

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

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 |


Key:  = Addressed Prior “Actions Needed”

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 |

Key:  = Addressed Prior "Actions Needed"

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

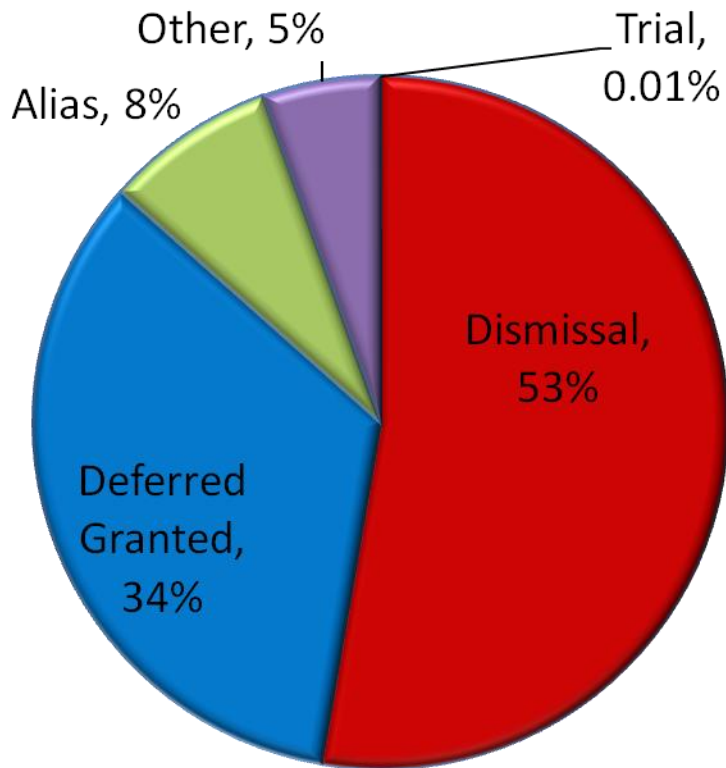
- Reduced the number of officer subpoenas by nearly 70%, approximately 1,200 per week, not requiring them to appear in court
- Actual trials held remained the same, averaging less than 10 per week
- Reduced dismissals by 43%

Court Setting Comparison

(Resets have been excluded from analysis)

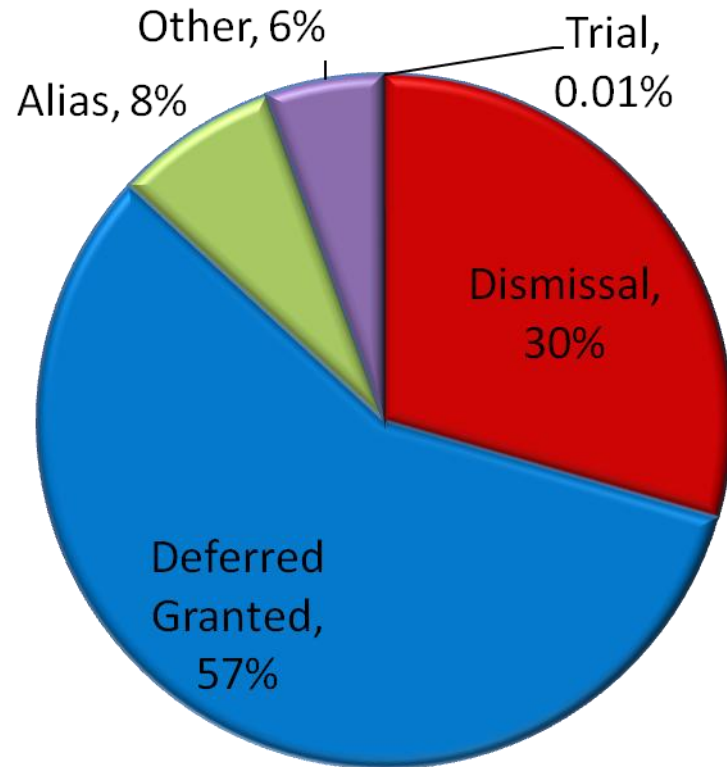
Before

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

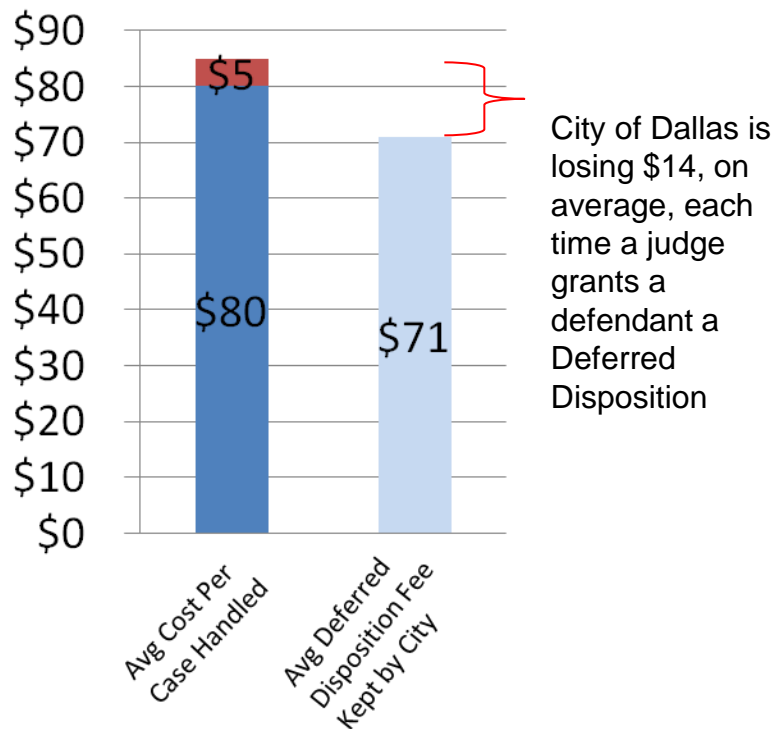
Cost of Operation

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

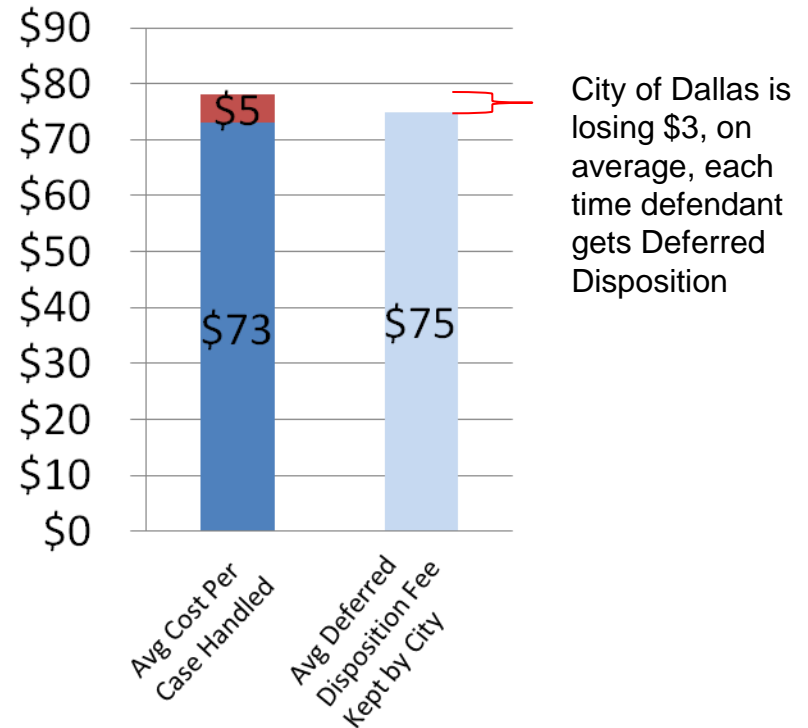
Deferred Disposition Analysis

- 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% |

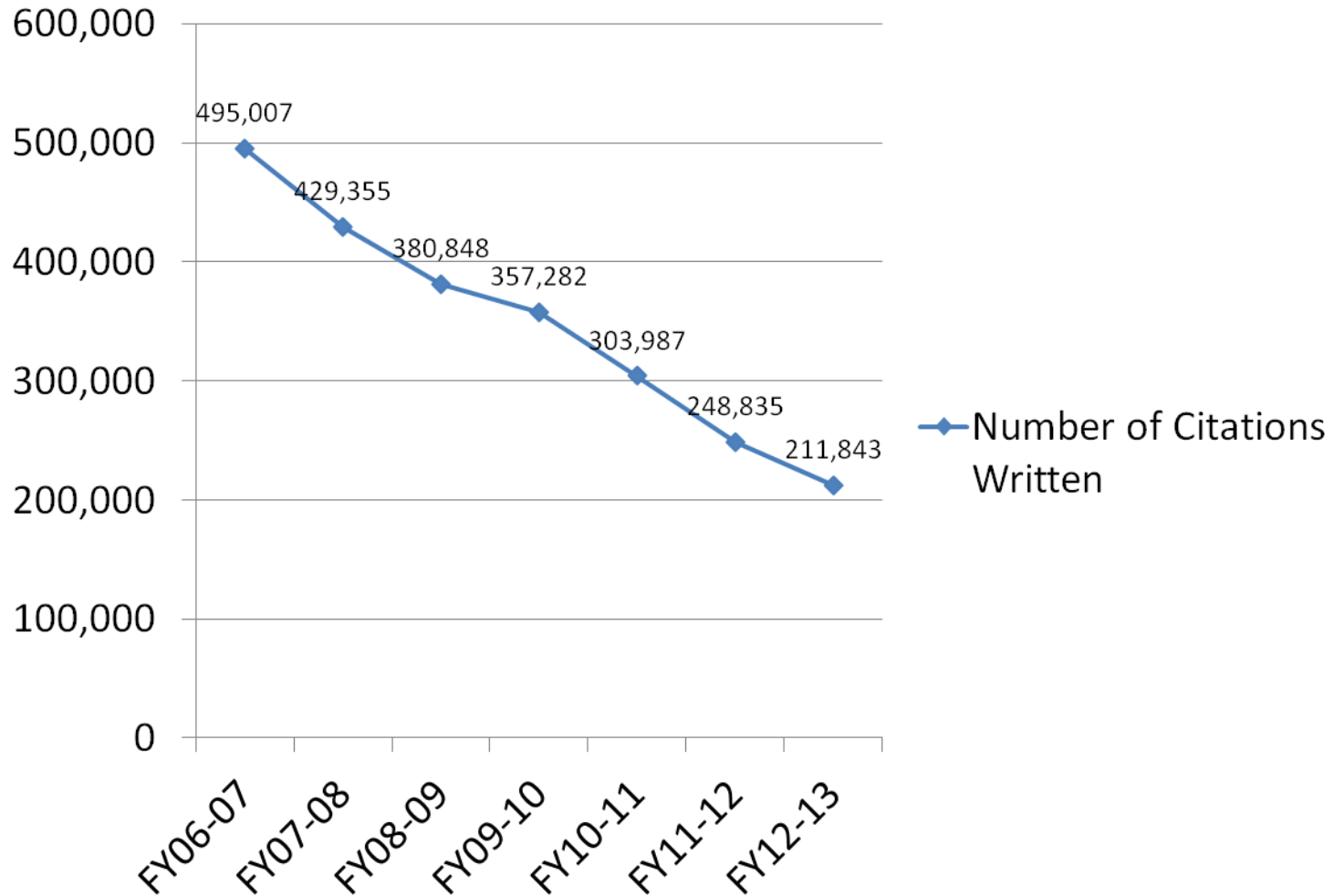
- The Pre-Trial Program has resulted in far fewer officer subpoenas and skews the WU and IE as a percentage of final dispositions data
- When WU and IE are examined as a percentage of cases scheduled for trial, it shows there is still room for improvement to be made

| 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

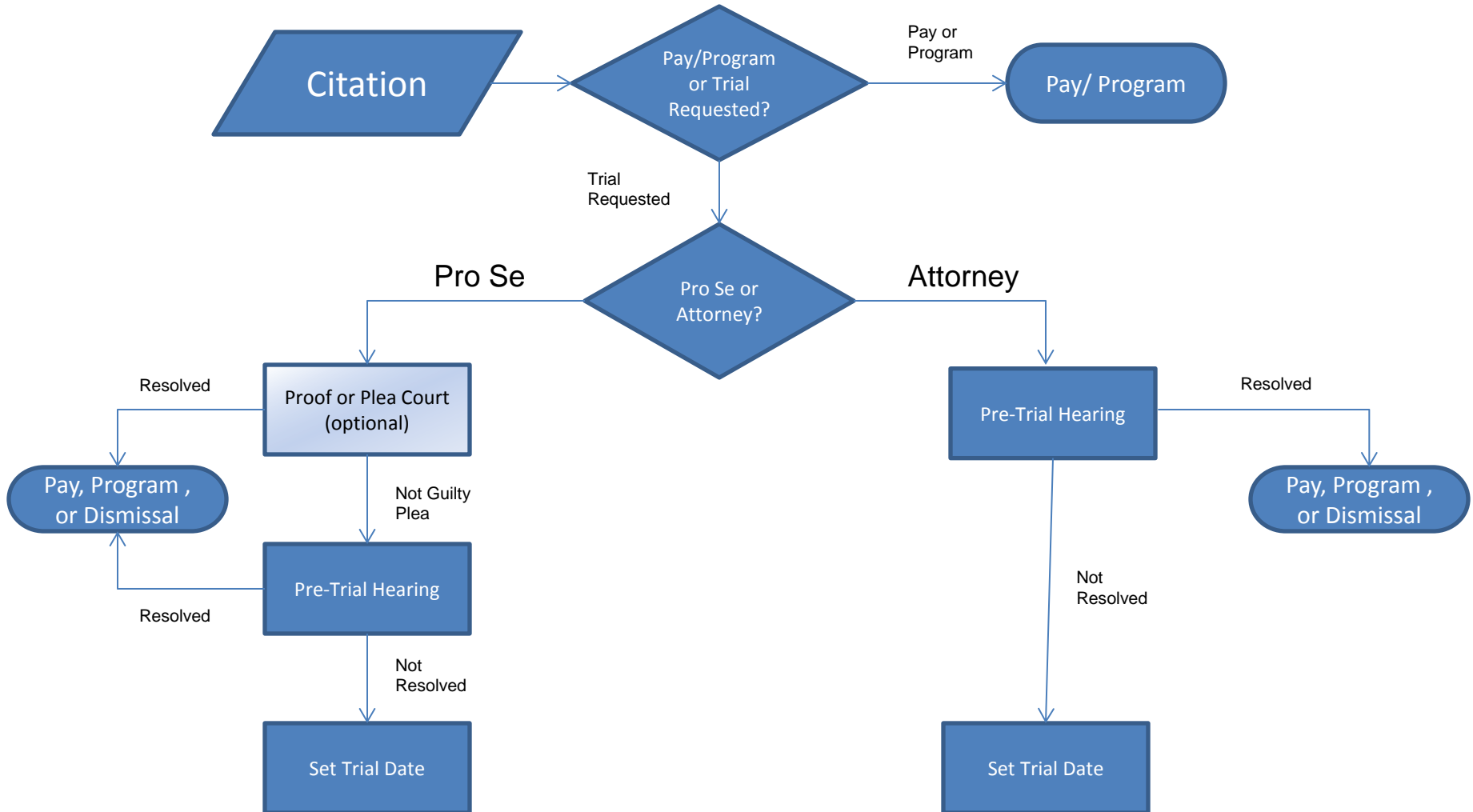
Purpose of Pre-Trial Program

- 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

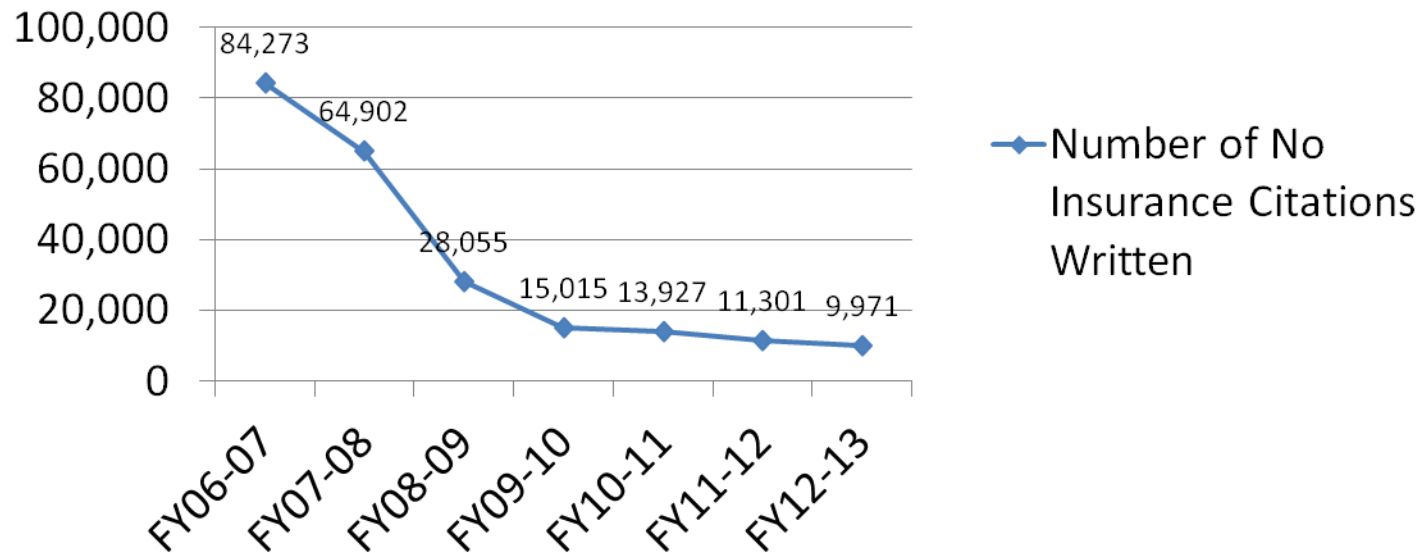
- Pro Se Defendant (no attorney representation)
 1. Go to Proof or Plea Court to get prosecutors offer and decide whether to seek trial
 2. If prosecutor's offer is rejected and defendant pleads not guilty, defendant attends a Pre-Trial hearing
- If case not resolved at Pre-Trial hearing, a trial date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

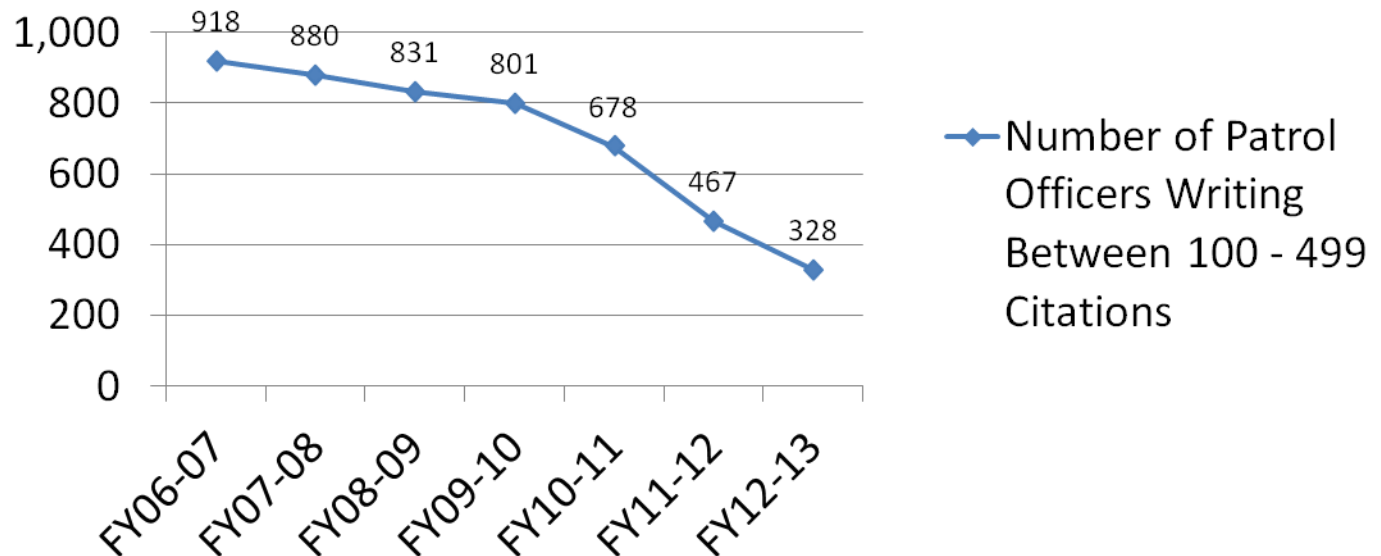
Observations on Decreased Citation Volume

- 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



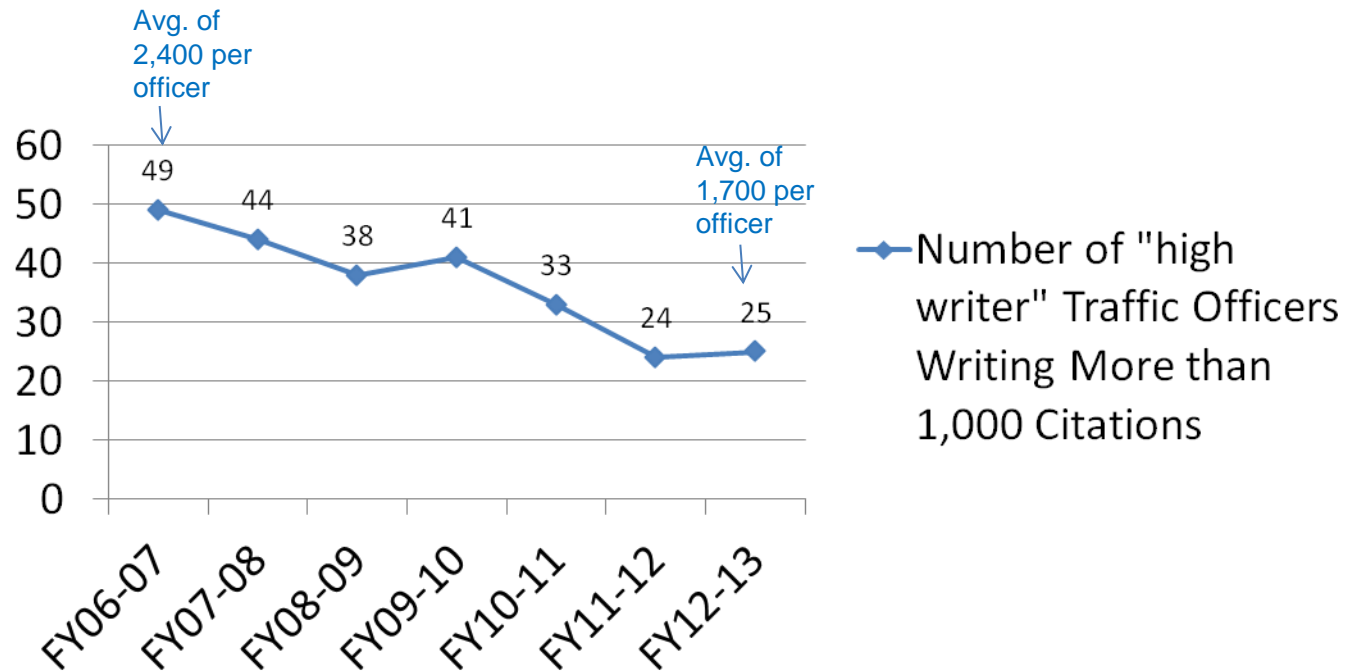
Observations on Decreased Citation Volume

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%

