

Memorandum

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DATE November 27, 2013

CITY SECRETARY
DALLAS, TEXAS

TO Honorable Members of the Ad Hoc Judicial Nominations Committee:
Philip Kingston (Vice Chair), Jerry Allen, Deputy Mayor Pro Tem Monica Alonzo,
Dwayne Caraway, Vonciel Jones Hill

SUBJECT **Special Call Ad Hoc Judicial Nominations Committee Meeting Agenda**

Tuesday, December 3, 2013, 10:00 a.m. - 11:30 a.m.
Dallas City Hall – Room 6ES, 1500 Marilla St., Dallas, Texas 75201

- | | |
|--|---|
| Call to Order | Scott Griggs, Chair |
| 1. Overview of Functions and Selection Process for Administrative Law Judges | Patricia Marsolais, Director Civil Service |
| 2. Discussion with Recommended Candidates for Administrative Law Judge Positions | Scott Griggs, Chair |
| • Willie Crowder | |
| • Douglas Lapidus | |
| • Kelsie McQuieter | |
| • LaKisha Thigpen | |
| • James Urmin, Sr. | |
| 3. Update on Municipal Court Facility | Rick Galceran, Director Public Works |
| 4. Update on Court Reforms | Daniel F. Solis, Administrative Judge Judiciary |

Scott Griggs, Chair
Ad Hoc Judicial Nominations Committee

- | | |
|---|--|
| cc: Honorable Mayor and Members of the City Council | Forest E. Turner, Assistant City Manager |
| A.C. Gonzalez, Interim City Manager | Joey Zapata, Assistant City Manager |
| Rosa A. Rios, City Secretary | Charles M. Cato, Interim Assistant City Manager |
| Warren M. S. Ernst, City Attorney | Theresa O' Donnell, Interim Assistant City Manager |
| Craig D. Kinton, City Auditor | Jeanne Chipperfield, Chief Financial Officer |
| Daniel F. Solis, Administrative Judge | Frank Libro, Public Information Officer |
| Ryan S. Evans, Interim First Assistant City Manager | Elsa Cantu, Assistant to the City Manager |
| Jill A. Jordan, P.E., Assistant City Manager | |

NOTICE: A quorum of the Dallas City Council may attend this Council committee meeting.

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Ad Hoc Judicial Nominations Committee Meeting – Tuesday, December 3, 2013

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A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation or matters where legal advice is requested of the City Attorney, Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. The contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.074 of the Texas Open Meetings Act.

Memorandum



Date November 27, 2013

To Honorable Members of the Ad Hoc Judicial Nominations Committee

Subject Overview of Functions and Selection Process for Administrative Law Judges

Biennially the City Council appoints three to five Administrative Law Judges to hear demotion or discharge appeals for eligible City employees. The authority for these appointments is derived from City Charter, Chapter XVI, Section 12.1. This is the final level of administrative appeal for an employee. Pursuant to Section 34-40 of the Dallas Personnel Rules an employee has the option of having the appeal heard by a three person panel called a Trial Board (TB) or an Administrative Law Judge (ALJ). Once the employee makes this selection, it is final.

Differences between an ALJ and TB members are as follows:

1. ALJs are under contract for two years.
2. ALJs are compensated \$400 per hearing day. The appealing employee pays half of the cost. The City pays the other half.

TB hearings are free to the employee. The TB panel is made up of three citizen volunteers – one member of the Civil Service Board who serves as Chair of the hearing and two members of the Civil Service Adjunct Panel.

3. Pursuant to Section 2-164 of the Dallas City Code an ALJ must:
 - Be a licensed attorney who has practiced law in the State of Texas for at least three years or a person who has at least five years experience adjudicating hearings of personnel decisions; and
 - Not have been an employee or an elected or appointed officer of the city, other than a full-time or associate municipal judge, within the five years immediately preceding application.

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Overview of Functions and Selection Process for Administrative Law Judges

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4. Under Section 2-163 of the Dallas City Code members of the Civil Service Adjunct Panel must:
- Have a total of at least five years experience as a volunteer or employee with a business, governmental, or nonprofit organization, that has a work staff of at least 15 persons;
 - Have a total of at least five years experience as a volunteer or employee in the administration or personnel functions of a business, governmental, or nonprofit organization; or
 - Have an accumulation of at least five years experience under the first two paragraphs of this subsection. An Adjunct Panel member may not be an employee of any other state or local jurisdiction but may be former employees of the City of Dallas.

Selection Process for ALJs (2014-15 term)

1. The Judicial Nominating Commission (JNC) is responsible for vetting (ALJ) applicants and making recommendations to the City Council for appointment
2. Public advertisement of the position took place from August 1 – August 23, 2013. In addition, copies of the advertisement were sent to area colleges, community organizations, law specific publications and associations, chambers of commerce and churches. There were 37 applicants.
3. The JNC met on October 1, 2013 to review the applications and resumes. It voted to interview 14 candidates.
4. The JNC convened on October 22, 2013 to conduct interviews. It recommended five candidates for appointment including two of the three incumbent judges. The third did not apply.

Demotion/Discharge Hearings

Functions of the ALJ are governed by Section 34-40 APPEALS TO THE TRIAL BOARD OR ADMINISTRATIVE LAW JUDGE of the Dallas Personnel Rules. It is a quasi-judicial process that is conducted in two phases.

In Phase I, the trial board, by majority vote, or the administrative law judge shall determine, by a preponderance of the evidence, whether the employee committed any of the alleged rule violations.

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Overview of Functions and Selection Process for Administrative Law Judges

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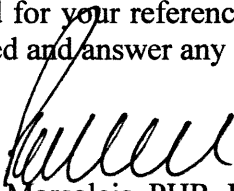
If the trial board, by a majority vote, or the administrative law judge determines that the employee committed none of the alleged rule violations, the trial board or administrative law judge may take whatever action is just and equitable, and the hearing will be closed.

If the trial board, by majority vote, or the administrative law judge determines that the employee committed at least one of the alleged rule violations, the hearing will proceed to Phase II.

In Phase II, the trial board or the administrative law judge shall hear evidence concerning the appropriateness of the discipline imposed for the sustained rule violations.

The trial board, by majority vote, or the administrative law judge may either sustain, reverse, modify, or amend the disciplinary action as is determined just and equitable, provided that the disciplinary action must be sustained if a reasonable person could have taken the same disciplinary action against the employee.

Copies of relevant sections of the City Charter, City Code, and Personnel Rules are attached for your reference. I would be happy to furnish additional information as requested and answer any questions you have.



Patricia Marsolais, PHR, IPMA-CP, CBM, CSSBB, CLSSS

Secretary

Dallas Civil Service Board

Attachment

- c: Honorable Mayor and Members of the City Council
- A.C. Gonzalez, Interim City Manager
- Rosa A. Rios, City Secretary
- Warren M.S. Ernst, City Attorney
- Craig D. Kinton, City Auditor
- Daniel F. Solis, Administrative Judge
- Ryan S. Evans, Interim First Assistant City Manager
- Jill A. Jordan, P.E., Assistant City Manager
- Forest E. Turner, Assistant City Manager
- Joey Zapata, Assistant City Manager
- Charles M. Cato, Interim Assistant City Manager
- Theresa O'Donnell, Interim Assistant City Manager
- Jeanne Chipperfield, Chief Financial Officer
- Frank Libro, Public Information Officer
- Elsa Cantu, Assistant to the City Manager

(b) The trial board has final jurisdiction to hear and decide all appeals made to it by any discharged or reduced officer or employee. The judgment or decision of a majority of the trial board is final, unless the decision is appealed by either party within one year to the district court of the State of Texas, in which hearing the matter must be decided based upon the review of the record of the trial board hearing. An appeal by the city of a trial board decision to district court must be approved by the city manager and city attorney. An appeal by either party to district court does not suspend the execution of the trial board order being appealed. The prevailing party in an appeal to district court is entitled to reasonable attorney's fees incurred from the date the trial board order is issued.

(c) Any aggrieved officer or employee who desires to appeal to the trial board must do so in writing within 10 days from the date of notification of dismissal or reduction. The aggrieved officer or employee has the right to be represented by counsel, to have an open hearing, and to compel the attendance of witnesses to testify for the aggrieved officer or employee. The appeal to the trial board does not suspend the execution of the order being appealed. The trial board, by majority vote, or the administrative law judge may either sustain, reverse, modify, or amend the disciplinary action as is determined just and equitable, provided that the disciplinary action must be sustained if a reasonable person could have taken the same disciplinary action against the employee. (Amend. of 6-12-73, Prop. No. 31; Amend. of 4-2-83, Prop. No. 7; Amend. of 4-6-85, Prop. No. 4; Amend. of 5-1-93, Prop. No. 8; Amend. of 11-8-05, Prop. No. 5)

SEC. 12.1. ADMINISTRATIVE LAW JUDGE.

(a) Instead of appealing to a trial board as provided in Section 12 of this chapter, an officer or employee of the city, classified or unclassified, who has been discharged or reduced in grade may appeal to an administrative law judge in accordance with procedures established by ordinance.

(b) A person who appeals to an administrative law judge shall pay one-half of the costs attributed to having the administrative law judge conduct the appeal hearing. (Amend. of 8-12-89, Prop. No. 10)

SEC. 13. MERIT PRINCIPLE.

All appointments and promotions of city officers and employees, including classified and unclassified positions and positions exempt from the civil service, shall be made solely on the basis of merit and fitness.

ARTICLE XXVII.**CIVIL SERVICE BOARD; ADJUNCT MEMBERS; ADMINISTRATIVE LAW JUDGES.****§ SEC. 2-163. SPECIAL QUALIFICATIONS FOR ADJUNCT MEMBERS OF THE CIVIL SERVICE BOARD.**

(a) In addition to the qualifications required by the city charter and Chapter 8 of this code, each adjunct member of the civil service board must meet the following qualifications:

- (1) have a total of at least five years experience as a volunteer or employee with a business, governmental, or nonprofit organization that has a work staff of at least 15 persons;
- (2) have a total of at least five years experience as a volunteer or employee in the administration or personnel functions of a business, governmental, or nonprofit organization; or
- (3) have an accumulation of at least five years experience under Paragraphs (1) and (2) of this subsection.

(b) Nothing in this article prohibits the appointment of a former city employee as a member or adjunct member of the civil service board.

(c) The city council shall, as nearly as may be practicable, appoint adjunct members of the civil service board that are representative of the racial, ethnic, and gender makeup of the city's population. (Ord. 20526)

§ SEC. 2-164. ADMINISTRATIVE LAW JUDGES: APPOINTMENT; QUALIFICATIONS; TERMINATION OF CONTRACT.

(a) By January 1 of each even-numbered year beginning with the year 1992, and whenever a vacancy occurs, the judicial nominating commission shall recommend persons to be appointed by the city council to serve as administrative law judges, as provided for in Section 12.1, Chapter XVI of the city charter. Each appointment will be made through the award of a city contract, and not less than three nor more than five persons may have contracts with the city to serve as administrative law judges at the same time. Administrative law judges shall hear appeals in accordance with Section 34-40 of this code.

(b) The judicial nominating commission shall recommend as administrative law judges persons selected from applicants responding to an open, public request for proposals for professional services. The judicial nominating commission shall review the applications and resumes, research applicant qualifications, and interview the applicants. If a vacancy occurs within 120 days after the appointment of any administrative law judge, for which the commission conducted interviews, the commission is not required to conduct additional interviews but may, in its discretion, recommend nominees to fill the new vacancy from applicants who were interviewed for any administrative law judge position that was filled within the preceding 120 days. The judicial nominating commission shall, as nearly as may be practicable, recruit and recommend as administrative law judges persons who are representative of the racial, ethnic, and gender makeup of the city's population.

(c) An administrative law judge must:

- (1) be a licensed attorney who has practiced law in the State of Texas for at least three years or a person who has at least five years experience adjudicating hearings of personnel decisions; and
- (2) not have been an employee or an elected or appointed officer of the city, other than a full-time or associate municipal judge, within the five years immediately preceding application.

(d) An administrative law judge will be compensated for services based on a rate established by contract with the city. At least every two years, the judicial nominating commission shall review the pay structure of the administrative law judges and recommend to the city council appropriate rate adjustments or other compensation.

(e) A person is ineligible to serve as an administrative law judge if, on two occasions within any 12-month period after appointment as an administrative law judge, the person:

- (1) refuses or is unable to accept an assignment from the civil service board to conduct an appeal hearing, except when based on a challenge by a party as to the selection of the

administrative law judge; or

(2) is unable to conduct an appeal hearing within the time limits required by Section 34-40 of this code after considering all allowable postponements and extensions.

(f) The judicial nominating commission shall periodically review and evaluate the performance of each administrative law judge and recommend to the city council whenever the contract of an administrative law judge should be terminated or not renewed. The city council may, by a majority vote and upon the recommendation of the judicial nominating commission, terminate the contract of an administrative law judge for unsatisfactory performance.

Unsatisfactory performance includes, but is not limited to:

(1) failure to acquire, retain, or correctly apply knowledge of the city's personnel rules, civil service rules and procedures, or other laws and regulations governing personnel matters heard by an administrative law judge;

(2) failure to remain impartial and objective in hearing appeals and performing other duties as an administrative law judge; or

(3) failure to competently and efficiently hear appeals and perform other duties as an administrative law judge. (Ord. Nos. 20526; 21091; 22612; 22718)

(6) The secretary shall ensure that the board receives any materials filed by the parties.

(7) Any paper served by a party on the secretary must include a certificate showing service to all other parties.

(8) Service upon the city must be accomplished by serving the assistant city attorney assigned to the hearing.

(9) Nothing in this section may be construed to authorize the practice of law except as permitted by the Supreme Court of Texas.

(10) By presenting to the board (whether by signing, submitting, or later advocating) a request for a hearing, a complaint, a written or oral motion, or any other document, the party is certifying that it is acting in good faith.

(g) Nothing in this section conveys upon, implies, or intends to imply that an employee has a property interest in continued employment or a contract of employment with the city based on any right to grieve or appeal provided by this section or on the nondiscrimination policy stated in Section 34-35 of this chapter. Nothing in this section or in the nondiscrimination policy creates any right or remedy under any law or limits any existing right or remedy provided under any law. (Ord. Nos. 19340; 20988; 22195; 24873; 24930; 25051; 26182; 28024)

SEC. 34-40. APPEALS TO THE TRIAL BOARD OR ADMINISTRATIVE LAW JUDGE.

(a) General provisions, applicability, and jurisdiction.

(1) To the extent that a rule adopted by the civil service board, civil service trial boards, or administrative law judges and approved by the city council conflicts with a provision of this chapter, this chapter prevails.

(2) In this section:

(A) BOARD means the civil service board of the city.

(B) TRIAL BOARD means a civil service trial board.

(C) SECRETARY means the secretary of the civil service board, who will also serve as secretary to each trial board and each administrative law judge.

(3) This section does not apply to:

(A) a department director, an assistant department director, or other managerial personnel designated by the city council in accordance with Section 11, Chapter XVI of the city charter; or

(B) a non-civil service employee.

(4) A civil service trial board and an administrative law judge have jurisdiction to hear an appeal by an employee if the appeal:

(A) involves a demotion or discharge, unless provided otherwise in the city charter;

(B) is filed in writing with the secretary within 10 working days after the date of the employee's receipt of the letter of the last disposition of the appeal;

(C) contains the following information:

(i) the type of disciplinary action being appealed and the effective date of the action;

(ii) the specific reason the discipline is unjust or otherwise in error;

(iii) the remedy sought;

(iv) the signature of the employee; and

(v) a certificate showing the date of service to the secretary; and

(D) has a copy of the disciplinary action attached to the appeal.

(5) Designating whether an appeal is heard by a trial board or an administrative law judge.

(A) An employee must specify in the appeal filed with the secretary whether the appeal will be heard by a trial board or an administrative law judge. This choice is final.

(B) All appeals will be heard by a trial board unless otherwise specified by the appealing employee.

(C) By choosing to have a hearing before an administrative law judge, the appealing employee agrees to pay one-half of the administrative law judge's fee for the hearing, based on a rate established by contract with the city. Before a hearing will be held before an administrative law judge, the employee must deposit with the civil service board secretary a cash amount equal to one-half the estimated fee of the administrative judge as determined by the secretary based on the estimated length of the hearing. If the deposit exceeds the actual cost of the hearing, the employee shall be refunded the difference. If the deposit is insufficient to cover the actual cost of the hearing, the employee must pay the additional amount.

(b) Selection of a trial board or an administrative law judge.

(1) For hearings before a trial board, the secretary shall select trial board members according to a rotation schedule established by the chair of the civil service board. The trial board must be composed of a civil service board member and two adjunct members of the civil service board.

(2) For hearings before an administrative law judge, the secretary shall select the administrative law judge according to a rotation schedule established by the chair of the civil service board. An administrative law judge who is involved in litigation against the city may not hear an appeal.

(3) The secretary shall promptly designate a replacement if a trial board member or an administrative law judge is unable to serve at a hearing and shall inform all parties of the replacement. A substitute trial board member or

administrative law judge must be selected in accordance with the rotation schedule established under Paragraph (2) of this subsection.

(4) The civil service board member serving on a trial board shall preside as the chair at any hearing before the trial board and shall make any rulings regarding evidence or procedure. The chair's rulings may be overruled or modified by a majority vote of the other trial board members hearing the matter.

(5) The administrative law judge shall preside at any hearing before the administrative law judge and shall make any rulings regarding evidence or procedure.

(c) Prehearing deadlines.

(1) Within five working days after the date of service of the request to the secretary, as shown on the certificate attached to the request under Subsection (a)(4)(C) of this section, the secretary shall do the following:

(A) Set a hearing before a trial board or an administrative law judge within 60 to 90 calendar days after receipt of the request by the secretary.

(B) Prepare a "statement of questions," which must be styled, "Matter of (name of employee)" and must specify the rules alleged to have been violated as stated in the letter of demotion or discharge.

(C) Designate the trial board members who will hear the appeal or, if elected by the employee, the administrative law judge.

(D) Transmit to each party notice of the hearing, the statement of questions, and the names of the trial board members or the name of the administrative law judge, whichever is applicable.

(2) Objections.

(A) Within 10 working days after the date of service as shown on the certificate of service on the statement of questions, the parties shall file any objections to the statement of questions with the secretary.

(B) Within five working days after the date of service as shown on the certificate of service on the objections, a response may be filed.

(C) Objections may be resolved at the hearing immediately before evidence is accepted.

(3) Continuances.

(A) At least 15 working days before a hearing or two working days after a party learns of the facts requiring a continuance, whichever date is earlier, a motion for continuance of the hearing may be filed.

(B) Within five working days after the date of service as shown on the certificate of service on the motion for continuance, a response may be filed.

(C) If the parties agree to a continuance, the hearing will be continued for up to 60 calendar days.

(D) If the parties do not agree to a continuance:

(i) for a hearing before a trial board, the continuance may be granted by a majority of the trial board members present at a meeting or hearing at which the motion for continuance is considered; or

(ii) for a hearing before an administrative law judge, the secretary shall request a ruling from the administrative law judge on the motion for continuance.

(4) Exchange of information. At least 10 working days before the hearing, each party shall:

(A) exchange witness lists;

(B) exchange exhibits;

(C) stipulate to undisputed facts;

(D) stipulate to the admissibility of exhibits; and

(E) file with the secretary a position statement that must include:

(i) a statement of the party's position on the issues in the statement of questions;

(ii) a designation of undisputed facts;

(iii) a list of witnesses and the estimated time required for the direct examination of each witness; and

(iv) a list of exhibits.

(5) Request for subpoenas. At least 20 working days before the hearing, each party may file with the secretary a request for subpoena of witnesses and documents, in accordance with the following:

(A) The request for subpoena of witnesses and documents must include:

(i) the name and address of each witness to be subpoenaed;

(ii) if a witness is a city employee, the name of the employee's department; and

(iii) the specific identification of books, papers, documents, or other tangible things sought to be subpoenaed.

(B) The party requesting the subpoena shall notify the subpoenaed witness of postponements, rescheduling, and appearance times.

(C) The trial board or the administrative law judge has the power to compel the attendance of witnesses and the production of testimony and evidence, to administer oaths, and to punish for contempt in the same manner as provided for municipal judges.

(6) Challenge of a trial board member or an administrative law judge.

(A) At least 10 working days before the hearing, a motion to challenge a trial board member or an administrative law judge may be filed with the secretary and served upon all parties.

(B) Within five working days after the date of service as shown on the certificate of service on the motion to challenge a trial board member or an administrative law judge, a response may be filed.

(C) A challenge may not be made after the hearing begins, unless the challenge is based on:

(i) the ineligibility of a trial board member or an administrative law judge to hear the matter; or

(ii) the conduct of a trial board member or an administrative law judge during the hearing.

(D) If a challenged trial board member does not voluntarily withdraw, the trial board, by a unanimous vote, not counting the vote of the challenged member, may remove the member.

(E) If a challenged administrative law judge does not voluntarily withdraw, the administrative municipal judge of the municipal court of record may remove the member.

(F) If a challenge results in withdrawal of a trial board member or an administrative law judge, the hearing may be continued to a date certain.

(G) If a challenge results in withdrawal of a trial board member or an administrative law judge, the secretary shall promptly designate a replacement and inform all parties of the replacement.

(H) A challenge to a substituted trial board member or administrative law judge must be submitted as soon as possible.

(7) Service of subpoenas.

(A) At least five working days before the hearing, the secretary shall cause all subpoenas to be personally served.

(B) The secretary shall designate a person to deliver the subpoenas and that person

shall sign each subpoena stating that the witness was served.

(C) The subpoena of an active city employee may be served through the director of the employee's department.

(8) Computation of time.

(A) In computing any period of time prescribed in this section, the day of the act or event from which the designated period of time begins to run is not included.

(B) The last day of the time period is included, unless it is a Saturday, Sunday, or official holiday observed by the city, in which event the period runs until 5:15 p.m. of the next day that is not a Saturday, Sunday, or official holiday observed by the city.

(C) Except as otherwise specified, time periods will be calculated based on calendar days.

(d) Hearings.

(1) A hearing must be conducted in two phases, as follows:

(A) Phase I.

(i) In Phase I, the trial board, by majority vote, or the administrative law judge shall determine, by a preponderance of the evidence, whether the employee committed any of the alleged rule violations.

(ii) If the trial board, by majority vote, or the administrative law judge determines that the employee committed none of the alleged rule violations, the trial board or administrative law judge may take whatever action is just and equitable, and the hearing will be closed.

(iii) If the trial board, by majority vote, or the administrative law judge determines that the employee committed at least one of the alleged rule violations, the hearing will proceed to Phase II.

(B) Phase II.

(i) In Phase II, the trial board or the administrative law judge shall hear evidence concerning the appropriateness of the discipline imposed for the sustained rule violations.

(ii) The trial board, by majority vote, or the administrative law judge may either sustain, reverse, modify, or amend the disciplinary action as is determined just and equitable, provided that the disciplinary action must be sustained if a reasonable person could have taken the same disciplinary action against the employee.

(iii) The trial board or the administrative law judge may consider only the evidence relating to the violations sustained in Phase I and the employee's previous employment record with the city, but may not consider the employee's subsequent performance with the city.

(2) The appealing employee:

(A) may request the hearing or deliberations, which are usually open to the public, to be closed; and

(B) shall not be compensated for time away from the employee's city position while attending a hearing, unless so ordered by the trial board or the administrative law judge.

(3) The trial board or the administrative law judge may exclude:

(A) redundant, irrelevant, or cumulative evidence;

(B) evidence that is not competent or properly authenticated;.

(C) any exhibit not previously exchanged; and

(D) the testimony of a witness not previously identified as a witness.

(4) The secretary shall maintain a record of the hearing and shall, at the city's expense, appoint a court reporter to make a record of the hearing.

(5) The trial board or the administrative law judge will release city employee witnesses as soon as possible to return to city business.

(6) Placing witnesses under the rule.

(A) Upon request by either party, the witnesses on both sides shall be sworn and removed from the hearing room so they cannot hear the testimony as delivered by any other witness in the case.

(B) Witnesses shall be instructed that they are not to converse with each other or with any other person about the case, other than the attorneys in the case.

(7) After the parties have rested, the trial board or the administrative law judge may request a party to produce additional evidence as the trial board or administrative law judge deems necessary to decide the issues before them.

(e) Disposition.

(1) Dismissal. An appeal must be dismissed for, but not limited to, any of the following reasons:

(A) The appealing employee fails to appear in person at the hearing, unless:

(i) good cause for the failure to appear is shown; and

(ii) the city is not unduly prejudiced.

(B) The trial board or the administrative law judge lacks jurisdiction.

(C) The appealing employee fails to pay the amount owed to the administrative law judge prior to the beginning of the hearing.

(2) Board orders.

(A) The disposition of an appeal must be reduced to writing by the secretary and transmitted to the parties within three working days after the trial board or the administrative law judge

has announced the ruling. This writing is the order of the trial board or the administrative law judge.

(B) The order is final unless a motion for rehearing is filed within 10 working days after the date on the written order.

(3) Relief. The trial board or the administrative law judge may grant the prevailing party relief that is just and equitable as is consistent with the city charter and other applicable law.

(4) Costs. The trial board or the administrative law judge may not authorize payment of attorney's fees, expenses, or costs or provide payment of damages beyond payment of salary and benefits that would have ordinarily been paid to the appealing employee.

(f) Post-hearing deadlines.

(1) Motion for rehearing.

(A) Within 10 working days after the date on the written order, a motion for rehearing may be filed by either party.

(B) A motion for rehearing may be granted by the trial board or the administrative law judge only if the order:

(i) exceeds the authority of the trial board or the administrative law judge;

(ii) contains provisions impermissible under applicable law;

(iii) is unclear; or

(iv) incorrectly states the disposition of the matter.

(C) A motion for rehearing must be considered by the same trial board or administrative law judge who heard the appeal, except that if any trial board member or the administrative law judge is unavailable, the secretary shall designate a replacement.

(2) Appeals to state district court.

(A) Either party may appeal the order of the trial board or administrative law judge to state district court within one year after:

(i) the date on the last written order, if no rehearing is requested;

(ii) the date on the written order denying the rehearing, if a rehearing is requested and denied; or

(iii) the date on the written order issued after the rehearing, if a rehearing is requested and granted.

(B) The appeal to the district court must be decided upon review of the record of the hearing.

(C) An appeal by the city must be approved by the city manager and the city attorney.

(D) The appealing party shall, at its expense, furnish to the court a copy of the complete hearing record presented to the trial board or the administrative law judge, including but not limited to pleadings, hearing transcripts, exhibits, orders, and all evidence admitted during the hearing.

(E) If the appealing party fails to provide the court with any material required by Paragraph (2)(D) of this subsection, the appeal must be dismissed.

(g) Other matters.

(1) Reserved.

(2) If a court of law rules on an issue involved in the appeal, the order of the trial board or administrative law judge must conform with the court's ruling or must be vacated in deference to the court's ruling, whichever is applicable.

(3) The chair of the civil service board may order, with the consent of the parties, that any matters having common issues of fact be consolidated.

(4) No party or party representative shall communicate with any trial board member or administrative law judge regarding the issues involved in the appeal except at the hearing.

(5) The trial board, by majority vote, or the administrative law judge may seek advice regarding its jurisdiction or the nature and extent of its authority from the city attorney.

(6) A party may be heard through a representative if that representative is designated:

(A) in writing filed with the secretary and served on all parties;

(B) on the record at the hearing before evidence is accepted; or

(C) through the signature of the representative on any paper filed with the secretary on behalf of the party.

(7) The secretary shall ensure that the trial board or the administrative law judge receives any materials filed by the parties.

(8) Any paper served by a party on the secretary must include a certificate showing service to all other parties.

(9) Service upon the city must be accomplished by serving the assistant city attorney assigned to the hearing.

(10) Nothing in this section may be construed to authorize the practice of law except as permitted by the Supreme Court of Texas.

(11) By presenting to the trial board or the administrative law judge (whether by signing, submitting, or later advocating) a request for a hearing, a complaint, a written or oral motion, or any other document, the party is certifying that it is acting in good faith. (Ord. Nos. 19340; 20526; 21304; 21674; 22612; 24873; 24930; 26182; 27098; 28024)

SEC. 34-41. RESERVED.

(Repealed by Ord. 26182)

ARTICLE VII.

WAGE SUPPLEMENTATION.

SEC. 34-42. RESERVED.

(Repealed by Ord. 25389)

SEC. 34-43. WAGE SUPPLEMENTATION PLAN.

(a) Administration. The director of human resources is authorized and directed to develop and distribute necessary administrative directives for the fair and efficient administration of the injured employees' wage supplementation plan. Department directors shall authorize wage supplementation for their employees in accordance with the administrative directives. Determinations and decisions made by department directors are final, conclusive, and binding on all parties.

(b) Eligibility.

(1) A permanent employee who, as the result of an injury sustained in the course of employment with the city, is being paid weekly workers' compensation payments, or would be paid workers' compensation payments if the disability continued for a period of more than seven days, may receive payments, as injured employee wage supplementation, separate and distinct from and in addition to the weekly workers' compensation payments. An injured employee must complete an "Initiation of Wage Supplementation Form" provided by the city before being granted partial or full-day injury leave. An injured employee has 60 days from the receipt of the "Initiation of Wage Supplementation Form" to make any final election to accept or reject wage supplementation.

(2) To be eligible for wage supplementation payments, an injured employee who lives within the city's certified worker's compensation network service area must choose a treating physician who is a member of the network. An injured employee who lives outside the city's certified worker's compensation network service area has the right to treatment by a physician of the

Memorandum



DATE: November 27, 2013


TO: Members of the Ad Hoc Judicial Nominations Committee

SUBJECT: **Recommended Candidates for Administrative Law Judge Positions**

On Tuesday, December 3, 2013, the Ad Hoc Judicial Nominations committee agenda will include the Recommended Candidates for Administrative Law Judge Positions.

Attached, for your review, is the Administrative Law Judge memo to the council containing the recommendations from the Judicial Nominating Commission.

Please contact me if you need additional information.


Joey Zapata
Assistant City Manager

Attachment

cc: Honorable Mayor and Members of the Dallas City Council
A.C. Gonzalez, Interim City Manager
Warren M. S. Ernst, City Attorney
Daniel F. Solis, Administrative Judge
Rosa A. Rios, City Secretary
Craig D. Kinton, City Auditor
Ryan S. Evans, Interim First Assistant City Manager
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Forest E. Turner, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor and Council

Memorandum



DATE November 1, 2013

TO Honorable Members of the Ad Hoc Legislative Committee for Judicial Appointments: Scott Griggs (Chair), Philip Kingston (Vice-Chair), Vonciel Jones Hill, Dwaine Caraway, Monica Alonzo, Jerry Allen

SUBJECT Administrative Law Judges Recommendations

On October 22, 2013 the Judicial Nominating Commission, as required by City Ordinance and pursuant to proper notice, convened into session and interviewed and evaluated the performance of two of the three current Administrative Law Judges of the City of Dallas and 11 additional candidates for Administrative Law Judge, as to application of the City's personnel rules, civil service rules and procedures, the City Charter, and other relevant regulations governing personnel matters in conducting employee disciplinary appeals.

In addition, the Commission asked for and received comments concerning current case load, adequacy of number of Judges, and sufficiency of support services and facilities for the effective administration of justice in the conducted hearings.

The following candidates for Administrative Law Judge were interviewed, evaluated, and considered:

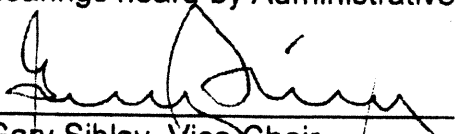
Willie Mae Crowder **incumbent judge*
Douglas Lapidus **incumbent judge*
Carol Egan
Kimberly Blanton-Day
Christina Jump
Bruce Kaye
Kelsie McQuieter
Kim Satz
Rebecca Singer
Susan Austin
LaKisha Thigpen
James Urmin, Sr.
Bridgett Whitmore

After the interviews were concluded, the Commission engaged in extensive deliberations about the responses and fitness of each candidate for Judge and the comments relating to effective administration of justice in the employee disciplinary appeals and the current need for the number of Administrative Law Judges.

Based on the Commission's interviews, evaluations and deliberations, the Judicial Nominating Commission unanimously recommends to the mayor and City Council that 5 out of 13 candidates named above be recommended as Administrative Law Judge to hear employee disciplinary appeals. The recommended individuals are:

Willie Mae Crowder **incumbent judge*
Douglas Lapidus **incumbent judge*
Kelsie McQuieter
LaKisha Thigpen
James Urmin, Sr.

Moreover, the Judicial Nominating Commission finds that based on the current caseload and the administration of justice in employee disciplinary appeals hearings, at least three (3) Administrative Law Judges are needed in order to effectively and efficiently handle the caseload. Accordingly, it is the recommendation of the Judicial Nominating Commission that the City Council set the number of appointed Administrative Law judges at no less than three (3). It should be noted however, that in 2012-13 there was a total of only ten (10) hearings heard by Administrative Judges.



Gary Sibley, Vice-Chair
Judicial Nominating Commission

cc: Honorable Mayor and Members of the City Council
A.C. Gonzalez, Interim City Manager
Rosa A. Rios, City Secretary
Warren M. S. Ernst, City Attorney
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Joey Zapata, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Officer
Elsa Cantu, Assistant to the City Manager
Members of the Judicial Nominating Commission

Memorandum



DATE November 27, 2013

TO Members of the Ad Hoc Judicial Nominations Committee

SUBJECT **Update on Municipal Court Facility**

Attached is briefing material regarding the "Update on Municipal Court Facility" to be presented to the Members of the Ad Hoc Judicial Nominations Committee on Tuesday, December 3, 2013.



Jill A. Jordan, P.E.
Assistant City Manager

cc: Honorable Mayor and Members of the Dallas City Council
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Update on Municipal Court Facility 2014 Main Street

AdHoc Judicial Nominations Committee
December 3, 2013





Outline

- Area Map and Pictures
- Project Status
- Renovation Scope and Layout
- Additional Scope Requested but Funding Not Available
- Questions

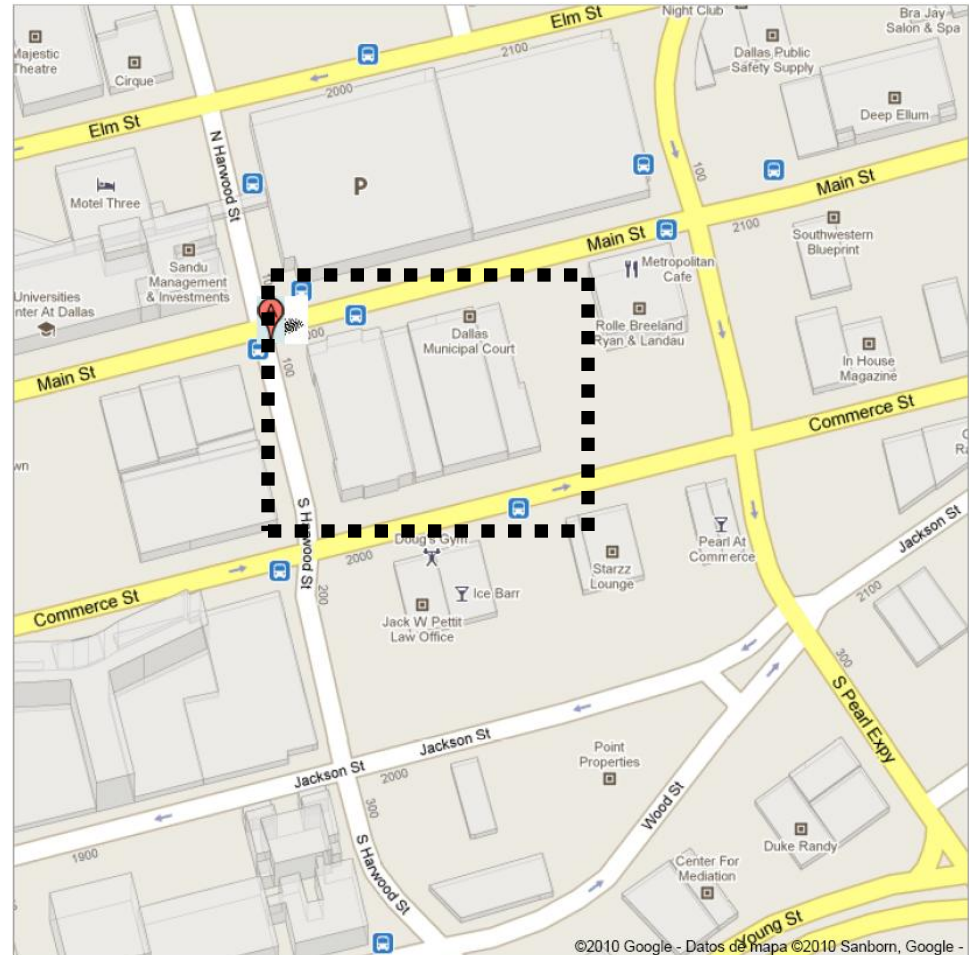
Area Map and Pictures



106 S. Harwood Street
(Municipal Building)



2014 Main Street
(Municipal Building Annex)



©2010 Google - Datos de mapa ©2010 Sanborn, Google -

Project Status

- **106 S. Harwood Street building** is the Municipal Building built in 1914 that will become University of North Texas' (UNT) Law School
 - Currently, this facility is vacant and renovation of the exterior façade is scheduled to begin in 2014
 - All Court functions have been moved from this facility to the adjacent Municipal Court Building at 2014 Main Street
- **2014 Main Street building** was built in 1956 as the Municipal Building Annex
 - Currently, the construction phase at the Municipal Court Building is **substantially completed**

Municipal Court Building

Renovation Cost: \$10.8 Million

Timeline: March 9, 2011 – March 31, 2014

Project Scope and Layout

■ Basement

- Parking Garage and Building Support Functions

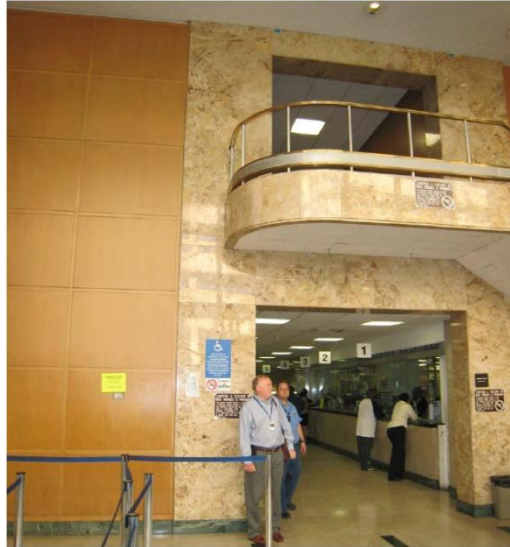
■ First through Four Floors

- Customer Service Windows, Bonds and Correspondence, 12 Courtrooms, Records, Prosecuting Attorney Office, Accounting and Court Administration

■ Fifth Floor

- Entire 14,350 square foot floor left unfinished and available for future expansion when necessary

Lobby *before* *and* *after*



2nd Floor lobby and hallway



Courtrooms





Upper Floor Lobby



Courtroom

Additional Scope Requested

(Funding Not Available)

- Additional Employee Restrooms
- Additional Public Elevator
- Additional Employee Elevator
- Noise Attenuation Treatment in Courtrooms
- Clean exterior brick and stone façade
- Repair and restore exterior windows and doors
- ADA Compliant Ramp at building exit
- Repave adjacent Employee Parking Lot
- Refinish original interior wood paneling and Courtroom benches on 2nd floor
- Clean and polish original interior marble floor and walls in public areas of 1st floor



Cost of Additional Scope

- Consultant: \$250,000
- Construction: \$1.5 Million



Questions

Memorandum




DATE: November 27, 2013

TO: Members of the Ad Hoc Judicial Nominations Committee

SUBJECT: **Update on Court Reforms**

On Tuesday, December 3, 2013, the Ad Hoc Judicial Nominations Committee will be receiving an "Update on Court Reforms" briefed by Administrative Judge Daniel F. Solis. The briefing materials are attached for your review.

Please contact me if you need additional information.



Joey Zapata
Assistant City Manager

Attachment

cc: Honorable Mayor and Members of the Dallas City Council
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Dallas Municipal Court Update

Ad Hoc Judicial Nominations Committee

December 3, 2013



Purpose

- To provide an update of Municipal Court operations by reviewing:
 - Background
 - Update
 - Recommendations
- To present information previously discussed at the August 2012 and April 2013 briefings

Briefing Overview

- Review highlights of previous briefings, including:
Note - Gray pages are from previous briefings, with updated information in green
 - Why enforcement is important
 - Enforcement performance
 - Comparison of performance
 - Recommendations
- Provide status report on recommendations
- Point out additional findings

Short Story

- Since the August 2012 briefing, staff has implemented roughly **75%** of the recommendations presented to Council and has made progress on all the remaining ones
- Highlights include:
 - Technology: **Court Case Management System has gone live**, strengthened Court notification process, E-Citations accounted for **one-third of all citations received in FY13**

Short Story (cont.)

- Police: strengthened police court notification process, strengthened monitoring of Officer attendance and performance, revised General Orders on court attendance, eliminated standby system
- Court Administration: strengthened financial information on part pays, improved window operations
- Community partnership: created program for serial inebriates

Short Story (cont.)

- Public Works: completed three phases of extensive renovation project, moved courthouse entrance to 2014 Main, all operations have moved out of 106 Harwood building
- Judiciary: enacted Court procedural changes including Court schedule, handling of off-docket procedures, requiring cash or surety bond be posted to secure appearance at trial, establishing mandatory pre-trial program

Short Story (cont.)

- Results include:
 - Lowering of window wait times
 - Average window wait time remains under 10 minutes
 - Reduction in case dismissals due to Witness Unavailable (WU) and Insufficient Evidence (IE)
 - WU down 68% from FY11-12 to FY12-13
 - IE down 55% from FY11-12 to FY12-13
 - Increased average fine collected per case
 - \$81 in FY11-12 to \$107 in FY12-13
 - Time served down and community service/work release up
 - Time served down 14% from FY10-11 to FY12-13
 - Community service/work release up 120% from FY10-11 to FY12-13

Remaining Improvements for FY13-14

- Pay by phone and additional online options
- Establish tiered fine structure that incentivizes response within 21 days
- Enhanced video footage access for Prosecution
- Identify funding for Phase IV Facility Renovations
- Deferred Disposition fees
- Additional Police Officer appearance and performance improvement
- Average fine assessed
- Dismissal rate

Facility Improvements



Recommendations from August 2012 Briefing

Topic	Recommendations	(Prior)Actions Needed	Current Status
Technology Changes	Continue implementation of: <ul style="list-style-type: none"> • E-Citation to address accuracy of tickets • Court Notify to address scheduling issues • Court Management System to address need for overall Court operation enhancement including paperless court docket 	<ul style="list-style-type: none"> • Partial Implementation ✓ July 2012 • Partial Implementation ✓ Winter 2012 • 4th Q 2013 ✓ 	<ul style="list-style-type: none"> • E-Citation implemented • CNS upgrade complete and DPD badge swipe in routing room • CCMS “Incode” went live on Oct. 1st 2013 (see Appendix p. 44)
Police appearance and performance	Continue review of Officer attendance and performance Determine if elimination of standby system is needed to enhance attendance and performance	Report August 2012 ✓ Report September 2012 ✓	<ul style="list-style-type: none"> • Ongoing monitoring (see Appendix pp. 35-39) • Standby system eliminated effective March 2013

Key:  = Addressed Prior “Actions Needed”

Recommendations from August 2012 Briefing

Topic	Recommendations	(Prior)Actions Needed	Current Status
Web site	<p>Investigate ways to improve user experience by:</p> <ul style="list-style-type: none"> • Adding additional options that can be paid or requested online • Determine how Pay by Phone option can be added • Reach out to private sector to test if a reseller opportunity would attract interest • Critical that the site can offer attractive alternatives to drive interest, such as <ul style="list-style-type: none"> • 1 Day Deferred Disposition reboot • Somewhat lower fine amounts on Deferred Disposition 	<ul style="list-style-type: none"> • Report Oct 2012 ✓ • Report Oct 2012 ✓ • Report Oct 2012 ✓ 	<ul style="list-style-type: none"> • Additional online options planned in FY13-14 • Renovated web site launched in June 2013 • Pay by Phone capability in Q1 2014

Recommendations from August 2012 Briefing

Topic	Recommendations	(Prior) Actions Needed	Current Status
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"> • How should community values including safety, quality neighborhoods, compliance with ordinances, etc. guide Judicial decisions? • What leadership authority should reside with the Administrative Judge? • Should defendants be given more favorable options for resolving their citations before opting for a trial? 	Mission statement by the Council ✓	<ul style="list-style-type: none"> • New Judges appointed in August 2012 after considerable dialogue with applicants and Council • Judicial Nominating Committee in 2014 • Chief Prosecutor's Offer Schedule introduced in September 2013



Recommendations from August 2012 Briefing


Topic	Recommendations	(Prior) Actions Needed	Current Status
Partnerships	<p>Work with County to determine prioritization of jail space</p> <p>Work with County regarding serial inebriates 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>	<ul style="list-style-type: none"> • Jail contract negotiations completed and included in FY13-14 budget • “Dallas SIP: Dallas Serial Inebriate Rehabilitation Program” in development by County, City of Dallas, and multiple outside agencies

Recommendations from August 2012 Briefing

Topic	Recommendations	(Prior)Actions Needed	Current Status
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>	<ul style="list-style-type: none"> • Implemented; Judicial Order effective January 2013 requires Courts staff to initiate process to collect sources of income, bank account information, obligations, and monthly expenses; new form created • Draft structure complete & under discussion, Summer of 2014 completion date


Recommendations from August 2012 Briefing

Topic	Recommendations	(Prior)Actions Needed	Current Status
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>	<ul style="list-style-type: none"> • Judicial order issued April 15, 2013 stipulating \$100 per 12-hour period for time served (between 6 – 12 hours = \$100, less than 6 hours = \$50); Community Service and Work Release guidance table provided to clerks, but penalty up to Judge

Key:  = Addressed Prior "Actions Needed"

Recommendations from August 2012 Briefing

Topic	Recommendations	(Prior)Actions Needed	Current Status
Judicial Refinements	Require all off-docket procedures occur inside the courtroom and in the presence of a prosecutor	Modify rules of Dallas Municipal Court ✓	<ul style="list-style-type: none"> • Rule changed by Judicial Order dated Nov 30, 2012 and effective Jan 3, 2013
	Limit Motions for Continuance to one per side	Modify rules of Dallas Municipal Court	<ul style="list-style-type: none"> • Revised recommendation: monitor the number of continuances to minimize abuse
	Disallow off-docket motions for trial settings on delinquent cases. Require that a cash or surety bond be posted to secure appearance in trial.	Modify rules of Dallas Municipal Court ✓	<ul style="list-style-type: none"> • Rule changed by Judicial Order dated Nov 30, 2012 and effective Jan 3, 2013

Key:  = Addressed Prior "Actions Needed"

Recommendations from August 2012 Briefing

Topic	Recommendations	(Prior)Actions Needed	Current Status
Judicial Refinements	Conduct a review of window fines, fines assessed over the internet, deferred disposition fees, parameters for time served, community service, and work release	Response from Judiciary ✓ September 2012	• Partially complete
Court System	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.	City Council establish ordinance ✓	• December 3, 2013 briefing

Recommendations from August 2012 Briefing

Topic	Recommendations	(Prior) Actions Needed	Current Status
Judicial Refinements	Prior to all trial case settings, require that the defendant attend a pretrial hearing 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 hearing. Defendants will not be granted a reset at trial to hire an attorney.	Modify rules of Dallas Municipal Court ✓	Implemented (see pp. 22-26 and Appendix pp. 45-49)

FY 10-11 Dispositions and FY12-13 Update

	Number	Window Value*	Number	Window Value*
Total	283,990	\$43M	183,023	\$28.1M
Through Clerks	69,772	\$9.8M	55,791	\$7.8M
Before a Judge	214,218	\$33.2M	127,232	\$20.3M

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

FY 10-11 Dispositions and FY12-13 Update

	CLERKS	JUDGES	CLERKS	JUDGES
Total Cases	69,772	214,218	55,791	127,232
Total Window Fine Value	\$9.8M	\$33.2M	\$7.8M	\$20.3M
Fines Collected	\$8.6M	\$1.7M	\$7.8M	\$1.4M
Average per Case	\$123	\$8	\$141	\$11
% of Window Fine Value	86%	5%	99.8%	7%
Deferred Disposition Fees Collected	\$82,000	\$2.3M	\$.2M	\$1.7M
Average per Case	\$78	\$65	\$75	\$71
Expense of Operation	\$4.7M	\$9.8M	\$4.1M	\$9.2M

FY 10-11 Dispositions and FY12-13 Update

	CLERKS	JUDGES	CLERKS	JUDGES
Plead Guilty and Paid Fine	72%	6%	83%	8%
<i>Average Fine Collected</i>	\$169	\$135	\$169	\$129
Deferred Disposition	2%	17%	5%	19%
<i>Average Fee Collected</i>	\$78	\$65	\$75	\$71
Dismissed	N/A	34%	N/A	26%
Time Served	N/A	28%	N/A	24%
Community Service/Work Release	6%	3%	1%	13%
Driver Safety School	10%	.04%	10%	.07%
Dismissed Compliance (Showed proof of insurance, driver's license, registration)	4%	12%	0.01%	8%
Actual Trials	N/A	.01%	N/A	.002%
Voided/Misc.	4%	.05%	0.3%	2%

Origins of Pre-Trial Program

- Pre-Trial Program implemented in response to:
 - ZIP process improvement committee recommendations from 2010
 - City Manager's recommendations in briefings to City Council in 2012
 - Discussions during the Ad Hoc Committee's interviews with judge candidates
- See Appendix pp. 45-49 for additional information on the Pre-Trial Program

Reasons for Pre-Trial Program

- Attempts to separate desire to go to trial vs. desire to get out of citation; in FY11-12:
 - Of the approximate 70,000 traffic trials requested, fewer than 300 actual trials were held (< .01%)
 - >99.9% were resolved **before** an actual trial was held
 - Over 27,000 hours were spent by officers attending court, and cost over \$1.4M
 - Again, 99.9% of the time, no trial occurred
- Pre-Trial presents opportunity for defendants and defense attorneys to discuss cases with prosecutors outside of a trial before an officer is subpoenaed

Results of Pre-Trial

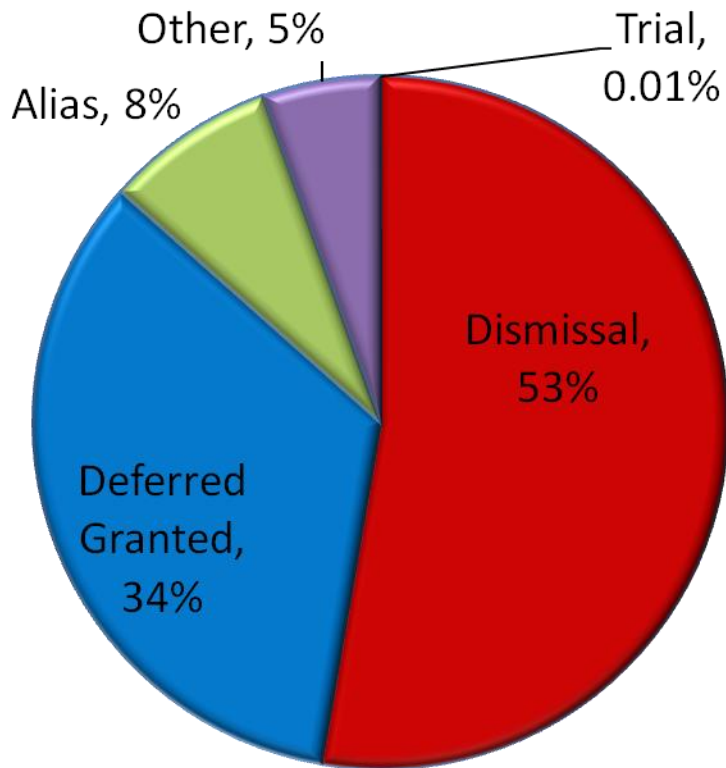
- Reduced the number of officer subpoenas by nearly 70%, approximately 1,200 per week, not requiring them to appear in court
- Actual trials held remained the same, averaging less than 10 per week
- Reduced dismissals by 43%

Court Setting Comparison

(Resets have been excluded from analysis)

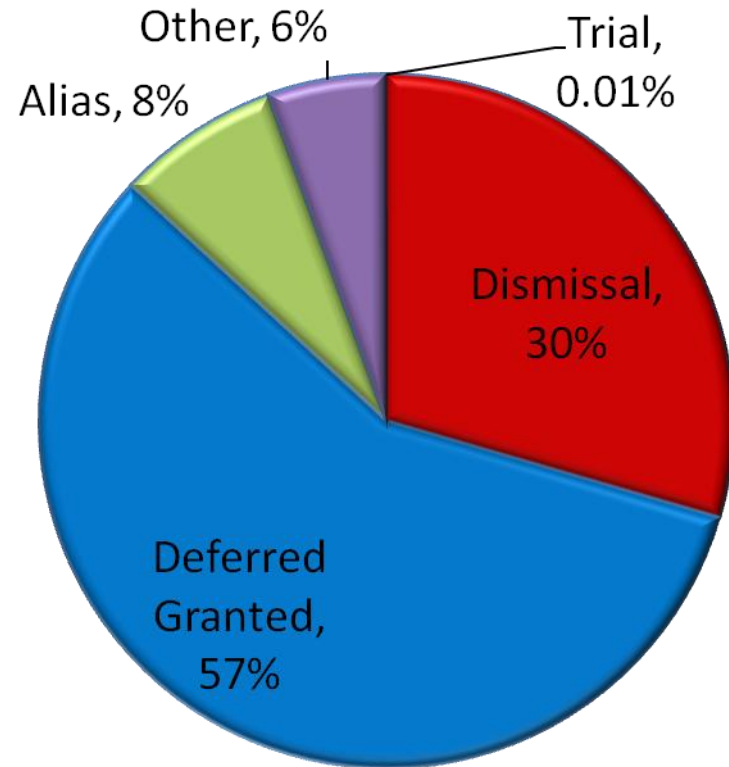
Before

Oct2 012-Jan 2013 (Before Pre-trials)



After

Feb. 25th – Sept. 2013 (Pre-trials fully in effect)



Note: In both cases, **actual trials were less than .01%**

Recap of Pre-Trial Findings

- Greater number of resolutions without need for trial settings
- Number of actual trials has not changed
 - If defendant truly wants a trial, option is still available
- Decreased demand on Officers' time
 - 1,200 fewer Officer subpoenas per week
- Since April 2013 briefing, removed Pre-Trial Attorney Conference step (fewer times to appear in court)

Additional Findings

Deferred Disposition

- Defendant acknowledges violation, but wishes to keep it off their record
- Deferred Disposition fees
 - After the State (including court cost) fee is collected, the City has kept an average of \$71 per case in FY12-13 (significantly below the standard window fine)
 - The practice of not assessing at or near the standard window fine + the State court costs is atypical when compared to other large Texas cities (San Antonio, Austin, Ft. Worth, Arlington) and neighboring DFW cities (Irving, Garland, Richardson)

FY12-13 Deferred Dispositions by Offense

All fine amounts below expressed without including court costs

Top Ten Offenses	Window Fine	Avg. Judge Fine Amount	Avg. Fine Through Clerk
1.) Speeding (Average)	\$139	\$62	\$85
2.) Ran Stop Sign	\$122	\$60	\$65
3.) No Operating License	\$140	\$72	N/A
4.) Speeding in School Zone	\$142	\$45	\$81
5.) Ran Red Light	\$192	\$66	\$67
6.) Disregarding a Traffic Control Device	\$97	\$50	\$65
7.) No Turn on Red	\$97	\$53	\$65
8.) Public Intoxication	\$325	\$150	\$96
9.) No Insurance (FMFR)	\$295	\$162	\$186
10.) Wireless Device in a School Zone	\$140	\$60	\$73
Other (Average)	\$199	\$81	\$71
Total Average	\$157	\$71	\$75

Cost of Operation

- The cost of operating the Municipal Court is approximately \$14.6M annually (FY10-11)
 - Of that \$4.7M dollars spent on Administrative functions (i.e. Window Clerks processing payments, mail payments, archiving paperwork for record keeping, escrow management etc.)
 - Annually there are 69k cases that are administratively disposed which equates to a cost of \$68 per case handled
 - \$9.8M dollars are spent on Judicial functions (i.e. Courtroom Clerk cost of preparing cases for trial court, Prosecutor's Costs, Bailiff costs, Judge costs, Officer costs)
 - Annually there are 214k cases that are disposed by judicial order which equates to a cost of \$46 per case handled

Cost of Operation

- The cost of operating the Municipal Court is approximately \$14.3M annually (FY12-13)
 - Of that, \$4.1M dollars spent on Administrative functions (i.e. Window Clerks processing payments, mail payments, archiving paperwork for record keeping, escrow management etc.)
 - There were 56k cases in FY12-13 that were administratively disposed which equates to a cost of \$73 per case handled
 - \$10.2M dollars spent on Judicial functions (i.e. Courtroom Clerk cost of preparing cases for trial court, Prosecutor's Costs, Bailiff costs, Judge costs, Officer costs)
 - There were 127k cases in FY12-13 that were disposed by judicial order which equates to a cost of \$80 per case handled

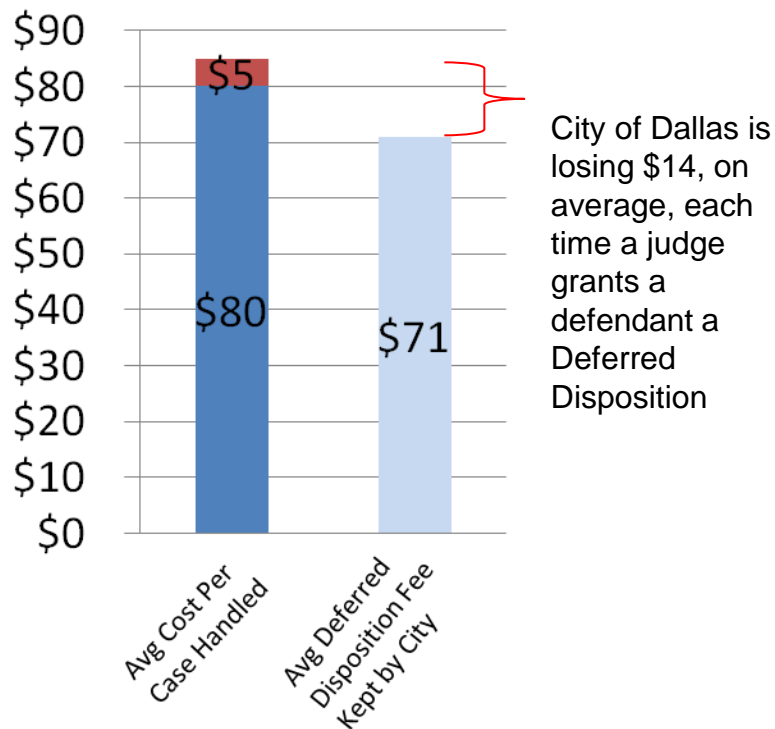
Cost of Operation

- Additional analysis revealed that the average cost for the time a DPD officer spends to issue a citation is \$5

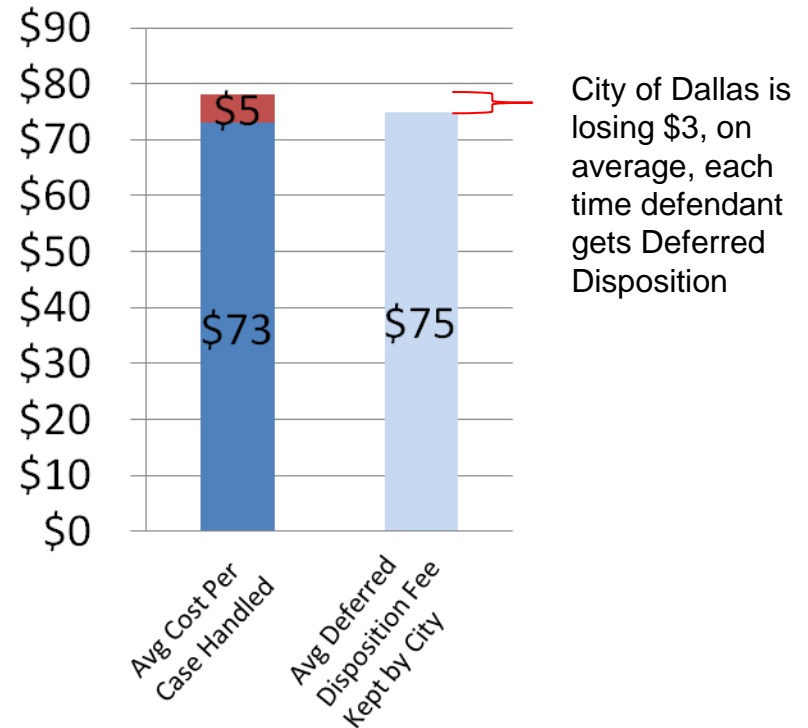
Deferred Disposition Analysis

- The City is investing more money to bring the defendant to Court than it is receiving from the defendant while the defendant receives the benefit of the violation not going on their record

Disposed by Judicial Order



Administratively Disposed



City Prosecutor's Deferred Offer Schedule

- On September 1, 2013, City Prosecutor introduced a Deferred Offer Schedule that set a best offer amount for all offense types:
 1. Anytime before the trial date and
 2. A higher offer amount on the day of trial
- Schedule available at the cashier windows and on the Courts website
- Table below shows results for the week of November 11 – 15, 2013, the most recent week of data available for this briefing

	Number of Cases	Original Average Fine Amount	Prosecutor Recommended Amount	Judge Assessed Amount
Attorney Pre-Trial	189	\$167.85	\$100.71	\$61.89
Pro Se Pre-Trial	63	\$161.98	\$97.19	\$94.25
Trial	167	\$151.53	\$151.53	\$99.18

Police Appearance and Performance

- Numerous changes to effect change:
 - Improved consideration of officer leave schedule when setting court dates
 - Change of report times to Court
 - Changed notification processes and methods
 - Retraining of front line supervision
 - Revised DPD General Orders on court attendance
 - Exceptions due to emergency situation, critical assignment or other exigent circumstance require approval from divisional Major or Deputy Chief
 - New witness room
 - Improved monitoring and reporting

Police Appearance and Performance

- E-Citations enhanced recall with pictures, notes, and voice recording
- New preparatory checklist will be automatically sent to DPD Officers prior to court appearances to gauge recall of case
- Insufficient Evidence form created to improve communication between Prosecutors and Officers
- As of 3/11/13, eliminated routing/standby for Officers scheduled to appear for court
- DPD issued Roll Call Bulletin (signature required) to train on availability of citation images for review prior to trial

Police Appearance and Performance

Time Period	Final Disposition Total	Witness Unavailable	%	Insufficient Evidence	%
FY2011-2012	229,506	27,535	12.0%	17,558	7.7%
FY2012-2013	183,023	7,036	3.8%	6,361	3.5%

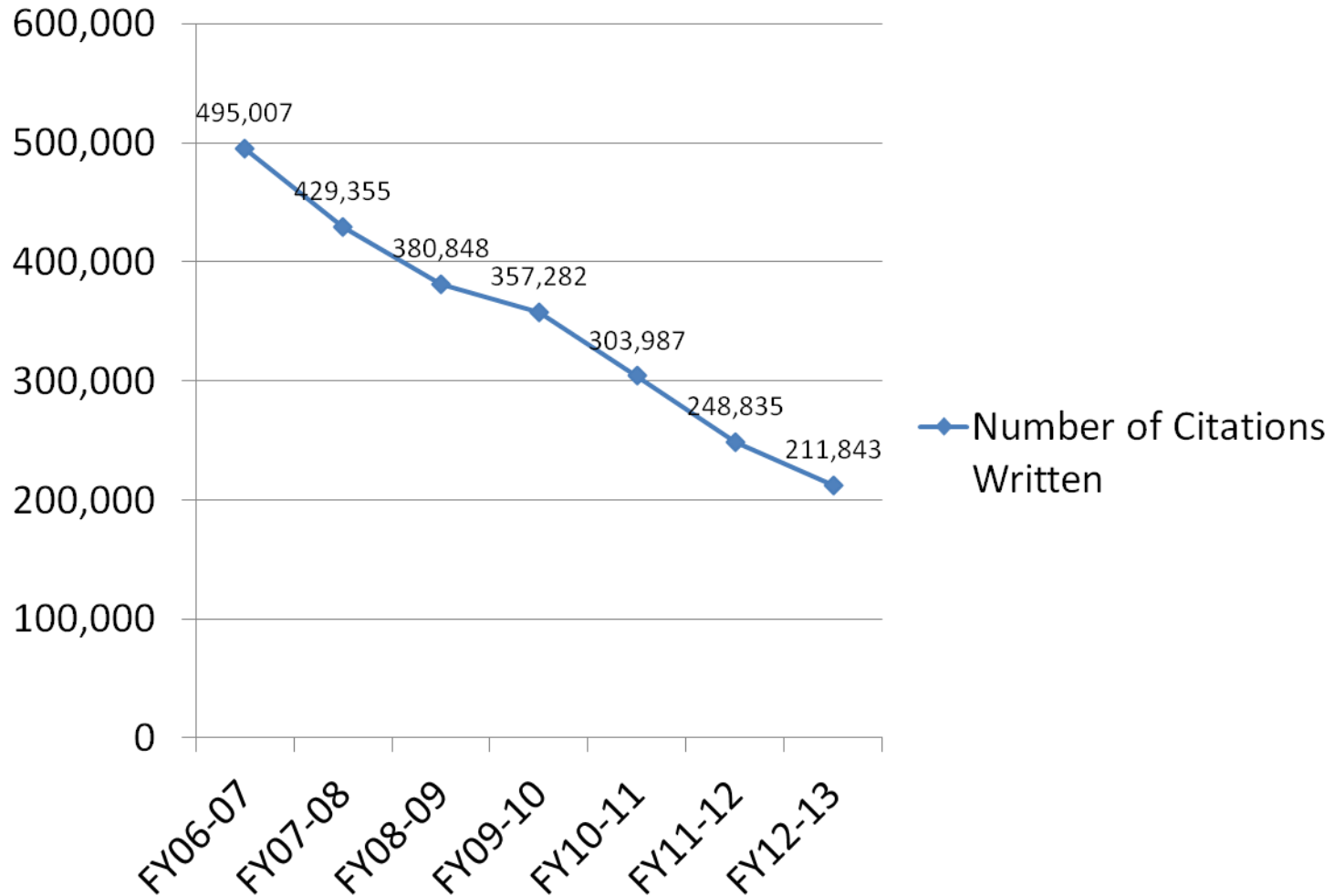
- The Pre-Trial Program has resulted in far fewer officer subpoenas and skews the WU and IE as a percentage of final dispositions data
- When WU and IE are examined as a percentage of cases scheduled for trial, it shows there is still room for improvement to be made

Time Period	Cases Scheduled for Trial	Witness Unavailable	%	Insufficient Evidence	%
2/25/13 – 9/13/13	13,189	1,654	12.5%	2,438	18.5%

Police Appearance and Performance

- This task has proven to be very difficult to solve:
 - many moving parts,
 - numerous parties involved,
 - numerous ways needed to communicate with all parties, and
 - unpredictability of policing
- All of this effort, expense, and time is to ensure an officer is at court and prepared to testify at trial

Number of Citations Written by DPD



Additional observations on decreased citation volume can be found in the appendix on pp. 50-53

Rightsizing Dallas Municipal Courts

- As a result of the decreasing citation volume, the Department of Court and Detention Services reduced the following in the FY13-14 budget:
 - Reduced budget by \$757,439
 - Eliminated 11 vacant positions at cash collection windows
- Resizing operations at the Dallas Municipal Court will continue to be evaluated for FY14-15 budget if citation volume continues to decrease
- Current dockets are not fully utilized

Next Steps

Next Steps

- Continue to implement and monitor progress of recommendations
- Upcoming judicial appointments in 2014

Appendix

Court Case Management System

- New system went live on October 1st, 2013, meeting the aggressive implementation schedule that was set
 - Original 18 month timeline reduced to less than 12 months
- Judiciary, Prosecutor's Office, Court & Detention Services, and Communication & Information Services partnered to achieve goal
 - End user training included 330 hours of classroom-based training across all user departments and divisions, plus additional online training
 - Follow up training is ongoing
 - Ongoing review of processes for efficiencies

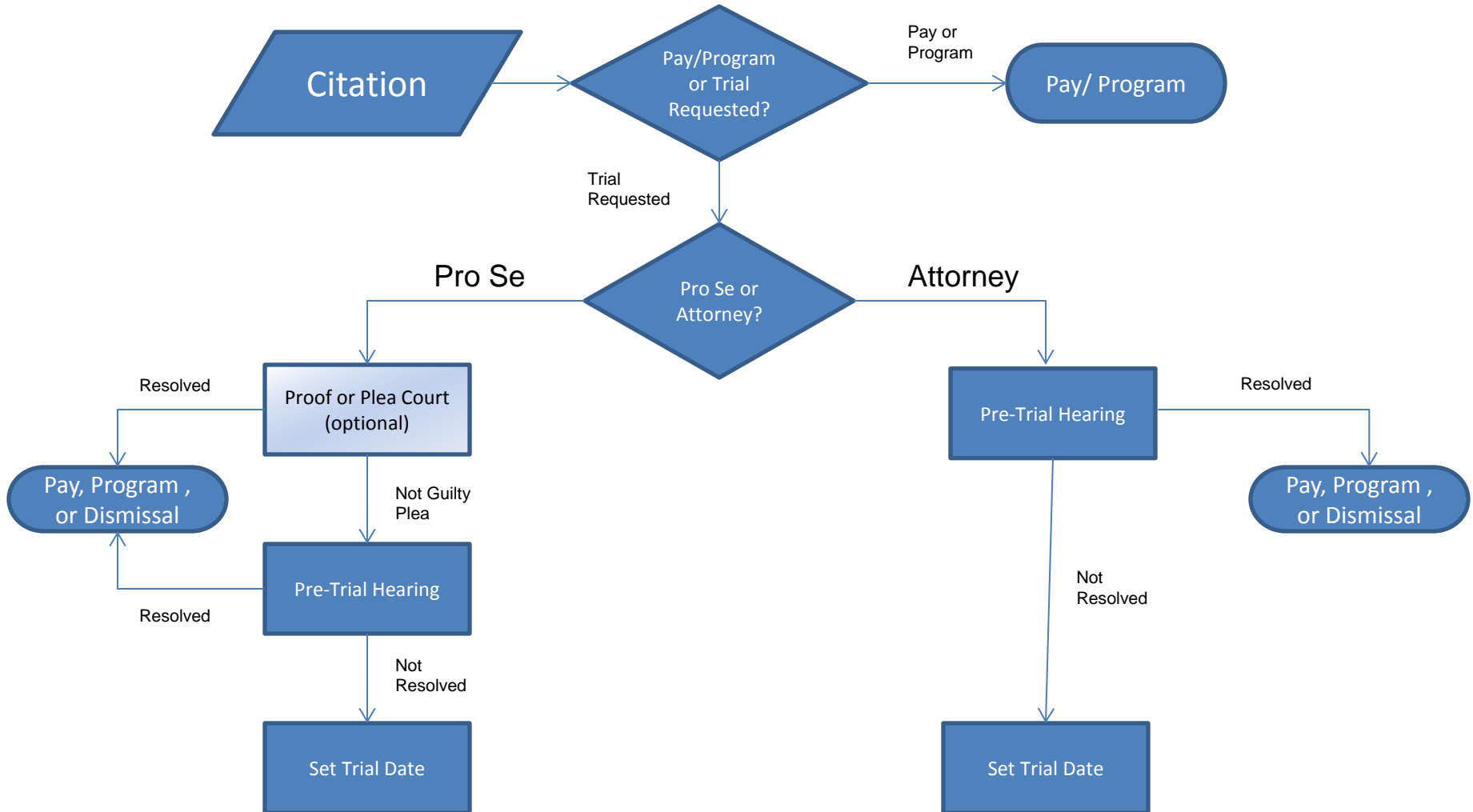
Purpose of Pre-Trial Program

- Attempts to separate desire to go to trial vs. desire to get out of ticket
- Very few defendants request trials on the day of scheduled trial
- Pre-Trial presents opportunity for defendants and defense attorneys to discuss cases with prosecutors outside of a trial setting and resolve any issues that would impede the ability to have a trial, for examples:
 - Need for a translator
 - Adequacy of Complaint (formal charging instrument)

What Happens During Pre-Trial

- Prosecutor can convey an offer to the defense
- Prosecutor provides the defense with a copy of the Complaint
- Pre-Trial motions can be heard and cases can be resolved without the expense of witnesses being required to appear

Pre-Trial Process



Steps in the Pre-Trial Program

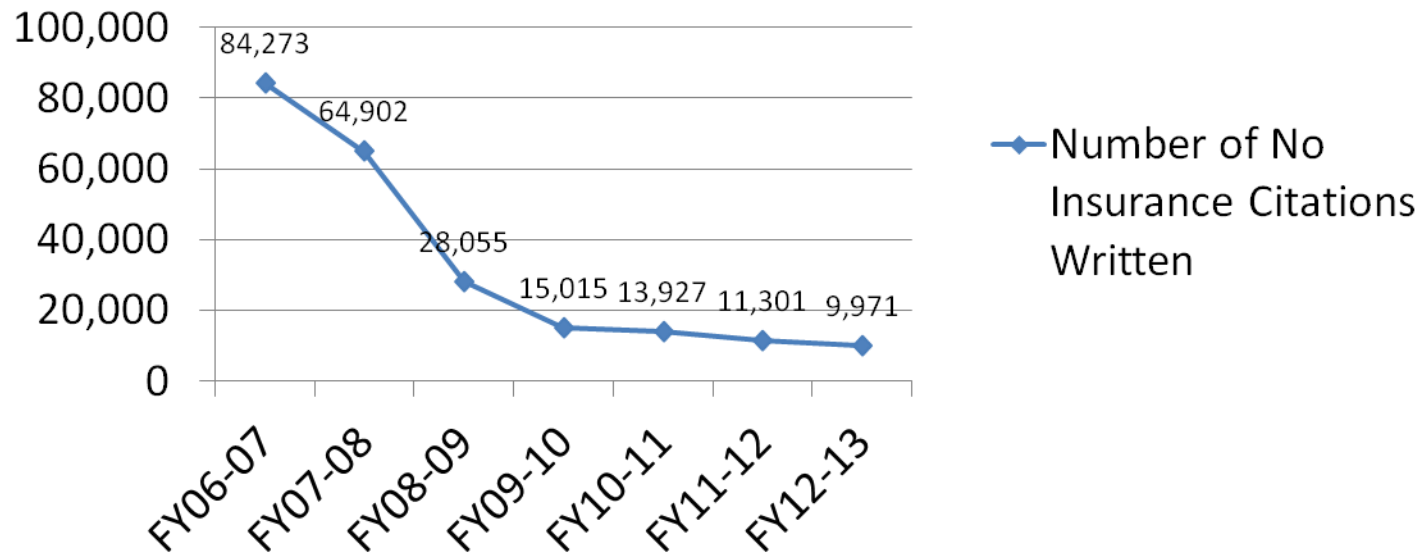
- Pro Se Defendant (no attorney representation)
 1. Go to Proof or Plea Court to get prosecutors offer and decide whether to seek trial
 2. If prosecutor's offer is rejected and defendant pleads not guilty, defendant attends a Pre-Trial hearing
- If case not resolved at Pre-Trial hearing, a trial date will be set

Steps in the Pre-Trial Program

- Defendant with attorney representation
 1. Attorney receives offer from prosecutor
 2. If prosecutor's offer is rejected, defendant and attorney attend Pre-Trial hearing to attempt to resolve any pre-trial motions and the offer is re-affirmed
- If case not resolved at Pre-Trial hearing, a trial date will be set

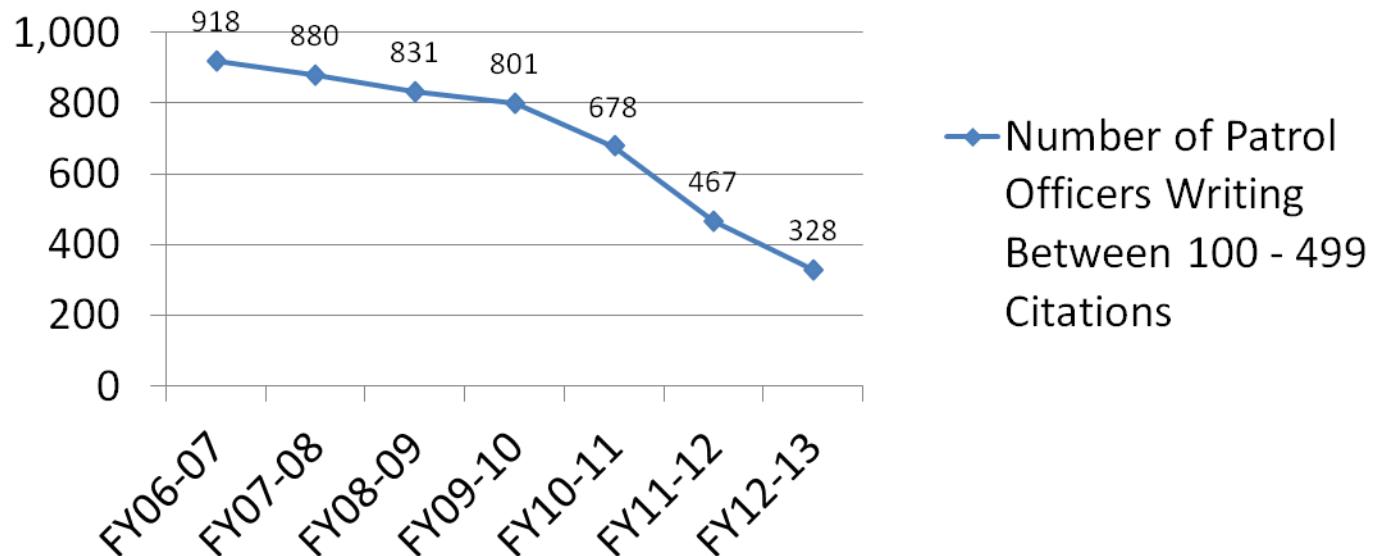
Observations on Decreased Citation Volume

- Analysis of citation volume decreases has led to several observations
 1. Number of citations for no proof of insurance has decreased dramatically as a result of No Insurance Tow Policy enacted in FY08-09



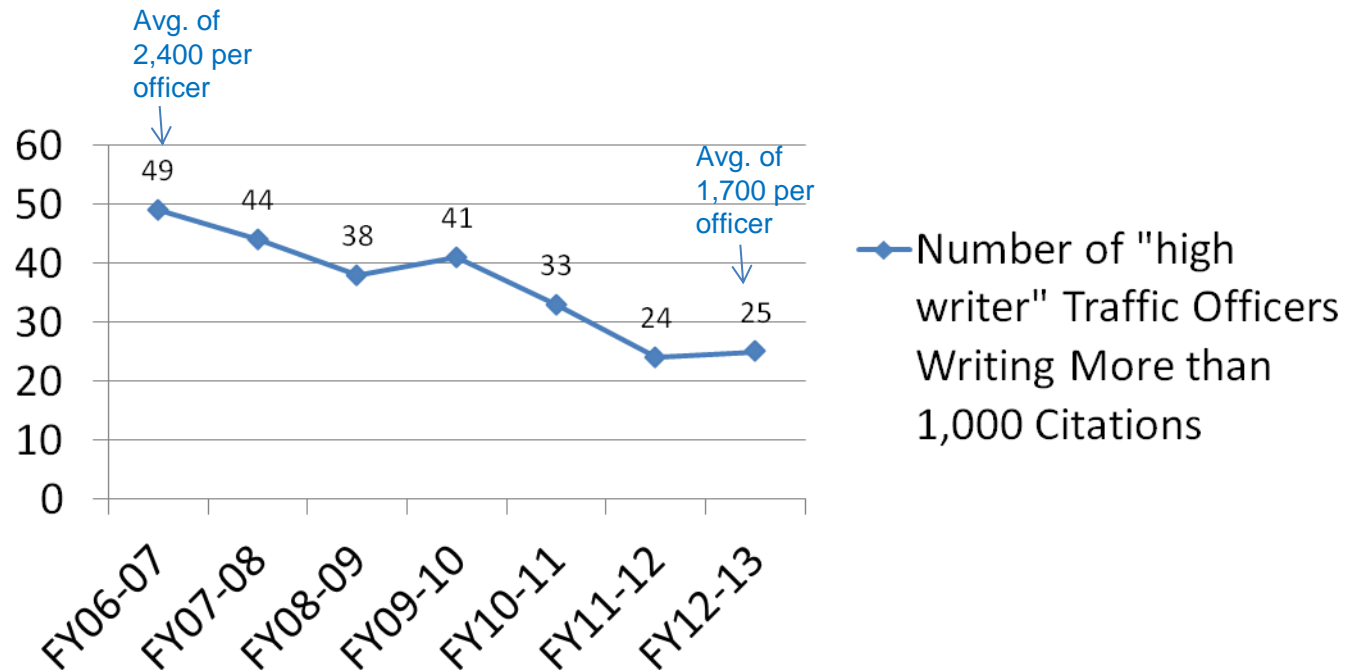
Observations on Decreased Citation Volume

2. Focus of everyday Patrol Division Officers seems to have shifted away from writing citations



Observations on Decreased Citation Volume

3. The number of “high writer” Traffic Division Officers has decreased and they are writing fewer citations



Observations on Decreased Citation Volume

- Grant funds spent primarily on traffic violations has decreased by 25%

