

*The Justice Management Institute*

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# **ALWAYS THE PEOPLE:**

**Delivering limited jurisdiction court services throughout  
Washington**

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*Submitted to:*

**The Courts of Limited Jurisdiction  
Delivery of Services Work Group**

**Washington Court Funding Task Force**

October 2003

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# **ALWAYS THE PEOPLE:**

## **Delivering limited jurisdiction court services throughout Washington**

### **EXECUTIVE SUMMARY**

The Washington Court leadership has created a statewide Task Force to look at court funding in general. One of the five sub-committees of this Task Force is examining the variations in limited jurisdiction courts, where there is a wide range of practices and operations, and the consequent costs and financial impacts of these courts. Currently, some limited jurisdiction services are provided by district courts that are primarily organized on a county wide basis. There are also free standing municipal courts providing limited jurisdiction services within the geographic boundaries of the cities, and other areas where a municipality contracts with the local district court to provide limited jurisdiction court services.

This study will serve as an aid to the Courts of Limited Jurisdiction Delivery of Services Work Group as they examine the limited jurisdiction court systems in Washington. The purpose of the study is to compare the practices and procedures in the various courts, identifying promising practices and suggesting changes in structure and practice that will improve the overall delivery of limited jurisdiction court services through the State of Washington.

Because of the limits imposed by the funds and time available to complete the study, site visits and in-person interviews could not be conducted. Instead, the study involved development and administration of two survey instruments, one to a selected sample of independent municipal courts and one to selected sample district courts who provide limited jurisdiction services to municipalities through contracts with the municipalities. Based on the survey results a series of follow-up interviews were conducted with a sample of the courts that completed the surveys.

While there are differences between the ways in which the types of courts function, these differences were more related to the variances among the demographics, staffing levels, and practices than they were to the structural differences among the three types of courts. There are suggestions for structural changes, but the changes either do not deal with the organizational patterns of the courts or apply equally to each organizational pattern. We specifically do not find any of the three models of providing limited jurisdiction court services to be clearly superior or inferior to the other models.

In developing the survey questions the JMI staff relied on the advice provided by members of the working group as to the criteria that should be present in a well functioning limited jurisdiction court. The primary criteria identified by the work group, and the primary conclusions as to each of these criteria, are set out below.

### **Judicial Branch Independence and Public Trust and Confidence**

Selection of those who serve the courts that is merit based and independent of the funding authority increases the appearance of justice. This independence in selection, supervision, and retention is as important for court staff members as it is for judicial officers. In a limited jurisdiction court setting court staff have a very important role not only in preparing for court hearings and trials, but also in meeting the public, accepting payments, and scheduling cases. Washington has a rule in place requiring that court administrators are selected by the presiding judge. This rule needs to be enforced. Currently the work group is considering revisions to the judicial selection process. Because of the central role that staff plays in the operation of limited

jurisdiction courts, courts need to place emphasis on providing ongoing education and training to both judges and staff members.

The presiding judicial officer must exercise management and decisional authority free from inappropriate influence by executive or legislative branch. The judicial officer needs to have time available to spend on management related activities. Training on management related issues needs to be provided to the judge/administrator teams.

Budget preparation, presentation, monitoring, and amendment should be conducted in a manner that comports with generally accepted accounting principles but should not be conducted in such a way as to infringe upon the independent exercise of the judicial power by a court of limited jurisdiction. The presiding judicial officer and court administrator should prepare and present the budget to the funding authority. Monitoring of expenditures should be an ongoing responsibility of the court. Those preparing the budgets must be mindful of the financial situation faced by the funding authority. However, budgets should not be predicated on revenue produced by the court. A uniform system for construction and monitoring of limited jurisdiction court budgets would be helpful. Even if local funding bodies have their own budget documents, a uniform process that courts could use to prepare budgets would be of assistance both to the courts and to local funding agencies.

While good management practices suggest that a court should maintain working relations with stakeholders in the justice process and with all parts of the government structure, both the court and the other branches of government must remain mindful of the need to protect the separation of powers and promote the appearance as well as the fact of judicial independence. While it may be good practice for representatives of the local court to attend meetings of funding authority in order to remain aware of issues facing the local government, a clear line needs to be maintained between the executive branch and the judicial branch in order to protect both the fact and the appearance of judicial independence.

The public, including offenders, witnesses, victims, and jurors should have quick and convenient access to the courtrooms, court offices, defense services, and probation services so as to encourage public trust and confidence in the court system. Court offices and clerk of court offices need to be available during reasonable hours and convenient to the public. It may be possible to establish local offices for the purpose of receiving payments for infractions and/or scheduling hearings which are convenient to the court's customers but which do not contain courtrooms. Consideration should be given to establishing court hearing hours during the evening to make the court more convenient to customers. Either the establishment of satellite locations or the establishment of evening hours would require management changes related to the scheduling of staff and judge time.

### **Equal Access to Justice**

Consistent with the statutes and with due process, victims of domestic violence should have the greatest possible access to court services related to obtaining protection for themselves and their children. Courts should take steps, consistent with applicable statutes, to make protective order services (at least temporary orders) available as conveniently as possible for victims of domestic violence. Where local courts have agreed to offer these services at centralized locations they need to prepare materials that explain the operations of the system to all who might seek these services. A statewide protocol for providing domestic violence orders of protection needs to be developed. The AOC and local courts need to provide training to local court staff so that everyone is clear on the statutes and practices governing these orders. Those

who work at the counters in local courts need to be particularly aware of the requirements of statutes and local practice.

Local courts or the AOC should develop methods to ensure that fines and costs are paid and that court judgments and orders are followed. A statewide system for processing payments of fines and cost would assist local courts in the management of this system, would assist offenders in making periodic payments on time, and would make the system more uniform across the state. A statewide system should be developed that permits acceptance by any local court of payments for infractions cases filed anywhere in the state. A statewide procedure governing the collection and monitoring of fines and costs should be developed. Technological support for such a process would be vital to its successful implementation.

Courts should hold hearings with sufficient frequency to dispose of the business of the courts within acceptable time limits. In order to keep scheduling lead times to reasonable levels the courts should have the ability to allocate sufficient judicial and staff resources for these hearings. The state's court information systems should be capable of producing information related to the timeliness of case processing, including incremental and overall case processing time information for individual cases and the entire caseload. Judicial officers and court staff should regularly review this information in order to make sure that cases are concluded as promptly as possible consistent with the needs of justice.

Advisements of rights, determinations of indigency, appointment of counsel, and availability of interpreter services should discharge the court's management and financial responsibilities while providing appropriate levels of service to those who appear. Each time the resources of the courts, defendants, witnesses, and counsel are used to schedule and conduct a court event, as many tasks should be accomplished as possible during that event to advance the case toward resolution. The location of courthouses, court offices, and court services should be such that an alleged offender can make use of these services with as few trips to the court as possible. To the extent possible an offender's first appearance needs to be a meaningful event. Every additional event requires the expenditure of resources, takes time that could be devoted to other cases, and increases the possibility that the offender will not appear. This requires that the forms for requesting the appointment of counsel be made available to alleged offenders prior to the appearance date, that the alleged offender should be aware of what, if any, documentation is required to verify financial status, that counsel be available to consult with offenders as soon as the indigency decision is made, and that space be provided for such consultations to take place in privacy. Administrative arrangements need to be made so that needed forms and information can be provided as early as possible. Early resolution of as many cases as possible will help to reduce the caseload and provide better service to the offenders.

### **Judicial Administration and Management**

Courts must be managed well so that judges, court administrators, and other judicial staff can accomplish their mission. The presiding judges appear to be actively leading and managing the court. Under the leadership of the presiding judges, courts need to work on building interagency cooperation and collaboration. Courts cannot achieve their mission without the assistance of other agencies and stakeholders outside of the court. Currently, the limited jurisdiction courts do not have forums, or if they do exist they are not well attended, not well functioning, or regular events, to exchange ideas about how to solve problems or to continually diagnose and evaluate performance on the justice system level.

## **Enforcement of Judgments**

In terms of providing probation services, there is not a significant difference in approach or services between the municipal and contracted courts. The majority of municipal and contracted courts provide probation services on a case-by-case basis through probation departments, which is one of the two methods allowed by ARLJ II, and assess offenders a fee for probation services. In both types of courts, probation officers have more cases than they can effectively supervise, which is probably due to the universal problem that probation departments are under-funded or are not staffed at levels that allows them to provide meaningful supervision and control. One recommendation for providing probation services more economically and effectively is to connect the probation department and court's MIS so information on offenders is entered only once and can be shared between the two entities.

There is no easy answer to explain why incarceration use was increasing in some jurisdictions, decreasing or not changing in other jurisdictions. The use of incarceration depends on various factors, including jurisdictional resources, judicial attitudes towards sentencing, and legislated mandatory minimums. Finding an explanation requires an individualized look at the various factors. Regardless of a jurisdiction's use of incarceration, all of the courts surveyed routinely employ alternatives to incarceration.

The survey and interview results showed that judicial officers do not feel pressured to increase the collection rate to generate revenue or use alternatives to incarceration to control costs. The result of effectively imposing fines and collecting payments can relieve pressure on the jail populations and pressure on probation services that are suffering from high ratios of probation officers to offenders, while at the same time promoting confidence that sentences are fair and punishment is certain. Courts should consider (a) implementing additional notification techniques that remind, encourage, and facilitate completion of periodic payment obligations, (b) accepting payment for each other and enabling payments to be made at multiple and convenient locations other than the courthouse, and (c) centralizing the collection agency on a countywide or statewide basis. Collection effectiveness is a critical performance indicator and data should be collected and analyzed in order to improve program operations.

## **Compliance, Competence, and Training**

The bottom line is that training is essential. The AOC and courts at all levels need to make reliable and consistent funding for training a top priority. This is especially important given the fact that limited jurisdiction judges and court administrators do not meet monthly with other justice system entities in their jurisdictions. Training should educate judges and staff together, reinforcing judicial and justice system interdependency.

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**FINAL REPORT**

**INTRODUCTION**

The Washington Court leadership has created a statewide Task Force to look at court funding in general. One goal of this group is to examine and consider ways to re-balance the funding between state and local courts. At present, the state pays half of the salary of general jurisdiction judges. All of the other costs of the trial courts are borne by local units of government.

One of the five sub-committees of this Task Force is examining the variations in limited jurisdiction courts, where there is a wide range of practices and operations, and the consequent costs and financial impacts of these courts. Currently, some limited jurisdiction services are provided by district courts that are primarily organized on a county-wide basis. There are also free standing municipal courts providing limited jurisdiction services within the geographic boundaries of cities, and other areas where a municipality contracts with the local district court to provide limited jurisdiction court services. Municipal courts in Washington do not have civil jurisdiction, except in limited areas as conferred by statute such as domestic violence protection petitions. Thus, in places where a municipal court exists, or where the municipality contracts with the district court for limited jurisdiction services, the judges who handle traffic misdemeanors and infractions and criminal misdemeanors are not the judges who handle civil matters, and the citizens may actually have to go to different courts in different locations for these services.

In recent years there has been a trend toward the establishment of separate, free standing municipal courts and away from contracting with district courts for limited jurisdiction services. Cities feel that they can provide limited jurisdiction court services less expensively by creating a separate municipal court, and also know that they will be able to retain a greater share of the revenue produced by a municipal court than they could if they were contracting with a district court. This trend is exacerbated by the general state of state and local budgets throughout the State.

Given the three basic models for providing limited jurisdiction services that exist, as well as the wide variety of issues that must be addressed by these courts, the purpose of the study is to compare the practices and procedures in the various courts, identifying promising practices and suggesting changes in structure and practice that will improve the overall delivery of limited jurisdiction court services through the State of Washington. As will be discussed in the section on methodology, below, our approach to the project was to gain an in-depth understanding of each court's organizational design, caseload management and operational practices, decision-making processes, the legal, social, and historical factors deemed important from the point of view of the key decision-making court personnel, which JMI identified as either the judge and court administrator.

We have concluded that it is not possible to develop a single structural model or even a pair of such models. Rather, we will list the issues that the surveys and interviews disclosed, describe what we thought were promising practices, and suggest other changes in practice that any structural model might incorporate.

At the outset we would like to thank everyone who has participated in the development and implementation of this project. The development of both the survey instruments and

interview questions was a collaborative effort with the Washington AOC. We very much appreciate the strong support and assistance we received from that office. In spite of the daunting nature of the task, judges and administrators from thirty-one courts expended the time to prepare responses to the surveys and forward them to us. Each person from the courts who participated in the follow-up interviews spent an additional hour with JMI staff responding to our questions. Our appreciation goes to the judges and court administrators who took the time to complete the documents and to share their thoughts and experiences with us.

We were struck with the level of commitment of everyone with whom we spoke to providing service to those who come before their courts. It was very clear, although not surprising, that those with whom we talked take their jobs and responsibilities to the people very seriously. As one administrator put it when describing the priorities of operating a limited jurisdiction court: “Always the people.”

## METHODOLOGY

### *REVIEW OF BACKGROUND INFORMATION*

The AOC shared prior reports, statistical information, and minutes of the task force with JMI. This material served as useful background information, framing the issues and describing past approaches to study the issue. Additionally JMI used this material throughout the study as reference documents.

### *INITIAL MEETING WITH WORK GROUP*

On May 15, 2003 JMI staff members Doug Somerlot and Aimee Baehler met with members of the limited jurisdiction court work group in Seattle. Those who attended this meeting included:

- Judge Ann Schindler, Co-Chair
- Ron Ward, Co-Chair
- Judge Robert McSeveney
- Linda Bell,
- Pam Springer,
- Mary McQueen,
- Janet McLane, and
- Doug Haake

The purposes of the meeting were to review the plan for the project, establish the priorities of the working group, and develop issue areas that would form the basis of the survey and interview questions.

Those in attendance came up with a list of six areas that might be used to define an effective limited jurisdiction court and identified several criteria within each of those areas. The areas of inquiry included:

- Judicial Branch Independence,
- Public Trust and Confidence,
- Equal Access to Justice,
- Judicial Administration and Management,
- Enforcement of Judgments, and

- Compliance, Competence, and Training

The discussions at that meeting also revealed some perceptions that we wanted to test by the surveys and interviews. Among those perceptions were that there is inconsistency in processing cases among the various structural types, that there is unequal access to limited jurisdiction services, and that case results might be influenced by interests in revenue generation. Those six areas, the specific criteria, and the perceptions mentioned previously formed the basis for the survey and interview questions developed by JMI.

### ***SURVEY METHODOLOGY***

JMI elected to employ qualitative research methods, specifically survey and interview research, in order to investigate the variations in Washington State's limited jurisdiction court structure and to compare the costs and standards of practices between the various structures. The overall objective of the survey and interviews was to gain an in-depth understanding of each court's organizational design, caseflow management and operational practices, decision-making processes, the legal, social, and historical factors deemed important from the point of view of the key decision-making court personnel, which JMI identified as either the judge and court administrator. JMI sought to obtain the perspective of the individuals who are actually leading and managing these courts. In addition to providing individual justice in individual cases, an important purpose of courts is the appearance of justice. Qualitative methods allowed us to capture the perceptions of key court personnel in limited jurisdiction courts to assess if the two broad structures not only were doing justice but appeared to be doing justice.

In coordination with the Washington Administrative Office of the Courts (AOC), JMI developed two similar questionnaires in order to take into account the differences between the two broad structures - independent municipal courts and those where the municipalities contract

for services with the local district courts - when wording the questions. JMI used predominately structured response formats, although a few questions in the surveys used an unstructured format that asked respondents to write down text as a response.<sup>1</sup> After pre-testing the survey instrument, JMI e-mailed the questionnaire to a select sample of limited jurisdiction courts, specifically 15 independent municipal courts and 15 courts where the municipalities contract for services with the local district courts. JMI had an 80 percent response rate.<sup>2</sup> The sample is small, a factor of the limited availability of funds and short project deadline, but is representative of the various limited jurisdiction court structures operating in the State. The AOC and JMI selected an equal number of courts in each broad category based upon their size, geographic location, urbanity (urban, suburban, rural), years of operation, and willingness to participate in the study.

#### ***FOLLOW-UP INTERVIEWS***

Based upon a cursory analysis of the survey data, JMI designed a semi-structured interview to ask follow-up questions and to further probe certain issues since structured survey response formats isolate responses and have a tendency not to capture the full context of the response or allow clarification of responses. JMI conducted these follow-up telephone interviews with a subset of the survey respondents, interviewing six separate, freestanding municipal courts and six courts where the municipalities contract for services with the local district courts. These interviews lasted approximately one hour. JMI informed respondents of both the questionnaire and interviews that their anonymity and confidentiality would be preserved unless a JMI staff member notified them before sharing information. For example, if

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<sup>1</sup> An example of an unstructured response format is "If you were not bound by the current structural, financial, and physical limitations imposed by the way that your court provides district and municipal court services, what would you do differently?"

<sup>2</sup> 24 of the courts out of the 30 completed and returned the survey.

there was a practice that merited attention, JMI contacted the respondent to get approval from them before detailing the practice in this report.

## ***FINDINGS***

For purposes of this study we will refer to instances where independent municipal courts provide limited jurisdiction services as *municipal courts*. We will refer to municipalities that contract with a district court to provide limited jurisdiction services as *contracted courts*. Instances where the district court provides limited jurisdiction services will be referred to as *district courts*.

## ***CONCEPTS***

As indicated earlier, the purpose of the study is to compare the practices and procedures in the various courts, identifying promising practices and suggesting changes in structure and practice that will improve the overall delivery of limited jurisdiction court services through the State of Washington. In addressing this purpose, it became clear that several concepts required consideration. **The first is the basic idea of *caseflow management*.**<sup>3</sup> The second word in the name of that doctrine, *management*, suggests that those examining courts need to consider what constitutes the major share of the courts' operations, the routine matters that the courts must process, consider, and decide. Management implies building and measuring systems to deal with what is normal and routine. While limited jurisdiction courts conduct trials, the bulk of the business conducted by these courts involves either relatively few appearances or no court appearances at all. To an even greater degree than general jurisdiction courts, the cases in these courts are not concluded as a result of a trial. Staff plays a vital role in the vast majority of the work of these courts.

**Structural Implications:** As discussed further below, court structures need to respond to the type and frequency of the major aspects of what the courts do. In limited jurisdiction courts this

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<sup>3</sup> See Solomon and Somerlot, *Caseflow Management in the Trial Court: Now and for the Future*, ABA Press, 1987.

means that there needs to be a high level of competent and trained staff supporting the decisional and enforcement process. It also means that those who manage these courts, judges and administrators, need to have ready access to information based upon which policy and practice decisions can be made. Policy decisions need to be based on information, not impression. Management also means allocation of scarce resources. As discussed below in the section on fines, a consolidated method for managing the collection process might reap dividends in terms of effective collections and more effective use of staff resources available to the courts.

**Practice Implications:** Management requires that those who administer an activity must have input on policy development and the ability to act on information in order to improve performance. The judges and court administrators who manage the court should prepare and manage the budgets and select and supervise the staff. Additionally, presiding judges in district courts need to be a part of the process of developing contracts with municipalities in order to ensure understanding of the needs of the contracting cities and the protection of the independence of the court.

**The second concept has to do with the purposes of courts generally.** Dean Ernest Friesen, a nationally known expert on caseflow management and delay reduction, frequently uses an introductory exercise in teaching caseflow management where he asks the attendees to list the reasons courts exist. Over time, Friesen developed a list of eight purposes of courts based on this exercise. The attendees at most of the courses Friesen used to develop the list were primarily general jurisdiction judges and court managers.

The eight “Purposes of Courts” suggested by Friesen’s work are as follows:

- *Individual Justice in Individual Cases*
- *Appearance of Justice*
- Forum for the Resolution of Disputes
- *Protection from the Arbitrary Exercise of Government Power*

- Maintain Records
- *Deter Criminal Behavior*
- *Correct Criminal Behavior*
- *Separate Criminals From Society*

*(Emphasis added)*

Several of these purposes (those which are italicized) are relevant to this discussion of limited jurisdiction courts. Friesen would define individual justice in individual cases to mean applying the law to the facts. As indicated above, while this remains a function of limited jurisdiction courts, the normal process in these courts establishes pertinent facts rapidly and applies the law expeditiously.<sup>4</sup> Individual justice in limited jurisdiction cases may be more related to just and equal imposition of sanctions and the enforcement of judgments than to establishing the facts and applying the law. In addition to whether the court achieves a just result on the merits of the case, whether a limited jurisdiction court achieves justice may be measured by how fines and costs are collected, whether treatment and education conditions are completed, and how convenient the court is to the large number of people it serves.

The appearance of justice will be defined for purposes of this study as judicial independence, public trust and confidence, and access to justice. All of these attributes are discussed below as they relate to limited jurisdiction courts in Washington. It is important to remember that whether decisions are just is determined as much in the eye of the citizen as it is by appellate tribunals. Both actual justice and the appearance of justice in limited jurisdiction courts are routinely gauged against the actions and interests of local governmental entities. Providing a buffer between the citizen and the local government is a fundamental function of these courts. The appearance of justice may be measured by the independence of the judge and staff, the location and appearance of the facilities, equal access to services, fundamental fairness,

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<sup>4</sup> Kerwin, Henderson, and Baar, "Adjudicatory processes and the organization of trial courts," *Judicature*, Vol.70, pp. 99-106, (Aug-Sept 1986)

an opportunity to be heard, and the respect accorded litigants by everyone with whom they come in contact. Limited jurisdiction courts are the *fora* in which the deterrence of criminal behavior, correction of those convicted of crimes or infractions, and separation of those adjudicated guilty of an offense is formally accomplished. While the steps taken to get the case in front of the court are accomplished by executive branch agencies, the decision on the case, the protection of the citizen's rights, and imposition of the judgment are within the authority of the judicial branch, in this instance the limited jurisdiction court.

**Structural Implications:** Any of the structures currently in use in Washington can accommodate the basic purposes of courts as defined by Friesen. Since few cases are actually tried, more time and resources need to be assigned to the portions of the case process that impact the achievement of justice and the appearance of justice in the limited jurisdiction setting. Staff and facilities need to be adequate to the volume of work and convenient to the court's users. While convenient local access to court offices is necessary, statewide monitoring and management of the post adjudication payment process would ease the burden on individual court staffs and assist the offenders in complying with the judgments of the courts.

**Practice Implications:** The practices used by the limited jurisdiction courts should facilitate the achievement of the court's purposes. Courts need to place more emphasis on early resolution of the vast majority of cases that will not be tried. Information systems that provide time-related information that will allow the local courts to monitor the prompt processing of the early stages of cases need to be in place and in use.

**The third concept relates to the characteristics of limited jurisdiction courts.** In an article in *Judicature* Kerwin, Henderson and Baar describe a typology of trial court adjudicatory

processes,<sup>5</sup> which they called *Decisional Adjudication*, *Procedural Adjudication*, and *Diagnostic Adjudication*. Their description of *Procedural Adjudication* is as follows:

*Procedural adjudication embodies the adversarial values which dominate the traditional Anglo-American view of justice. It provides for an exhaustive exploration of relevant facts and law through formal rules of evidence and procedure. Cases in which procedural adjudication is employed are usually ones with comparatively high stakes and where facts and law are complicated and in dispute. The parties use the court as a means of communicating their versions of a dispute and their preferences for its resolution. Demands on the court are presented as motions on which judges must rule and in a variety of pretrial and trial proceedings at which the judge presides.*

*. . . Integration of judges with non-judicial staff outside their personal offices was not a prominent aspect of procedural adjudication ...*<sup>6</sup>

It is clear from this description that decisional adjudication describes the process that takes place in general jurisdiction state trial courts. It is the starting point against which most people measure how courts function. While limited jurisdiction courts conduct trials, this is not the method they use to dispose most of their cases.

Kerwin, Henderson, and Baar describe *Diagnostic Adjudication* as follows:

*. . . diagnostic adjudication is largely devoted to determining the cause of a problem and devising the proper treatment to eliminate it. . . . Perhaps the most distinctive feature of diagnostic adjudication is the role of non-judicial personnel in defining issues and securing outcomes in cases. . . . (t) he non-judicial personnel are frequently professional s whose research, analysis, and recommendations form the substance of the treatment which the judge ultimately delivers.*<sup>7</sup>

Limited jurisdiction court judgments that include treatment or training have some elements of this adjudication type, but unlike the description, the rehabilitative efforts are only one purpose of the court's action, not the entire purpose.

*Decisional adjudication*, the type most directly germane to this discussion, is described as follows:

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<sup>5</sup> Kerwin, Henderson, and Baar (1986)

<sup>6</sup> Kerwin, Henderson, and Baar (1986)

<sup>7</sup> Kerwin, Henderson, and Baar, (1986)

*. . . decisional adjudication establishes pertinent facts rapidly and applies the law expeditiously. . . . Speed in the disposition of the present case is imperative because there are so many like it awaiting their day in court. . . .*

*Many of the judges we interviewed noted that they felt a particular responsibility to make the proceedings and implications of various outcomes understandable to the participants. This special role for the judge in the absence of attorneys or where the attorneys present are juggling large caseloads is a cause of concern . . .*

*Rapid turnover of cases and the importance of documents outlining the issues in the case enhances the role of administrative staff. These non-judicial personnel organize the flow of papers to and from the judges. Large numbers of people must also be moved in and out of the court, thus security staff may be more prominent and their role more directly related to the actual flow of business than in procedural adjudication. . . . A close integration of administrative staff with the bench in decisional adjudication is generally evident – a partnership made necessary by the peculiar demands made on trial courts operating in this manner.<sup>8</sup>*

Kerwin, Henderson, and Baar use courts which process traffic cases, small claims, and the least serious misdemeanors as the reference model for their description of decisional adjudication. The significance of Kerwin, Henderson, and Barr's article is that it articulates and compares the characteristics, judicial and staff rolls, and overall processes that govern how various types of trial courts function. The description of decisional adjudication captures a picture of what limited jurisdiction courts in Washington, and in most other states, do on a daily basis. While the other two models have relevance to parts of the limited jurisdiction process, it is the decisional adjudication model that provides the focus for how this paper will approach the analysis of limited jurisdiction services.

**Structural Implications:** There are many implications of the description of decisional adjudication noted above. First, those reviewing the structure of limited jurisdiction courts must be mindful of judging them based on their mission and how they must accomplish it. Limited jurisdiction courts establish the law and facts quickly and normally in a relatively summary

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<sup>8</sup> Kerwin, Henderson, and Baar (1986)

fashion. The judge's primary exercise of discretion is normally not applying the law to the facts, but rather imposing an appropriate sanction. The court's staff plays a major role in the administration of these courts, and is in contact with the litigants frequently, before the case goes to court, on the day of the court hearing, and after the court hearing has been held. If present, counsel are providing services to a large number of litigants and do not spend the time on individual cases that they might spend on more complex or serious matters. Given the differing roles of judges, lawyers, and non-judicial staff, applying the classic procedural adjudication model to the operations of a limited jurisdiction court would be both inaccurate and unfair. The services provided by limited jurisdiction courts differ in both kind and application. The classic role of the court - applying the law to the facts – remains a part, but only a fraction, of what these courts do. Doing justice in courts administering procedural adjudication is as much about the imposition of a just sentence and monitoring the enforcement of the court's judgments, two post-adjudication functions, as it is about making a finding of guilt or innocence. The pervasive issue of jail overcrowding implies either the need to address sentencing structures or the need to provide for more jail space.

***Practice Implications:*** There are a number of variables that affect the way limited jurisdiction courts conduct their business. As described above, the size of the pending caseload greatly impacts the way the court must process cases. Yet, even between limited jurisdiction courts there are significant differences in caseload size. A court located adjacent to a major city, or along a major highway, may service a high proportion of offenders who are not residents of the court's jurisdiction. Imposition of appropriate sentences, collection of fines, and completion of sentences that require treatment or educational activities are much more difficult to enforce with a transient offender population. Furthermore, many courts in Washington routinely face issues

of jail overcrowding. The sentencing options that a particular court may consider are frequently limited by the availability of beds and the cost of incarceration as a sanction.

Taken together the three concepts described above provide theoretical justification for the proposed *Common Principals for Courts of Limited Jurisdiction* under development by the work group. The findings set out below provide factual justification for the proposed Implementation Concepts that are being developed along with the *Common Principles*.

### *LIMITED JURISDICTION COURT STRUCTURE*

The interviews conducted under this project spent significant time eliciting the observations of the interviewees on the issue of court structure. The observations by the interviewees mirror the concern that is paramount to this study - efficiently providing convenient service to the people. We asked each interviewee the following question:

- From the perspective of the court, the clients of the court, the public, and the funding authority, what are the most significant reasons why the structure that your court uses to provide limited jurisdiction services is a good one?

The responses of the representatives of independent municipal courts focused on providing convenient service, enforcement of local community values, and the efficiencies associated with having the court and the other justice system stakeholders in the local community.

The representatives from contracted courts emphasized that fact that services could be provided economically, and that the courts were well managed.

We also asked the interviewees for the most significant reasons why the structure that their court uses to provide limited jurisdiction services is not a good one. The municipal court interviewees emphasized the need for selection of staff to be under the control of the court, and the limited resources available to these courts. The contracted courts emphasized problems with allocating costs between units of local government, and multiple court locations.

We asked those we interviewed to list the most important services that their court provides. The responses that occurred most frequently were:

- Response to individual needs of the defendants, includes probation services and payment options
- Provide a forum for people to present their side of the case
- Prompt issuance of DV orders
- Fairness of decisions
- Accessibility

During the interviews we asked whether there should be structural changes in the way limited jurisdiction services are provided, and if so, what were viable changes. The responses track those mentioned elsewhere in this study and in the proposed *Common Principals for Courts of Limited Jurisdiction*.

- Appointed judges
- Limited staff
- Mixing the branches of government
- Size of courts and budgets.
- Staffing based on revenue rather than workload

## ***JUDICIAL BRANCH INDEPENDENCE AND PUBLIC TRUST AND CONFIDENCE***

The two surveys asked a total of 27 questions that were related to this area of inquiry.

The specific criteria that were examined included:

- The authority of the presiding judicial officer over the operation of the court,
- Selection of the court administrator and staff,
- Budget issues,
- Relations with the funding authorities, and
- Customer Service

### **Authority of Judge**

One indicator of judicial independence is that the court should have the authority to control its own operations. In response to a direct survey question on the authority of the presiding judge most contracted and municipal courts indicated that the judge had the authority to set office and hearing hours. A smaller number, but still a majority, indicated that the judge had the authority to close the court for security reasons, for inclement weather, or for other reasons. There were no significant differences between the authority of municipal, contracted, or district court presiding judges to control the operations of the court.

In all but two of the 12 municipal courts that responded the presiding judge or court administrator is the appointing authority for the court administrator or staff. In the remaining two instances a city official has this authority. In all of the district courts the presiding judge or court administrator was the appointing authority. Because of the strong and central role of court staff members in all aspects of the processing of limited jurisdiction court cases, the independence of the staff is a major part of the independence of the court. Judicial appointment of staff extends authority over court operations to include control of the non-judicial staff members who are central to the work of the court.

## **Budget Preparation and Monitoring**

While the legislative branch of government is responsible for allocating the public's dollars, and the executive branch has the responsibility to ensure that these funds are spent in accordance with the law, excessive control over the requests for, allocation of, and expenditure of funds appropriated to the court has an adverse effect on the court's ability to independently exercise the judicial function.

The first step in the budget process is control over the preparation of the budget documents. Two of the 12 municipal court respondents indicated that the budget was prepared by the city clerk or treasurer, in one instance with the input of the judge. In the remaining instances the judge or administrator prepared the budget. In only four of twelve instances did the survey report that the presiding judge of the contracted courts participated in the negotiation of the contract for services between the county and the contracting municipalities.

Both surveys asked the respondents to prioritize several basic concepts both from the perspective of the court, and from the perceived perspective of the funding authority. The significance of the question is that it represents respondents' perceptions of the priorities of the funding authorities, whether or not the funding authorities actually felt this way. There is a marked degree of agreement between the municipal courts' statement of priorities and their perception of their funders' priorities. Both groups give highest priority to protection of rights and equal treatment, and both groups appear to place a lower priority on generation of revenue. There is a somewhat greater divergence between the priorities of the district courts and their perception of their contracting municipalities. While both groups value protection of rights and equal treatment, enforcement of laws is also a significant value for both. The priorities of the courts' are similar with two exceptions. Twice as many district courts ranked enforcement of the

laws as a high priority. While three municipal courts ranked prompt and efficient disposition of the court’s business as a high priority, none of the district courts rated it as a high priority.

More contracted courts ranked the perception of funders’ priority of revenue generation as high than did municipal courts. However, more contracted courts than municipal courts ranked revenue production as a low priority. The district court responses were at wider extremes than the municipal courts.

The survey inquired about the degree of significance that the funding authority places on revenue production when determining the court’s budget. The responses are illustrated by the table below.

**Perceived Significance of Revenue Production on Determination of Budget**

<i>Perceived Degree of Significance</i>	<i>Municipal Court Responses</i>	<i>District Court Responses</i>
None	3	1
A little	2	1
Some	6	3
A significant amount	1	7

The degree of perceived significance of revenue production was higher in the contracted courts than in the municipal courts. This is contrary to the suggestion that municipal courts exist primarily as revenue producing devices for their municipalities. During the interviews those who indicated a larger amount of significance placed on revenue production suggested that the funding authority is likely to cap court expenditures at or near the level of revenue generated. If the funding authority connects revenue production to the size of the court’s budget, the appearance and the fact of judicial independence may suffer.

The interviews revealed several court responses to this pressure to produce revenue. Most of the responses dealt with improving collection procedures. However, some indicated that fine assessments were increased to the maximum amount allowable.

Other interviewees indicated that although revenue production was not of significance the funding authority placed emphasis on efforts by the courts to contain or reduce costs. Cost reduction techniques included:

- Reviewing procedures for cost reimbursement
- Exploring jail alternatives
- Printing own forms or providing forms on-line
- Reducing or eliminating travel
- Reducing court commissioners' salaries and using them less.
- Swapping judges for use as *pro tems* with adjoining county instead of paying for this service.
- Personnel Actions (e.g., leaving staff positions vacant, making staff part time, hiring interns, using volunteers)

The form that the budget appropriation takes and the limitations on transferring appropriated funds between line items is technique that the executive and legislative branch can use to control the actual expenditures of specific governmental entities. To the extent that executive and legislative branch entities can control the ability of the court to transfer appropriated funds between line items, they can exercise real authority over court operations.

Three of the 12 municipal courts indicated that they needed permission to move funds between line items, or that the municipality managed their budget. One of the 12 contracted courts required approval to move funds.

Budgets should be prepared and presented to the funding authority by the presiding judicial officer and court administrator. Monitoring of expenditures is an ongoing responsibility

of the court. Those preparing the budgets must be mindful of the financial situation faced by the funding authority. However, budgets should not be predicated on revenue produced by the court.

A uniform system for construction and monitoring of limited jurisdiction court budgets would be helpful. Even if local funding bodies have their own budget documents, a uniform process that courts could use to prepare budgets would be of assistance to the courts.

### **Evaluation of Court Operations and Relations with Funding Authority**

Four district courts responded on the survey that a city official outside of the court reports to the funding authority on court business and three others indicated that they did not know whether this was done. Five municipal courts reported that a city official outside the court reported to the funding authority on the court.

The presence of this outside evaluation implies an infringement on judicial independence. During the interviews we asked courts who did not have an outside person evaluating what they thought of this practice. Most respondents in this category felt that this was a potential encroachment onto judicial independence. We also interviewed courts where this practice was followed. Those with direct experience indicated that the evaluation was about financial matters, and not about the substance of court operations or judicial decision making. Both surveys asked if the court provided information to the funding agency on a routine basis. The following table summarizes the results.

#### **Information Provided to Funding Authority**

<i>Type Of Information Provided</i>	<i>Municipal Court Responses</i>	<i>District Court Responses</i>
Summaries of criminal dispositions	3	4
Summaries of infraction dispositions	3	4
Summaries of collections and court revenue	9	9
Workload information	9	7
Other	2	2

The two municipal courts who responded “other” both gave specific information about the passage of financial-related information to the local government for purposes of accounting for funds. The two District Courts that responded “other” both indicated that nothing was forwarded, one with no further explanation, the other with a comment that information is now available on-line.

The information submitted to the funding authority is similar to the information collected by the “outside evaluator.” Since the courts perceive that the funding authorities are interested in the amount of revenue generated and in the court’s workload, they routinely provide the information.

This series of questions illustrates a distinction between judicial independence and the appearance of justice. There is an implication of infringement on judicial branch independence inherent in the idea that an executive or legislative branch agency is collecting and reporting information about the courts. Yet a majority of the courts surveyed provide similar information to the funding authority on a regular basis. An effective court management practice, e.g., providing information may interfere with the appearance of independence if done by the funding agency without court involvement.

A similar question relating to judicial independence comes to light relating to ongoing relations with executive and legislative branch agencies. Both surveys asked whether and how frequently the judge and court administrator meet with the other stakeholders in the local justice system. A third of the municipal courts and a sixth of the contracted courts report monthly stakeholder meetings. However, many of the municipal courts that we interviewed indicated that either the judge or administrator regularly attends the municipality’s staff meetings. While most would suggest that periodic meetings with justice system stakeholders is an indicia of a well-managed court system, attending the staff meetings of executive branch agency heads or otherwise having any ongoing relationship with the funding authority may give the appearance of an intrusion on the separation of powers. JMI’s general impression is that these courts feel

that they are an independent branch of government. One judge suggested that the court was more independent as a result of this participation because the court is aware of issues facing local government. However, courts should be concerned with the appearance of “departmental status” as opposed to “third-branch status”. On balance, attendance at these meetings by court representatives is probably in the best interest of the court, as long as it remains clear that the court is attending because of their interest in government operations and problems, and not because they feel an obligation to “report” to or answer to the executive branch with respect to judicial branch issues.

One perceived advantage of the municipal court structure is that the court is more aware of the issues facing the local community. There may be advantages to the judge having knowledge of local situations, such as the extra steps that might be taken to provide service to the extensive senior citizen community in one jurisdiction, or the judge being aware of local efforts to deal with alcohol abuse issues perceived to be present in a college town. The court’s local knowledge should not extend to charging issues or enforcement measures which are the appropriate role of the prosecution and law enforcement departments of the executive branch. Both surveys asked whether the use of incarceration as a sentence was increasing, decreasing, or remains the same. The details of that issue are discussed below in the section on enforcement. In instances where the rate was decreasing the interview responses indicate the change is due to a combination of jail overcrowding, judicial cognizance of the costs of incarceration, and a feeling that jail is less effective as a deterrent or corrective measure than alternative measures. Those we interviewed indicated that cases involving repeated DUIs, domestic violence, and other assaults are still sentenced to incarceration. Jail overcrowding is a problem that is common to many of the jurisdictions that we interviewed, and while it constitutes a limit on the sentencing discretion of the judicial officer, it is not one that can be dealt with here. The decision that incarceration is

not an effective deterrent or rehabilitative aid in a particular case is an example of the discretion that judges should exercise. A decision not to incarcerate that is predicated exclusively on executive branch interest in saving jail costs may be a limit on judicial discretion.

### **Customer Service<sup>9</sup>**

#### **Geography/Convenience – Generally**

The surveys asked two questions about convenience of accessing court services. We asked both groups what percent of the court’s customers - alleged offenders, and witnesses, litigants - can reach the courthouse from their home in certain specific amounts of time. The question asked for estimated percentages of the court’s clients who could travel to the court from home in

- Less than 5 minutes
- 6 to 15 minutes
- 16 to 25 minutes
- 26 to 35 minutes, and
- More than 35 minutes.

In order to report the results of this question we have chosen to display the two highest percentages reported by each court. Thus, there should be two responses from each court on the table below.

#### **Two Highest Percentages Reported for Length of Time Required to Reach the Court Location**

<i>Length of Time to travel from home to court</i>	<i>Municipal Court Responses</i>	<i>District Court Responses</i>
15 minutes or less	13	10
16 – 35 minutes	4	11
More than 35 minutes	1	4

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<sup>9</sup> In preparing the survey and interview questions and in drafting this report we felt that the issues surrounding customer service had relevance to both the discussion of public trust and confidence and the discussion of access to justice. Although we have chosen to address the customer service issue here, the responses are also applicable to the access to justice discussion that appears in the next section.

Note: Totals in the table above include instances where there were ties in the highest scores and do not include surveys that did not respond to this question.

The responses to this question ( e.g., the greater frequency of longer travel to the court in district courts) are consistent with the idea that municipal courts are more convenient to the customers that they serve than are district courts that may serve larger geographic areas. The size and make up of the sample selected for the surveys would have an impact on these responses, so the best that can be said here is that the responses establish tendencies.

During the interviews we asked the respondents to choose between two statements and explain their choice. We acknowledged that both statements could be true, but asked which statement was more applicable in their particular jurisdiction. Because this question came late in the interview, we did not receive responses from everyone. The two statements, and a summary of the responses, are as follows:

Statement A: Residents are looking for close and convenient access to limited jurisdiction services.

Five of the seven interviewees who favored this statement were from contracted courts. The remaining interviewees were from municipal courts. The reasons for the selection had to do with providing service to the customers of the court.

Statement B: It is an important value in the community to have its own municipal court.

Three of the five interviewees who favored this statement were from municipal courts. Two of the municipal court interviewees who favored this statement indicated that local government officials preferred to have a court in their city. A third municipal court representative indicated favored this statement because most of the court's clients were not residents of the community. Having a local court ensured that decisions would comport with community values. The remaining interviewees who favored this statement, from contracted courts, did not elaborate on their choice.

### **Domestic Violence Orders of Protection**

The second geography/convenience survey question inquired whether a person could get a domestic violence protection order in their court during normal working hours, and if not, how far the victim would have to travel to reach a court where such an order could be obtained. The following table illustrates the responses.

**Domestic Violence Order Travel Distances**

<i>Response</i>	<i>Municipal Court Responses</i>	<i>District Court Responses</i>
Yes, a victim could get an order in our court	3	10
No - Must travel less than 5 miles	3	0
No - Must travel 6 to 15 miles	4	1
No – Must travel 16 to 25 miles	0	0
No – Must travel more than 25 miles	1	0

The inconvenience necessitated by the domestic violence victim’s need to travel to a distant location might cause some victims not to seek court protection. Please see the section below under access to justice for a more complete discussion of how domestic violence cases are handled.

#### **Access to Court Services**

#### **Defense and Probation Services**

The survey asked both groups whether offenders needed to travel to a location outside the courthouse to access probation, defense, or other services. Only five of 12 municipal respondents and two of 12 contracted district courts provide probation and public defense service within the courthouse. In all other instances at least one of these services is provided at a location other than the courthouse. It is not surprising that this should be the case in instances where defense services are provided on a contracted basis. However, when taken together with

the process used for appointment of counsel the need to make an appointment and meet with counsel at another location then return to the court for the next scheduled event can work a hardship on the offender and increase the likelihood of the offender not appearing for the hearing at the scheduled time.

In the May meeting the work group indicated that there was a problem with offenders going to the wrong court to pay a fine or schedule a hearing. Nine of the 12 municipal court respondents and seven of the 12 district courts indicated that this sometimes or frequently happens. There was near unanimous consensus that the confusion was more likely to result from instances where the citation was issued by the highway patrol than by local law enforcement. The explanation seemed to relate to the fact that jurisdictional boundaries of the various courts are either not clearly marked, or not understood by the highway patrol officers.

#### **Court and Clerk's Office Services.**

Every district court that responded to the survey indicated that staff was full time with the court. Three of the twelve municipal court respondents indicated that their staff worked part time. The gain in convenience that may exist as a result of having a local municipal court would appear to be negated by the fact that the court staff may not be available as frequently in the smaller courts. In each instance where the municipal court judge is appointed by the executive branch the judge worked less than full time

Court offices and clerk of court offices need to regularly available during reasonable hours and with a reasonable level of convenience. It may be possible to establish local offices for the purpose of receiving payments for infractions and/or scheduling hearings which are convenient to the court's customers but which do not contain courtrooms. Consideration should be given to establishing court hearing hours during the evening to make the court more convenient to customers. Either the establishment of satellite locations or the establishment of

evening hours would require management changes related to the scheduling of staff and judge time.

## *ACCESS TO JUSTICE*

### **Domestic Violence**

In one of open ended questions JMI asked the interviewees to list the most important services provided by their court. Several interviewees listed domestic violence protective orders as one of their most important services. On the other hand, we asked interviewees whose courts did not provide DV services why they had chosen not to provide this service. The conflicting responses suggest that many local courts are not clear on the statutory authority in this area.

When questioned as to why persons came to a court that had decided not to issue domestic violence protective orders, the consensus of respondents was that victims who had an interaction with the DV system (e.g., with a police agency or DV service provider) generally went to the correct court. Those who went to the wrong court had not had a formal contact with the DV system. In most instances it is the court's counter staff who talk with those seeking a DV order. About half of the courts interviewed provide brochures or other descriptive information to the person seeking the order. The remainder just provide verbal directions to the location where an order can be obtained.

We asked interviewees whose courts did not provide DV services why they had chosen this option. The interviews demonstrated that this is an area where there has frequently been conversation and cooperation between the district, municipal, and superior courts. Most of those we interviewed felt that they were unable to issue an order if there were children because jurisdiction was pre-empted by the superior court. The interviewee comments were not clear as to whether this ceding of responsibility to the superior court was as a result of agreement among the local courts or because of their reading of the statute. Aside from any statutory interpretation, it was clear that victims seeking protective orders may have been turned away from the court because of the presence of children. In jurisdictions outside Washington of which

JMI staff is aware, female domestic violence victims with children have been reluctant to bring DV incidents to the attention of courts that exercise juvenile abuse and neglect/dependency jurisdiction for fear of losing custody of their children for not leaving the household of an abusive partner. The statutory circumstances that require jurisdiction to vest in the superior court need to be clear to all courts. The impact of turning away any victim also needs to be clearly understood.

Steps should be taken, consistent with applicable statutes, to make protective order services (at least temporary orders) available as conveniently as possible for victims of domestic violence. Where by agreement local courts have decided to offer these services at centralized locations materials need to be prepared that explain the operations of the system to all who might seek these services.

A statewide protocol for providing domestic violence orders of protection needs to be developed. Training needs to be provided to local court staff so that everyone is clear on the statutes and practices governing these orders. Those who work at the counters in local courts need to be particularly aware of the requirements of statutes and local practice. Written material needs to be available that describes the practices for domestic violence victims seeking the court's assistance.

### **Frequency of Hearings; Length of time to Hearings**

The surveys contained several questions related to the length of time required to get to a hearing date. The range of responses varied widely. Three of 12 municipal courts and two of 12 district courts indicate that misdemeanor arraignments are scheduled less frequently than once a week. One municipal court and three district courts indicated that an incarcerated defendant would need to wait three or more days for a first appearance.

Four of 12 municipal courts and four of 12 district courts hold infraction hearings less than weekly. The majority of municipal and district courts indicate that infraction mitigation hearings are scheduled three to four weeks out, or less. However, two municipal courts and one district court are scheduling infraction hearings six or more weeks out.

Courts should schedule hearings with a sufficient degree of frequency so that those awaiting court action do not need to wait excessive amounts of time. This requires the allocation of sufficient resources to allow judicial and staff availability for these hearings. Information systems need to regularly produce information related to the timeliness of case processing, including incremental and overall data. Judicial officers and court staff need to regularly review this data in order to make sure that cases are concluded as promptly as possible consistent with the needs of justice.

### **Advisement of rights**

Both surveys contained questions related to how the advisement of rights was conducted. Most jurisdictions advise as a group and again on individual case level. In some instances the respondents indicated that the public defender conducts a third advisement. If only a single advisement is indicated, it most usually occurs to the group at the beginning of the arraignment. Fewer municipal courts report rigorous verification that the offender understood his/her rights than district courts.

### **Indigency Determination**

Each survey asked about the practice of indigency determination. The interviews asked a follow-up question about the process of indigency determination. The survey question concentrated on who made the indigency determination. In 58 percent of both the municipal and district courts the judicial officer makes the determination. While one third of the municipal courts surveyed use court staff to perform this function, none of the district courts in the survey

use staff for either contracted cases or regular district cases. Two of the district courts use probation staff to make the indigency determination, while none of the municipal courts use probation. Two of the district courts and one municipal court use public defenders officers to make the decision. In only one district court was the practice different for contracted cases than for regular district cases. That court uses court staff to make the determination in contracted cases but uses assigned counsel in regular district cases.

In most jurisdictions the person requesting appointed counsel does not have to bring in supporting documentation, although one of the interviewed courts requires this. The practices used by the courts during the indigency determinations varied widely as to when the state forms were distributed, and the court did if counsel was appointed. In most, but not all jurisdictions a not guilty plea is entered and the case set on a pre-trial track. Most courts use a mandatory pre-trial hearing of some type as a means of bringing closure to the plea negotiation process. In cases involving the appointment of counsel due to indigency, the defendant must make at least two appearances and the case is on a court docket on two occasions. Some jurisdictions adjourn the arraignment to another date without requiring the entry of a plea. This may result in an additional appearance by the defendant because the pretrial track still sets a mandatory appearance prior to trial. In only one jurisdiction interviewed is the defendant able to see an attorney, albeit a temporary attorney, on the day of arraignment. It is not clear from the interview how many cases are resolved at the initial appearance because of this early opportunity to consult with counsel. The court that follows this procedure has problems providing a space for the attorney and client to talk confidentially on the first hearing date.

To the extent possible the first appearance by the offender needs to be a meaningful event. This requires that the forms for requesting the appointment of counsel should be made available to offenders prior to the appearance date, that the offender be aware of what, if any,

documentation is required to verify financial status, that counsel be available to consult with offenders as soon as the indigency decision is made, and that space be provided for such consultations to take place in privacy. Administrative arrangements need to be made so that needed forms and information can be provided to offenders as early as possible.

**Location of Court Rooms and Offices**

Both groups were asked two questions relating to the courts facilities. The first of these questions related to the courtroom itself, the second related to the court’s staff offices. The following table summarizes the responses.

**Location of Court Facilities**

<b>Courtroom</b>		
<i>Location information</i>	<i>Municipal Court Responses</i>	<i>District Court Responses</i>
In a separate building not shared with any executive or legislative branch entity	1	4
In a building used by several governmental entities but courtrooms are specifically set aside for use only by the court	4	6
In a building used by several governmental entities where courtrooms are used also for public functions of other governmental entities	5	1
Other	2	2
“Other” responses included “building shared with police dept,” “municipal and district court share building,” and “two buildings, one with shared functions, the other shared only with district and superior court” Government buildings where the room used as a courtroom was planned as a courtroom <u>tend</u> to be designed with higher levels of security in mind, e.g., fewer access doors, better separation between hearing participants, litigants, and the public. Facilities designed to be used for other public functions, most frequently city counsel or other public entity meetings and hearings, <u>tend</u> to have more means for entrance and exit, less separation between meeting participants and spectators, and less frequent use of magnetometers and x-ray machines.		

<b>Offices</b>		
<i>Location information</i>	<i>Municipal Court Responses</i>	<i>District Court Responses</i>
In a separate building not shared with any executive or legislative branch entity	1	3
In a building used by several governmental entities but the court staff and administrator's office space is set aside specifically for use only by the court	7	8
In a building used by several governmental entities with the court staff and administrator's office space is jointly shared with other city or county staff	2	1
In a building where offices for municipal court and district court share space	1	
Other	1	
<p>"Other" response was building shared with police department. The intermingling of court staff space and other governmental office space may have a deleterious effect on the perception by the public of the independence of the court. On the other hand, since some members of the public who come to court offices may be angry or frustrated, the presence of other governmental entities may have a positive effect on the safety of court staff who meet the public.</p>		

### **Location of Services**

In order to ascertain the convenience of services that an offender might seek each survey asked whether public defender services and probation services were located within the building that housed the court. The following table summarizes the results.

### **Location of Services**

<i>Location of Services</i>	<i>Municipal Court Responses</i>	<i>Contracted Court Responses</i>	<i>District Court Responses</i>
PD and Probation Inside the Courthouse	5	2	2
Public Defender Outside the Courthouse	5	7	6
Probation Outside the Courthouse	3	3	4

## *JUDICIAL ADMINISTRATION AND MANAGEMENT*

Efficient and effective judicial administration contributes to the goal of doing justice under the law. Courts must be managed well so that judges, court administrators, and other judicial staff can accomplish this goal. Effective court leaders ensure that the various components of the court are a productive whole. Organizational cohesion happens when court leaders, the presiding judge and court administrator, have the ability to unite the organization to create a synergistic effect. Effective leaders model desired behavior and set standards for behavior, creating a tone that hopefully permeates the court's culture. In the municipal and contracted courts, the survey revealed that a significant amount of respondents agree or strongly agree that the presiding judge is intimately involved in the various affairs, or parts, of the court.

For example,

- Twelve out of 12 municipal court respondents and 11 out of 12 contracted court respondents agree to strongly agree that the presiding judge works with administration on a regular basis to discuss court operations and management.
- Nine out of 12 municipal respondents and 11 out of 12 contracted respondents agree to strongly agree that the presiding judge is involved in developing and monitoring the court's budget.
- Nine out of 12 municipal respondents and ten out of 12 contracted respondents agree to strongly agree that the presiding judge is kept informed of the processes for collecting and accounting for fees and fine.
- Ten out of 12 municipal respondents and eight out of 12 contracted respondents agree to strongly agree that the presiding judge supervises the operation of the court.
- Seven out of 12 municipal respondents and seven out of 12 contracted respondents agree to strongly agree that the presiding judge is actively involved in case assignment and management issues.
- Eleven out of 12 independent respondents and nine out of 12 contracted district respondent agree to strongly agree that the presiding judge determines qualifications and monitors performance.

- Nine out of 12 municipal respondents and ten out of 12 contracted respondents marked that the presiding judge is always available should the court administrator run into a problem.

There is no one best way to manage courts or any organization. The changing and complex nature of courts demands effective court leadership at all levels of the organization. Of the courts surveyed, the presiding judges in the municipal and contracted courts are demonstrating several of the characteristics of effective leaders. Many scholars believe that leadership can be learned; therefore, training should focus on honing leadership traits.

While judicial independence is an indispensable means to justice under the law, it should not be confused with interdependency. System interdependencies put power and resources needed by courts in the other two branches of government. Therefore, effective court leaders must have the ability and skill to develop partnerships not only within the court, but also with the entire justice system community, other government agencies and stakeholders, and the public. Courts and their leaders must be independent and impartial on the one hand and accountable and cooperative one the other. The survey revealed that in five of the 12 contracted courts surveyed the presiding judge does not meet formally with other justice system entities from the contracted municipality to discuss court operations. Four of the 12 contracted courts meet formally on an as needed basis.<sup>10</sup> In the contracted courts, only two of the 12 courts meet monthly. For the municipal courts, the survey showed that seven out of 12 responding courts meet on an as needed basis and four of the 12 courts meet on a monthly basis. Seven out of the eight courts interviewed concurred that the atmosphere of these meetings was informal and cordial. One of the interviewees described its past jurisdiction's meetings as tense, but after addressing problems and tensions, it has successfully created a non-adversarial and productive environment. Regardless of the structure, JMI advocates that courts dedicate time and energy to routinely meet

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<sup>10</sup> The response, "on an as needed basis," was not further defined.

with other justice system entities in order to cultivate productive working relationships, to resolve current problems, anticipate developments and analyze political conditions that will affect court operations, to create and support coalitions, and to make positive changes. Courts are often placed in a difficult position when their capacity to carry out a central function or operation, such as fine enforcement, is dependent upon the resources of agencies they do not control. Therefore, it is beneficial to establish an environment where key stakeholders can regularly address systemic issues in an open environment.

## ***ENFORCEMENT OF JUDGMENTS***

### **Probation**

In terms of providing probation services, there is not a significant difference in approach or services between municipal and contracted courts. Probation services are provided in the majority of both municipal and contracted courts on a case-by-case basis. Out of 12 survey responses, nine independent municipal courts provide probation services, with five of the nine courts determining the need for probation on an individual case basis. Two of the nine municipal courts provide probation only to serious cases, which include DUI and domestic violence cases, cases that involve a repeat offender or an offender that is a risk to the community or in a case where treatment is part of the sentence. Likewise, ten of the 12 surveyed contracted courts provide probation services to both contracted municipal jurisdiction cases and district court cases, with eight of the ten courts selecting cases for probation on a case-by-case basis for both contracted municipal and district court cases. From these survey results, it appears that the district courts treat contracted municipal and district court cases equally in terms of providing probation services.

The majority of the survey respondents provide probation services through a probation department, which is one of the two methods allowed by ARLJ II. For independent municipal courts, nine out of 12 responded that a probation department provides probation services. Two of the 12 municipal courts make use of the second method approved by ARLJ II, the use of a probation department and a court probation clerk. One of these two courts specified that its probation department handles supervised cases and the court probation clerk handles unsupervised cases. In the district courts, eight of the 12 responding courts indicated that a probation department handles not only the contracted cases, but also the district court cases.

Three of the 12 courts use the second method allowed by ARLJ II, the use of a probation department and court probation clerk, for contracted municipal court cases.

The overwhelming majority of municipal and contracted courts assess the offender a fee for probation services. Seven out of eight of the municipal courts and eight out of ten in the contracted courts assess the offender a fee. Neither the survey questionnaire or interview inquired as to why the courts assess a fee or how that fee is determined, but in general courts shift some of the cost of probation to sentenced offenders using a sliding scale for fee determination in order to lessen the costs to the courts and justice system and to increase offender accountability and compliance. In the municipal courts, the median<sup>11</sup> active caseload was 262.50 cases per probation officer. In the district courts, the median caseload of active cases for a probation officer was 300. While contracted court probation officers have on average 37.5 more cases per officer than independent courts, the difference is hardly significant. In both types of courts, probation officers have more cases than they can effectively supervise, which is probably due to the universal problem that the probation departments are not funded or staffed at levels that allows them to provide meaningful supervision and control. Fortunately limited jurisdiction courts do not handle the most serious offenses. It is not surprising that six out of the seven decision-makers asked in the interview if probation had a significant impact on recidivism rates answered that in their opinion it did not. However, those responding to the interview question stated their response was not based upon statistical evidence.

During the interviews, JMI asked how probation could be provided more economically and effectively. One recommendation seems appropriate for all the courts, which is to connect

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<sup>11</sup> The median, or middle value, was used to describe the data for a probation officer's active caseload because the median is unaffected by extreme values. In both the independent municipal and contracted district courts, there were extreme values. One of the eight respondents indicated that the probation officer has 25 active cases, which was nowhere near any of the other seven responses. In the contracted district court responses, 15 and 900 were the extreme values and could not be used to describe the typical caseload. Calculating the arithmetic mean would not have come up with a value to describe the typical case because this measure is impacted by extreme values.

the probation department and court's MIS so information on offenders is entered only once and can be shared between the two entities. This would make better use of resources, save personnel time, eliminate duplicative data entry, and ensure that the data is updated. Additionally, it would improve case management. Information from probation could assist judges in making better bail decisions and imposing more appropriate sentences. JMI realizes that linking independent computer systems is not necessarily feasible and that confidential information could not be shared between the two entities.

### **Incarceration**

The survey asked respondents if incarceration as a sentence was increasing, decreasing, or not changing in their respective jurisdictions. There was no clear pattern to the responses. In five of the 12 municipal courts surveyed, the use of incarceration as a sentence was decreasing, in four courts it was increasing, and in the remaining three there was no change. In contracted courts, five out of the 12 courts responded that incarceration use was decreasing (same as in the independent municipal courts), five responded that there was no change in its use, and two of the 12 stated that incarceration was increasing. These answers almost exactly mirror the use of incarceration with district court cases, again demonstrating that the district courts do not distinguish between contracted and district court cases, but treat them equally.

JMI sought to explain why incarceration use was increasing in some jurisdictions, but decreasing or not changing in other jurisdictions. In the interviews, JMI asked courts to explain their survey response and if they thought their court's use of incarceration reflected a statewide trend. Similar to the survey responses, the interviews did not elicit a cohesive response. In courts where the use of incarceration is decreasing or the interviewee felt this was the dominant trend in most of the limited jurisdiction courts, the majority of interviewees specified that the use of incarceration is decreasing as a result of the jails' limited capacity to handle offenders

(overcrowding) and the rising costs of incarceration. A small proportion expressed the belief that alternative programs (non-incarceration) had a greater positive impact on offender's behavior than locking them up.

On the reverse side, several interviewees stated that the mandatory minimum for a DUI charge is contributing to the increase in the use of incarceration. One interview respondent attributed the increase in usage to the judge's belief that incarceration is the only viable alternative. One independent municipal court with its own jail is actively advertising the availability of bed space and encouraging other jurisdictions to contract with its jail, but this was an anomalous response. JMI concludes that the use of incarceration depends upon individual jurisdictional resources and judicial attitudes toward the use of jail time as a punishment.

Regardless of a jurisdiction's use of incarceration, all of the courts surveyed routinely employ alternatives to incarceration. The majority of municipal and contracted courts use at least seven alternatives, including community service, work release, electronic home monitoring, day detention, and some form of treatment. Four interviewees mentioned that they use alternative (non-incarceration) programs to help manage the size of the jail population. It is important to point out that while five out of eight courts that we interviewed believed that the judge was to some degree aware of or considered the size of the jail population when sentencing offenders, seven of the eight interviewees stated that this knowledge did not limit the judge's decision to incarcerate offenders.

### **Fines**

Courts annually collect a substantial amount of revenue from the imposition of fines, especially for traffic-related offenses and for violations of municipal ordinances. JMI hypothesized that in some jurisdictions local authorities who control court budgets pressure judicial officers to use alternative sentences rather than short terms of custody. This pressure

might be greater for municipal courts where local authorities strongly encourage judicial officers to impose fines that generate revenue for local use. However, the survey and interview results showed that judicial officers do not feel pressured to increase the collection rate to generate revenue or use alternatives to incarceration to control costs. While courts do not feel pressured to produce revenue, seven out of 12 interviewees shared that they are trying to increase collection rates by making payment easier for offenders, keeping better track of payments, staying up-to-date, and providing payment information to offenders in an effort to generate revenue. Two of the 12 courts interviewed are increasing fines and fees (e.g., probation fees) as a way to produce revenue. The result of effectively imposing fines and collecting payments can relieve pressure on jail populations and pressure on probation services that are suffering from high ratios of probation officers to offenders, while at the same time promoting confidence that sentences are fair and punishment is certain. However, if judges are not convinced that fines will be paid in a high proportion of cases and if offenders assume that fines need not be paid, the usefulness of fines as a sanction is seriously eroded.

The research on fine payment, while inconclusive, indicates that there are a few ways to increase the prospects for full payment, including (a) setting reasonable and appropriate terms of payment and communicating those terms to offenders; (b) setting relatively short periods for payment, particularly if accepting installment payments; (c) making it convenient for offenders to pay fines; and (d) taking prompt follow-up action for nonpayment to increase compliance.<sup>12</sup> For the municipal and contracted courts, 18 out of 20<sup>13</sup> survey respondents indicated that they send notices to offenders who are delinquent in making periodic payments of fines prior to

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<sup>12</sup> Bureau of Justice Assistance Monograph: *How to Use Structured Fines (Day Fines) as an Intermediate Sanction*. November 1996. NCJ 156242

<sup>13</sup> Breaking out the responses, 11 out of 12 contracted district courts and 7 out of 8 independent municipal courts send notices to nonpaying offenders.

sending the case to a collection agency and Department of Licensing (DOL). All but two<sup>14</sup> of the surveyed courts are complying with the Washington State statute which mandates that courts must notify delinquent offenders that they have 30 days to pay their fine in full before the court sends their case to a collection agency and the DOL that suspends licenses for failures to pay. JMI discussed the notification process with courts during the interviews. Five of the 12 courts issue two notices, four of the 12 issue only one notice, and two courts issue monthly notices before sending the case to collections. One court summons nonpaying offenders back to court.

Although routine mail notification procedures are labor intensive, research suggests they are likely to produce payments in a significant percentage of cases.<sup>15</sup> This technique might contribute to increased compliance, increased revenue, and increased avoidance of issuing warrants and reduce the burgeoning Driving While License Suspended 3rds (DWLS 3) caseload. Many courts are trying to address the problem of DWLS 3<sup>rd</sup> cases through the operation of a community re-licensing programs, which assist offenders who are charged primarily with DWLS 3<sup>rd</sup> to get their driver's license reinstated. Frequently the court suspends a defendant's license because of failure to respond or pay within certain timelines and over time the defendant could face additional fines, penalties, collection fee, and jail time if the matter is not addressed.

The private sector has established a variety of techniques that remind, encourage, and facilitate completion of periodic payment obligations.<sup>16</sup> No parallel routine exists in the court. While requiring immediate payment of substantial fines may work a hardship on the defendant that the court should mitigate, sanctioning the non-receipt of periodic payments from a defendant without establishing the procedures and routines created in the private sector to facilitate the

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<sup>14</sup> JMI is not sure if these two courts misread the question, incorrectly marked the survey and thus are not complying with the State statute.

<sup>15</sup> BJA (1996).

<sup>16</sup> Mortgage companies and automobile loan companies provide payment books. Medical offices send voicemail notices of appointments.

periodic payment process may ultimately cause a greater hardship. During times of economic constraints, limited staff and resources can make this approach prohibitive. The recent US Supreme Court case of *Alabama v. Shelton*<sup>17</sup> may require representation by counsel in infractions cases or a waiver of that right if the results of non-payment include incarceration. This decision may cause significant changes in the way courts process infractions. One effect of this case might be that those found to have committed an infraction might be more fully advised as to the consequences of failure to pay. Full advisement of the consequences of non-payment, completed in a variety of ways and at a variety of times, coupled with the establishment of routines borrowed from the private sector to encourage payment might reduce the number of cases referred for collection, including DWLS 3<sup>rd</sup> offenses with their associated system and jail costs, as well as increasing the amount of revenue recovered. It is certainly fair to question whether it is an appropriate function of courts, or any other branch of government, to assist those who choose not to obey lawfully imposed orders or pay lawfully imposed fees and fines. However, courts should consider taking actions that decrease local government expense, increase collection of revenue rightfully due, and make it possible for offenders to remain productive citizens.

Many of the interviewees expressed their dislike of playing the role of bill collector, especially when the administrative costs may be greater than the amount of the fine. The process of imposing, collecting, and enforcing fines and other monetary penalties can occupy a significant amount of court administrators' and other court personnel's time, not to mention that of other justice system personnel (for instance, the police who have to issue warrants for non-payment or the Department of Licensing that suspends an offender's license for non-payment of a fine). Making it convenient for offenders to pay fines could significantly increase the

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<sup>17</sup> (U.S. Supreme Court Case Number 001214, decided May 20, 2002)

likelihood of prompt payment, thus reducing the burden of establishing and monitoring payment plans and tracking down and reminding offenders when they are negligent. During the interviews JMI proposed having courts accept payment for each other. Several interviewees liked the idea as long as it could be done easily, which would mean upgrading the capacity of DISCIS to accept these payments. One judge disagreed with the notion of collecting payments for other courts because he thought his clerk would not like the idea and it would be too challenging to divide up the revenue between jurisdictions. Courts should enable payments to be made at multiple convenient locations other than the courthouse.

Fine administration is fragmented within and across a variety of agencies, including the court, probation, and collection agencies. This fragmentation can lead to confusion for offenders, inequities in pay schedules and interest rates, fractured accountability structures, and increased administrative burdens for the court. JMI spoke with 12 of the key decision-makers in the courts regarding the management of installments and follow-up action for nonpayment. The majority of courts specified that DISCIS manages periodic payments and generates the delinquency notices before sending cases to a collection agency and DOL. Two of the 12 indicated that an outsourced service or finance company that is a division of the collection agency places offenders on time payment plans and one court uses the probation to monitor payments. Some jurisdictions use multiple collection agencies, while typically smaller jurisdictions will contract with one agency.

JMI proposed centralizing the collection agency. In other words, JMI suggested to interviewees that fine administration should be controlled by a single entity that would be responsible for the outcome of all fine sentences and for insuring that the fine process is rational and properly administered. More courts than not welcomed the idea, suggesting that the advantages would be that:

- Offenders could make payments to a single agency (half of the courts interviewed acknowledged this as an advantage);
- Pay schedules and interest rates would be uniform, thereby making the process more equitable;
- There would be only one set of protocols and policies, which would make the collection process easier to understand; and
- The burden of fine administration, collection and enforcement would not be the responsibility of the court.

The courts also identified disadvantages of creating a centralized collection agency, including:

- Courts would lose their individual control and the flexibility to tailor punishments;
- The creation of a less personalized system;
- The creation of another large bureaucratic organization with which the court would have to collaborate; and
- The challenge of getting all courts to agree upon uniform policies and procedures.

Whether fine collection is centralized or outsourced to several organizations, the court must be integrally involved in the development and implementation of collection policies. Fines are a court order and the court has a stake in ensuring offender compliance with that order.

Systematic information does not seem to be readily available to these courts on collections. Although these courts keep adequate records of individual fine payments, our sample of courts does not appear to possess developed systems for aggregating and analyzing this type of data in order to monitor collection and enforcement performance and to support improvement initiatives. The failure of courts to develop the ability to monitor collection performance, which is usually expressed as an aggregate collection rate, is unfortunate, especially since economic pressures, jail overcrowding, and the use of alternative sanctions is increasing. Collection effectiveness is a critical performance indicator and data should be collected and analyzed in order to improve program operations.

## *TRAINING*

Education and training help courts improve their performance and achieve their mission. The survey showed that a significant majority of judges in the municipal and contracted courts (11 out of 12 for independent and ten out of 12 for contracted) attend the DMCJA Spring Conference. A significant majority of contracted court judges (10 out of 12) also attend the Annual Fall Judicial Conference, in comparison to only five of the 12 municipal court judges. For the court administrators, eight out of 12 municipal administrators and seven out of 12 contracted court administrators attend the DMCMA Spring Conference. While only four of the 12 municipal administrators attend the Washington Court Managers' Spring Conference, nine out of 12 contracted court level administrators attend this conference. Attendance and enthusiasm for training was not readily apparent from the interviews.

JMI understands the reality that training budgets are often the first to get slashed during economic constraints and restrictions are placed on out-of-state travel so attending a national training is not possible. However, according to Peter Drucker, the well-known management expert, information and knowledge drive economics and productivity,<sup>18</sup> making it imperative for individuals and organizations in the public and private sectors to commit to continuous learning. Effective leaders recognize the importance of training.

The National Association of Court Management Education, Training and Development Curriculum Guideline<sup>19</sup> suggests that training be:

1. Continuous and creative, meaning that it focus on the law and legal procedures as well as on the future;
2. Inclusive, meaning that all justice system personnel, including judges and court staff, are trained;

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<sup>18</sup> *Post-Capitalist Society* by Peter Drucker (New York: Harper Business, 1993).

<sup>19</sup> Core Competency Curriculum Guidelines: Education, Training and Development. National Association of Court Managers (April 25, 2003).

3. Accessible and tailored, meaning that training is available to and geared towards the gamut of target audiences;
4. Well-managed in the sense training is up-to-date and focused on important court issues; and
5. Evaluated to ensure that the training contributed to individuals' personal and professional growth and skill development in a meaningful way.

Whether the AOC develops statewide training programs or it is a regional or individual training, these guidelines form the basis of development. Across the board court leaders need to cultivate a learning organization.

### ***UNSTRUCTURED QUESTION***

The last question in each survey asked the respondents “If you were not bound by the current structural, financial, and physical limitations imposed by the way that your court provides limited jurisdiction services, what would you do differently?”

Not surprisingly, the results of the open ended question mirror the comments made by the respondents in the more structured questions. Like everything else about the survey and interview process, the open ended responses reflect two primary areas of concern: items that relate to providing services to the court’s customers and items that are the result of the lack of available resources for the courts. For purposes of displaying the responses, we have separated them based on service and resource issues and sub-divided the responses between municipal courts and district courts.

#### **Customer Service Issues**

##### **Municipal Courts:**

- Daily arraignments, including holidays and weekends
- Expanded hours and more flexible scheduling of cases
- Public Defender present at all hearings
- Prosecutors present at all contested hearings
- Police present at all hearings
- Legal Services present at all hearings
- Better use of probation
- Better access to interpreters
- Hold own jury trials
- Establish statewide collection agency
- Expand alternatives to incarceration programs
- Establish specialty courts (Drug Court, Mental Health Court)

##### **District Courts:**

- “Provide for a more efficient, seamless justice system statewide”
- Public Defenders present at all hearings
- Prosecution present at all hearings

#### **Resource Issues:**

##### **Municipal Courts:**

- More Public Defenders
- More Prosecutors
- More probation officers

- Facilities Issues
  - Better facilities
  - Have our own building
  - More courtrooms
  - Have our own courtroom
  - More area for court staff
  - Secure/private probation interview area
  - Use video for in-custody hearings
  - Be in same complex as police and jail for security and prisoner transport

**District Courts:**

- More court staff
- Better pay for court staff
- More probation staff
- Facilities Issues
  - Better handicapped access
  - Single location
  - Better Security
  - “Build a larger, more efficient courthouse – including within – probation department, Public Defenders, Prosecutors, law library, conference rooms, cafeteria, and plenty of parking.”
- Technology and Equipment Issues
  - Purchase updated equipment
  - E-mail and internet access for court staff
  - Public Access Terminal
  - Competent IT department

## *CONCLUSIONS*

The purpose of the study is to compare the practices and procedures in the various courts, identifying promising practices and suggesting changes in structure and practice that will improve the overall delivery of limited jurisdiction court services through the State of Washington.

Our primary methods for collecting the information that we present in this report was through survey and interview. As the development of the project went forward one of the things that became clear was the extent to which respondents' proximity to information affected their perceptions. For the most part the respondents thought that the way their court was organized was the best way. The closer a respondent was to the situation the more accurate their evaluations were. The further from the actual situation the respondent was the more likely the respondent was to make evaluations based on appearances rather than realities. While the appearance of justice is one of the purposes of courts identified by Dean Friesen, those who are knowledgeable about court systems should understand when they are substituting opinion for objective information.

Another tendency that also became clear was the degree to which each group felt that "the other way" to provide limited jurisdiction services was flawed. Most municipal courts thought their structure was superior because it was more convenient to the litigants and more responsive to local needs than a contracted court status would be. Most respondents from contracted courts thought that their system was better because it is more efficient and less costly than a municipal court would be. Most people from contracted courts thought that there were issues of judicial independence and executive branch control related to the method of selecting judges and court staff, the method for managing budgets, and the supposed perception that municipalities want courts as a revenue producing devices. However, municipal court

respondents reported less pressure from the legislative and executive branch to produce revenue than did contracted courts and district courts. Only four of the twelve district courts surveyed indicated that their presiding judge was involved in (had any input or control over) the negotiation of the contract for limited jurisdiction court services between the municipality and the county.

While there are differences between the ways in which the types of courts function, these differences were more related to the variances among the demographics, staffing levels, and practices than they were to the structural differences among the three types of courts. There are suggestions for structural changes that emerged during the completion of this project, but those changes either did not deal with the organizational patterns of the courts or applied equally to each organizational pattern. We specifically do not find any of the three models of providing limited jurisdiction court services to be clearly superior or inferior to the other models.

It became clear during the interviews that there were the many variables that must be considered when a particular court structure or practice is evaluated. The manner in which limited jurisdiction courts have evolved in a particular area appears to be related at least in part to the demographics of the community, the resulting citizen expectations, and the practices that have evolved to meet those expectations.

For purposes of discussion the variables that may affect structure and practice are roughly divided into two types, those relating to the population served and those relating to the peculiarities of government operations.

#### **VARIABLES RELATED TO THE POPULATION SERVED**

The geographic characteristics of the jurisdiction and its surrounding areas may play a great role in caseload while creating challenges to drafting or enforcing appropriate judgments. Proximity to a major urban area, to a park or other tourist attraction, to a commercial or

industrial area, to a major national or local highway may all have an impact on the nature of the offender population. The interviews disclosed wide variations in the mobility of the offender population. In some jurisdictions the majority of offenders come from within the community. In others the offender population may not live within the jurisdictional boundaries, but may travel through the jurisdiction on a regular basis. In still other jurisdictions the offender population might be passing through on a more-or-less one time basis, visiting a tourist destination or traveling on an interstate highway.

The demographic characteristics of the residents of the jurisdiction may also impact court structure and process. Presence of significant numbers of people with identifiable similar traits should cause the management of the court to create processes and structures that are responsive to the needs of the citizens. The presence of a college or university within a jurisdiction may cause the court to establish certain treatment programs and remote service locations. The presence of a significant single ethnic and linguistic minority might require the court to provide signage and interpreter services on a regular, rather than an as needed, basis. The presence of a significant senior citizen community might require the court to be more mindful of providing access for persons with physical disabilities.

#### **VARIABLES RELATED TO GOVERNMENTAL SERVICES OR ISSUES**

Many of the courts that we interviewed are dealing with jail overcrowding issues. The scarcity of jail beds and the lower priority given to misdemeanor defendants conspire to limit the sentencing alternatives available to the judges. All of the issues that limited jurisdiction courts are otherwise facing are exacerbated by the current economic situation faced by state and local governments. Jail beds are not only scarce, they are also expensive. Depending on the particular local jurisdiction there may be more or less pressure for the court to cut costs or increase

revenues. In any event, the chances of obtaining increases in the number of staff or judicial positions or of obtaining improved technology are bleak and likely to remain so.

We will summarize our findings based on the major issue areas identified by the Working Group at the May meeting.

#### **JUDICIAL BRANCH INDEPENDENCE AND PUBLIC TRUST AND CONFIDENCE**

Selection of those who serve the courts that is merit based and independent of the funding authority increases the appearance of justice. This independence in selection, supervision, and retention is as important for court staff members as it is for judicial officers. In a limited jurisdiction court setting court staff have a very important role not only in preparing for court hearings and trials, but also in meeting the public, accepting payments, and scheduling cases.

The presiding judicial officer must exercise management authority and decisional independence free from inappropriate influence by executive or legislative branch. Budget preparation, presentation, monitoring, and amendment should be conducted in a manner that comports with generally accepted accounting principles but should not be conducted in such a way as to infringe upon the independent exercise of the judicial power by a court of limited jurisdiction.

While sound management practices suggest that a court should maintain good working relations with stakeholders in the justice process and with all parts of the government structure, both the court and the other branches of government must remain mindful of the need to protect the separation of powers and promote the appearance as well as the fact of judicial independence.

The public, including offenders, witnesses, victims, and jurors should have quick and convenient access to the courtrooms, court offices, defense services, and probation services so as to encourage public trust and confidence in the court system.

## **EQUAL ACCESS TO JUSTICE**

Victims of domestic violence should have the easiest possible access to court services related to obtaining protective orders.

Hearings should be held with sufficient frequency to dispose of the business of the courts within acceptable time limits. The court should keep scheduling lead times to reasonable levels.

Advisements of rights, indigency determinations, and presence of interpreters should all be completed by the court in such a way as to discharge the court's management and financial responsibilities while providing appropriate levels of service to those who are called to appear in the courts. Each time the resources of the court, defendant, witnesses, and counsel are used to schedule and conduct a court event, as many tasks should be accomplished as possible to advance the case toward resolution. The location of courthouses, court offices, and court services should be such that an alleged offender can make use of these services with as few trips to the court as possible.

## **JUDICIAL ADMINISTRATION AND MANAGEMENT**

Courts must be managed well so that judges, court administrators, and other judicial staff can accomplish their mission. The presiding judges appear to be actively leading and managing the court. Under the leadership of the presiding judges, courts need to work on building interagency cooperation and collaboration. Courts cannot achieve their mission without the assistance of other agencies and stakeholders outside of the court. Currently, the limited jurisdiction courts do not have forums, or if they do exist they are not well attended, not well functioning, or regular events, to exchange ideas about how to solve problems or to continually diagnose and evaluate performance on the justice system level.

## **ENFORCEMENT OF JUDGMENTS**

### ***Probation:***

In terms of providing probation services, there is not a significant difference in approach or services between the municipal and contracted courts. The majority of municipal and contracted courts provide probation services on a case-by-case basis through probation departments, which is one of the two methods allowed by ARLJ II, and assess offenders a fee for probation services. In both types of courts, probation officers have more cases than they can effectively supervise, which is probably due to the universal problem that probation departments are under-funded or are not staffed at levels that allows them to provide meaningful supervision and control. One recommendation for providing probation services more economically and effectively is to connect the probation department and court's MIS so information on offenders is entered only once and can be shared between the two entities.

***Incarceration:***

There is no easy answer to explain why incarceration use was increasing in some jurisdictions, decreasing or not changing in other jurisdictions. The use of incarceration depends on various factors, including jurisdictional resources, judicial attitudes towards sentencing, and legislated mandatory minimums. Finding an explanation requires an individualized look at the various factors. Regardless of a jurisdiction's use of incarceration, all of the courts surveyed routinely employ alternatives to incarceration.

***Fines:***

The survey and interview results showed that judicial officers do not feel pressured to increase the collection rate to generate revenue or use alternatives to incarceration to control costs. The result of effectively imposing fines and collecting payments can relieve pressure on the jail populations and pressure on probation services that are suffering from high ratios of probation officers to offenders, while at the same time promoting confidence that sentences are fair and punishment is certain. Courts should consider (a) implementing additional notification

techniques that remind, encourage, and facilitate completion of periodic payment obligations, (b) accepting payment for each other and enabling payments to be made at multiple and convenient locations other than the courthouse, and (c) centralizing the collection agency on a countywide or statewide basis. Collection effectiveness is a critical performance indicator and data should be collected and analyzed in order to improve program operations.

#### **COMPLIANCE, COMPETENCE, AND TRAINING**

The bottom line is that training is essential. The AOC and courts at all levels need to make reliable and consistent funding for training a top priority. This is especially important given the fact that limited jurisdiction judges and court administrators do not meet monthly with other justice system entities in their jurisdictions. Training should educate judges and staff together, reinforcing judicial and justice system interdependency.

*The Justice Management Institute*

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Denver, Colorado 80203

# **ALWAYS THE PEOPLE:**

**Delivering limited jurisdiction court services throughout  
Washington**

## **APPENDIX ONE**

### **SURVEY INSTRUMENTS**



**RESPONDENT INFORMATION**

Respondent Name: \_\_\_\_\_

Judge  Court Administrator

Other (specify): \_\_\_\_\_

Respondent Phone: \_\_\_\_\_

Court Name: \_\_\_\_\_

County: \_\_\_\_\_

City: \_\_\_\_\_

*The Board for Judicial Administration has created a statewide Court Funding Task Force to look at funding in general. A subcommittee of this Task Force is charged with examining the variations in court structure and the consequent costs and financial impacts in the State's limited jurisdiction courts. The Justice Management Institute (JMI) is working with the Task Force to examine the wide range of practices and operations of these courts. JMI developed this survey in order to conduct comparisons of costs and standards of practices between separate, freestanding municipal courts and those where the municipalities contract for services with the local district court. Your court has been selected as part of the sample group of courts being asked to complete the survey.*

*The presiding judge and the court administrator should each complete a copy of this survey and return it directly to JMI. Survey responses will be kept confidential and individual results will not be released. JMI is asking for respondent contact information (above) to enable us to conduct follow-up telephone interviews with selected jurisdictions. Individual court responses to this survey will not be identified in any way. Responses will be presented in aggregate form only.*

*In answering the following questions, please respond only as the information applies to cases within your municipal court. The questions are designed to obtain information about the routine case or situation, not the unusual, complex, complicated, or notorious case or issue.*

*This survey takes approximately one hour to complete. Thank you for participating.*

1. Judge(s) in this court are (Check the one box  that most closely represents the experience in your jurisdiction)

Elected by the People of the Municipality

Appointed by the Mayor or City Manager (please circle which individual)

Appointed by the City Council

Other (specify): \_\_\_\_\_

2. If part time, how are the judge's hours determined? (Check all the boxes  that represent the experience in your jurisdiction)

- Not applicable
  - Workload demand
  - Mayor or City Council
  - By contract provisions
  - Other (specify): \_\_\_\_\_
- 

3. The space that the court uses for the courtroom is located (Check the one box  that most closely represents the experience in your jurisdiction)

- In a separate building not shared with any executive or legislative branch entity
- In a building used by several governmental entities but courtrooms are specifically set aside for use only by the court
- In a building used by several governmental entities where courtrooms are used also for public functions of other governmental entities
- Other (specify): \_\_\_\_\_

4. The space that the court uses for staff and administrator's office space is located (Check the one box  that most closely represents the experience in your jurisdiction)

- In a separate building not shared with any executive or legislative branch entity
- In a building used by several governmental entities but the court staff and administrator's office space is set aside specifically for use only by the court
- In a building used by several governmental entities with the court staff and administrator's office space is jointly shared with other city staff
- In a building where offices for municipal court and district court share space
- Other (specify): \_\_\_\_\_

5. Staff of the court work on court functions (Check the one box  that most closely represents the experience in your jurisdiction)

- Full Time
- Part Time

6. The appointing authority for the court administrator is (Check the one box  that most closely represents the experience in your jurisdiction)

- The municipal court presiding judge
- A city official
- Other (specify): \_\_\_\_\_

7. The appointing authority for the court staff is *(Check all the boxes  that represent the experience in your jurisdiction)*
- The municipal court presiding judge
  - The court administrator
  - A city official
  - Other (specify): \_\_\_\_\_
8. If the presiding judge of the municipal court is part-time, how is he/she available to the court administrator if a problem arises? *(Check all the boxes  that represent the experience in your jurisdiction)*
- Not applicable
  - By telephone
  - On a "drop-in" basis
  - At the next scheduled court day
9. If the presiding judge is not available, who does the court administrator typically contact if a problem occurs? *(Check all the boxes  that represent the experience in your jurisdiction)*
- Mayor
  - Another Court Administrator
  - Another City Official
  - AOC
  - Not applicable because the judge is always available.
10. The Presiding Judge of the court has the authority to *(Check all boxes  that represent the experience in your jurisdiction)*
- Set court office and hearing hours
  - Close for security reasons
  - Close for inclement weather
  - Close for other reasons
11. Responsibility for efficient and effective distribution of tasks rests with *(Check all the boxes  that represent the experience in your jurisdiction)*
- The presiding judge
  - The court administrative staff
  - Another city official (e.g. city manager, city finance officer)
  - The city council

12. What information about court operations does the court regularly provide the city? (Check the one box  that most closely represents the experience in your jurisdiction)

- Summaries of criminal dispositions
- Summaries of infraction dispositions
- Summaries of collections and court revenue
- Workload information (e.g., filings, proceedings)
- Other (specify): \_\_\_\_\_

13. Does another city official outside the court evaluate and report to the Mayor or City Council on court operations? (Check the one box  that most closely represents the experience in your jurisdiction)

- Yes  No

14. If yes, whom? (please describe) \_\_\_\_\_

15. How are defendants advised of their rights? (Check the one box  that most closely represents the experience in your jurisdiction)

- Judicial officer advises them as a group at arraignment.
- Judicial officer advises each individual defendant when his/her case is called.
- The public defender explains rights.
- Other (specify): \_\_\_\_\_

16. How does the judicial officer verify if the attendees understand the proceedings? (Check the one box  that most closely represents the experience in your jurisdiction)

- The judicial officer asks defendants if they have read the printed advice of rights.
- The judicial officer asks defendants if they understand they have a right to an attorney.
- The judicial officer asks defendants if they can read.
- Other (specify): \_\_\_\_\_

17. If a defendant requires an interpreter, is one made available on the first appearance? (Check the one box  that most closely represents the experience in your jurisdiction)

- Yes  No

- a. If "no," what is the court's procedure for handling non-English speaking defendants (e.g., proceed with or reschedule arraignment, use court staff or a family member)? (Please explain briefly).

\_\_\_\_\_  
\_\_\_\_\_

18. Is a prosecutor present at arraignment? (Check the one box  that most closely represents the experience in your jurisdiction)
- Yes  No
19. Does the court accept pleas of guilty without defendant's counsel present? (Check the one box  that most closely represents the experience in your jurisdiction)
- Yes  No
20. Persons who choose to represent themselves at criminal hearings (Check all boxes  that represent the experience in your jurisdiction)
- Can obtain all needed forms and instructions written in non-technical terminology by contacting the court's website
  - Can obtain all needed forms and instructions written in non-technical terminology by going to the court
  - Can obtain assistance through the court's self-help program
  - Are advised of their right to a public defender
  - Are told that they should hire an attorney
  - Are on their own
21. On a scale of 1 to 7 with 7 being the most important, please rank the importance of the following court functions from the perspective of the groups identified. *Only one characteristic should be given a rank of 7, one given the rank of 6, etc.*

**GROUP I: COURT JUDGES AND STAFF**

<i>Characteristic</i>	<i>Group's Perceived Actual Priority</i>
Enforcement of State and local Laws	
Generation of Revenue	
Protection of the Rights of Offenders	
Convenience of Governmental Employees	
Prompt and efficient disposition of the court's business	
Equal treatment of all without regard to race, gender, ethnicity, sexual preference, or age	
Responsiveness to local criminal justice enforcement priorities	

**GROUP II: LOCAL GOVERNMENT**

<i>Characteristic</i>	<i>Group's Perceived Actual Priority</i>
Enforcement of State and Local Laws	
Generation of Revenue	
Protection of the Rights of Offenders	
Convenience of Governmental Employees	
Prompt and efficient disposition of the court's business	
Equal treatment of all without regard to race, gender, ethnicity, sexual preference, or age	
Responsiveness to local criminal justice enforcement policies	

22. How frequently do people come to your court to pay an infraction penalty or schedule a hearing for a ticket that was filed in another court? (Check the one box  that most closely represents the experience in your jurisdiction)

<input type="checkbox"/> Never Happens	<input type="checkbox"/> Rarely Happens	<input type="checkbox"/> Sometimes Happens	<input checked="" type="checkbox"/> Frequently Happens
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23. Can a petitioner get a domestic violence protection order in your court during normal business hours (8:00 AM to 5:00 PM, Monday through Friday)? (Check the one box  that most closely represents the experience in your jurisdiction)

Yes  No

a. If no, how far is the closest court that you direct petitioners to go to file for a protection order? (Check the one box  that most closely represents the experience in your jurisdiction)

Less than 5 miles  6 to 15 miles  16 to 25 miles  
 Over 25 miles

24. The budget for the court is prepared and monitored by (Check the one box  that most closely represents the experience in your jurisdiction)

The municipal court presiding judge or court administrator  
 A city department (specify): \_\_\_\_\_  
 Other (specify): \_\_\_\_\_

25. From your perspective, how much weight does the city legislative authority place on the amount of revenue generated by your court in granting the court's budget requests? (Check the one box  that most closely represents the experience in your jurisdiction)

None  a Little  Some  a Significant Amount

26. What percent of the court's customers - alleged offenders, and witnesses, litigants - can reach the courthouse from their home in the following amount of time? (Fill in percentages that represent the experience in your jurisdiction. The numbers should total to 100%)

___% 5 minutes or less	___% 6 to 15 minutes	___% 16 to 25 minutes	___% 26 to 35 minutes	___% More than 35 minutes
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27. How frequently does the court hold arraignments for misdemeanor cases? (Check the one box  that most closely represents the experience in your jurisdiction)

<input type="checkbox"/> Daily	<input type="checkbox"/> Twice a week	<input type="checkbox"/> Three times a week	<input type="checkbox"/> Once a week	<input type="checkbox"/> Other (specify below)
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Time Hearings Begin: \_\_\_\_\_ Other: \_\_\_\_\_

28. What is the longest time an incarcerated defendant would wait to have a first appearance in your jurisdiction? (Check the one box  that most closely represents the experience in your jurisdiction)

<input type="checkbox"/> One day	<input type="checkbox"/> Two days	<input type="checkbox"/> Three days or more	<input type="checkbox"/> We don't incarcerate
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29. How frequently does the court hold infraction hearings? (Check the one box  that most closely represents the experience in your jurisdiction)

<input type="checkbox"/> Daily	<input type="checkbox"/> Twice a week	<input type="checkbox"/> Three times a week	<input type="checkbox"/> Once a week	<input type="checkbox"/> Other (specify below)
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Time Hearings Begin: \_\_\_\_\_ Other: \_\_\_\_\_

30. When a driver requests a mitigation hearing in an infraction case, within how many weeks out would the hearing be set? (Check the one box  that most closely represents the experience in your jurisdiction)

<input type="checkbox"/> One week	<input type="checkbox"/> Two weeks	<input type="checkbox"/> Three to four weeks	<input type="checkbox"/> Five to six weeks	<input type="checkbox"/> Over six weeks
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31. Does the court offer alternatives to in-person mitigation hearings? (Check the one box  that most closely represents the experience in your jurisdiction)

Yes  No

a. If so what are they? (Check all the boxes  that represent the experience in your jurisdiction)

Hearing by mail

Hearing by e-mail

Other (specify): \_\_\_\_\_

32. Are court users required to travel to locations outside the court's facility to access the following services? (Check all boxes  that represent the experience in your jurisdiction)

No  Public Defender  Probation Department

33. Who makes initial indigence determinations? (Check the one box  that most closely represents the experience in your jurisdiction)

- Probation Department  Court Staff  Public Defender's Office  
 Judicial Officer  Other (specify): \_\_\_\_\_

34. The Presiding Judge of the Municipal Court (Indicate the extent of your agreement or disagreement with the following statements by checking the appropriate box )

Works with the administrator and staff on a regular basis to discuss court operations and management issues

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree or disagree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
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Is actively involved in developing and monitoring the court's budget

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree or disagree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
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Is kept informed of the processes for collecting and accounting for fees and fines

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree or disagree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
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Supervises the operation of the court

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree or disagree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
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Is actively involved in case assignment and case management issues

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree or disagree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
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Determines the qualifications of an monitors the performance of pro tem judges and commissioners

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree or disagree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
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35. Authority for ordering supplies and equipment for the normal business of the court is (Check the one box  that most closely represents the experience in your jurisdiction)

- The municipal court's responsibility  
 A city department's responsibility (specify): \_\_\_\_\_  
 Other (specify): \_\_\_\_\_

36. In appropriating funds for your court, does the funding authority (Check the one box  that most closely represents the experience in your jurisdiction)

- Appropriate a “lump sum” for which the court can determine how monies should be spent
- Appropriate line item authority for spending, but the court can, on its own, move funding from one needed line item to another
- Authorize line item authority for spending; the court must get approval for moving funds from one line item to another
- The funding authority manages the budget

37. How often does the presiding judge meet formally with other governmental entities that are involved in the justice system? (Check the one box  that most closely represents the experience in your jurisdiction)

- Monthly     Twice a year     Annually
- Does not have formal scheduled meetings     As needed

38. How often does the court administrator meet formally with other governmental entities that are involved in the justice system? (Check the one box  that most closely represents the experience in your jurisdiction)

- Monthly     Twice a year     Annually
- As needed     Does not have formal scheduled meetings

39. On average, how many days after disposition are abstracts of judgment mailed to the Department of Licensing? (Check the one box  that most closely represents the experience in your jurisdiction)

<input type="checkbox"/> 1 to 5 days	<input type="checkbox"/> 6 to 10 days	<input type="checkbox"/> 11 to 15 days	<input type="checkbox"/> More than 15 days	<input type="checkbox"/> Other (specify below)
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Other time frame (specify): \_\_\_\_\_

40. Case files and other court records are (Check the one box  that most closely represents the experience in your jurisdiction)

- Kept in a separate secure place that is accessible only to court personnel
- Kept in locked files accessible only to court personnel but in an office space that is accessible or shared by other city employees
- Kept in files that are accessible to other city employees

41. Case files may be accessed directly (without court staff assistance) by (Check all boxes  that represent the experience in your jurisdiction)

- Public defender
- City prosecutor or city attorney
- City law enforcement officer
- Other city staff (specify): \_\_\_\_\_
- None of the above/ Not applicable

42. Does your court send notice to offenders who are delinquent in making periodic payments of fines and costs prior to sending the case to the collection agency? (Check the one box  that most closely represents the experience in your jurisdiction)

Yes  No  Not applicable because we don't use a collection agency

43. Are probation services provided in your court? (Check the one box  that most closely represents the experience in your jurisdiction)

Yes  No (If no, skip to question 49)

If "Yes:"

<input type="checkbox"/> In every case	<input type="checkbox"/> In every serious case	<input type="checkbox"/> In every case where there is a previous violation	<input type="checkbox"/> On a case-by-case basis	<input type="checkbox"/> Other (specify below)
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Other (specify): \_\_\_\_\_

44. If you answered "yes" to the above question – ARLJ 11 allows courts two methods for providing probation services. Which method is used in your court? (Check the one box  that most closely represents the experience in your jurisdiction)

- Probation Department
- Court probation clerk
- We do not have probation services (Skip to question 49)

45. Average caseload for Probation Department officers is \_\_\_\_\_ active cases. (Fill in the blank space)

46. Average caseload for court probation clerk is \_\_\_\_\_ active cases. (Fill in the blank space)

47. Does the court assess the offender a fee for probation services? (Check the one box  that most closely represents the experience in your jurisdiction)

Yes  No

48. Describe the type of probation services provided by your court your court.

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49. Describe the alternatives to incarceration that are routinely used by your court. (Check all boxes  that represent the experience in your jurisdiction)

- |  |   |
|--|---|
| <input type="checkbox"/> Community Service | <input type="checkbox"/> Domestic Violence Treatment/Counseling |
| <input type="checkbox"/> Work release      | <input type="checkbox"/> Anger Management Counseling            |
| <input type="checkbox"/> Roadside clean-up | <input type="checkbox"/> Electronic Home Monitoring             |

- Restitution
  - Alcohol/drug treatment
  - Other (*specify*): \_\_\_\_\_
  - Traffic Safety Education
  - DUI Victims Panel
- 
- 

50. The use of incarceration as a sentence in your court is (Check the box  that most closely represents the experience in your jurisdiction)

- Increasing
- Decreasing
- No change
- Incarceration is not used by my court

51. During the last three years which of the following annually offered programs has the judge attended? (Check all the boxes  that represent the experience in your jurisdiction)

- DMCJA Spring Conference
- Annual Fall Judicial Conference
- National Judicial College
- Other (*specify*): \_\_\_\_\_

52. During the past three years which of the following annually offered programs has the court administrator attended? (Check all the boxes  that represent the experience in your jurisdiction)

- DMCMA Spring Conference
- Washington Court Managers' Spring Conference
- DMCMA Regional Education Meeting
- Other (*specify*): \_\_\_\_\_

53. To the best of your knowledge, list the three major reasons why your city provides municipal court services in the manner they are presently provided.

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

54. What steps has the court taken to educate the public about the municipal court's objectives, policies, and operations? (Check all boxes  that represent the experience in your jurisdiction)

- Brochures
- Participation in programs
- Use of local media
- Speaking engagements
- Periodic reports
- Annual report

Other (*specify*): \_\_\_\_\_

55. If you were not bound by the current structural, financial, and physical limitations imposed by the way that your court provides limited jurisdiction services, what would you do differently? (*please briefly describe*)

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Thank you for taking the time to complete the survey.



**RESPONDENT INFORMATION**

Respondent Name: \_\_\_\_\_

Judge  Court Administrator

Other (specify): \_\_\_\_\_

Respondent Phone: \_\_\_\_\_

Court Name: \_\_\_\_\_

County: \_\_\_\_\_

City: \_\_\_\_\_

*The Board for Judicial Administration has created a statewide Court Funding Task Force to look at funding in the trial courts. A subcommittee of this Task Force is charged with examining the variations in court structure and the consequent costs and financial impacts in the State's limited jurisdiction courts. The Justice Management Institute (JMI) is working with the Task Force to examine the wide range of practices and operations of these courts. JMI developed this survey in order to conduct comparisons of costs and standards of practices between district courts, independent municipal courts and those municipalities that contract for services with the district court. Your court has been selected as part of the sample group of courts being asked to complete the survey.*

*The presiding judge should complete the survey in coordination with the court administrator and return it directly to JMI (303/831-4564). Survey responses will be kept confidential and individual results will not be released. JMI is asking for respondent contact information (above) to enable us to conduct follow-up telephone interviews with selected jurisdictions. Individual court responses to this survey will not be identified in any way. Responses will be presented in aggregate form only.*

*In answering the following questions, please note that you are asked to answer some questions as they apply to cases **WITHIN THE CONTRACTED MUNICIPAL JURISDICTION OF YOUR DISTRICT COURT** and other questions as they apply to district court cases. The questions are designed to obtain information about the routine case or situation, not the unusual, complex, complicated, or notorious case or issue.*

*This survey takes approximately one hour to complete. Thank you for participating.*

1. For how many municipal jurisdictions does the district court provide court services? (Please fill in the blank with the correct number) \_\_\_\_\_

2. List the municipalities for which the district court provides court services?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Contracted municipal jurisdiction cases in this court are (Check all boxes  that represent the experience in your jurisdiction)

Assigned to jurisdiction-specific calendars without regard to which judge will hear the calendar

Assigned to jurisdiction-specific calendars for a specific judge who always hears cases from the jurisdiction

Assigned to judge-specific calendars for the next available date so that county/state cases and contracted municipal jurisdiction cases may appear on the same calendar on same date and session

Other (specify): \_\_\_\_\_

4. If contracted municipal jurisdiction cases are assigned to judge specific calendars, how are judges assigned to hear those calendars? (Check the one box  that most closely represents the experience in your jurisdiction)

The municipality selects the judge to be assigned to contracted cases

The district court presiding judge assigns judges to these calendars

Judges rotate in and out of these calendars

If judges rotate, what is the length of the assignment? \_\_\_\_\_

(Fill in the blank space)

5. What percentage of total available judicial time is devoted to contracted municipal court cases? (Fill in the blank space) \_\_\_\_\_%

6. The space that the court uses for the courtroom is located (Check the one box  that most closely represents the experience in your jurisdiction)

In a separate building not shared with any other judicial, executive or legislative branch entity

In a building used by several governmental entities but courtrooms are specifically set aside for use only by the court

In a building used by several governmental entities where courtrooms are used also for public functions of other governmental entities

Other (specify): \_\_\_\_\_

7. The space that the court uses for staff and administrator's office space is located (Check the one box  that most closely represents the experience in your jurisdiction)

In a separate building not shared with any other judicial, executive or legislative branch entity

In a building used by several governmental entities but the court staff and administrator's office space is set aside specifically for use only by the court

In a building used by several governmental entities with the court staff and administrator's office space is jointly shared with other city staff

In a building where offices for municipal court and district court share space

Other (specify): \_\_\_\_\_

8. Staff of the court work on court functions (Check the one box  that most closely represents the experience in your jurisdiction)

Full Time  Part Time

9. The appointing authority for the court staff is (Check the one box  that most closely represents the experience in your jurisdiction)

The district court presiding judge

The district court administrator

Other (specify): \_\_\_\_\_

10. If the judge of the district court is part-time, how is he/she available to the court administrator if a problem arises? (Check all boxes  that represent the experience in your jurisdiction)

- Not applicable
- By telephone
- On a "drop-in" basis
- At the next scheduled court day

11. If the judge works part-time and is not available, who does the court administrator typically contact if a problem occurs? (Check all boxes  that represent the experience in your jurisdiction)

- Not Applicable
- Another judge
- Another court administrator
- Another government official
- AOC

12. The presiding judge of the court has the authority to (Check all boxes  that represent the experience in your jurisdiction)

- Set court office and hearing hours
- Close for security reasons
- Close for inclement weather
- Close for other reasons

13. Responsibility for efficient and effective distribution of tasks rests with *(Check all the boxes  that represent the experience in your jurisdiction)*

- The presiding judge
- The court administrative staff
- Another county employee
- The city council
- The county commissioners

Other *(specify)*: \_\_\_\_\_

14. What information about contracted municipal jurisdiction cases does the court regularly provide the contracting city? *(Check all the boxes  that most closely represent the experience in your jurisdiction)*

- Summaries of criminal dispositions
- Summaries of infraction dispositions
- Summaries of collections and court revenue
- Workload information (e.g., filings, proceedings)

Other *(specify)*: \_\_\_\_\_

15. Does a city official outside the court independently evaluate and report to the Mayor or City Council on contracted municipal jurisdiction operations or costs? *(Check the one box  that most closely represents the experience in your jurisdiction)*

Yes  No  I do not know

If "Yes," to whom? \_\_\_\_\_

16. How are defendants advised of their rights? *(Check all the boxes  that represent the experience in your jurisdiction)*

- Judicial officer advises them as a group at arraignment.
- Judicial officer advises each individual defendant when his/her case is called.
- The public defender explains rights.

Other *(specify)*: \_\_\_\_\_

17. How does the judicial officer verify if the attendees understand the proceedings? (Check all the boxes  that represent the experience in your jurisdiction)

The judicial officer asks defendants if they have read the printed advice of rights.  
The judicial officer asks defendants if they understand they have a right to an attorney.

The judicial officer asks defendants if they can read.

Other (specify): \_\_\_\_\_

18. If a defendant requires an interpreter is one made available on infractions hearings? (Check the one box  that most closely represents the experience in your jurisdiction)

Yes  No

If "no," what is the court's procedure for handling non-English speaking defendants (e.g., proceed with or reschedule arraignment, use court staff or a family member)? (Please explain briefly).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. If a defendant requires an interpreter is one made available on the first appearance? (Check the one box  that most closely represents the experience in your jurisdiction)

Yes  No

If "no," what is the court's procedure for handling non-English speaking defendants (e.g., proceed with or reschedule arraignment, use court staff or a family member)? (Please explain briefly).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20. For contracted municipal jurisdiction cases, the prosecutor is (Check the one box  that most closely represents the experience in your jurisdiction)

A city attorney/prosecutor

A county prosecutor

Other (specify): \_\_\_\_\_

21. Is a prosecutor present at arraignment for contracted municipal jurisdiction cases? (Check the one box  that most closely represents the experience in your jurisdiction)

Yes  No

22. Are public defender services available at arraignment? (Check the one box  that most closely represents the experience in your jurisdiction)

Yes  No

23. Does the court accept pleas of guilty without defendant's counsel present? (Check the one box  that represents the experience in your jurisdiction)

Yes  No

24. Persons who choose to represent themselves at criminal hearings (*Check all boxes  that represent the experience in your jurisdiction*)

Can obtain all needed forms and instructions written in non-technical terminology by contacting the court's website

Can obtain all needed forms and instructions written in non-technical terminology by going to the court

Can obtain assistance through the court's self-help program

Are advised of their right to a public defender

Are told that they should hire an attorney

Are on their own

25. On a scale of 1 to 7 with 7 being the most important, please rank the importance of the following court functions from the perspective of the groups identified. *Only one characteristic should be given a rank of 7, one given the rank of 6, etc.*

**GROUP I: COURT JUDGES AND STAFF**

<i>Characteristic</i>	<i>Group's Perceived Actual Priority</i>
Enforcement of State and local Laws	
Generation of Revenue	
Protection of the Rights of Offenders	
Convenience of Governmental Employees	
Prompt and efficient disposition of the court's business	
Equal treatment of all without regard to race, gender, ethnicity, sexual preference, or age	
Responsiveness to local criminal justice enforcement priorities	

**GROUP II: CONTRACTED CITY GOVERNMENT**

<i>Characteristic</i>	<i>Group's Perceived Actual Priority</i>
Enforcement of State and Local Laws	
Generation of Revenue	
Protection of the Rights of Offenders	
Convenience of Governmental Employees	
Prompt and efficient disposition of the court's business	
Equal treatment of all without regard to race, gender, ethnicity, sexual preference, or age	
Responsiveness to local criminal justice enforcement policies	

26. How frequently do people come to your court to pay an infraction penalty or schedule a hearing for a ticket that was filed in another court? (Check the one box  that most closely represents the experience in your jurisdiction)

<input type="checkbox"/> Never Happens	<input type="checkbox"/> Rarely Happens	<input type="checkbox"/> Sometimes Happens	<input checked="" type="checkbox"/> Frequently Happens
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27. Can a petitioner get a domestic violence protection order in your court during normal business hours (8:00 AM to 5:00 PM, Monday through Friday)? (Check the one box  that most closely represents the experience in your jurisdiction)

Yes  No

If "no," how far is the closest court that you direct petitioners to go to file for a protection order? (Check the one box  that most closely represents the experience in your jurisdiction)

Less than 5 miles   
  6 to 15 miles   
  16 to 25 miles  
 Over 25 miles

28. Does the district court presiding judge or court administrator participate in negotiating the contract for services for contracted municipal court cases? (Check the one box  that most closely represents the experience in your jurisdiction)

Yes  No

29. From your perspective, how much weight does the county legislative authority place on the amount of revenue generated by your court in granting the court's budget requests? (Check the one box  that most closely represents the experience in your jurisdiction)

None  a Little  Some  a Significant Amount

30. What percent of all the court's customers - alleged offenders, and witnesses, litigants - can reach the courthouse from their home in the following amount of time? (Fill in percentages that represent the experience in your jurisdiction. The numbers should total to 100%)

___%     5 minutes or less	___%     6 to 15 minutes	___%     16 to 25 minutes	___%     26 to 35 minutes	___%     More than 35 minutes
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31. How frequently does the court hold arraignments for contracted municipal jurisdiction misdemeanor cases? (Check the one box  that most closely represents the experience in your jurisdiction)

<input type="checkbox"/> Daily	<input type="checkbox"/> Twice a week	<input type="checkbox"/> Three times a week	<input type="checkbox"/> Once a week	<input type="checkbox"/> Other (specify below)
--------------------------------	---------------------------------------	---	--------------------------------------	--

Time Hearings Begin: \_\_\_\_\_ Other: \_\_\_\_\_

This frequency is  greater than  less than  the same as other district court cases.  
(Check the one box  that most closely represents the experience in your jurisdiction)

32. What is the longest time an incarcerated defendant would wait to have a first appearance on a contracted municipal court case in your jurisdiction? (Check the one box  that most closely represents the experience in your jurisdiction)

<input type="checkbox"/> One day	<input type="checkbox"/> Two days	<input type="checkbox"/> Three days or more	<input type="checkbox"/> We don't incarcerate
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This time is  greater than  less than  the same as other district court cases.  
(Check the one box  that most closely represents the experience in your jurisdiction)

33. How frequently does the court hold contracted municipal jurisdiction infraction hearings? (Check the one box  that most closely represents the experience in your jurisdiction)

<input type="checkbox"/> Daily	<input type="checkbox"/> Twice a week	<input type="checkbox"/> Three times a week	<input type="checkbox"/> Once a week	<input type="checkbox"/> Other (specify below)
--------------------------------	---------------------------------------	---	--------------------------------------	--

Time Hearings Begin: \_\_\_\_\_ Other: \_\_\_\_\_

This frequency is  greater than  less than  the same as other district court cases.  
(Check the one box  that most closely represents the experience in your jurisdiction)

34. When a driver requests a mitigation hearing in a contracted municipal jurisdiction infraction case, within how many weeks out would the hearing be set? (Check the one box  that most closely represents the experience in your jurisdiction)

<input type="checkbox"/> One week	<input type="checkbox"/> Two weeks	<input type="checkbox"/> Three to four weeks	<input type="checkbox"/> Five to six weeks	<input type="checkbox"/> Over six weeks
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This time is  greater than  less than  the same as other district court cases.  
(Check the one box  that most closely represents the experience in your jurisdiction)

35. Does the court offer alternatives to in-person mitigation hearings? (Check the one box  that most closely represents the experience in your jurisdiction)

Yes  No

If so what are they? (Check all boxes  that represent the experience in your jurisdiction)

Hearing by mail

Hearing by e-mail

Other (specify): \_\_\_\_\_

36. For contracted municipal jurisdiction cases, are court users required to travel to locations outside the court's facility to access the following services? (Check all boxes  that represent the experience in your jurisdiction)

No  Public Defender  Probation Department

37. For district court cases, are court users required to travel to locations outside the court's facility to access the following services? (Check all boxes  that represent the experience in your jurisdiction)

No  Public Defender  Probation Department

38. For contracted municipal jurisdiction cases, who makes initial indigence determinations? (Check the one box  that most closely represents the experience in your jurisdiction)

Probation Department  Court Staff  Public Defender's Office

Judicial Officer  Other (specify): \_\_\_\_\_

39. For district court cases, who makes initial indigence determinations? (Check the one box  that most closely represents the experience in your jurisdiction)

Probation Department  Court Staff  Public Defender's Office

Judicial Officer  Other (specify): \_\_\_\_\_

40. The presiding judge (Indicate the extent of your agreement or disagreement with the following statements by checking the appropriate box .)

Works with the administrator and staff on a regular basis to discuss court operations and management issues

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree or disagree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
---	--------------------------------	--	-----------------------------------	--

Is actively involved in developing and monitoring the court's budget

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree or disagree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
---	--------------------------------	--	-----------------------------------	--

Is kept informed of the processes for collecting and accounting for fees and fines

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree or disagree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
---	--------------------------------	--	-----------------------------------	--

Supervises the operation of the court

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree or disagree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
---	--------------------------------	--	-----------------------------------	--

Is actively involved in case assignment and case management issues

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree or disagree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
---	--------------------------------	--	-----------------------------------	--

Determines the qualifications of and monitors the performance of *pro tem* judges and commissioners

<input type="checkbox"/> Strongly Agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree or disagree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Strongly Disagree
---	--------------------------------	--	-----------------------------------	--

41. Authority for ordering supplies and equipment for the normal business of the court is (Check the one box  that most closely represents the experience in your jurisdiction)

The court's responsibility

A government department's responsibility (specify): \_\_\_\_\_

Other (specify): \_\_\_\_\_

42. In appropriating funds for the district court, does the funding authority (Check the one box  that most closely represents the experience in your jurisdiction)

Appropriate a "lump sum" for which the court can determine how monies should be spent

Appropriate line item authority for spending, but the court can, on its own, move funding from one needed line item to another

Authorize line item authority for spending; the court must get approval for moving funds from one line item to another

The funding authority manages the budget

43. On what basis is the fee for district court services negotiated with the contracted municipal jurisdictions and the county? (Check the one box  that most closely represents the experience in your jurisdiction)

City costs are a proportion of the total district court budget based on the number of filings from the contracted municipal jurisdiction as compared to total district court filings.

City costs are a proportion of the total district court budget based on the time spent on contracted municipal court jurisdiction cases as compared to total district court filings.

City costs are established based on the actual cost of personnel, supplies, equipment and other items devoted to contracted municipal jurisdiction cases.

The county retains all or a portion of revenue from contracted municipal jurisdiction cases to pay for the costs of city cases.

Other (specify) \_\_\_\_\_

44. How often does the presiding judge meet formally with justice system entities from the contracted municipality to discuss court operation issues? (Check the one box  that most closely represents the experience in your jurisdiction)

Monthly  Twice a year  Annually

As needed  Does not have formal scheduled meetings

45. How often does the court administrator meet formally with justice system and funding entities from the contracted municipality to discuss court operation issues? (Check the one box  that most closely represents the experience in your jurisdiction)

Monthly  Twice a year  Annually

As needed  Does not have formal scheduled meetings

46. On average, how many days after disposition are abstracts of judgment from contracted municipal jurisdiction cases mailed to the Department of Licensing? (Check the one box  that most closely represents the experience in your jurisdiction)

<input type="checkbox"/> 1 to 5 days	<input type="checkbox"/> 6 to 10 days	<input type="checkbox"/> 11 to 15 days	<input type="checkbox"/> More than 15 days	<input type="checkbox"/> Other (specify below)
--------------------------------------	---------------------------------------	--	--	--

Other time frame (specify): \_\_\_\_\_

This time is  greater than  less than  the same as other district court cases.

(Check the one box  that most closely represents the experience in your jurisdiction)

47. Case files and other court records are (Check all boxes  that represent the experience in your jurisdiction)

- Kept in a separate secure place that is accessible only to court personnel
- Kept in locked files accessible only to court personnel but in an office space that is accessible or shared by other city employees
- Kept in files that are accessible to other county or city employees

48. Case files may be accessed directly (without court staff assistance) by (Check all boxes  that represent the experience in your jurisdiction)

- Public defender
- County prosecutor or city attorney
- Law enforcement officer
- Other county/city staff (specify): \_\_\_\_\_

49. Does your court send notice to offenders in contracted municipal jurisdiction cases who are delinquent in making periodic payments of fines and costs prior to sending the case to the collection agency? (Check the one box  that most closely represents the experience in your jurisdiction)

- Yes    No    Not applicable because we do not use a collection agency

50. Are probation services provided for contracted municipal jurisdiction cases in your court? (Check the one box  that most closely represents the experience in your jurisdiction)

- Yes    No (If no, skip to question 58)

If "Yes:"

<input type="checkbox"/> In every case	<input type="checkbox"/> In every serious case	<input type="checkbox"/> In every case where there is a previous violation	<input type="checkbox"/> On a case-by-case basis	<input type="checkbox"/> Other (specify below)
--	--	--	--	--

Other (specify): \_\_\_\_\_

51. Are probation services provided for district court cases in your court? (Check the one box  that most closely represents the experience in your jurisdiction)

- Yes    No (If no, skip to question 58)

If "Yes:"

<input type="checkbox"/> In every case	<input type="checkbox"/> In every serious case	<input type="checkbox"/> In every case where there is a previous violation	<input type="checkbox"/> On a case-by-case basis	<input type="checkbox"/> Other (specify below)
--	--	--	--	--

Other (specify): \_\_\_\_\_

52. How are probation services provided for contracted municipal jurisdiction cases? *(Check the one box  that most closely represents the experience in your jurisdiction)*  
Not applicable because we do not provide probation services *(Skip to question 58)*  
The municipality contracts with the district court to provide services, using the district court's probation services.  
The city provides its own probation service or department.  
Other *(specify)*: \_\_\_\_\_
53. ARLJ 11 allows courts two methods for providing probation services. If probation services are provided by the district court for contracted municipal jurisdiction cases, which method is used? *(Check the one box  that most closely represents the experience in your jurisdiction)*  
Probation department  
Court probation clerk  
Both probation department and court probation clerk  
We do not have probation services *(Skip to question 58)*
54. If probation services are provided for district court cases, which method is used? *(Check the one box  that most closely represents the experience in your jurisdiction)*  
Probation department  
Court probation clerk  
Both probation department and court probation clerk  
We do not have probation services *(Skip to question 58)*
55. Average caseload for Probation Department officers is \_\_\_\_\_ active cases. *(Fill in the blank space)*
56. Average caseload for court probation clerk is \_\_\_\_\_ active cases. *(Fill in the blank space)*
57. Does the court assess the offender a fee for probation services? *(Check the box  that represents the experience in your jurisdiction)*  
 Yes  No *(Skip to question 58)*

58. Describe the alternatives to incarceration that are routinely used by your court for contracted municipal jurisdiction cases. (Check all boxes  that represent the experience in your jurisdiction)

- |   |   |
|---|---|
| <input type="checkbox"/> Community Service      | <input type="checkbox"/> Domestic Violence Treatment/Counseling |
| <input type="checkbox"/> Work release           | <input type="checkbox"/> Anger Management Counseling            |
| <input type="checkbox"/> Roadside clean-up      | <input type="checkbox"/> Electronic Home Monitoring             |
| <input type="checkbox"/> Restitution            | <input type="checkbox"/> Traffic Safety Education               |
| <input type="checkbox"/> Alcohol/drug treatment | <input type="checkbox"/> DUI Victims Panel                      |
| <input type="checkbox"/> Other (specify): _____ |   |
- 

59. Describe the alternatives to incarceration that are routinely used by your court for district court cases. (Check all boxes  that represent the experience in your jurisdiction)

- |   |   |
|---|---|
| <input type="checkbox"/> Same as above          |   |
| <input type="checkbox"/> Community Service      | <input type="checkbox"/> Domestic Violence Treatment/Counseling |
| <input type="checkbox"/> Work release           | <input type="checkbox"/> Anger Management Counseling            |
| <input type="checkbox"/> Roadside clean-up      | <input type="checkbox"/> Electronic Home Monitoring             |
| <input type="checkbox"/> Restitution            | <input type="checkbox"/> Traffic Safety Education               |
| <input type="checkbox"/> Alcohol/drug treatment | <input type="checkbox"/> DUI Victims Panel                      |
| <input type="checkbox"/> Other (specify): _____ |   |
- 

60. The use of incarceration as a sentence for contracted municipal jurisdiction cases is (Check the box  that most closely represents the experience in your jurisdiction)

- Increasing  Decreasing  No change  Incarceration is not used by my court

61. The use of incarceration as a sentence for district court cases is (Check the box  that most closely represents the experience in your jurisdiction)

- Increasing  Decreasing  No change  Incarceration is not used by my court

62. During the last three years which of the following annually offered programs has the judge attended? (Check all the boxes  that represent the experience in your jurisdiction)

- DMCJA Spring Conference  
 Annual Fall Judicial Conference  
 National Judicial College  
 Other (specify): \_\_\_\_\_
-

63. During the past three years which of the following annually offered programs has the court administrator attended? (Check all the boxes  that represent the experience in your jurisdiction)

DMCMA Spring Conference

Washington Court Managers' Spring Conference

DMCMA Regional Education Meeting

Other (specify): \_\_\_\_\_

64. To the best of your knowledge, list the three major reasons why the city or cities provide municipal court services by contracting with the county.

(1) \_\_\_\_\_

\_\_\_\_\_

(2) \_\_\_\_\_

\_\_\_\_\_

(3) \_\_\_\_\_

\_\_\_\_\_

64. What steps has the court taken to educate the public about the district court's objectives, policies, and operations? (Check all boxes  that represent the experience in your jurisdiction)

Brochures

Speaking engagements

Participation in programs

Periodic reports

Use of local media

Annual report

Other (specify): \_\_\_\_\_

65. If you were not bound by the current structural, financial, and physical limitations imposed by the way that your court provides district and municipal court services, what would you do differently?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank you for taking the time to complete the survey.

*The Justice Management Institute*

1900 Grant Street, Suite 630  
Denver, Colorado 80203

# **ALWAYS THE PEOPLE:**

**Delivering limited jurisdiction court services throughout  
Washington**

## **APPENDIX TWO**

# **INTERVIEW QUESTIONS**

*THE JUSTICE MANAGEMENT INSTITUTE*

1900 Grant Street, Suite 630  
Denver, Colorado 80203

Interview Questions

Instructions:

*As you know, the Board for Judicial Administration has created a statewide Court Funding Task Force to look at funding in general. A subcommittee of this Task Force is charged with examining the variations in court structure and the consequent costs and financial impacts in the State's limited jurisdiction courts. The Justice Management Institute (JMI) is working with the Task Force to examine the wide range of practices and operations of these courts. JMI developed a survey in order to conduct comparisons of costs and standards of practices between separate, freestanding municipal courts and those where the municipalities contract for services with the local district court. Your court responded to the survey.*

*The next stage in the process that JMI is using involves conducting follow-up interviews with a sample of the courts that responded to the survey. The questions that we will be asking are designed to gather additional information and to elaborate on the results from the surveys. As in the survey itself, responses to the interview questions will be kept confidential and individual results will not be released. Individual court responses to the interviews will not be identified in any way. Responses will be presented in aggregate form only.*

*In answering the following questions, please respond only as the information applies to cases within your court. The questions are designed to obtain information about the routine case or situation, not the unusual, complex, complicated, or notorious case or issue.*

*A member of JMI's staff will contact you to schedule the interview. The interviews will take no more than one hour.*

*The following are the questions that we will be covering during the interviews. Thank you in advance for participating.*

1. From the perspective of the court, the clients of the court, the public, and the funding authority, what are the most significant reasons why the structure that your court uses to provide limited jurisdiction services is a good one? What are the most significant reasons why the structure that your court uses to provide limited jurisdiction services is not a good one? What could be done within the existing structure to make your local system more effective?

2. *(Reference Question: Does another city official outside the court evaluate and report to the Mayor or City Council on court operations?)*

The survey demonstrates that in 50% of responding courts a city official outside the court evaluates and report to the mayor or city council on court operations.

Are you knowledgeable of why and how this practice is used?

Do you perceive there to be any encroachments on the independence of your court?

3. *(Reference Question: From your perspective, how much weight does the city and county legislative authority place on the amount of revenue generated by your court in granting the court's budget requests?)*

The majority of courts answered that they at least felt some weight from the city or county legislative authority to generate revenue.

In what ways, if any, has this funding authority placed pressure on your court?

How has your court responded from the standpoint of revenue production?

How has your court responded from the standpoint of cost control or cost reduction?

4. *(Reference Question: How often does the presiding judge meet formally with other justice system entities that are involved in the justice system?)*

Many courts reported that they meet on an as needed basis.

What are the reasons that you meet with other justice system entities?

In general, what is the atmosphere (culture) of these meetings? Who runs the meetings?

5. *(Reference Question: The use of incarceration as a sentence in your court is increasing; decreasing; no change; incarceration is not used by my court )*

According to our survey results, the use of incarceration as a sentence is decreasing in some courts, increasing in others, and in a few courts there is no change in the use of incarceration. In your court, incarceration usage is \_\_\_\_\_.

Why do you think this is the trend in your jurisdiction?

Why is the trend occurring in only select jurisdictions (is there a pattern)?

How is your court managing the jail population?

What methods, if any, has the court employed to contain or reduce jail costs?

Is the funding authority for the jails suggesting that your court use incarceration for only select types of cases? If so, has this pressure impacted the use of alternative to incarceration?

6. *(Reference Question: Does your court send notice to offenders who are delinquent in making periodic payments of fines and costs prior to sending the case to the collection agency?)*

The survey results showed that many courts send a notice to offenders who are delinquent in making periodic payments of fines and costs prior to sending the case to the collection agency.

Does your court permit monthly installments of fines, penalties, and costs? If so, how do you manage periodic payments? If an individual misses a payment, what steps do you take to ensure that the fine/penalty gets paid?

What would be the advantages of a centralized collection agency? The disadvantages?

How do you measure enforcement success (e.g., collection rate, revenue generation)?

7. *(Reference Question: Can a petitioner get a domestic violence protection order in your court during normal business hours?) – refer to survey for answer*

If NO:

Do you frequently have petitioners coming to your court to get a domestic violence protection? Is this a problem?

Who informs petitioners that your court does NOT issue protection orders?

What kind of information does the court give these individuals on the correct court, location and process for filing a protection order?

If YES or NO:

Why did your court elect (not) to issue protection orders?

8. *(Reference Question: How frequently do people come to your court to pay an infraction penalty or schedule a hearing for a ticket that was filed in another court?)*

Preliminary survey results indicate that citizens will often attempt to pay an infraction penalty or schedule a hearing for a ticket that was filed in another court.

What primary factors do you attribute to this confusion?

What steps have you taken or would you take to reduce and eliminate this confusion?

From your perspective, are there areas of duplication between district and municipal courts that could be eliminated to increase efficiency and reduce litigant confusion?

9. From your perspective, which statement is more accurate and why? (*Both statements can be correct, but please select the statement which holds more value*)

Statement A: Residents are looking for close and convenient access to limited jurisdiction services.

Statement B: It is an important value in the community to have its own municipal court.

10. In what ways do you think your court is serving/addressing the local needs of your community?

For independent municipal courts: Do you think a municipal jurisdiction contracted to a district court will not be able to adequately address the needs and values of the community? If not, why?

11. From your perspective, what are the top 3 services your court provides?

Do you think you are more or less likely to provide each of the identified services if your court was structured differently?

Do you think structural changes need to be made in the trial courts? If so, what are viable changes?

Do you feel that the district and municipal courts work cooperatively? If so, what is an example of this cooperation? If not, what could be done to improve the courts' relationship?

For independent municipal courts: Does the district court provide any services for your court (e.g., jury trials, case processing, administrative, probation)?

For contracted municipal courts: Does the district court accommodate municipal court cases (e.g., take into consideration law enforcement schedules or are municipal court cases sprinkled throughout the day)?

12. (Reference Question: To the best of your knowledge, list the three major reasons why your city provides municipal court services in the manner they are presently provided.)

Does your experience agree with these reasons?

13. If you were not bound by the current structural, financial, and physical limitations imposed by the way that your court provides limited jurisdiction services, what would you do differently?

14. (Reference Question: Are probation services provided by your court?) – refer to the written survey to check the answer

If NO:

Do any types of cases get put on probation?

If YES:

Which types of cases get probation?

Does probation have a significant impact on recidivism rates?

How could probation services be provided more economically and effectively?

15. Are statistical reports on the caseload and other issues routinely produced and shared with staff? Does this information (reports) influence the way your court manages/processes cases?

16. Does the court monitor the average time for any incremental events in the case process, e.g., Arraignment to trial; Trial to sentencing, etc.

17. Does the court monitor the number of appearances required to conclude the routine case?

- Misdemeanor – Guilty Plea
- Misdemeanor – Trial
- Infractions Hearing
- Infractions Mitigation hearing
- Pay out of infraction

18. Have you had any training (national, state, or local) related specifically to caseload management?

- Training of *Pro Tem* Judges and Commissioners
- Training for Judges and Staff