

11 - C-0451

A COMMUNICATION BY CITY
AUDITOR LESLIE WARD:

SUBMITTING THE PERFORMANCE
AUDIT REPORT REGARDING THE
MUNICIPAL COURT OPERATIONS.

Filed

MAY 1 6 2011

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 - REGULAR REPORT REFER
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- Date Referred: 3/21/11
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First Reading
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 Date _____
 Chair _____
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PSLA
 Date 3/29/11
 Chair _____

Committee _____
 Date _____
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Action
 Fav, Adv (Hold (see rev. side)
 Other
 For Joint Work Session
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 Work Session Held 4/23/11

Action
 Fav, Adv, Hold (see rev. side)
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Action
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 4 years
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Report
 Report

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 MAY 16 2011
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CERTIFIED
 MAY 16 2011
 Ronald Douglas Johnson
 MUNICIPAL CLERK

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Atlanta City Council

REGULAR SESSION

11-C-0451

SUBMITTING PERFORMANCE AUDIT REPORT RE-
GARDING MUNICIPAL COURT OPERATIONS
FILE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Bond
B Hall	Y Wan	NV Martin	Y Watson
Y Young	Y Shook	E Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	B Mitchell

11-C-0451



CITY OF ATLANTA

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Donald T. Penovi, CPA, Vice Chair
Marion Cameron, CPA
C.O. Hollis, Jr., CPA, CIA
Ex-Officio: Mayor Kasim Reed

TO: Mayor Reed, President Mitchell, and City Council members

FROM: Leslie E. Ward

DATE: March 16, 2011

SUBJECT: Performance Audit: Municipal Court Operations

The report listed above is attached for your review. We will deliver bound copies of the audit report to elected officials on Monday, March 21, 2011. Feel free to contact me if you have any questions or want to discuss the report.

Cc:

Peter Aman, Chief Operating Officer, Mayor's Office
Duriya Farooqui, Deputy Chief Operating Officer, Mayor's Office
Candace Byrd, Chief of Staff, Mayor's Office
Sonji Jacobs Dade, Director of Communications, Mayor's Office
David Bennett, Senior Policy Advisor, Mayor's Office
Joya C. De Foor, Chief Financial Officer
Stephan Jaskulak, Deputy Chief Financial Officer
Greg Richardson, Controller
Crystal Gaines, Chief Judge, Municipal Court
Raines Carter, Solicitor, Municipal Court
Rosalie Joy, Interim Public Defender, Municipal Court
Krystal Smith, Sr. Budget Manager, Municipal Court
Cathy Hampton, City Attorney
Rhonda Dauphin Johnson, Municipal Clerk
Ginny Looney, Ethics Officer
Dexter Chambers, Director of Communications, City Council
Bernard Thomas, Committee Analyst
Audit Committee

**Performance Audit:
Municipal Court Operations**

March 2011

**City Auditor's Office
City of Atlanta**

File #10.06



CITY OF ATLANTA

City Auditor's Office
Leslie Ward, City Auditor
404.330.6452

March 2011

Performance Audit:

Municipal Court Operations

What We Found

While the number of cases heard in municipal court remained flat over the last three fiscal years, the city increased the court's fiscal year 2011 budget to raise the number of courtrooms with scheduled cases from seven per day to nine. Based on our analyses, we estimate the court could handle its existing workload with four courtrooms; cutting the number of judges and court staff could save \$2.3 million annually.

The chief judge requested the budget increase to allow each judge to be assigned full-time to one courtroom, citing public convenience and increased traffic filings since January 2010 as justification. However, even with an uptick in the number of traffic and criminal tickets filed, case workload in the last six months of fiscal year 2010 required judges to spend only 28% of their time on the bench. Ticket filings overstate judicial workload because not all tickets require a court appearance, and many defendants either pay prior to their court appearance or fail to appear in court. We estimate that court workload would have to more than double to justify the use of nine courtrooms.

The judicial agencies requested additional positions in the fiscal year 2011 budget to staff nine courtrooms and help cover absences. During the last six months of fiscal year 2010, courtrooms were not staffed to the level the chief judge, city solicitor, and city public defender identified as preferable. Absences did not appear to affect the court's ability to process the caseload; we found no correlation between staffing and the percent of hearings reset. Based on our analysis, we conclude that reviving the use of pro hac judges – substitute judges to cover absences – does not appear to be warranted.

The court could better use its information systems to track workload and case outcomes. During the audit period, weekend and holiday work was not captured in CourtSmart or recorded in Kronos, the city's timekeeping system. Court staff said they do not check the accuracy of data entered into CourtView. We found some blank data fields and inconsistencies in how dispositions and status codes are used.

Why We Did This Audit

The City Council passed resolution 10-R-0402 requesting an audit of the municipal court and the offices of solicitor and public defender. Council members cited concerns about court operations and citizen complaints since the abolishment of the traffic court and merger of the traffic court functions into the municipal court.

What We Recommended

The City Council should:

- Reduce the number of judges, solicitors, public defenders and case managers to align staffing with workload.

The chief judge should:

- Review and consider reducing the number of charges that require a court appearance as an alternative way to increase court efficiency and reduce costs.
- Stagger court session schedules to reduce wait time and the potential for overcrowding.

The court administrator should:

- Ensure that case managers enter cases assigned to the public defender into CourtView in order to accurately measure workload.
- Develop a process to review data entries in CourtView to ensure that information is complete and accurately entered into the system.
- Work with judges to review and establish meaningful disposition codes to better track case outcomes.

For more information regarding this report, please contact Eric Palmer at 404.330.6455 or epalmer@atlantaga.gov

Management Responses to Audit Recommendations

Summary of Management Responses

Recommendation #1:	The City Council should reduce the number of judges, solicitors, public defenders, and case managers to align staffing with workload.	
Response & Proposed Action:	No comments provided.	Disagree
Timeframe:		
Recommendation #2:	The chief judge should review and consider reducing the number of charges that require a court appearance as an alternative way to increase court efficiency and reduce costs.	
Response & Proposed Action:	Georgia law allows the court to establish a Traffic Violations Bureau by written order of the judges thereof. O.C.G.A. § 40-13-50 Article 3 of Chapter 13 of the Motor Vehicle Code (Title 40), O.C.G.A. § 40-13-50 et seq., requires the court to "...promulgate and provide the clerk of the traffic violations bureau a list of the traffic offenses which shall be handled and disposed of by the traffic violations bureau." It is important to note that not every UTC is permitted by law to be resolved as a TVB offense.	Partially Agree
Timeframe:		
Recommendation #3:	The chief judge should stagger court session schedules to reduce wait time and the potential for overcrowding.	
Response & Proposed Action:	Staggering court sessions will not eliminate overcrowding if the court is forced to operate with only four (4) courtrooms. The chief judge agreed with the City of Atlanta Fire Department that it would operate nine (9) courtrooms to avoid being cited in 2010.	Disagree
Timeframe:		
Recommendation #4:	The court administrator should ensure that case managers enter cases assigned to the public defender into CourtView in order to accurately measure workload.	
Response & Proposed Action:	The court expects to have a new court administrator by April 2011.	Agree
Timeframe:	April 14, 2011	
Recommendation #5:	The court administrator should develop a process to review data entries in CourtView to ensure information is complete and accurately entered into the system.	
Response & Proposed Action:	The court expects to have a new court administrator by April 2011.	Agree
Timeframe:	April 14, 2011	
Recommendation #6:	The court administrator should work with judges to review and establish meaningful disposition codes to better track case outcomes.	
Response & Proposed Action:	The court expects to have a new court administrator by April 2011.	Agree
Timeframe:	April 14, 2011	



CITY OF ATLANTA

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Fred Williams, CPA, Chair
Donald T. Penovi, CPA, Vice Chair
Marion Cameron, CPA
C.O. Hollis, Jr., CPA, CIA
Ex-Officio: Mayor Kasim Reed

March 21, 2011

Honorable Mayor and Members of the City Council:

We undertook this audit of the municipal court operations at the request of City Council. Resolution 10-R-0402 requested an audit of the municipal court, and the offices of the solicitor and public defender based on citizen complaints and council concerns about staffing and case load.

While the number of cases heard in the municipal court has remained flat over the past three years, the city increased the court's fiscal year 2011 budget to raise the number of open courtrooms from seven per day to nine. Based on our analyses, we estimate the court could handle its existing workload with four courtrooms. We estimate the workload would have to more than double to justify the use of nine courtrooms. Cutting the number of judges and court staff could save the city \$2.3 million annually.

Our recommendations to the City Council, the chief judge, and the court administrator focus on aligning the staff with the court's workload, increasing the convenience to the public, and improving the capture of workload data. Management disagreed with two, partially agreed with one, and agreed with three recommendation noted in Appendix B. The judicial agencies' provided comments, which are included in Appendix C. Consistent with *Government Auditing Standards*, we responded to those comments in Appendix D.

The Audit Committee has reviewed this report and is releasing it in accordance with Article 2, Chapter 6 of the City Charter. We appreciate the courtesy and cooperation of city staff throughout the audit. The team for this project was Eric Palmer, Katrina Clowers, and Dawn Williams.

Leslie Ward
City Auditor

Fred Williams
Audit Committee Chair

Municipal Court Operations

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Introduction

We conducted this performance audit of Municipal Court Operations pursuant to Chapter 6 of the Atlanta City Charter, which establishes the City of Atlanta Audit Committee and the City Auditor's Office and outlines their primary duties. The Audit Committee reviewed our audit scope in October 2010.

A performance audit is an objective analysis of sufficient, appropriate evidence to assess the performance of an organization, program, activity, or function. Performance audits provide assurance or conclusions to help management and those charged with governance improve program performance and operations, reduce costs, facilitate decision-making and contribute to public accountability. Performance audits encompass a wide variety of objectives, including those related to assessing program effectiveness and results; economy and efficiency; internal controls; compliance with legal or other requirements; and objectives related to providing prospective analyses, guidance, or summary information.¹

We undertook this audit at the request of Atlanta City Council. The council, in Resolution No. 10-R-0402, asked us to audit the Municipal Court, and the Offices of the Solicitor and Public Defender. Council members expressed concerns about court operations and citizen complaints since the abolishment of the traffic court and merger of the traffic court functions into municipal court. We focused our review on budget, staffing, and court data from fiscal year 2008 through 2010.

Background

The Municipal Court was established pursuant to Article VI, Section I, of the Constitution of Georgia and Article 4 of the City Charter. Atlanta's Municipal Court has jurisdiction to hear and decide city charter and ordinance violations, and has concurrent jurisdiction over certain state misdemeanor cases, including traffic violations, possession of one ounce or less of marijuana, shoplifting, and furnishing alcohol to a minor. Under the charter, the court is authorized to impose fines up to \$1,000 and/or imprisonment for up

¹Comptroller General of the United States, *Government Auditing Standards*, Washington, DC: U.S. Government Accountability Office, 2007, p. 17-18.

to six months, or alternative sentencing. State law also authorizes the Municipal Court to act as magistrate (hold preliminary hearings or issue warrants) over state offenses.

The city operated two courts prior to their consolidation in January 2005: the Municipal Court and the City Court. The Municipal Court handled ordinance violations or state offenses within the city limits. Until 2003, the Municipal Court conducted preliminary hearings for all state charges occurring within the city. However, the mayor ordered as of January 6, 2003, that all persons arrested within the city and charged with state offenses be taken to the appropriate county jail. The City Court handled traffic cases and misdemeanor or ordinance violations arising out of the traffic violations.

Consolidation proposed to save money. In 2002, the mayor convened a panel to review the courts' operations to provide recommendations to improve efficiency, avoid duplication, and reduce costs. The courts had a combined budget of about \$21 million and 258 staff, including 18 judges, 18 clerks and 36 bailiffs. The panel issued a report in April 2003 that recommended consolidating court operations. The Boston Consulting Group provided pro bono assistance to the city in 2003 to assess staffing and facility needs for the consolidated court. The Boston Consulting Group recommended cutting 111 non-judicial positions, reducing outsourced services – including 31 part-time judges (called pro hac) who filled in for judicial absences, and investing in improved information technology systems. The reports of both groups noted that combined judicial workload was low, but neither group recommended how many judges the city should retain in its consolidated operation. The state abolished the City Court effective January 1, 2005, and transferred all pending cases to the Municipal Court.

The city upgraded court information technology systems. The court implemented CourtSmart in August 2005, an automated audio/video recording system, to provide a verbatim record of court proceedings, which are archived for long-term storage. The video images are automatically captured and time stamped along with audio and tagging information. The system, costing about \$212,000, largely replaced the need for court reporters to transcribe court proceedings. The court implemented CourtView in March 2007, an automated case management system to record and track case information from the initial filing - when the court receives the ticket from the issuing agency and inputs it into the system - through final disposition, including case scheduling and payment

posting. The \$3.4 million system enables scanned copies of tickets to be stored in the system and accessed electronically. Judges enter case dispositions, including fine amounts, into the system during court proceedings. Defendants pay fines that do not require a court appearance via the internet, the court's pay-by-phone system or at the court, once the ticket is entered into CourtView. Court personnel generate case and financial management reports from the system.

Judicial Process

The city's judicial process starts once an officer makes an arrest or writes a ticket. Appendix A shows a flowchart of how the court operates.

In-custody cases. In cases of arrest, individuals booked into jail must have a hearing within 48 hours. Before the hearing, the solicitor reviews the case for sufficiency and may negotiate a plea with the defendant. The defendant also has an opportunity to talk with a public defender. Usually, the first hearing is an arraignment where the judge reads the charge and asks the defendant for a plea. If the defendant pleads not guilty, the judge either schedules a bench trial or transfers the defendant's case to the county for a jury trial. If the defendant pleads guilty or no contest, the judge rules on the case and imposes a sentence. The judge can also dismiss a case. In-custody hearings were held in two courtrooms on the first floor, which can be accessed from the city's correctional facility without mixing detainees with the general public. The court implemented video arraignment in October 2010 that enables judges to hear in-custody cases in any courtroom without transporting detainees to the court.

Ticket issuance. In cases when an officer issues a ticket without making an arrest, a scheduled court date is listed on the ticket, typically about five weeks after the ticket is issued. Some charges, such as speeding less than 30 miles over the speed limit, safety belt violations, improper lane changes, defective equipment, or multiple false alarms, provide defendants the option to plead guilty and pay fines in lieu of appearing in court. Court appearances are not scheduled for automated red light tickets and most parking tickets; parking fines and red light fines are due within 14 days of ticket issuance without additional penalty. Defendants who wish to dispute the charge can go to court to schedule a walk-in hearing within the 14-day period.

The ticket describes the specific charge, person charged, location of violation, issuing officer, and scheduled court date if required. Each traffic ticket lists one charge and criminal tickets list up to three charges. In the case of automated red light enforcement, cameras installed at certain intersections throughout the city photograph vehicles that enter the intersection after the light has turned red. The Police Department reviews the photographs to determine whether they provide evidence of a violation, and the company that the city has contracted to manage the cameras sends the citation to the vehicle owner and electronically to municipal court.

Ticket processing. The Police Department's policy is to deliver tickets to the Municipal Court the next business day. Police supervisors review tickets for legibility and completeness and log them on a citation form. A court clerk reconciles the tickets delivered to the court with the citation form and provides a signed copy of the citation form to the police as proof of delivery. Clerks forward traffic and false alarm tickets to the solicitor's office for initial screening. The solicitor can dismiss the case if the initial review determines the ticket is insufficient because of missing or illegible information. After screening, the solicitor's office sends the tickets to court clerks for entry into CourtView and docket assignment. The court operations supervisor collects the tickets, ensures that none are missing, and forwards them to the appropriate courtroom.

Court proceedings. Before the court session begins, case managers check defendants and other parties in for court. Defendants fill out a plea form. Solicitors review cases for sufficiency. During the hearing, the judge reads each defendant the charge or charges and asks the defendant to enter a plea of not guilty, guilty, or no contest. If the defendant does not appear in court on the scheduled day, the judge notes that the defendant has failed to appear (called FTA) and issues an FTA warrant for the defendant's arrest. The judge also records a \$100 FTA fine in CourtView.

If the defendant enters a plea of guilty or no contest, the judge can impose fines and fees, suspend fines and fees, impose jail time, or dismiss the case. The judge rules on the case and records the disposition into CourtView. If the judge imposes fines and fees, the defendant either pays them immediately at the cashier window or requests probation, which establishes a payment plan for defendants who are unable to pay the assessed fine.