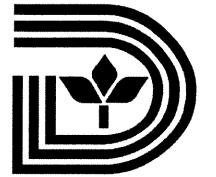


# Memorandum



CITY OF DALLAS

Date      July 27, 2012  
To      The Honorable Mayor and Members of the City Council  
Subject    Dallas Municipal Court System: An Overview

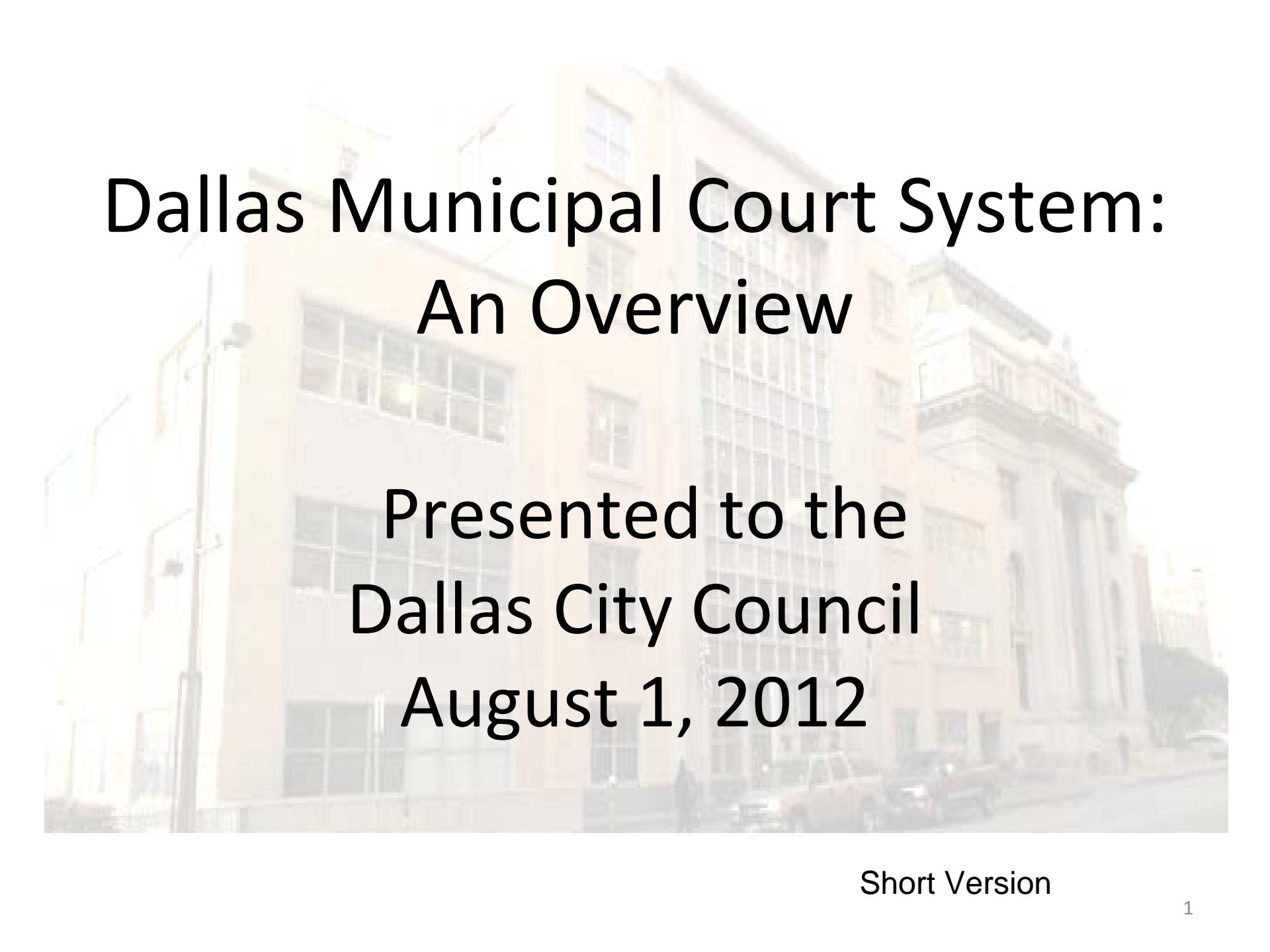
On August 1, 2012, you will be briefed on the Dallas Municipal Court System: An Overview. The briefing is attached for your review.

In addition, attached are the responses to the questions presented during the Ad-Hoc Committee for Judicial Appointments Briefing of the Dallas Municipal Court System: An Overview of June 19, 2012.

  
A.C. Gonzalez  
First Assistant City Manager

Attachment

c: Mary K. Suhm, City Manager  
Ryan S. Evans, Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Forest E. Turner, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jean Chipperfield, Chief Financial Officer  
Craig D. Kinton, City Auditor  
C. Victor Lander, Administrative Judge  
Thomas P. Perkins, Jr., City Attorney  
Rose Rios, City Secretary  
Stephanie Cooper, Assistant to the City Manager-Council Office



# Dallas Municipal Court System: An Overview

Presented to the  
Dallas City Council  
August 1, 2012

Short Version

# Local Justice

- Courts are part of the community's effort to maintain order, preserve community values, and protect quality of life
- This effort includes setting of laws, enforcing them, insuring that enforcement is accurate and fair, providing penalties for infractions and compensation for enforcement abuse

# Dallas' Local Justice

- Municipal Court's jurisdiction includes enforcement of City and State laws regulating not only traffic, but many quality of life behaviors including:
  - fire hazards, restaurant safety, weedy lots, housing, zoning, junked motor vehicles, illegal dumping offenses, litter, prostitution, sleeping in public place, panhandling, public intoxication, disorderly conduct etc.
- These quality of life issues often become the focus of neighborhood concerns











# Keep in Mind

- **720.002. Prohibition on Traffic-Offense Quotas**
  - (a) A political subdivision ... may not establish or maintain, formally or informally, a plan to evaluate, promote, compensate, or discipline:
    - (1) a peace officer according to the officer's issuance of a predetermined or specified number of any type or combination of types of traffic citations; or
    - (2) a ... judge of a ...municipal court of record according to the amount of money the judge collects from persons convicted of a traffic offense.
  - (b) A political subdivision ... may not require or suggest to a peace officer, or... a judge of a ... municipal court of record:
    - (1) that the peace officer is required or expected to issue a predetermined or specified number of any type or combination of types of traffic citations within a specified period; or
    - (2) that the ... judge is required or expected to collect a predetermined amount of money from persons convicted of a traffic offense within a specified period.

# Compliance

- Compliance is most achieved when people believe:
  - Laws are appropriate
  - Enforcement is fair
  - Penalties are real and timely

# Court System Functions

- Municipal Court is a critical component of establishing a sense of fairness of the administration of laws as well as a sense that community rules need to be followed
- The Court system's basic functions are:
  - Administration (Court Services) (City Clerks)
  - Prosecution
  - Judiciary\*

\* More in depth discussion of the role of the Judiciary in the appendix

# Recent Court Improvements

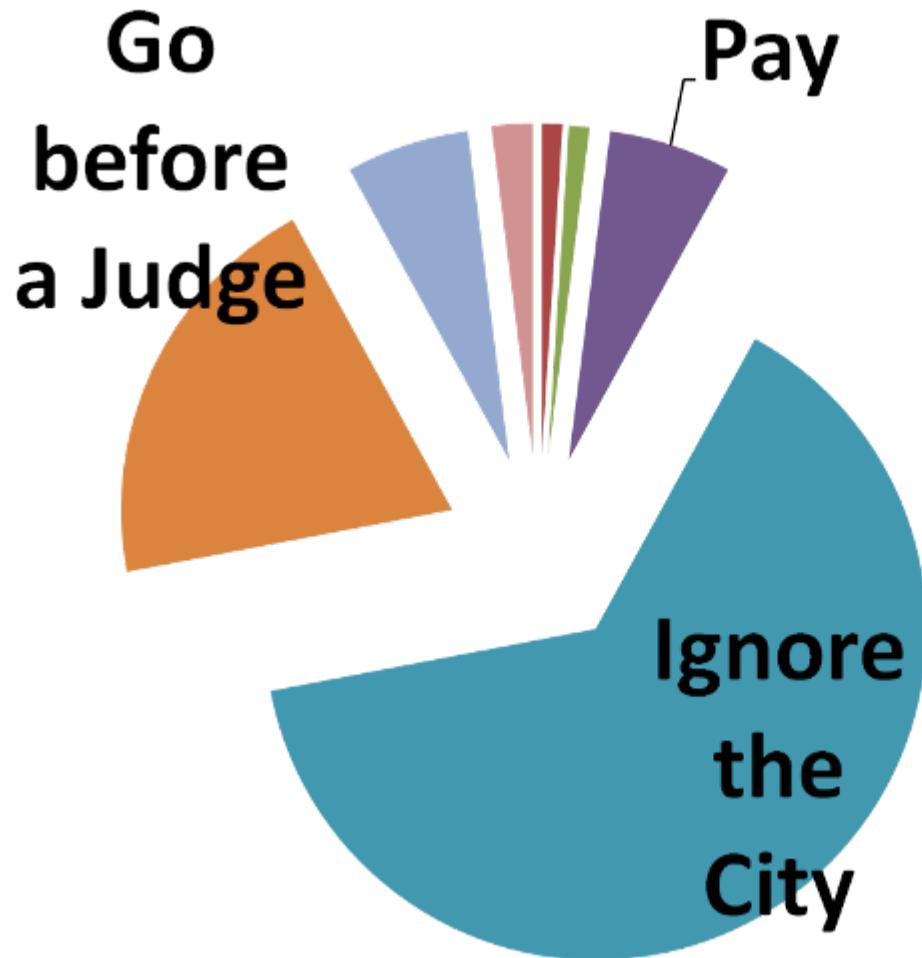
## “ZIP Process” Efficiency Study Implementation Results:

- Court settings reduced from 9 months to 1 month
- Docketing capacity increased 67%
- Compliance increased 10% by implementing Scofflaw  
(violator can not register car before clearing up pending citation)
- Collection per case increased from \$70 to \$81
- Window wait time reduced from 1 hour to 10 minutes
- Facility improvements underway (end 2012)
- New Technology: E-Citation, Court Notify, Case Mgt System
- Proof or Plea Court created
- Saturday Court docket created
- Double trial dockets implemented

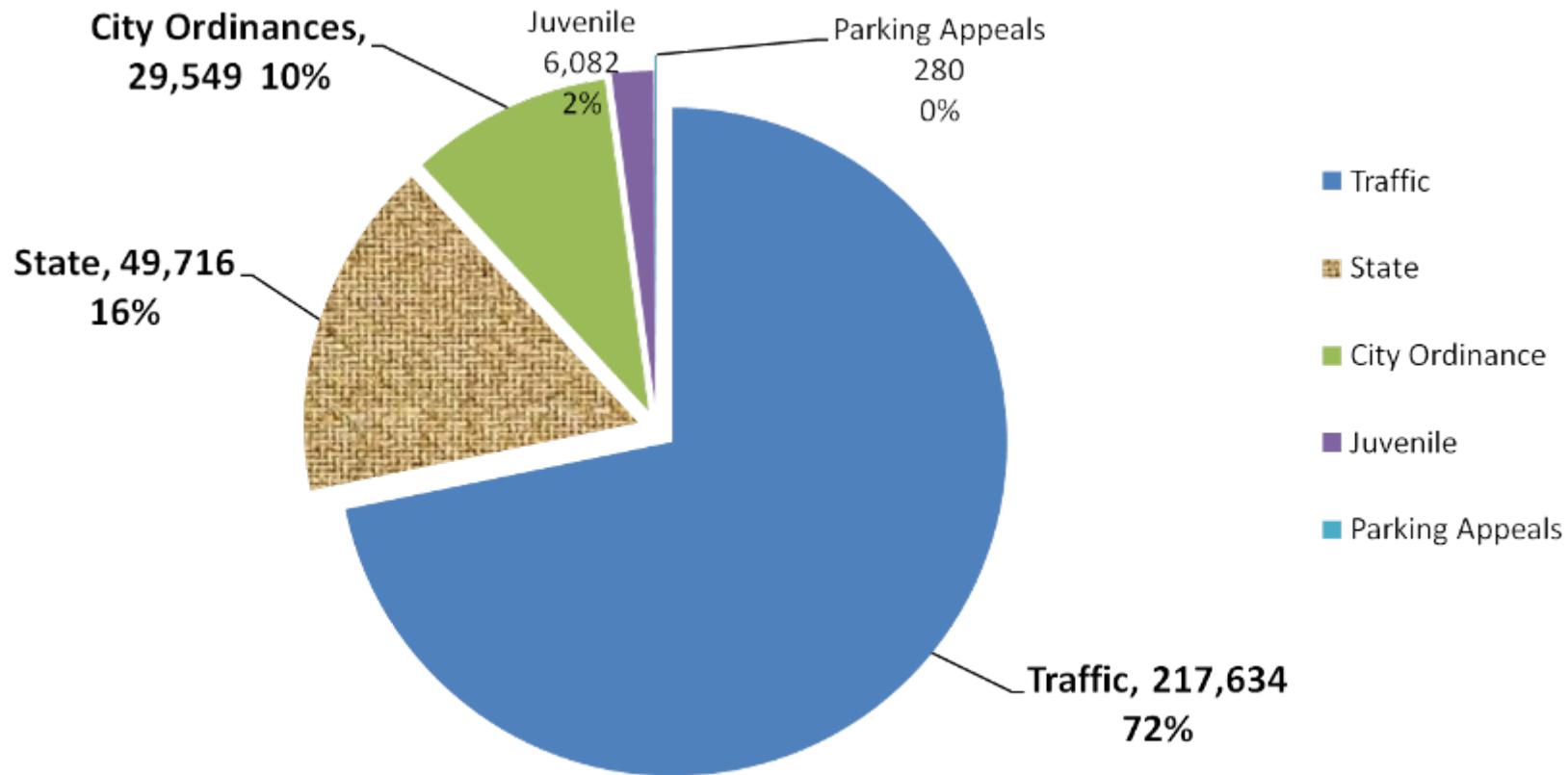
# Court Effectiveness

- To get a sense of how we are achieving compliance and getting operational results and efficiencies, we analyzed how tickets are being disposed of and costs of operation in two ways:
  - A fiscal year review
  - A five day snap shot

# Options for Defendants



# Profile of FY 10-11 Violations



**FY 10-11 Total Violation Count 303,275**

**Total Dollar Value \$71M \***

- \$47.8M Fine Value – Eligible Revenue to the City
- \$23.3M Court Costs Value – Monies designated to the State

• Assumes all citations are valid, found guilty, and collected within 21 days

• Does not reflect the maximum allowable fine (roughly 60%)

# FY 10-11 Dispositions

	Number	Window Value*
<b>Total</b>	<b>283,990</b>	<b>\$43M</b>
Through Clerks	69,772	\$9.8M
Before a Judge	214,218	\$33.2M

\*Assumes all citations are valid, found guilty, and collected within 21 days.  
Does not reflect maximum allowable fine (roughly 60%).

# FY 10-11 Dispositions

	CITY CLERKS	JUDGES
Total Cases	69,772	214,218
Total Window Fine Value	\$9.8M	\$33.2M

Fines Collected	\$8.6M	\$1.7M
Average per Case	\$123	\$8
Percentage of Window Fine Value	86%	5%

Deferred Disposition Fees Collected	\$82,000	\$2.3M
Average per Case	\$78	\$65

Expense of Operation	\$4.7M	\$9.8M
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# FY 10-11 Dispositions

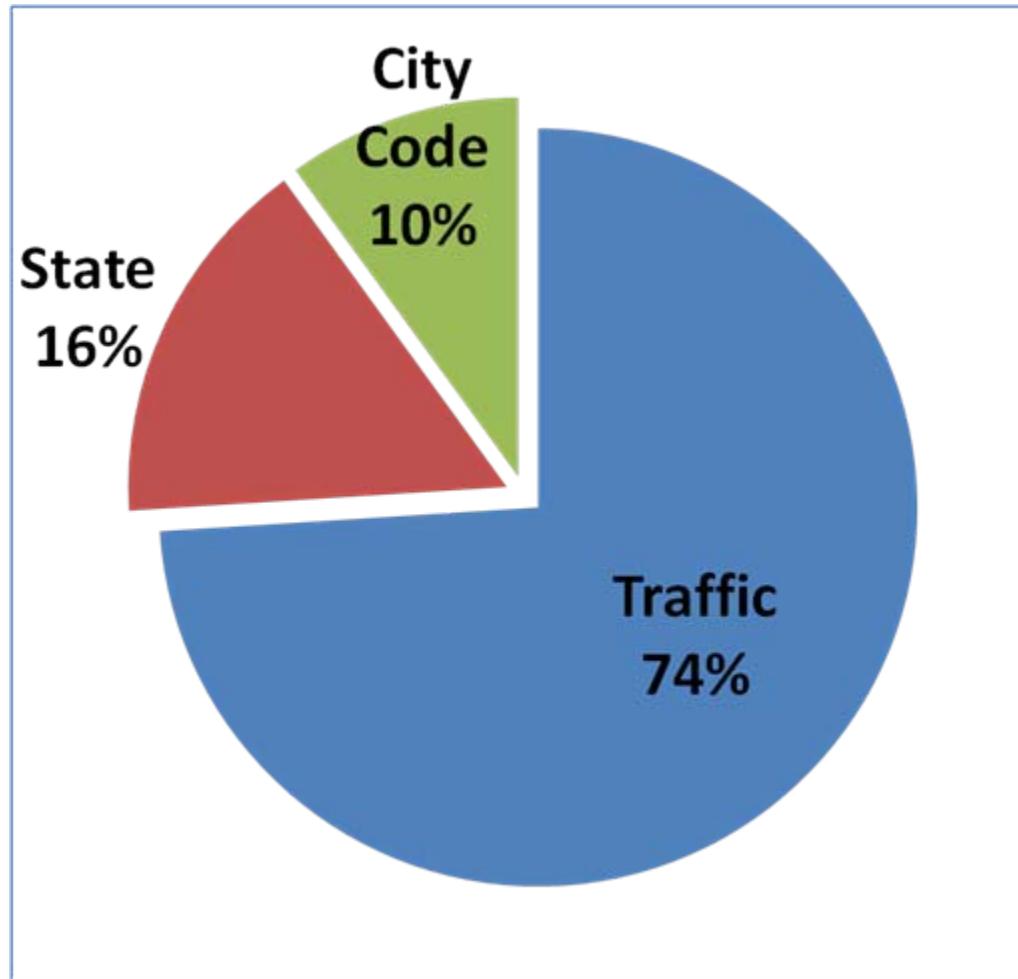
	CLERKS	JUDGES
<b>Plead Guilty and Paid Fine</b>	<b>72%</b>	<b>6%</b>
<i>Average Fine Collected</i>	\$169	\$135
<b>Deferred Disposition</b>	<b>2%</b>	<b>17%</b>
<i>Average Fee Collected</i>	\$78	\$65
<b>Dismissed</b>	<b>N/A</b>	<b>34%</b>
<b>Time Served</b>	<b>N/A</b>	<b>28%</b>
<b>Community Service/Work Release</b>	<b>6%</b>	<b>3%</b>
<b>Driver Safety School</b>	<b>10%</b>	<b>.04%</b>
<b>Dismissed Compliance</b> (Showed proof of insurance, driver's license, registration)	<b>4%</b>	<b>12%</b>
<b>Actual Trials</b>	<b>N/A</b>	<b>.01%</b>
<b>Voided/Misc.</b>	<b>4%</b>	<b>.05%</b>

# FY 10-11 Dispositions Highlights

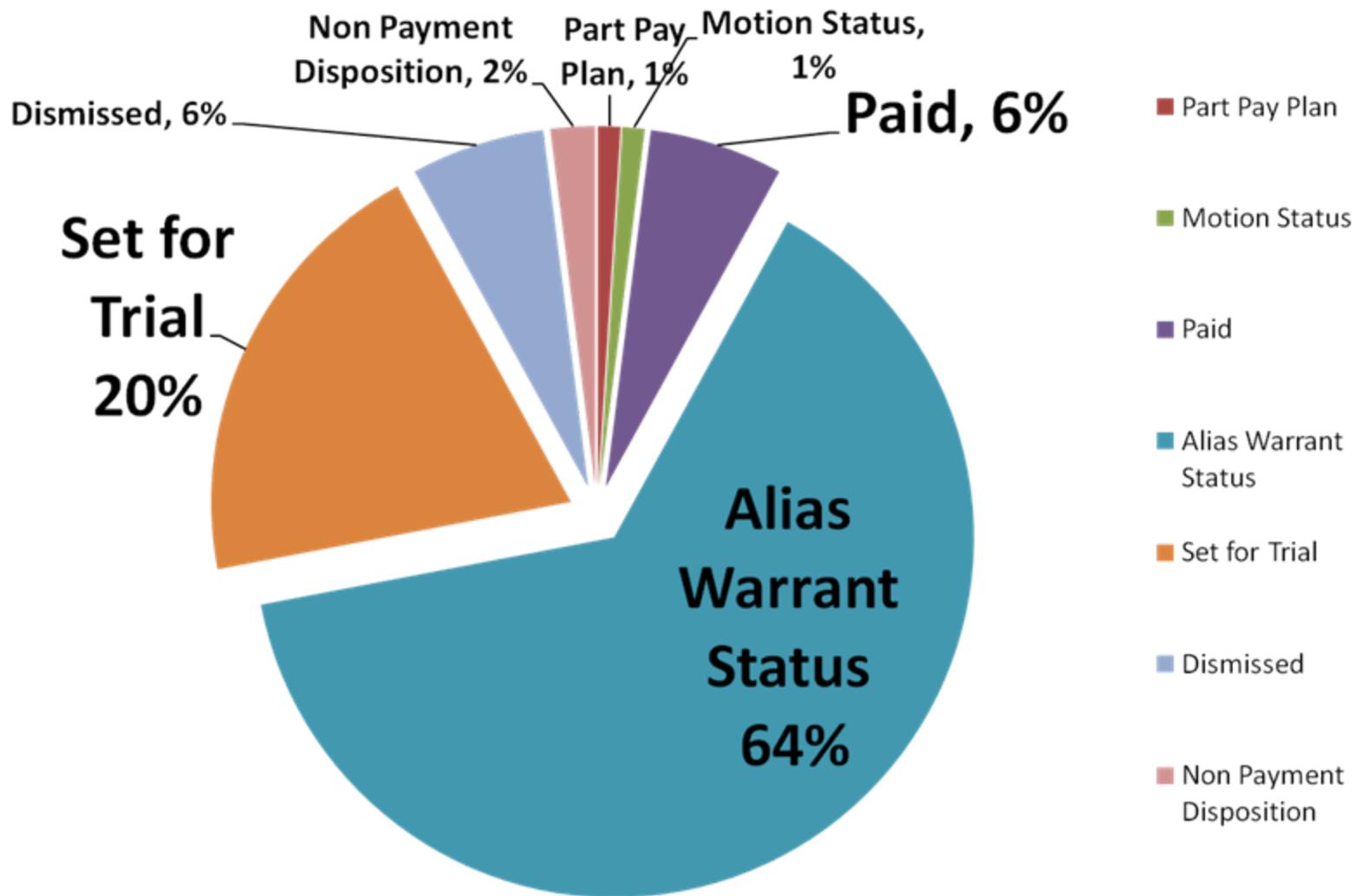
- High percentage of dismissals
- Significant percentage resolved with time served
- Around 25% of fine face value collected
- Deferred cases receive significantly lower fee than the window fine
  - Offered by mail, proof or plea, or trial
- Net operational costs of differ significantly

# Profile of Snap Shot Violations

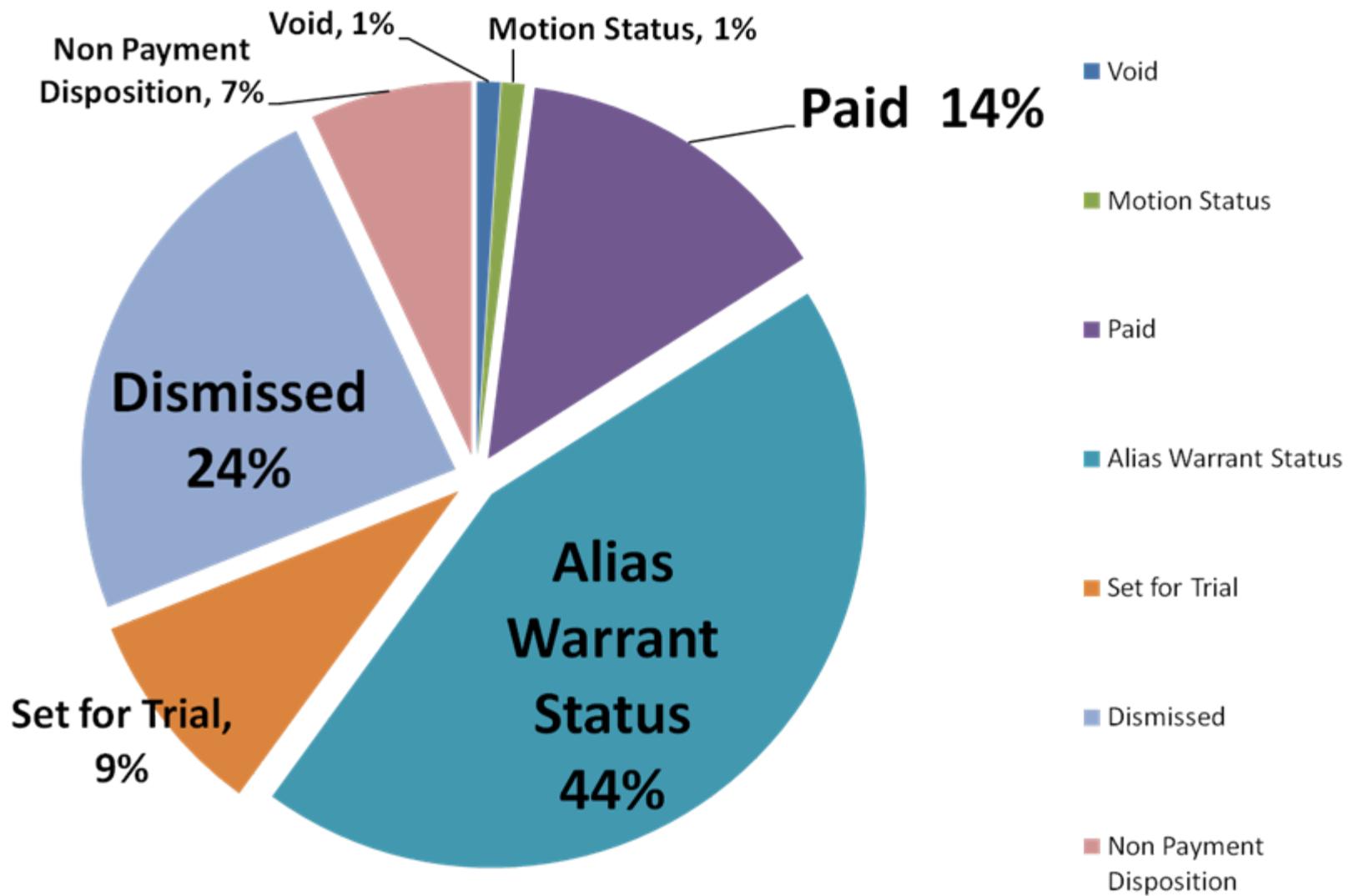
Randomly selected 5 days from FY 10-11 and followed the disposition of the violations given on those days. Total number of violations was 4,651



# Snap Shot Disposition Status Day 23



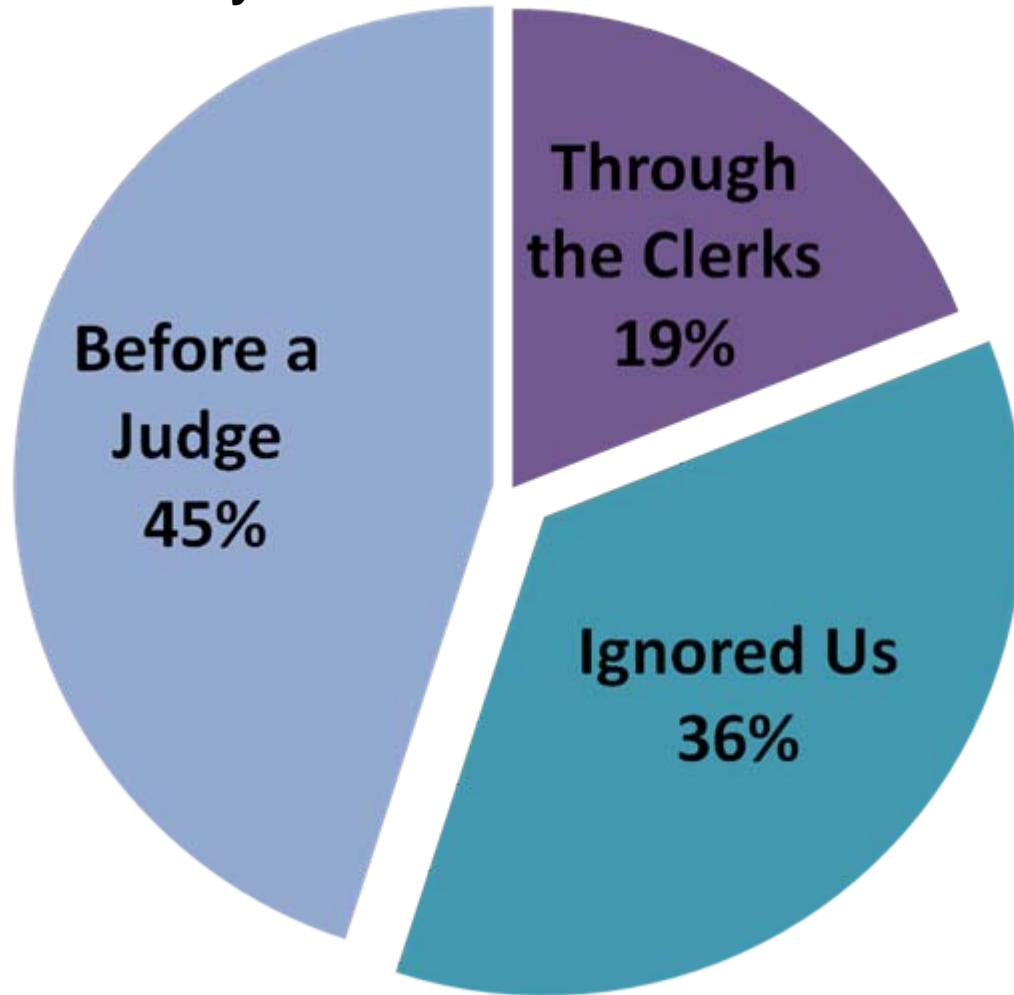
# Snap Shot Disposition Status Day 180



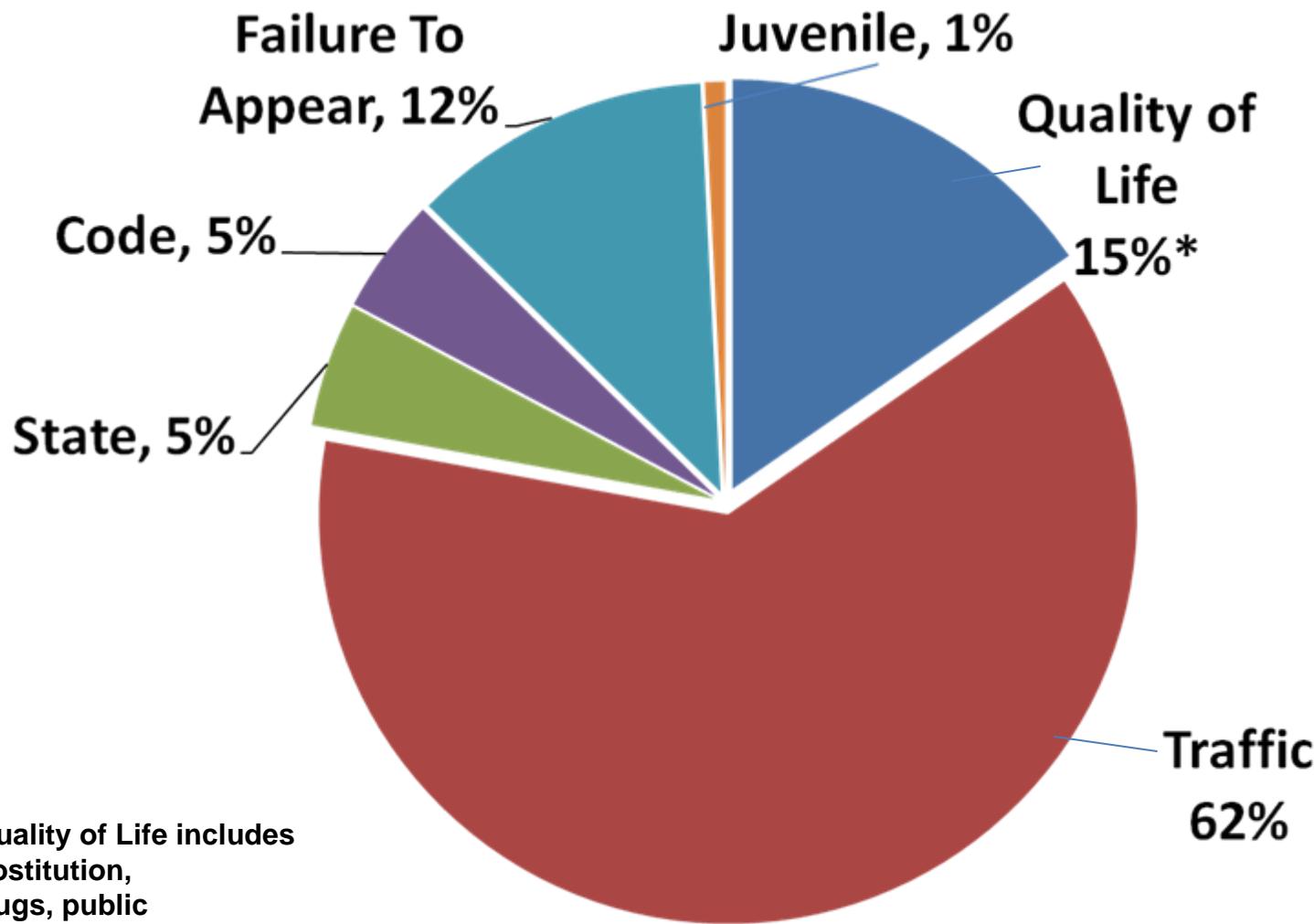
“Alias Warrant Status” and “Set for Court” decrease while the other categories increase

# Last Update Review of Snap Shot Cases

Experienced similar collection, dismissal, time served,  
pay rates as demonstrated in Fiscal year review



# Violation Type for “Ignored Us” Category



78% had a City of Dallas address

# Other Observations of Docketed Cases

- Of the cases before a Judge, 30% have been reset multiple times
  - 76% Attorney/Defendant's request
  - 21% Administrative Reset due to inclement weather
  - 2% Judge Reset the Case
  - 1% State's Request (Prosecutor's Office)
- Of the reset trial cases, the average time it took to dispose of the case was 106 days
- Of the non-reset trial cases, the average time it took to dispose of the case was 66 days

# Other Observations of Docketed Cases

- Of the “multiple reset” trial cases
  - 39% Dismissed Witness Unavailable
  - 24% Dismissed Insufficient Evidence
  - 16% Dismissed Deferred Disposition
  - 8% Dismissed Want of Prosecution
  - 8% Time Served
  - 2% Paid
  - 1% Dismissed Compliance, Voided
  - 1% Dismissed No Outside Witness
  - 1% Dismissed Complaint Quashed

# Judge Ordered Deferred Disposition Fees

<p>State Court Costs Eligible Amount</p> <p>– \$24,342</p> <p>Amount Collected</p> <p>– \$24,342</p> <ul style="list-style-type: none"><li>• 100% collected for State</li></ul>	<p>Fee Eligible for City Amount*</p> <p>– \$43,782</p> <p>Amount Collected</p> <p>– \$16,308</p> <ul style="list-style-type: none"><li>• 37% collected for City</li></ul>
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\*Window Fine Value, does not reflect the maximum allowable fine (roughly 60%)

# Payments Made Through City Clerks

- 39% of the payments were made online
- 61% of the payments were made at the window or by mail
- 33% were disposed within 23 days after the offense date
- 59% were disposed between 23 – 180 days from the offense date
- 8% were disposed after 180 days from the offense date

# Snap Shot Study Highlights

- Significant percentage ignore notices
- High percentage of dismissals
- Around 26% of fine face value collected
- Deferred disposition cases receive significantly lower fee than the window fine
  - Offered both at the window and the Judiciary
- Net operational costs of disposition differ significantly
- Significant percentage of trial cases reset multiple times
- High percentage of transactions now made online

# Related information

- Warrant Round-up results
- Time served
- Other non-financial penalties
  - Community service
  - Work Release
  - Jail
- Other cities' operations comparisons

# Warrant Round-up

# 2012 Warrant Round Up

- Marshal's Office conducts two Round-Ups annually
- This year, we had 2,043 cases:
  - Involved 893 defendants
  - Arrest cost was approximately \$71,000
  - 30% were Quality of Life Citations (Sleeping in Public, Prostitution, etc.)
  - Value of tickets was \$538,090 or 3,442.2 days of time served following State law minimum guideline
  - 96% were granted time served and paid no money
  - Total penalties imposed: \$20,360 and 522.2 days
    - To date, \$2,187 has been received

# Marshal's Office Warrant Round-Up

- Significant effort is made to arrest those failing to take care of their outstanding tickets (focus on defendants having 3 or more warrants)
  - Estimated cost to arrest each defendant is \$80
- During Round Up efforts, most citations are disposed of with the time served while being processed in Jail
- Other possibilities exist:
  - Work release
  - Community Service
  - Jail time (consistent with State Law)

# Time Served

# Time Served

- Time Served is the practice where a defendant is given “credit” for time they served in jail to offset a monetary fine
- Under State Law
  - Defendants, following certain procedures, **must** be given credit for the time they serve for other violations or in other jurisdictions
  - State Law provides that \$50 worth of fine should be offset by no less than 8 hours, but no more than 24
    - This **amount** of the credit given for time served is a matter of dispute in our system
    - Review of sample records suggest there is no standard

# Current Practice of City Judges

- Defendant may have their tickets disposed of with ‘time served’ if he:
  - Is arrested and spends **any time** in jail before he comes before a judge
  - Has spent **any time** in jail on other violations (whether in other jurisdictions, different types, or multiples of same type, etc.)
  - Has spent **some time** in jail and brings **multiple tickets** before the Judge; is then applied concurrently
    - If a person has ten tickets and is in jail one day, all tickets are credited with the one day
    - The fine is usually set at a level where the time served offsets the fine

# Time Served

- Reasons given for the practice include:
  - Defendant's freedom was taken, that should be sufficient
  - If monetary penalty is added to jail time, penalty is imposed twice,
  - Lack of jail space; it costs the City to have a prisoner in jail
  - This provides a means to clear tickets outstanding status

# Other non-financial penalties

# Work Release

- Allows a defendant to work at the City of Dallas in lieu of payment of fine
  - Seven departments utilize the City's work release program (custodial duties, etc.)
  - Non-docket process by the court clerk (if amount due is less than \$600) or granted in the courtroom
  - Current practice is credit given at \$100 per 8 hour work day

# Community Service

- Allows a defendant to work at a non-profit agency (or coordinated through the Volunteer Center) in lieu of payment of fine
  - Non-docket process by the court clerk (if amount due is less than \$600) or granted in the courtroom
  - Current practice is credit given at \$100 per 8 hour work day

# Jail Time

- State law provisions
  - Class C Misdemeanors are not punishable by jail time; fine only
  - However, time served in jail can be credited as discussed above
- Warrants for a person's arrest are issued for failing to appear in court or failing to comply with Judges' orders, with the understanding,
  - Failing to appear in court, alone, is not a jailable violation
  - Failure to comply with a judge's order is a jailable violation

# Jail Time

## —Detention options

- Lew Sterrett Jail
  - City contracts with Dallas County for the provision of 100 beds a day for Class C's
  - Most of the City's costs are fixed
  - An additional \$58 is charged per night for each bed used
  - Currently use about 42% of its capacity
- City Detention Center
  - Owned and operated by the City
  - Has a capacity for about 160 individuals
  - Currently used for intoxication and other Class C violators; used for quicker Police turnaround

# Jail Time

- Jail time is used by those\*:
  - Arrested and awaiting a Judge (magistration) to enter a plea, be sentenced for failure to comply with judgments, be declared indigent, be found guilty, etc.
  - Choosing to “sit it out” (stay in jail) rather than pay
  - Ordered to stay for failing to comply with Judges’ order

\* In the context of Class C Misdemeanors

# Jail Time

- Judges have the discretion to set out jail time for those that have been found guilty and failed to comply with a Judge's order. Some of the factors that might be used in sentencing could be:
  - Lack of good faith effort
  - Personal circumstances of defendant
  - Physical condition of defendant
  - Financial ability of defendant (Indigency)
  - Other factors deemed appropriate by the Judge

# Overall Observations

- Many operational improvements have been implemented, or are in progress, to make the primary customer, the citizen, make their way through the Court more efficiently
- Low collection rates raise several concerns
  - Consistency with expectations
  - Impact on compliance, community safety and values
  - Impact on operational costs
  - Unintended consequences with changes

# Overall Observations

- Operations changes to upgrade scheduling of Police (Court Notify) and enhance ticket writing accuracy and court testimony (E-citations) are critical for the next level of Court operation improvement
  - Police have strengthened supervisory oversight of officers to insure they appear at designated trials and are prepared
  - A multi-departmental task group has been charged with completing enhancements on time

# Overall Observations

- Time served is used in a significant percentage of violations to dispose of cases
  - Raises questions as to the value of the Warrant Round Up effort, or any effort by police, to arrest those ignoring City notices
  - There is not agreement as to how State Law should be applied
- Fines rarely reflect cost of trial

# Overall Observations

- Most defendants choose to either ignore citations or go to Court. Is a logical choice:
  - Likelihood is the violation will be dismissed or result in less penalty than paying the fine upfront
  - No financial disincentives in going to Court
  - Ignoring citation creates little additional risk
    - Even if arrested, most receive little to no financial/community service/jail penalty

# Overall Observations

- The Judiciary is an independent body, however:
  - Can they, as a body, work to frame some parameters for operations and/or judgments?
  - What powers could be delegated to a presiding judge to manage these determinations?
- While operational efficiencies can be enhanced, it appears the market is responding to Municipal Court practices seeking least cost (first), least trouble (second), least damage to their driving record (third)

# Comparisons of Court Operation in Other Cities

# Court Practices of Texas Cities

Cities surveyed...	Because...
Houston, San Antonio, Austin, Fort Worth, El Paso	Large cities facing similar scale of problems
Irving, Plano, Richardson Also, Dallas County	Share Dallas' pool of drivers
What we asked about...	To better understand how others manage....
Trial and officer scheduling methods	Conflicts resulting in court inefficiencies
Valuation of community service and time served	Valuation of alternative sentencing
Officer recall of case details	Enforcement follow through that impacts court efficiencies
Case management systems and software used	Appropriate metrics to increase efficiencies
Round up activities	Failure to appear violations
Tiered fine schedules	Timely payment of fines

# Court Practices of Texas Cities

What we asked about...	To better understand how others manage....
Plea bargains on trial date	Incentives that might exist to request trial
Reset rules	Delays that cost all parties involved
Local rules for courts	Court operations
Authority of top judge	Ability to enforce local rules
Judicial appointment methods	Selection of judges
Payment plan procedures	Ability to collect on judgments <ul style="list-style-type: none"><li>• Application process</li><li>• Number of days to pay</li></ul>
Pre-trial procedures	Dockets and police overtime costs
Parameters for judgments for guilty verdicts	Signals to violators as to importance of community values
Deferred disposition	Appropriate fees to cover program costs

# Current Court Practices Comparison

Current Dallas Practice	Problem	Best Practice Elsewhere
Subpoena and court scheduling systems not integrated	Schedule conflicts result in case dismissals due to lack of witnesses, weakening effectiveness of laws	Court subpoena automatically blocks officer leave requests and system avoids conflicting court dates (Dallas County)
Defendant requesting a trial is still eligible to receive same reduced penalty previously available	Creates incentive to request trial as a maneuver to see if officer is absent, maximizing City's cost, but at no risk to defendant	No plea bargains on trial date, so conviction or guilty plea at trial yields maximum penalty. Most defendants take a deal in advance. (Plano)
Judges frequently grant repeated continuance requests	Increases likelihood that witness isn't available or can't recall details of case. Inconvenient for citizen, if City delays.	Resets require compelling justification (Richardson) Maximum 1 reset per side (Fort Worth)

# Current Court Practices Comparison

Current Dallas Practice	Problem	Best Practice Elsewhere
Administrative judge can set policies, but has no other authority or direction to enforce	Administrative Judge has little authority to set and enforce local rules and procedures	A Presiding judge actively supervises other judges, issuing procedural and policy directives. Reviews performance and recommends on reappointment. (Austin)
Time served not tied to fine schedules	Lax valuation can remove incentive to obey laws	Time served in jail for City warrants is valued proportionally at \$100 per 24 hours clocked. (Fort Worth)
Community service and work release not consistently monitored at hourly rate to work off value of fine.	Lax valuation and monitoring can remove incentive to obey laws and fail to provide a substantive benefit to defendant or organization	Community service & work release valued at \$12.50 per hour, monitored by Volunteer Center. (Garland)

# Current Court Practices Comparison

Current Practice	Problem	Best Practice Elsewhere
Allow defendants who fail to respond to citations or appear for trial to have cases set on the trial docket by submitting an off-docket motion, but no bond	Defendant is allowed to delay a trial setting increasing likelihood that the officer will not recall the facts of the case. When the officer does not have factual recall, the case will be dismissed for insufficient evidence.	Defendants who do not respond to citations or trial settings are required to post either a cash or surety bond to secure their appearance at trial. (Plano)
Limited information is gathered on persons seeking payment plans.	Payment plan collections are poor.	More detailed information is collected making it easier to enhance collections. (Garland)

# Current Court Practices Comparison

Current Practice	Problem	Best Practice Elsewhere
No mandatory pre-trial hearings are conducted with defendants and prosecutors to determine if citations can be satisfied without a trial.	Often, trial settings are used to collect or give information which could be more efficiently handled at a pre-trial hearing.	Mandatory pre-trial meetings are held to collect information and resolve a citation without the need for a trial. This saves court resources which includes judges, bailiffs, and police overtime. (Irving)
Deferred dispositions are granted at a significant discount from the window fine.	Rationale for offering this benefit at half the window fine amount is flawed, given overall operational expense levels	Full window fine amounts are charged when deferred disposition is provided on the day of trial. (Irving)

# Current Court Practices Comparison

Current Dallas Practice	Problem	Best Practice Elsewhere
Paper intensive process for court docket paperwork	Limited automation makes operations expensive and information analysis extremely difficult.	Paperless trial docket system (Ft. Worth)
No tiered fine structure is offered for early payment	Without any financial incentive given, very few pay their fines within the first 21 days. More delay creates greater risk of defendants to seek court dates or ignore the citation altogether.	Tiered fines are provided which include a financial incentive for prompt payment. (Austin)

# Current Court Practices Comparison

Current Dallas Practice	Problem	Best Practice Elsewhere
City Web site is used to attract online transactions.	<p>While experiencing increased usage, site would be improved by:</p> <ul style="list-style-type: none"><li>• making more options available for the defendant</li><li>• having attractive offers</li><li>• expanding payment options</li></ul>	<p>Deferred Disposition may be applied for and granted online. (San Antonio)</p> <p>Video Magistration of citations daily. (San Antonio)</p> <p>Phone payments accepted. (Richardson)</p>
New Idea	Employ the use of resellers to help market opportunities for online transactions	So far as we know, concept of resellers is new

# Court Revenue Comparison

City	Per Capita Income	FY 10/11 Revenue Per Case
Irving	\$23,419	\$104.34
Arlington	\$22,445	\$98.90
Richardson	\$29,551	\$83.95
Garland	\$20,000	\$80.34
Austin	\$24,163	\$60.26
FT Worth	\$18,800	\$53.93
Dallas	\$22,183	\$41.49
San Antonio	\$17,487	\$38.52

**When compared to several cities in the region and larger Texas cities with similar per capita income, Dallas has a low revenue per case average**

# Recommendations

Topic	Recommendations	Actions Needed
Technology Changes	<p>Continue implementation of:</p> <ul style="list-style-type: none"><li>• E-Citations to address accuracy of tickets</li><li>• Court Notify to address scheduling issues</li><li>• Court Management System to address need for overall Court operation enhancement including paperless court docket</li></ul>	<ul style="list-style-type: none"><li>• Partial Implementation July 2012</li><li>• Partial Implementation Winter 2012</li><li>• 4<sup>th</sup> Q 2013</li></ul>
Police appearance and performance	<p>Continue review of Officer attendance and performance</p> <p>Determine if elimination of standby system is needed to enhance attendance and performance</p>	<p>Report August 2012</p> <p>Report September 2012</p>

# Recommendations

Topic	Recommendations	Actions Needed
Web site	<p>Investigate ways to improve user experience by:</p> <ul style="list-style-type: none"><li>• Adding additional options that can be paid or requested online</li><li>• Determine how Pay by Phone option can be added</li><li>• Reach out to private sector to test if a reseller opportunity would attract interest</li><li>• Critical that the site can offer attractive alternatives to drive interest, such as<ul style="list-style-type: none"><li>• 1 Day Deferred Disposition reboot</li><li>• Somewhat lower fine amounts on deferred disposition</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Report Oct 2012</li><li>• Report Oct 2012</li><li>• Report Oct 2012</li></ul>

# Recommendations

Topic	Recommendations	Actions Needed
Expectations of City Council	<p>Council provides guiding principles by which the Court should be operated. For example,</p> <ul style="list-style-type: none"><li>• How should community values including safety, quality neighborhoods, compliance with ordinances, etc. guide Judicial decisions?</li><li>• What leadership authority should reside with the Administrative Judge?</li><li>• Should defendants be given more favorable options for resolving their citations before opting for a trial?</li></ul>	Mission statement by the Council

# Recommendations

Topic	Recommendations	Actions Needed
Judicial Refinements	<p>Gather more detailed information from defendants when granting payment arrangements.</p> <p>Establish a tiered fine structure that incentivizes defendants to respond within the first 21 days.</p>	<p>Modify rules of Dallas Municipal Court</p> <p>Administrative Judge establish a tiered fine schedule</p>

# Recommendations

Topic	Recommendations	Actions Needed
Judicial Refinements	<p>Determine if Judiciary will consider penalties consistent with State Law guidelines of 8 to 24 hours for every \$50 of fine amount when community service, work release, or jail space is available.</p> <p>If higher penalties given, then Marshal's office can prioritize arrest efforts. For example, to seek violators who fail to respond to City notices for multiple offenses or defy judges' orders</p>	<p>Response from Judiciary September 2012</p> <p>Based on response, actions to be taken by October 2012</p>

# Recommendations

Topic	Recommendations	Actions Needed
Judicial Refinements	<p>Work with County to determine prioritization of jail space</p> <p>Work with County regarding serial inebriates and “frequent flyers” to determine what intervention programs might be helpful in reducing repeat offenders</p>	<p>Report from City Staff and County officials Oct 2012</p> <p>Report from City Staff and County officials Oct 2012</p>

# Recommendations

Topic	Recommendations	Actions Needed
Judicial Refinements	<p>Prior to all trial case settings, require that the defendant attend a pretrial conference with the prosecutor. Deferred disposition and/or reduced fines might only be offered in this meeting. All defendants will be apprised of their right to hire an attorney and their right to a jury trial during their Pre Trial conference. Defendants will not be granted a reset <b>at trial</b> to hire an attorney.</p>	Modify rules of Dallas Municipal Court

# Recommendations

Topic	Recommendations	Actions Needed
Judicial Refinements	<p>Require all off-docket procedures occur inside the courtroom and in the presence of a prosecutor</p> <p>Limit Motions for Continuance to one per side</p> <p>Disallow off-docket motions for trial settings on delinquent cases. Require that a cash or surety bond be posted to secure appearance in trial.</p>	<p>Modify rules of Dallas Municipal Court</p> <p>Modify rules of Dallas Municipal Court</p> <p>Modify rules of Dallas Municipal Court</p>

# Recommendations

Topic	Recommendations	Actions Needed
Judicial Refinements	<p>Conduct a review of window fines, fines assessed over the internet, deferred disposition fees, parameters for time served, community service, and work release</p>	Response from Judiciary September 2012
Court System	<p>Have the Municipal Court Administration, Prosecutor's Office, and Judiciary present a joint report to the Ad Hoc Council Committee annually regarding efforts to achieve community goals that are impacted by City ordinances.</p>	City Council establish ordinance

# Next Steps

- Proceed with technology improvements to address scheduling issues
- Determine if Council wishes to implement other changes included in recommendations

# Questions

**AD-HOC COMMITTEE FOR JUDICIAL APPOINTMENTS  
BRIEFING RESPONSES - JUNE 19, 2012**

**1. Explain the Scofflaw Program.**

The Scofflaw Program, which is included in Section 702.003 of the Texas Transportation Code, provides a mechanism whereby the Dallas County Tax Assessor may refuse to register a motor vehicle for failure of the owner to appear or pay a fine that involves the violation of a traffic law.

The way it is implemented is the City sends the County an electronic file of cases meeting the scoff criteria and is in Warrant Status (delinquent for at least 60 days).

The County submits these cases to Texas Department of Transportation (TXDOT) for vehicle registration information. TXDOT and Dallas County block Texas motor vehicle registration records with the scofflaw "flag" (provided that the owner has not already been "flagged" for another jurisdiction). Dallas County places scoffed cases on the Dallas County "Wanted" website and registration is denied until the individual either pays the fine, files required paperwork of an appeal, obtains a dismissal of the charge, proves they do not own or no longer own the vehicle, or shows the license plate identified on the citation doesn't match current TXDOT vehicle registration records.

When a debt to the City is satisfied, the scoff is removed by the City's daily electronic submission of disposed cases to the County and, if requested, a clearance letter is provided by the City to the defendant for immediate clearance by the County. The scofflaw is removed from Dallas County "Wanted" website within two business days of the clearance letter and/or the electronic update.

The City advertises and advises citizens of the program through various media outlets including: daily on the City's website, Dallas cable channel, Court FAQ's and quarterly in the City newsletter.

Since the Scofflaw Program only involves traffic violations, those eligible in FY10/11 were 217,634 (72% of the 303,275 total count). Of the 217,634 violations, CTS submitted 44,877 cases to the County for scoff which primarily represents the defendants who ignored the City's calls for payment.

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Of the 44,877 violations, 32,296 were accepted by the County for scoff consideration. The remaining cases were either rejected for failure to meet program criteria or pending acceptance. The value of the 32,296 was \$13,397,127.

During this same time period, the City collected \$1,224,402. This represents 9.1% of total dollar value eligible for collection. The remaining citations were cleared by dismissal, time served, community service, or have not been disposed, etc.

The City has to pay the County for the scoff processing. The City paid fees of \$70,450 for the 32,296 violations.

2. How much of the possible collection amount is waived?

Approximately 75% of the Window Fine Value is not collected for a variety of reasons cited in the presentation.

3. Why not make next day phone calls to defendants issued citations?

The Dallas Police Department sends citations to Courts in approximately 5 to 10 days after the violation takes place. The citations are then entered into the Court Case Management System. In some instances, citations are paid before they are entered in the Management System.

Court & Detention Services does send written notices and makes auto dialer phone calls within 30 days of default (normally day 32 to day 40 of the citation), as well as staff phone calls and postcards on day 45, and another written notice within 30 days of the first written notice, as part of the State's Collection Improvement Program.

Courts & Detention Services is investigating how a more immediate call back feature might be included in the new Court Case Management System.

4. During the warrant roundup, how many had multiple tickets that received time served credit?

During the sample taken, there were 1,966 cases in which defendants were granted time served. These violations involved 837 defendants. Of these defendants, 101 received time served credit for a single case, 736

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defendants received time served credit for 2 or more cases, and 9 of the 736 defendants received time served credit for 10 or more cases.

5. What percentage of citations issued have a Dallas address? Of those that ignore their citations, what percentage have a Dallas address?

Of all citations issued in FY 10-11, 73% have a Dallas address. Of those that ignore their citations, 71% have a City of Dallas address.

6. If a citation is paid before it becomes delinquent, could a discount be provided?

Yes. We included that suggestion in the briefing (page 68).

7. Compare Dallas' municipal court budget to other comparably sized cities.

<u>City</u>	<u>Total Budget</u>	<u>Population</u>	<u>Budget Per Capita</u>
Austin	14,598,803	790,390	18.47
Fort Worth	13,229,446	741,206	17.85
Dallas	12,804,894	1,197,896	10.69
San Antonio	11,906,182	1,327,407	8.97

8. What is the cost for a new courts building?

To construct a facility which would provide the same floor space of the current building would be as follows:

- floors 1 thru 4 is estimated at \$30,800,000,
- The 5<sup>th</sup> floor and the basement parking garage is estimated at an additional \$7,315,741.
  - Construction totals \$38,115,741
- Soft costs which include programming, design, construction documents, building permits, materials testing, furniture, etc. would add an additional \$11,434,722,
- Total project cost would be \$49,550,463 in 2012 dollars,
- Estimate would increase 5 percent per year for inflation

A facility which would include current spacing plus some additional room for growth, more circulation, larger restrooms (ADA requirements), larger courtrooms, etc (around 20 percent more than current floor space) is estimated at around \$66 Million in 2012 dollars. Inflation factor of 5 percent per year increase on the cost should be added.

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None of the above includes cost of land or parking,

**9. What is the cost for a new jail?**

The most recent estimated cost for a new building (excluding land) is approximately \$19.4M for 300 (200 male, 100 female) beds.

**10. Did staff review best practices of other cities to recommend changes for our court?**

Staff reviewed best practices from cities throughout the state. These are noted in the "Municipal Court Update" briefing dated June 19, 2012 on pages 62-69.

**11. Could we add an "out of Dallas" fee for people who receive citations that live outside the City of Dallas?**

No. Per the City Attorney's Office, there is no statutory authority for the City to assess a non-resident fee. In addition, treating non-residents differently than residents raises constitutional issues.

**12. Could we expand the use of Community Courts for Quality Of Life issues, thereby lessening the case load at 2014 Main?**

Any expansion or use of Community Court would be very limited. Community Prosecution and Community Courts are funded by federal grants whose guidelines limit both the type of offense prosecuted and the geographic areas in which Community Courts may operate.

**13. If a citizen ignores a citation, could a notice be placed on their water bill?**

From a legal standpoint, there would not be a problem. However, since the account holder may well be different from the person receiving a citation, the practical aspects of this approach are problematic. Determining the relationship between the account holder and the person receiving the citation, would probably cost more than the benefit - particularly in view of the responses which follow.

**14. If a citizen pleads guilty or no contest and is assessed a fine, could a collection notice be placed on their water bill?**

Same answer applies as above.

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15. If a citizen fails to pay a fine, can the City turn their water off?

No. Per the City Attorney's Office, the City may not disconnect or deny utilities services to citizens for money they owe the City, unless it is owed from violations related to City's provision of utilities services or pollution of our water systems, etc.

16. If defendant ignores their citation, could the City suspend their license?

No. The City of Dallas does not have the authority to suspend a driver's license. The Department of Public Safety oversees driver's licenses. However, under State law, a defendant cannot renew their driver's license, if they fail to appear or respond to a citation.

17. What are possible additional on-line options (deferred disposition requests, payments, etc.)?

On-line options include:

- a. apply for deferred disposition and pay on-line
- b. apply for payment plans on-line
- c. apply for driving school and pay on-line
- d. pay compliance type cases (expired driver's license, registration, inspection) on-line, and
- e. submit plea bargains on-line.

These options will require more study as to feasibility and cost. All of these enhancements will have minimal impact (as to driving internet traffic to the site or increasing revenue collections) unless they represent the "best deal" option for defendants.

18. Explain Jail Contract Costs.

The jail contract between Dallas County and the City of Dallas provides for the sharing of costs for jail services of all prisoners arrested by the City. It includes services for jail administration, intake, release and housing. The cost to the City is determined using data from the previous 24 months for the average number of City of Dallas prisoners. The jail services include intake costs for all prisoners arrested (with charges of Class Cs and above) and for 100 beds for Class C prisoners.

In FY 2010-11, the agreed upon contract amount was \$8,116,058. The unit cost per prisoner was approximately \$402 per prisoner. In comparison, the overall FY 2011-12 unit cost was \$324 per prisoner. This

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agreement provides a means for the City to avoid the direct responsibility for operating a City jail. In the past, the City has investigated other alternatives including:

- Building a City jail, which is currently estimated at \$19.4M, and
- Contracting jail services through a private vendor such as Wackenhut, the GEO Group, and Corrections Corporation of America (CCA) etc.

However, in 2005 when the City sent an RFP for jail management services of the City Detention Center, no bids were submitted by any of the vendors.

These options were not pursued when it was shown there would not be any cost savings over our current arrangement with the County and there would be significant exposure to legal liability.