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DESIGN AND IMPLEMENTATION OF A PLEA-BY-MAIL PROGRAM,
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Institute for Court Management
Court Executive Development Program
Phase III Project
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ABSTRACT

The purpose of this project is to analyze and discuss the design and implementation of a Plea-by-Mail Program initiated in the Thornton, Colorado Municipal Court in November, 1996. The program deals with traffic infractions and was developed to: 1) decrease the number of defendants appearing at arraignment; 2) allow defendants to negotiate, or plea bargain, the lowering of points without coming to court; 3) allow those defendants wishing to plead not guilty and set a trial date the opportunity to do so by mail; 4) increase the level of customer service and accessibility to the court; and 5) decrease the congestion and improve the flow of foot traffic through the court process. Decreasing the number of defendants appearing at arraignment was critical if the court was to maintain a part-time schedule of two days per week.

The goals of this project are to educate the reader concerning the dynamics of the court at the time the program was conceived, to discuss the process used to research and develop this program, and to examine the progress of the program during the first two months of operation. The success of the program will be judged by evaluating it against the original objectives and its ability to affect at least a 50 percent reduction of the number of defendants appearing at arraignments on infractions through mid 1997.

The methodology used to determine the best way to accomplish the objectives included a study of increasing volumes and revenues, a study of the cost of more court time, and a review of four plea-bargain-by-mail programs currently in operation in the Denver metropolitan area. Once the court staff determined how a similar program could work in Thornton, a form for the plea bargain program was drafted and a

presentation was then made to the Court Coordination Committee.

The plea-by-mail program has been in effect for approximately two months, during which time it has achieved an acceptance rate of 36%, or 14% less than the desired acceptance rate. Many defendants have stated that they would have taken the plea bargain offer but did not have the money to pay the fine. Other defendants said that they were confused by the instructions and not sure just what they should do. Still others said that they were in hopes of getting additional considerations if they came in to visit with the prosecuting attorney in person.

The plea bargain program has the potential to be the program the court anticipated and I recommend that it be kept in place. The program was begun several months later than anticipated, coinciding with the Christmas holiday season. The number of defendants who can and will pay by mail will increase in another month or two. In addition, more clarity in the instructions and understanding of the information can be gained through some changes that will be made to the plea bargain form within the next few months. Court staff feel certain that future improvements made to the program will lead to the desired outcome.

AN OVERVIEW OF THE THORNTON MUNICIPAL COURT

The City of Thornton (Thornton) maintains a court of limited jurisdiction which has authority to enforce petty and class 2 municipal criminal misdemeanor offenses occurring within Thornton's jurisdiction. In addition, Thornton has concurrent jurisdiction with state courts to prosecute traffic infractions and criminal traffic offenses, with the exception of those classified as other than misdemeanor and those specifically excluded by state statute.

The court is presided over by a part-time judge who conducts court on two days a week, Tuesday for arraignments and Thursday for trials to the court. Arraignments are broken down into four sessions; one at 8:30 a.m. that is mainly adult traffic offenses, one at 10:30 a.m. and one at 1:30 p.m. that are mainly adult misdemeanors, and a 3:00 p.m. session that is made up strictly of the juvenile offenders, both traffic and misdemeanor. Trials to the court are broken down into six hourly sessions during the day with up to four trials being scheduled per session. Jury trials are scheduled on an individual basis, within the 90-day speedy-trial limitation, on other days when the judge is available. The presiding judge also acts as associate judge on a part-time basis in two other jurisdictions in the metropolitan area.

The court staff is comprised of a court manager, an assistant court manager, four regular full-time and one temporary full-time deputy court clerks, one regular full-time bailiff/hearing officer, one part-time bailiff, and one part-time high school intern. An organization chart of the court administration is attached as Appendix A.

Overlapping Court Issues

In 1994, a Court Coordination Committee was established including the presiding judge, the court manager, the administrative services director (to whom the court manager reports), the prosecuting attorney, the city attorney, the patrol captain of police (representing the police chief who has a standing prior commitment on the day chosen for the meetings), and a representative from the city manager's office. The committee began meeting monthly to discuss matters of coordination and concern to the court.

The committee discusses issues or activities that in any way affect the operations of the court, including: a teen court, use of one of the police department holding cells for juvenile detainment up to 48 hours for contempt of court, work crews for juvenile offenders, a juvenile offender's list containing the names of any juveniles convicted of four or more misdemeanors in an 18-month period (to identify juveniles whose future summonses would be written into county court), preparation of ordinances the committee felt were necessary, and new signs for the civic center that would make the court much more accessible and easier to locate.

Once the committee has discussed the matter and come to an agreement on how an issue should be handled, the committee becomes a group advocate in obtaining approval either from the city manager on administrative issues or from the city council on policy issues.

Courthouse Design

The court facility is part of the public safety building which has access to the main civic center building through an adjoining corridor. Entry to the court hallway from the

civic center is restricted at both doors on either end of the corridor. Access to the police department, on the other side of the court hallway, is also restricted. The hallway between the civic center access and the police department is the main court hallway (forming the top of a "T"), just to the south of the court office door and north of the courtrooms. On the north side of the court office is the main outside entrance to the court (into a hallway leading to the central court hallway making the bottom portion of the "T"). Attached as Appendix B is a floor plan of the current court area.

The court facility was designed with two courtrooms off the central hallway, a larger one that would seat approximately 100 people and a smaller one that would hold about 50-60 people; the thought being that a jury trial could be held in the smaller courtroom while regular sessions were going on in the larger courtroom. The smaller courtroom was seldom used because there were relatively few jury trials, and up until the late 1980's, main court sessions were held in the evening with jury trials being held during the daytime.

When a computer system was purchased in 1990, a computer was installed in the large courtroom for the deputy court clerk, with a slave monitor for the judge, that was tied to the system in the court clerk's office. When the defendant went from the courtroom to the court office, the office clerks would know what that defendant's sentence was.

The small courtroom was never tied into the computer system which meant that from 1990 forward, the small courtroom was used even less often. However, for almost ten years its existence had been vigorously defended on the supposition that at some

point the court docket would be requiring more time and the second courtroom would be needed if associate judges were to be used to preside over jury trials on regular court days. Although it wouldn't be optimum, a jury trial could be held in the small courtroom without the need for a link to the computer system.

As the Thornton Municipal Court has evolved over the past few years, a defendant charged with a traffic infraction could either plead guilty to the original charges and pay a fine by mail, or come to court and plea bargain with the prosecuting attorney the amount of points that would be assessed against the defendant's driving record. A plea bargain was made in person and could only be done just prior to a defendant's arraignment session. A plea was then entered before the judge in open court. Defendants would have a seat in the main hall waiting to be called by the prosecuting attorney who worked out of an office just across the hall from the entrance to the courtroom. Once they spoke to the prosecuting attorney, they would be told to have a seat in the courtroom.

Subsequent to the sentencing, if the defendant could not pay the fine imposed on the court date, he or she was told to have a seat in the same hallway, fill out an application for a stay of execution, and speak with the hearing officer regarding eligibility. The hearing officer's office is also across from the courtroom just next door to the prosecuting attorney. Seating in the "T"-shaped hallways is limited to only eight wooden benches, located sporadically along the walls, with a seating capacity of approximately sixteen people.

A LOOK AT GROWING CONCERNS

Steady Increases in Juvenile Misdemeanors

A major concern for everyone, the judge in particular, was that the number of juvenile cases over the past three years had been slowly growing at a consistently steady pace. During the middle of the school year, the count for the juvenile session would frequently jump from an average of 30 to 40 during the summer and fall months to an average of 60-90 during winter and spring months. Juveniles tend to take much longer to handle because of deferred sentences and the need to make the terms of the deferment clear to both the juvenile and the parent. In addition, further explanation is required for the juveniles who are required to take classes on safe driving, anger management, shoplifting, etc.

I should explain here that the police department had worked with the school districts in Thornton in 1993 to share financial support for the placement of school resource officers in three high schools and three middle schools within the city. Police officers are now handling on a formal basis many of the situations that were dealt with in the past on a less formal basis by school district personnel.

Extended Court Sessions

During the peak winter months, court would run from 8:30 a.m. until 6:30 p.m. with very little time off the bench for the judge. Court staff would also be required to stay even later to handle defendants coming out of court and then balance out at the end of the day. More traffic officers/summonses were causing morning traffic sessions to run continuously and generally late, and the more difficult juvenile session would begin

toward the end of the afternoon when everyone was already tired.

Additional Workload Being Generated

In late 1995 and 1996, several additional officers were hired by the police department, two of whom were assigned to traffic. Within a month of the time they began patrolling the streets, the traffic summons count increased by more than 30%, particularly for the adult population which are dealt with during the 8:30 a.m. court session. A report, attached as Appendix C, was prepared for the Court Coordination Committee regarding estimated additional volume and revenues and a 5-year forecast of officers and court volumes.

A Serious Lack of Seating Area

A parent or guardian is required to accompany a juvenile to all court sessions. Many times, the juvenile would appear with both parents or, perhaps, one parent and one or two friends. At the beginning of the juvenile session when better than half of the crowd was waiting in the hallway to speak to the prosecuting attorney, the situation became absolutely untenable as men and boys sat on the floor and the women lined the walls, at times trying to hold and pacify smaller children.

Seasonal Implications

The judge and court manager began talking in early 1994 about the possibility of expanding to another 1/2 day of court. The 1:30 p.m. session would move to Wednesday morning and the juvenile session would be scheduled to begin at 1:30 p.m. on Tuesday. However, with the coming of summer, the number of cases would begin to diminish again. This happened two years in a row.

Fiscal Impact of Additional Court Time

In preparation for making such a request of council in 1997, the court manager did a report to the Court Coordination Committee in mid 1996 regarding current costs of the court, costs with an additional 1/2 day of court, and costs with an additional one full day of court.

It was determined that in order to operate court for even 1/2 additional day, another deputy court clerk would be necessary. An additional 1/2 day would also have to be calculated for the temporary bailiff and court security. The financial impact of such a decision was considerable. A copy of the report is attached as Appendix D.

Other Issues

Additional concerns that needed to be taken into consideration were: 1) the judge's limited available time, considering his other part-time commitments and the need to keep some days available for approximately 12 to 15 jury trials a year, 2) additional office personnel needed to deal with the 30% increase in summonses being experienced, 3) stay negotiations commanding more time from the hearing officer as the caseload increases, and 4) customer service dropping below an acceptable level with defendants having to make several trips to complete their business with the court.

A complaint had been received by the city manager and the city council from a citizen who felt he was being victimized by the system when he had to take time off from work first to plead not guilty and then again for his trial. His complaint was referred to the Court Coordination Committee for study and recommendations, and the issue of processing arraignments without the need for a visit to the courthouse became

the primary goal of the Plea-by-Mail Program. It was felt that this program could help as well in the attempt to provide better access to the court while also providing a higher level of customer service.

The small office being used by the prosecuting attorney was another issue in that it was barely big enough for one desk and two straight chairs. It was not feasible to close the door between defendants, so everyone in the hallway was able to hear what was being said to the several defendants who were in front of them in line. When it was necessary to use more than one prosecuting attorney to complete the plea bargain process as quickly as possible and keep the court session moving, the second prosecutor would sit in the small courtroom and interview defendants at the bailiff's desk. That caused a lot of confusion in making sure the defendants and their files both went in the same direction.

Deductions

Without clear and consistent need and justification for the additional court time, and the associated fiscal impact, the judge and court manager did not feel that the request for an additional 1/2 day of court should be made. A different solution would have to be sought to decrease congestion, decrease the number of defendants appearing at arraignment, and improve the flow of foot traffic through the court process. These issues also became important goals of the new Plea Bargain Program.

In regard to the seating issue, it also became apparent that the smaller courtroom could not be maintained in its pristine condition while defendants were being asked to stand or sit on the floor in the hallway for up to one and a half to two hours.

A LOOK AT POSSIBLE SOLUTIONS

During this period when both the juvenile and traffic sessions were beginning to grow, on more than one occasion a discussion was held between the court manager, the prosecuting attorney, and the presiding judge regarding the possibility of allowing defendants to plead not guilty by mail. Neither the judge nor the prosecuting attorney were in favor of this idea because of a feeling that the defendants would not get a proper advisal of rights. This feeling was not shared by other judges and prosecutors, as a pleading of not guilty by mail was being accepted in several other jurisdictions in the Denver area.

Plea Bargain Offer by Mail

Through his work in another jurisdiction, the presiding judge was able to take advantage of some research that had been conducted by that jurisdiction's prosecuting attorney on the topic of plea bargaining by mail for traffic infractions. The research laid out the method being used by four Denver area cities in distributing the forms and collecting the plea bargain payments. At least two of those jurisdictions were also allowing defendants to plead not guilty by mail as a part of this plea bargain by mail process. A summary of the four different methods being used by other jurisdictions in the Denver metropolitan area for plea bargaining and pleading not guilty by mail is attached as Appendix E.

The judge was excited about instituting the plea-bargain-by-mail process within the City of Thornton to take care of the increase in adult traffic cases experienced in the early morning court session, in addition to some of the juvenile traffic cases which were

currently being dealt with at the juvenile session at 3:00 p.m. The prosecuting attorney was equally pleased with the idea of offering the plea bargain by mail and eliminating a large portion of the work being done by his office staff just prior to every arraignment session. The court manager was excited about being able to work the ability for defendants to plead not guilty by mail into the program.

Copies of the research information were distributed to the Court Coordination Committee in late 1995, and the possibility of utilizing this program was discussed as a means of controlling the number of defendants that were being handled during arraignments. It was acknowledged by the committee, in discussing how this program could work for Thornton, that, although the program could decrease by as much as 80% (according to information received from the other courts) the number of defendants charged with traffic infractions being seen by the judge and prosecuting attorney, it would increase the workload of the court staff by a conservative estimate of 1/2 full-time employee to determine that the plea bargain is in accordance with the prosecuting attorney's guidelines and to accomplish the additional input necessary with the new program. (The program was written so that not just infractions but all cases that could be paid by mail or over the counter were put through the plea bargain program so that this form could also replace the fine cards that had previously been mailed out for some traffic offenses and misdemeanors that did not require a court appearance.)

During the committee's discussions of what the other cities were doing, the police department representative indicated opposition to having a police officer offering a "bargain" on the street as the summons was being served - regardless of what the

discount was called. The possibility of the prosecuting attorney's office reviewing the summons and establishing the plea bargain to be offered prior to the fine notice going out was also discussed but was deemed unworkable due to the fact that the prosecuting attorney's office does not have its own documentation, but uses the court files to obtain any needed information. Having attorneys review each summons before it was processed would put serious restrictions on the attorneys' time. In addition, such a process would hold up the court's regular functions until each day's review was complete since the review would have to be done in the court office.

Previously in Thornton, a driving record was obtained and the required fine was established by the deputy court clerk based the defendant's past driving history and on a Fine and Fee Schedule established by the judge with approval of the city council. The Plea by Mail Program adds one more step to the process. Also based on the past driving history in addition to written guidelines set out by the prosecuting attorney's office, the clerk will determine the plea bargain to be offered regarding the number of points to be assessed against the driver's record.

Court staff were given the go-ahead to work out the details and get the program started. The city council was given a presentation on the program and told that it would be effective by September 30.

Financial Discount

Prior to the advent of the plea bargain program, Thornton did not, nor does it now, offer a discount in the amount of the fine. This long-standing policy of the City states that the City is willing to provide a reduction in points for the benefit of the

defendant, but is unwilling to provide the added benefit of a reduction in fines since enforcement costs are constant. The City feels that defendants should be assessed the fine associated with the actual violation. In addition, it has always been considered unfair to negotiate the fine for some because they were willing to come to court, while others must accept the original points and fine because they were not willing or able to come to court. With the new plea bargain form, everyone who is eligible for the program will be offered a plea bargain point reduction.

A phone survey conducted by a legal assistant in the prosecuting attorney's office revealed that Denver and nine of the larger suburbs in the metropolitan area base their fines on the amount of points associated with the plea bargained charges. Only Thornton and four other smaller communities still base their fines on the original charge.

The ramification of this philosophy is better explained via an example. If a defendant were to receive a plea bargain from a 6-point violation down to a 4-point violation, and the jurisdiction charges \$12 per point on the plea bargained charge, the defendant's fine would be \$48 (4 X \$12). When Thornton plea bargains a 6-point violation to a 4-point violation, with a fine schedule of \$12 per point on the original charge, the fine would be \$72 (6 X \$12). In short, Thornton's fines are higher than those of many other jurisdictions which results in more difficulty in receiving payment, although other jurisdictions have difficulty collecting their fines, as well.

GETTING THERE FROM HERE

Overcrowding in the Hallways

In addressing the seating problem in the short term, the juryroom for the small courtroom was revamped to be used by the prosecuting attorneys in speaking with defendants prior to arraignment; desks, chairs, a computer, and a file were added. In addition, a public address system was installed so defendants could be called back to the juryroom from their new seating area in the small, previously unused, courtroom.

The long-term solution to the seating problem will be taken care of in 1997 with the total reconstruction of the Municipal court space.

Initiating the Plea by Mail Program

The first step was for the court manager to determine the process of plea bargaining and pleading guilty by mail which would best work in Thornton and, using the information developed by other communities, put together a form that would work for that process. The parts of each of the other forms that would apply and be appropriate for Thornton, in addition to other instructions unique to Thornton, were pulled together into an initial rough draft. A presentation was then given to the Court Coordination Committee.

Input into the form design was requested from all the deputy court clerks and each member of the Court Coordination Committee. The court's regular Management Information Services (MIS) representative made suggestions concerning how and where to place information on the printed portion of the form so that the computer-generated information which is determined and input by the deputy court clerk would have

sufficient room and be appropriately positioned.

In considering the input of a dozen people, the form went through numerous changes until everyone felt that the form addressed everything that the defendant should know in the clearest and most concise language possible. Added as Section B of the form was a place where the defendant could plead not guilty, sign the form, and send the form back to the court office. The prosecuting attorney felt that many defendants would set the matter for a trial as a convenience, rather than accepting a plea bargain. So far, this does not seem to be the case.

With the addition of the opportunity to plead not guilty by mail, the court had to send a notice to the defendant stating the date and time the trial had been scheduled. This created another problem - not knowing whether the defendant received the notification. If the defendant did not receive the notice, he or she could not be held responsible for appearing at the time and date scheduled. To solve the problem, the bottom half of the computer-generated notification letter was made into a verification of notification, and a self-addressed stamped envelope was included for the return mailing. Defendants were told that an additional \$25 would be added to the account if the verification was not returned at least one week before the trial date.

Design of the forms was completed. Since the trial notification form was to be completely computer generated, that form was ready to go. In designing the plea notice, care had been taken to line up the information so that the notices could be used in special window envelopes and they could be prepared in an automatic stuffing machine. This was the first time a program such as this had been attempted, and with Thornton's

program being sufficiently different from any of the others that success could not be guaranteed, a conscious decision was made to order only a four to six month supply of forms and envelopes knowing that changes were bound to be made to the initial notice.

Coordinating with MIS

There had been problems in the court's payment program since the installation of the computer system in 1990. The problem caused incorrect totals on receipts. Since the payment screen was one of the areas that would need to be changed for the new plea program, the court manager requested that the old problems with the payment program be addressed at the same time.

The next step in the process of establishing a plea-bargain-by-mail program was to coordinate the programming of the new forms with MIS personnel. Without specific approval of the program by the city manager, MIS would not discuss a timetable. Once the city manager's approval was conveyed, MIS notified the court that they could spend approximately 7 1/2 hours per week on the project, which is about the amount of time MIS normally spent on the court program for normal maintenance. Completion of the project would take an estimated 25 weeks, assuming no regular maintenance problems were encountered!

At this point, the administrative services director stepped in and lobbied the city manager for the hiring of a contract programmer who could spend a lot more dedicated time on the project. The contract programmer was hired; however, much more time than first anticipated was needed because the outside programmer had to tie the new program into the existing network of court programs. The new programmer's

inexperience with the court program proved to be a detriment.

The office staff were in a continual testing mode in the test account to make sure that the programming done "today" did not change anything else. This was hardly ever the case as no matter what was being worked on, other areas of the program were being adversely affected. This was particularly true when it came to correcting the old problems with the payment screen. Every receipt had to be scrutinized for three months to make sure that incorrect totals were changed and superfluous information was crossed out. The plea-bargain-by-mail program, that was to have gone into effect on September 30, was still suffering minor glitches in November.

A problem had appeared in the "live" program in October where strange amounts were appearing on the receipts. (It turned out to be 10% of one or two of the other figures on the receipt.) We were manually having to cross through those amounts on the receipts because MIS did not want to do any maintenance work on the "live" system, realizing that the new payment screen should be up and running shortly with the acceptance of the plea-bargain-by-mail program. However, the same problem began showing up during testing of the new receipts. The MIS Manager recommended that the new program be accepted since it looked like the only remaining problem was the odd amounts which were showing up on the receipts, and that was happening in the "live" account already.

After an additional two weeks, during which time MIS was still unable to discover the problem with the receipts being generated, the court manager finally accepted the program and began sending out plea-bargain-by-mail offers on November

25, 1996. The problem with the receipts was finally identified about one week later.

When notified that the program had been accepted, the administrative services director stated that he felt this was a mistake and that the program should not have been accepted until absolutely all of the bugs had been removed from the program. However, prior to leaving for a conference in London, he did e-mail to the Court his best wishes for a successful program.

The forms used for the Plea-by-Mail Program are attached as Appendix F, the plea notice, and Appendix E, trial date notification.

THE PROGRAM IN ACTION

After the plea program was started, there were several days of relative quiet before the forms began arriving back in the office. By this time a temporary, full-time deputy court clerk had been hired to help take care of the additional summonses being generated by new officers in the police department and to help with the extra work generated by the new plea program.

The new employee was trained in how to accept payment and close the accounts for the defendants who had elected to accept the plea bargain and pay the fine. The court also received one not guilty plea during those first few days. The defendant was scheduled for a court date and sent notification of the date and time of trial.

Everything seemed to go well the first few weeks; however, the arraignment date for the first group of defendants receiving the plea bargain offer wasn't until late December. Since the court had requested that the police department limit the amount of summonses that were scheduled for court during the week of Christmas and during the week of New Year, the court received during that two week period only a few arraignments on cases where a plea bargain had been offered.

On December 31, 1996, the judge noticed that a few defendants who were in the court session had received plea bargain offers, but nothing was said. On the next arraignment date, the judge asked two defendants why they had chosen not to take the plea bargain offer. One man admitted that he thought if he came to court, he might get an even better offer than the one he had already received by mail. When visiting with the prosecuting attorney, the defendant discovered that the same plea bargain is offered

in person as was offered on the plea bargain notice he had received in the mail. The other lady said that she would like to have accepted the plea bargain, but she didn't have the money to pay the fine.

On the date of the third arraignment session, at which the plea program was to have a definite effect, the artificial setting of court dates over the holidays caught up with the court and it suffered a record 240 defendants for the day on the arraignment docket. Upon noticing the first file which contained a plea offer, the judge inquired as to why the defendant had not accepted the plea offer. When he found out that the defendant could not pay the fine, he asked how many others would have accepted the offer but could not pay the fine. Fourteen or fifteen hands went up, and the judge sent them all to the hearing officer for stays of execution. No court costs were assessed to these defendants.

Even though many of these people would have been sent to the hearing officer anyway, it would generally have been done over a longer period of time so that the hearing officer could work with the defendants as they came out of court. Having that many defendants milling outside his door gave the hearing officer a definite feeling of overload.

The next rather significant problem surfaced on the same arraignment date. As the judge explained to others who had received plea bargains that they would not be given any additional offers beyond what they had already received, and if they paid without going through court there would be no court costs, several defendants chose to accept the plea bargain offer and pay their fines right away rather than suffer an

additional \$15 in court costs.

Up until that time, no plea bargain payments had been taken over the counter on a court day. It soon came to light that the way the program was written, a screen in a different area of the program needed to be updated with the new charges and new points (the plea bargain offer) before a receipt could be taken, or the case Disposition and Register of Actions computer screens were not properly updated with the action that had been taken. It was also discovered that it took less time to write out hand receipts and update the cases at a later time than to back out of one screen, go to another area, update the case, return to the payment screen, and take the payment (at which time a receipt is computer generated).

One deputy court clerk suggested that what was needed was a prompt on the payment screen which would ask whether there was a plea bargain on this case. If a "Y" was inserted, the Disposition and Register of Actions screens would automatically be updated with the new charges and revised number of points from the plea bargain program. The response from MIS was that such a request would take 400 hours of programming at a cost of approximately \$26,000. The MIS alternate solution is a new personal computer, to replace the current payment terminal, which would have the capability of accessing at least three screens immediately through the use of a mouse.

The deputy taking the payment could immediately exit the payment screen to the courtroom manager program, update the case file with the accepted plea bargain information, and immediately return to the payment screen to take the payment. The 30-second update per case, in a relatively small amount of cases, was seen by all as a

viable alternative to 400 hours of programming time.

With people coming to court expecting more consideration than what was offered to them by mail, it is obvious that more needs to be done to get the word out that no additional offer will be made. A statement to this effect will be added in a very visible area of the revised Plea Bargain Notice.

Guidelines for all court staff were prepared by the court manager and reviewed by the judge and the prosecuting attorney. The main purposes of the guidelines were to create a means of routing defendants to their proper destinations and to set up a system of short, informal, automatic stays of execution. A copy of the guidelines is attached as Appendix H.

The feeling was that most defendants would eventually pay on a short stay of execution. Those that didn't would be required to return to the court and go through the formal request for a stay of execution by filling out a financial statement and speaking with the hearing officer. The plea bargain is in effect until the court date, but will be extended until the due date of the informal stay of execution, and will then be rescinded. This process is different than before and is meant to be some incentive for the defendant to pay the fine prior to the end of the informal stay.

Previous to the plea bargain program, if the defendant was offered a plea bargain on an infraction but was unable to pay and was eligible to receive a stay of execution, the plea bargain was not rescinded as long as the defendant continued to pay the fine in however many installments had been arranged. Only when the defendant failed to pay all or part of the fine was the plea bargain withdrawn, the default entered, and a

hold for the original fine and points placed with the State of Colorado on the defendant's driving license. When the defendant appeared at the Department of Motor Vehicles to change the driver's license in any way (e.g., to renew the license or to record a change of address) the defendant was told that there was a hold on the license and that he or she would have to clear up the hold before anything could be done with the driver's license.

The guidelines were specifically geared to prevent 1) the automatic routing of defendants to see the prosecuting attorneys unless their charges are traffic offenses or misdemeanors, 2) alternative automatic routing of plea bargain defendants into the courtroom until they have been told they still have the opportunity to pay the plea bargain without incurring court costs, or, in the event they cannot pay the fine on the day of court, the routing of these defendants into the court clerk's office where they have the opportunity to receive an automatic 2-week stay if the fine is less than \$100, and an automatic 4-week stay if the fine is \$100 or more. 3) Also, initiating the automatic stay of execution decreases the likelihood of the hearing officer becoming overwhelmed while the court is in session with people seeking formal stays of execution on plea bargains.

INITIAL OBSERVATIONS

The Plea Bargain Notice

In spite of the many hours that were spent going over each and every word in the plea bargain notice, and its relationship to every other word, it was obvious almost from the very first day the program began that recipients were not understanding what they were being told and then asked to do. The major issues were the fact that some defendants felt they still had to come to court, the idea that another plea bargain offer might be made if they came to court, and the fact that some defendants were simply confused, but did not know what to do.

Recommendations:

A. In revising the form:

- 1) Reposition the initial four statements of explanation so that the first bullet contains information on what to do if they want to plead guilty to the plea bargain charge(s) and mail in the fine, rather than what they should do if they wish to appear in court.
- 2) Add a statement informing the reader that more information on the completion of this form can be obtained by accessing a message on the Thornton Telephone Information Line.
- 3) At the top of the form, add the telephone number of the court office (which was deliberately left off the form originally); or tell the defendant, at the end of the message on the Thornton Information Line, that if there are still questions, a call can be placed to the office (and give them the number of the office).
- 4) Add a statement to the effect that this is the only plea offer that will be made.
- 5) Change the wording in Section B to direct the defendant to return the entire form to the court office. In addition, delete the address line and replace it with a line for the summons number and a place to print the defendant's name. If only the bottom portion of the

form is returned (as has happened) and the signature is unreadable, there is no other information in this section to tell you what the summons number is or to identify the defendant.

- B. Coordinate with the city's public information officer to solicit coverage in the local and regional press on the Plea Program and how it works.

Informal Stays of Execution (Stays)

The main impetus of the plea bargain by mail program was to keep as many people as possible out of the courtroom and out of the prosecuting attorney's office. No one had anticipated that so many people would come to court at their scheduled arraignment just to claim an inability to pay or that the judge would address them at the same time and send them as a group to see the hearing officer.

Statistics presented by the hearing officer for that particular morning court session showed an increase of approximately 8% in the amount of stays requested after the judge informed all seventy defendants that stays were available for the asking.

Recommendations:

Closely monitor the stays that are being given to defendants in order to determine the worthiness of this automatic extension. In order to critically evaluate these stays, information will have to be obtained regarding:

- A. How many stays were offered on arraignment date?
- B. How many of those stays were paid on the due date?
- C. Of the stays that were not paid on the due date, how many of the defendants were sent to the hearing officer to apply for a formal stay of execution, and how many of them failed to appear at all to pay and, thus, a warrant was issued?
- D. What was the total dollar amount reflected in item B and both elements of item C, above.

Verbal Instructions to Defendants:

Experience tells us that if you want defendants to pay their fines on the day they are imposed, you do not offer to explain to them the procedure for requesting a stay.

In developing the process of issuing informal stays through the court clerk's office without having to go to court, a way needed to be found to inform defendants who are truly unable to pay their fines on arraignment day about the stays available, without giving that information to everyone else in line checking in for court. Internal guidelines were prepared on how the process would work which became, in effect, a script for the bailiff to use when checking in defendants who had received a plea bargain notice.

Recommendations:

- A. Monitor the check-in process to see that the script is being followed by the bailiff and that no further information is being offered at that point.
- B. If necessary, try other phrases or different techniques, both in person and by phone, to lead defendants in the direction the court wants them to take.

Notice of Trial Date Form:

This notice is sent to the defendant upon receipt of a plea bargain form on which the defendant has pled not guilty. It notifies the defendant of the date and time of the trial. The defendant is told to return the bottom portion of the form to confirm that the notice was received. A charge of \$25 was added to the Fine and Fee Schedule as a fee for failure to return the confirmation slip.

Recommendations:

- A. Change the required time for return of the confirmation of notice from one week to three weeks prior to the date of the trial.
- B. Initiate a report that can be generated for a specific period of time that will

list the date of a trial, the date the defendant was notified, and the date the confirmation of notice was returned to the court office. This report will be generated for trials to be held two weeks in the future. The report will be given to the prosecuting attorney who will call the defendants who have not returned the confirmation of notice, prior to sending out the witness subpoenas, to confirm that the defendant is planning to appear at the scheduled time. At this point, if the confirmation of notice has not been returned, the \$25 fee will be added to the back of the summons where the judge can see it so that he can add it to the total fine due.

Policy on Reduced Fines:

The policy to reduce points assessed against a driving record without reduction of the fine was established years ago under a different administration. Although the current administration supports the policy, circumstances in the court are not the same, and this policy may no longer be in the best interest of the court.

The Finance Department has undertaken the task of reviewing various fees throughout the city and will be focusing on the court some time in 1997. According to a survey conducted by the court staff approximately one year ago, which includes fourteen regional jurisdictions, several of those jurisdictions have increased their per-point fines to fifteen dollars. Thornton is still at twelve dollars per point. This might give cause for the Finance Department to recommend that the court fines be increased.

Recommendation:

The court should make a study of the financial impact of raising the fine and offering an "early payment discount" as an element of the plea bargain in an attempt to keep down the number of infraction defendants in the courtroom. If a discount proved to be more cost effective than operating the court for either an additional one half or one full day, the court staff would recommend that the per-point fine in Thornton be increased to \$15 and that the city policy be revised to allow the court to accept something less than the amount of the original fine.

EVALUATING THE PROGRAM

The court anticipates needing at least six months before the plea bargain program is operating at maximum efficiency. The first group of defendants to come through court on the program were scheduled on December 31, 1996. That is, admittedly, not the best season of the year to determine the effectiveness of any financial program.

The number of defendants appearing at the traffic sessions has decreased in the past month; however, with the extremely cold winter weather that has been experienced, this also may not be the time to try to determine why people may or may not be taking advantage of the plea bargain program.

Based on the numbers of people accepting the program in other jurisdictions, even the city where no reduction in fines is given, Thornton is hopeful that it will see an acceptance rate of at least 50%. At that rate, court staff feel that no additional court time will be necessary at least until mid 1997. The police department plans to have six additional officers complete the training academy and be on the street at some point during the first half of 1997. Once their on-the-job training is complete during the third quarter of 1997, the court can expect another surge in the number of tickets being written, particularly in traffic. If the court can move into 1998 without having to go to additional court time, the plea bargain program will have been a major success.

The study to determine the cost effectiveness of raising the per-point fines and offering a reduced fine as part of the plea bargain program needs to be completed fairly quickly. A change in the policy of not offering reductions on fines would necessitate a change in the Fine and Fee Schedule, which has been adopted by the city council, and

a change in the programming of the forms to allow for an automatic reduction of the fine depending upon either a flat rate or the points assessed. That would require coordination with several departments and take several months.

If the study concludes that a fine reduction will cause a much greater number of defendants to accept the plea bargain and pay the fine by mail, the court needs to determine where it gains the most advantage - from the increased fines or from decreasing the court volume so that additional court time is not needed. If the greater benefit is derived from decreasing the court volume, the court must begin working toward changing city policy as quickly as possible before the increased numbers of defendants outstrip the resources to handle them.

SUMMARY

In the first month of operation, of the 809 plea bargain offers made, 289 of the offers were accepted, representing approximately 36%. Considering the first month coincided with the Christmas holiday, the City of Thornton is pleased with the results and is anticipating at least an additional 20% to 25% participation within the next two to three months.

The program has met the goals set out; i.e., 1) to reduce the overall number of defendants who appear in the prosecuting attorney's office and in court for arraignment, 2) to allow defendants to receive a plea bargain by mail instead of having to come to the courthouse to speak to the prosecuting attorney in person, 3) to allow defendants the opportunity to plead not guilty and set a trial date by mail, 4) to increase the level of customer service and accessibility to the court, and 5) to decrease the congestion and improve the flow of foot traffic through the court process.

Over the past six or seven weeks, the number of defendants appearing during traffic sessions has decreased by approximately one third. This has allowed the prosecuting attorney and the judge to spend more time with the remaining defendants and to keep the sessions running on their scheduled times.

The new system allows the prosecuting attorney to offer the same plea bargain to every eligible defendant without the necessity of the defendant having to appear at an arraignment session.

The plea bargain program allows any defendant who wishes to plead not guilty the opportunity to return the form and be notified by mail of the date and time of the

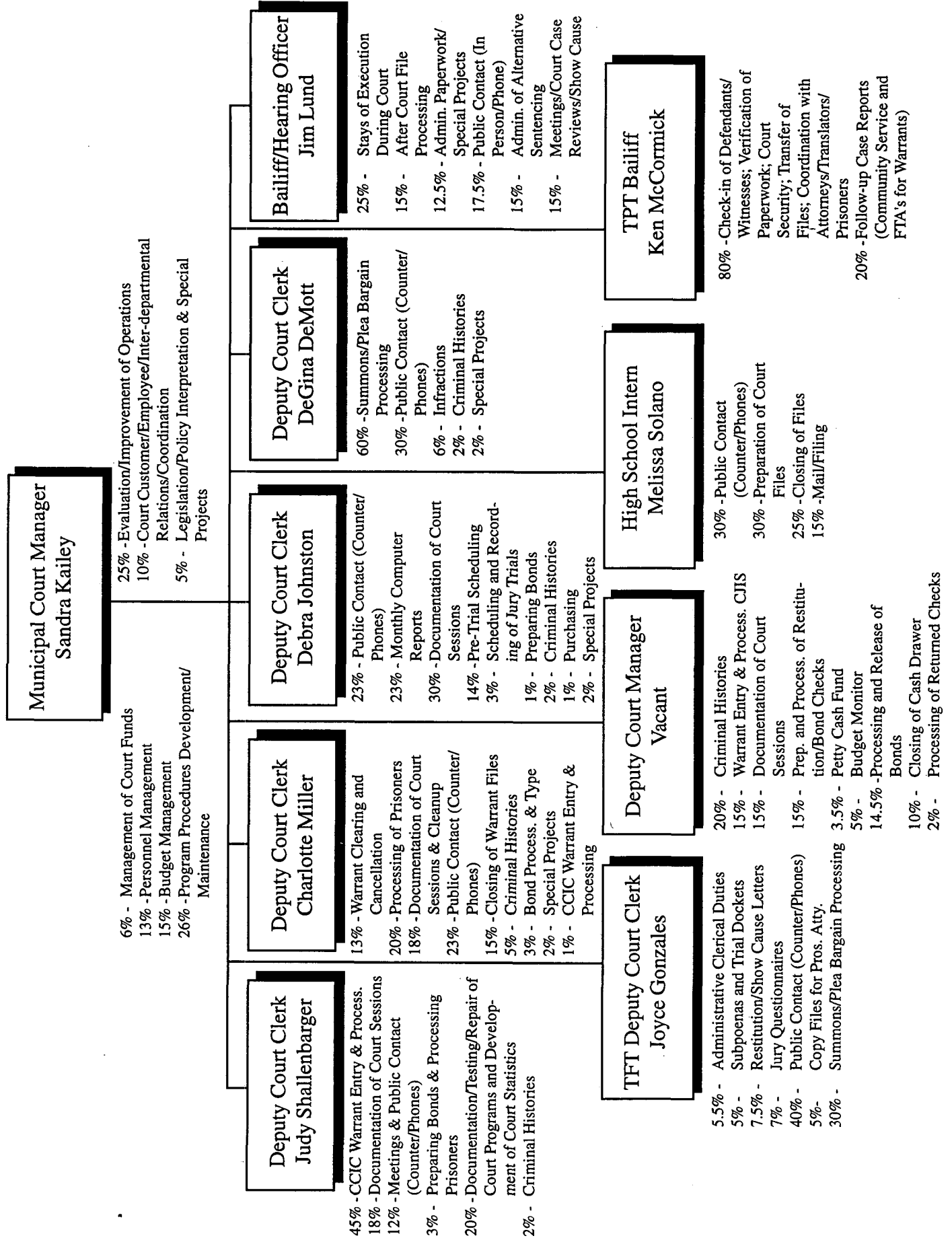
trial. In conjunction with this capability, the court can run a report, prior to the time the witness subpoenas are sent out, that will forewarn the prosecuting attorney if the defendant has not returned the confirmation of receipt of the trial date notification.

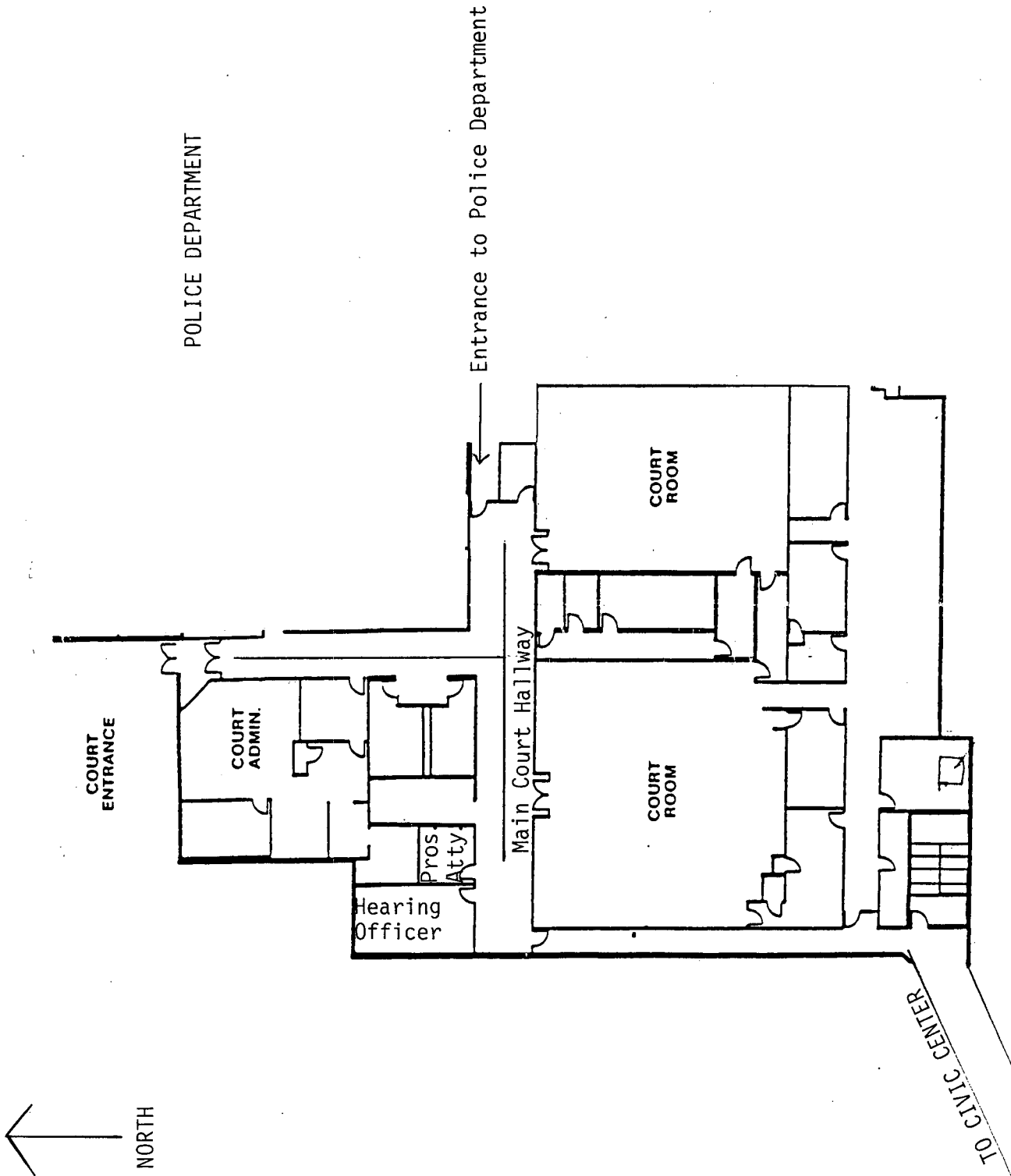
The previous system, requiring that a defendant appear in person in order to receive a plea bargain from the prosecuting attorney, resulted over the years in many complaints from defendants who felt it very unfair that they should have to take time off work in order to get the plea bargain or suffer the consequences of additional points on their driving records.

The court's new plea-bargain-by-mail program is an effective means of decreasing the arraignment population on court days, dealing with the seating problem, and handling the plea bargain issue in a much more defendant-friendly manner.

Municipal Court Organizational Chart

1/27/97





July 22, 1996

Additional Volume and Revenues Estimated for
Thornton Municipal Court for
1996

During 1995, the Thornton Police Department had an average of 46 officers on the street in any given month, with 58 of the Police Department's authorized positions assigned to patrol duties. One of the officers, Officer Pickens, was dedicated to working traffic enforcement. Although there were actually two officers in the traffic unit, the other officer did mostly traffic investigative work.

By the end of February, 1996, 63 of the Police Department's authorized positions were assigned to patrol duties, with 52 officers on the street. One officer came out of training as of the first of March, 1996 and one officer resigned from training. Another officer terminated during February leaving a net gain of 0 at this point for a continuing total of 52.

Although a 3rd officer was officially transferred into the traffic unit on January 1, this officer has also been working mainly on catching up the work in the traffic investigative area and has been in the office a good deal of the time. In mid-April, 4 of the 7 officers that were in training were released to the street; 2 to Patrol, one to the Detective Bureau, and one more officer to traffic making a full complement of 4 in the traffic unit. However, this 4th officer also worked on catching up departmental backlog before being committed to traffic enforcement in mid-June.

This put 55 officers on the street as of May 1, 53 of whom are working patrol and 2 of whom were assigned to work traffic. One of the remaining officers in training resigned and one additional trainee may not successfully complete the training. Another trainee was released to Patrol June 19, increasing the number of officers on the street to 56.

Assuming the remaining 7 officers in training complete the training by November, the total number of Patrol officers on the street will increase to 63 by December 1, 1996.

Statistics shown below are for period July 1, 1995 through June 30, 1996. "Other Officers" are figured by combining the average of 45 1995 patrol officers and the average of 52.5 patrol officers on the street during the first 6 months of 1996.

	<u>Officer Pickens</u>	<u>Other Officers (49)</u>
Summonses (traffic & misd.)	824	158 (average ea)
Revenue (traffic & misd.)	\$61,501	\$13,398 (average ea)

Additional Volume and Revenues Estimated for 1996
Page 2

If the remaining 4 officer vacancies, representing the four new grant positions, can be filled by the beginning of the fourth quarter, and everything else remains static (!), the total number of police officer positions assigned to patrol duties would be up to 67 actual FTE's, but these 4 new officers in training could not be expected to be on the street much before the second quarter of 1997.

Using an average of 55 patrol officers and 2 traffic officers for 1996, the July 1995 through June 1996 statistics for the initial traffic officer, and the average statistics for the remaining officers (see Page 1), the following assumptions can be made concerning increased volumes and revenues in 1996 for all summonses (traffic and misdemeanor):

	<u>TRAFFIC OFFICERS</u>	<u>REMAINING OFFICERS</u>	<u>TOTAL</u>
1995 Summonses	549	6,987	7,536
1995 Revenue	\$39,815	\$570,044	\$609,859
1996 Summonses	1648	8,690	10,338
1996 Revenue	\$123,002	\$736,890	\$859,892

These figures represent an approximate 37% increase in volume and 41% in revenue for 1996, plus an estimated 18% increase in volume in late 1996/early 1997 with the additional 12 officers (which includes the four newly approved grant officers) who will be coming out of training.

Using the 478 traffic summonses written by Officer Pickens between January 1 and June 30, 1996, and projecting through the end of 1996, his ticket production shows an even greater 74% increase in traffic citations over his 1995 summonses. If Officer Pickens' trend continues and the new traffic officer produces a similar number of summonses, the total number of summonses and resulting revenue will be even greater than the above projections.

July 22, 1996

MUNICIPAL COURT VOLUME INCREASES/DECREASES
January through June, 1995/1996

<u>SUMMONSES</u>	<u>1995</u>	<u>1996</u>	<u>Diff.</u>	<u>% Diff.</u>
Traffic/Moving	1501	2539	1038	69%
Traffic/Non-Moving	196	233	37	19%
Animal Control	106	130	24	23%
Adult Misdemeanors	755	690	- 65	- 9%
Juvenile Misdemeanors	650	698	48	7%
Ordinance Enforcement	65	102	37	57%
Overall	3273	4392	1119	34%
 <u>VIOLATIONS</u>				
Traffic/Moving	1544	2511	967	63%
Traffic/Non-Moving	201	234	33	16%
NPOI	341	488	147	43%
Animal Control	245	372	127	52%
Adult Misdemeanors	964	898	- 65	-.7%
Juvenile Misdemeanors	804	848	44	5%
Ordinance Enforcement	113	121	8	7%
Overall	4212	5472	1260	30%
Total Cases Completed	3066	4056	990	32%
Warrants Processed	860	779	- 81	- 9%
Total Arraignments	3446	4461	1015	29%
Prisoners Arraigned	263	235	- 28	- 11%
Total Trials Scheduled	376	360	- 16	- 6%

Note: Warrants have decreased during this period for several reasons: 1) With more bed space available, the Judge has been utilizing detention on a more consistent basis; 2) The Bailiff/Hearing Officer has been lengthening the time span on stays; and 3) 1994 and early 1995 warrant figures were being kept according to the month entered into the system as opposed to the date ordered; i.e., many 1994 warrants were counted in 1995.

The prisoner count is down because of a new procedure whereby prisoners who are already serving time at detention facilities are not being transported to Thornton. Instead, they are notified that their sentences have been converted to time served.

July 22, 1996

MUNICIPAL COURT
FINANCIAL COMPARISONS
January through June, 1995/1996

	<u>1995</u>	<u>1996</u>	<u>INCREASE/ DECREASE</u>	<u>% DIFF.</u>
Total Court Revenue	\$241,521	\$340,188	\$98,667	41%
Violation Bureau	29,126	43,335	14,209	49%
Court Fines & Costs	209,303	294,586	85,283	41%
ADCO DUI Revenue	3,092	2,267	- 825	- 27%
 Total Court Revenue	 \$241,521	 \$340,188	 \$98,667	 41%
All Traffic/Parking	98,468	159,870	61,402	62%
All Misdemeanor	78,692	104,408	25,716	33%
Court Costs	61,269	73,643	12,374	20%
ADCO DUI Revenue	3,092	2,267	- 825	- 27%

FIVE-YEAR FORECAST OF OFFICERS & COURT VOLUMES

July 22, 1996

	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
PATROL OFFICERS	45*	55*	67**	69**	71**	73**
TRAFFIC OFFICERS	1	2	3	3	3	3
DEPUTY COURT CLERKS	4.8	6.2	7.8	8	8.2	8.4
PATROL SUMMONSES	6987	8580	10,452	10,764	11,076	11,388
TRAF. SUMMONSES	<u>549</u>	<u>1402</u>	<u>2103</u>	<u>2103</u>	<u>2103</u>	<u>2103</u>
TOTAL SUMMONSES	7,536	9,982	12,555	12,867	13,179	13,491

NOTE:

Average Number of Summonses per patrol officer, 1996 & beyond: 156

Average Number of Summonses per traffic officer, 1996 & beyond: 701

* The 1995 Patrol Officers' figure is an average of the officers on the street during the year. The 1996 Patrol Officers' figure is an average of the officers on the street during the period January 1 through June 30, 1996 plus the anticipated number of officers on the street for the remainder of the year. "Patrol Summonses" numbers have been built from these **averages**.

** These numbers reflect the total budgeted positions for each year of the 5-year budget, excluding three authorized "overhire" officers.

MEMORANDUM**TO:** Court Coordination Group**DATE:** February 12, 1996**FROM:** Sandra Kailey
Municipal Court Manager**RE:** Additional Day of Court Summary

In the attached pages, you will find the detail of current Court costs, costs with an additional 1/2 day of Court, and the costs for one full additional day of Court. In summary, that detail shows:

CURRENT COURT COSTS: \$ 90,196

WITH 1/2 ADDED DAY: \$142,649

WITH 1 FULL ADDED DAY: \$161,854

The City Attorney has informed me that if the extra day, or part thereof, were scheduled for only arraignments, her intern staff would be able to handle the work required. Therefore, there would not be any hard costs associated with additional arraignments. However, there is no one on her staff, other than Mr. Jacobson, who could work trials set on any days other than those currently scheduled for Court for approximately the next six months. If trials were to be set on this extra day, there would have to be a rearrangement of overall City priorities in regard to Gary's work load.

On the following page are some comparative statistics between 1994 and 1995 which indicate a decrease in traffic summonses but an increase in the misdemeanor summonses. With additional traffic officers now on the street, that figure should begin to increase, as well. Financial figures show an increase in revenue of \$98,616.

Preliminary 1994/1995 statistical information:

	<u>1994</u>	<u>1995</u>
Traffic violations	4864	4777
Animal Control	454	482
Adult Misdemeanors	1544	2000
Juvenile Misdemeanors	1627	1756
Ordinance Enforcement	48	267
Total Summonses Received	7049	7601
Total Cases filed	8537	9282

Figures obtained from the Finance Department show the following:

	<u>1994</u>	<u>1995</u>
Traffic fines	\$214,358	\$206,767
Misdemeanor fines	\$ 99,926	\$173,540
Court Costs *	\$ 91,848	\$124,441
TOTAL:	\$406,132	\$504,748

* Prior to 1995, traffic court costs were being reflected with traffic fines.

COST OF CURRENT COURT HOURS

JUDGE

Hours Now

Approximately 900 equalling 2.21 days per week.

Salary & Benefits

Salary = \$49,500

Benefits = Fixed per yr.

Health = \$1567

Life = \$115

Dental = \$172

Training = \$1000

Fluctuating

SS = \$3787

W/C = \$267

Total: \$56,408

BAILIFF

Hours Now

Approximately 1040 equalling 2.5 days per week.

Salary & Benefits

Salary = \$12,709 (\$12.22 per hour)

Benefits = Fluctuating

SS = \$972

W/C = \$69

Total: \$13,750

CLERK

Hours Now

Approximately 832 equalling 2 days per week.

Salary & Benefits

-0-

SECURITY

Hours Now

Approx. 1275 equalling 2.5 days per week.

Total: \$21,038

GRAND TOTAL: \$91,196

COSTS OF 1/2 EXTRA DAY OF COURT

JUDGE

Hours with added 1/2 day per week

Approximately 1104 equalling 2.71 days per week.

Salary & Benefits

Salary = \$60,720

Benefits = Fixed per yr.

Health = \$1567

Life = \$115

Dental = \$172

Training = \$1,000

Fluctuating

SS = \$4645

W/C = \$328

Total: \$68,547

BAILIFF

Hours with added 1/2 day

Approximately 1248 equalling 3 days per week.

Salary & Benefits

Salary = \$15,251 (\$12.22 per hour)

Benefits = Fluctuating

SS = \$1167

W/C = \$82

Total: \$16,500

CLERK

Hours with added 1/2 day

Approximately 2080 equalling 5 days per week. Salary is based on one additional Deputy Clerk budgeted in the Court budget. (40% use of current administrative secretary would be eliminated.)

Salary & Benefits

Salary = \$23,784

Benefits = Fixed per yr.

Health = \$4320

Life = \$63

Dental = \$576

LTD = \$93

Pension = \$1189

Fluctuating

SS = \$1819

W/C = \$128

Total: \$31,972

SECURITY Hours with 1/2 day added

Approximately 1530 equalling 3 days per week.

Total: \$25,245

Necessary Equipment

Desk = \$600

Chair = \$200

Terminal & keyboard = \$375

Phone = \$100

Tapes = \$110

Total: \$ 1,385

GRAND TOTAL: \$143,649

COSTS OF ONE FULL EXTRA DAY OF COURT

JUDGE

Hours with added day per week

Approximately 1308 equalling 3.21 days per week.

Salary & Benefits

Salary = \$71,940

Benefits = Fixed per yr.

Health = \$1567

Life = \$115

Dental = \$172

Training = \$1000

Fluctuating

SS = \$5503

W/C = \$388

Total: \$80,685

BAILIFF

Hours with added day per week

Approximately 1456 equalling 3.5 days per week.

Salary & Benefits

Salary = \$17,782 (\$12.22 per hour)

Benefits = Fluctuating

SS = \$1361

W/C = \$96

Total: \$19,249

CLERK

Hours with added day per week

Approximately 2080 equalling 5 days per week. Salary based on one additional Deputy Clerk budtgeted in Court budget. (40% use of current administrative secretary would be eliminated.)

Salary & Benefits

Salary = \$23,784

Benefits = Fixed per yr.

Health = \$4320

Life = \$63

Dental = \$576

LTD = \$93

Pension = \$1189

Fluctuating

SS = \$1819

W/C = \$128

Total: \$31,972

SECURITY Hours with added day per week

Approximately 1785 equalling 3.5 days per week.

Total: \$29,453

Necessary Equipment

Desk = \$600

Chair = \$200

Terminal & keyboard = \$375

Phone = \$100

Tapes = \$220

Total: \$ 1,495

GRAND TOTAL: \$162,854

COSTS OF FULL-TIME MUNICIPAL COURT JUDGE

After reviewing the salary survey taken in 1995 for the Presiding Municipal Court Judge, I have averaged the four full-time positions for a monthly salary of \$5,863, which annualizes to \$70,356. The hourly rate would be \$33.83. I have listed vacation and sick leave time as well as training as liabilities because an associate judge would have to replace the Presiding Judge during these periods. I calculated 1/2 of the sick time which would be available to the Judge because the City's average annual sick leave useage is 6.5 days.

Benefits:

Health = \$4320	SS = \$5382
Life = \$63	W/C = \$380
Dental = \$576	Training = \$1,000 (2 confs. per year)
LTD = \$274	
Pension = \$4,925 (based on 5% plus 2% matching for the City)	

Total: \$87,276

Associate Judge's Expenses (to cover Judge's absences)

Vacation = 120 hours per year x \$50.00 = \$6000
Sick Leave = 48 hours per year x \$50.00 = \$2400
Training = 48 hours per year x \$50.00 = \$2400

Total: \$10,800

GRAND TOTAL: \$98,076

SUMMARY OF PLEA BARGAIN PROGRAMS IN THE DENVER AREA

	<u>Plea Offer by</u>	<u>Via</u>	<u>Reduced Fine</u>	<u>Impact*</u>
Denver	Police	Summons	Early Payment Discount	40-50%
Englewood	Attorneys	Written, After Call-in	No	75%
Lakewood	Violations Bureau	Card	Yes	>80%
Westminster	Police	Summons	Early Payment Discount	50% +

* This column refers to the number of eligible defendants that actually accept the plea offer extended.

CITY OF THORNTON MUNICIPAL COURT
9500 Civic Center Drive
Thornton, Colorado 80229

APPENDIX F

SUMMONS NO. [REDACTED]

NOTICE TO DEFENDANT

You have been charged with the violation(s) shown as "Original Charge(s)" in Section A below. If your violation pertains to a traffic infraction and you are an eligible good driver, a plea bargain has been offered.

- If you wish to appear in person at arraignment in Court, early check-in is required and court costs are assessed on conviction or plea of guilty or no contest. You are scheduled in Court at the above address on: 02/04/97 08:30AM. You may disregard the rest of this notice.
- If no plea bargain is offered and you wish to plead guilty to the original charge(s) and mail your fine, see Section A and disregard Section B.
- If you are eligible and wish to plead guilty to plea bargained charges(s) and mail your fine, see Section A and disregard Section B.
- If you wish to plead not guilty and set a trial date to the Court, see Section B and disregard Section A.

SECTION A

1. You must sign and accurately complete this form.
2. Completed form and payment in full must be received by the Court prior to the due date. Make check or money order payable to Thornton Municipal Court. Due date is: 01/31/97

No court appearance required if completed form and full payment received in Court by the due date.

For a violation of Compulsory Insurance, the defendant must appear at the court office in person with original documents showing that the insurance was in effect at the time the summons was issued.

PLEA BARGAIN OFFER

	CHARGE #1	CHARGE #2	CHARGE #3
ORIGINAL CHARGE	1101	236	237
OFFENSE	SPEEDING	CHILD RESTRAINT	SEAT BELT USE
POINTS	4	0	0
FINE AMOUNT	48.00	25.00	25.00
PLEA			
CHARGE	202	N/A	N/A
OFFENSE	DEF/UNSAFE VIOL	N/A	N/A
POINTS	2		
FINE AMOUNT	48.00		
SURCHARGE			
PROCESSING FEE	5.00		
TOTAL PER CHARGE	53.00	25.00	25.00
TOTAL AMOUNT DUE:	103.00	TOTAL POINTS ASSESSED:	2



Civic Center

City of Thornton

9500 Civic Center Drive
P.O. Box 291220
Thornton, Colorado 80229-1220

APPENDIX G

JANUARY 23, 1997

Summons No. [REDACTED]

NOTIFICATION OF TRIAL DATE

Your written plea of not guilty and request for a trial to the Court has been received in this office.

Trials to the Court are held on Thursdays at the above address and scheduled in accordance with the issuing officer's duty schedule. Your trial is set for: 03/06/97 09:30AM.

Defense subpoenas can be picked up from the Court Clerk's office, at the above address, on Monday, Wednesday, or Friday between the hours of 8:30 a.m. and 4:30 p.m.

Should you have questions regarding discovery (facts and information pertaining to your case), you may contact the Prosecuting Attorney at 538-7290 between the hours of 8:30 a.m. to noon on Wednesday and 1:00 p.m. to 4:30 p.m. on Friday.

FAILURE TO APPEAR AT THIS OR ANY FUTURE SCHEDULED MATTER OR HEARING, OR FAILURE TO PAY THE FINE IMPOSED, WILL RESULT IN A JUDGMENT AGAINST YOU ON THE ORIGINAL CHARGE(S) AND A DELAY IN YOUR APPLICATION FOR FUTURE DRIVER'S LICENSE UNTIL YOU HAVE PAID THE COURT THE FULL AMOUNT OF THE JUDGMENT AGAINST YOU.

Sign your name acknowledging receipt of this notice in the space provided below, separate this form at the solid line, and return the signed portion in the envelope provided. If the signature portion of this notice is not received in the Court office at least one week prior to the trial date noted above, additional court costs will be assessed.

Defendant: [REDACTED]

Trial Date/Time: 03/06/97 09:30AM

Summons: [REDACTED]

Signature: _____

PLEA BARGAIN GUIDELINES

A Plea Bargain has been offered only to those defendants who have been summoned regarding an infraction of the traffic laws. Plea Bargains are not offered on other traffic offenses nor on misdemeanors.

The Bailiff is to review the file, and if a Plea Bargain has been sent out to the defendant, he should say to the defendant: "I see you have chosen not to accept the plea bargain that was offered to you!?"

If the defendant says that he or she did not receive it, the Bailiff is to tell the defendant to please go to the Court Clerk's Office. One of the office personnel will help with check-in at the 8:30 a.m. session in order to run files to the Court Clerk's office, and elsewhere, and keep the line moving.

The Deputy Court Clerks will explain to these defendants that a plea bargain has been offered to them by the Prosecuting Attorney. Explain the plea offer or make a copy of the Court copy for them to review. Either take the payment, give the defendant an informal Stay, or take a not guilty plea and schedule the defendant for a trial.

If the defendant tells the Bailiff that he or she would have taken the plea offer but they didn't have the money, the Bailiff will say, "You still have the opportunity to accept the plea offer and make the payment without having to go to Court." If the defendant says that he or she still does not have the money to pay the fine, the Bailiff will: Give the defendant a written explanation, tell them to read this and report to the Court Clerk's Office.

The written explanation will say:

NOTICE

"The Court Clerks are authorized to grant you a short stay of execution (extension of time) on the payment of your fines and fees. **The plea offer extended on behalf of the Prosecuting Attorney will remain in effect only until the due date of this informal stay.** Following that date, the plea offer will be withdrawn and will no longer be available.

If the payment has not been made by the extended due date on the informal stay of execution, you must report back to the Court, fill out a formal request for a lengthier stay, and meet with the Hearing Officer who will determine whether you are eligible for an additional stay of execution."

Informal stays by the Deputy Court Clerks will be granted in a two-tier fashion, with defendants having fines under \$100 receiving an automatic stay until two weeks from the following Wednesday. Defendants having fines over \$100 will receive an automatic stay until four weeks from the following Wednesday.

When the defendant reports to the Court Clerk's Office, the Deputy Court Clerk will review the file to find out the amount of the fine in order to make a determination as to the length of the informal stay. The defendant should be asked to sign and date the above notice which will be placed in the defendant's file. The Deputy will schedule the stay of execution and ask the defendant to sign the plea offer, in Section A on the back page, pleading guilty to the charges as stated on the front page.

If the defendant tells the Bailiff that he just didn't want to accept the plea offer, the Bailiff will tell the defendant to have a seat in Courtroom B. If a defendant insists on speaking with the Prosecuting Attorney, the Bailiff is to tell the defendant to have a seat in Courtroom A. Even though a defendant will not receive any additional consideration above that which was offered in the Plea Offer form, every defendant has the right to speak to the Prosecuting Attorney if they wish to.

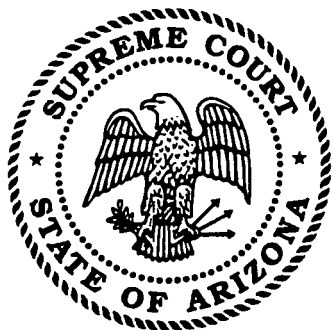
If, at the end of the informal stay, the defendant returns to Court and says that he or she still cannot pay the fine, the Deputy Court Clerk will pull the file, rescind the plea bargain offer (in the presence of the defendant) by lining through the plea bargain information and putting the original points in the "total points" area, give the defendant a financial statement to complete, and notify the Hearing Officer that the defendant is waiting.

If a defendant fails to appear either at the conclusion of an informal stay or prior to the due date on a formal stay of execution, the file will be handled in the same fashion as other infractions. The file will be sent to the Judge for a finding of default. Once that finding has been made, the summons will be kept for an additional seven days and then sent down to the DMV.

No notification is to be made to the DMV on these plea bargain cases until either payment or a finding of default has been made.

APPENDIX A





***Arizona Supreme Court
Administrative Office of the Courts***

***Peoria Municipal Court
Court Operational Review Evaluation***

January 1998

***Prepared by staff from the Arizona Supreme Court's Administrative Office of the Courts
February 12, 1998***

COURT OPERATIONAL REVIEW EVALUATION

Peoria Municipal Court

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COURT OPERATIONAL REVIEW EVALUATION

Peoria Municipal Court

INTRODUCTION

The operation of the Peoria Municipal Court was reviewed by staff of the Court Services Division of the Administrative Office of the Courts (AOC) from January 7 through January 31, 1997. It is important to note this operational review and evaluation is different than any other review conducted to date. Enhanced tools used to complete this operational review and evaluation were developed as a result of a Phase III project for the Institute for Court Management's (ICM) Court Executive Development Program (CEDP). Hon. George T. Anagnost and Ms. Toni Stevenson Hale graciously allowed the reviewer to use the Peoria Municipal Court as a test court for the proposed new operational review and evaluation process. For additional information about the new enhanced operational review and evaluation process, please refer to the project report entitled "Designing Enhanced Procedures for Conducting Court Operational Reviews and Evaluations (CORE)," which will be published in May of 1998.

Findings in this report are based on random samples and reviews of case files, financial documents, court administrative records, automation reports and databases, interviews of judicial and nonjudicial personnel, interviews of city personnel, and observation of operations and the facility. The following areas were evaluated:

Administration
Records Management
Case Management

Financial Management
Automation

Facility
Security

Implementation of some of the recommendations may not be within the control of the judge as they may require additional funding. These recommendations should be used to discuss needs with the court's funding authority.

BACKGROUND

Court Hours: The court is open to the public from 8:00 a.m. to 5:00 p.m. Monday through Friday.

Staffing: The court's staffing levels are as follows:

JUDGE	STATUS	START DATE
George T. Anagnost Presiding Magistrate	FT	5/94

STAFF	STATUS	START DATE
Toni Stevenson Hale Court Administrator	FT	6/78
Judith A. Bailey	FT	12/85
Rose M. Baldizan	FT	4/91
Beverly J. Burnett	FT	10/96
Olga A. Gonzales	FT	10/97
Brenda K. McReaken	FT	3/93

Mischelle Hendricks assists at the court part-time. Ms. Hendricks was an intern student from Arizona State University West during the fall semester of 1997 and she continues to volunteer at the court approximately two days per week.

Staffing Levels

In order to thoroughly review the court's staffing levels, comparisons were made to courts of comparable size (i.e., caseload and population). Population and caseload information follows:

Population and Caseload Levels -- 1997

City	Population	Caseload
Peoria	78,310	13,397
Flagstaff*	55,885	24,172
Gilbert	67,440	15,120
Yuma	63,150	16,392

*No caseload data was available for 1997, therefore, 1996 data was used.

Staffing/Case Filing Ratios -- 1997 Municipal Courts of Comparable Size

Municipal Court	Total Filings	Total Judicial FTE	Filings Per Judicial FTE	Total Non-Judicial FTE	Filings Per Non-Judicial FTE	Total FTE	Filings Per FTE
Peoria	13,716	1.00	13,716	5.25*	2,613	6.25*	2,195
Flagstaff**	24,172	2.50	9,669	13.00	1,859	15.50	1,559
Gilbert	15,120	2.00	7,560	7.00	2,160	9.00	1,680
Yuma	16,392	3.00	5,464	5.00	3,278	8.00	2,049

*.25 FTE is a temporary, non-funded position.

**No caseload data was available for 1997, therefore, 1996 data was used.

Information outlined in the chart above only provides preliminary information. It is important to also review how well the court is operating with its current resources and the court's case mix. In other words, all the courts outlined in the chart above could be struggling at their current staffing levels. For example, this reviewer has had some interactions with the Yuma Municipal Court and believes that court is severely understaffed at its current staffing levels. As one can see in the chart above, the Peoria Municipal Court has the highest judicial officer to case filing ratio, the highest overall filings per full-time equivalency (FTE), and the second highest non-judicial staffing to case filing ratio.

Since there are only three courts in the state comparable in size, it can also prove helpful to review the staffing levels of similar courts in the same county. Thus, in an effort to get a broader comparison, staffing levels of other municipal courts in Maricopa County were reviewed.

Staffing/Case Filing Ratios -- 1997 Municipal Courts in Maricopa County

Municipal Court	Total Filings	Total Judicial FTE	Filings Per Judicial FTE	Total Non-Judicial FTE	Filings Per Non-Judicial FTE	Total FTE	Filings Per FTE
Peoria	13,716	1.00	13,716	5.25*	2,613	6.25*	2,195
Chandler	43,403	4.00	10,851	20.00	2,170	24.00	1,808
Fountain Hills	4,462	1.00	4,462	4.00	1,116	5.00	892
Gilbert	15,120	3.00	5,040	7.00	2,160	10.00	1,512
Goodyear	2,416	1.00	2,416	3.00	805	4.00	604

*.25 FTE is a temporary, non-funded position.

Note: Statistical information provided above may vary from local statistical data and information because of variations in what courts include in non-judicial staffing categories. For the comparisons above, all non-judicial positions, including secretarial staff and collections staff were included in the total number of staff. Additionally, the total number of judicial officers may vary dependent upon the level of pro tempore judge or civil traffic hearing officer usage.

Additionally, the extremely large municipal courts (i.e., Phoenix, Tempe, and Scottsdale) were not used for comparison purposes due to a number of factors, including varying staff characteristics. Specifically, the extremely large municipal courts may employ staff attorneys, full-time interpreters, bailiffs, treatment providers, and other personal judicial staff and include these positions in their personnel survey reports, skewing comparisons.

Information in the chart above shows the Peoria Municipal Court has the highest judicial officer to case filing ratio, the highest non-judicial staffing to case filing ratio, and the highest overall filings per full-time equivalency (FTE).

Salary Issues

During 1997, the City of Peoria contracted with consultants to prepare position classifications and compensation plans for the City's clerical series. A review of this report shows court staff titles were changed from court services representative to judicial assistant. This change included not only a title change but also a change in range. This range change resulted in an average salary increase of one cent per hour.

Upon review of all positions affected by this study, it is interesting to note that court services representatives were placed in salary range 15 while legal secretaries were placed in a salary range of 121. Since court staff positions typically require more legal knowledge, a wider variety of skills, and typically include greater workloads, it is difficult to understand how these positions were classified so differently. It is recommended that the judge and court administrator meet with the city to discuss these concerns and request another salary review of court positions or desk audits of job functions performed by court staff.

In addition to reviewing salary levels of court staff, the salary levels of the court administrator and presiding judge were reviewed. Since there is only one of each position and they are not comparable to any other city positions, salary comparisons can be made with other presiding judges and court administrators. Information concerning average salaries of court administrators and presiding judges in Maricopa County as reported to the Administrative Office of the Courts in 1996 salary surveys is provided below.

1996 Salary Comparisons for Presiding Judges & Court Administrators Municipal Courts in Maricopa County

Court	Presiding Judge Salaries	Court Administrator Salaries
Peoria	\$60,000	\$43,000
Chandler	\$98,093	\$55,536

Court	Presiding Judge Salaries	Court Administrator Salaries
Fountain Hills	\$50,000	\$35,065
Goodyear	\$33,280*	\$32,319
Gilbert	\$77,189	\$39,333
Glendale	\$90,000	\$57,561
Paradise Valley	Volunteers Used	\$47,084

*Part-time position (16 hours per week at \$40 per hour).

1996 Salary Comparisons for Presiding Judges & Court Administrators in Municipal Courts with Comparable Caseload

Court	Presiding Judge Salaries	Court Administrator Salaries
Peoria	\$60,000	\$43,000
Flagstaff	\$51,000	\$44,000
Gilbert	\$77,189	\$39,333
Yuma	\$26,922	\$45,371

Upon review of salary comparisons for presiding judges and court administrators, the presiding judge of the Peoria Municipal Court is one of the lowest paid presiding municipal court judges in Maricopa County, but comparable to the salaries of presiding judges in similar size courts. The salary of the court administrator for Peoria Municipal Court is in the middle of the range for courts in Maricopa County and comparable to the salaries of court administrator's in similar size courts. It is important to point out that while the presiding judge of the Peoria Municipal Court is the second lowest paid municipal court judge in Maricopa County he is carrying the highest caseload (i.e., filings per judicial officer).

Note: In Judge Anagnost's response to this report (see Appendix A), he points out that his salary has been increased and is now \$75,000.

Case Filings:

The court's case filings for the past four fiscal years were reported to the AOC as follows:

TYPE	ACTUAL F/Y 1994	ACTUAL F/Y 1995	ACTUAL F/Y 1996	ACTUAL F/Y 1997
Criminal Traffic	979	1,096	1,743	1,739
Civil Traffic	4,393	4,319	8,160	8,208

TYPE	ACTUAL F/Y 1994	ACTUAL F/Y 1995	ACTUAL F/Y 1996	ACTUAL F/Y 1997
Misdemeanors	2,342	3,156	3,995	3,386
Local Ordinances	0	0	133	64
Orders of Protection	233	249	212	196
Injunctions Against Harassment	136	126	148	123
TOTAL ALL CASES	8,083	8,946	14,391	13,716

Note: The large increase in civil traffic filings between fiscal years 1995 and 1996 (3,841 citations) can be attributed to an increase in police officers, specifically motor officers to monitor traffic. The large increase in local ordinance cases between fiscal years 1995 and 1996 (133) can be attributed to the addition of numerous city codes.

Information in the chart above shows the court's caseload has increased by 5,633 cases or approximately 70 percent in only four years. When analyzing these caseload increases, it is also important to closely examine any case mix shifts since certain types of cases require more work than others. Specifically, a large portion (i.e., 3,815 or almost 87 percent) of the caseload increase above is attributable to civil traffic cases, which require less staff and judge time than criminal or criminal traffic cases. However, other case types require a great deal of additional work and resources, such as DUI cases and some misdemeanor matters. DUI cases and a few other misdemeanor matters are jury trial eligible and as a result use a greater amount of the court's resources for hearings, motions, and trials (i.e., summoning and impanelment of juries), involve much more legal paperwork that must then be processed by court staff, require greater compliance monitoring by court staff, and cost more due to jury processing and potential jail costs.

Thus, it is important to closely review all caseload shifts. While approximately 87 percent of the caseload increase involves civil traffic cases, other caseload increases must be closely examined. It is this increase that the court should be concerned about. The chart below shows a more detailed review of the court's caseload:

Case Mix Information for Peoria Municipal Court FY 1994 - FY 1997

TYPE	ACTUAL F/Y 1994	ACTUAL F/Y 1995	ACTUAL F/Y 1996	ACTUAL F/Y 1997
Criminal Traffic	979	1,096	1,743	1,739
DUI	250	268	325	400
Serious Traffic	60	44	70	57
Other Traffic	669	784	1,348	1,282

TYPE	ACTUAL F/Y 1994	ACTUAL F/Y 1995	ACTUAL F/Y 1996	ACTUAL F/Y 1997
Civil Traffic	4,393	4,319	8,160	8,208
Misdemeanors	2,342	3,156	3,995	3,386
Misdemeanors	1,609	2,294	3,165	2,466
Misd. FTA	465	573	502	592
Traffic FTA	268	289	328	328
Local Ordinances	0	0	133	64
Orders of Protection	233	249	212	196
Injunctions Against Harassment	136	126	148	123
TOTAL ALL CASES	8,083	8,946	14,391	13,716

Information in the chart above shows that during the past four years the Peoria Municipal Court has experienced the following increases:

- 760 cases or approximately 78 percent of the caseload in criminal traffic cases
 - 150 cases or 60 percent in DUI cases
 - 612 cases or approximately 84 percent in other traffic cases
- 3,815 cases or approximately 87 percent of the caseload in civil traffic cases
- 1,044 cases or approximately 45 percent of the caseload in misdemeanor cases
 - 857 cases or 53 percent in new misdemeanor cases
- 64 cases or 64 percent of the caseload in local ordinance cases

Additionally, the chart shows that during the past four years the Peoria Municipal Court has experienced the following decreases:

- 37 cases or approximately 16 percent of the caseload involving orders of protection matters
- 13 cases or approximately 1 percent of the caseload involving injunctions against harassment

As previously noted, the court has experienced a 70 percent caseload growth in the past four years. All increases impact the court and require additional resources, however, the

60 percent increase in DUI cases and 53 percent increase in new misdemeanor cases should cause concern. Specifically, these cases (i.e., DUI cases and misdemeanors) greatly increase the court's work load due to increased legal paperwork and compliance monitoring, and require more money to process due to jury eligibility and potential jail sentences.

A review of the proportion of cases in the case mix shows that overall the case mix has remained relatively constant. In fiscal year 1994, criminal traffic cases comprised approximately 13 percent of the caseload, civil traffic cases approximately 57 percent, and misdemeanors 30 percent. In fiscal year 1997, criminal traffic cases comprised approximately 13 percent of the caseload, civil traffic cases approximately 61 percent, and misdemeanors 25 percent. Additionally, although DUI cases increased 60 percent, this case type increased proportionately with the overall growth in caseload. In both fiscal years 1994 and 1997, DUI cases comprised three percent of the total caseload.

When making comparisons to courts of comparable size, it is also necessary to compare not only the total case filings but the case mix. For example, if Court A has 10,000 filings with a case mix of 30 percent (3,000) criminal traffic, 40 percent (4,000) civil traffic, 25 percent (2,500) misdemeanors, and 5 percent (500) other cases (i.e., local ordinances, orders of protection, and injunctions against harassment) and Court B has 10,000 filings with a case mix of 10 percent (1,000) criminal traffic, 80 percent (8,000) civil traffic, 7 percent (700) misdemeanors, and 3 percent (30) other cases (i.e., local ordinances, orders of protection, and injunctions against harassment), Court A would require more staff and resources. Since this report includes comparisons to other courts for purposes of case filings and staffing levels, case mix comparisons must also be reviewed:

Comparison of Case Mix - 1997 Municipal Courts of Comparable Size

Case Type	Peoria		Flagstaff*		Gilbert		Yuma	
Criminal Traffic	1,739	13%	2,625	11%	1,701	11%	1,943	12%
Civil Traffic	8,208	61%	10,059	42%	10,517	70%	7,746	47%
Misdemeanors	3,386	25%	7,658	32%	2,233	15%	6,703	41%
Local Ordinances	64	.5%	3,830	16%	669	4%	0	0%
TOTAL CASES	13,397	99.5%	24,172	101%	15,120	100%	16,392	100%

*1996 data used.

Note: Variances in percentage totals are due to rounding and missing case information on orders of protection and injunctions against harassment. Case information on orders of protection and injunctions against harassment was omitted because this information was not available for all courts.

Detailed Comparison of Case Mix - 1997 Municipal Courts of Comparable Size

Case Type	Peoria		Flagstaff*		Gilbert		Yuma	
Total Criminal Traffic	1,739	13%	2,625	11%	1,701	11%	1,943	12%
DUI	400	3%	1,376	6%	729	5%	466	3%
Serious Traffic	57	0%	160	0%	76	.5%	151	1%
Other Traffic	1,282	10%	1,089	5%	896	6%	1,326	8%
Civil Traffic	8,208	61%	10,059	42%	10,517	70%	7,746	47%
Total Misdemeanors	3,386	25%	7,658	32%	2,233	15%	6,703	41%
Misdemeanors	2,466	18%	5,793	24%	1,926	13%	4,619	28%
Misd. FTA	592	4%	1,321	6%	144	1%	1,689	10%
Traffic FTA	328	3%	544	2%	163	1%	395	3%
Local Ordinances	64	.5%	3,830	16%	669	4%	0	0%
TOTAL CASES	13,397	99.5%	24,172	101%	15,120	100%	16,392	100%

*1996 data used.

Note: Variances in percentage totals are due to rounding and missing case information on orders of protection and injunctions against harassment. Case information on orders of protection and injunctions against harassment was omitted because this information was not available for all courts.

The courts are comparable when it comes to criminal traffic and local ordinance cases. However, there are some variances in civil traffic and misdemeanor cases. Peoria and Gilbert have more civil traffic case filings and Flagstaff and Yuma have more misdemeanor case filings. Thus, the Flagstaff and Yuma courts would require additional resources to process the more labor intensive misdemeanor cases. And, Gilbert would require fewer resources than Peoria due to the high number of civil traffic cases and fewer misdemeanor cases.

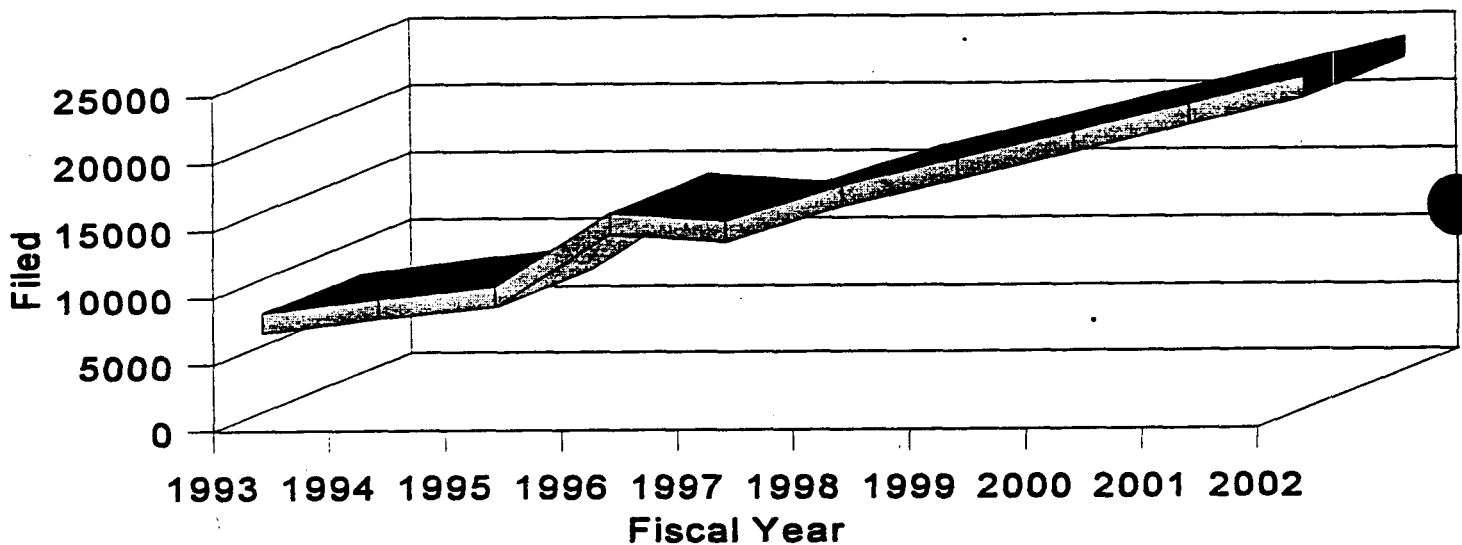
However, when one then reviews the second more detailed case mix chart, it is obvious that Gilbert has more DUI cases than Peoria and Yuma, which would require additional resources. Peoria has more new misdemeanor cases than Gilbert, which would require additional resources for the Peoria court. Thus, the assumptions made based upon information in the first chart (i.e., Gilbert would require fewer resources due to the high number of civil traffic cases) may not necessarily be true and would need to be closely reviewed. *Please note there is a danger in comparing case information in this manner because details of the other courts' operations are unknown.*

Staffing Levels and Caseload Growth

As previously noted during the past four years, the court's caseload has increased by 5,633 cases or approximately 70 percent. Additionally, according to the U.S. Bureau of the Census the City of Peoria is the eighth fastest growing city in the United States. The population grew from 50,675 in 1990 to 76,045 in 1996. This is an increase of 25,370 people or a 50 percent increase.

In addition to reviewing previous caseload growth and case mix shifts to determine current staffing and resource needs, courts must also continually plan ahead and prepare for future growth. Projected future growth in filings at the Peoria Municipal Court is provided on the following page. These projections were prepared by reviewing case filing information for the past five years, calculating the average percentage increase in case filings, converting the percentage increases into the total number of case filings per year, and plotting the number of case filings for the next five years.

**Future Growth in Filings at Peoria Municipal Court
Fiscal Years 1993 - 2002**



 **FILED**
Data

Fiscal Year	Filed	Fiscal Year	Filed
1993	6,626	1998*	16,025
1994	7,714	1999*	18,011
1995	8,571	2000*	19,997
1996	14,031	2001*	21,800
1997	13,716	2002*	23,969

* Estimates

The staffing and caseload information reviewed shows the Peoria Municipal Court is currently understaffed by at least one judicial officer position and one court clerk position. In this reviewer's opinion, it is remarkable that the court functions so well. The judge, court administrator, and court staff are commended for doing such an excellent job.

The judge and court administrator should immediately pursue an additional judicial position and one court clerk position to meet current staffing needs. Additionally, the judge and court administrator should begin planning for future growth and closely monitor the increase in DUI and misdemeanor cases. It is also important to note that in addition to normal population growth illustrated above, there are additional factors for the court and city to consider: (1) the City of Peoria recently annexed additional land and (2) there are plans to significantly increase the number of city police officers. These factors will have an impact on both the court and the city attorney's office. Therefore, it is further recommended that the court, police department, and city attorney review information provided in this report and other local statistical information and work together to develop a staffing formula that can be adopted by the city and used whenever resources are added to one department. This will ensure that the entire criminal justice system in the City of Peoria is adequately funded and not just a portion of it. AOC staff are ready to assist upon request.

Expenditures: The court's operating expenditures for the past four fiscal years as reported to the AOC are as follows:

TYPE	ACTUAL F/Y 1994	ACTUAL F/Y 1995	ACTUAL F/Y 1996	ACTUAL F/Y 1997
Salaries	\$101,998	\$153,488	\$152,588	\$190,580
ERE	\$36,432	\$45,381	\$46,089	\$43,420
Operations	\$29,155	\$207,950	\$147,500	\$191,948
External/Services	\$45,246	\$4,654	\$5,300	\$77,288
Travel	\$823	\$489	\$1,750	\$3,500
Capital	-0-	-0-	\$40,170	\$2,283
Other	-0-	-0-	-0-	\$7,510
TOTAL	\$213,654	\$411,962	\$393,397	\$516,529

Note: The increase in operations between fiscal years 1994 and 1995 (\$178,795) is due to a change in definition of 'operating expenses.' The capital increase between fiscal years 1995 and 1996 (\$40,170) is attributed to the purchase of a magnetometer and security equipment. The increase in the 'other' category between fiscal years 1996 and 1997 (\$7,510) is attributed to the purchase of recording equipment and other smaller equipment items.

Revenues:

The court's revenues for the past four fiscal years were reported to the AOC as follows:

TYPE	ACTUAL F/Y 1994	ACTUAL F/Y 1995	ACTUAL F/Y 1996	ACTUAL F/Y 1997
Fines	\$288,048	\$293,042	\$380,223	\$492,014
Surcharges	\$136,612	\$164,294	\$269,112	\$298,017
Fees	\$ 61,527	\$62,142	\$120,383	\$ 79,048
Other	-0-	-0-	-0-	-0-
TOTAL	\$486,187	\$519,478	\$769,718	\$869,079

Review of the court's revenues and expenditures do not show any unusual patterns or variations. As the court's caseload has grown, expenditures and revenues have also increased. Expenditures have increased by \$302,875 or 141.75 percent and revenues have increased by \$382,892 or 78.75 percent over the past four fiscal years.

FINDINGS**Administration**

The following administrative areas were reviewed: organizational structure and design, decision making, leadership and management, communication, budgeting, procurement, planning, reporting, staffing, policies and procedures, training, and adherence to Administrative Orders issued by the Arizona Supreme Court. All court staff are cross-trained. This court is well organized and effectively administered. In fact, this is the best run court this reviewer has encountered in the past 12 years. The judge, court administrator, and court staff are to be commended for their dedication and hard work.

Findings and Recommendations

Finding 1: The court is accessible to the public from Monday through Friday 8:00 a.m. - 5:00 p.m. All court staff assist customers at the counter and answer telephones. Waiting times at the counter are virtually non-existent and phones are answered within two or three rings. The court provides excellent customer service during regular business hours.

Recommendation 1:

In an effort to enhance customer service when the court is not open, an outgoing voice mail message with basic court information should be implemented. This can be accomplished by purchasing an inexpensive

answering machine or, perhaps, by using the existing city voice mail system. This outgoing message should simply advise callers of the court's location and hours, provide information to routinely asked questions, such as defensive driving information, and provide information about where to call in case of an emergency.

Finding 2: In conjunction with the city's budget process, the court has established basic performance measures. (Please refer to Appendix B)

Recommendation 2:

Enhanced performance measures that more accurately reflect the court's workload, effectiveness, and efficiency should be used. Specifically, the court should not only measure the number of case filings, but also the number of dispositions and the resulting case disposition ratio. The court could also set case processing time standards and measure its performance against those benchmarks. In 1991 the Arizona Judicial Council adopted case processing time standards for courts to strive to attain (please refer to Appendix C). Since this court is so well run, these measures are attainable and should assist the court in continuing its self-improvement processes. In an effort to assist the court, current case processing information is contained in this report and these numbers can be used as a starting point to set current performance measures.

Finding 3: The court has a contract with National Safety Council for civil traffic violators to attend defensive driving classes. Information about defensive driving classes is printed on the court's bond envelopes and includes a telephone number for the National Safety Council. The court also allows citizens to attend any other certified defensive driving school. The existing defensive driving school contract expires within the next few months.

Recommendation 3:

When the existing contract with National Safety Council expires, the court must follow Administrative Order 94-38. The court can use the City of Peoria's procurement code or the Arizona judiciary's procurement code. A copy of Administrative Order 94-38 is provided in Appendix D. Upon request, the AOC can provide the court with sample RFP/RFQ documents used for procuring defensive driving school services.

Records Management

Court files and records are maintained in a separate, secure room. Only authorized personnel have access to court records. The court is using an open shelf filing system with three compactable mechanized shelves. This is an excellent records management system

allowing for high density storage and easy access to court files and records. The physical set-up of the entire file room is good. Currently, records from 1991 to the present are maintained in the file room. Old (i.e., pre-1991), closed case files are stored in a storage closet on the second floor. Because the court currently has available space, storage is not a problem. However, with anticipated case growth in the future, the court should only maintain active case files in the file room or active case files and files pending destruction pursuant to the Arizona Supreme Court's Records and Retention Schedules adopted by Administrative Orders 91-11 and 91-12.

Files are well-organized and documentation is complete and accurate. The court uses color-coded alpha indicators which are affixed to the case file folder to facilitate filing and retrieval. It is easy to follow case records/documents from filing through disposition. Documents are secured in the court file with prongs and are placed in files in reverse chronologic order. The court uses disposition/activity log sheets to record case activity.

Court files are maintained in alphabetical order by year for the following case types: criminal, civil traffic, criminal traffic, local ordinance violations, and search warrants. Orders of protection and injunctions against harassment are maintained in numerical sequence. Orders of protection, injunctions against harassment, and search warrants are filed separately from the other case types and separately from one another. Additionally, depending upon case status, other case files are filed separately. For example, case files in warrant status, deferred prosecution status, and active status (i.e., pending court hearings) are filed separately in alphabetic order. Adjudicated cases in which payment plans have been established are tracked by placing the original payment agreement into plastic sheet protectors and placing them in one of five notebooks.

While randomly sampling records for the case management section of this report, two potential issues were identified: (1) police reports were filed in criminal case files and (2) information sheets used to provide defendants with information about court proceedings were signed in pencil. Both issues were discussed with the judge and court administrator and were determined to be acceptable practices.

Most of the police reports simply include the face sheet which is used by court staff to verify data in the court's automation system (i.e., true name, address, date of birth, etc.). The complete police reports are not placed in the criminal case files until a plea is entered in the case. Information in the police reports may be used during open court proceedings to establish a factual basis for entering into a guilty or no contest plea. Additionally, if a police report inadvertently appears in the file before plea proceedings, the judge does not review this document.

Information sheets signed by defendants in pencil are not used in lieu of other legal documents, such as waiver of counsel forms. These information sheets are simply used to assist the defendant in understanding the court process and are distributed before court begins. The court does have the defendant sign the document and has not experienced any problems with erasure. It was reported that pencils were used instead of pens because of graffiti and damage done to the court facility and property when pens were given to defendants. Pens are used for defendants' signatures on essential legal court documents such as waiver of counsel forms, waiver of right to trial by jury, and plea

agreements. These documents are typically signed in the presence of counsel or during court proceedings, thus eliminating the opportunity for defendants to deface court property.

While randomly sampling case files for the case management review, only two misfiled files and one criminal history record were discovered. Since 370 files were pulled, this constitutes an accuracy rate of 99.18 percent.

Findings and Recommendations

Finding 4: During review of randomly selected case files, documents show the court has used complaint or citation numbers as case numbers. While court records are organized and staff can easily locate court files and records and there is currently no problem with misplaced files, the filing system is too fragmented. As described above, some case files are filed alphabetically by year and others numerically by year. Additionally, other case files are separated depending upon case status.

Recommendation 4a:

With implementation of the FACTS system, docket numbers should be used as case numbers instead of citation or complaint numbers.

Recommendation 4b:

Modify the existing records management system to function more efficiently and effectively. Although the court currently experiences no problems, with anticipated future case growth it will be crucial to establish an active, organized records management system. The court should file all case files alphabetically in one location with the exception of civil traffic violations and search warrants. Civil traffic cases do not need to be placed in file folders and can be effectively managed by filing them alphabetically in one of the following methods: (1) in letter-sized hanging file folders, (2) folding the citations into thirds and placing them in special file drawers, or (3) folding the citations into thirds, placing them into special plastic protectors, and then placing them into special file drawers. Once a civil traffic case enters default status (i.e., license suspension or order to show cause) it can then be transferred into a case file folder for filing and maintenance. Search warrants should be maintained separately due to confidentiality.

More extensive color-coding should be used to more effectively manage cases and prevent misfiling. For example, in addition to the color-coding currently used for alpha indicators for parties' names, the entire case file can be color-coded to designate case type (i.e., red file folders can be used for criminal cases, blue file folders for criminal traffic cases, purple file folders for local ordinance violations, orange file folders for search warrants, yellow file folders for orders of protection, green file folders for injunctions prohibiting harassment, etc.). Color-coding can also be used to designate case status. For example, colored indicators can be added to the outside of

case files to indicate case status (i.e., a black indicator to show the case has been closed, a green indicator to show payments are being made, a red indicator to show a warrant has been issued, a yellow indicator to show a license has been suspended, a blue indicator to show the case is in deferred prosecution status, etc. This proactive records management system will also allow the court to effectively purge closed case files. Once per year, court staff can simply go through the file room and pull all case files with black (i.e., closed) indicators. These files can then easily be placed into storage boxes by case type (i.e., color of file folder) in alphabetic order. The outside of the storage boxes can then be labeled with the case type, year, and alphabetic sequence contained within and stored. Once each year the court can then destroy contents of boxes using the Arizona Supreme Court's Records Retention and Destruction Schedules (Administrative Orders 91-11 and 92-12). Please note the colors listed here are for illustration purposes only and the court can choose whatever colors it prefers. Upon request, AOC staff are available to assist the court in updating its records management system.

Finding 5: No out cards or tracking systems are used. When files are not on the shelf, one does not readily know where the file might be without checking case status in the automation system.

Recommendation 5:

The court should implement the use of out cards. When a file is removed from the shelf, an out card should be placed on the shelf where the file was in order to facilitate file tracking and retrieval. Often, out cards are not used because of the time it takes to fill out the card (i.e., date, name, etc.). In order to prevent this problem and because of this court's size and limited number of staff, this is another function that can be color-coded for ease. For example, each staff member could be assigned a color. Cardboard out cards or smaller pieces of cardboard measuring approximately 15" x 5" can be purchased or created in solid colors. Each staff member is simply assigned a color and when a file is removed from the shelf they place their colored out card where the file was. Then, when another staff member goes to the file shelf, notices the file is out, and sees the solid colored out card where that file should be they will know who has the file. The court administrator can create a master listing of assigned colors, distribute this information to all court staff and post the list in the file room and throughout the court in key locations. Since there are only a few court staff and one judge, staff will quickly learn the colors and know who they are assigned to. This color-coded method saves time in completing out cards while also facilitating file tracking and retrieval.

Finding 6: Payment plan agreements are currently two-part forms. The copy (i.e., second page on NCR paper) is given to the defendant and the original is placed into a sheet protector and filed into one of five notebooks to track payments and compliance.

Recommendation 6:

The original payment agreement should be placed in the court file. There are other methods available to track payments, specifically, the court could use the FACJS system by establishing a "tickler" through the quick calendar module. It is highly recommended that the court proceed with automating as many functions as possible. However, if the court would like to wait before proceeding with implementation of additional automation functions, the court could have the payment agreement form made into a three-part form. One copy could then go to the defendant, the original could be placed in the court file, and the second copy could then be placed into the current notebooks.

Finding 7: A review of court records show that court documents are not file stamped.

Recommendation 7:

All case related documents received and filed with the court should be file-stamped. The file stamp should include the date and time of filing. The court should purchase an automatic file stamp machine for this purpose. In order to prevent stamping over critical case information, the court can stamp the back of documents. On civil traffic citations/complaints the court could use a one-line received/filed stamp and place it somewhere on the margin of the citation/complaint forms. It is difficult to file stamp these documents due to lack of space, however, it is necessary to document receipt/filing dates to assist when analyzing case aging and disposition. There are also legal ramifications concerning timely filing of court documents. The court should adopt a file-stamping policy and procedure and put these policies and procedures in writing. Additionally, the court should adopt a procedure that requires non-judicial employees receiving and filing documents to initial the file-stamp.

Finding 8: Post-it® notes were found in numerous case files. However, it was obvious that more post-it® notes appeared in older case files (i.e., pre-1994). Since 1994, the court has been using a case activity/disposition log sheet to record events and fewer post-it® notes were in court files. Additionally, post-it® notes were found on the outside of a few case files for either flagging purposes or to provide direction on handling the case.

Recommendation 8:

Post-it® notes should never be used to document case activity. Court documents or case logs should be used. Post-it® notes used to flag a case

should be replaced with proper color-coded indicators for records management purposes. Other post-it® notes that do not affect case handling should be removed from case file folders and case documents.

Finding 9: The court has no disaster recovery plan for reproducing damaged court files or records.

Recommendation 9:

The court should adopt a disaster recovery plan for court records. AOC staff are available to assist upon request. This plan should not only address paper records and files but also include automated record and case information.

Case Management

A random sampling of case files was pulled for review. The total number of case files pulled was 370. Out of 370 case files pulled and reviewed 368 case files were complete and accurately processed; two case files contained errors or were not processed correctly. This represents an accuracy rate of 99.45 percent. Close review of these 370 case files did not reveal any recurrent processing problems. The two errors found can simply be attributed to clerical error.

When reviewing a court's case management practices, it is necessary to review two critical elements: delay and backlog. Both areas were reviewed.

Delay

Based upon the case files sampled, the average number of days to adjudicate cases or the time to disposition of cases follows:

Average Number of Days to Adjudicate Cases

Case Type	Average Number of Days
Criminal Traffic	100
Civil Traffic	50
Misdemeanors	109
Local Ordinances	187
Orders of Protection*	10
Injunctions Against Harassment*	11
ALL CASE TYPES	66

* When hearings are requested.

The number of days to case adjudication or time to disposition of cases was determined by calculating the total number of days between the violation date and disposition date. Since this court does not file stamp case documents, the violation date was used in lieu of the filing date. Thus, the number of days for case adjudication is actually less than reported above.

The average number of days to adjudicate local ordinance cases is much longer than other case types. This additional time is attributable to the city prosecutor and the use of deferred prosecution programs.

In addition to calculating the average number of days to case adjudication, a close review of the randomly sampled case files from 1993 - 1997 showed there has been obvious improvement in case processing since 1994. Review of 1996 and 1997 randomly sampled case files revealed the following:

- ◆ One hundred percent of criminal cases receive initial appearances within 24 hours of arrest and arraignments within 10 days.
- ◆ The court is adjudicating almost 90 percent of misdemeanor cases in 60 days and 95 percent of misdemeanor cases in 90 days.
- ◆ The court is adjudicating 90 percent of civil traffic cases in 60 days and 99 percent of civil traffic cases in 90 days.
- ◆ The court is holding 99 percent of the hearings on order of protection matters and injunctions against harassment within 10 days of request for hearing.

Thus, the Peoria Municipal Court is meeting most of the case processing goals adopted by the Arizona Judicial Council in 1991. A copy of these case processing time standard goals is provided in Appendix C. The only time limit the court is not meeting involves criminal traffic cases, specifically, DUI violations. Currently, the court is adjudicating 90 percent in 90 days and 99 percent within 120 days. This is still a good adjudication rate, however, this is one area the court can work on. The court should also watch the timeliness of misdemeanor case processing since they are right on the edge of meeting the standard. It is important to note that many limited jurisdiction courts cannot even begin to worry about time standards due to other operational problems. The Peoria Municipal Court is operating well and that is the only reason this level of detailed information can even be gathered. Additionally, this information is included because the presiding judge and court administrator are progressive and requested that this type of information be provided so that they can work on continuing to enhance court operations.

Backlog

When reviewing case management, it is also important to examine the disposition ratio or clearance rates (i.e., annual filings to dispositions), age of cases at disposition, disposition

patterns, number of pending cases, pending case ratio (i.e., pending cases to total filings), and age of pending cases. The court does have a written continuance policy that allows four continuances (i.e., "no more than four (4) pretrial settings"). Information regarding the disposition ratio or clearance rates, pending case ratio, and number of pending cases follows:

Case Information and Statistics for Fiscal Years 1994 - 1997

Data	Fiscal Year 1994	Fiscal Year 1995	Fiscal Year 1996	Fiscal Year 1997
Disposition Ratio	1.095	.908	.897	.939
Pending Case Ratio	.231	.300	.288	.361
Total Number of Pending Cases	1,783	2,570	4,000	4,814

Information in the chart above shows that despite the court's good case adjudication rates the pending caseload continues to increase. This rate can be attributed to increases in cases going to warrant status or requiring license suspensions. *(Typically, when cases go into a pending status, such as warrant or license suspensions, these cases are excluded from time determinations. However, statistical information gathered for the purposes of this review did not separate that data.)* The court should closely monitor this developing backlog.

It is also beneficial to track the percentage of trials starting on first scheduled trial date, number of continuances of scheduled events in each case, and reasons for continuances. However, because this court only averages one jury trial per month and case management is good, no case information concerning trials or continuances was gathered. When the court begins using the entire FACTS system, this type of case information can be gathered running routine reports or special queries. This kind of management information should be used by the court to keep track of its progress. Specifically, this reviewer recommends that when the court begins using FACTS in its entirety that the court regularly monitor the following information:

- ▶ Number of pending cases by case type
- ▶ Age of pending cases (in age categories)
- ▶ Clearance rates (number of cases disposed compared to filings)
- ▶ Age of pending caseload compared to time standards
- ▶ Increase/decrease of pending cases over time (e.g., five years)
- ▶ Age of cases at disposition
- ▶ Disposition pattern (fall out) of caseload
- ▶ Percentage of trials starting on first assigned trial date

- ▶ Number of continuances for each case
- ▶ If possible, reason for each continuance

Additional Case Management Information

In addition to reviewing 370 randomly selected case files, court calendars for the past six months were reviewed and observations of court proceedings were completed. The court's calendar is complete and distributed to all parties in a timely fashion. The judge effectively and efficiently manages activities in the courtroom. The judge and court staff coordinate calendar activities with the city attorney to ensure good customer service. The new city attorney is also to be commended for his office operations and willingness to work with the court on calendaring and scheduling issues.

Findings and Recommendations

Finding 10: A review of automated case records shows court staff are doing a good job using the case management portion of the FACTS system and documenting case activity. Upon review of cases with established payment plans, it was impossible to determine payment due dates from reviewing the computer record. This information can only be obtained from pulling the appropriate notebook.

Recommendation 10:

In order to enhance the register of actions and clearly show time payment plans and payment due dates, court staff could enter a case event. It is recommended that event code "5147 - 1/T Payment/Payment Plan" be used and staff enter the due date information in the comment field. Thus, when retrieving information from the register of actions, one can easily determine that a time payment plan has been established and when highlighting that event and pressing F2 the payment due date information is available. This simple enhancement will save court staff time when assisting court customers, particularly over the telephone.

While on-site conducting this review, this issue was discussed with court staff and they immediately began doing this.

Finding 11: Payment agreements/plans are monitored regularly. Payment agreements are placed into sheet protectors and placed into one of five binders in alphabetic order. A random sampling of 50 payment agreements showed the oldest payment due date to be September 1, 1997. Currently, staff must manually review each page in the notebooks to monitor payments.

A review of the amount of time allowed for violators/defendants to pay restitution, fines, surcharges, fees, and civil penalties showed the following:

Amount Due*	Average Days to Pay	Variance in Days to Pay
\$50 - \$150	53	12 - 159
\$151 - \$250	88	31 - 117
\$251 - \$350	100	58 - 123
\$351 - \$450	134	104 - 182
\$451 - \$550	106	94 - 117
\$551 - \$650	119	95 - 126
\$650 +	129	118 - 140

*Generally, if the amount was less than \$50, the entire amount was due the same day or within two weeks.

Recommendation 11a:

While the court monitors payment agreements/plans regularly, compliance could be more closely monitored. In order to effectively monitor compliance, the court should establish a "tickler" in the automated system. Each day or one day per week this "tickler" report could be printed or reviewed and appropriate follow-up made. This process would eliminate the manual process of reviewing pages in a notebook. When the court implements the use of notices in the automated system, tables can be established that will automatically allow the court to generate the necessary letters or notices.

Recommendation 11b:

The court should establish specific guidelines for determining payment amounts and the length of time allowed for violators and defendants to make payments. These guidelines should be written and reviewed with relevant court staff to ensure consistency when establishing payment plans.

Finding 12: Three boxes of pending license suspension files and pending warrants were reviewed. These boxes contained a total of 456 cases. The first box contained 50 civil traffic cases where courtesy letters had been sent to the violators advising them that their license would be suspended if they failed to contact the court within the specified time. Most of these civil traffic cases (i.e., 98 percent) were recent cases with appearance dates of January 6, 1998. Of the remaining two percent, the oldest appearance date was

October 14, 1997. The second box contained civil traffic cases and criminal cases where letters had not yet been sent to the violators or defendants. In the second box, 47 files were criminal cases and 188 were civil traffic cases. Most of these cases were from November and December of 1997. The oldest file in this box was dated September 2, 1997. The third box contained civil traffic cases and criminal cases where letters had not yet been sent to the violators or defendants. In the third box, 39 files were criminal cases and 132 were civil traffic cases. Most of these cases were also from November and December of 1997. The oldest file in this box was dated September 9, 1997. It is also important to note that several of the civil traffic violations were pending violators' attendance at a certified defensive driving class.

This area of court operations is frequently one of the first to suffer due to inadequate staffing. While this court is still doing an acceptable job with this monitoring process, it could be doing a better job. However, in this reviewer's opinion, this situation is directly caused by lack of adequate staffing levels.

Recommendation 12:

In order to monitor the issuance of warrants and suspension of drivers' licenses more effectively and efficiently, the court should also establish "ticklers" in the automated system for each of these functions. Each day, one day per week, or one day per month for license suspensions, these "tickler" reports could be printed or reviewed and appropriate follow-up made. This process would eliminate the manual process of separating the case files, reviewing them, and preparing individual letters, notices, or warnings. When the court implements the use of notices, letters, and forms in the automated system, tables can be established that will automatically allow the court to generate the necessary letters, notices, or warnings.

Finding 13: The judge has established a written continuance policy for the court. This policy allows four continuances if good cause is shown.

Recommendation 13:

A more stringent continuance policy is recommended. National experts promote continuance policies that allow for only one continuance per case with good cause and additional continuances in extraordinary cases or upon the showing of good cause. An example of a stronger continuance policy is provided in Appendix E.

Finding 14: Court staff prepare court calendars in a timely fashion and distribute them to all necessary parties. However, no court calendars were posted anywhere in the court building.

Recommendation 14:

Post daily and/or weekly court calendars somewhere in the court building, preferably on or near building directories, on bulletin boards, and near the filing counter and other public waiting areas. Posting calendars allows visitors, violators, defendants, and others to see court activity and obtain additional information without interrupting court staff. This is also a good customer service tool.

Finding 15: The court obtains its master jury lists from the Clerk of the Maricopa County Superior Court and then completes the rest of the jury management functions manually. The court averages one jury trial per month and court staff do a good job handling this process manually. The court administrator noted some problems with county "islands" (i.e., areas not annexed by the city but surrounded by city annexed property) within the city limits requiring a more intricate juror qualification process.

Recommendation 15a:

In an effort to plan for future case growth and use court staff time more efficiently, the court should explore the possibility of installing and implementing Jury+™ software. This software is currently used in many locations of the superior court. An upcoming users' meeting and training session is being offered in April. The court administrator should attend these sessions to obtain additional information. (The reviewer has made arrangements for the court administrator to receive the upcoming meeting and training session notices.)

Recommendation 15b:

Use of Jury+™ software could resolve the court's problem with county "islands." With this software, the court could electronically obtain the master list provided by the Clerk of the Court in Maricopa County and obtain a list from the Peoria City Clerk. Using both lists would facilitate the drawing of qualified jurors names.

Financial Management

A random sampling of financial records was pulled for review. The total number of financial records pulled was 168. In order to ensure that various financial transactions and functions were closely reviewed, the overall financial records sample included:

- 30 Daily Balancing Reports & Cash Receipt Records
- 10 Month End Reports
- 10 Monthly State Treasurer's Transmittals
- 10 Entries on the Cash Receipts Journal

48	Receipts, including manual and voided receipts
10	Bond Payments
10	Restitution Payments
10	Fine and Surcharge Payments
10	Fee Payments
10	Checks, including voided checks
10	Bank Statements

Payment distribution by type was reviewed for each payment transaction, including verifying amounts in the automated system. Disbursements were reviewed and matched to both the case financial record and the case file documentation.

Out of the 168 financial records pulled and reviewed 168 were complete and accurately processed. This represents an accuracy rate of 100 percent. Close review of these financial records did not reveal any recurrent processing problems.

In addition to the random sampling of financial records, the Minimum Accounting Standards Compliance Checklist was completed. Please see Appendix F. In summary, the court balances daily, the finance department verifies daily deposits and reconciles all accounts monthly, and both the court and finance department investigate outstanding items monthly, and returned items upon their receipt. The court's last external review by auditors was completed on May 31, 1996. The court was in compliance with all standards and a few notes were added to document recent changes.

The only financial information unavailable was the total amount of accounts receivable. However, this is a common occurrence in courts due to the difficulty tracking case status and the multiple methods of adjudication used to close case files that then offset outstanding financial obligations (i.e., community service and jail time).

This court is a participant in the Tax Intercept Program and collected \$11,350.36 using this program in fiscal year 1997.

Findings and Recommendations

Finding 16: All five court clerks work the front counter, accept payments, and receipt monies. One of these staff members also does the daily balancing and a second staff member, who also accepts payments and receipts monies, verifies the daily balancing reports and prepares the deposits. Additionally, all court staff work out of the same cash drawer.

Recommendation 16a:

Court staff performing the daily balancing and deposit functions should not accept payments or receipt monies, if possible. Since the court only has five

court clerks available to handle these functions, it is understandable that on some days when staff are on vacation, attending training, or out ill, it may be difficult to maintain this level of segregation. However, this is the preferred method to ensure proper segregation of duties. This reviewer believes this is another example of where the court's staffing level affects operations.

Recommendation 16b:

At least two cash drawers should be used to maintain proper cash handling. Only one individual should work out of a cash drawer at a time. If more than one individual must work the front counter, each individual working the counter should be assigned their own cash drawer. If someone must relieve a clerk at the counter during lunch hours or breaks, that individual should use their own assigned cash drawer or the existing cash drawer should be counted down and balanced before another individual works from that drawer.

Finding 17: The court has a safe, which is located in the secured filing room. This safe is approximately 3'x2'x3'. It is a portable safe with outside door hinges.

Recommendation 17:

Although the safe is located in a secured room, since it is portable and could be removed from the court building it should be bolted to the floor.

Finding 18: The court has no way to track its accounts receivable.

Recommendation 18:

The FACTS system allows courts to maintain accounts receivable information. When the court stops using the "old" automation system and begins entirely using FACTS, the entire financial management module should be set up to facilitate tracking accounts receivable.

Finding 19: When accepting and receipting monies, court clerks maintain a manual listing of all monies accepted: fines, fees, and surcharges. When completing daily balancing, court clerks use this listing to create a Lotus spreadsheet that is updated daily and forwarded to the finance department. Court clerks also complete a cash count sheet and daily balancing report manually. This process is used because some monies are accepted on "old" system cases and some monies are accepted in the FACTS system. The old system prints receipts but cannot print any other balancing or financial reports (i.e., these printing capabilities have been disabled), however the court can view these balancing or financial reports. While court clerks can print off daily balancing reports from the FACTS system, they only print this report when they are having difficulty balancing.

Recommendation 19:

While it will be necessary to continue with this manual financial processing until the "old" system is phased out, court staff should print the daily balancing report from the FACTS system and attach it to the other daily financial records. When the court is no longer using the "old" system, all financial management activities should be completed using the FACTS system. When entering "old" cases into the FACTS system, follow FACTS operational procedures. These procedures show how to establish cases with basic information saving staff time and effort.

Automation

This is an ACAP court. The court began using the FACTS system on April 1, 1997, and is using this system for all cases filed on and after April 1, 1997. The court continues to use the "old" in-house automation system for all cases filed in the court before April 1, 1997. The number of "old" cases continues to diminish and it is projected that the court will stop using the previous system within the next 12 months. The court should stop using the "old" system as soon as possible.

The court is effectively using the case management and retrieval portions of the FACTS system. As noted above, the court is also using the financial management module for all receipting, however, it is not routinely using the daily balancing reports or other financial transaction functions. Currently, the court manually balances daily financial transactions by keeping track of entries into the "old" system and the new system and then combining them.

The court reports some problems with response time and jam errors. Court staff provided the reviewer with suggestions on enhanced training and this information has been passed along to appropriate AOC staff in the Information Technology Division (ITD) and Court Operations Unit. Court staff are functioning well with the system otherwise and are eager to use more of the system functions and transition to newer versions of the software.

Findings and Recommendations

Finding 20: The LEJIS and CJIS computer systems used by the City Attorney's Office are located in the court, specifically, within the clerks' work areas. The City Attorney's Office is located in the same building, however, offices are separately maintained. Court files and records are secure. Court staff do not use the LEJIS and CJIS systems.

Recommendation 20:

Since the LEJIS and CJIS systems are used for law enforcement and prosecutorial purposes and the information contained in those systems includes defendants' previous arrest records, these computer systems should be relocated to the City Attorney's Office.

Finding 21: The court has done an excellent job transitioning to the FACTS automation system. Currently, the court is using the case management and retrieval modules and receipting court monies.

Recommendation 21a:

Court staff have adapted well to the new automation system and it is time to implement more modules. Specifically, the court should: (1) use the calendaring component to schedule cases and print the court calendar; and, (2) establish "tickler" systems to monitor payment plans and other areas for court compliance (i.e., completion of community service, completion of jail time, completion of alcohol screening and treatment, issuance of warrants and license suspensions, etc.). The court should also begin discussions with the city finance department so that when the court transitions to the FACTS system (i.e., no longer use the old system for cases before April 1, 1997) the court can begin using the entire financial management module, including completing their own monthly transmittals and maintaining their own accounts.

Recommendation 21b:

The court should explore implementation of notices, forms, and letters.

Facility

The Peoria Municipal Court is located in a newer facility built in 1991. It is a two-story building with approximately 24,000 square feet available. The court and City Attorney's Office are co-located in this facility and the police department is connected to the court building to the northwest which allows for easy, secure prisoner transportation. The front counter and other customer service areas, such as the jury assembly room, attorney consultation rooms, and waiting areas are located on the first floor of the building for easy public access. Two courtrooms and judges' chambers are located on the second floor. The facility has one main public entrance and this entrance is monitored by two full-time security officers using magnetometers to screen all members of the public. The court also uses two part-time security officers. One part-time officer provides additional coverage on court days and the other part-time officer provides night coverage when the court building is occupied. Ample parking is available for court patrons and jurors.

The court has ample space for the public, jurors, attorneys, and others conducting business with the court. The only area lacking in adequate space is the court clerks' work area and the court administrator is currently addressing this issue. While this reviewer was on-site, the court was undergoing some minor remodeling, including modification of the front counter area and the clerks' work areas. The remodeling plans were reviewed and the changes are going to enhance the functionality of court operations. It is obvious the

court administrator plans ahead and is constantly working on improving not only the court facility but court operations to provide better public service.

The court building appears to comply with ADA (Americans with Disability Act) requirements.

Findings and Recommendations

Finding 22: When approaching the Peoria City Complex, it is difficult to locate the court building, particularly when entering from 83rd Avenue or Monroe Street. There is one small sign on the corner of 83rd Avenue and Monroe Street pointing south. The city complex consists of three or four separate buildings with each building labeled with large signs on the exterior of the building. When this reviewer arrived at the court, the only visible signs on the exterior of the buildings were labeled "POLICE" and "CITY HALL." Once near the main entrance to the court a "COURT" sign was visible, however, this sign faces the courtyard and is not visible from the parking garage, 83rd Avenue, or Monroe Street.

Additionally, there is no directional ground signage visible once someone parks in the garage and enters the city complex courtyard area. One must be right in front of the west entrance to the court in order to see a court sign.

While this reviewer was on-site, she assisted four citizens searching for the court. All individuals had parked in the parking garage to the south and were right next to the court building on the sidewalk between the garage and the court building.

Recommendation 22a:

Two or three signs should be added to the outside of the court facility so that patrons approaching from 83rd Avenue or Monroe Street or parking in the parking garage can locate the court easily. Specifically, signs should be added to the east and south sides of the building. If possible, a sign could also be added to the northeast corner of the building to assist citizens approaching from the north.

Recommendation 22b:

Directional ground signs should be strategically placed near the walkways from the parking garage on the south side of the building to the adjacent walkways next to the court building and courtyard.

Security

In addition to two security officers and magnetometer screening, security officers and court staff use hand held radios to monitor activities within the facility and to call for assistance.

The court also has a direct telephone line to the police department to call for assistance. On busy court days, a third security officer is also on-site to provide security in the courtroom.

Finding 23: The Peoria Municipal Court has excellent security systems in place.

Recommendation 23:

None.

CONCLUSION

The Peoria Municipal Court is a well run, functional court. Most of the recommendations contained in this report are aimed at helping the court prepare for upcoming growth or "fine tune" existing policies and procedures. This court serves as an example for other courts to follow.

Staff at the Peoria Municipal Court are obviously dedicated to providing excellent customer service and swift, fair justice. The court should continue its efforts to improve public service and access to the court. The court's first priority should be to obtain adequate staffing resources and work with the police department, city prosecutor, and city officials to plan for impending growth by developing a staffing formula for the local criminal justice system.

The court should then give the following recommendations priority:

PRIORITY RECOMMENDATIONS TO ADDRESS		
Recommendation	16	Enhanced segregation of cash handling
Recommendation	19	Use and print daily balancing reports from the FACTS system
Recommendations	4a & 4b	Use docket numbers for case numbers Enhance records management system
Recommendation	10	Docket payment due dates into FACTS system
Recommendations	11a & 11b	Improve monitoring frequency of payment agreements and plans Establish specific, written guidelines for determining payments amounts and the length of time allowed to make payments
Recommendation	12	Use automated "ticklers" to monitor case compliance

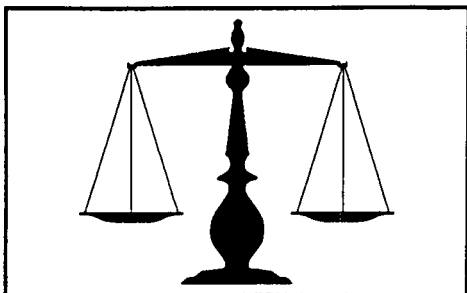
PRIORITY RECOMMENDATIONS TO ADDRESS		
Recommendation	6	Place original payment agreements in case files and either implement an automated "tickler" system to monitor compliance or change the existing two-part form to a three-part form
Recommendation	7	Obtain an automatic file stamping machine and begin file stamping all case related documents
Recommendation	22a and 22b	Add signs to outside of court facility to assist public in finding the court building

Other recommendations may be achieved while addressing the above priorities or as a consequence of them. Still others may be addressed in coming months. While the implementation of these recommendations is the responsibility of the court, AOC staff are ready to assist with any questions which may arise from this report.

APPENDICES

APPENDIX A

Judge Anagnost's Response



PEORIA MUNICIPAL COURT
8401 WEST MONROE
PEORIA AZ 85345

(Tel. 602.412.7400)

March 2, 1998

Ms. Rhonda McAdams
Program Manager, AOC
1501 W. Washington
Phoenix AZ 85007

Re: Operational Review -- Peoria Municipal Court --
Court's Comments to Draft Findings and Recommendations

Dear Ms. McAdams:

This letter comments on the findings and recommendations in your draft operational review of the court. Thank you for allowing us the opportunity to respond in writing to your materials.

Since most of your findings and recommendations were prospective in nature and dealt with changes that would facilitate orderly and systematic growth into the future, we have few comments at this time. We were pleased with your results as to the court's current overall performance. In my view, the statistics describe a very well run court and a staff that is professional and highly competent at all tasks.

There were two items that I considered noteworthy.

(1) On page five, the presiding judge's annual salary is currently \$75,000, not \$60,000. Perhaps this paragraph should be re-worded.

(2) Finding No. 13 deals with the PDC continuance policy. The court's current approach is to: (a) allow continuances only for good cause pursuant to the rules of criminal procedure and (b) not allow more than four (4) continuances on a case before a trial date is set. This policy was based on careful discussion with court staff, defense attorneys, and the prosecutors based on the factual realities of our court. We serve a rural area; many litigants are pro per; the decision to retain counsel or understand better the pending charges cannot be fully resolved at arraignment or the

first PDC setting; defense counsel often appear who have offices in Phoenix, Tempe, Scottsdale, or Mesa.

Again the limit of four PDC is the outside limit. As you can tell from our statistics, the overwhelming majority of our cases are disposed of in a timely manner. In my opinion, the court's caseload administration is excellent taking into account our volume and the profile of our defendants' cases.

For these reasons, the court does not anticipate any change in its PDC policy. I have reviewed the administrative order appended to your draft. I am unaware of any court in the state of Arizona that in reality complies with a maximum of one PDC per case. Such a limitation would be overly restrictive and create the more unneeded result that too many cases were being set to trial that could be resolved during pretrial stages.

We look forward to reviewing your final document. Thank you again for your efforts in performing the operational review.

Sincerely,

A handwritten signature in dark ink, appearing to read "G. Anagnost", with a stylized flourish at the end.

Hon. George T. Anagnost

APPENDIX B

Peoria Municipal Court's Current Performance Measures

DEPARTMENT: Municipal Court
GROUP: Municipal Court
PROGRAM: Municipal Court

Program Description: The Peoria Municipal Court is responsible for the adjudication of criminal misdemeanors, criminal traffic, local ordinances, civil traffic and juvenile violations that occur within the city limits of Peoria. The Court is responsible for the issuance of Orders of protection and Injunctions Prohibiting Harassment for the immediate protection of citizens within the city as well as those outside the city limits. The Court has the responsibility to safeguard the constitutional rights of the accused, the rights of the victim and the interests of the public. The Court provides interpreters for the hearing impaired and for those that do not speak or understand the English language. The Court must also comply with the speedy trial provisions of Rule 8 of the Arizona Rules of Criminal Procedure.

☐ **Goals and ■ Objectives:**

☐ **Revise Court procedures and documents to comply with new and revised laws and administrative orders.**

- Provide adequate education to all Court staff regarding new legislation and administrative orders, so they may better assist the public.
- Update new laws and revisions in the computer tables.
- Update all Court and Customer information forms to comply with the new laws.

☐ **Court Security**

- Provide a safe and secure environment for all participants in the judicial process and all users of the Court facilities.
- Implement/review procedures regarding the handling of emergencies (i.e., fire, medical, etc.)

☐ **Adjudication of all cases in a timely and efficient manner.**

- Assure that a person's right to a speedy trial shall be strictly adhered to, as indicated in Criminal Rule 8.2.
- To secure simplicity in procedure and fairness in administration.
- To eliminate unnecessary delay and expense.
- To protect the fundamental rights of the individual while preserving the public welfare.

☐ **Implementation of F.A.C.T.S., Automated Court Management System**

- Completion of required training by all Court personnel.
- Creation of required tables and fines into FACTS system.
- Conversion of data from previous program to new system and verification of accuracy of converted information.

☐ **Ethics training and Commission on Judicial Education and Training (COJET) compliance.**

- Ensure that all Court personnel obtain required 16 credits of judicial education and training per year.
- Ensure that all Court personnel obtain required ethics training per year.

☐ **Compliance with Supreme Court Minimum Accounting Standards.**

- Standardize accounting practices and procedures.
- To better enable the Court to track the flow of all financial obligations from the time the payments are made, to disbursement.

☐ **Compliance with Supreme Court Reports.**

- Prepare and submit monthly Supreme Court statistical reports.
- Prepare and submit quarterly revenue reports.

DEPARTMENT: MUNICIPAL COURT

Department Description:

The Peoria Municipal Court is responsible for the adjudication of criminal misdemeanors, criminal traffic, local ordinances, civil traffic and juvenile violations that occur within the City limits of Peoria. The Court is responsible for the issuance of Orders of Protection and Injunctions Prohibiting Harassment for the immediate protection of citizens within the City as well as those outside the City limits. The Court has the responsibility to safeguard the constitutional rights of the accused, the rights of the victim and the interests of the public. The Court provides interpreters for the hearing impaired and for those that do not speak or understand the English language. The Court must also comply with the speedy trial provisions of Rule 8 of the Arizona Rules of Criminal Procedure.

Mission Statement:

It is the mission of the Peoria Municipal Court to enhance the prestige and dignity of the judicial system; maintain courteous and professional relations with the public; increase administrative efficiency; effect a manifestation of separation of powers; and within judicial confines, combat major social problems.

✓ Performance Measures:

<u>Description</u>	<u>Projected FY 1996-97</u>	<u>Estimated FY 1997-98</u>
✓ DUI Filings	450	500
✓ Serious Traffic Filings	50	70
✓ Criminal Traffic Filings	1,300	1,500
✓ Criminal Traffic Warrants	350	400
✓ Civil Traffic Filings	10,000	12,000
✓ Criminal Case Filings	3,000	3,300
✓ Criminal Warrants	650	750
✓ Orders of Protection	200	225
✓ Harassment Orders	150	175
✓ Local, Non-criminal Offenses	200	400

APPENDIX C

Case processing Time Standards

CASE PROCESSING TIME STANDARDS

In 1989 the Supreme Court approved a recommendation by the Commission on the Courts that read: "The Supreme Court should adopt the American Bar Association's Trial and Appellate Court Case Processing Time Standards for all Arizona courts." The underlying factor was the belief that the process takes too long and costs too much.

To implement this recommendation, the following are objective time standards that would be beneficial statewide yet which can be tailored to the characteristics and needs of each jurisdiction, with the following caveats. First, the time standards are set from the filing date, or the date that a case is first initiated in court. Events such as an arrest or issuance of a traffic ticket are examples of events that are not, and should not, be governed by the court. Similarly, those events should not trigger the time standards. Second, the time for serving outstanding warrants is included in the time calculations. Notwithstanding the limitations of courts in this area, all cases filed in the court should be included in its inventory until a disposition is entered. Finally, these time standards are intended to be aspirational, not compulsory or mandatory. The standards are goals which individual courts, judges and staff can use to measure performance, workload and the quality of justice. Their purpose is not to set milestones for measuring productivity or cross-court comparisons for which there are other more effective vehicles.

For a point of reference, these standards are based on a variety of resource materials, including the ABA's Standards Relating to Court Delay Reduction, the report from the Commission on the Court's Task Force on Court Productivity, the Commission on Trial Court Performance Standards, California standards for limited jurisdiction courts, current Arizona statutes and court rules, and Maricopa County Superior Court's standards and time goals.

The standards are to be used as tools to achieve the overall goals of efficiency, productivity, and quality of justice. In order to balance responsibility and accountability with practical and economic considerations, the standards reflect the varying time needs of cases within a general category and accommodate special problems in individual cases. Therefore, no time standard is set at 100 percent and some are incremental to acknowledge the differing procedural complexities. Additionally, the standards represent goals for the judicial system to achieve and supplement statute and rule-driven standards.

Each court should develop a delay reduction program, tailored to its specific needs. Maricopa County Superior Court

established their judicial priorities and time goals by adjusting the ABA standards to fit the characteristics and policies of the court. For example, the ABA's final goal of 100 percent was revised to 99 percent in acknowledgement of the more complex, time-consuming cases, such as water rights or probate.

The time standards are set from filing date -- when a document is received by the court -- through disposition. Consideration is given to procedural, administrative and other jurisdictional characteristics. The standards can be implemented through court rule or administrative order directing presiding judges to develop plans for implementation. This is consistent with what has successfully been done in the areas of child support enforcement and a requirement that superior courts provide, by local rules, arbitration jurisdiction.

Case processing time standards can expedite caseflow management. The standards are not designed to stand alone but to operate with procedures governing caseflow process. A court can measure its progress by passage of key milestones. The information generated can be used to develop and fine tune caseflow-management techniques and can provide topics for the self-improvement of the court system through continued education and training.

The underlying premise is that courts should take responsibility for controlling the movement of cases from time of filing through disposition. While cooperation between the bench and bar is integral to a successful delay reduction program, the supervision of cases and the maintenance of a current docket lies with the court.

The standards were drafted so the system could be implemented without additional or non-judicial resources, but time standards could help advocate for increased resources. The challenge for the 1990s is for the Arizona judicial system to respond constructively to reduce costs and delay. The adoption of statewide time standards is the first step.

5/31/91

CASE PROCESSING STANDARDS
(Filing-Termination/Entry of Judgment/Sentencing)

General (Trial Court) Time Standards

<u>Type</u>	<u>Reference</u>	<u>Goal</u>
1. Civil		90%-9 months 95%-18 months 99%-24 months
2. Domestic Relations		90%-3 months 95%-6 months 99%-12 months
3. Probate (Contested) (from joinder of issue)		99%-3 months
4. Criminal (Felony) (from date case is filed to sentence)		90%-100 days 99%-180 days
5. Lower Court Appeals On Record Appeals	(Rule 30)	99%-60 days from receipt of record
De novo Appeals Civil Traffic Criminal		99%-40 days 99%-40 days
6. Admin. Appeals (from receipt of record)	99%-90 days	95%-60 days
7. Tax Court		
• Small Claims Cases		90%-7 months 95%-9 months 99%-12 months
• Tax Cases		90%-9 months 95%-12 months 99%-24 months
8. Special Matters		
• Prob. Viol.	Rule 27.7	Rev. arraign. held w/n 7 days after summons served; Viol. hrg. w/n 7-20 days after rev. hrg.; dispo. hrq. w/n 7-20 days of viol. hrg.
• Injunctive Relief (temp. restraining orders)	§ 12-1809 requested.	Hrg. w/n 10 days from date

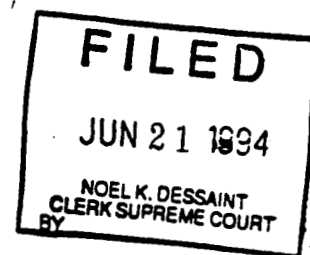
CASE PROCESSING TIME STANDARDS
(Filing-Termination/Entry of Judgment/Sentencing)

Limited Jurisdiction Time Limits

<u>Type</u>	<u>Reference</u>	<u>Goal</u>
1. Civil		
• Small Claims	§ 22-515	90%-45 days 99%-60 days
• Forcible Detainers	§ 12-1176	99% w/n 5 days after date filed
• Harassment Inj.	§ 12-1809	99%-Hrg. w/n 10 days of request
• Garnishment	§ 12-1580 § 12-1587	99%-hrg. on objection to writ w/n 10 days of request; Judgment w/n 90 days after garnishee's answer filed
• General		90%-9 months 95%-12 months 99%-18 months
2. Domestic Violence Orders of Protection	§ 13-3602(G)	99%-Hrg. w/n 10 days from date req. by party under O.P.
3. Criminal	Rule 8; <u>Hinson</u>	
• Misdemeanor (non-traffic)		90%-60 days 99%-90 days
• Initial App.	Rule 4	Hearing w/n 24 hrs. of arrest
• Preliminary Hrgs.	Rule 5.1	90%-15 days
• Arraignment	Rule 14.1	90%-10 days 98%-15 days
4. Traffic Civil		90%-45 days of filing 99%-60 days of filing
Traffic Criminal	Rule 8; <u>Hinson</u>	90%-60 days 99%-90 days

APPENDIX D

Administrative Order 94-38



IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of

PROCUREMENT POLICIES)
AND PROCEDURES FOR THE)
JUDICIAL BRANCH)
_____)

Administrative Order
No. 94 - 38


In accordance with the administrative authority vested in the Supreme Court of Arizona by Article VI, Section 3, of the Arizona Constitution and pursuant to A.R.S. § 41-2501.E,

IT IS ORDERED THAT:

1. That the attached administrative Rules Prescribing Procurement Policies and Procedures for the Judicial Branch are adopted.
2. The new policies and procedures hereby adopted shall take effect on June 1, 1994, and shall supersede Administrative Order 89-10.

DATED AND ENTERED this 21st day of June, 1994.

For the Court:



STANLEY G. FELDMAN
Chief Justice

RULES PRESCRIBING
PROCUREMENT POLICIES AND PROCEDURES
FOR THE JUDICIAL BRANCH

PURPOSE:

1. The purposes of these rules are to:
 - a. Establish a procurement policy for the Judicial Branch.
 - b. Allow for the continued development of procurement policies and practices for the Arizona Judicial Branch.
 - c. Make as consistent as possible the procurement policies and practices among the various courts operating under this policy.
 - d. Provide for public confidence in the procedures followed in public procurement and safeguards for the maintenance of a judicial branch procurement system of quality and integrity.
 - e. Provide for the fair and equitable treatment of all persons who deal with the procurement system of the Arizona Judicial Branch.
 - f. Provide economies, where possible, in Judicial Branch procurement activities and maximize to the fullest extent practicable the purchasing value of public monies of the State.
 - g. Foster effective competition within the free enterprise system regarding Judicial Branch procurement requirements.
 - h. Obtain in a cost effective and responsive manner the materials, services and construction required by the Arizona Judicial Branch in order to better serve the State's residents and businesses and to allow for the timely implementation of judicial department responsibilities.

APPLICATION AND EXCEPTIONS:

2. These rules apply to the Arizona Supreme Court, the Arizona Courts of Appeals, the Commission on Judicial Conduct, and the Commissions on Appellate and Trial Court Appointments. As used in these rules, the term "Judicial Branch Unit" means any of the above-named courts and commissions.
3. These Rules apply to the Arizona Superior Court, the Justice of the Peace Courts, and the Municipal/Police Courts if adopted by the

Presiding Judge of the Superior Court in the county. As used in these rules, the term "Judicial Branch Unit" means any of the above-named courts if adopted by the Presiding Judge of the Superior Court in the county for that court.

If these rules are not adopted, the Presiding Judge of the Superior Court, shall have forwarded to the Administrative Office of the Courts a copy of the county or city procurement rules/policies/procedures under which each court in the county will operate. The county or city procurement rules/policies/procedures on file with the administrative office should be substantially equivalent to the state procurement code or these policies and procedures, and shall be kept current at all times.

4. These rules apply to every procurement requiring expenditure of public monies except:
 - a. state subsidies, grants contracts, interagency agreements, intergovernmental agreements, or similar financial agreements between the Supreme Court, any political subdivision, and any court of the Arizona Judiciary or any financial agreement made pursuant to law, the Arizona Constitution, or other order or rule of the Supreme Court.
 - b. contracts or agreements entered into by the Supreme Court pursuant to A.R.S. § 12-108.A to have published and printed the report of decisions of the Supreme Court and Court of Appeals.
 - c. other published and printed material related to the Supreme Court's constitutional rule-making authority, administrative supervision over all the courts of the state, and any other constitutional responsibility.
 - d. payments to providers of services pursuant to A.R.S. § 8-230.02
 - e. leases of real property and space leases or rentals.
 - f. contracts or agreements entered into with the National Center for State Courts.
 - g. agreements negotiated by legal counsel representing the Judicial Branch in settlement of litigation or threatened litigation.
 - h. Contracts or agreements entered into by the Supreme Court for judicial branch education and training.
5. A Judicial Branch Unit may enter into intergovernmental and Interagency agreements for purposes of intergovernmental

procurement. For purposes of these rules and where applicable and not inconsistent with these rules, the provisions of A.R.S. §41-2461 through 41-2645 may be applied when suitable.

6. A Judicial Branch Unit may purchase from contracts awarded by the state of arizona or other federal, state, or local agencies if equivalent public bidding requirements have been followed.

DEFINITIONS:

7. For purposes of these rules and where applicable and not inconsistent with these rules, the definitions contained in A.R.S. §41-2503 may be applied when suitable. In addition, the following definitions are adopted:
 - a. "Respective designee" means the Administrative Director of the Courts for the Supreme Court, including all budgets under its supervision, the Clerks of the Court for the Courts of Appeals, the Presiding Judges for the Superior courts, and the Executive Director for the Commission on Judicial Conduct.
 - b. "Person", in addition to the definition contained in A.R.S. §41-2503(14), shall also include all courts subject to the Supreme Court's administrative supervision pursuant to Article VI, Section 3 of the Arizona Constitution.
 - c. "Days" mean calendar days and shall be computed pursuant to A.R.S. §1-243.
 - d. "Legal counsel" means a person licensed as an attorney pursuant to 17A A.R.S. Supreme Court Rules, Rule 27.
 - e. "May" denotes the permissive.
 - f. "Shall" denotes the imperative.
 - g. "Chief Justice" means the Chief Justice of the Arizona Supreme Court.
 - h. "Chief Judge" means the Chief Judge of each division (Division One and Two) of the Arizona Court of Appeals.
 - i. "Presiding Judge" means the presiding judge of the Superior Court in each county.
 - j. "Administrative Director" means the Administrative Director of the Courts.

- k. "Clerks of the Court" means the Clerk of the Court for each division of the Arizona Courts of Appeals.
- l. "Executive Director" means the Executive Director for the Commission on Judicial Conduct.
- m. "Commission Chairman" means the Chairman of the Commission on Judicial Conduct.
- n. "Small business" means a business organized for profit not dominant in their field of operation with average gross receipts for the prior three fiscal years of less than \$4.0 Million or employing less than 500 employees. A bidder is presumed to be a small business if it is registered on the list of small businesses maintained by the state procurement office.
- o. "Specification" means any, description of the physical or functional characteristics, or of the nature of a material, service or construction item. Specification may include a description of any requirement for inspecting, testing or preparing a material, service or construction item for delivery.

ADMINISTRATION:

- 8. The Administrative Director may adopt other administrative practices and procedures, not inconsistent with these rules, governing the procurement and management of all materials, services and construction to be procured by the Judicial Branch, including the disposal of materials.
- 9. The respective designee for each Judicial Branch Unit shall serve as its central procurement officer.
- 10. Except as otherwise provided in these rules, the respective designee for each Judicial Branch Unit shall, in accordance with these rules:
 - a. Procure or supervise all procurement.
 - b. Establish guidelines for the management of all inventories of materials.
 - c. Sell, trade or otherwise dispose of surplus materials.

SURPLUS PROPERTY:

11. All equipment or materials to be disposed of by a Judicial Branch unit will be through the Department of Administration Surplus Property Management Office or through a designated local government property disposition office; unless the respective designee of the Judicial Branch Unit determines in writing that the equipment or materials may be exchanged for an item of equal or greater value, or if in the process of a procurement under these rules may receive a cost reduction for the "trade-in" of the equipment or materials.

AUTHORITY AND LIABILITY:

12. The respective designee for each Judicial Branch Unit may delegate authority for administration of these rules to members of their staff.
13. Payment for any services procured under these rules shall not be made unless pursuant to a written contract.

A person who contracts for or purchases any material, services or construction in a manner contrary to the requirements of these rules is personally liable for the recovery of all public monies paid plus twenty percent of such amount and legal interest from the date of payment and all costs and damages arising out of the violation.

A person who intentionally or knowingly contracts for or purchases any material, services or construction pursuant to a scheme or artifice to avoid the requirements of these rules is guilty of a Class 4 felony.

14. For purposes of these rules and where applicable and not inconsistent with these rules, the definitions contained in A.R.S. §41-2531, Chapter 251, Laws of 1984, may be applied when suitable.

COMPETITIVE SEALED BIDDING:

15. Contracts shall be awarded by competitive sealed bidding, except as provided in these rules.
16. For competitive sealed bidding a document shall be prepared entitled "Invitation for Bid", which shall be made available to prospective bidders. This document shall include a purchase description, time and place for publicly opening the bids, and the evaluation criteria.

17. Adequate public notice of the Invitation for Bids shall be given a reasonable time before the date set forth in the Invitation for the opening of bids. Adequate notice may include publication one or more times in a newspaper of general circulation within a reasonable time before bid opening. If the Invitation for Bids is for the procurement of services other than those described in A.R.S. §41-2513 and §41-2578, such notice shall include publication in a newspaper within this state with an accumulated circulation of at least sixty-five thousand subscribers for two publications not less than six nor more than ten days apart. The second publication shall be not less than fourteen days before bid opening.
18. Bids shall be opened publicly at the time and place designated in the Invitation for Bids. The amount of each bid, together with the name of each bidder shall be recorded. This record shall be open to public inspection at the bid opening. The bids shall be open for public inspection after a contract is entered into. Where the bidder designates and the Judicial Branch Unit concurs, trade secrets or other proprietary data contained in the bid documents shall remain confidential.
19. Bids shall be unconditionally accepted without alteration or correction, except as authorized in Rule 20. Bids shall be evaluated based on the requirements set forth in the Invitation for Bids. No criteria may be used in bid evaluation that are not set forth in the Invitation for Bids.
20. Correction or withdrawal of erroneous bids before or within five days after bid opening, based on bid mistakes, may be permitted. In all other instances, after bid opening, no corrections in bid prices or other provisions of bids prejudicial to the interest of the Judicial Branch or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the respective designee of the Judicial Branch Unit.
21. The contract shall be entered into with the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set forth in the Invitation for Bids and best meets the needs of the Judicial Branch Unit. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the lowest bidder if a competing bidder located outside of this state is not subject to a transaction privilege or use tax of a political subdivision of this state. If all bids for a procurement exceed available monies and the low responsive and responsible bid does not exceed such monies by more than five percent, the Judicial Branch Unit may, in situations in which time or economic

considerations preclude re-solicitation of bids, negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder, to bring the bid within the amount of available monies.

22. The multistep sealed bidding method may be used if the respective designee of the Judicial Branch Unit determines, in writing, that it is not practical to initially prepare a definitive purchase description, which is suitable to permit a contractual agreement based on competitive sealed bidding. An Invitation for Bids may be issued requesting the submission of technical offers to be followed by an Invitation for Bids, limited to those bidders whose offers are determined to be acceptable under the criteria set forth in the first solicitation, except that the multistep sealed bidding method shall not be used for construction contracts.

COMPETITIVE SEALED PROPOSALS:

23. If the respective designee of a Judicial Branch Unit determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the Judicial Branch Unit, contract may be entered into by competitive sealed proposals. The respective designee may determine that it is either not practicable or not advantageous to the Judicial Branch Unit to procure specified types of materials or services by competitive sealed bidding, except that the competitive sealed proposal method shall not be used for construction contracts.
24. Proposals shall be solicited through a request for proposals.
25. Adequate public notice of the request for proposals shall be given pursuant to Rule 17.
26. Proposals shall be opened publicly at the time and place designated in the Request for Proposals. The name of each offeror shall be publicly read and recorded. All other information contained in the proposal shall be confidential, so as to avoid disclosure of contents prejudicial to competing offerors during the process of negotiation. The proposals shall be open for public inspection after a contract is entered into. Where the bidder designates and the Judicial Branch Unit concurs, trade secrets or other proprietary data contained in the bid documents shall remain confidential.
27. To the extent feasible and possible, the Request for Proposals shall state in advance the relative importance of price and other evaluation factors.

28. If provided for in the Request for Proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible to permit a contractual agreement for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and before finalization of a contract for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
29. The contract shall be entered into with the responsible offeror whose proposal is determined in writing to be the most advantageous to the Judicial Branch Unit taking into consideration the evaluation factors set forth in the Request for Proposals and discussions pursuant to Rule 28. No other factors or criteria may be used in the evaluation. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the most advantageous proposal if a competing offeror located outside this state is not subject to a transaction privilege or use tax of a political subdivision of this state.

REQUEST FOR QUALIFICATIONS:

30. If the respective designee of a Judicial Branch Unit determines in writing that the use of competitive sealed bidding or competitive sealed proposals is either not practicable or not advantageous to the Judicial Branch Unit, contracts may be entered into by issuance of a Request for Qualification. The respective designee may determine that it is either not practicable or not advantageous to the Judicial Branch Unit to procure specified, types of services by competitive sealed bidding or competitive sealed proposals, except that the Request for Qualification method shall not be used for construction contracts.
31. Qualified respondents shall be solicited through a Request for Qualification.
32. The Request for Qualification method shall only be used for procurement of cost-reimbursement contracts for services in which no warranty, express or implied, is made by the Judicial Branch Unit to the contractor that any services will be purchased during the term of the contract. Contracts awarded pursuant to a Request for Qualification shall state that the services are being purchased only on an "as needed" basis and shall further be subject to the provisions of Rules 45 and 61.

33. The Request for Qualification shall state in advance all qualification criteria to be met by the respondent, which may include but is not limited to, any licensing, certification, inspection or insurance requirements. Responses to the request for qualification shall also include detailed and specific information as to the services to be provided for the cost proposed and a complete explanation of how the proposed cost was determined.
34. Adequate public notice of the Request for Qualification shall be given pursuant to Rule 17.
35. Responses to a Request for Qualification shall be opened publicly at the time and place designated in the Request for Qualification. The name of each respondent shall be publicly read and recorded. All other information contained in the response shall be confidential, so as to avoid disclosure of contents prejudicial to competing respondents during the process of negotiation. The responses shall be open for public inspection after a contract is entered into. Where the respondent designates and the Judicial Branch Unit concurs, trade secrets or other proprietary data contained in the response shall remain confidential.
36. If provided for in the Request for Qualification, discussions may be conducted with qualified respondents who submit responses determined to be reasonably susceptible to permit a contractual agreement for the purpose of clarification to assure full understanding of, and responsiveness to, the qualification requirements. Respondents shall be accorded fair treatment with respect to any opportunity for discussion and revision of responses, and such revisions may be permitted after submissions and before finalization of a contract for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from responses submitted by competing respondents.
37. The Judicial Branch Unit may enter into contracts with all or a specified number of respondents whose qualifications are determined in writing to best meet the qualification criteria of the Judicial Branch Unit, taking into consideration any evaluation factors set forth in the Request for Qualification and discussions pursuant to Rule 36. No other factors or criteria may be used in the evaluation. The amount of any applicable transaction privilege or use tax of a political subdivision of this state is not a factor in determining the most qualified respondent(s) if a competing respondent located outside this state is not subject to a transaction privilege or use tax of a political subdivision of this state.

SOLE SOURCE PROCUREMENT:

38. A contract may be entered into for procurement without competition, or re-solicitation when bids or offers received are not acceptable under these rules, if the respective designee of the Judicial Branch Unit, subject to the approval of the Chief Justice, Chief Judge, Presiding Judge or Commission Chairman, determines that no reasonable alternative sources exist. A written determination of the basis for the sole source procurement shall be included in the contract file.

EMERGENCY PROCUREMENT:

39. Notwithstanding any other provision of these rules, the respective designee, subject to the approval of the Chief Justice, Chief Judge, Presiding Judge or Commission Chairman, may make or authorize exigency procurement if there exists a threat to public health, welfare, or safety or if an urgent and compelling situation exists which makes compliance with Rules 15 or 23 impracticable, unnecessary or contrary to the interest of the Judicial Branch, except that such procurement shall be as competitive as is practicable under the circumstances. A written determination of the basis for the procurement and the reason for the selection of the particular contractor shall be included in the contract file.

RECORD OF SOLE SOURCE AND EMERGENCY CONTRACTS:

40. The respective designee for each Judicial Branch Unit shall maintain a record listing all contracts in excess of seventy-five thousand dollars made under Rules 38 or 39 for a minimum of five years. The record shall contain each contractor's name, the amount and type of each contract, and a general description of the materials, services, or construction procured under each contract.

REJECTION OR CANCELLATION:

41. An Invitation for Bids, Request for Proposals or Request for Qualifications may be canceled or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation if it is in the best interests of the Judicial Branch Unit.

NON-RESPONSIBILITY:

42. A written determination of non-responsibility of a bidder or offeror may include, but not be limited to, the unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility. A finding of non-responsibility shall constitute grounds for rejection of the bid or offer. A finding of non-responsibility shall not be construed as a violation of the rights of any person.

CONFIDENTIALITY:

43. Information furnished by a bidder or offeror pursuant to these rules shall not be disclosed outside of the Judicial Branch except to law enforcement agencies without prior written consent by the bidder or offeror.

BID AND PERFORMANCE SECURITY:

44. A Judicial Branch Unit may require the submission of security to guarantee faithful bid and contract performance. The amount and type of security required for each contract shall be in the sole discretion of the Judicial Branch Unit. The requirement for security shall be included in the Invitation for Bids or Request for Proposals.

COST OR PRICING DATA:

45. For purposes of these rules, and where applicable and not inconsistent with these rules, the provisions of A.R.S. §41-2543, Chapter 251, Laws of 1984, may be applied.

CONTRACT FORM:

46. Subject to the limitations of these rules, any type of contract which will promote the best interests of the Judicial Branch may be used, except that the use of a cost-plus-a-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only if a determination is made in writing that such contract is likely to be less costly to the Judicial Branch than any other type or that it is impracticable to obtain the procurement required except under such a contract.
47. No cost-reimbursement contract shall be used unless the proposed contractor certifies in writing that the contractor's accounting

system is adequate to allocate costs, and the Judicial Branch Unit is satisfied as to the validity of the certification.

MULTI-YEAR CONTRACTS:

48. Unless otherwise provided by law, a contract for materials or services may be entered into for a period of time exceeding one year, provided the length of any contract exceeding one year and conditions of renewal or extension, if any, are included in the solicitation and monies are available for the first fiscal period at the time of contracting. The respective designee of the Judicial Branch Unit shall determine in writing that such a contract would be advantageous to the Judicial Branch. Contracts exceeding one year shall be subject to the provisions of Rules 49 and 50.
49. Contracts having a duration exceeding one year shall only be utilized if the respective designee of the Judicial Branch Unit determines in writing that:
 - a. Requirements giving rise to the contract are reasonable and continuing.
 - b. Such a contract, in their best judgement, will serve the best interests of the Judicial Branch Unit by encouraging effective competition or otherwise promoting economies in procurement and expenditures.
50. If monies are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled. Subject to the availability of funds, costs for materials and services rendered up to the date of cancellation and cancellation costs may be paid, pursuant to the terms of the contract.

INSPECTION, RECORDS AND AUDIT:

51. The Judicial Branch Unit may at reasonable times inspect or cause to be inspected the part of the plant or place of business of a contractor or any subcontractor which is related to the performance of any contract or proposed contract.
52. A Judicial Branch Unit may, at reasonable times and places, audit or cause to be audited the books and records of any person who submits cost or pricing data as provided in these rules to the extent that the books and records relate to the cost or pricing data. Any person who receives a contract, change order or contract

modification for which cost or pricing data is required shall maintain the books and records that relate to the cost or pricing data for five years from the date of final payment under the contract, unless a shorter period is otherwise authorized in writing by the respective designee of the Judicial Branch Unit.

53. A Judicial Branch Unit is entitled to audit, or cause to be audited, the books and records of a contractor or any subcontractor under any contract or subcontract to the extent that the books and records relate to the performance of the contract or subcontract. The books and records shall be maintained by the contractor for a period of five years from the date of final payment under the prime contract and by the subcontractor for a period of five years from the date of final payment under the subcontract, unless a shorter period is otherwise authorized in writing by the respective designee of the Judicial Branch Unit.
54. All procurement records shall be retained and disposed of by each Judicial Branch Unit in accordance with records retention schedules adopted by the Administrative Director of the Courts.

SPECIFICATIONS:

55. A Judicial Branch Unit may prepare and use its own specifications and may obtain advice and assistance from personnel of agencies in the development of specifications.
56. All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the Judicial Branch's needs and shall not be unduly restrictive.
57. All specifications, including those prepared by architects, engineers, consultants and others for public contracts, shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the Judicial Branch's needs and shall not be unduly restrictive.

CONSTRUCTION AND PROFESSIONAL SERVICES:

58. For purposes of these rules and where applicable and not inconsistent with these rules, the provisions of A.R.S. §41-2571 through A.R.S. §41-2577 of Chapter 251, Laws of 1984, may be applied when suitable.
59. Architect, engineer, assayer, geologist, landscape architect and land surveying services shall be procured as provided for in these rules.

60. Contracts for services shall be on the basis of demonstrated competence and qualifications for the types of services required and at fair and reasonable prices.
61. For the purposes of these rules, contracts for reimbursement of costs shall identify what costs are to be reimbursed, and the amount, or the method or rate by which the amount shall be computed.

EXCEPTION FOR CONTRACTS \$25,000 OR LESS:

62. Any procurement of each Judicial Branch Unit which does not exceed an aggregate dollar amount of twenty-five thousand dollars is exempt from the requirements of Rules 15 and 23, except that procurement shall be as competitive as is practicable under the circumstances. Procurement requirements shall not be artificially divided or fragmented so as to constitute a purchase under this rule and to circumvent the source selection procedures required by Rules 15 and 23. For purposes of these rules, "aggregate" shall mean the sum of any existing, current procurement requirement for like materials or services.

Any procurement which does not exceed an aggregate amount of less than ten thousand dollars shall be, where practicable, from small businesses. It is declared to be impracticable to procure from a small business under rules 38 and 39; when purchases are not expected to exceed \$1,000; or, when it is not the best, most economical, most effective, most efficient, or most convenient way to conduct official business.

CERTAIN PURCHASES IN EXCESS OF \$25,000:

63. Procurement of \$25,000 or less shall utilize the procedures outlined in Rule 61 and are exempt from the sealed bidding or RFP requirements of Rules 15 and 23. Unless otherwise exempted, procurement having an aggregate amount of more than \$25,000 shall follow the procedures of Rule 15 (IFB) or Rule 23 (RFP). For purposes of procurement rules, "aggregate" shall mean the sum of any existing, current procurement requirements.

It is sometimes difficult to determine what items are included in a procurement for purposes of determining the \$25,000 threshold. While projects are not always cut and dry, the following examples are illustrative:

a. Office Supplies

If the amount of office supplies being ordered at one time exceeds \$25,000, the purchase would need to be bid. Thus, if

we are selecting a vendor for the purpose of buying paper or office supplies for all departments, for the entire year, and the total cost will exceed \$25,000, then the purchase should be bid because the procurement was for the entire year. This is true even if periodic orders and deliveries of general office supplies do not exceed \$25,000. Individual, unique purchases of office supplies which may not be available from the contract vendor and which do not exceed \$25,000, would not need to be bid (even if at the end of the year they totalled more than \$25,000). The key here is to determine "what is it I am procuring?", a one-time purchase of less than \$25,000 or a vendor to provide supplies for the year exceeding \$25,000.

b. Video Tape Projects

If each video tape produced is an independent product, the cost of each tape shall be used in determining whether to bid. For example, if three tapes are to be produced in one year on three different subjects at three different times, each costing \$9,000, then they would not require sealed bids. If you will produce three tapes all on one subject, as part of a series for a total cost of \$27,000, then you would bid the project.

c. Outside Printing

If the cost to produce a newsletter is \$5,000 per issue and you plan to send six issues and you want a vendor to print, mail, etc., then you would be required to bid since the procurement is for a single project (six issues of the newsletter). If throughout the year, you have six separate printing projects, each costing \$5,000, you would not be required to bid.

d. Projects

Example: You are assigned to organize and equip a new mailroom. Purchases should not be artificially divided to bring the amount below \$25,000; however, in completing a project, there are logical, reasonable divisions of costs which can be made.

This project includes construction (walls, counters, etc.), purchasing of equipment (scale, postage meter, etc.), furniture (desk, chair), and supplies (paper, pencils, etc.) You do not need to aggregate all of those items to determine the \$25,000 threshold. Construction should be seen as a purchase. Mail equipment as another purchase, furniture another. If the construction amount exceeds \$25,000, then it should be bid. The same is true for the mailing equipment. However, if the

construction will cost \$16,000 and the mailing equipment \$17,000, then the procedures for purchases of less than \$25,000 could be followed.

There should be a logical division of purchases when completing a project. It would not be acceptable, for example, to divide the purchasing of the mailing equipment (scale, postage machine, etc.) if collectively these items cost more than \$25,000.

IN GENERAL

Nothing in these guidelines is meant to require the purchasing of non-compatible equipment. The ability of new equipment to be compatible with existing equipment may be considered when making purchasing selections.

If there is a threat to the public health, welfare or safety, or if an urgent and compelling situation exists which makes compliance with bidding requirements impractical, unnecessary or contrary to the interest of the judicial branch, approval may be granted to waive the bidding requirements. If you believe such a situation exists, contact the procurement officer for assistance in securing the necessary approval. If you cannot determine if your project should be subject to the formal competitive process, contact the procurement officer for a determination.

Nothing in this policy shall preclude the use of sealed bids (or RFPs) for procurement of less than \$25,000 if desired.

PURCHASES NOT EXCEEDING AN AGGREGATE AMOUNT OF \$25,000

64. Purchases which do not exceed an aggregate dollar amount of \$25,000 are exempt from the requirements of Rules 15 and 23, but shall be made according to the following procedures.
- a. Purchases estimated to cost between \$10,000 and \$25,000 require written quotations from at least three vendors selected by the purchaser.
 - b. Purchases estimated to cost between \$5,000 and \$10,000 require at least three written or verbal quotations.
 - c. Purchases estimated to cost less than \$5,000 shall be made using comparative pricing providing for adequate and reasonable competition.

- d. Estimates, written and verbal, shall be documented and forwarded to the Finance Office with the purchase requisition.
- e. Vendors may be selected taking into consideration the price, purchaser's past experience, the vendor's reputation, availability of goods or services, and the service level of the vendor and compatibility of equipment. As appropriate, other specific criteria may be utilized as necessary given the nature of the specific purchase. Award shall be made to the responsible vendor who submits the quotation which is most advantageous to the court and conforms to the purchase requirements.

APPENDIX E

Sample Continuance Policy

IN THE GLENDALE CITY COURT
MARICOPA COUNTY, ARIZONA

IN RE THE MATTER OF
CONTINUANCE POLICY

ADMINISTRATIVE ORDER
NO. 94-002

In order to provide for the disposition of cases without unnecessary delay, the following guidelines for granting or denying continuances are instituted.

1.0 Continuances

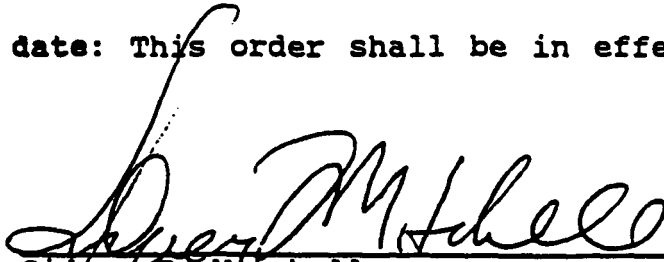
1.1 General: In every request for a continuance a written motion for continuance shall be received by the court not less than five (5) days prior to the date of the proceeding. The motion shall state with specificity the reasons justifying the continuance and shall contain a certificate of the signer that the motion is made in good faith. A motion for a continuance may be made on a form supplied by the Glendale City Court. A continuance shall be granted only upon a showing that extraordinary circumstances exist and that delay is indispensable to the interests of justice. In ruling on a motion for continuance, the court shall consider the rights of the victim, the defendant, and the state to a speedy disposition of the case, the convenience of witnesses, and possible prejudice to the defendant. All requests for a continuance must be ruled upon by a judge. No motion for a continuance may be submitted by facsimile (fax). A copy of all motions for a continuance shall be sent to the prosecutor contemporaneously with the transmittal of the motion to the court.

1.2 Continuance of the Pretrial Conference: One continuance of the pretrial conference will be granted upon a showing of good cause. The motion shall state with specificity the tasks required to be accomplished before a decision may be made on the plea offer by the state and shall specify the amount of time needed to accomplish the tasks. The continuance shall be no longer than is necessary to accomplish the tasks that constitute the ground for the motion for continuance, in any event no longer than fifteen (15) days. At the time of the granting of the continuance the defendant should be advised that he/she should be prepared to make a decision with regard to the plea agreement at the next pretrial conference and further advised that if the case is not resolved by a plea at the next pretrial conference the case will be set for trial.

1.3 Continuance of the Trial: Continuance of the date of the trial will be granted upon a showing of good cause. If the ground for the request is a trial conflict in another court, full details as to the trial must be provided to the court in the motion for continuance. If the ground for the request for a continuance is a conflict with a proceeding other than a trial full details shall be

provided as to the time, place and nature of the proceeding.

2.0 Effective date: This order shall be in effect from and after May 10, 1994.

A handwritten signature in cursive script, appearing to read "Sidney F. Mitchell", written over a horizontal line.

Sidney F. Mitchell
Presiding Judge

APPENDIX F

Minimum Accounting Standards Compliance Checklist

Part II: COMPLIANCE CHECKLIST

Court Name: PEORIA MUNICIPAL COURT

Date: January 20, 1998

If a particular accounting standard does not apply to the court because they do not perform a specific function, record n/a for not applicable and write a note of explanation (i.e., if the court does not accept cash, they do not need a change fund; if the court does not have a bank account they do not need to reconcile a bank account). This is considered compliance with the standards. If noncompliance is noted in any area, note the reason for noncompliance on the checklist and indicate steps being taken to come into compliance.

A Compliance Checklist must be prepared at the end of each calendar year. The completed and signed checklist is to be received by the presiding judge of the superior court in the county, chief judges of the court of appeals, or chief justice of the supreme court no later than January 31.

Please maintain a blank copy of the most current Compliance Checklist. This form will be used each year for preparation of the court's Compliance Checklist. This same form will also be used by the accountants/auditors that perform the financial review (agreed-upon procedures). Note the different signature and date lines on the last page of this form.

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1.01 (MAS Pg. 1) COMPLY: ☒ YES ☐ NO

1.01 The Minimum Accounting Standards apply to all court personnel. The presiding judge of the superior court in each county, the presiding judge of each limited jurisdiction court, and the clerk of the superior court in each county are responsible for ensuring that the courts and all departments within the courts are in compliance with these standards. Annually, the presiding judge of each limited jurisdiction court, the clerk of the superior court in each county, and each court department that handles cash (i.e. administrative offices, probation, pretrial services, etc.) shall complete or have completed the Compliance Checklist. The presiding judge of each limited jurisdiction

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court, the clerk of the superior court in each county, and each court department head shall sign the completed checklist, retain a copy, and forward the original to the presiding judge of the superior court of the county. The completed and signed checklist is to be received by the presiding judge of the superior court in the county by no later than January 31. Copies of all Compliance Checklists are to be received by the AOC no later than March 1 from the presiding judge of the superior court in each county. The presiding judge of the superior court in each county shall review each checklist received to determine if noncompliance exists and, if so, shall ensure the court or department takes the steps necessary to see that corrective action is taken.

Requests for exceptions to compliance with a standard must be submitted in writing and approved by the chief justice, chief judge or presiding judge of the county on a yearly basis. The exception must clearly document the circumstances as to why the standard cannot be met. Exceptions must be approved by the supreme court's administrative director.

1.02 (MAS Pg. 2) COMPLY: ☐ YES ☐ NO Not Applicable

1.02 Annually, the clerks of the court of appeals and the supreme court shall complete, or have completed, the Compliance Checklist, sign it and forward the original to the chief judge of the court of appeals or chief justice of the supreme court respectively. The completed and signed checklist is to be received by the chief judges of the court of appeals and the chief justice of the supreme court by no later than January 31. Copies of the Compliance Checklists are to be received by the AOC no later than March 1 from the chief judges of the court of appeals and the chief justice of the supreme court. The chief judge or chief

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justice, as appropriate, shall review the checklist to determine if noncompliance exists and, if so, take steps necessary to correct the noncompliance.

1.03 (MAS Pg. 2) COMPLY: ☒ YES ☐ NO

1.03 Compliance Checklists shall be retained for no less than three years.

1.04 (MAS Pg. 2) COMPLY: ☒ YES ☐ NO

1.04 When other courts or agencies accept or make payments on behalf of the court, the court shall advise each entity receiving or making payments of applicable policies and procedures.

2.01 (MAS Pg. 2) COMPLY: ☒ YES ☐ NO NOTE:

2.01 Establish an organized and efficient accounting system that ensures accurate reporting of all transactions and provides sufficient documentation for audit purposes and includes the following:

- ▶ An efficient accumulation, recording and reporting of all transactions
- ▶ Assignment of authority and responsibility
- ▶ Segregation of duties
- ▶ Methods of detecting errors and fraud.

Duties are segregated, however, more than one staff member may work out of the same cash drawer. In order to improve cash handling and maintain proper segregation of duties, only one staff member should work out of a cash drawer. Please refer to the operation review and evaluation report for additional information.

2.02a-c (MAS Pg. 3) COMPLY: ☒ YES ☐ NO

2.02 Include the following components in the court accounting system:

- a) Preprinted, consecutively numbered receipts or receipts consecutively numbered by automated system. All

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receipts shall display the name of the court.

- b) Prenumbered checks or checks consecutively numbered by an automated system.
- c) Case financial record of all payments received and disbursed on a particular case. A case financial record shall include the following information (If amount received or disbursed is non-case related, see standard B.2.3.):

- Case number;
- Defendant's name (if applicable);
- Plaintiff's name (if applicable);
- Date payment was received or date court check issued;
- Amounts received or disbursed;
- Name and address of person making the payment or to whom the disbursement was made. (Name and address of person making the payment is only required when the person is (1) posting a bond, or (2) making a payment by check or money order and the name and address is not on that check or money order.);
- Receipt/transaction number or check number;
- Method of payment;
- Identification of person accepting payment;
- The total costs assessed by assessment type and/or distribution type;
- Total amount paid and/or converted from bond by distribution type (fine, Criminal Justice Enhancement Fund,

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- Medical Services Enhancement Fund, bond, etc.);
- Balance owed by distribution type;
- Balance held on deposit, including bonds (indicate cash or surety);
- The name of the party against whom fines and fees are assessed;
- The date notice of amount due and other collection notices were sent until amount is paid in full.

2.02d-h (MAS Pg. 4) COMPLY: ☒ YES ☐ NO

- 2.02 d) Cash receipts journal and cash disbursements journal which show all payments received and disbursed by day.

The cash receipts journal and cash disbursements journal shall include the following:

- Date payment was received or date court check issued;
 - Amount received or disbursed;
 - Name of payee if check issued;
 - Receipt/transaction number or court check number for disbursements;
 - Payment distribution (fine, Criminal Justice Enhancement Fund, Medical Services Enhancement Fund, bond, etc.).
- e) Record of non-case related receipts. Each record should include applicable information listed in 2.02.c. If this information is recorded on a receipt, a separate non-case related financial transaction record is not required.

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- f) Open items record (unidentifiable items or bonds).
- g) Monthly bank reconciliation records.
- h) Monthly remittance reports identifying monies collected and transmitted to the treasurer for the month.

3.01 (MAS Pg. 5) COMPLY: ☒ YES ☐ NO

3.01 Post the following financial policies at a conspicuous location in the court office:

- a) The methods of payment that will be accepted.
- b) A receipt will be issued for every payment made in person.
- c) The court's non-sufficient funds (NSF) check policy.
- d) A statement that the receipt is proof of payment.

3.02 (MAS Pg. 5) COMPLY: ☒ YES ☐ NO

3.02 Allow only bonded or insured employees to receive, deposit, disburse, or handle money.

3.03 (MAS Pg. 5) COMPLY: ☒ YES ☐ NO

3.03 Do not commingle personal monies with court monies. Employees shall not cash personal checks or make personal change from the change fund or cash receipts. Do not make change for court payments with personal monies.

3.04 (MAS Pg. 5) COMPLY: ☒ YES ☐ NO

3.04 Maintain a uniform fine/bond schedule and fee schedule, and distribute them to any

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authorized agency which regularly accepts
bonds on behalf of the court.

3.05 (MAS Pg. 6) COMPLY: ☒ YES ☐ NO

3.05 Segregate the responsibility for receipting and disbursing payments from the responsibility for posting to the case financial records and reconciling the accounting records, to the extent possible, as suggested in attachments A - D.

3.06 (MAS Pg. 6) COMPLY: ☒ YES ☐ NO

3.06 Safeguard accounting records such as receipts, checks, and monies received by the court.

NOTE: A new counter is currently under construction. This new counter area will enable the court to better safeguard monies. Currently the court is complying with this standard by keeping the cash drawers, mail payments, and receipting functions at employees' work stations which are over 15 feet away from public areas and counters.

4.01 (MAS Pg. 6) COMPLY: ☒ YES ☐ NO

4.01 Establish a fund for making change.

4.02 (MAS Pg. 7) COMPLY: ☒ YES ☐ NO

4.02 Do not make loans from the change fund.

4.03 (MAS Pg. 7) COMPLY: ☒ YES ☐ NO

4.03 Do not use the change fund to cash personal checks or purchase supplies.

4.04 (MAS Pg. 7) COMPLY: ☒ YES ☐ NO

4.04 Reconcile the change fund daily. This reconciliation should be done each day regardless of the amount of cash receipts. The beginning balance of the change fund should remain constant.

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5.01 (MAS Pg. 8) COMPLY: ☒ YES ☐ NO

5.01 Establish a policy specifying the methods of payments that will be accepted.

5.02 (MAS Pg. 8) COMPLY: ☒ YES ☐ NO

5.02 Restrictively endorse all checks immediately, i.e., "For Deposit Only to (court's account name)."

5.03 (MAS Pg. 8) COMPLY: ☒ YES ☐ NO

5.03 Allow only court personnel and city or county cashier to receipt payments received in the court. Do not allow independent contractors, such as defensive driving schools, to have access to court monies or receipt court payments received in the court.

5.04 (MAS Pg. 9) COMPLY: ☒ YES ☐ NO

NOTE: See comments with Standard 3.06.

5.04 Secure all cash and checks received in a location that is out of the public view and is only accessible to authorized personnel.

5.05 (MAS Pg. 9) COMPLY: ☒ YES ☐ NO

5.05 Issue a receipt for each payment made in person. For all other payments, either issue a receipt for each payment or prepare a sequentially numbered transaction record for each payment. A receipt or transaction record shall include:

- a) Case number, if applicable;
- b) Defendant's name, if applicable;
- c) Plaintiff's name, if applicable;
- d) Date payment was received;
- e) Amount received;

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- f) Name and address of the person making the payment (only required if not included on case financial record and person is (1) posting a bond, or (2) making a payment by check or money order and the name and address are not on that check or money order.);
- g) Identification of person receiving the payment;
- h) Method of payment (cash, check, credit card, etc.);
- I) Sequential receipt/transaction number;
- j) Name of court.

5.06 (MAS Pg. 9) COMPLY: ☒ YES ☐ NO

5.06 Record all payments received immediately on the case financial record unless an automated system immediately journals payments and posts them daily to the case financial record.

Record the following information on the case financial record:

- a) Case number;
- b) Defendant's name (if applicable);
- c) Plaintiff's name (if applicable);
- d) Date payment was received;
- e) Amount received;
- f) Method of payment;
- g) Name and address of the person making the payment (Name and address is only required when person is (1) posting a bond, or (2) making a payment by check or money order and the name and address is not on that check or money order.);
- h) Receipt/transaction number;
- I) Total amount paid and/or converted from bond, by distribution type (fine, surcharges, bond, etc.);
- j) Balance owed by distribution type (fine, surcharges, bond, etc.);

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- k) Identification of person accepting payment.

5.07 (MAS Pg. 10) COMPLY: ☒ YES ☐ NO NOTE:

5.07 Record all payments received on the cash receipts journal and include:

- a) Date payment was received;
- b) Amount received;
- c) Receipt/transaction number;
- d) Payment distribution by type (fine, Criminal Justice Enhancement Fund, Medical Services Enhancement Fund, bond, etc.).

5.08 (MAS Pg. 11) COMPLY: ☒ YES ☐ NO

5.08 Courts with an automated accounting system must ensure that:

- a) Only authorized personnel such as the system administrator can set or reset the receipt number assigned by the computer;
- b) The system permits the voiding of a receipt or a check and will not allow the original computer entry of the payment to be changed or deleted;
- c) The system establishes a documented audit trail of all changes to the financial system and all changes to financial records. These changes may only be made and accessed by authorized personnel.

5.09 (MAS Pg. 11) COMPLY: ☒ YES ☐ NO

5.09 Retain all voided receipts. Do not destroy them.

The court is an ACA court and the FACTS system complies with this standard. The court is still using the old automation system for old case. The old system permits personnel to set or reset receipt number. The old system does not establish an audit trail of all changes in the system. The majority of cases currently processed are new cases and the FACTS system is used. It is anticipated that the court will be able to discontinue use of the old system in approximately one year.

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5.10 (MAS Pg. 11) COMPLY: ☒ YES ☐ NO

5.10 Do not alter receipts. If an error is made, write "VOID" on all copies of the receipt and issue a new receipt.

5.11 (MAS Pg. 11) COMPLY: ☒ YES ☐ NO

5.11 Account for all manual receipts issued.

5.12 (MAS Pg. 12) COMPLY: ☒ YES ☐ NO

5.12 Do not accept cash from independent contractors such as, defensive driving schools.

5.13 (MAS Pg. 12) COMPLY: ☒ YES ☐ NO

5.13 When the court receives monies from independent contractors (i.e. defensive driving diversion fees from schools), issue a receipt. (See 5.05 for information about what to include on receipt.) Perform a reconciliation between court case records and the contractor's report supporting the diversion fee payment.

6.01 (MAS Pg. 12) COMPLY: ☒ YES ☐ NO

6.01 Establish policies to require that disbursements (such as refunding exonerated bonds, paying restitution to victims, and refunding overpayments) be made within a prescribed period of time as dictated by administrative order, court policy or local ordinance.

6.02 (MAS Pg. 12) COMPLY: ☒ YES ☐ NO

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6.02 Establish a policy identifying who authorizes disbursements and who issues and signs checks or check requisition forms.

7.01 (MAS Pg. 12) COMPLY: ☒ YES ☐ NO

7.01 Use prenumbered checks and check requisition forms, and establish a method to secure and account for all checks and check requisition forms.

7.02 (MAS Pg. 13) COMPLY: ☒ YES ☐ NO

7.02 Limit responsibility for issuing and signing checks or check requisition forms to as few individuals as practical.

7.03 (MAS Pg. 13) COMPLY: ☒ YES ☐ NO

7.03 Disburse all amounts by check.

7.04 (MAS Pg. 13) COMPLY: ☒ YES ☐ NO

7.04 Checks should be signed by authorized signers only after completing the payee's name, amount, and date. Distribute checks immediately upon completing.

7.05 (MAS Pg. 13) COMPLY: ☒ YES ☐ NO

7.05 Post all disbursements immediately on the case financial record.

Record the following disbursement information on the case financial record:

- a) Case number;
- b) Defendant's name (if applicable);
- c) Plaintiff's name (if applicable);

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- d) Date check issued;
- e) Check amount and/or bond amount converted to court assessments;
- f) Name of payee;
- g) Check number;
- h) Payment distribution (fine, surcharges, bond, etc.).

7.06 (MAS Pg. 14) COMPLY: ☒ YES ☐ NO

7.06 Record all disbursements on cash disbursements journal and include:

- a) Date court check issues;
- b) Amount disbursed;
- c) Name of payee;
- d) Court check number;
- e) Payment distribution (fine, surcharges, bond, etc.).

7.07 (MAS Pg. 14) COMPLY: ☒ YES ☐ NO

7.07 Retain all voided checks.

7.08 (MAS Pg. 14) COMPLY: ☒ YES ☐ NO

7.08 Establish a method to stop payment and account for checks reported as lost.

8.01 (MAS Pg. 15) COMPLY: ☒ YES ☐ NO

8.01 Establish all bank and investment accounts under the name of the court, unless these accounts are maintained by the city or county treasurer and are established in the name of the city or county.

8.02 (MAS Pg. 15) COMPLY: ☒ YES ☐ NO

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8.02 Keep the signature cards for all bank and investment accounts current.

8.03 (MAS Pg. 15) COMPLY: ☒ YES ☐ NO

8.03 * Keep a list of all checking, investment and other bank accounts which includes the name and address of the banking institution, the account number, the account name, the rate of interest (if fixed), and the names of those authorized to sign checks or make withdrawals.

8.04 (MAS Pg. 16) COMPLY: ☒ YES ☐ NO

8.04 Ensure all bank accounts used to hold court money are insured by the Federal Deposit Insurance Corporation (FDIC) and ensure collateral agreements exist for amounts exceeding the \$100,000 (which includes principal and interest) FDIC insured amount pursuant to A.R.S. §35-323.

8.05 (MAS Pg. 16) COMPLY: ☒ YES ☐ NO

8.05 Deposit all monies in the same form as received and deposit at least weekly or daily if cash receipts exceed \$300.

8.06 (MAS Pg. 16) COMPLY: ☒ YES ☐ NO

8.06 Maintain a record of the individual receipts included in each deposit.

8.07 (MAS Pg. 17) COMPLY: ☒ YES ☐ NO

8.07 Segregate the responsibility of reviewing documentation supporting the deposits and making the deposits, to the extent possible.

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9.01 (MAS Pg. 17) COMPLY: ☒ YES ☐ NO

9.01 Reconcile and balance all court accounting records at least monthly to verify that all receipts and disbursements are accounted for properly.

9.02 (MAS Pg. 17) COMPLY: ☒ YES ☐ NO

9.02 Reconcile and balance all monies received after each shift but no less than daily and retain documentation of the reconciliation.

10.01 (MAS Pg. 18) COMPLY: ☒ YES ☐ NO

10.01 On at least a monthly basis, investigate all court checks outstanding for more than six months.

11.01 (MAS Pg. 19) COMPLY: ☒ YES ☐ NO

11.01 Require all agencies accepting cash or securities as bond to remit the cash or securities collected to the court on the next working day, or as soon thereafter as practical.

11.02 (MAS Pg. 19) COMPLY: ☒ YES ☐ NO

11.02 Issue a receipt immediately for all bond monies transmitted to the court by other entities and for all bond payments made in person. For bond payments made by individuals through the mail, either issue a receipt or prepare a sequentially numbered transaction record for each payment.

11.03 (MAS Pg. 20) COMPLY: ☒ YES ☐ NO

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11.03 On a monthly basis, review open items record and take appropriate action on all pending/outstanding bonds.

11.04 (MAS Pg. 20) COMPLY: ☒ YES ☐ NO

11.04 Disburse bond monies by check and only upon order of the court unless otherwise ordered by the judge. Refund bond monies only to the individual(s) who posted the bond or to other individuals authorized by the person posting the bond.

12.01 (MAS Pg. 20) COMPLY: ☒ YES ☐ NO

12.01 Prepare a monthly remittance report identifying how monies deposited in a bank account or with the city, county or state (for appellate courts) treasurer for the month are to be distributed.

13.01 (MAS Pg. 20) COMPLY: ☒ YES ☐ NO

13.01 An external review of the court by auditors shall be performed no less than every three years. The review is to be performed by a Certified Public Accountant (CPA), Public Accountant (PA) currently licensed by the Arizona State Board of Accountancy or Certified Internal Auditor (CIA) or under the direction of a CPA, PA or CIA (based on the requirements listed in 13.02.). Upon completion of the review, a report must be prepared and received by the court from the accountant/auditor, no later than 90 days after the review is completed. Copies of the report must be sent to the presiding judge of the county and the AOC within 7 days of the court receiving the report. A copy of each review report shall also be sent to the Auditor General's Office for all appellate, superior and

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justice courts. This copy must also be sent within seven days of the court receiving the report.

13.02 (MAS Pg. 21) COMPLY: ☒ YES ☐ NO

13.02 The following are the requirements the accountant/auditor must adhere to in order to provide a report that will comply with this standard.

- a) Each court shall cause to be conducted, at least triennially, an external review of specific elements, accounts, or items of a financial statement in order to make certain determinations as identified by the Administrative Office of the Courts (AOC) in section e. below.
- b) The external review shall be performed in accordance with the information provided by the American Institute of Certified Public Accountants, Codification of Professional Standards, AT Section 600, STATEMENT ON STANDARDS FOR ATTESTATION ENGAGEMENTS (SSAEs) NO. 4, AGREED-UPON PROCEDURES ENGAGEMENTS.
- c) Upon completion of the external review, a report must be received by the court from the accountant/auditor, no later than 90 days after the review is completed. Copies of the report must be sent to the presiding judge of the county and the AOC within 7 days of the court receiving the report.
- d) The accountant/auditor report on the results of the review should: describe the procedures performed as outlined

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in part III of the MAS book and should contain the elements described in the CODIFICATION OF STATEMENTS ON AUDITING STANDARDS AT 600.33.

e) The accountant/auditor shall follow all procedures in Part III Guide For External Review By Auditors. These procedures were developed to determine whether:

- Fines, fees and surcharges are assessed accurately and are supported by adequate internal controls and procedures.
- Monies are accurately receipted and reconciled on a timely basis and supported by adequate internal controls and procedures.
- Monies are accurately distributed/disbursed and reconciled on a timely basis and supported by adequate internal controls and procedures.
- Court is in compliance with current Minimum Accounting Standards.

f) The accountant/auditor shall grant the court being reviewed, the Supreme Court, AOC, and the Auditor General's Office access, free of charge, to any books, documents, records, and working papers that are in any way pertinent to the audit. Further, these items shall be produced at the Supreme Court, AOC or Auditor General upon request.

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13.03 (MAS Pg. 22) COMPLY: ☒ YES ☐ NO

13.03 In addition, when any type of financial or operational audit (other than the external review listed in 13.01 and 13.02) is to be performed in the supreme court, court of appeals, superior or limited jurisdiction court by any agency or private firm regardless of the nature of the audit, the justice of the peace, court administrator, clerk of the court or presiding judge is to advise their respective chief justice, chief judge or presiding judge of the county of the audit before or during the audit. The court is to also provide their respective chief justice, chief judge or presiding judge of the county and the AOC with a copy of all reports, findings, and evaluations from any audit immediately upon its receipt. A copy of each of these reports shall also be sent to the Auditor General's Office for all appellate, superior and justice courts.

-This section to be used by COURTS and DEPARTMENTS submitting annual Compliance Checklist -

Rhonda K. McAdams 1-20-98
Signature of Person Completing Form Date

George T. Anagnost 1-20-98
Signature of Judge/Clerk of Court Date

Rhonda K. McAdams
Please Print Name
Program Manager
Court Services Division - AOC

Hon. George T. Anagnost
Please Print Name
Presiding Magistrate

APPENDIX G

Summary of Recommendations

COURT OPERATIONAL REVIEW EVALUATION

Peoria Municipal Court

Summary of Recommendations

Administration

Recommendation 1:

In an effort to enhance customer service when the court is not open, an outgoing voice mail message with basic court information should be implemented. This can be accomplished by purchasing an inexpensive answering machine or, perhaps, by using the existing city voice mail system. This outgoing message should simply advise callers of the court's location and hours, provide information to routinely asked questions, such as defensive driving information, and provide information about where to call in case of an emergency.

Recommendation 2:

Enhanced performance measures that more accurately reflect the court's workload, effectiveness, and efficiency should be used. Specifically, the court should not only measure the number of case filings, but also the number of dispositions and the resulting case disposition ratio. The court could also set case processing time standards and measure its performance against those benchmarks. In 1991 the Arizona Judicial Council adopted case processing time standards for courts to strive to attain (please refer to Appendix C). Since this court is so well run, these measures are attainable and should assist the court in continuing its self-improvement processes. In an effort to assist the court, current case processing information is contained in this report and these numbers can be used as a starting point to set current performance measures.

Recommendation 3:

When the existing contract with National Safety Council expires, the court must follow Administrative Order 94-38. The court can use the City of Peoria's procurement code or the Arizona judiciary's procurement code. A copy of Administrative Order 94-38 is provided in Appendix D. Upon request, the AOC can provide the court with sample RFP/RFQ documents used for procuring defensive driving school services.

Records Management

Recommendation 4a:

With implementation of the FACTS system, docket numbers should be used as case numbers instead of citation or complaint numbers.

Recommendation 4b:

Modify the existing records management system to function more efficiently and effectively. Although the court currently experiences no problems, with anticipated future case growth it will be crucial to establish an active, organized records management system. The court should file all case files alphabetically in one location with the exception of civil traffic violations and search warrants. Civil traffic cases do not need to be placed in file folders and can be effectively managed by filing them alphabetically in one of the following methods: (1) in letter-sized hanging file folders, (2) folding the citations into thirds and placing them in special file drawers, or (3) folding the citations into thirds, placing them into special plastic protectors, and then placing them into special file drawers. Once a civil traffic case enters default status (i.e., license suspension or order to show cause) it can then be transferred into a case file folder for filing and maintenance. Search warrants should be maintained separately due to confidentiality.

More extensive color-coding should be used to more effectively manage cases and prevent misfiling. For example, in addition to the color-coding currently used for alpha indicators for parties' names, the entire case file can be color-coded to designate case type (i.e., red file folders can be used for criminal cases, blue file folders for criminal traffic cases, purple file folders for local ordinance violations, orange file folders for search warrants, yellow file folders for orders of protection, green file folders for injunctions prohibiting harassment, etc.). Color-coding can also be used to designate case status. For example, colored indicators can be added to the outside of case files to indicate case status (i.e., a black indicator to show the case has been closed, a green indicator to show payments are being made, a red indicator to show a warrant has been issued, a yellow indicator to show a license has been suspended, a blue indicator to show the case is in deferred prosecution status, etc.). This proactive records management system will also allow the court to effectively purge closed case files. Once per year, court staff can simply go through the file room and pull all case files with black (i.e., closed) indicators. These files can then easily be placed into storage boxes by case type (i.e., color of file folder) in alphabetic order. The outside of the storage boxes can then be labeled with the case type, year, and alphabetic sequence contained within and stored. Once each year the court can then destroy contents of boxes using the Arizona Supreme Court's Records Retention and Destruction Schedules (Administrative Orders 91-11 and 92-12). Please note the colors listed here are for illustration purposes only and the court can choose whatever colors it prefers. Upon request, AOC staff are available to assist the court in updating its records management system.

Recommendation 5:

The court should implement the use of out cards. When a file is removed from the shelf, an out card should be placed on the shelf where the file was in order to facilitate file tracking and retrieval. Often, out cards are not used because of the

time it takes to fill out the card (i.e., date, name, etc.). In order to prevent this problem and because of this court's size and limited number of staff, this is another function that can be color-coded for ease. For example, each staff member could be assigned a color. Cardboard out cards or smaller pieces of cardboard measuring approximately 15" x 5" can be purchased or created in solid colors. Each staff member is simply assigned a color and when a file is removed from the shelf they place their colored out card where the file was. Then, when another staff member goes to the file shelf, notices the file is out, and sees the solid colored out card where that file should be they will know who has the file. The court administrator can create a master listing of assigned colors, distribute this information to all court staff and post the list in the file room and throughout the court in key locations. Since there are only a few court staff and one judge, staff will quickly learn the colors and know who they are assigned to. This color-coded method saves time in completing out cards while also facilitating file tracking and retrieval.

Recommendation 6:

The original payment agreement should be placed in the court file. There are other methods available to track payments, specifically, the court could use the FACTS system by establishing a "tickler" through the quick calendar module. It is highly recommended that the court proceed with automating as many functions as possible. However, if the court would like to wait before proceeding with implementation of additional automation functions, the court could have the payment agreement form made into a three-part form. One copy could then go to the defendant, the original could be placed in the court file, and the second copy could then be placed into the current notebooks.

Recommendation 7:

All case related documents received and filed with the court should be file-stamped. The file stamp should include the date and time of filing. The court should purchase an automatic file stamp machine for this purpose. In order to prevent stamping over critical case information, the court can stamp the back of documents. On civil traffic citations/complaints the court could use a one-line received/filed stamp and place it somewhere on the margin of the citation/complaint forms. It is difficult to file stamp these documents due to lack of space, however, it is necessary to document receipt/filing dates to assist when analyzing case aging and disposition. There are also legal ramifications concerning timely filing of court documents. The court should adopt a file-stamping policy and procedure and put these policies and procedures in writing. Additionally, the court should adopt a procedure that requires non-judicial employees receiving and filing documents to initial the file-stamp.

Recommendation 8:

Post-it® notes should never be used to document case activity. Court documents or case logs should be used. Post-it® notes used to flag a case should be replaced with proper color-coded indicators for records management purposes. Other post-it® notes that do not affect case handling should be removed from case file folders and case documents.

Recommendation 9:

The court should adopt a disaster recovery plan for court records. AOC staff are available to assist upon request. This plan should not only address paper records and files but also include automated record and case information.

Case Management

Recommendation 10:

In order to enhance the register of actions and clearly show time payment plans and payment due dates, court staff could enter a case event. It is recommended that event code "5147" be used and staff enter the due date information in the comment field. Thus, when retrieving information from the register of actions, one can easily determine that a time payment plan has been established and when highlighting that event and pressing F2 the payment due date information is available. This simple enhancement will save court staff time when assisting court customers, particularly over the telephone.

While on-site conducting this review, this issue was discussed with court staff and they immediately began doing this.

Recommendation 11a:

While the court monitors payment agreements/plans regularly, compliance could be more closely monitored. In order to effectively monitor compliance, the court should establish a "tickler" in the automated system. Each day or one day per week this "tickler" report could be printed or reviewed and appropriate follow-up made. This process would eliminate the manual process of reviewing pages in a notebook. When the court implements the use of notices in the automated system, tables can be established that will automatically allow the court to generate the necessary letters or notices.

Recommendation 11b:

The court should establish specific guidelines for determining payment amounts and the length of time allowed for violators and defendants to make payments. These

guidelines should be written and reviewed with relevant court staff to ensure consistency when establishing payment plans.

Recommendation 12:

In order to monitor the issuance of warrants and suspension of drivers' licenses more effectively and efficiently, the court should also establish "ticklers" in the automated system for each of these functions. Each day, one day per week, or one day per month for license suspensions, these "tickler" reports could be printed or reviewed and appropriate follow-up made. This process would eliminate the manual process of separating the case files, reviewing them, and preparing individual letters, notices, or warnings. When the court implements the use of notices, letters, and forms in the automated system, tables can be established that will automatically allow the court to generate the necessary letters, notices, or warnings.

Recommendation 13:

A more stringent continuance policy is recommended. National experts promote continuance policies that allow for only one continuance per case with good cause and additional continuances in extraordinary cases or upon the showing of good cause. An example of a strong continuance policy is provided in Appendix E.

Recommendation 14:

Post daily and/or weekly court calendars somewhere in the court building, preferably on or near building directories, on bulletin boards, and near the filing counter and other public waiting areas. Posting calendars allows visitors, violators, defendants, and others to see court activity and obtain additional information without interrupting court staff. This is also a good customer service tool.

Recommendation 15a:

In an effort to plan for future case growth and use court staff time more efficiently, the court should explore the possibility of installing and implementing Jury+™ software. This software is currently used in many locations of the superior court. An upcoming users' meeting and training session is being offered in April. The court administrator should attend these sessions to obtain additional information. (The reviewer has made arrangements for the court administrator to receive the upcoming meeting and training session notices.)

Recommendation 15b:

Use of Jury+™ software could resolve the court's problem with county "islands." With this software, the court could electronically obtain the master list provided by

the Clerk of the Court in Maricopa County and obtain a list from the Peoria City Clerk. Using both lists would facilitate the drawing of qualified jurors names.

Financial Management

Recommendation 16a:

Court staff performing the daily balancing and deposit functions should not accept payments or receipt monies, if possible. Since the court only has five court clerks available to handle these functions, it is understandable that on some days when staff are on vacation, attending training, or out ill, it may be difficult to maintain this level of segregation. However, this is the preferred method to ensure proper segregation of duties. This reviewer believes this is another example of where the court's staffing level affects operations.

Recommendation 16b:

At least two cash drawers should be used to maintain proper cash handling. Only one individual should work out of a cash drawer at a time. If more than one individual must work the front counter, each individual working the counter should be assigned their own cash drawer. If someone must relieve a clerk at the counter during lunch hours or breaks, that individual should use their own assigned cash drawer or the existing cash drawer should be counted down and balanced before another individual works from that drawer.

Recommendation 17:

Although the safe is located in a secured room, since it is portable and could be removed from the court building it should be bolted to the floor.

Recommendation 18:

The FACTS system allows courts to maintain accounts receivable information. When the court stops using the "old" automation system and begins entirely using FACTS, the entire financial management module should be set up to facilitate tracking accounts receivable.

Recommendation 19:

While it will be necessary to continue with this manual financial processing until the "old" system is phased out, court staff should print the daily balancing report from the FACTS system and attach it to the other daily financial records. When the court

is no longer using the "old" system, all financial management activities should be completed using the FACTS system. When entering "old" cases into the FACTS system, follow FACTS operational procedures. These procedures show how to establish cases with basic information saving staff time and effort.

Automation

Recommendation 20:

Since the LEJIS and CJIS systems are used for law enforcement and prosecutorial purposes and the information contained in those systems includes defendants' previous arrest records, these computer systems should be relocated to the City Attorney's Office.

Recommendation 21a:

Court staff have adapted well to the new automation system and it is time to implement more modules. Specifically, the court should: (1) use the calendaring component to schedule cases and print the court calendar; and, (2) establish "tickler" systems to monitor payment plans and other areas for court compliance (i.e., completion of community service, completion of jail time, completion of alcohol screening and treatment, issuance of warrants and license suspensions, etc.). The court should also begin discussions with the city finance department so that when the court transitions to the FACTS system (i.e., no longer use the old system for cases before April 1, 1997) the court can begin using the entire financial management module, including completing their own monthly transmittals and maintaining their own accounts.

Recommendation 21b:

The court should explore implementation of notices, forms, and letters.

Facility

Recommendation 22a:

Two or three signs should be added to the outside of the court facility so that patrons approaching from 83rd Avenue or Monroe Street or parking in the parking garage can locate the court easily. Specifically, signs should be added to the east and south sides of the building. If possible, a sign could also be added to the northeast corner of the building to assist citizens approaching from the north.

Recommendation 22b:

Directional ground signs should be strategically placed near the walkways from the parking garage on the south side of the building to the adjacent walkways next to the court building and courtyard.

Security

Recommendation 23:

None.

APPENDIX B

OPERATIONAL REVIEW EVALUATION SURVEY

TO: Hon. George Anagnost, Presiding Judge, Peoria Municipal Court
Ms. Toni Stevenson Hale, Court Administrator, Peoria Municipal Court

FROM: Agnes Felton, Director, Court Services Division

DATE: March 25, 1998

RE: COURT OPERATIONAL REVIEW AND EVALUATION SURVEY

Recently, Rhonda McAdams, Program Manager with the Court Services Division, visited your court to review a number of areas of the court's operations. To help us improve our service to Arizona courts, please complete the following brief survey.

Your comments are important to us. Please share them by completing and returning this form. A self-addressed, stamped envelope is also enclosed for your convenience. Survey forms are anonymous. **Please note that surveys may be returned confidentially.** Placing your name or any other court identifying information on the survey is optional. However, if you would like to be contacted to provide additional information, please include your name and phone number on the survey form.

Thank you for taking the time to complete the enclosed survey!

Enclosure (1)

OPERATIONAL REVIEW EVALUATION SURVEY

Program Manager

Overall, how would you rate this manager's:

	Outstanding	Exceeds Expectations	Meets Expectations	Improvement Needed	Not Satisfactory
Promptness & Reliability <i>(timeliness in daily activities and keeping commitments)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Professionalism <i>(competent, efficient, capable, proficient)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interaction with Judges and Staff <i>(conveys information clearly and effectively through oral and written communications)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Explanation of CORE Process and Procedures <i>(did the specialist explain what he/she would be doing)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flexibility <i>(willingness to work around the court's requirements)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Willingness to Listen <i>(attentive, gives feedback to confirm understanding)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thoroughness <i>(reviews court operations completely given time constraints)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knowledge of Court Operations and Procedures <i>(understands court-related issues and applies knowledge of court procedures and court experience appropriately)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Respect and Courtesy

Overall, how would you rate:

	Outstanding	Exceeds Expectations	Meets Expectations	Improvement Needed	Not Satisfactory
The Program Manager (individual conducting the review)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CORE Process

Written Report:

It was well organized	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It was clear and concise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It was accurate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It answered your questions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Timeliness of the draft report (draft received by the judge for his/her response)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Timeliness of the final report (publication of the final report)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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On-site training and assistance provided to court staff and judges (training and information)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Overall, please rate the Court Operational Review & Evaluation (CORE) Process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Please rate the overall benefit of your court's operational review and usefulness of the report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments: (attach additional sheets if necessary)

Name (OPTIONAL): _____

Please return survey in the enclosed self-addressed, stamped envelope or mail to:

Agnes Felton, Director, Court Services Division
Arizona Supreme Court
1501 W. Washington, Suite 410
Phoenix, AZ 85007-3327