

# 2010

## 2009-10 Court Operations Annual Report



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The 2009-10 Court Operations Annual Report is prepared to provide an overview of the responsibilities of the court and provide an overview of the activities and achievements from the past fiscal year.

The purpose of the Salem Municipal Court is to protect the rights of Salem residents and City government through a fair and impartial adjudication process. The Court helps maintain the balance of justice between the perception of City residents and the police or other City Departments who issue compliance citations.

The Court spent considerable time strengthening our mission-critical operational obligations during the 2009-10 fiscal year. We anticipate building on this effort over the next two years.

## **The Court**

The Salem Municipal Court serves one of the largest visitor groups to City Hall. Residents of Salem come to court for a variety of reasons; some as witnesses or jurors, others for a minor traffic violation or more serious misdemeanor criminal charges.

The Court administers the judicial process for the City of Salem and is responsible for the custody and integrity of court records. The Court provides an objective forum for impartial and efficient resolution of offenses between the City and the accused. City Charter authorizes the Court to adjudicate offenses enforced by the Salem Police Department, Code Enforcement, and Parking Services. The Court has one elected judge and pro tempore assistance equating to .7 FTE.

The Court serves an average of 6,700 residents each month. The Court ranks among the largest

municipal courts in the State of Oregon. Court staff process traffic and parking violations, criminal traffic cases, and criminal and non-criminal violations of the Salem Revised Code.

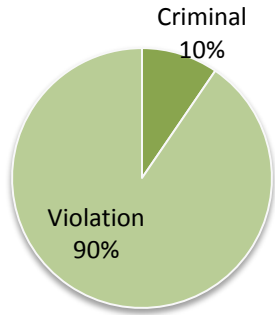
The Court is open from 7:00 am to 5:00 pm, Monday through Friday. In addition to standard in-court and back office duties required for the management of cases and citations, court staff service approximately 3,500 city residents at the public counter each month, respond to 1,700 incoming calls on the main phone line, and process about 1,500 items of incoming correspondence.

Violation arraignments are held on Monday, Wednesday, and Friday mornings. Traffic violation trials are held on Tuesday afternoons and all day Friday, for those who contest their ticket.

Criminal arraignments are held on Tuesday and Thursday mornings. Plea hearings, motions, show cause orders, and jury trials are held Monday through Thursday per the court calendar.

## **Traffic**

In fiscal year 2009-10 the court accepted filings for 25,688 charges. Of those charges 90% were traffic violations. Court clerks accept each citation filed by the Salem Police Department, track them for disposition, set court appearances, arrange payments, and notify Oregon Department of Motor Vehicles of convictions and non-compliance. A court clerk is present in each court session.



Residents have the option of contesting a citation with the violations bureau. When a citation is contested with the violations bureau, the court clerk will set a trial date to appear with the citing officer before the judge.

## Criminal

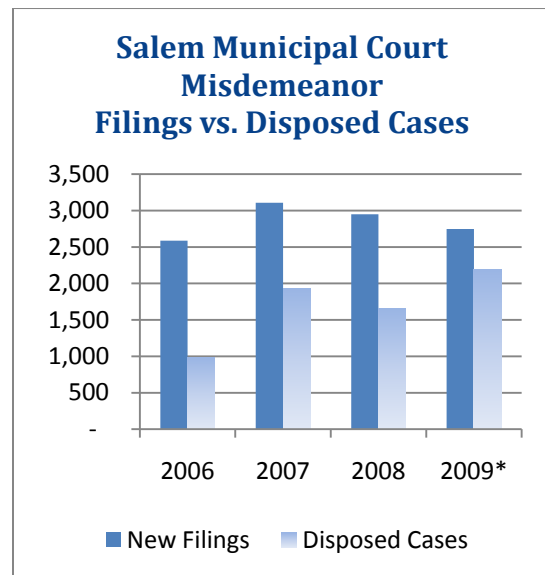
Two thousand four hundred and fifty one (2,451) misdemeanor criminal charges were filed with the court in fiscal year 2009-10. Misdemeanor charges include such crimes as trespass, vagrancy, reckless driving, driving under the influence of intoxicants, and driving while suspended. Court clerks accept and enter each criminal filing, track and maintain the court records for disposition, set court appearances, accept subsequent filings such as motions, arrange for jury trials, prepare jail orders and make arrangements for in-custody transports, issue and track outstanding warrants, process appeals, and notify Oregon Department of Motor Vehicles and Oregon State Police of convictions and non-compliance. A court clerk is present in each court session. Case files are updated following each court session.

Each arrest is the first step in a careful and complex process designed to resolve most criminal matters long before the first juror is sworn; a process that includes:

- The first appearance before a judge, also known as arraignment;
- Plea hearing, an opportunity for the defendant to enter a plea or provide status of the case and file necessary motions;
- Settlement conference as appropriate;
- Trial;
- Sentencing; and,
- Any appeal, up to 30 days after sentencing.

The Court currently has 2,164 criminal court cases pending.

Appeal cases are prepared, certified, and forwarded to Circuit Court.

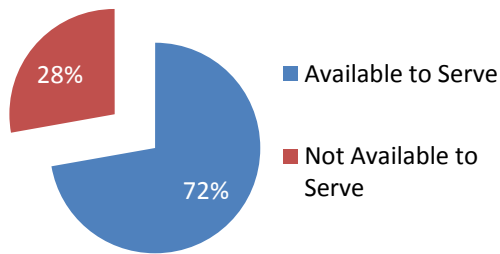


## Jury Management

The Court has a number of responsibilities relative to the selection and payment of jurors. SRC 4.105 provides the manner of preparation and certification of the annual jury pool. Prospective jurors are selected at random from a pool provided by the Department of Motor Vehicles (DMV). This pool includes qualified individuals who are registered with the Oregon

DMV. The number of individuals summoned each week is about 45. The prospective jurors are summoned about 45 days prior to the date on which they are required to appear in court.

A total of 3,738 persons were summoned for jury duty in 2010. Of the total summoned, 28% were unavailable for service due to mandatory disqualification, inability to serve summons, or failing to appear. The remaining 72% were available for duty as jurors.



Jurors are compensated for their service in accordance with SRC 4.155 at \$10 per day of service.

Jurors are instructed to call a recorded message for instructions prior to reporting. The message is updated regularly and assures that jurors do not report unnecessarily. This procedure results in savings to the City as well as eliminating unnecessary inconvenience for the juror.

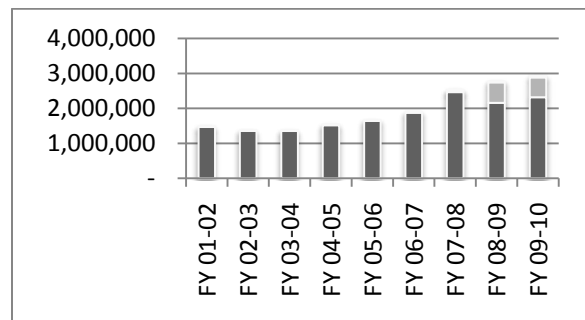
The role of jury service in the court is critical to our judicial process. While service can be disruptive to the daily routines, and cause time away from jobs and family the court deeply appreciates those who perform this duty willingly. The presence of jurors makes a significant difference in our court process and resolving criminal cases in a fair and impartial manner.

There were approximately 38 trials in 2010.

## Revenue and Collections

Payments for court fines are accepted in the Finance Division or by mail. Parking and photo red light citations may be paid on-line at the City’s website. The Court is working to expand the on-line payment opportunity to other citation types.

Currently the Court contributes approximately 3% to the City’s general fund. This graph shows the significant increase in revenue over the past seven fiscal years. This revenue is generated by the Courts adjudication over and collection of citation fines issued by the Salem Police Department and photo-red light. These revenue numbers do not include revenue from parking citations, issued and collected by the Parking Services Division or reimbursement of attorney fees.

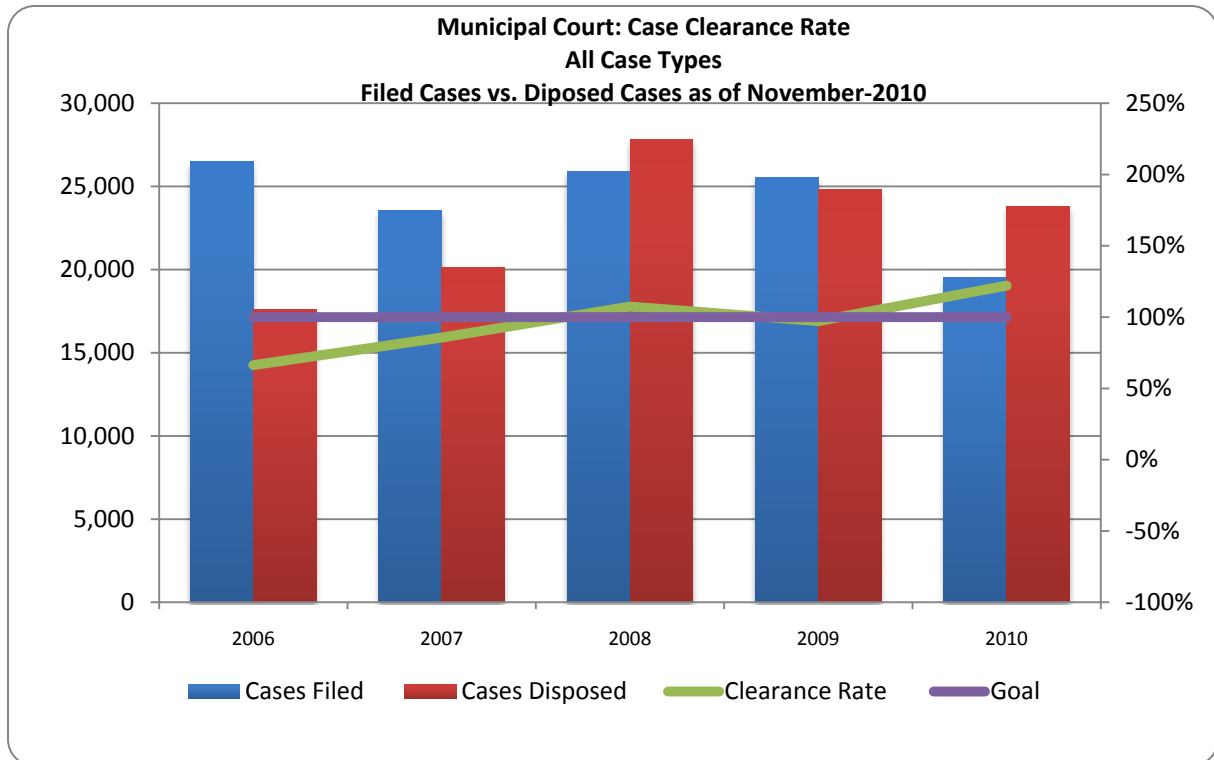


## Performance Measurement

The Court worked to define three broad performance areas to monitor which are 1) Caseflow, 2) Reliability and Integrity of Court Records; and 3) Collections. Performance measures help the Court manage and understand organizational performance and set reasonable goals for improved organizational performance. Within each area three measurement tools have been defined to show

different elements of the performance area. The Court believes this measurable data provides a strong view to the health of court process, resources, and enables access to justice; equality, fairness and integrity; and timely resolution to cases.

system that will adjudicate parking tickets and allow the City to send them to collections if they are not voluntarily paid. This system will provide the appropriate controls to ensure fair and uniform treatment of citations as well as data integrity.



## Priorities and Projects

Case files are the most important of all court records. The register of action represents the complete history of a case and it is vital that it be updated regularly and with as much specificity as possible. It is the permanent record of the case once the case file and its contents are destroyed in accordance with the record retention and destruction schedule. The Court has spent a significant amount of time improving records integrity.

The Court is leading the effort to design new business processes and a citation management

The Court is also working with Finance and other stakeholders to implement an on-line payment option for all defendants. This will ease the process of making payments for defendants, as well as reduce workload for Finance cashiers who perform receipting functions for Municipal Court.

The Court continues to develop methods of reporting performance measures on mission-critical functions and applying the data from those measures to improve processes and allocate resources. This data will support

projects that improve the efficiency of the Court through caseflow management.

The Court's primary focus for 2010-11 is records integrity and reliability. The Court has developed a plan to eliminate a 25 year backlog of more than 9,000 criminal cases, improve the integrity and accuracy of jury data, court files and the court's case management system.

The Court intends to develop and implement its first set of Salem Municipal Court Rules. This is a significant milestone for the City's court. These court rules will create efficiency in Court process through communication with external parties about court process and expectations.

The Court continues to enhance collection of court fines through the use of the Department of Revenue tax offset program and through better utilization of our external collection agency. We are also improving internal processes and forms pertaining to collection of fines and fees.