



January 18, 2007

Mayor and Commission
Unified Government of Athens-Clarke County
City hall
301 College avenue
Athens, Georgia 30601

Dear Mayor and Commission:

Our review of the operations of Athens-Clarke County Municipal Court follows. The project was conducted as part of a larger review of misdemeanor probation services, which will be transmitted under separate cover.

We wish to thank Judge Kay Giese and the entire staff of Municipal Court for their exceptional cooperation and assistance during the course of the review. I wish to recognize the efforts of Tommy Houseman and Venessa Banks of my office and former intern Jean Asta for their contributions to this report.

Should you have any questions please do not hesitate to contact me.

Very truly yours,

John A. Wolfe
Athens-Clarke County Auditor

Copy: Honorable Kay A. Giese, Judge
Alan Reddish, Manager
Bill Berryman, Attorney
Jean Spratlin, Clerk of Commission

OFFICE OF THE AUDITOR



REVIEW OF
ATHENS-CLARKE COUNTY MUNICIPAL COURT
OPERATIONS

Report to the Mayor and Commission

January 2007

Prepared by:

Auditor's Office
Unified Government of Athens-Clarke County

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EXECUTIVE SUMMARY

This review of the operations of Athens-Clarke County Municipal Court focused on the following:

- Citations that can be paid off without defendants making a personal appearance (“pay-off tickets”)
- Citations that require defendants to appear in court to address their charges (“court-only charges”)
- The types of warrants issued by the court
- Arraignments, trials, and jail call
- Red-light-camera violations, and
- Ordinance violations & administrative hearings.

Work observations, statistical sampling of case files, and an examination of work processes and procedures were undertaken to document the disposition of cases. Analysis showed that work processes are efficiently organized and that clerical staff is cross-trained to provide backup and support in most functions.

The workload of Municipal Court has increased in all areas over the past five years in terms of the number of citations processed, the number of cases docketed, the number of arraignments and trials held, and the amount of fines collected. The amount of general fund revenue from Municipal Court fines increased from \$1.62 million in FY02 to \$1.94 million in FY06, or nearly 20%. In FY03 22,402 cases were docketed in the Court compared to more than 30,000 estimated in FY07, an increase of approximately 38%, with no corresponding increase in clerical staff resources.

It is recommended that Municipal Court staff be increased by a full-time clerical position to assist with data entry, filing, and other duties related to the processing of citations and disposition of cases in a timely manner. Further recommendations are made to enhance work processes and procedures.

I. PROJECT OVERVIEW

A. PURPOSE AND AUTHORITY OF THE AUDIT

The review of the staffing level of the Municipal Court was conducted at the request of the Mayor and Commission pursuant to Article IV, Section 4-104 and Article VII, Section 7-410 of the Charter of the Unified Government of Athens-Clarke County, Georgia and the ordinance and policies guiding the conduct of review.

B. OBJECTIVES OF THE AUDIT

For this project, analysis was conducted on the workload of the administrative/clerical staff of Municipal Court.

C. METHODS AND TASKS

- Interviewed Municipal Court staff to gain an understanding of job responsibilities and assignments.
- Conducted work observations to document workflow and processes.
- Gathered and analyzed workload data of clerical tasks required for processing and disposal of cases.
- Reviewed and analyzed red-light-camera citations (1495 total) from February 2005 through August 2006 to document the disposition of cases.
- Conducted a random sample of Municipal Court cases. To achieve a 95% confidence interval the sample consisted of 943 case files, 3.3% of the total, representing 1,130 citations.
- Compiled statistical summaries of case dispositions.
- Met with representatives of MAXIMUS, Inc., the firm that oversees private probation service for Municipal Court to gain an understanding of their filing system and reporting procedures to the Court.
- Audited a sample of probation case files for compliance with sentencing requirements: A total of 130 probation case files were reviewed, approximately 10% of the total.

- Provided a summary of all audited case files to MAXIMUS for review and comment. An additional report addressing probation services will be issued under separate cover.
- Provided a draft report to Municipal Court for review and comment.

II. OVERVIEW OF MUNICIPAL COURT

A. HISTORY

Municipal Court was created in 1985 to adjudicate and process offenses under the Court's jurisdiction within the limits of the former City of Athens. Prior to the creation of the Court, these offenses were processed and tried in Magistrate Court of Athens-Clarke County. A contractual agreement between the City and County addressed the payment and sharing of fines among the jurisdictions.

Once established, staffing consisted of a full-time Municipal Court Clerk and Deputy Clerk and a part-time Municipal Court Judge. An additional Clerk position was added to assist with processing of cases.

Generally, court was held four days per week beginning at 8:00 a.m. and was usually completed by 9:00 a.m. or 9:30 a.m. Arraignments and trials were conducted at the same time. A "trial calendar," which refers to setting a trial date at arraignment if a defendant enters a not-guilty plea, was not used. Because there was no trial calendar, police officers were required to attend court on the date the defendant was to appear. Officers normally set aside two days per month for personal appearances in court.

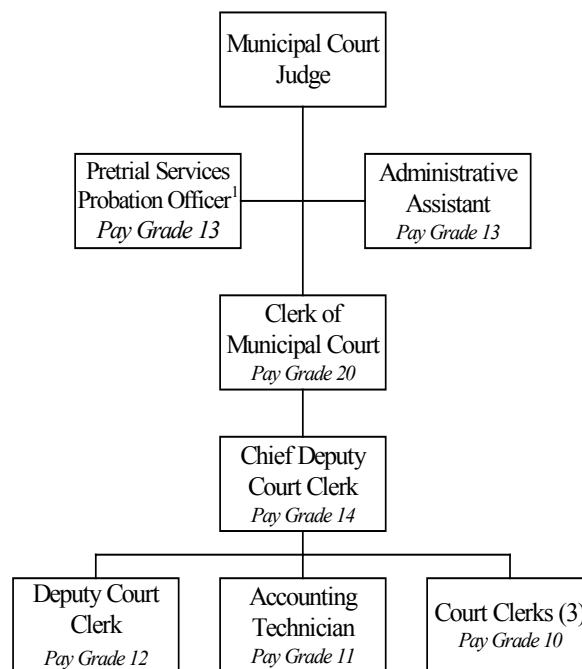
After the unification of Athens and Clarke County, Municipal Court was combined with State Court. The clerical staff was transferred to the Clerk of Superior & State Courts Office and the part-time Judge position was abolished. Authorization for a second State Court judgeship was requested from and approved by the Georgia General Assembly. However, because of litigation concerning the manner in which state judges were elected, the judgeship went unfilled. Prior to the litigation's resolution, Athens-Clarke County requested that the General Assembly rescind the State Court judgeship.

Municipal Court was reestablished in 1992 by Athens-Clarke County. The three former Municipal Court employees and three court clerks in the Superior and State Courts Clerk's Office were transferred to the newly formed Municipal Court and a full-time Judge and Administrative Assistant were funded. Municipal Court was given responsibility for processing and adjudicating most state misdemeanor traffic violations, misdemeanor offenses of underage possession of alcohol, possession of marijuana, theft by shoplifting, and local ordinance violations countywide. In addition, the judge was designated as the government's Administrative Hearing Officer. This position presides over appeals of license violations or permits denied by Athens-Clarke County.

B. MUNICIPAL COURT ORGANIZATION AND STAFFING

Municipal Court staffing consists of a Judge, Pretrial Services Officer, and eight administrative/clerical staff. Figure 1 depicts the organization of Municipal Court. Staffing levels have remained constant over the past 15 years with these exceptions: an Accounting Technician position was funded in 2000 and a Pretrial Services Officer was funded in 2006. This position directly reports to the Probation Officer in the State Court's DUI/Drug Court Program but is an employee of Municipal Court.

Figure 1: Organization of Municipal Court



¹ Position reports to the Probation Officer in State Court's DUI/Drug Court Program.

Summary of Position Duties and Responsibilities²

Job responsibilities in Municipal Court can be classified into three broad categories: judicial, clerical, and administrative. Judicial responsibilities pertain to those activities performed by the Judge in the adjudication and disposition of cases. Clerical functions relate to those duties performed by staff in the processing of citations prior to and after the disposition of a case. Administrative duties include budgeting, financial administration, staff supervision, and other activities related to the operation of the court. A brief summary of Municipal Court staff duties follows:

- MUNICIPAL COURT JUDGE – Serves as the department director and is responsible for all aspects of the Court. Conducts arraignments and trials Monday through Thursday and some Fridays. Adjudicates all matters brought before the Court including trials of misdemeanor accusations, code violations and administrative hearings. Researches and writes orders pertaining to cases. Signs all warrants.
- ADMINISTRATIVE ASSISTANT – Reports to the Municipal Court Judge and provides administrative and secretarial support to the Judge and Municipal Court. Informs defendants with “pay-off tickets” (non-court only cases) of their plea options. Sets the court’s trial calendar after arraignments, issues subpoenas for scheduled non-court only bench trials, maintains Pretrial Intervention Program files, and arranges for warrants to be signed, copied, and forwarded to the appropriate authority. Prepares “Jail Call” list.
- MUNICIPAL COURT CLERK – Supervises clerical staff and is responsible for all aspects of reporting and accounting of funds. Attends arraignments and trials to assist the Judge and ensures all forms are filled out correctly and properly executed. Informs defendants making a first appearance for “court-only charges” of their plea options prior to arraignment.
- CHIEF DEPUTY COURT CLERK – Supervises daily operations of clerical staff while the Municipal Court Clerk is in court and attends court in the Clerk’s absence. Administers Georgia Crime Information Center (GCIC) training and serves as the Terminal Agency Coordinator (TAC) for Municipal Court. Coordinates trial resets with defendants’ attorneys and the Solicitor’s Office. Prepares warrants for DUI, shoplifting, marijuana possession, and gas drive-off charges. In addition, the position recently assumed responsibility for clerical functions associated with the disposition of ordinance violation cases, attending all ordinance violation arraignments and trials and preparing sentence forms.
- DEPUTY COURT CLERK – Fields calls about citations and their resulting court dates and fine amounts. In addition, the position is responsible for processing payments for “pay-off tickets,” including red-light-camera violation tickets, received by Municipal Court through the mail. Follows-up with defendants who have sent the incorrect fine

² A summary of the duties and responsibilities of the Pretrial Services Probation Officer is discussed in a forthcoming report on misdemeanor probation services.

amount. Attends arraignments and trials and performs other functions in the absence of the Municipal Court Clerk or the Chief Deputy Clerk.

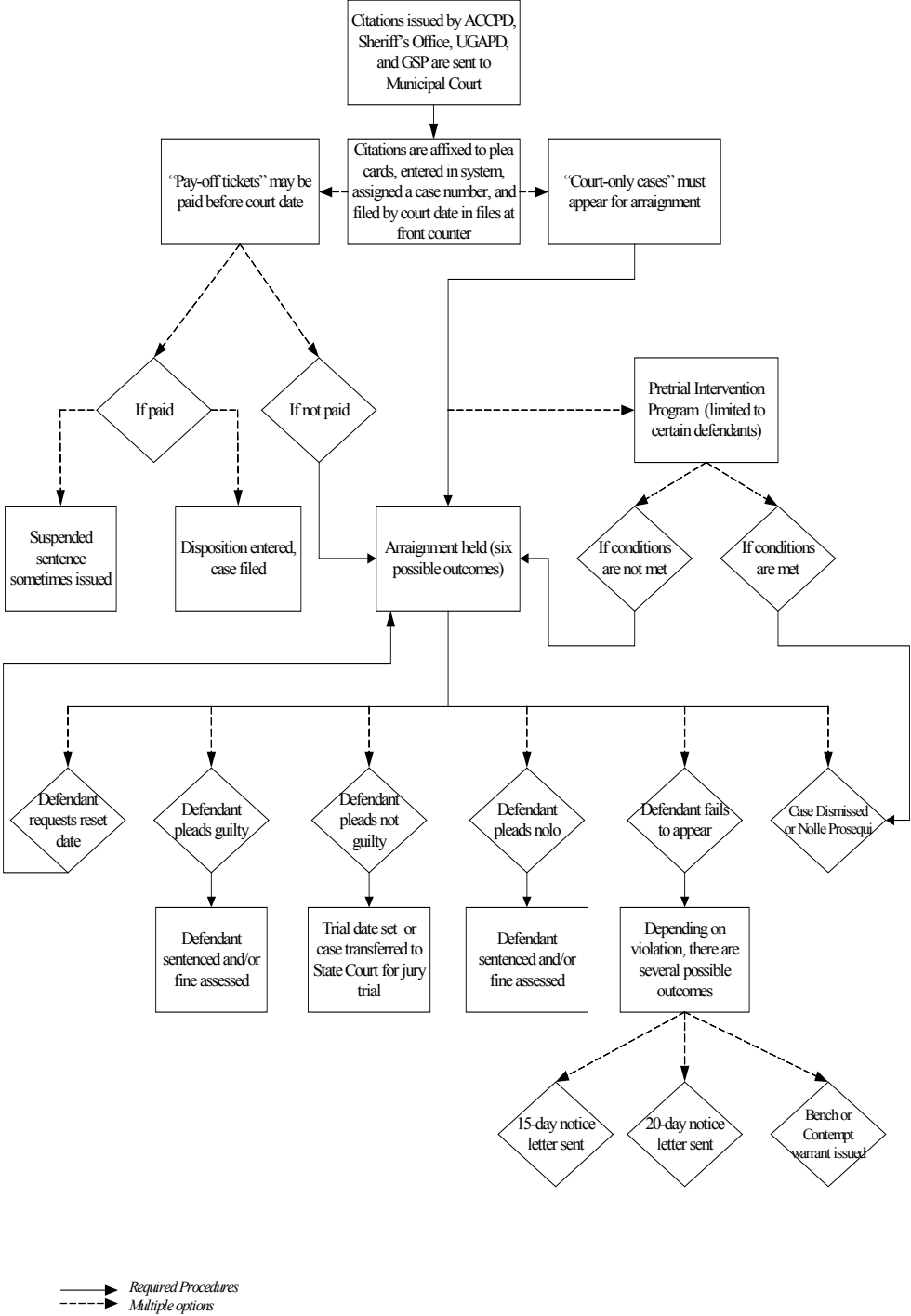
- ACCOUNTING TECHNICIAN – Enters fines and payments from the court system into the government’s financial system. Processes daily delivery of cash bonds from jail for defendants arrested the previous day. A bond report from the jail accompanies the delivery, which lists the jail’s receipt number, name of the defendant and the amount paid. It is signed both by the Accounting Technician and by the deputy making the delivery. Each cash bond is in an individual envelope. The information printed on the envelope should match the bond report. If the bond report and envelopes do not match, delivery is denied. Receives a monthly report from Municipal Court’s probation provider detailing the fines collected from individual probationers. Each payment is entered into the Municipal Court AS400 system and a report is issued. In addition, the Accounting Technician processes returned checks and prepares a daily cash register report of all checks, cash, credit card payments, and money order receipts.
- COURT CLERKS (3) – Three Court Clerks share responsibility for the front counter, enter all citations into Municipal Court’s computer system, file cases and warrants, answer public inquiries, and dispose of cases. Each Court Clerk is assigned certain functions, but they are cross-trained to provide backup and support to one another.
 - Front Counter: One Court Clerk has priority for the front counter, which is open to the public from 8:00 a.m. to 5:00 p.m. Monday through Friday. Duties include addressing personal inquiries, receiving payments of fines, sorting and filing pending citations by date and name, and filing disposed cases. When more than four individuals are waiting at the counter, one of the other clerks will lend assistance.
 - Citation Tracking: A second Court Clerk has primary responsibility for entering all citations issued by the Athens-Clarke County Police Department (ACCPD), the Athens-Clarke County Animal Control division, the Clarke County Sheriff’s Office, the Georgia State Patrol, and the University of Georgia (UGA) Police Department. Generally, citations are written with court dates scheduled for three weeks from date of issue. A court date change letter is issued if there is a change in court date.

Once all information is entered, each citation is attached to a plea card. The plea card includes the court date and fine amounts and it is filed at the front counter for payment or disposition. Because of the high volume of citations, entry is generally three to eight days behind. This position also enters information for red-light-camera violations and sorts and files pending and disposed cases.

- Disposition Tracking: The major responsibility for a third court clerk is entering the disposition of all court cases into the computer system. There are four primary dispositions of cases:
 1. *Resets* – Cases rescheduled to another court date.
 2. *Suspended Sentences* – Cases where defendants are granted a specified amount of time to pay a fine.
 3. *Transfers* – Cases transferred from Municipal Court to another court (usually State Court).
 4. *Disposed* – Cases disposed of in court that can be processed and filed away permanently.

Figure 2, which follows, provides an overview of “pay-off tickets” and “court-only charges.” More detailed diagrams depicting the work processes for both types of citations can be found on pages 12 and 14 respectively.

Figure 2: Overview of Municipal Court Major Work Processes for “Pay-off Tickets” and “Court-Only Charges”

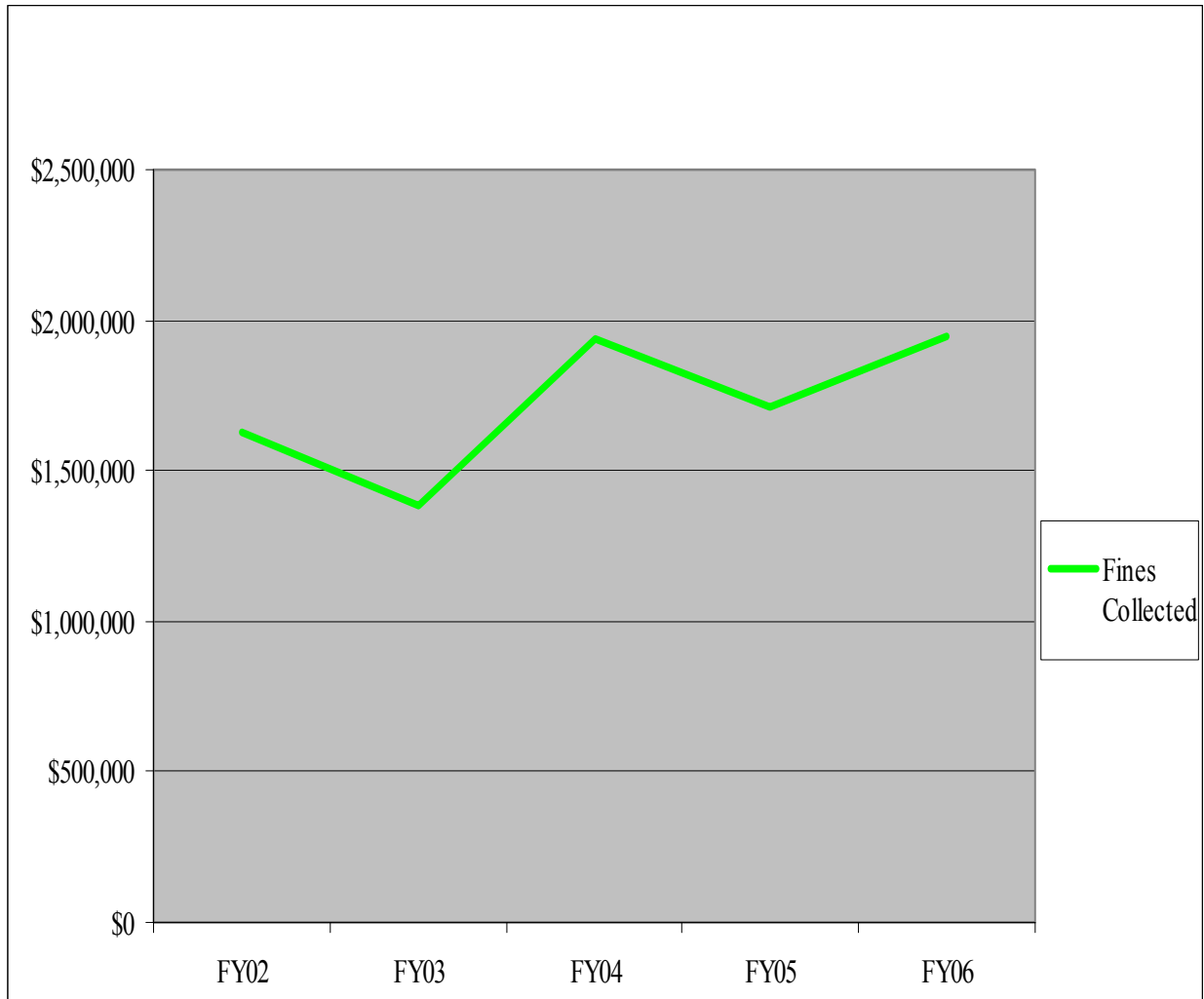


C. MUNICIPAL COURT EXPENDITURES AND FINE REVENUE

Municipal Court expenditures for FY06 totaled \$497,400, an increase of approximately 16%, or nearly \$70,000, since FY02. Most of this increase is the result of employee compensation and benefits resulting from raises afforded to ACC employees generally. Other operating and indirect charges have remained relatively constant during this period.

Municipal Court revenue from the collection of fines has increased from \$2.6 million in FY02 to more than \$3.8 million in FY06. ACC's general fund retains approximately 60% of this revenue while the remaining funds are remitted to various special accounts in accordance with state law such as indigent defense, local law library, and Sheriff's retirement. General fund revenue from Municipal Court fines increased from \$1.62 million in FY02 to \$1.94 million in FY06, a \$317,800 increase, or nearly 20%. Gross receipts for the first six months of FY07 were \$1.9 million and net general fund revenue was \$974,344. Figure 3 depicts trends in general fund revenue from FY02 through FY06.

Figure 3: General Fund Revenue from Municipal Court Fines Collected FY02 to FY06



III. WORK PROCESSES AND WORKLOAD

A. SUMMARY OF MUNICIPAL COURT FUNCTIONS

Municipal Court functions and services can be broken down into the following major areas:

- Citations: “Pay-Off Tickets”
- Citations: “Court-Only Charges”
- Warrants
- Arraignments, Trials, & Jail Call
- Red-Light-Camera Violations
- Ordinance Violations & Administrative Hearings.

In addition to the major functions listed above, the Court will assume responsibility for domestic partnership registration in July of 2007.

B. CITATIONS: “PAY-OFF TICKETS”

There are two basic types of citations, commonly referred to as “pay-off tickets” and “court-only charges.” This section discusses “pay-off tickets.”

Charges such as speeding violations less than 24 miles per hour above the posted limit, moving violations, no proof of insurance, minor license offenses, and other minor traffic violations are examples of charges that a defendant may resolve without going to court. There are prescribed fines for these charges, which may be paid at the Clerk of Municipal Court’s Office prior to the court date listed on the citation. Defendants wishing to contest one of these charges must appear in court for arraignment and disposition. Figure 4, which follows, depicts the process for resolving a “pay-off ticket.”

Defendants who pay by mail must contact Municipal Court to determine the fine amount. Fines are listed on Athens-Clarke County’s website and a directory of information is provided via Municipal Court’s automated telephone attendant. Defendants who are unclear about the fine amount or who have other questions pertaining to their pending charges may speak directly to Municipal Court staff. Work observations made during the course of this study revealed a large volume of telephone calls made to staff concerning fine amounts, court dates, and other matters relating to defendants’ charges.

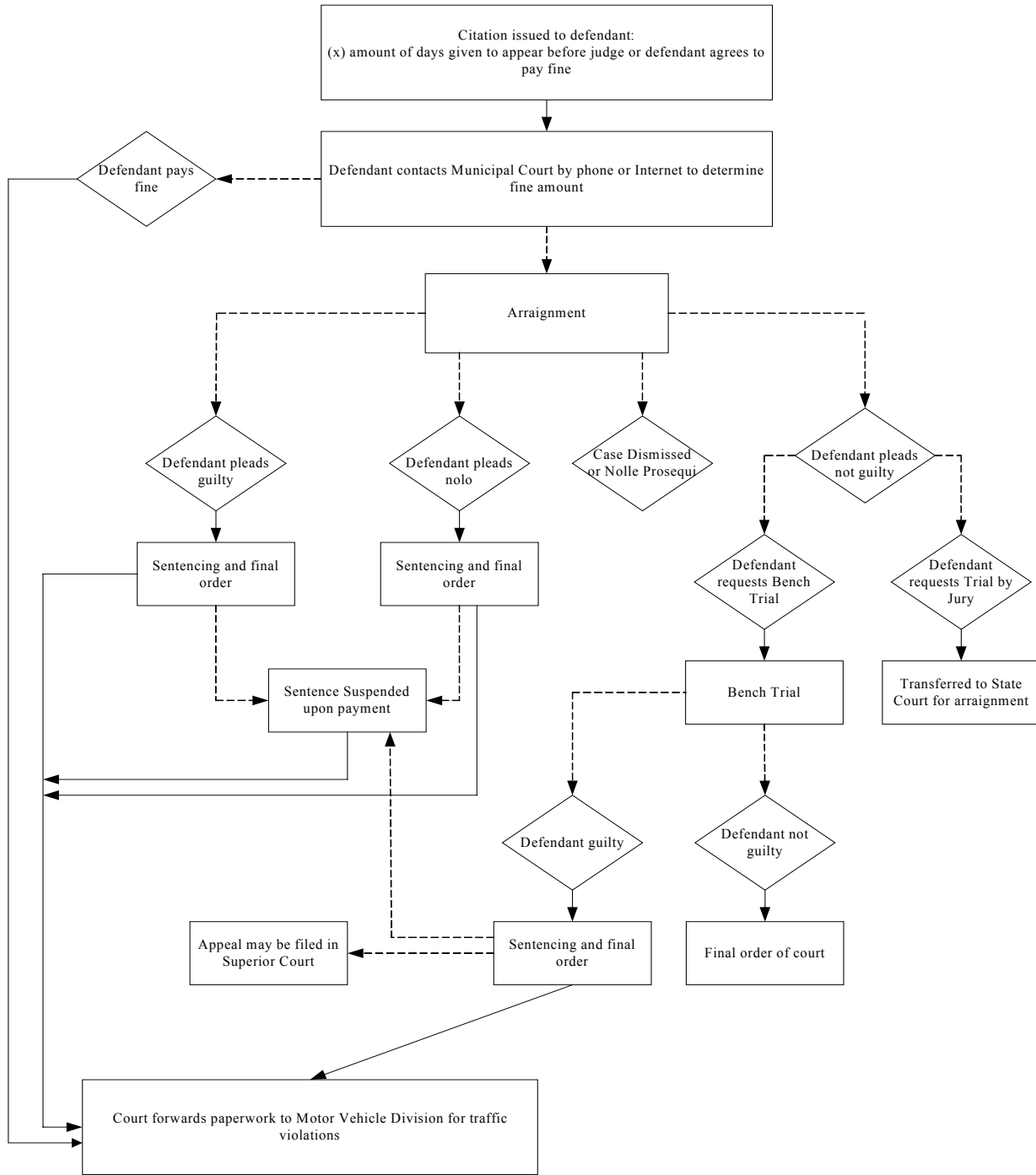
While many citations can be paid by mail, negating the need for a personal appearance by the defendant, the random sample conducted of Municipal Court’s cases indicated that only approximately 23% of the citations were settled in this manner. All other citations, approximately 27,000, were addressed in person by either a court clerk or the Judge.

One Court Clerk has priority for the payment counter, which is open to the public from 8:00 a.m. to 5:00 p.m. Monday through Friday. Other clerks provide backup when more than four individuals are waiting at the counter. At the end of each day the Court Clerks sort the “pay-off

tickets” to identify defendants who failed to pay their fines prior to their arraignment date. As a courtesy, the clerks issue a 20-day notice to defendants cited with traffic offenses, informing them that if they do not make payment within 20 days they will be reported to the Department of Motor Vehicles so that their license will be suspended. It is estimated that approximately 870 such notices are issued annually. A \$50 fee is assessed for late payments.

Defendants cited for non-moving violations who fail to appear in court will be issued a letter notifying them that they have 15 days to contact the court. Failure to contact the court prior to the expiration of 15 days will result in the issuance of a contempt warrant for the defendant’s arrest.

Figure 4: Process for Disposition of Standard “Pay-Off Tickets”



————> Required Procedures
 - - - - -> Multiple options

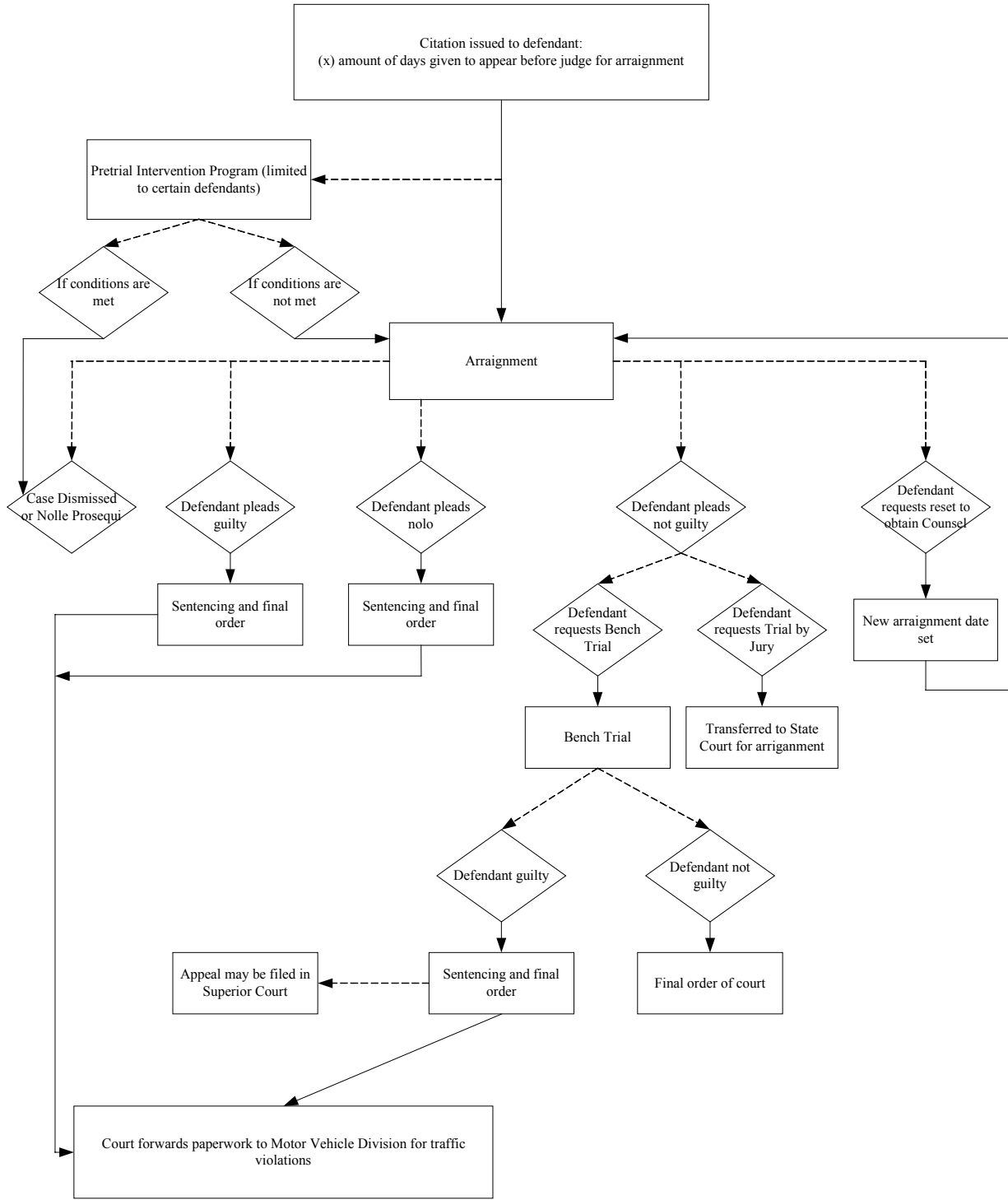
Source: Based on a sample from http://jec.unm.edu/resources/flowcharts/municipal_nonarrest.htm

C. CITATIONS: “COURT-ONLY CHARGES”

Violations referred to as “court-only charges” require that a defendant personally appear in court. Some of the more common court-only charges include driving under the influence of alcohol or drugs, underage possession or consumption of alcohol, shoplifting, driving on a suspended license, fleeing or attempting to elude an officer, reckless driving, racing, passing a stopped school bus, unlawful use of a license (fake I.D.), speeding more than 24 miles per hour above the posted speed limit, failure to move over for an emergency vehicle, and driving without insurance. If a defendant has multiple charges and only one mandates a court appearance, he or she must settle all charges by personal appearance. For example, someone charged with driving under the influence and speeding cannot pay the fine for speeding in advance of his or her court date.

Court-only cases are copied and forwarded to the Solicitor General’s Office for prosecution. Certain defendants are allowed to enter the Pretrial Intervention Program. If they complete the program successfully, the case is *nolle prosequi* (the charge[s] are dismissed). Violating the terms of the program may result in the case being rescheduled for arraignment. The “court-only charges” for which eligible defendants may enter the Pretrial Intervention Program include underage possession/consumption of alcohol, shoplifting, and marijuana possession. Figure 5 illustrates the key processes involved with the disposition of “court-only cases.”

Figure 5: Process for Disposition of “Court-Only Cases”



————> Required Procedures
 - - - - -> Multiple options

Source: Based on a sample from http://jec.unm.edu/resources/flowcharts/municipal_nonarrest.htm

D. ARRAIGNMENTS, TRIALS, & JAIL CALL

Arraignments

Arraignments for state misdemeanor charges and some ordinance violations noted below are held Monday through Thursday beginning at 9:00 a.m. and usually lasting until noon. Arraignments are required for “court-only” cases, but they are also used when a defendant wishes to contest a “pay-off” ticket. There are essentially six³ options available to most defendants at the arraignment:

1. They may plead guilty and pay their fine.
2. They may plead not guilty and a trial date will be set. If they request a jury trial their case will be transferred to State Court. The Administrative Assistant is responsible for issuing subpoenas to the citing officer and any witnesses.
3. They may plead guilty and receive a suspended sentence. The suspended sentence will be good for up to thirty days, during which time they are ordered to pay their fine. If they do not pay their fine, before the suspended sentence expires, they must appear in court to request the Judge to issue another suspended sentence. Generally no more than two suspended sentences are issued. Those who do not pay are given jail time.
4. They may plead *nolo contendere*, which means the defendant isn’t contesting the charges. The punishment options are the same as if they had pleaded guilty but for some driving offenses defendants will not receive any points on their driving record. Defendants are only allowed to plead *nolo contendere* once every five years and the plea is restricted to certain violations. The Judge has discretion as to whether or not to accept a *nolo contendere* plea.
5. The arraignment may be reset in order for the individual to retain an attorney or apply to the Public Defender’s Office.
6. Certain defendants may ask to enter the Pretrial Intervention Program.

At arraignments, the Judge calls the names of all defendants who have “court-only” charges and the Municipal Court Clerk takes them outside the courtroom to explain their options. For defendants who are charged with failure to show proof of vehicle insurance, the Clerk verifies their insurance status and dismisses the case if they had insurance. The Clerk explains to the other defendants the nature of the charges and gives them an opportunity to obtain an attorney prior to entering a plea. Defendants choosing to seek counsel are given a new arraignment date and those requesting jury trials are transferred to State Court for arraignment. Defendants pleading guilty or *nolo contendere* to a “court-only” charge at arraignment are sentenced by the Judge.

³ In addition to the six options available to most defendants the prosecutor may also dismiss the charge(s).

The Municipal Court Judge calls the names of all defendants to be arraigned that day on a “pay-off ticket.” The Administrative Assistant takes the defendants outside the courtroom and meets with them individually to explain the plea options available. Those pleading not guilty are assigned a trial date and those seeking a jury trial are transferred to State Court for arraignment. Those pleading guilty or *nolo contendere* are allowed to either pay their fines or are given a suspended sentence without appearing before the Judge.

After arraignments are completed, the Administrative Assistant updates the trial calendar and schedules trials for defendants pleading not guilty. The Administrative Assistant issues subpoenas to police officers and other parties as necessary for “pay-off tickets” while the prosecutor issues subpoenas for “court-only charges.” The number of defendants appearing at arraignment varies but frequently there may be as many as 200 per day. Some arraignment calendars have had more than 400 cases.

Trials

Bench trials are scheduled for the afternoon, Monday through Thursday beginning at 1:30 p.m. and frequently lasting past 5:00 p.m. The Municipal Court Clerk or Chief Deputy Clerk attends all trials. Previously the court was able to schedule trials 30 to 40 days after arraignment. However, because of the high volume of cases, trials are typically scheduled 60 days or more after arraignment.

Jail Call

Jail call is held each Wednesday after arraignments. Those in jail on any type of warrant signed by the Judge are brought to Municipal Court from the jail for arraignment or disposition.

E. WARRANTS

There are four types of warrants associated with Municipal Court requiring varying levels of staff involvement: bench warrants, contempt warrants, arrest warrants, and probation warrants. All warrants are signed by the Judge and forwarded to the Sheriff’s Office for service and entry into the Georgia Crime Information Center (GCIC) database.

Bench Warrants

Bench warrants are initiated by the Solicitor’s Office for defendants with “court-only charges” who fail to appear for arraignment. The Judge signs the warrant and the Administrative Assistant sends copies to the Solicitor’s Office, the Sheriff’s Office, the defendant, and the defendant’s bondsman, if applicable. The warrant stays in the Clerk’s Office. If a defendant is arrested for any reason the Municipal Court Clerk’s Office is notified. Defendants arrested on a bench warrant are not eligible to bond out of jail and must appear before the court for release.

Contempt Warrants

Contempt warrants are generated by Municipal Court and signed by the Judge for defendants who failed to pay their fines as ordered or failed to report to court when they have been given a suspended sentence. Any citations not traffic related are eligible for contempt warrants if the person doesn't heed the 20-day notice, or doesn't show up for arraignment or trial. Defendants arrested under a contempt warrant can be cash-bonded from jail. The amount of the bond is determined by the amount of the fine for the offense plus a \$100 warrant fee, which was recently increased from \$50 by the Judge. If the defendant has not been arraigned they are given a new arraignment date.

Arrest Warrants

Arrest warrants must be sworn out by the arresting officer in the presence of the Judge. All arrest paperwork is processed through Magistrate's Court, which conducts bond hearings, for distribution to the appropriate court. If Municipal Court defendants haven't bonded out of jail within 48 hours of arrest, under legal standards they must be released unless an arrest warrant has been executed.

Probation Warrants

Probation warrants may be initiated by probation officers when a probationer fails to comply with the terms of probation. The Judge reviews the warrant and signs it if deemed appropriate. The Administrative Assistant forwards a signed copy to the probation office and the Sheriff's Office. The original copy is kept in the Clerk's Office. No bonds are allowed on probation warrants unless approved by the Judge.

F. RED-LIGHT-CAMERA VIOLATIONS

In FY06 more than 1,495 red-light-camera citations were processed in Municipal Court. Citations containing a recorded image of the offense, along with all the relevant data on the violation, are received from the Police Department, which mails a copy of the citation along with the scheduled court date to the registered owner of the vehicle. A Court Clerk assigns a docket number and the court date to each citation. A copy of the recorded citation is placed in Municipal Court's pending files for payment of a \$70 civil penalty.

Defendants who deny being the driver of the vehicle shown on the recorded image may contest their liability by:

- Testifying under oath that they were not the operator of the vehicle;
- Presenting the court a certified copy of a police report showing that the vehicle in question had been reported stolen or was sold prior to the recorded violation; or

- Submitting a sworn affidavit to the court, which identifies the actual operator of the vehicle at the time of the alleged violation. The affidavits are filed by the court and faxed to the Police Department so that a citation may be reissued to the correct driver.

Once a disposition is reached on a case it is placed in a file for disposed cases. If a defendant fails to pay the civil penalty by their court date, or fails to appear in court, the citation will be placed in a pending file. In addition, the court maintains a dead docket file for citations returned without delivery.

G. ORDINANCE VIOLATIONS AND ADMINISTRATIVE HEARINGS

Ordinance Violations

Municipal Court has jurisdiction over all local ordinance violations, of which there are four basic types:

- 1) Personal Conduct – Examples include public intoxication and open container violations. These offenses are typically cited by either the ACCPD or UGA Police and are tried in the same manner as traffic violations.
- 2) Animal Control – Examples include animal cruelty, inoculation, identification, and barking charges. These offenses are typically cited by Athens-Clarke County's Animal Control Division. Arraignments for these violations are held on the first Friday of each month with trials typically scheduled two weeks later.
- 3) Quality of Life – Examples include overgrown lots, front-yard parking, and junk motor vehicle violations. These offenses are usually initiated by a citation from ACC's Community Protection Division. Arraignments for these violations are held on the first Friday of each month with trials typically scheduled two weeks later. These cases are prosecuted by the Athens-Clarke County Attorney's Office.
- 4) Soil Erosion – Examples include soil erosion and buffer encroachment violations. These offenses are usually initiated by a citation from ACC's Transportation & Public Works department. Arraignments for these violations are held on the first Friday of each month with trials typically scheduled two weeks later. These cases are prosecuted by the Athens-Clarke County Attorney's Office.

Administrative Hearings

Individuals wishing to appeal an administrative decision made by an ACC department or employee such as an alcohol license violation, the denial of a permit, or a request for a refund of a payment may do so before the administrative hearing officer. In FY06 there were 101 such appeals, which were scheduled to be heard by the Administrative Hearing Officer as needed. Administrative hearings are held on the same day as trials for ordinance violations.

H. WORK LOAD

Municipal Court handles a high volume of cases. In FY06 it is estimated that approximately 34,000 criminal citations were processed through the court resulting in more than 28,000 cases for state offenses and personal conduct ordinance violations. Defendants with multiple charges are cited for each offense, but the group of citations is docketed as one case. For instance, a defendant stopped for speeding would also be cited for a seat belt violation if not using a seat belt. Table 1 provides a statistical summary of a random sample of Municipal Court cases reviewed for the past fiscal year.

Table 1: Sample Summary and Estimated Total of FY06 Municipal Court Cases

	Sample Total	Estimated Total	Percent of Total Cases
Total Cases	943	28,290	100.0%
Total Citations	1,130	33,900	Not Applicable
Cases with One Citation	806	24,180	85.5%
Cases with Multiple Citations	137	4,110	14.5%
Pretrial Intervention Cases	24	720	2.5%
Probation Cases	40	1,200	4.2%
Transferred Cases	6	180	0.6%
Suspended Sentences	105	3,150	11.1%
20-Day Notices Issues	29	870	3.1%
Cases with Multiple Court Dates	836	25,080	88.7%
Citations Paid by Mail	219	6,570	23.2%
Citations Paid Before Arraignment	370	11,100	32.7%
Late Fees and Other Charges	\$2,226	\$66,780	Not Applicable

Resets

Based on the random sample of cases, an estimated 25,080 court dates are reset in a given year. This includes cases that are reset multiple times. Resetting court dates impacts the trial calendar and workload of the clerical staff because the defendant or his or her attorney must talk with a staff member in person or by phone. The Chief Deputy Clerk is generally responsible for

resetting arraignments but other clerks are also allowed to reschedule them. Defendants wishing to reset their arraignments more than twice must appear before the Judge.

Resets of trials, referred to as continuances, are granted by the Judge's Administrative Assistant if both the defendant and prosecutor concur. However, if the defendant requests a continuance without input from the prosecutor, the matter is brought before the Judge for resolution. Subpoenas must be reissued for all trials that are continued.

Requests for resets are considered on a case-by-case basis with the exception of reasons pertaining to school or work, which are automatically denied.

Suspended Sentences

Defendants unable to pay their fines may be given a suspended sentence to allow additional time to make payment. The clerical staff may grant one 30 day suspended sentence. Requests for additional time to pay fines must be granted by the Judge. It is estimated that approximately 3,150 suspended sentences are issued in a given year. This impacts the workload of the clerical staff because suspended sentences are only issued in person.

Payments by Mail

As noted earlier, many cases may be resolved without going to trial or any personal appearance. However, it is estimated that only 6,750, or 23.2%, of the total citations, were paid by mail. Approximately 77%, nearly 27,000 were either "court-only" cases or required action by the court such as payment of fines at the front counter or the issuance of a late notice or warrant.

Payments in Advance of Arraignment Date

Table 2 summarizes the payments of fines made prior to a defendant's arraignment. The sample showed 370 citations were paid prior to arraignment. Of this total 116, or 31%, were received by mail while 254, or 69%, were settled in person. Table 2 shows that 163, or 44% of the citations that were disposed without a court appearance, were paid within five days of the arraignment date. A closer examination reveals that nearly half of them were paid the day before arraignment.

**Table 2: Citations Paid in Advance of Arraignment Date
(Either by Mail or In Person)**

# of Days Prior to Arraignment Date	# of Citations Paid in Sample	Estimated Total Based on Sample
One	67	2,010
Two	23	690
Three	26	780
Four	18	540
Five	29	870
Total	163	4,890

Red-Light-Camera Violations

In addition to the cases referenced in Table 1, there were approximately 1,500 red-light-camera violations processed in FY06. A new red-light camera was installed in FY07 and became operational in January of 2007. With the addition of this camera, it is anticipated that the number of red-light-camera violations will double by FY08. Table 3 summarizes the disposition of red-light-camera violations by month for FY06.

Table 3: Disposition of Red-Light-Camera Violations by Month

Month & Year	Total Tickets	Tickets Paid By Mail	Court Appearances	Changed Court Dates	Signed Affidavits	Dismissed	No Shows	Dead Dockets
July and Aug-05 ⁴	189	119	6	7		5	10	16
Sep-05	101	53	3	2		3	4	15
Oct. and Nov-05 ⁵	264	164	6	3		5	17	33
Dec-05	116	68	5	4		4	7	18
Jan-06	125	83	2	2		2	6	16
Feb-06	101	66	1		1		1	13
Mar-06	161	110	3	2		3	13	14
Apr-06	141	82	10	3	15	10	12	16
May-06	149	68	10	10	11	10	12	15
Jun-06	148	81	3	2	4	5	19	18
Total	1495	894	49	35	31	47	101	174

Nearly 60% of the civil penalties for red-light-camera violations were paid by mail, a rate nearly 2.5 times greater than that for “pay-off tickets.” This may be due to the fact that the red-light-camera violation notices list the civil penalty amount and there is a pictorial image of the offense. Also, the offense does not go on a driver’s record and does not result in the accumulation of “points.”

Pretrial Intervention Program Participants

It is estimated that nearly 700 defendants entered the Pretrial Intervention program in FY06 resulting in \$161,281 in revenue from program fees and \$110,713 from participant supervision fees. The Pretrial Intervention Program will be discussed in detail in a forthcoming compliance audit of probation services.

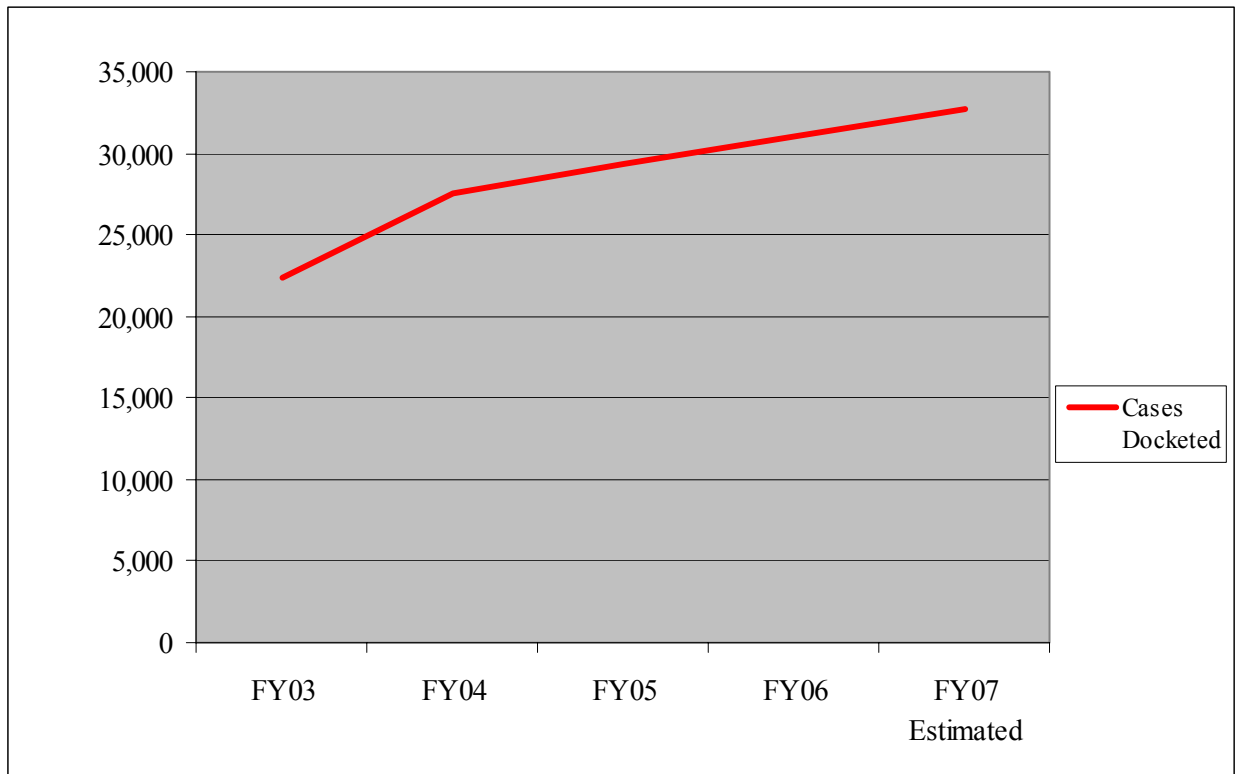
⁴ No trials for red-light-camera violations were held in July. The totals shown include citations for both July and August of 2005.

⁵ No trials for red-light-camera violations were held in October. The totals shown include citations for both October and November of 2005.

Trends in Cases Docketed

The number of cases docketed over the past five years has increased from 22,402 in FY03 to an estimated 30,000 or more for FY07, an increase of approximately 38%. Figure 6 depicts the increase in the number of cases over the past five fiscal years. During this same time frame judicial and administrative and clerical capacity has remained the same.

Figure 6: Municipal Court Cases Docketed FY03 to FY07 Estimated



As noted earlier, interviews indicate the entry of citations into the Municipal Court system is already three to eight days behind, while the filing of disposed cases is up to five days behind. Trial schedules are 30 or more days behind. In addition, work observations indicate current staffing levels have impacted the processing of cases in the following ways:

- Defendants with “pay-off tickets” wishing to pay their fines cannot do so until their citation is entered into the court system.
- Defendants may have to make multiple inquiries about their fine amount or court date.

- Because arraignments are generally set three weeks from the date of the offense, delay in the entry of citations compresses the time defendants have to make payment by mail which may result in:
 - More defendants paying in person,
 - More defendants attending arraignment.

In addition to the increased volume of citations and related clerical and administrative processes, workflow of clerical staff is impacted by the following:

- There is a large amount of daily phone calls. Clerks spend a significant amount of time on the phone answering public inquiries about citations and the disposition of cases.
- Other court officials such as attorneys from the Public Defender's Office, prosecutors, and probation officers frequently use the Clerk's Office to make phone calls and photocopies, which requires the attention of staff.
- While the average time spent at the counter accepting payments can be relatively short, staff spends a significant amount of time at the payment counter looking up information in the AS400 database for defendants who have lost their citation or are requesting information about the disposition of their cases.

IV. RECOMMENDATIONS

Staffing

- Staff capacity should be increased by a full-time clerical position to meet the current workload of the court.
- Judicial capacity should be monitored and evaluated as court volume increases.

Process and Procedure

- The ACC government has partnered with ezgov.com to provide its citizens with an opportunity to pay parking tickets, property taxes, and water bills online. Consideration should be given to expanding this service to include “pay-off” tickets.
- A procedural manual detailing the job responsibilities for each position within the office should be developed.
- Language should be added to citations instructing defendants when mailing in payments to include a copy of their citation in the envelope or to write their citation number on the check/money order to assist staff with processing payments by mail.

Computer Data Recommendations

- Only one employee is certified to enter information into GCIC. Additional clerks should be certified to provide backup.
- At present, the Accounting Technician must enter financial transactions into three different systems. In order to reduce redundancy and improve efficiency the feasibility of integrating these systems should be studied.
- A payment terminal should be installed at the Accounting Technician’s workstation.

Office Environment Recommendations

- A phone terminal should be installed in the clerks’ work area for use by non-clerical staff.
- The payment counter should be reconfigured to include a lockable window. This would increase security while staff works at the counter in between taking payments. In addition, a window might aid in the climate control of the office.