

TUCSON CITY COURT ***ARIZONA'S 2ND LARGEST VOLUME COURT*** ***MONTHLY UPDATE FOR APRIL 2017***

In its capacity as a Limited Jurisdiction Court (LJC), Tucson City Court is responsible for adjudicating misdemeanor crimes, violations of criminal traffic, civil traffic, parking and city ordinances within the city limits. Tucson City Court processes an average of 243,000 charges annually; approximately 30% of the charges filed are criminal. The court building averages 336,931 visitors each year. The court collects an average of \$24.7 million per year in gross collections and disburses about \$13.3 million to the City of Tucson with the remainder disbursed to the state and other local governments. The Court's customer call center receives roughly 129,600 calls per year and approximately 60,000 pieces of mail per year. In Fiscal Years (FY) 15 and 16 the Court was authorized 135.8 employees: 12 judicial officers and 123.8 administrative staff. As of FY17 the Court reduced its employees to 112.8; 9 judicial officers and 101 administrative staff which include 2.8 grant funded employees.

Noteworthy this Month: Court's participation in the Fit in Tucson (FIT) 2nd Annual Employee Weight Loss Competition. At mid-point, the Court had 2 employees in the top ten weight loss category and three out of the five employees in the top body fat loss category.

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APRIL'S FOCUS: FINE AMOUNTS

One of the main functions of a court is to enforce court ordered sanctions, a consequence of which is often revenue from imposed fines and fees. There are several components which make up the total fine amount:

BASE FINE AMOUNT

This is the starting amount and can be a mandatory amount or a discretionary amount depending on the language of the law under which the fine is imposed.

VARIOUS STATE FEES

1. The state surcharge, currently 83% of base fine.
2. \$20 flat probation assessment fee.
3. \$13 Assessment; law enforcement officer equipment.
4. \$2 Victim rights enforcement fee.
5. \$20 Time Payment fee – only imposed if the fine is not paid in full on the date sentence is imposed.

With the exception of the \$20 time payment fee the above fees are per charge or violation.

LOCAL FEES

1. \$20 Case processing Fee and 83% state surcharge which brings the total to \$36.60.
2. \$50 Default Fee – only imposed on charges that were defaulted (defendant failed to take action in their case).

The above local fees are per charge or violation.

Below we'll discuss each component in more detail and provide the statutory or authorization for the fine component.

BASE FINE AMOUNT - \$100.00

As previously stated this is the starting amount and can be a mandatory amount or a discretionary amount depending on the language of the law under which the fine is imposed. Fine amounts are usually stated in the implementing state statute, local ordinance or other authorizing law. For purposes and ease of understanding in this focus area we'll use the example of a \$100 mandatory base fine.



83% STATE SURCHARGE = \$83.00 (SUBTOTAL OF FINE AMOUNT IS NOW \$183.00)

The State of Arizona imposes an 83% surcharge fee on every fine, penalty, and forfeiture, imposed and collected by the:

- Criminal offenses
- Civil penalties for violations of motor vehicle statutes
- Violation of local ordinances relating to stopping, standing or operation of a vehicle
- Violation of game and fish statutes in Title 17

The State's surcharge of 83% and other fees are authorized and distributed as indicated below:

- 47% Criminal Justice Enhancement Fund (CJEF), A.R.S. § 12-116.01(A)
- 13% Medical Services Enhancement Fund (MSEF), A.R.S. § 12-116.02(A)
- 10% Clean Elections Fund (CEF), A.R.S. § 16-954(C)
- 7% Fill The Gap Fund (FTG), A.R.S. § 12-116.01(B)
- 6% DNA Fund (DNA), A.R.S. § 12-116.01(C)

FLAT PROBATION FEE = \$20.00 (SUBTOTAL OF FINE AMOUNT IS NOW \$203.00)

The State of Arizona imposes a flat probation fee of \$20 on:

- Criminal offenses
- Civil penalties for violations of motor vehicle statutes
- Violation of local ordinances relating to stopping, standing or operation of a vehicle
- Violation of game and fish statutes in Title 17

The \$20 state probation assessment is **NOT** assessed on violations of local parking ordinances.

ASSESSMENT; LAW ENFORCEMENT OFFICER EQUIPMENT = \$13.00 (SUBTOTAL OF FINE AMOUNT IS NOW \$216.00)

12-116.04. Assessment; law enforcement officer equipment; gang and immigration intelligence team enforcement mission

A. In addition to any other penalty assessment provided by law, a penalty assessment shall be levied in an amount of thirteen dollars on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.



B. The court shall transmit the assessments collected pursuant to this section and a remittance report of the fines, civil penalties and assessments collected pursuant to this section to the county treasurer, except that municipal courts shall transmit the assessments and the remittance report of the fines, civil penalties and assessments to the city treasurer.

C. The city or county treasurer shall transmit eight dollars of the assessment and the remittance report to the state treasurer. The state treasurer shall deposit four dollars of the assessment in the public safety equipment fund established by section 41-1723 and the remaining four dollars of the assessment in the gang and immigration intelligence team enforcement mission border security and law enforcement subaccount established by section 41-1724.

D. The city or county treasurer shall transmit four dollars of the assessment and the remittance report to the agency that investigated the offense or issued the citation to be used to supplement, not supplant, monies available for officer safety equipment.

E. The city treasurer shall transmit one dollar of the assessment and the remittance report to the county treasurer. The county treasurer shall transmit one dollar of the assessment and any monies received from the city treasurer pursuant to this subsection to the following entities to be used to improve, maintain and enhance the ability to collect and manage monies assessed or received by the courts, to improve court automation and to improve case processing or the administration of justice:

1. In a county with a population of less than two million persons, to the justice courts, distributed proportionally based on the judicial productivity credits calculated pursuant to section 22-125.
2. In a county with a population of two million persons or more, to the justice court administration.

VICTIM FEE = \$2.00 (SUBTOTAL OF FINE AMOUNT IS NOW \$218.00)

This fee is authorized by Arizona Revised Statutes §12-116.09:

12-116.09. Assessment; victims' rights enforcement

A. In addition to any other penalty assessment provided by law, a penalty assessment shall be levied in an amount of two dollars on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17

CASE PROCESSING FEE = \$20.00

STATE SURCHARGE ON CASE PROCESSING FEE = \$16.60 (SUBTOTAL OF FINE AMOUNT IS NOW \$254.60)

The case processing fee is a local fee authorized by the Tucson City Code, Section 8-6.5.

Sec. 8-6.5. Case processing fee; exemption for indigent persons; deposit and use of funds collected; fee separate and distinct from any sentence or probation conditions or civil penalty; action for recovery authorized.

(a) Each person found guilty or responsible or who enters a plea of guilty or responsible for any charge in a city court case shall be assessed a processing fee of twenty dollars (\$20.00) for each charge to cover part of the cost of processing that person's charge through the city court system.

(b) The case processing fee may be waived or suspended when such waiver would be in the interest of justice. No person who is found to be indigent by the city court shall be required to pay the case processing fee.

(c) The case processing fee provided for in this section is hereby declared to be a cost recovery measure, administrative in nature, separate from and in addition to any sentence or probation conditions imposed by the city court in any criminal case, or any civil penalty in cases where a civil penalty is imposed. The city court shall set forth the requirement and amount of such case processing fee as a separate item in all orders and judgments.

(d) In addition to any other rights and remedies available to the city, the city attorney is authorized to institute any appropriate civil action in any court of competent jurisdiction for recovery of the case processing fee authorized under this section.

(Ord. No. 9851, § 1, 5-12-03; Ord. No. 10585, § 1, 10-7-08, eff. 1-1-09)

FINE AMOUNT DUE AT SENTENCING = \$254.60

Thus far we have seen a simple \$100.00 base fine turn into a total fine amount of \$254.60 after the imposition of fines and fees required by the State of Arizona and any local ordinance fees. Some jurisdictions have several local ordinance fees; the City of Tucson currently has the one case processing fee. However, the total fine amount due can go higher if the defendant fails to take action and resolve their charges.

OPTIONAL TIME PAYMENT FEE = \$20.00 (SUBTOTAL OF FINE AMOUNT = \$274.60)

This fee is authorized by Arizona Revised Statutes §12-116:

12-116. Time payment fee

A. In addition to any other assessment authorized by law, a fee of twenty dollars shall be assessed on each person who pays a court ordered penalty, fine or sanction on a time payment basis, including parking penalties, restitution and juvenile monetary assessments. A time payment basis shall be any penalty, fine or sanction not paid in full on the date the court imposed the fine, penalty or sanction. Notwithstanding any other law, the time payment fee shall be collected first after restitution. A judge may not waive or suspend a time payment fee.

OPTIONAL DEFAULT FEE = \$50.00 (SUBTOTAL OF FINE AMOUNT = \$324.60)

The default fee is a local fee authorized by the Tucson City Code, Section 8-6.7

Sec. 8-6.7. Administrative default fee; exemption for indigent persons; fee separate and distinct from any fine or other fee; action for recovery authorized.

(a) A default fee of fifty dollars (\$50.00) for each charge shall be assessed against a defendant who fails to appear, or who fails to pay a sanction or penalty imposed by the court, in any case involving a civil traffic violation of the Arizona Revised Statutes or civil violation, civil infraction or civil parking infraction of the Code.

(b) The default fee may be waived or suspended when such waiver would be in the interest of justice. No person who is found to be indigent by the city court shall be required to pay the default fee.

(c) The default fee provided for in this section is hereby declared to be a cost recovery measure, administrative in nature, separate from and in addition to any other fines or fees imposed. The city court shall set forth the requirement and amount of such default fee as a separate item in all orders and judgments.

(d) In addition to any other rights and remedies available to the city, the city attorney is authorized to institute appropriate civil action in any court of competent jurisdiction for recovery of the default fee authorized under this section.

(Ord. No. 9194, § 1, 1-25-99; Ord. No. 10010, § 1, 8-2-04)

FINE AMOUNT AFTER DEFAULT /TIME PAYMENT FEE = \$324.60

If a defendant does not pay fine sanction after being defaulted the case will be reported to the Fines, Fees and Restitution Enforcement (FARE) Program. The FARE Program is a statewide program operated by the Arizona Supreme Court. There are additional fees added when a case is reported to the FARE Program, a \$35 delinquency fee and 19% of the unpaid balance. In our example the amount due once reported to the FARE Program would be \$427.92 In accordance with A.R.S. § 12-116.01 (E) and 12-116.02(C) the court is allowed to round to the nearest quarter dollar.

FINE AMOUNT AFTER CASE IS REPORTED TO FARE PROGRAM = \$427.92

As can be seen from our example, if a defendant does not pay fines when due, a relatively low base fine of \$100 increases to \$254.60, due to the imposition of required fees. It is very important for individuals who are cited to comply with instructions and take appropriate action by any and all scheduled court dates. Tucson City Court is willing to work with defendants to help them meet their obligations to comply with court ordered sanctions. Defendants can contact the court through our website at <https://www.tucsonaz.gov/courts/ask-question>, or by calling our customer assistance call center at 520-791-4216 or in person at 103 E. Alameda, Tucson AZ 85626-7210.



IMPLEMENTING JUSTICE FOR ALL REPORT RECOMMENDATIONS

Tucson City Court has implemented recommendations #6, 7 and 8 of the Justice for All Report in our Improved Compliance Assistance Program (ICAP). This program began on January 30, 2017, after a period of testing. Since inception and as of April 28, 2017, the program has:

- Enrolled 1,232 defendants with 3,008 cases.
- Collected \$297,204 in good faith down payments.
- Brought cases assessed at \$2.1 million back on track (for now).

Additionally,

- The average good faith down payment is \$241.24.
- The average ICAP monthly payment is \$41.35.
- The average number of cases per defendant is 2.8 cases.
- The average debt per defendant is \$1,747.
- The failure rate is 35%, meaning 35% of enrollees fail to make their first scheduled payment.

Failures of the ICAP will be placed back into the Fines, Fees and Restitution Enforcement (FARE) Program where they will remain. The Administrative Office of the Courts (AOC) is developing guidance for Compliance Assistance Programs; our court anticipates no changes to our ICAP until we receive further guidance from the AOC.

Our next priority is recommendation #22, Increasing Access to Court by Offering Extended or Off Hours Services. This project is **planned to go live on Tuesday, May 30, 2017. This date was selected as it is a Tuesday after a three day weekend and the court is usually busier than normal.** We've begun coordinating with Pima County Consolidated Justice Court (PCCJC) in an effort to control costs for extended hours court. One of the main costs to extended operating hours are security costs. By limiting extended hours to a single location we may be able to cut the security costs in half. We are planning to operate out of the Pima County Public Service Center on the one Tuesday a month that the Pima County Consolidated Justice Court will be operating extended hours court. We have chosen to have extended hours court once a week while Pima County Consolidated Justice Court has chosen once per month.

Starting May 8, 2017, the Court will implement a short term project: Five Day Warrant Calls. This project is designed to reduce the number of Failure to Appear (FTA) warrants and negate subsequent arrests on those warrants. The program will involve postponing the issuance of an FTA warrant for five days and contacting the defendant by phone the day of their FTA and informing them they have five days to appear at the court or the warrant will issue for their arrest. More information will be in May's monthly report.



COURT HUMAN RESOURCES

Tucson City Court’s general fund authorization heading into FY18 will be for 113.8 positions: 9 magistrates and 104.8 administrative staff. The Court has 2.8 positions funded by federal grants and 5 positions funded through court restricted funds bringing our total authorizations to 118.8 positions.

POSITION	AUTHORIZED	ACTUAL	OVER/UNDER
CITY MAGISTRATE (UC)	8.0	8.0	0.0
PRESIDNG MAGISTRATE (UC)	1.0	1.0	0.0
EXECUTIVE ASSISTANT	1	1.0	0.0
ADMINISTRATIVE ASSISTANT	2.8	2.8	0.0
MANAGEMENT ASSISTANT	1	0.0	1.0
DEPUTY COURT ADMINISTRATOR	1	1.0	0.0
COURT ADMINISTRATOR	1	1.0	0.0
INFO TECH SPECIALIST	2	1.0	1.0
SYSTEMS ANALYST	2	2.0	0.0
INFORMATION TECHNOLOGY MAN	1	1.0	0.0
DATABASE ADMINISTRATOR	1	1.0	0.0
ACCOUNTANT	1	1.0	0.0
COURT CLERK	38.0	33.0	5.0
SENIOR COURT CLERK	45.00	44.0	1.0
COURT INTERPRETER - SPANISH	2.0	0.0	2.0
COURT SUPERVISOR	8.00	7.0	1.0
COURTMANAGER	3.00	3.0	0.0
TOTAL	118.8	107.8	11.0

The Court is projected to generate \$301,728 in vacancy savings for FY17 or approximately 4% of our personnel budget. The Court has will be keeping our Spanish interpreter positions vacant and rely on per diem Spanish language interpreters.

SATURDAY WARRANT COURT, APRIL 8, 2017

The Saturday Warrant Court held on April 8, 2017, was not well attended despite the event being advertised. The event was held in conjunction with Pima County Consolidated Justice Court. Each court operated in their own building, however in the future both courts will operate Saturday Warrant Courts in the Pima County Public Service Center in order to reduce/control costs and improve service to the public. Results of the April 8, 2017, Saturday Warrant Court were:

- Total number of defendants served: 106
- Total number of defendants making payments: 27
- Total number of defendants seen in Sentence Enforcement: 53
- Total number of defendants seen for warrants: 25
- Total number of defendants needing interpreter (Spanish): 1

Based on this experience both Courts will be reviewing the need for holding Saturday Warrant Courts four times per year. It appears that twice a year may be sufficient.

PROJECT UPDATES

Tucson City Court has several projects underway which will enhance service provided to the public. The top three priority projects are:

INTERACTIVE VOICE RESPONSE (IVR) SYSTEM

This project is now progressing after the successful upgrade to the City's phone system. The server environment on which the IVR system will reside has been certified and we've now moved into the call flow management. A major expectation is that out bound reminder calls will reduce Failures to Appear (FTA) at arraignments and scheduled court hearings which will reduce the number of FTA warrants issued. The arraignment FTA rate for FY16 was 29%.



BUILDING IMPROVEMENT PROJECT

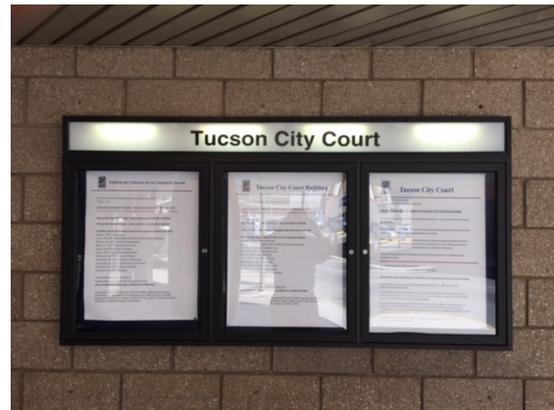
The building improvement project is nearly complete; it is scheduled to be completed by June 20, 2017. We are in the final phases of the project with just a few things left to be finished. We have completed interior painting and installation of the new walkways.

- Completion of courtroom #1 renovations.
- Installation of benches in area of the building, primarily first, second and third floors.
- Final punch list.

BEFORE



AFTER



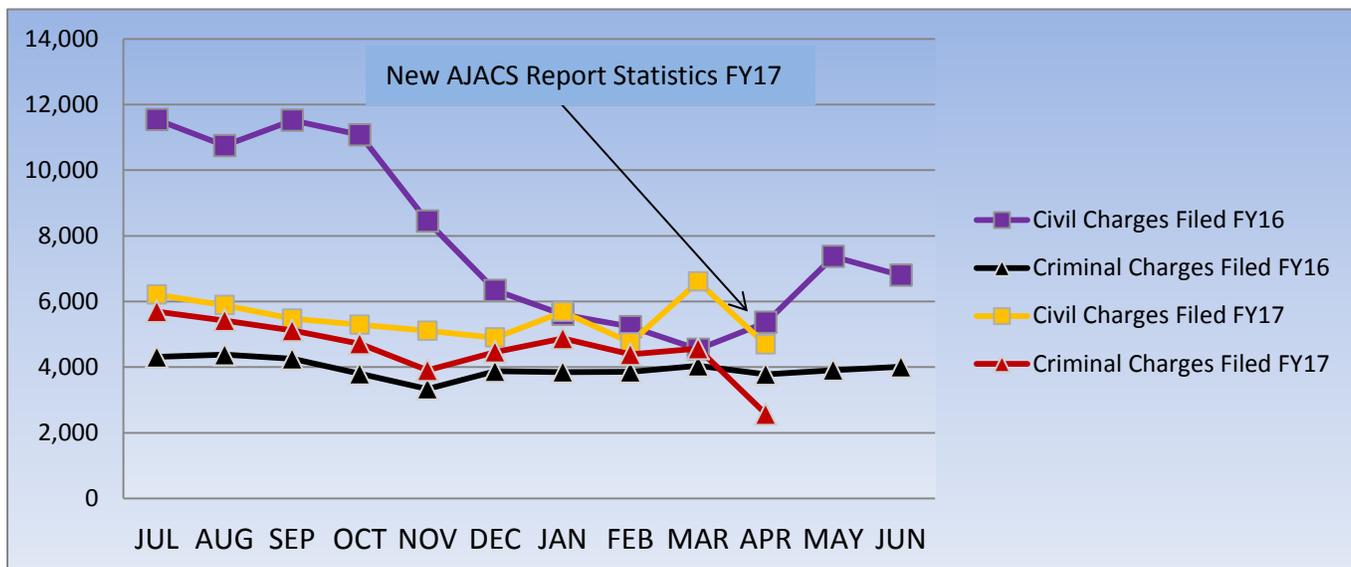


TUCSON CITY COURT STATISTICS

Tucson City Court will now be utilizing statistical reports resident in our automated case management system, Arizona Judicial Automated Case System (AJACS), to track and report workload. These reports were developed by the Arizona Supreme Court's Administrative Office of the Courts and expand on the statistical reports used in the legacy automated case management system, AZTEC, which is still in use by many court in Arizona. Although providing much of the same information as the reports in AZTEC the new reports in AJACS break down case categories much further providing additional information on charge filings. There appears to be an issue with data related to case dispositions and we are working with the Administrative Office of the Courts (AOC) on this issue. I've included the report so everyone can at least see the new format.

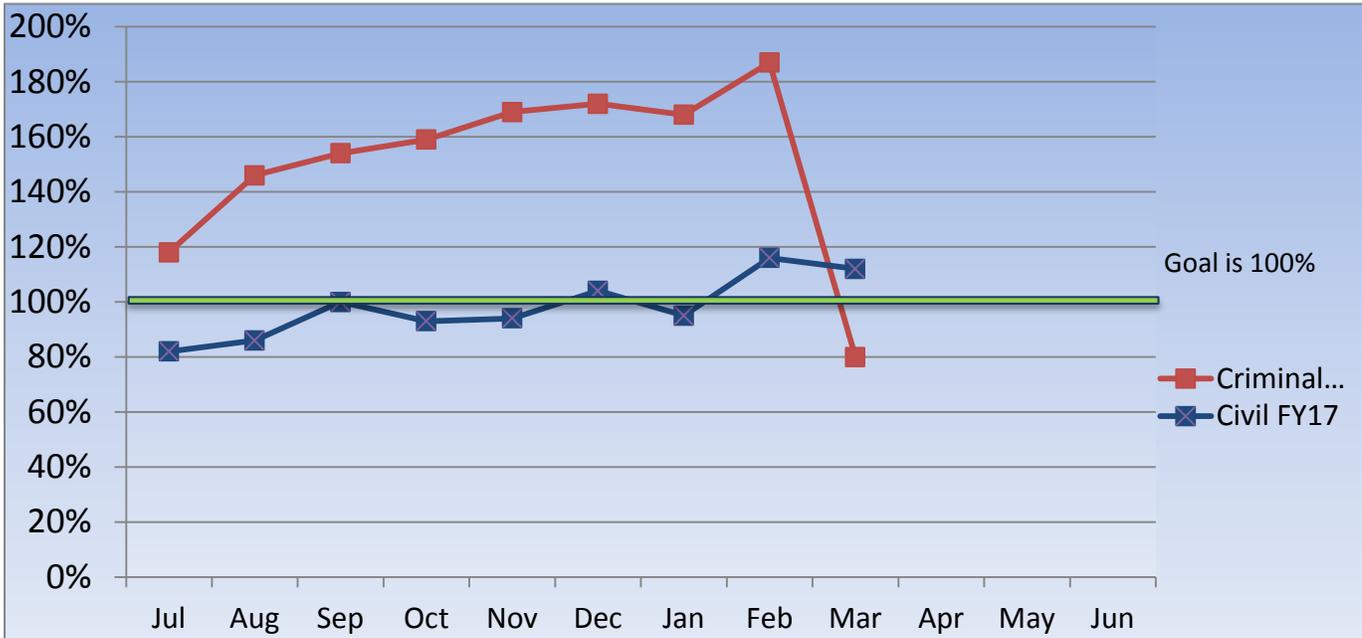
In the old report, misdemeanors were reported as a whole where the new AJACS report shows various charges within the category of misdemeanors are given. The new report also provides the number of misdemeanor charges filed related to Domestic Violence; although the number of Domestic Violence charges are included in the other misdemeanor charges they are also reported separately as Domestic Violence.

CHARGES FILED

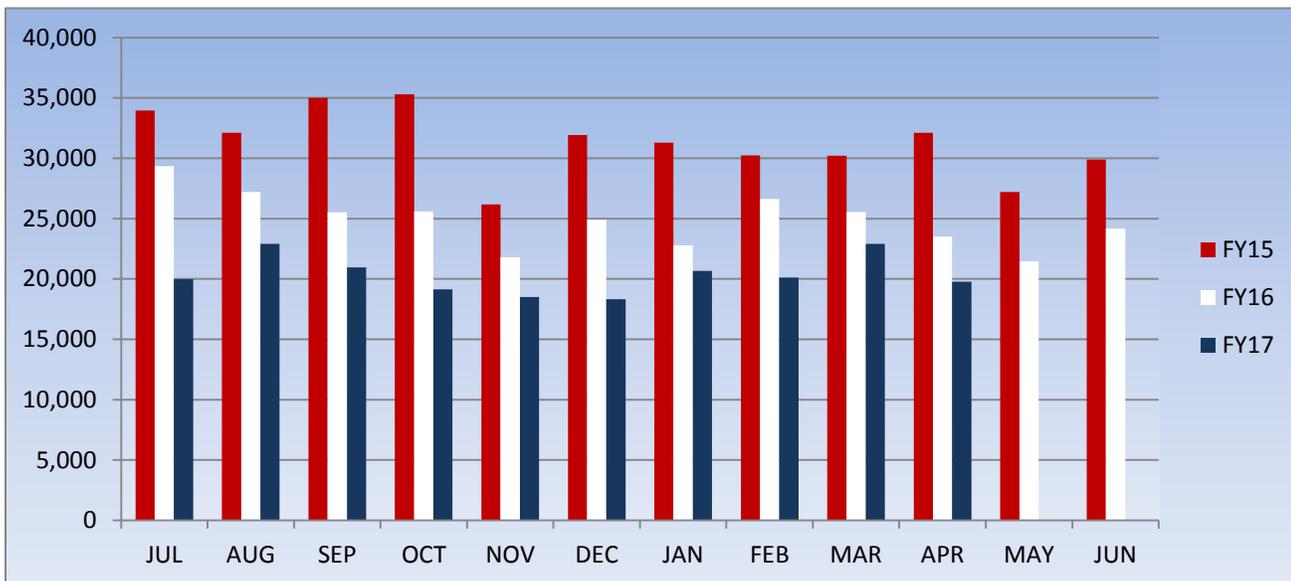




CLEARANCE RATES FY17, GOAL IS 100%

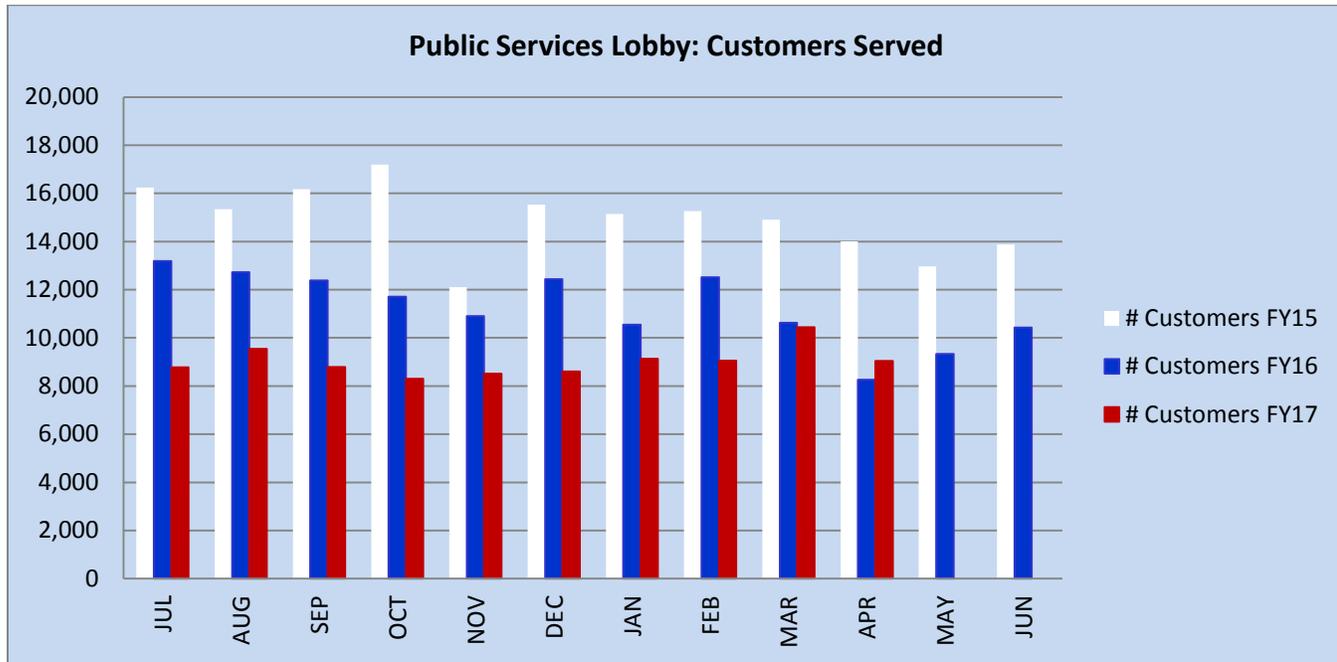


VISITORS TO COURT BUILDING

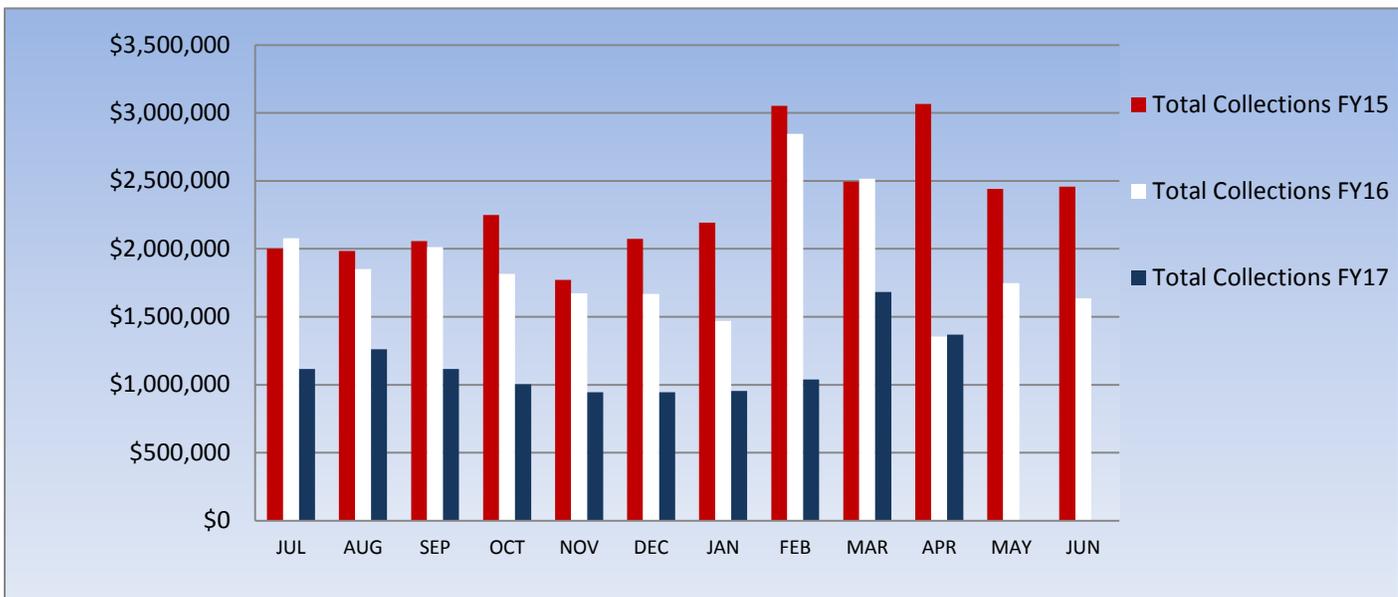




CUSTOMERS SERVED IN PUBLIC SERVICES LOBBY

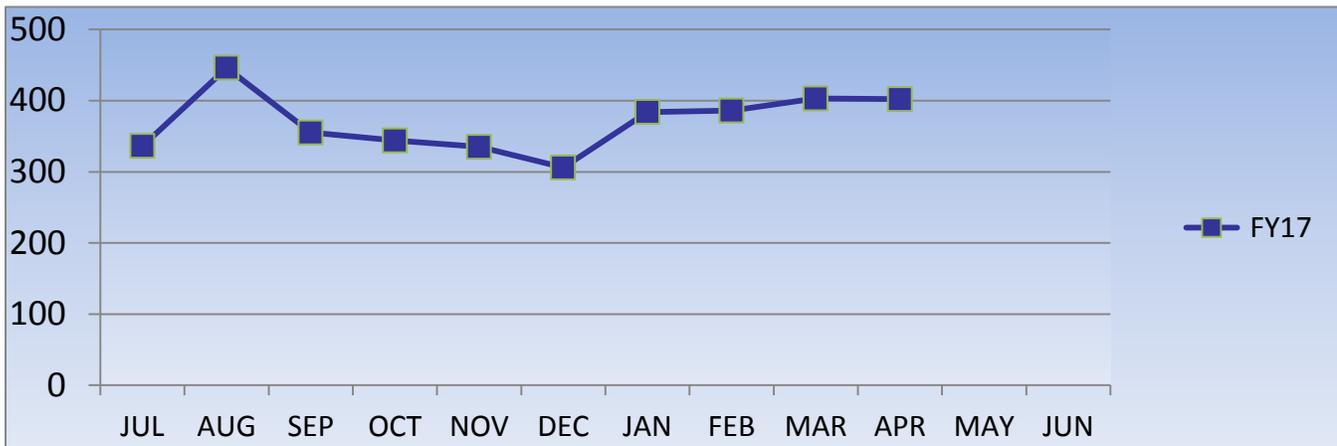


COLLECTIONS (ENFORCEMENT OF COURT ORDERED SANCTIONS)





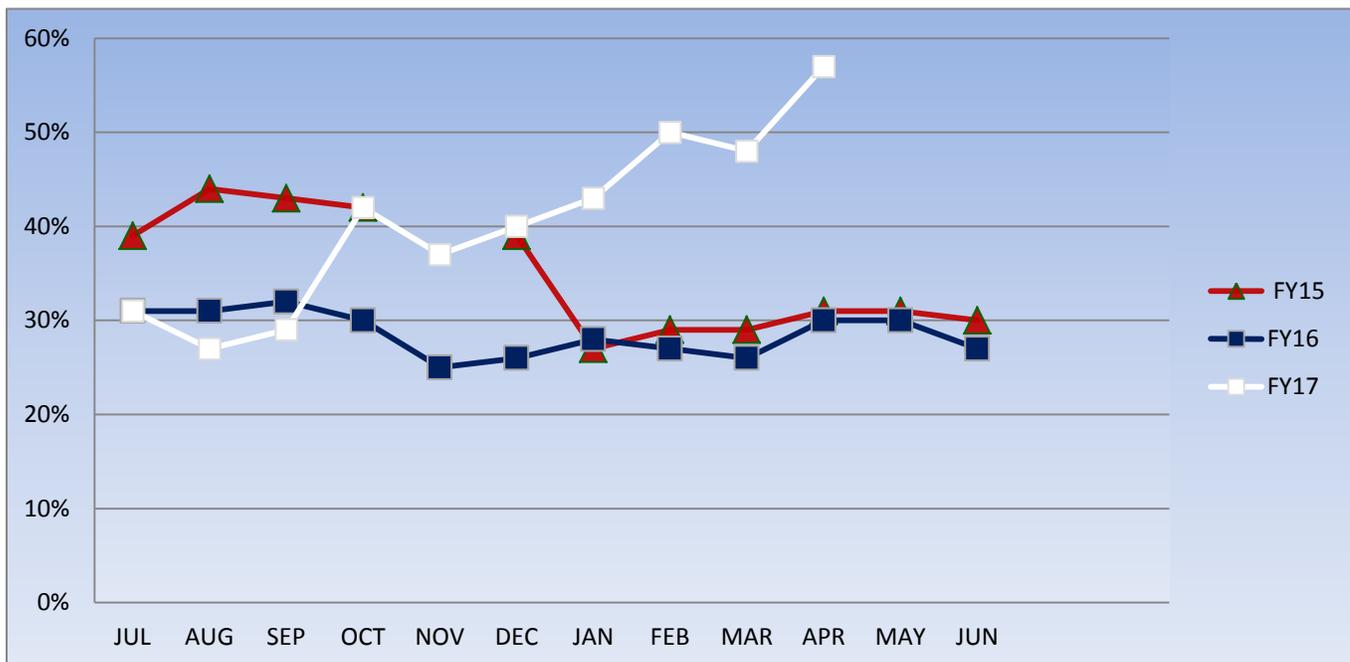
DEFENDANTS SEEN AT WALK-IN WARRANT COURT



In FY16 Walk-in Warrant Court saw 5,100 defendants

In FY17 year to date 3,295

FAILURE TO APPEAR (FTA) RATE AT OUT OF CUSTODY CRIMINAL ARRAIGNMENTS

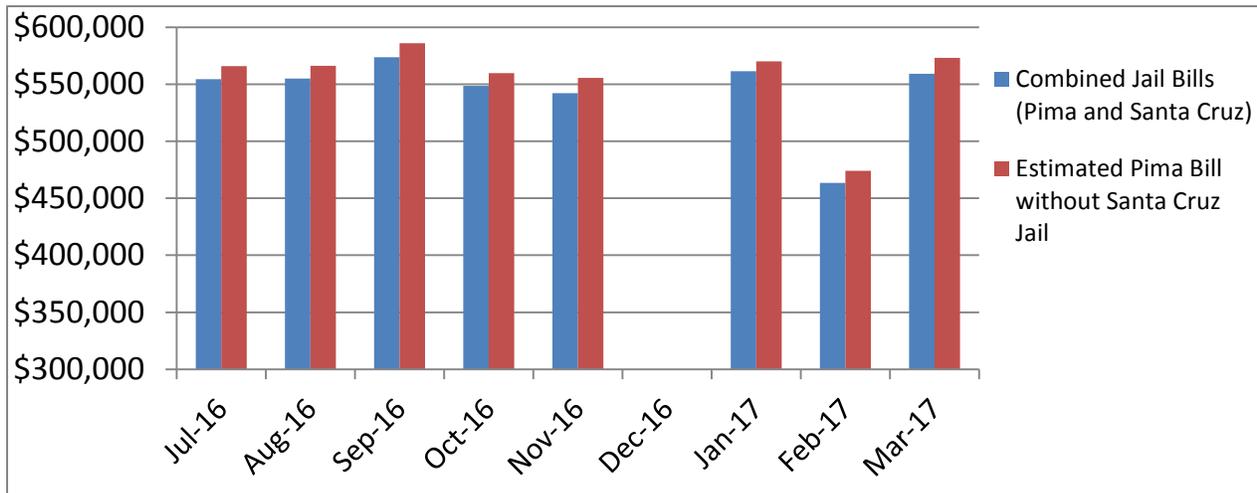




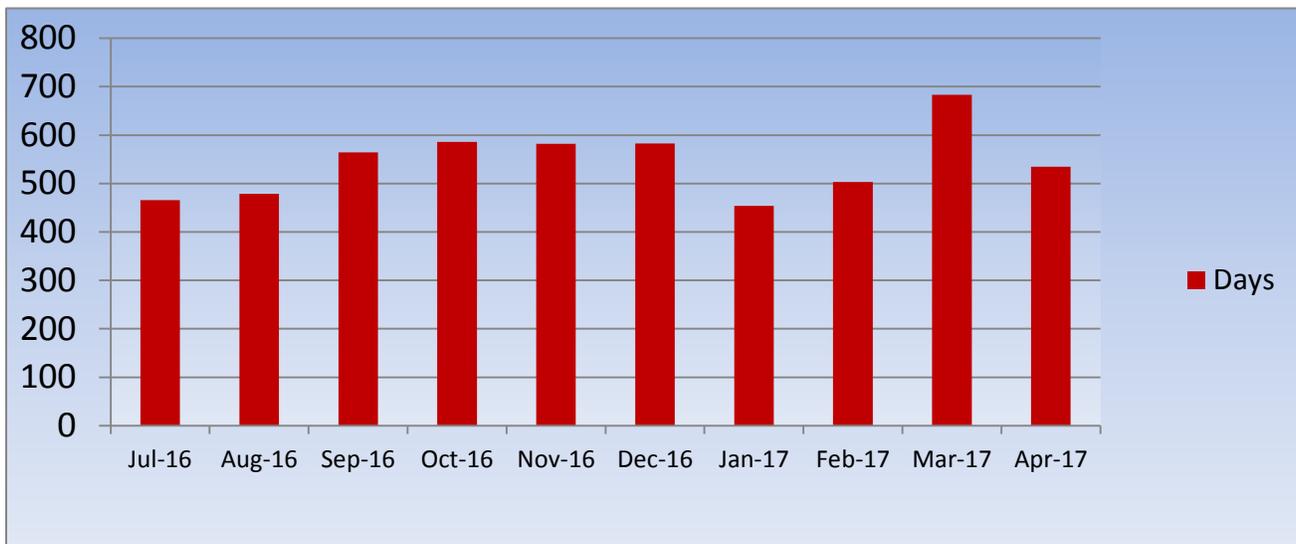
JAIL COST REDUCTION

There are several ongoing collaborative efforts between the City Prosecutor, City Public Defender, Tucson Police Department (TPD) and the Court to control jail costs. These include plea offers made at initial appearances at the jail, video reviews for defendants being held, cite and release on appropriate crimes by TPD, Alternative to Jail Program (ATJ), use of Santa Cruz County Jail for confinement sentences longer than 10 days, walk-in warrant court held every afternoon Monday through Thursday and Saturday Warrant Days conducted twice a year in January/February and again in June/July time frame.

USE OF SANTA CRUZ COUNTY JAIL (Jail bill for April has not been received by publication)



DAYS USED SANTA CRUZ COUNTY JAIL





Limited Jurisdiction Courts
Misdemeanor, Criminal And Civil Traffic Caseload Summary By Charge
TUCSON CITY COURT - 1041

STARTDATE : 4/1/2017 ENDDATE : 4/30/2017

Misdemeanor Criminal and Civil Traffic Caseload Summary by Charge		INCOMING				OUTGOING				
Column ID		1	2	3	4	5	6	7	8	9
LINE ID	CASE TYPE	New Filing & Transfers In	Reopened	Reactivated	Total Charges Incoming	Terminations			Placed on Inactive Status	Total Charges Outgoing
						Entry of Judgment	Default Judgment	Reopened		
Section - 1 Misdemeanor										
Person										
A	Person-Sex Offenses	2	0	0	2	0	0	0	1	1
B	Person-Kidnapping	1	0	0	1	0	0	0	0	0
C	Person-Aggravated Assaults	1	0	0	1	0	0	0	0	0
D	Person-Other Assaults	132	0	0	132	15	0	0	8	23
Property										
E	Property-Burglary	0	0	0	0	0	0	0	0	0
F	Property-Auto Theft	1	0	0	1	0	0	0	0	0
G	Property-Other	664	0	1	665	40	0	0	91	131
Other										
H	Drug Possession/Paraphernalia	400	0	1	401	26	0	0	45	71
I	Weapons	0	0	0	0	0	0	0	0	0
J	Public Order	227	0	0	227	29	0	0	11	40
K	Interfering With Judicial Proceedings	29	0	0	29	6	0	0	2	8
L	Failure to Appear/Misd&CrimTraffic	24	0	0	24	2	0	0	0	2
M	Petty Offenses	0	0	0	0	0	0	0	0	0
N	Other	447	0	1	448	33	0	0	20	53
Section - 2 Criminal Traffic										
DUI										
A	Motor Vehicle	222	0	0	222	12	0	0	8	20
B	Extreme Motor Vehicle	68	0	0	68	4	0	0	3	7
C	Boating/Flying	0	0	0	0	0	0	0	0	0
Serious Violations										
D	Leaving the Scene	17	0	0	17	0	0	0	0	0
E	Reckless Driving	8	0	0	8	1	0	0	0	1
F	Racing on Highway	6	0	0	6	2	0	0	0	2
G	All Other	9	0	0	9	0	0	0	0	0
Other Violations										
H	Criminal Speed	17	1	0	18	2	0	1	1	4
I	All Other	292	0	1	293	113	0	0	7	120
Section - 3 CivilTraffic										
A	Driver License	203	0	0	203	32	0	0	0	32
B	Registration	204	0	0	204	40	2	0	0	42
C	Insurance	457	0	0	457	101	0	0	0	101
D	Speeding	1498	1	0	1499	337	2	1	0	340
E	Excessive Speeding	0	0	0	0	0	0	0	0	0
F	Red Light	151	0	0	151	21	1	0	0	22
G	Seat Belt	72	0	0	72	6	1	0	0	7
H	State DPS Photo Enforcement	0	0	0	0	0	0	0	0	0
I	Other Civil Traffic	990	2	0	992	175	4	2	0	181
Section - 4 Local - Non Criminal Ordinances										
A	Parking	949	0	0	949	48	0	0	0	48
B	Non-Parking	158	0	0	158	14	1	0	0	15
Section - 5 Felony										
A	Total Felony	0	0	0	0	0	0	0	0	0
GRAND TOTAL		7249	4	4	7257	1059	11	4	197	1271
Section - 6 Domestic Violence										
A	Felony-Domestic Violence	0	0	0	0	0	0	0	0	0
B	Misdemeanor-Domestic Violence	587	0	0	587	17	0	0	1	18
Section - 7 Special Case Characteristics										
A	Self Represented Litigants	7223	4	4	7231	1000	8	4	190	1202
B	Interpreter Services Provided	50	0	0	50	2	0	0	2	4



CITY OF TUCSON

*TUCSON CITY COURT
MONTHLY UPDATE*

APRIL 2017

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SHOULD YOU HAVE ADDITIONAL QUESTIONS, CONCERNS OR SUGGESTIONS FOR ITEMS TO BE INCLUDED IN THIS REPORT PLEASE CONTACT COURT ADMINISTRATION AT 520-791-4189 OR SEND AN EMAIL TO courtweb@tucsonaz.gov.