

Memorandum



Date: June 12, 2009
To: Honorable Angela Hunt, Chair and Members of the Ad Hoc Legislative Committee
Subject: Municipal Courts Efficiency Study

You will be briefed on Tuesday, June 16, regarding improvements to the Municipal Court Docketing System. In October 2008 a team was assembled with members from five different departments involved with the Municipal Court System and they were charged with finding ways to improve the docketing process.

In November 2008, the Ad Hoc Legislative Committee was briefed on a status of the team's progress. In addition, the team has had the benefit of receiving guidance from several councilmembers throughout this process.

These improvements are expected to provide better customer service to our citizens and bring additional revenue to the general fund. I am pleased to say this briefing represents a strong partnership with all the departments that work within the Municipal Court System.



Ryan S. Evans
First Assistant City Manager

C: Mary K. Suhm, City Manager
Tom Perkins, City Attorney
Deborah Watkins, City Secretary
Judge C. Victor Lander, Administrative Judge
Jill Jordan, P.E., Assistant City Manager
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Briefing to the Ad Hoc Legislative Committee

Municipal Courts Efficiency Study

June 16, 2009



Purpose

- The purpose of this briefing is to discuss improvements to the docketing process in the Municipal Court System

Background

- The efficiency of the municipal courts has slowly deteriorated over the years
- This is evident by the following symptoms:
 - Increased time it takes a case to go to court
 - Increased dismissals due to insufficient evidence
 - Increased dismissals due to officer scheduling conflicts
 - Underutilized courtrooms
 - Outdated technology within the court system

Background

- In FY 07-08 the City Manager's Office was instructed to conduct an efficiency study of the docketing process

Process Improvement Team Established

- The Docket Management Process Improvement Team was launched on October 24, 2008
- The team was charged with finding ways to improve the Municipal Court docket management process and to reduce the time it takes to dispose of Class C Misdemeanors

Members of the Process Improvement Team

- Judge Daniel Solis, Dallas Municipal Court Judiciary
- Oweda Miller-Johnson, Manager, Municipal Court Judiciary
- Chief Cynthia Villarreal, Dallas Police Department
- Sgt. Clark Allen, Dallas Police Department
- Meredith Lyon, Deputy Chief Prosecutor, City Attorney's Office
- Annette Pegram, Senior IT Consultant/Business Analyst, Communication & Information Services
- Martin Riojas, Assistant Director, Court and Detention Services
- James Floyd Harris, Records Manager, Court & Detention Services
- Michael Bryan, Supervisor, Court and Detention Services
- Michael Barrett, Senior IT Consultant/Business Analyst, Communication & Information Services
- Kris Sweckard, Director, Efficiency Team (Team Facilitator)
- Rachelle Blackwell, Manager, Efficiency Team (Team Facilitator)

Objectives

After reviewing the current docket situation the team identified five (5) measurable objectives:

1. Reduce the number of cases that are set for trial dockets
 2. Decrease the time it takes for a case to go to trial
 3. Decrease the number of witness scheduling conflicts
 4. Decrease the time it takes to process citations
 5. Decrease the number of errors in citation writing
- The following slides provide additional information on each objective

Objective # 1 - Reduce the number of cases that are set for trial docket

- On average, the current supply of traffic trial settings is approximately 11,415 cases per month, and the number of requests for traffic trial settings are an average of 12,693 per month
- The deficit of traffic settings causes a growing backlog of cases pending trial at a rate of 11%, compounded annually, which causes delays in the time it takes to go to trial

Objective # 1 - Reduce the number of cases that are set for trial docket

- Dallas Police Department (DPD) officers signed in at Municipal Court approximately 15,000 times during FY 07-08, and less than 1% of these officers actually testified at trial
 - 8,301 times the officers were off-duty and requested overtime pay at a cost of \$803,851
 - 3,440 times the officers were off-duty and requested compensatory time of 7,155 hours, which has the potential to roll over to an average overtime rate of \$43.38 per hour or \$310,384
 - 3,259 times the officers were on duty

Objective # 2 -Decrease the time it takes for a case to go to trial

- Currently, the time from initial request for a trial setting to the actual trial appearance is an average of nine (9) months, ranging from six (6) months to 23 months
- In FY 04-05, it took an average of four (4) months to go to trial from initial request
- Unless the supply of trial settings is increased or the demand is decreased, the average time it takes to go to trial will continue to grow

Objective # 2 - Decrease the time it takes for a case to go to trial

- Data shows that as a case ages within the court system the amount collected per case decreases
- The table below shows the average amount collected per case for FY 07-08

| Time | *Average Amount Collected Per Case on Trial Docket | Age of Case Frequency |
|--------------------|---|------------------------------|
| 3 years or longer | \$3.84 | 6% |
| 2 – 3 years | \$4.66 | 7% |
| 15 – 24 months | \$5.30 | 14% |
| 9 – 15 months | \$8.44 | 25% |
| 6 – 9 months | \$12.26 | 38% |
| Less than 6 months | \$14.55 | 10% |

- As the average time to go to court increases the amount of revenue collected per case decreases

* This average includes all cases that went to court regardless of the outcome (i.e. dismissed, guilty, not guilty, etc.)

Objective # 3 - Decrease the number of witness scheduling conflicts

- On average 70% of the cases that go to trial are disposed of with no revenue collected
 - Of these cases 35% are dismissed due to witness scheduling conflicts (e.g., DPD officers or code inspectors not appearing for court settings)
 - 14% are dismissed due to insufficient evidence (e.g. lack of witness recall)
 - 2% are dismissed due to No Fact Witness (e.g. officer is no longer with the force)

Objective # 4 - Decrease the time it takes to process citations

- Once a citation is issued, it is handled by at least ten (10) different employee stations before it is entered into the Court's System
- On average, it takes ten (10) days from the date the citation is issued until it is entered into the Court's System

Objective # 5 - Decrease the number of errors in citation writing

- It is estimated that for the FY 08-09 errors in citation writing and citation entry will prevent approximately 1,339 violations from being prosecuted
- The estimated face value of these tickets is \$320,038

Summary of Current Situation

- The average time to go to court has more than doubled in the last 4 years resulting in:
 - Loss in revenue
 - Decrease in collections
 - Increase in scheduling backlog
 - Increase in witness scheduling conflicts
 - Increase in dismissals due to witness unavailable and insufficient evidence
 - Increased errors in the Municipal Court processes
- Intervention must be immediate to reverse this trend

Causes Identified

- After establishing the objectives the team sought to identify the causes of delays and errors within the docket management process
- The team identified numerous undesirable elements within the Municipal Court system that cause delays and inefficiencies within the system
- The team prioritized and identified the top five (5) causes and has made recommendations towards resolving them
- The top five causes are:
 1. Limited options available for defendants to dispose of cases without requesting a trial setting
 2. Lack of standardized court procedures
 3. Not enough traffic docket spaces available to keep up with the number of trial requests
 4. Manual citation writing leads to citations that are unreadable, incomplete or incorrect
 5. Routing of officers is inefficient

Cause 1 - Limited options available for defendants to dispose of cases without requesting a trial setting

| Solution | Benefits |
|---|--|
| Establish a full-time “Proof or Plea” Court and require all defendants and/or counsel to appear within 21 days of receipt of citation to enter a plea | <ul style="list-style-type: none"> • Provides relief of the backlog of cases pending trial on the traffic docket • Increases revenue collection • Decreases the number of officers routed |
| Expand operating hours in Magistrate Court and Proof or Plea Court | <ul style="list-style-type: none"> • Increases the number of cases disposed • Additional case capacity would result in additional revenue • Provides relief in backlog of cases pending trial on traffic docket • Shortens the average wait time to go to trial • Reduces the number of citations that are in default status • Allows defendants the ability to address citations in the evening |
| Trial Court Evening Hours – The Team recommends phasing in evening court starting December FY 10-11 | <ul style="list-style-type: none"> • Allows defendants the ability to address citations in the evening |

Cause 1 - Limited options available for defendants to dispose of cases without requesting a trial setting

- Here are other cities that offer this service to their citizens:

| Municipal Courts Hours of Operation Survey | |
|---|---|
| City of Austin Main Location | Mon - Thurs 7:00 am - 8:00 pm |
| City of San Antonio | Mon & Thurs Extended Night Court Hours 5:00 pm - 7:00 pm, Tues & Weds 4:00 pm - 7:00 pm |
| City of El Paso Main Location | Mon - Thurs 7:00 am - 7:00 pm, Fri 8:00 am - 7:00 pm |
| City of Houston Main Location and 5 Annex Locations | Mon - Sat 7:00 am - 10:00 pm |
| City of Fort Worth Municipal Court | Mon - Fri 7:00 am - 8:00 pm |

Cause 1 - Limited options available for defendants to dispose of cases without requesting a trial setting

| Solution | Benefits |
|---|--|
| Provide more opportunities for defendants to resolve their cases in Proof or Plea and/or Magistrate Court rather than set them on trial dockets | <ul style="list-style-type: none">• Eliminates requirement to route officers• Reduces the amount of time it takes for a case to go to trial |

Cause 2 - Lack of standardized court procedures

| Solution | Benefits |
|---|--|
| <p>Establish local rules and standardize court procedures</p> | <ul style="list-style-type: none"> • Adoption of local rules and standardizing court procedures will: <ul style="list-style-type: none"> – Reduce customer confusion – Improve use of staff time and resources – Reduce duplication of efforts – Reduce disparity of treatment of attorneys and defendants – Set expectations and improves preparedness for all parties |
| <p>Recommend that the City Council modify the duties of the Administrative Judge to develop and administer regularly scheduled (monthly) in-service training for Judges</p> | <ul style="list-style-type: none"> • Allows opportunity for judges to learn from the normal process of appellate review • Reduces errors in the various processes involved in Municipal Court |
| <p>Prosecutor's Office establish regularly scheduled in-service training for Prosecutors</p> <p>Court & Detention Services establish regularly scheduled in-service training for Court Clerks</p> | <ul style="list-style-type: none"> • Reduces errors in the various processes involved in Municipal Court |

Cause 2 - Lack of standardized court procedures

| Solution | Benefits |
|--|--|
| <p>Have each department collaborate on training schedules to reduce “non-trial” days for enhanced training opportunities and keep track of attendance in training sessions</p> | <ul style="list-style-type: none"> • Reduces the number of “non trial” days and disposes of more cases |
| <p>Encourage City Council to adopt resolution for the Prosecutor’s Office to implement ISO 9001 quality management system</p> | <ul style="list-style-type: none"> • A standardization and quality management system will require every procedure related to the Municipal Court System (MCS) to be documented, controlled, and communicated in the same way to each employee within the MCS • Establishes performance measures and targets to highlight poor performance, low customer satisfaction, and process failures • Provides a mechanism to identify possible improvement strategies while keeping customer satisfaction as the priority |
| <p>In December 2008, Court and Detention Services (CDS) became ISO 9001 certified</p> | <ul style="list-style-type: none"> • Ensures that each department focuses on continual improvement and customer satisfaction |
| <p>Dallas Police Department is in the process of becoming certified by the Commission on Accreditation for Law Enforcement Agencies (CALEA)</p> | <ul style="list-style-type: none"> • Ensures that DPD is accountable to an established set of professional standards |

Cause 3 – Not enough traffic docket spaces available to keep up with the number of trial requests

| Solution | Benefits |
|---|---|
| <p>Maximize docket capacity based upon the number of defendants rather than the number of cases and increase the docket size to account for defendants not showing on the scheduled court date</p> | <ul style="list-style-type: none"> • Allows for more cases to be set on trial dockets, while meeting capacity requirements set by the fire code • Increases docket capacity for traffic cases • Reduces the average wait time to go to trial |
| <p>Establish procedure to measure the effectiveness of the case docketing process and report findings semi-annually to City Council and City Manager ATT, CDS, CTJ to submit independent reports</p> <p>– The reports should focus on two things:</p> <ol style="list-style-type: none"> 1. Maximum utilization of docket capacity 2. Full utilization of the courtroom space | <ul style="list-style-type: none"> • Ensures on-going accountability and adequate resource allocation to the Dallas Municipal Court System |

Cause 3 – Not enough traffic docket spaces available to keep up with the number of trial requests

| Solution | Benefits |
|---|--|
| Implement docket for defendants with attorney representation | <ul style="list-style-type: none"> • Increases docket capacity for traffic cases • Shortens the time it takes for a case to go to trial by increasing the number of dockets • Increases revenue collection |
| Convert all dockets to “trial” dockets (eliminate TBC and TBJ designations) and set trial requests for the next available date and time | <ul style="list-style-type: none"> • Provides greater flexibility to defendants in setting cases for trial • Alleviates the scheduling backlog that currently exists with morning dockets • Increases docket capacity for traffic cases • Shortens the time it takes for a case to go to trial by increasing the number of dockets • Increases revenue collection |

Cause 4 - Manual citation writing leads to citations that are unreadable, incomplete or incorrect

| Solution | Benefits |
|--|---|
| Utilize eCitation (including specific types of eCitation devices such as those with photo capability, fingerprint capability, and infrared capability) | <ul style="list-style-type: none"> • Enhances the DPD officers' ability to obtain actionable intelligence (such as outstanding warrants or current address information) at the time of interaction • Officers can complete the traffic stops faster and would be able to return to patrol duties more quickly • Saves approximately 6,538 hours in police patrol • Saves an estimated 2,403 hours in DPD records management valued at \$100,000 • Saves approximately four (4) CDS FTEs valued at \$156,770 • Reduced errors in citations and a slight increase in citations issued will increase revenue by an estimated \$295,000 |
| Enhanced training for writing citations | <ul style="list-style-type: none"> • Decreases the number of errors that occur in the citation writing process |

Cause 5 – Routing of officers is inefficient

| Solution | Benefits |
|--|---|
| Utilize Court Notify System (CNS), a web-based witness notification system, to its fullest potential | <ul style="list-style-type: none"> • Reduces dismissals for “Witness Unavailable” (WU) • Reduces police overtime expenses • Increases accountability in reporting of overtime • Improves efficiency of court scheduling • Improves efficiency of routing process • Improves timeliness of notification of scheduling conflicts to all parties • Improves long-term management of docket settings |
| Mandatory pre-trial settings for all pre-trial motions | <ul style="list-style-type: none"> • Cases are “trial ready” at time of trial setting • Reduces the time it takes cases to be docketed for trial • Officers routed only to testify at trial • Reduces police overtime expenses • Faster disposition of cases |
| Allow prosecutors to check-in defendants | <ul style="list-style-type: none"> • Increases efficiency in routing process • Establishes uniformity among courts in the routing and docket call processes • Reduces dismissals for “WU” |

New Revenue Initiatives

- Implement enhanced revenue options such as:
- Scofflaw - Work with Dallas County to deny vehicle registration to individuals with outstanding citations
 - Estimated net revenue \$223,000
- Warrant fee (\$50) per case - State law changed to allow the warrant fee to be added to delinquent cases when the warrant is signed and executable
 - When defendants pay their citation in warrant status they will pay an additional \$50 per case
 - Estimated net revenue \$586,500

Financial Benefits Summary of Proposed Solutions

Court Docketing Changes – Total Benefit Value \$1,524,000 Per Year

- Court revenue increase of approximately \$1,300,000 first year while the backlog is reduced
- Court revenue of approximately \$1,100,000 annually in subsequent years
- Reduces the number of occurrences that DPD officers are routed to court
 - saves approximately \$349,000 annually in Police overtime and compensatory time
 - allows DPD officers to patrol an estimated 2,200 more hours valued at \$75,000 (equals 1.1 FTE)

eCitation Implementation – Total Benefit Value \$773,000 Per Year

- Court revenue increase of approximately \$294,000 annually
 - decrease in errors will result in less dismissals and less citations voided
- CDS cost reduction of processing paper citations valued at an estimated \$156,000 annually
 - less FTEs handling manual citations
- DPD cost reduction of processing paper citations valued at an estimated \$100,000 annually
 - sergeant review of manual citations
- Allow DPD officers to patrol approximately 6,500 more hours valued at \$223,000
 - equals 3.1 FTEs

Team Recommendations

Cost / Benefit Summary

| | Costs to Implement | Revenue / Savings | Net Benefit |
|-----------------------|--------------------|-------------------|-------------|
| FY 09 - 10 | \$1,727,596 | \$2,435,514 | \$707,918 |
| Six Year Accumulative | \$15,728,696 | \$17,158,014 | \$1,429,318 |

*This analysis does not take into account changes in public behavior

Summary

- The docket management process lacks efficiency and responsiveness to citizen demands for case disposition and changes in the docket load
- The current nine-month backlog consists of approximately 114,000 cases
- The expanded hours of Magistrate Court and Proof or Plea Court will allow more cases to be disposed of prior to trial settings
- The proposed solutions will provide opportunities to dispose of approximately 95% more cases annually
- After the backlog is eliminated, in approximately 12 months, the number of trial settings may be recalibrated to match the demand of court date requests
- Additional resources are needed for enhanced revenue options, expanded court hours, equipment, and technology enhancements; however, the revenue and cost savings will more than cover the cost for the resources

Schedule of Council Action

- June 16 - Briefing of Municipal Courts Efficiency Study findings to Ad Hoc Legislative Committee
- June 17 - Briefing of Municipal Courts Efficiency Study findings to City Council
- September 09 - Ordinance amendment to establish full-time Proof or Plea Court
- September 09 - Ordinance amendment to authorize an appointment of one (1) additional full-time judge
- September 09 - Authorization for Scofflaw inter-local agreements
- September 09 - Resolution and approval of contract for Prosecutor's Office to implement ISO 9001 quality management system
- Spring 10 - Approval of equipment notes, purchase and implementation of eCitation system

Implementation Schedule

- The majority of the recommendations will be implemented by February 2010
- eCitation will go live April 2011

Implementation Schedule

| Solution | Start Time | Finish Time |
|---|------------|-------------|
| 1. Establish Local Rules | Apr - 09 | Sept – 09 |
| 2. Enhance the usage of the Court Notify System (CNS), a web-based witness notification system | July -09 | Aug - 09 |
| 3. Have Prosecutor’s Check-in defendants | July - 09 | July – 09 |
| 4. Enhanced Training for writing citations | May - 09 | Sept – 09 |
| 5. Establish a full-time “Proof or Plea” Court and require that all trial requests within (21) days of receipt of citation be made within the proof or plea court | July - 09 | Nov - 09 |
| 6. Create incentives for defendants to enter a plea within 21 days | July - 09 | Oct - 09 |
| 7. Mandatory Pre-Trial settings for all motions | July – 09 | Nov – 09 |
| 8. Administrative Judge develop and administer regularly scheduled (monthly) in-service training for judges | July – 09 | Oct – 09 |
| 9. Have each department collaborate on training schedules to reduce “down days” | July - 09 | July - 09 |

Implementation Schedule

| Solution | Start Time | Finish Time |
|---|-------------------|--------------------|
| 10. Expand operating hours in Magistrate and Proof or Plea Court (Saturdays only for FY 09-10) | Oct – 09 | Jan - 10 |
| 11. Consolidate slow dockets and maximize traffic dockets | July - 09 | Feb – 10 |
| 12. Establish procedure by which to measure the effectiveness of the docketing process reporting semi-annually to the City Council and City Manager (ATT, CDS, CTJ each submit independent reports) | Oct – 09 | Jan – 10 |
| 13. Implement attorney-only docket | July - 09 | Apr – 10 |
| 14. Convert all dockets to “trial” dockets | July - 09 | Apr – 10 |
| 15. Docket by number of defendants | July – 09 | Feb - 10 |
| 16. Implement ISO 9001 quality management system for Prosecutor’s Office | Dec – 10 | Dec - 11 |
| 17. Implement eCitation | Jun – 10 | Apr - 11 |
| 18. Trial Court in the evening | Oct - 10 | Dec - 10 |

Questions

Appendix A - eCitation Process Improvement

| Current Process for Citation Entry | Proposed Process with eCitation |
|--|---|
| 1. Citation is issued by an officer to the defendant in the field. | 1. Citation is issued by an officer to the defendant in the field. |
| 2. Officers turn citations in at the officer's end of tour of duty | 2. Citation information is automatically uploaded into the court computer system. |
| 3. Sergeant's collect all citations for their shift. All citations are checked for accuracy. | |
| 4. If the citation is incorrect, it is returned to the officer for a supplement to be completed. (If the officer is on a day off, this further delays the process) | |
| 5. If the citation is correct it is placed in the Divisional mail and sent to Records Division at 10 am the next business day. | |
| 6. Records Division counts citations on a Division basis and sends the citations received that day to Court and Detention Services (CDS). | |
| 7. CDS Records verifies the number of citations received. | |
| 8. CDS Records scans each citation into the imaging system. | |
| 9. CDS Records sends citations to Data Entry. | |
| 10. Data Entry sorts citations by type of offense. | |
| 11. Data Entry clerk manually writes an offense code on each citation. | |
| 12. Citations are dispersed to clerks for manual entry. | |
| 13. Citations are sent back to records for storage. | 34 |

Appendix B - FY 09-10 Expenditures Summarized

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|---------------------------------------|
| CTS-003-S Scofflaw - \$326,014 |
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|---------------------------|
| –(1) Scofflaw coordinator |
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| –(1) Scofflaw office assistant |
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| –Communication charges |
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| –Office setup / supplies |
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| CTJ-004-B Proof or Plea Court – \$222,776 |
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| –(1) Municipal Judge |
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| –(1) Associate Judge |
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| –(1) Bailiff |
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| –Furnishings for Courtroom |
|----------------------------|

Appendix B - FY 09-10 Expenditures Summarized

CTS-003-AB Municipal Courts Process Improvements - \$1,178,806

–(1) Associate Judge

–(1) Bailiff (part-time)

–(3) Prosecutors

–(9) Court clerks

–(1) Court supervisor

–Prosecutor’s Office ISO 9001 Quality Management System

–Additional security and cleaning

–Court Notify programming

–Court Notify equipment upgrades

–Additional computers for courtrooms

–eCitation first year costs

* equipment notes will be used to purchase the system over a six year period

–Call in system for jurors

–Media notification of court changes