent indigent offenders in criminal matters. Judges and staff noted that pressure on resources in King County has resulted in many cases that would otherwise be prosecuted at the county level are being prosecuted in the municipal courts. Another significant activity that will impact the Court is the opening of a regional correctional facility, known by the acronym SCORE, which will house offenders for several adjoining municipalities and result in closure of the Renton City Jail currently located in the basement of city hall. Finally, judges, staff, and city officials are committed to finding better ways to serve the public and uphold the image of the Court in their community.

The NCSC project team spent the week of December 6 at the Court to gather data and interview staff and stakeholders. Following an introductory meeting with Court Services Director Joe McGuire, the NCSC project team met with staff and judges, as well as representatives from City Administration, City Council, the Prosecutor's Office, Public Defender and the police department. During the visit the NCSC project team observed courtroom sessions and case processing procedures, and collected workload and performance data from the Court. This report provides specific recommendations for consideration by the Municipal Court in a number of areas.

II. FINDINGS AND RECOMMENDATIONS

A. Business Processes

The Court has already implemented a number of workflow efficiencies as described in the *Municipal Court Budget Reduction Effects* document prepared by the Court Services Director. These include better use of office equipment, elimination of redundant tasks, changes in scheduling, and re-allocation of duties. The NCSC project team looked at case processing procedures and office organization to determine if further efficiencies could be achieved. The NCSC project team found the greatest impediment to the Court in terms of streamlining clerical procedures is the Washington Judicial Information System (JIS) case management application currently used by the Court. This legacy system, developed by the Administrative Office of Courts, has a number of functional limitations that contribute to inefficiencies which are noted in this report.

1. General Work Environment

The general work environment in the Renton Municipal Clerk of Court office is not unlike the vast majority of work spaces designed to produce and safeguard the records of the court while also providing access for court customers and the general public. The Clerk's office utilizes an open office floor plan with no cubical walls denoting distinct workspace. It appears the general office space is at or near capacity given the current number of employees. Noise from the use of dot matrix printers provides a constant backdrop of white noise through the constant telephone conversations, transactions at the front counter, and conversations from desk to desk by court employees. Additionally, the NCSC project team observed that clerical staff and court customers experienced difficulty hearing each other.

Recommendation 1: Dot matrix printers should be contained in sound muffling cabinets or an equipment room.

Recommendation 2: Improvements should be made to the two-way communication systems at the clerk's windows.

2. Staffing and Work Assignments

Clerical work is organized around the concept of assigned desks which are responsible for processing specific tasks (see Figure 1). Judicial Specialists are assigned to a desk for a period of time, usually six months, before rotating to another desk. The rotation ensures that everyone has an opportunity to learn all aspects of clerical operations. The two Lead Judicial Specialists coordinate assignments and oversee office operations under supervision of the Court Services Director. One individual is classified as a Training Specialist and is responsible for training new employees and Specialists assigned to a new desk. This individual floats to cover other desk(s) as needed during staff absences. The Court has developed training manuals, which may need updating, to assist with training. Although several employees have a great deal of seniority with the Court, there are five who have been hired within the last few years making training an important issue.

Employees were generally positive about the training they received on the job, and acknowledge that the rotation system gives them a broader understanding of the Court's operations. There were mixed opinions about the rotation system itself and potential disruption when they are reassigned. It was suggested by some that less frequent rotation of duties would create less disruption in the office. Comments were made that some employees prefer or might be better suited to customer service and should be assigned to the counters, while others would be more comfortable performing back office functions. There is no ideal system for assignment of work and the Court has adopted a system that encourages cross-training and an understanding by staff of the big picture. The frequency of rotations and assignment of duties should be periodically reviewed and adjusted based on employee feedback.

The Court staffs four customer service windows which allow them to wait on customers simultaneously and generally avoid long lines. In theory the first window on the left receives the first customer, though the tendency seems to be for customers to proceed directly ahead to

window three for service. Staff has mixed opinions about how work is assigned at the counter work stations. In addition to serving the public, each Specialist has other case processing assignments. Serving the public at the window and on the phone causes interruptions that may make it difficult to efficiently complete some tasks.

Employees generally seem to be clear about the requirements for performing their work, although several expressed concern about a need for more accountability and feedback. It was also noted that frequent sick and vacation leave is a problem. The Court performance evaluation system is not current. While the small size of the office makes communication easy, it was noted that less reliance on verbal directives and more use of email to communicate would be helpful, along with performance planning and reviews for staff.

Recommendation 3: The Court should work to bring the performance evaluation system to a current status.

Recommendation 4: Court leads, trainer and Director should assess whether some office communications should be in writing and develop a system for email dissemination and archiving of those communications.

Recommendation 5: The Training Specialist should continue to review training manuals to determine if updates are needed.

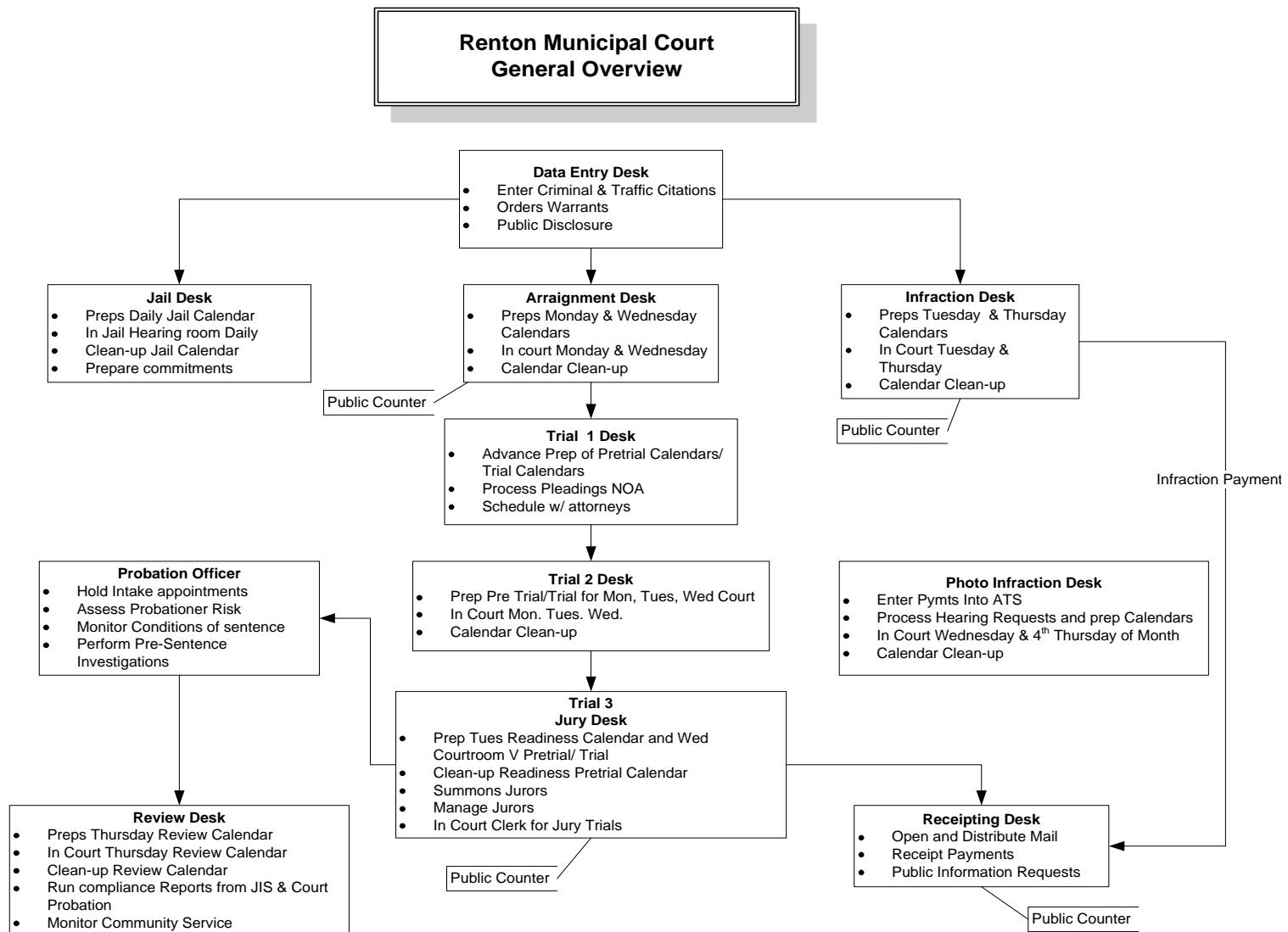


Figure 1

**Renton Municipal Court
General Overview
Support Desks**

Lead

- Monitors Warrants
- Responsible for Accounts Payable
- Locates: Bail and Interpreters Refunds,
- Arranges for Conflict Public Defenders when needed
- Jail Calendar Prep

Lead

- General Accounting
- Liaison with Collection Agency
- General Record Keeping
- Keeps Court Statistics
- Assist Customer Service /Phones
- Maintains and monitors Office Supplies
- Jail Calendar Prep

Trainer

- Provides Floater Desk Coverage
- Proof reads Clerk files
- Technology Liaison with City
- Electronic Records
- Manages Court Forms

Figure 2

3. Functional Tasks

Calendars and Scheduling. One of the primary areas where the Court would benefit from better technology is in the preparation of court calendars. The JIS system offers only limited functionality in this area. As a result, the Court maintains a duplicate manual scheduling record in a set of calendar books. In order for a case to be scheduled, the Judicial Specialist has to check the books for an open date and available slot before entering information into the case management system. When calendars are prepared, the books are again consulted to double check the accuracy of data entry, even though staff admits that most mistakes are found in the scheduling books. The use of the books also means that only one date can be scheduled at a time, and at times calendar information available to the public, police, prosecution and public defender is up to forty eight (48) hours old.

Calendars are prepared three weeks in advance. Scheduling a criminal case on the calendar involves checking the file for accuracy, determining if there is credit for time served, scheduling interpreter if needed, etc. Once the calendar is prepared and the information updated in calendar books, the calendar is converted into a Word document and printed. This is emailed to the Prosecutor, Public Defender, and Victim Advocate. A hard copy is provided to the police. Files are kept together by date until the day before the scheduled event, when they are pulled for the judge. Calendars are also available on line. Court staff obtains a criminal history for each defendant at the time the calendar is prepared; this is then provided to the Prosecutor and Public Defender. The Prosecutor does not issue subpoenas to officers. Officers are notified to appear for trial via written memo from the Prosecutor's scheduler and a phone call just prior to the trial date.

Recommendation 6: The Court should consult with City information technology staff to implement an automated calendar system that would be accessible to police, prosecution and public defender, with the goal of eliminating calendar books and providing real-time schedule information. This information should be maintained and automatically updated on the web site for the public.

Recommendation 7: The Court should end the practice of emailing and copying calendars and make this information available electronically on the City network or other shared electronic location.

Recommendation 8: The Court should end the practice of running criminal history records for the Prosecutor and Public Defender.

Recommendation 9: The Prosecutor's Office should be encouraged to issue subpoenas for the appearance of police officers at trials. These are the Prosecutor's witnesses and ensuring their attendance should not be the responsibility of the Court.

In-Custody Scheduling. A substantial amount of effort goes into tracking and scheduling offenders who are in-custody, either in the city jail or other local correctional facilities. Transport lists are prepared in advance by comparing jail rosters with the upcoming calendar. Case files for these individuals are pulled and checked against the calendar books. Jails are contacted to verify the offender's location and a sticky note with a jail location code is attached to the case file. These are put in chronological order for the upcoming week. The Specialist preparing these calendars must also be aware of whether a public defender is appointed, and whether a motion or trial is scheduled to determine the proper time. A detailed transport request list is prepared and emailed to the jail, Public Defender, Prosecutor, transport coordinator and jail sergeant. The Court also verifies delivery of the email. After preparing the advance calendar, staff must continue to monitor custody status and cross offenders off the in-custody list if they bail out prior to the scheduled appearance.

This process is time consuming, and there are several possible "fail points" where information may be misplaced. The Court has assumed the primary responsibility for keeping all parties informed. In many systems transport management is primarily the duty of corrections officials who prepare transport lists and schedules based on court calendars. The opening of the SCORE facility will be a good opportunity to revamp this process. The consolidated facility should reduce the number of correctional facilities that the Court must maintain contact with and will result in the development of a standard procedure for all courts within the jurisdiction. It is also anticipated that the courts will make greater use of video conferencing to conduct proceedings with in-custody offenders. In some jurisdictions the municipal or district courts share a jail facility and responsibility for in-custody arraignments by either rotating judicial officers or sharing a judicial officer who is specifically responsible for conducting in-custody arraignments and setting bonds.

Recommendation 10: The Court should work with SCORE officials to reduce reliance on the Court for preparation of transport lists, such as providing corrections staff with access to current court calendars.

Recommendation 11: The Court should plan to work with SCORE officials to implement an appropriate video conferencing system. The Renton Municipal Court should investigate the feasibility of collaborating with neighboring courts to coordinate in-custody hearings at the new SCORE facility.

Forms and Documents. The Court handles a high volume of cases which results in a substantial output of notices and forms because the JIS case management system is not as flexible and current as it should be. A large amount of printing output is directed to dot matrix printers. This requires the Court to maintain stocks of pre-formatted forms and notices which must be loaded and unloaded depending on need. Staff time is taken up bursting forms and in some cases stuffing and addressing envelopes. The Court utilizes form templates in Word to generate some documents, but much of the basic case information must be entered. Large numbers of labels with case information are regularly printed and affixed to each copy of the court worksheet, a multi-part NCR form that records court disposition and sentencing information.

Short of a new case management system, one option is to investigate further use of “screen scrapes” to pull case information from the system to populate forms and documents in Word. While not ideal it would give the Court more flexibility and reduce data entry. Some documents which are currently mailed in envelopes may be candidates for conversion to postcard format for easier and less expensive mailing. In addition, the city recently upgraded mail processing equipment that the court may be able to utilize for automated envelope stuffing.

Recommendation 12: The Court should consult further with City information technology regarding more efficient ways to generate documents.

Recommendation 13: The Court should investigate whether some notices that require envelope mailing could be converted to postcard format for easier processing and lower postage costs.

Recommendation 14: The Court should investigate the feasibility of using automated mailing equipment to reduce processing time.

Citation Processing. The Court processes citations for civil infractions, criminal offenses, and photo enforcement violations. Paper citations issued by the Renton Police Department are picked up by Court staff from the police department. Most citations are now transferred electronically through the Police Department's SECTOR system. Paper tickets are entered into the JIS system and Court staff electronically accepts SECTOR tickets after checking them in an electronic queue. At the present time the SECTOR infractions are printed and files created when these cases are contested or a payment schedule is established. Criminal citations (up to eight pages) are always printed and placed in file folders. The Court schedules contested hearings requiring the officer's presence once each month. The Court tries to coordinate this with the officers' schedules, having current schedule information available on line would be helpful for everyone.

The City is currently implementing a new Document Management System (DMS) that will take advantage of optical scanning to streamline workflow in the Court. One of the first applications will be the scanning of SECTOR infractions as funding for document management is specifically dedicated to this application. Once implemented this should eliminate the need for maintaining a paper file for contested tickets. When imaging and related workflow improvements have been implemented for SECTOR tickets, the Court should expand the project to include other types of citations.

One desk is dedicated to processing photo enforcement cases. Payments for these offenses are made at the passport window (finance department) after the offender has received a voucher from the Court indicating the amount of the fine, and late fees, if any. A mitigation hearing may be requested by mail or in person. Court staff uses the vendor's (American Traffic Solutions) system to create calendars and enter dispositions. A separate calendar is set for contested violations. Individuals may file an affidavit that they were not the driver. This affidavit is Court scanned into a local drive for uploading into the vendor system.

Recommendation 15: The Court should investigate the feasibility of electronic transfer of parking citations with the police department. In the interim parking citations should be considered for the next phase of imaging once the SECTOR citation project has been implemented.

Recommendation 16: The Court should set a goal of implementing imaging for all case types subject to a comprehensive workflow analysis. The imaging system could allow all court records to be managed electronically rather than maintaining paper copies of all citations.

Courtroom Support. The Court has moved in the direction of reducing the need for litigants to return to the clerk's office after their court appearance. This is more convenient for the public, helps reduce redundant data entry, and speeds up case processing. Two Specialists are present in the courtroom for mitigation hearings. One Specialist docketed during the proceedings and the other fills out forms and papers. This includes setting payment schedules, making payment adjustments, and providing court dates. Courtroom staff notes dispositions on the calendar, which is cut up into strips and sent back to the office with the offender to enter. Staff indicates that having two individuals in the courtroom, provides nearly enough time between mitigation cases to docket this information. The major impediments to implementing more in-court processing are the difficulty in keeping up data entry without slowing down proceedings, and the lack of clerical space in one courtroom.

Despite the Court's efforts to increase the use of email and fax transmission of documents, the process remains very much paper-based. In some instances the court worksheet is used to notify defendants of the next court date, although not all copies are used and the form is sometimes filled out along with a notice. Specialists have prepared notices in advance to save time in court, but they are often not used.

The Court plans to provide computer access at the litigant tables in the near future. This will give the Prosecutor and Defense Counsel access to the JIS system for reviewing case histories, abstracts, and defendant information. Access to the state Data Warehouse Judicial Access Browser System (JABS) will also be provided. This should reduce the need to interrupt clerical staff or view case folders during court proceedings.

Recommendation 17: The Court should reconsider how it uses the worksheet and develop an alternative document for notifying offenders of their new court date.

Recommendation 18: The practice of preparing notices in advance should be reviewed to determine whether this process is efficient.

Recommendation 19: The Court should use printers in the courtroom for notice generation.

Recommendation 20: Courtroom staff should have calendar dates available in the courtroom to set dates and print notices thereby eliminating litigants returning to the counter. Litigants should acknowledge (sign for) and receive a new date before leaving the courtroom.

Recommendation 21: Courtroom staff should develop an alternative way of notifying the office of dispositions from the courtroom to eliminate the practice of cutting up strips of the calendar. One interim solution suggested by staff is to utilize the white copy of the notice form which is provided to offenders. In the long term the Court should determine how this information can be entered into JIS by courtroom staff and eliminate the need for redundant data entry.

Compliance Monitoring. Compliance monitoring is the joint responsibility of the Probation Officer and the clerk's office. In the clerk's office the Specialist assigned to the compliance desk is responsible for tracking court orders, failures to pay, class attendance, and community service. Compliance hearings are set on four Thursdays each month for cases which are not in compliance. Compliance monitoring is coordinated with the Probation Officer. A good deal of time is spent tracking community service, including verifying and calculating credit, entering information into JIS, and ensuring that cases have not exceeded the jurisdictional time limit. There is some duplication of effort in this area, with the compliance desk entering compliance information for probation-supervised individuals that is also recorded in the probation system.

Probation resources are limited, with one probation officer and no support staff to manage a caseload that approaches 400. A part-time probation officer position approved for 2011 will help relieve some of the workload. Presently the probation officer is not able to attend review hearings. Her primary responsibilities include conducting risk assessments, a limited number of presentence investigations, and case supervision. Supervision levels include every other month in person reporting and mail in. Probation supervision includes deferred cases which are supervised for five years. Much of the department's caseload is DUI offenders and the Court has not been referring domestic violence cases for supervision due to the lack of probation resources. The office is currently adjusting to a new probation management system recently installed to replace a legacy system. The office is equipped with a portable breath tester but does not

currently conduct routine drug screening. The probation office maintains good working relationships with clerical staff and the Home Monitoring Unit which is responsible for pretrial monitoring of select cases. The Monitoring Unit staff is often in contact with individuals who are currently on probation or may be at a later date.

Recommendation 22: The Court should consider reviewing deferred cases periodically to determine if some offenders who are in compliance should receive an early discharge based on the nature of the offense and offender's record of compliance.

Recommendation 23: The Court should implement drug screening of probationers as part of compliance monitoring.

Recommendation 24: The probation office should be provided with access to the new jail management system when the SCORE facility opens in late 2011.

Docketing. Court staff makes docket entries on the JIS system to record case activity and actions. To reduce the amount of data input, they have developed docket code macros with default text. In some cases the amount of information on the case docket is quite extensive and in some instances appears to be redundant. While capturing a complete record of proceedings is an important task, the time it takes to read through the material either on screen or in printed form, can be significant in some cases. In view of the desire to make it easier for judges and court staff to review this information in the courtroom, the Court should review docketing to make sure that it is not only complete but efficient.

Recommendation 25: The Court should consider eliminating the docketing of interim compliance information when this information is recorded in the probation system.

Recommendation 26: Court staff should review docket macros and reduce any redundant or overly-detailed information from dockets.

4. Caseflow Management

The Renton Municipal Court has experienced a substantial increase in new filings since 2006. Much of this is attributable to photo enforcement introduced in 2008, as well as increases in the number of criminal case filings.

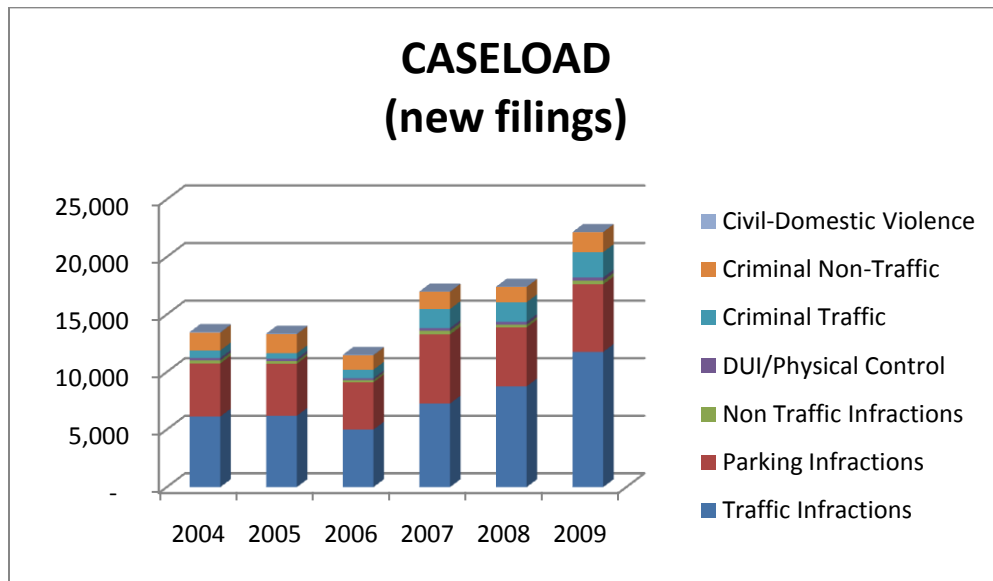


Figure 3

This section addresses how well the Court is managing its current caseload. A major theme during the NCSC project team's visit was the perception of justice system partners and other community stakeholders of how well the Court serves the community. The Court's ability to effectively manage its caseload in a timely and equitable manner influences those perceptions.

Caseload management is defined as court supervision of the time and events involved in the movement of each case from first appearance to disposition.¹ Effective court supervision of case progress conserves the time and resources of judges, lawyers, litigants, and staff while achieving the ultimate goal of a fair and just disposition in every case. Through research and practical experience several fundamental practices have been identified that characterize successful caseload management:

Early Court Intervention and Continuous Control of Cases – A fundamental principle of caseload management is that the court, and not other participants, controls the progress of a case from filing to disposition. This means that no case should be interrupted without good cause once it has been initiated. Early control means that the court is able

¹ Solomon and Somerlot, *Caseload Management in the Trial Court: Now and for the Future*, (Chicago, IL: American Bar Association), 1987, 3.

to monitor the progress of the case as soon as it is filed and sets policies to limit continuances.

The Court has established a written continuance policy that allows one continuance to be requested off the record at the discretion of the court. However, motions to continue where there has been a previous continuation of a pre-trial hearing must be made on the record. Despite this policy, all parties interviewed by the NCSC project team acknowledge that continuances remain a significant problem. One employee estimated that most cases are continued at the first scheduled pretrial session and that it is not unusual for an individual to make two to three appearances before a final disposition is entered. At a pre-trial session observed by the NCSC project team, it was observed that 13 of the 22 scheduled cases were continued.

The principal reason for the high rate of continuances appears to be a lack of readiness. The practice of direct filing cases by police, without prior review by the City Prosecutor, may be a contributing factor. It appears that many cases are being dismissed for lack of prosecution, while others are delayed while time is taken to review case information and decide on a course of action. One issue that came up in relation to this was the prosecution of domestic violence cases. Several individuals expressed concerns that these cases are not receiving adequate attention and preparation, resulting in a high rate of dismissals.

Another area where cases may fall through the cracks is when an infraction and criminal offense are charged as part of the same incident. The Prosecutor and Public Defender may be handling the criminal offense and not be aware that the offender has related infractions which could be disposed of during the same proceeding. This is often confusing to offenders who may be under the impression that the disposition of their criminal case takes care of the infractions as well.

Productive Pretrial Events – The scheduling of hearings should balance the need for reasonable preparation time by parties with the necessity for prompt resolution of the case. The court should take an active role in encouraging hearing readiness by parties and lawyers, and create the expectation that court events will occur as scheduled and will be productive. Good communication between judges and lawyers is important.

Another important element of preparation is early discovery. The Public Defender and Prosecutor have recently agreed to a process for “electronic” discovery that should improve access to materials by both sides. This will go into effect in 2011. Review hearings were also mentioned as an area where issues are not resolved because a prosecutor is not present. The NCSC project team recognizes that prosecutor resources are limited; however, the current practices of the police directly filing criminal cases without prosecutorial review, non-attendance at review hearings, and need for additional preparation time for pre-trial hearings, have a significant impact on the efficiency and timeliness of court proceedings. More commitment to case preparation and availability at the early stages would save time in the long run and result in more speedy resolution of criminal matters.

One area where the Prosecutor’s presence has helped improve case management is the Monday morning docket. Many driving while license suspended third cases are resolved on docket because the Prosecutor is present to offer a plea agreement. Some courts effectively schedule arraignments and pre-trials as a single event. This of course requires that the Prosecutor is ready to discuss the issues and that defense counsel has been assigned and ready to respond. Those interviewed did not believe that an arraignment/pre-trial calendar would be effective in the Renton Court, although this might still be an option at some later time.

Firm and Credible Hearing Dates – Attorneys and litigants should expect that events will occur as scheduled and at the time scheduled. Participants will not appear or be prepared at a scheduled hearing if matters are routinely delayed or continued.

Depending on their perspective, this is seen by many as another by-product of the lack of preparation by prosecution and defense, while others attribute it to lack of readiness by the Court. Whatever the cause, the result is that court sessions are frequently delayed, causing a ripple effect through the day. When morning sessions start late and run over schedule, judges and court staff may have to go through their lunch hour to keep up. A clear understanding between the Court, Prosecutor, and Public Defender that sessions will start on time and that the parties will be prepared and ready to have their case heard is needed.

Trial Preparation – Although trials typically account for a small amount of court time, the expense and inconvenience of bringing in jurors are reasons for reliable trial scheduling.

The Court currently sets time for trials on Thursdays and Fridays of each week and is considering a monthly trial week as an alternative. A trial readiness calendar is conducted each Tuesday and was recently moved to the week of trial rather than three weeks prior to increase the likelihood of settlement before a jury is brought in. Staff believe that a number of cases still are not settled until the day of trial and on occasion jurors are called in and not utilized. Although the number of trials is small, it may still be useful to evaluate the utilization of jurors. NCSC *CourTool 8* provides a performance measure in this area:

COURTOOL 8: Effective Use of Jurors- Jury yield is the number of citizens selected and report for jury duty who are qualified and report to serve, expressed as a percentage of the total number of prospective jurors available.

In addition, the Court is conducting juror surveys to measure satisfaction and understanding of the jury experience which should yield useful information on citizens' perceptions of jury service.

Recommendation 27: Expanded Public Defense office hours and/or scheduled office appointments are recommended. The Court should meet with primary criminal case stakeholders and determine what additional steps can be taken to adopt the following best practices in criminal case management:²

- **Early Availability of Arrest Report**
Police assure rapid transmission of the arrest report to prosecutor.
- **Early Assignment of Counsel and Prompt Client Interviews**
Public defender/defense counsel is promptly notified of assignment and interviews the client prior to his or her court appearance.
- **Realistic Charging**
Prosecution screening of more serious cases is to ensure adequate probable cause before proceeding.

² Solomon, Maureen, *Improving Criminal Caseflow*, (Washington, DC: Bureau of Justice Assistance (BJA) Criminal Courts Technical Assistance Project, American University), October 2008.

- **Early Exchange of Information Between Prosecution and Defense**

Basic information, including the arrest report and available discovery, should be exchanged early.

Although these issues are controlled by individuals and agencies outside the Court's direct control, the court is still in the best position to take a leadership role.

Recommendation 28: The Court should monitor the number of continuances and document what the main reasons are for continuances.

Recommendation 29: The Court should review procedures for linking same incident infractions and criminal offenses to ensure that they are adjudicated together.

NCSC has developed several measures for courts to assess the effectiveness of caseflow management. The most basic measure of case management is the rate at which cases are closed or disposed and is referred to as the *clearance rate*. This measure is defined as follows:

COURTOOL 2: Clearance Rates -The number of outgoing cases as a percentage of the number of incoming cases.

The NCSC project team obtained caseload information from the Washington Administrative Office of Courts and reviewed the five year filing trends and clearance rates for each case type filed with the Municipal Court.

Traffic Infractions – Traffic infractions, not including photo enforcement, have shown a steady increase since 2006. The court has a consistent case clearance rate above average filings.

Parking – Parking violation numbers have fluctuated but the court has maintained a clearance rate that has kept pace with filings over the past five years.

Non-Traffic Infractions – Filings have been up and down for the past five years, although the court is keeping up with the volume and in 2009 had an unusually high closure rate for this case type.

Criminal Traffic – These cases have continued to increase and the court has been losing ground in keeping up with new filings. This results from high numbers of open warrants on criminal traffic matters that are reflected as open cases.

DUI/Physical Control – These cases have been steadily increasing after a sharp drop in 2006. The deficit between filings and dispositions has also been increasing. This is due to the five year jurisdiction on alcohol related cases. Lower numbers of cases from five years ago are closing while the higher number of current filings will remain open for five years.

Criminal Non-Traffic – Over time the number of filing and dispositions has been fairly consistent and the Court is keeping up with the workload.

Photo Enforcement – Photo enforcement was implemented in 2008. These cases are not reported to the Administrative Office of Court and disposition information was therefore not available from the state.

A detailed table of filing and disposition trends is included in the appendix of this report.

Another measure of a court's ability to complete its workload is the *time to disposition* for various case types as defined by *CourTool 3*.

COURTOOL 3: Time to Disposition -The percentage of cases disposed or otherwise resolved within established timeframes.

The State of Washington has published ***Advisory Case Processing Time Standards for the General and Limited Jurisdiction Trial Courts in Washington***. The following time guidelines are recommended for criminal cases in courts of limited jurisdiction:

90 percent of all criminal cases should be adjudicated within three months (90 days) of filing of the complaint, 98 percent within six months (180 days) of filing, and 100 percent within nine months (270 days) of filing.

The Court has set a goal in the 2011/12 budget to maintain the 90 day standard from arraignment to final disposition for criminal cases. Standards have not been established for infraction violations, although it may be assumed from the high clearance rates for these case types that there is not likely to be significant delay or backlog in processing infractions.

The final *CourTools* measure of caseflow management performance looks at the age of pending cases.

COURTOOL 4: Age of Active Pending Cases -The age of the active cases pending before the court, measured as the number of days from filing until the time of measurement.

The NCSC project team was not able to obtain case filing data in order to obtain the age of active pending cases. Having a complete and accurate inventory of active pending cases as well as tracking their number and age is important because this pool of cases potentially requires Court action and makes clear the number and type of cases drawing near or about to surpass the Court's processing time standards.³

5. Records Management

Case Files. Paper case files are prepared for all criminal cases; however, the Court has avoided creating files for less serious matters which are paid and do not require a court appearance or ongoing supervision. Criminal cases are filed alphabetically in letter size file folders equipped with Acco fasteners to keep papers in order. When the case file is created, a cover sheet is prepared by printing a screen shot from JIS. A grid of four boxes is drawn by hand on the lower half of the page to record scheduled court dates, the 90 day expiration date, a jury or bench trial demand, and attorney information. The space is also used to track address changes and apply various information stamps that indicate that probation has been ordered or special conditions apply. While the cover sheet provides "at-a-glance" information for staff, it duplicates information already found in the docket and in some cases is difficult to read. Ideally this information would be readily available in the case management system. Features such as automatic case status flags and the ability to sort the electronic docket for scheduled events and other information would eliminate the need for a cover sheet.

Prior to each scheduled court date in a criminal matter, the office prints a full copy of the docket for the judge's use in the courtroom. Although the docket is available electronically, it can be time consuming for the judge to page through a lengthy case. At the conclusion of the hearing, the docket is removed and destroyed. In order to prevent accidental destruction of the original

³ National Center for State Courts, *CourTools, Trial Court Performance Measures*, Age of Active Pending Caseload Measure 4, 2005.

complaint when the docket copy is removed, a purple spacer card is placed over the complaint. This card is used for recording reporting dates of convictions to the Department of Licensing, but is not consistently used for this purpose.

Filing System. Although the Court maintains a central area for open and recently closed case files, the location of pending cases primarily depends on the status of the case. For instance, cases which are three weeks or less away from a court date will be filed by the date of the next event once the calendar has been prepared. Other cases can be found at various other locations depending on their status. Filing cases by status or date of event often means that it can be difficult to locate a file if it is needed for information or to file a document. A preferred system is to maintain files in a central location, only pulling them to add documents, make copies, or for use by judges in the courtroom. For instance, case files would not be pulled for the calendar until the day before, even though the calendar may be set well in advance. Another advantage is that a file may have more than one “status” and the court has to decide which takes priority in terms of where to keep the file. As courts have better automation and adopt imaging as a way of distributing and sharing documents, case files are increasingly relegated to the purpose of storing whatever original documents the court is required to retain.

These arguments aside, staff indicated to the NCSC project team that they have not experienced problems locating files under the current system. They use information from the Court’s case management system to determine the case status and file location, and believe that the information is up-to-date. The Court can test this empirically by utilizing NCSC *CourTool 6* which addresses the reliability and integrity of case files. The measure is defined as “the percentage of files that can be located within established time standards, and meet established standards for completeness and accuracy of contents.” The first part of the measure referring to the time required to locate a file can be conducted as follows:

- Randomly identify equal numbers (at least 50) of open case files, closed--on-site case files, and closed--off-site case files for each case type being evaluated.
- Set a goal (in terms of minutes) for locating each of these types of records.
- Record the results and calculate the average time for each category.

The second element of this measure examines the agreement between the docket and file contents. To measure performance in this area, select a sample of case files for comparison with the register or list of documents. Then determine if the register or summary accurately lists all documents filed with the court that are in the file and, conversely, that all documents in the file are accurately recorded in the register or summary. Determine the percentage of times there is a discrepancy between the filing of a document and proper recording and filing.

Retention and Destruction. The Court has an established system for records retention and disposal. Closed criminal files are stored by date of closure with destruction dates indicated on the last (top) document of the file. Contents are removed from file folders and the folders reused if still in serviceable condition. The Court coordinates storage of closed files with the City Clerk as storage space is limited. The current year's closed cases are generally kept on premises, while older files are transferred to the Clerk approximately every six months and destruction occurs twice a year (retention periods are five years for criminal except DUIs which are ten years). Infractions which have a much shorter retention period are retained at the Court, stored by date of closure, and shredded monthly as their retention period expires. Court calendars are stored by date and retained for three years.

Recommendation 30: Clerical staff should not use the purple card for recording disposition reporting dates.

Recommendation 31: The Court should eliminate the practice of printing a complete docket when closing a case, and either print the last page or simply stamp the judgment form as CLOSED and note the destruction date.

Recommendation 32: The Court should utilize *CourTool 6* to assess the ability of staff to locate case files within an established standard.

6. Collections

Like most limited jurisdiction courts, the Renton Municipal Court relies on financial penalties as a primary sanction for criminal and infraction violations. Total collections from fines and penalties have risen sharply in recent years, due in part to the introduction of the photo enforcement system in the City of Renton. Effective enforcement of financial penalties is not

only important for the revenues that result, but also demonstrates that the Court is serious about compliance with its orders.

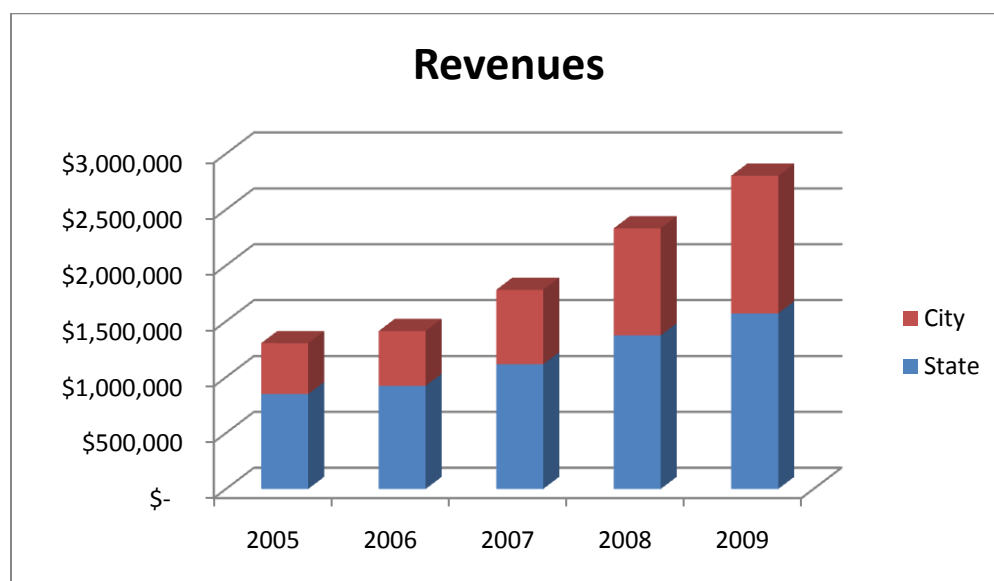


Figure 4: Total Revenues Collected (state and local)*

	2005	2006	2007	2008	2009
City	\$ 848,933	\$ 923,448	\$ 1,115,832	\$ 1,374,635	\$ 1,571,351
State	\$ 456,025	\$ 490,359	\$ 866,659	\$ 958,238	\$ 1,232,557

*Not Including Photo Enforcement Revenue

Collections Policies and Practices. A number of best practices for court collections have been identified in high performing courts. These practices fall under three general categories: assessment, enforcement, and information. Assessment refers to the steps and processes that courts employ on the front end, including how fines are determined and set, offenders notified and expectations communicated. Enforcement involves the activities that are employed to ensure compliance, including notification, imposition of statutory penalties, financial incentives, and third party collections. Finally, an effective collections system relies on good information to guide management in implementing policies and practices that are effective and efficient. These

best practices are outlined and compared with collections activities observed by the NCSC project team.

Assessment – A court’s approach to the imposition of financial penalties can have a significant impact on compliance. Although many offenders may not be able to pay a large fine at the time of sentencing or assessment, firm and consistent policies regarding requests for time to pay and the management of payment plans can substantially increase compliance. Some best practices for assessment include:⁴

- Provide multiple methods for offenders to pay.
- Provide public notice of payment policies and fine schedules.
- Develop procedures and practices that create the expectation of payment at time of assessment.
- Keep time periods between payments and payment schedules as short as possible.
- Require offenders who defer payment to provide financial information in support of their request when practical.
- Notify offenders of the consequences for non-compliance at the time of assessment.

The Court offers a variety of methods for offenders to pay that include cash, credit card, check and money order. Credit card payments can be made through the Court’s web site, which provides easy-to-follow instructions for the various types of citations that are payable on line. Forms include information on the consequences for non-compliance. A large number of offenders with traffic infractions take advantage of time payments, even though a \$10 partial payment fee is required to set up a partial payment plan. Partial payments are typically set at \$50 per month. As a general rule, action is taken when a payment plan is three months overdue, although under exceptional circumstances the Specialist who is reviewing time payments may exercise some flexibility. One area where the Court might be able to increase compliance is by encouraging larger initial payments or by urging more offenders to pay in full at time of assessment. While offenders are often asked to pay in full at time of assessment and forms do state this, more emphasis could be placed on early payment.

⁴ *Michigan Trial Court Collections Standards*, Michigan State Court Administrative Office, Lansing, MI.

Enforcement - Best practices for enforcement include:

- Developing processes for responding immediately and incrementally to nonpayment or nonappearance.
- Imposing statutory penalties and sanctions for noncompliance promptly as allowed by law.
- Developing a range of effective sanctions for noncompliance and apply them progressively in a timely and consistent manner.
- Identifying alternative sanctions to apply when an individual is financially unable to comply.
- Applying sanctions appropriate to the amount and type of debt.
- Developing systems for monitoring noncompliance on a regular basis.
- Enforcing and applying security forfeitures to outstanding obligations as allowed by law.

Current procedures include having offenders sign a copy of their payment agreement when setting up time payments, and the Court sends reminder notices two weeks prior to payment due dates. For infractions, delinquent statements are issued when a payment date has passed, and a second notice sent if no response is received. At this point failure to pay an infraction case results in notification to the Department of Licensing to take driving license suspension action. The Court also imposes additional fees for insufficient funds checks.

For criminal cases, staff reviews cases in arrears to determine if suspended jail time applies, and sets a review date along with the second delinquent notice. This recent change in procedure allows the judge to order a pay-or-serve if the case is at the end of jurisdiction. Any defendant may do community service at a state registered non-profit corporation and get credit for the bulk of their fine at \$10 per hour. If a criminal defendant fails to appear for review, the Court issues a warrant and adds a \$100 warrant fee. Cases are also turned over to Alliance One for collection 30 days after a collection notice is sent, and the cost of collection is added to the offender's total obligation. This is done on a weekly basis. A payment report is received from Alliance One which includes a few cases per page. Staff copies the page for each case paid in full and attaches this information to the citation, in addition to docketing the information and filing the complete report.

Offenders have two months to pay a photo enforcement citation. Failure to pay generates a due date notice, and after a grace period, a delinquency notice is sent and the offender assessed a \$15 late fee. Continued non-compliance results in reporting to the Department of Licensing for a vehicle registration hold and the account is turned over to Alliance One for collection.

Collections Information Management – Effective collections programs depend on the availability of accurate and timely information. This includes both individual case information for enforcing financial orders as well as aggregate collections data for monitoring program effectiveness.

CourTool 7, Collection of Monetary Penalties, states its purpose as follows: “Integrity and public trust in the dispute resolution process depend in part on how well court orders are observed and enforced in cases of noncompliance.”⁵ *CourTool 7* is a basic measure of the effectiveness of financial penalty enforcement.

COURTOOL 7: Collection of Monetary Penalties - Payments collected and distributed within established timelines, expressed as a percentage of total monetary penalties ordered in specific cases.

In addition to the collection rate measure described in *CourTool 7*, information that can be monitored on a regular basis includes:

- The pending caseload of open accounts.
- The monthly input of new accounts.
- Pending receivables amounts due and past due.
- Trends in collection rates and pending receivables.
- Comparative results of various types of enforcement.
- Compliance rates by case type.

Recommendation 33: The Court should determine whether additional collections performance data is available and establish a process for routinely monitoring progress and the impact of various collection activities.

Recommendation 34: The Court should establish baseline information, such as the annual aggregate collection rate, as the basis for setting collection goals.

⁵ http://www.ncsconline.org/D_Research/CourTools/tcmp_courtools.htm.

Recommendation 35: The Court should eliminate the practice of copying and attaching individual pages of the Alliance One payment report to each case paid in full and rely on the master copy in the event that verification is needed.

Recommendation 36: Offenders should be notified in advance of mitigation hearings that they should be prepared to pay fines and fees at the time of their hearing.

Public Defender Reimbursement. Persons charged with criminal offenses where the potential penalty includes loss of liberty are entitled to legal counsel at public expense if they cannot afford representation. Public defender services are contracted by the City and a high percentage of offenders request and receive a public defender. Staff estimated that over three quarters of these individuals are represented by the public defender. Prior to appointment of a public defender by the Court, the offender must complete a standard Indigency Screening Form indicating if they receive public assistance and if not, their current financial status. The Court may appoint the public defender at no expense, may specify that the appointment include a reimbursement, or require that the offender may be re-screened in the future. At present there is no process for verification of the information. During a court proceeding observed by the NCSC project team, offenders were not notified of the possibility that they may be required to reimburse the city, although this is indicated on the form. The City expends approximately \$450,000 annually for indigent counsel, and the Court collects on average \$120,000 – \$140,000 annually in reimbursements. Unpaid reimbursements are turned over to Alliance One for collections along with outstanding fines and fees.

Recommendation 37: The Court should explore the possibility of independent screening for eligibility of appointment of the public defender, as well as periodic verification of offender background information.

Recommendation 38: Offenders should be verbally notified at the time of appointment that they may be required to reimburse the City for part of the costs of representation.

III. CONCLUSION

The findings, recommendations, and information contained in this report are offered to assist the Court Services Director of the Renton Municipal Court to achieve the goal of delivering excellent service to the justice system and people of the City of Renton. Many of the changes recommended will require time, energy, and hard work to implement. Some will require additional resources; others may ultimately result in reduced costs. Several necessitate collaboration with the City, or the Washington Office of the Supreme Court. The NCSC project team found a commitment and innovative spirit that we believe can carry the court forward in making the suggested changes over the next few years and that excellence is an achievable goal.

IV. FILINGS AND DISPOSITIONS—5 YEAR Trend by Case Type

		2005	2006	2007	2008	2009	TOTAL
Traffic Infractions	Dispos						
		7,645	6,403	8,469	10,679	14,061	47,257
	Filings						
		6,202	4,998	7,268	8,757	11,755	38,980
	<u>Clearance</u>						1.212
		2005	2006	2007	2008	2009	
Parking Infractions	Dispos						
		4,722	4,433	6,326	5,556	6,091	27,128
	Filings						
		4,519	4,106	5,997	5,118	5,865	25,605
	<u>Clearance</u>						1.059
		2005	2006	2007	2008	2009	
Non Traffic Infractions	Dispos						
		246	207	341	265	394	1,453
	Filings						
		226	192	330	237	314	1,299
	<u>Clearance</u>						1.119
		2005	2006	2007	2008	2009	
DUI/Physical Control	Dispos						
		165	100	148	155	157	725
	Filings						
		216	172	229	250	275	1,142
	<u>Clearance</u>						0.635
		2005	2006	2007	2008	2009	
Criminal Traffic	Dispos						
		470	524	933	1,132	1,387	4,446
	Filings						
		476	734	1,655	1,703	2,213	6,781
	<u>Clearance</u>						0.656
		2005	2006	2007	2008	2009	
Criminal Non-Traffic	Dispos						
		1,796	1,607	1,679	1,557	1,779	8,418
	Filings						
		1,653	1,253	1,503	1,332	1,739	7,480
	<u>Clearance</u>						1.125

