Technical Assistance Report on:
Improving Public Access and Space Utilization
in the Tucson City Court
Tucson (Pima County), Arizona

TECHNICAL ASSISTANCE REPORT

Bureau of Justice Assistance
CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
A Joint Program of the Bureau of Justice Assistance, U.S. Department of Justice, and American University School of Public Affairs
Criminal Courts Technical Assistance Project Report No. 98-008

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Improving Public Access and Space Utilization
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August 18, 1998

Consultants
Esther Bauman
Lawrence Siegel
CCTAP Technical Assistance Report No. 98-008

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Ms. Esther Bauman
Mr. Lawrence Siegel
Bureau of Justice Assistance
Criminal Courts Technical Assistance Project

Assignment Data Sheet

Technical Assistance Number: 98-008

Requesting Jurisdiction: Tucson (Pima County), Arizona

Requesting Agency: Tucson City Court
Tucson, AZ

Requesting Official: Martha Hesla
Court Administrator

Local Coordinator: Martha Hesla

Date of On-Site Study: June 25-26, 1998

Consultant’s Assigned: Esther Bauman
Lawrence Siegel

CCTAP Staff Coordinator: Shavonne R. Cassidy

Central Focus of Study: Assistance with improving public access and space utilization in the court.

“This project was supported by Grant No. 97-DD-BX-0074 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.”
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REPORT BACKGROUND

Technical Assistance Request and Site Visit
In May 1998, the Tucson City Court Administrator, Martha Hesla, requested the Criminal Courts Technical Assistance Project (CCTAP) of the American University to provide outside expertise to help identify ways to provide public services and access to the Court more effectively. Specifically, in her May 6, 1998 letter, she asked for assistance in resolving the following problems:

1. Inordinate time delays in getting people into the building;
2. Inordinate delays in providing information to defendants about their court processes;
3. Long delays in providing cashier services;
4. Congregation of defendants in a way to block traffic flow.*

In subsequent telephone conversations, Ms. Hesla indicated she would also like to have the CCTAP consultants suggest some ways to streamline court processes, reduce overlapping functions, and generally improve its public services, management reporting, and collection of fines.

The services of two national consultants were obtained for the project: Esther Bauman, former Seattle Municipal Court Administrator, and Lawrence Siegel, a court facility specialist. In preparation for their June 25–26, 1998 site visit, they talked to Ms. Hesla and reviewed the Tucson Municipal Court's 1996/97 Annual Report, the 1996 Final Report of the Tucson City/Court Task Force, the Court's monthly performance indicator report, and additional materials. During their visit, they and a representative of CCTAP staff, Shavonne Cassidy, interviewed Court Magistrates, the Administrator, Tucson City architects, and the Court's management staff. (Appendix A contains the schedule and Appendix B the list of names of interviewees.)

Description of Tucson Municipal Court
The Court adjudicates all city code violations, criminal misdemeanors, criminal and civil traffic violations, and parking violations. It is staffed by 145 employees including twelve Magistrates and two Limited Special Magistrates. The Court's annual caseload of 200,000 filings is growing and becoming more demanding, especially in the area of domestic violence cases. Although the population of the City of Tucson is expanding rapidly, it is moving outside the city center where the Court is located.

The Court's facilities include two arraignment rooms—a large one for out-of-custody arraignments and a smaller one for arraignments conducted by video from the jail—a mitigation hearing room for civil traffic and parking violations, two hearing rooms, and twelve courtrooms. The building was originally designed as a multi-floor parking garage and consequently the Court is inefficiently configured over four floors, security is reduced, and the quality of customer service is compromised.
In March 1999, the City Court will be the first large-volume Arizona court to be converting to a case and cash management computer system, known as FACTS. In order to effectively implement the new system, some business reengineering is expected.

**SUMMARY OF RECOMMENDATIONS**

Given the complexity and depth of detail required to address space utilization and quality of public services issues, the analysis and recommendations in this report suggest some directions, propose feasible alternatives for further investigation, and outline future guidelines for the Tucson City Court. The recommendations recognize and build on the close relationship between the design and use of a facility and the operations and procedures of a court. They also give priority to the Court's concerns to provide more effective public access and customer service to Tucson's citizenry, optimize its deployment of judicial and other staff resources, assure accountability in all fiscal, operational, and legal matters, and maintain a safe, employee-respectful place to work.

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>RECOMMENDATIONS</th>
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<tbody>
<tr>
<td>The Municipal Court building has some inherent characteristics that are not suited to an effective court facility yet they are not feasible to modify.</td>
<td>1. Consider designing and constructing a City Court facility, either free-standing or as part of a Consolidated Justice and City Court concept.</td>
</tr>
<tr>
<td>It takes several years to design, fund, and construct a new court facility. In the meantime, the Municipal Court's current space configuration and usage hinder public access and result in significant delays in cashiering and defendant/public services.</td>
<td>2. Undertake a space-needs study to assess the relative space needs and allocations of the current building occupants.</td>
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<td></td>
<td>3. Make needed, but relatively low-cost, space usage improvements and renovations to current court facility without jeopardizing longer-term solution.</td>
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<td></td>
<td>4. Investigate remodeling and expanding the Public Services Office into the current Mitigation Courtroom space with cashier windows having access to Alameda Street sidewalk. Hold the mitigation hearings in the Video Arraignment courtroom.</td>
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<td></td>
<td>5. Undertake a design study to determine whether the lobby area can re-gain the space currently used for weapons screening by relocating the metal detection machinery beyond the current front doors.</td>
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<td></td>
<td>6. Conduct a cost -benefits analysis of moving the current Public and Case Information functions to the current site of the MVD office and moving the MVD to another part of the building.</td>
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<td>Signage and public information materials are often unclear, in poor condition and/or inconsistent throughout the building. Bilingual signage is limited.</td>
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<tr>
<td>7. Develop clear and consistent public information throughout the building, using public focus groups to provide and test concepts and identify bi-lingual opportunities.</td>
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<td>All but one of the Court's Marshals was withdrawn from the building, further challenging the Court's security.</td>
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<td>8. Hire a consultant to develop a court security plan to document security responsibilities and authority and to propose a comprehensive security program to include operational measures, architectural features, and technological applications.</td>
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<td>Growth in Tucson's population is outside the city center and an increasing number of people do not want to go downtown to resolve court matters.</td>
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<td>9. Consider expanding Court's plans for mini-customer service units in Mayor and Council Centers to include video hearings with Magistrates on various matters.</td>
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<td>The Municipal Court does not have clear priorities to guide it as its caseload, customer-service, political environment, and software system change.</td>
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<td>10. Develop, with the assistance of a consultant or facilitator, a multi-year strategic and management plan with a realistic implementation timeline.</td>
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<td>Overlapping of some staff functions and confusing division of labor impede the timeliness of customer service and may reduce fine collections</td>
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<tr>
<td>11. Investigate reengineering and extending the services provided in the Public Service Office as part of space expansion.</td>
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<td>Changes in caseload have reduced the productivity and efficiencies of the Municipal Court.</td>
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<td>12. Cluster like functions and related staff together physically and under the same management, especially in records management.</td>
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<td>13. Revise benchmarking and performance standards to monitor case processing and provide reports for effective, management decision-making.</td>
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<tr>
<td>14. Analyze caseflow to determine if processes can be improved through further case differentiation, scheduling changes, and tracking of case disposition.</td>
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ANALYSIS AND RECOMMENDATIONS

The consultants' recommendations in terms of the facility are closely integrated with their recommendations for refining the operations and procedures of the City Court. Therefore, the recommendations should be read as a whole although for clarity and convenience they are discussed in this Report in separate sections.

Part One: Facility

1. New Facility for the Longer-Term

The consultants recommend that the City seriously consider designing and constructing a new court facility, either freestanding or as part of a Consolidated Justice and City Court concept. Because of its origin as a multi-floor parking facility, the Municipal Court building has some characteristics that are not suited to an effective court facility, nor can they be feasibly modified. Two examples which stand out are: the column spacing and the interior courtyard.

The supporting columns are spaced to support the live loads of vehicles and their movement through the parking structure. The spacing is close and arranged in a bay module that does not succeed in housing courtrooms; columns appear within courtrooms at what might be described as random locations. Some columns are on 25 foot centers and others on 33 foot centers, making for interesting variations on their courtroom locations. Some column locations interfere with sight lines and acoustics, as the consultants witnessed when observing one court session. Such acoustic and visual obstacles makes it difficult for some litigants to comprehend announcements, especially those made from the floor of a court rather than the elevated bench. It is understandable that litigants might be concerned that they might not be getting necessary information. In itself that could be classified as a security situation.

Looking at the interior, the building is wrapped in a rectangle around an open patio space; it could be described as being four times longer than its floor plate measurement and having an exterior corridor on one long side (See Appendix C). In good weather this patio is not unattractive, but it should not be confused as contributing net square feet to the facility. On the first floor it currently serves as a waiting space for Public Services clients during peak busy hours, but the consultants visited on two beautiful days in June; in other seasons waiting might be more difficult.

These are not characteristics that can be easily or inexpensively changed. Major modifications, such as those that would be needed to provide separate circulation for prisoners, probably are not feasible, so escorted prisoners and the public likely will continue to meet in the corridors and elevators. Columns in courtrooms cannot be moved without excessive structural modifications that would have little residual value if the building were to be sold or converted to other occupancy. Changes in room or corridor sizes and placements also would be limited by the parameters of the existing structure.
2. **Space-Needs Study**

To assist any consideration of a new court facility and to establish priorities for current facility improvements, the consultants recommend that a space-needs study be undertaken of the entire court facility to assess the relative space needs and allocations of the occupants. The site visit review indicated that imbalances may exist in the current allocations so that agencies are not occupying amounts and locations of space in accordance with their respective current and likely-future needs.

A space-needs study is a thorough analysis of the court, its organization, and its space use:

- It examines the current facility and its space use;
- It determines the functional relationships between units and derives from them the appropriate space relationships;
- It forecasts future personnel, operational and facility needs for each organizational unit of the court, including the amounts and relative locations of each functional space; and
- It prepares a facility program with tabular, narrative, and where appropriate diagrammatic descriptions.

The study produced as part of the Consolidated City and Justice Court project could provide a good foundation for their recommended space-needs study.

3. **Improvement to Current Court Facility**

As noted above, the consultants recommend serious consideration of designing and constructing a new City Court facility. However, because of capital considerations and the duration of a new facility design-construction project, the consultants have a number of recommendations for the interim that can produce significant customer service improvements at a low cost while not jeopardizing any longer-term building solution. The operational and procedural improvements the consultants are also recommending below will retain their value in a new construction program as well.

4. **Expansion of Public Service Office**

If several other types of caseload were to be scheduled into the Video Arraignment Courtroom at times when that space is available, the current Mitigation Courtroom could be remodeled and used as expansion space for Public Services and other cashier/filing/update activities.

This remodeling should consider the total space included in the Public Services unit and be directed to simplify the service aspect of the work by rectifying waiting, front counter functions, and overall space use in the interests of more effective, quicker, and complete customer service.

Currently there are two doors to Alameda Street that probably could be incorporated into cashier windows accessible from the sidewalk. Such access to cashier windows would reduce the number of persons entering the building to transact their business, thereby reducing some of the current crowding at peak business times and simplifying operation of the weapons screening station at the front door.
5. **Relocation of the Weapons Screening Area**

Persons entering the building through the weapons screener find that its space and location create a bottleneck, impeding the free flow of traffic and inhibiting their ability to receive information. To accommodate the screener, the three lobby doors to Public Service have been closed, while access from the street is confused by poorly designed and maintained signage.

The consultants recommend that a design study be made to investigate the feasibility of expanding the lobby by moving the screener beyond the current front doors out to the building limits. This could add a space of at least 10 feet by 19 feet in which to operate while still leaving adequate sidewalk space for foot traffic to pass. The study should include lighting improvements, locations for public information displays, and improved traffic patterns to the heavily-used Public Service and other file entry and cashier stations. An even larger addition is shown on the schematic plan of renovations to the Alameda Building produced by the Consolidated City and Justice Courts study. This appears to be an excellent starting point for further work.

6. **Public Information Relocation and Increased Accessibility**

It appears that the MVD office is occupying a space that would be more effectively used as an information and/or case information office, with computer and telephone access to files and offices. Another location can be found for the MVD operation, but this would be one of the issues included in the recommended space-use project. Also relocate the vending machines from the 1st floor location and use the vacated space for improved signage.

7. **Revamping of Building Signage and Public Information Presentation**

The overall topic of public information and signage needs serious investigation. Room numbering is not consistent from floor to floor and does not follow a systematic concept where the room number relates to its location on the floor. Information locations are not readily apparent to the uninformed (for whom they are intended), are not consistent floor to floor, and are difficult to comprehend. The dockets could easily be translated into alphabetical listings by most computer programs and could readily be printed in much larger type so that several people can see them at the same time. What defendants and witnesses need from an information display is a simple and obvious way to locate the information they need. Finding their names on an alphabetized list of cases is likely to be more successful than trying to locate one of fifteen dockets and then finding their name on one of the docket sheets. In addition to paper displays there are many computer-based query and display techniques that might be useful.

A comprehensive program to develop clear and consistent public information should be undertaken, using public focus groups to provide and test concepts including such approaches as these:

- **Super-graphics:** large, bold colorful designs that indicate how to get from one place to the next by using arrows and other graphic devices that point the way;
- **Color coding of floors and floor maps**: take advantage of the visibility of each floor provided by the interior patio by using splashes of bold color to differentiate individual floors and by following through with those same colors on floor maps;
- **Simple and unambiguous wording and elimination of court jargon**: test the language used on signs in focus groups to select words and phrases that will be easily understandable to visitors;
- **Room identification**: hang signs below the ceilings perpendicular to corridors so that they can be seen from a distance;
- **Bi-lingual opportunities**: include bi-lingual signs throughout the building.

This is one of the most inexpensive and simplest ways to minimize confusion and reduce crowding. It also can help to get people to the right places at the right times, benefitting efficient case management and reducing staff and public stress.

8. **Development of Court Security Plan**

Court security is neither more nor less important in the Tucson City Court than in any court. No security officers other than those staffing the weapons screener are assigned to City Court now that its Marshals have been moved out of the Court facility. Only one Marshal remained in the facility at the time of our visit.

People should feel safe in their courthouses, whether they are attending court or working there. The integrity of the courts cannot be compromised by overt or perceived threats or inappropriate behavior. It is critical for the Court to demonstrate that it has a strong commitment to safeguarding the administration of justice by hiring a qualified consultant to develop a comprehensive security plan.

A court security plan should consider the topics of security responsibility, authority, and costs in arriving at a comprehensive program of operational measures, architectural features, and technological applications to produce a successful atmosphere of safety and security throughout the facility. It would cover such simple operational changes as these:

- Describing appropriate staff procedures for conducting sessions of court, particularly when the number of litigants is large;
- Ensuring adequate procedures to establish formality and dignity when opening and closing court sessions;
- Using large and easily comprehended signs to advise persons entering the facility of the weapons exclusion rules;
- Demonstrating the court's security commitment and its respect for itself (and thus for its users) by maintaining all signage and directional information in first-rate condition; and
- Repairing, adjusting, or replacing malfunctioning security equipment, for example the weapons screener that signals regularly and loudly whether or not anyone is walking through.

One example of procedural changes that cost little but have large potential benefits is having a Magistrate start all court proceedings. A brief appearance on the bench, at the appointed starting time, to introduce the officials and the procedures that are to follow, will inform attendees, particularly at the crowded arraignment and similar sessions, what is about to occur and how it will affect them. The Magistrate could then leave
while other court personnel attend to the clerical details. An air of formality and respect should be produced by such simple actions which would serve to reduce some of the tensions that otherwise can exacerbate the potential for courtroom security problems.

9. Video Hearings and Mini-Service Centers in Mayor and Council Centers

The use of video to facilitate remote appearances at hearings, applications for restraining orders, and other opportunities to reduce the number of persons required to appear at the central courthouse is important on its own terms, as well as to increase security. As caseload increases during the next few years, crowding and its attendant problems can be mitigated in direct relationship to the number of persons whose appearances can be diverted to other locations.

The Municipal Court is already successfully using video to arraign defendants in jail and a video computer link to make determinations on requests for orders of protection in domestic violence cases. The consultants recommend that video hearings for other types of matters, such as mitigated traffic cases, be considered and that the Mayor and Council Centers located in other parts of the city be investigated at potential locations. The arrangement would have the benefit of easy access for defendants while the Magistrate and existing court records remain in the security of the courthouse.

The consultants also support the Municipal Court's currently discussed “customer service” initiative to use the Mayor and Council Centers as mini-service centers once the FACTS computer system is implemented. The concept is for people to pay fines or obtain case information without further crowding the Municipal Court's screener, lobby, and public service areas.

Part Two: Operating Procedures and Structure

The consultants' recommendations in terms of the Municipal Court's operating procedures and organizational structure build on the facility improvements specified above. They assume, at a minimum, completion of the proposed expansion of the Public Services Office as well as broadening the use of the video arraignment courtroom.

10. Strategic Management Plan

The consultants recommend that the Presiding Judge and the Associate Presiding Judge convene a one-day meeting with appropriate representatives of Tucson City government, the Municipal Court judiciary, and its management team to initiate development of a strategy for the Court's future as well as a plan to implement the facility and operational recommendations contained in this Report. Together, with the possible assistance of a consultant or facilitator, priorities should be established, assignments made, a realistic timeline developed, and an oversight process instituted.
11. One-Stop Assistance at the Public Service Office

Consistent with the Municipal Court's commitment to improving customer service, the concept of convenient, "one-stop service" should be the focus of space and operations planning on the first floor of the Court.

As noted earlier, the current Municipal Court facility limitations have diminished the quality and timeliness of customer services. For instance, a defendant who has a question about his or her case and then wants to make arrangements for fine time payments may first wait in the Public Service Office to meet with an "update" clerk and then be directed across the lobby to the Sentence Enforcement Office.

The situation is further exacerbated by the need to segregate financial and case update functions. Thus, citizens who wish to ask questions about their case and then want to pay a fine, may be asked to wait 30 minutes to see a case update clerk and then again have to wait in line for a cashier.

Some deficiencies in customer service can be addressed now, while others await the expansion of the Public Service Office space and/or the implementation of the FACTS system. For example, the consultants recommend that the Court consider immediately rotating update clerks/cashiers as "floater cashiers" to do the financial transactions for defendants meeting with another update clerk. This option could reduce the size and wait in the cashiering line as well as streamline the customer-service process.

As part of its space planning and reengineering opportunities with the new software system, the consultants further recommend that the Court investigate physically moving the sentence enforcement officers into the Public Service area and possibly functionally integrating the current "update"/cashier and the sentence enforcement officer positions.

The Court may also benefit from a "lock-box" service that contracts to process mailed payments on a piece-rate basis with specified quality and time requirements. This could free Court staff resources for the proposed new walk-up windows and allow for additional consolidation of functions.

12. Staff Functions and Management Consolidation

The consultants recommend that all current records management, whatever the case type, be under common supervision and preferably housed in the same site.

Much of the spatial and management separation of like-functions in the Municipal Court can be traced to historical or facility reasons. For instance, parking citations and domestic orders of protection are kept on the fourth floor under supervision of Public Services while all other case files are maintained and managed by Court Services on the first floor. The consolidation of these and other similar functions should be undertaken as part of the space-needs study and implemented as quickly as feasible.
13. Performance Standards and Benchmarking

As in other organizations, it is important to know the specific goals of a court in order to monitor progress in achieving them. The goals or "principles of operation" of the Municipal Court were developed in 1996 by the Tucson City/Court Task Force (See Appendix D). They are:

- Provide a forum to resolve disputes fairly
- Provide mechanisms to enforce judicial orders
- Efficiently manage the Court’s business
- Apply laws and protect individual rights in a fair and equitable manner
- Treat all persons with dignity and respect
- Attract and appoint judges who embody the highest standards of the legal profession
- Provide education and information to the community on the functioning and operation of the Court system

The Task Force proposed specific measures to monitor the Court’s performance in the key areas of public services, timely adjudication of cases, enforcement of judicial orders, and fiscal soundness. It also recommended measures to compare the Tucson Municipal Court with comparable, “benchmark” cities throughout the country.

The consultants commend the City for its farsighted efforts. They suggest that the measures of the Court’s performance be reviewed annually to determine whether they continue to reflect changes in court procedures and expectations. Also, wherever comparisons are made between jurisdictions or years, it is suggested that percentages be used to show relative relationships between data. An example of this recommendation is contained in the following chart constructed from data in the Court’s 1996/97 Annual Report. (See Appendix E for original documents.)

<table>
<thead>
<tr>
<th></th>
<th>Tucson Municipal Court</th>
<th>% of Total Budget</th>
<th>Phoenix Municipal Court</th>
<th>% of Total Budget</th>
<th>% Tucson/Phoenix</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Budget</td>
<td>$7,785,540</td>
<td>100%</td>
<td>$23,818,744</td>
<td>100%</td>
<td>33%</td>
</tr>
<tr>
<td>Grant Budget Portion</td>
<td>$106,450</td>
<td>1%</td>
<td>$234,513</td>
<td>1%</td>
<td>45%</td>
</tr>
<tr>
<td>Revenue Collected</td>
<td>$7,880,536</td>
<td>101%</td>
<td>$25,837,042</td>
<td>108%</td>
<td>31%</td>
</tr>
<tr>
<td>Revenue Collected for City</td>
<td>$5,423,181</td>
<td>70%</td>
<td>$15,094,000</td>
<td>63%</td>
<td>36%</td>
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</table>
14. Effective Caseflow Management and Court Scheduling

Caseflow management is the term used to describe the planning, coordination, and monitoring of court processes and resources to move cases in a timely manner from filing to disposition. The goals of caseflow management include:

- Expedite the disposition of all cases in a manner consistent with fairness to all parties;
- Enhance the quality of litigation;
- Assure equal access to the judicial process for all litigants; and
- Minimize the uncertainties associated with processing cases.

The Tucson Municipal Court uses techniques consistent with effective caseflow management. For instance, they have a hybrid individual case calendar system whereby Magistrates have individual calendars for hearing all phases of the more serious criminal cases. A "clearing calendar" is used to screen non-assigned criminal, contested traffic matters, and protective order cases. The Magistrates are scheduled to hear these cases at times they are not hearing their pre-assigned ones. Also, seven days a week, the Court conducts video custodial arraignments and domestic violence protective order requests.

Although the scope of the consultants' assignment did not include a comprehensive caseflow management study, they note that some Magistrates expressed concern that the recent increase in the number and intensity of contested domestic violence protective order cases is placing significant strain on the Court's case scheduling system. In response to that concern, the consultants suggest the City Court use the recommended space utilization study as an opportunity to plan improvements in its caseflow management practices. For example, either using an existing courtroom in a different way or creating space for a new type of hearing room, could provide an opportunity to further differentiate and separate the Court's domestic violence caseload from other matters. This is a caseflow management step that has been successful in various other metropolitan jurisdictions.

CONCLUSION

Tucson Municipal Court needs to prepare for the 21st century by planning and building a new court facility. In the meantime, the consultants have recommended low-budget, interim improvements that will relieve current delays in people's entry into the building, reduce the long waiting periods in the Public Services case update and cashiering areas, and optimize traffic flow in the lobby. Some of the recommendations go further to suggest process, organizational, and caseflow management changes that will help the Court achieve its goals.

The consultants wish to thank the Court's Magistrates, management, and other personnel who made time in their busy schedules to contribute their extensive experience and knowledge. It is clear they have the requisite commitment and capabilities to realize the Tucson Municipal Court's potential and, with the above recommended facility and other improvements to assist them, they can achieve it.
APPENDICES

Appendix A: Site Visit Schedule

Appendix B: Name of Interviewees

Appendix C: Photograph of Facility

Appendix D: Final Report of Tucson/City Task Force

Appendix E: Excerpt from the Tucson City Court Annual Report, Fiscal Year 1996/1997 (pages 21-22)
AGENDA

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
SITE VISIT - TUCSON CITY COURT

June 25-26, 1998

Technical Assistance:
Esther Bauman
Shavonne Cassidy
Lawrence Siegel

Thursday, June 25, 1998

9:30-10:00 a.m. Introductions - City Court Judicial Library
10:00-Noon Tour of the City Court facility - Maryanne Battock
12:00-1:30 p.m. LUNCH - Judge Pollard and Judge Anderson
1:30-3:00 p.m. Tour of the City Court Facility-Maryanne Battock (continued)
3:00-4:00 p.m. Public Services: Observation & Discussion - Sue Reyes
4:00-5:00 p.m. Meeting with Court Administrator-Marty Hesla

Friday, June 26, 1998

8:30 - 9:30 a.m. FACTSTM Meeting -
Jessie Sanders, Manager, City IT Department
Hon. Michael Pollard, Associate Presiding Magistrate
Marty Hesla, Court Administrator
David Rabenda, City Court IT Manager

9:30-10:30 p.m. Facility - Ron Ballard, City Facility Design & Management
10:30-11:00 p.m. Case Management: Observation & Discussion-Patrick McGrath
11:00-Noon Observation of Court Room Sessions
12:00 - 1:30 p.m. LUNCH - Court Managers
1:30 - 3:30 p.m. Sentence Enforcement: Observation & Discussion -Jack Schwartz
(Larry Siegel and Shavonne Cassidy)
1:30 - 3:30 p.m. Public Services: Observation & Discussion - Becky Williams
(Esther Bauman)
3:30 -5:30 p.m. Meeting with Court Administrator Marty Hesla and Judge Michael Pollard
Appendix B

**Tucson City Court Interviewees**

Matha Hesla, Court Administrator

Honorable Michael Pollard, Associate Presiding Magistrate

Judge George Anderson, Special Magistrate

Maryanne Battock, Administrative Assistant

Sue Reyes, Manager Public Services

Patrick McGrath, Manager Case Management

Jack Schwartz, Sentence Enforcement

Becky Williams, Manager Court Services

Eunice Stroud, Manager Judicial Services

Ron Ballard, Operations Administrator Facilities Design

David N. Goff, Architect
Appendix C
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TUCSON CITY/COURT TASK FORCE
FINAL REPORT

To maintain a City Court serving our community in a fair, responsive, efficient, innovative and professional manner conforming to the highest standards of civil and criminal justice.

Tucson City Court Vision Statement created by City/Court Task Force

SECTION I. Introduction

In August 1993, the City Manager and the Presiding Judge of the Superior Court entered into a Memorandum of Understanding that provided for the creation of a City/Court Task Force to assist in the cooperative review of issues affecting City Court. The Task Force would study issues and make policy recommendations to the Mayor and Council, after which City staff would develop an implementation plan for approved recommendations.

The participants in the Task Force, listed in Attachment 1, included representatives from the banking profession, academia, criminal justice system (Superior Court, City Court, Police Department, Pima County Jail, Public Defender, Justice Court, Phoenix Municipal Court, and private attorneys who practice in City Court), the City Magistrates’ Merit Selection Commission, the City Manager’s Office, City Attorney’s Office, and Budget and Research Department.

The Task Force’s Scope of Work included developing:
- a definition of a successful court operation,
- standards of excellence that should be sought in City Court,
- strategies to attain the ideal court operation, and
- measures to show what progress is being made toward attaining the ideal.
The makeup of the Task Force, with members representing the financial operations at Phoenix City Court and the banking industry, emphasizes the importance of revenue/financial issues to the Task Force and the Court.

The Task Force had its introductory meeting on October 24, 1995, followed by thirteen additional meetings. After receiving an initial orientation, the Task Force developed a vision statement for the Courts (stated at the beginning of this section). The Task Force also developed a list of principles of operation, provided below, that reflect values that the Task Force believes are critical to the successful operation of the Court.

**Principles of Operation**

- Provide a forum to resolve disputes fairly
- Provide mechanisms to enforce judicial orders
- Efficiently manage the Court's business
- Apply laws and protect individual rights in a fair and equitable manner
- Treat all persons with dignity and respect
- Attract and appoint judges who embody the highest standards of the legal profession
- Provide education and information to the community on the functioning and operation of the Court system

As provided in the Scope of Work, the Task Force focused on developing a set of measures of core court functions to help define a successful court, and to measure improvement toward the ideal court. The Task Force created a Mission Statement to reflect this purpose:

*Understand, discuss, articulate, and recommend standards of measurement of core court functions.*
In addition to recommending core measures, the Task Force made recommendations regarding communications between the Court and City officials, as this was identified as a problem area (see Section III). Section IV discusses the factors that promote quality judicial decisions in City Court. Finally, Section V lists topics that were briefly discussed by the Task Force that may merit further study by staff. Those topics pertain to public service issues, judicial issues, and workload analysis and reporting.
SECTION II. Core Court Measures

"If you don't measure results, you can't tell success from failure."
Reinventing Government, David Osborne, Ted Gaebler

This section provides a variety of indices of Court performance. It is intended that these measures be incorporated into the City Manager's departmental performance reporting system, and that performance reports be provided to the Mayor and Council and the Presiding Judge of the Superior Court, as well as to the City Manager.

1. Public Services

Background: City Court provides a variety of services for the convenience and safety of the public. Such services include information on laws and procedures, special needs, self-help forms, referral to human service agencies, collection of restitution, victim rights information, and motor vehicle department-related documents and services. An information booth is provided on the first floor, staffed with volunteers, to provide assistance and directions to visitors to the Court. Over 100,000 citizens come to the walk-up counters at the Court each year, and 58,000 citizens call for information. The core measures, below, are intended to address waiting time issues and general satisfaction with Court services.

Recommendations:

1. Develop a system to survey customer satisfaction of users of City Court, and achieve a satisfaction rating of 75% or better in customer service surveys, by January 1, 1998. (The current customer satisfaction level is not known.)

2. Provide public counter service to citizens within 30 minutes of arrival time.

3. Provide service at the Probation Office within 15 minutes of arrival time.

4. Provide service at the Sentence Enforcement Unit within 15 minutes of arrival time.

5. Process requests for orders of protection and harassment injunctions so that the waiting time between completion of forms and conference with a judge is no more than 30 minutes.
2. Timely Adjudication of Cases

Background: City Court receives approximately 200,000 citations per year, of which 65% are civil and 35% are criminal cases. The Rules of Criminal Procedure set speedy criminal trial standards: 120 days when the defendant is in jail, and 150 days when not in jail. The increase in citations over the last ten years has outstripped the population increase. The increase in citations, coupled with the increasing complexity of cases, places further demands on the resources of the Court to hear cases in a timely fashion.

Recommendations:

1. Achieve case disposition times that are consistently better than the State-wide disposition performance reported by the Supreme Court.

2. Monitor, by type of case, the following measures:

   a) Average number of days between filing and trial
   b) Average number of appearances required before disposition
   c) Number and percent of cases disposed in one appearance
   d) Number and percent of cases disposed that do not go to trial
3. Enforcement of Judicial Orders

Background: An urban misdemeanor court is assigned many tasks of felony prevention and social control that are far removed from the days of simple traffic courts. Historically, Tucson police enforcement efforts have addressed rising criminal behavior first, and traffic enforcement second. While traffic cases are revenue enhancing, criminal cases are resource intensive and revenue draining. Recently, local traffic enforcement has been expanded, and there has been an increase in the serious nature of criminal matters brought to City Court. In all cases, the Magistrate's primary role is to assure a fair adjudication. A fine or sanction is imposed with the objective of correcting errant behavior. Magistrates cannot consider the revenue needs of the City when deciding the appropriate penalty for an individual. However, once a fine or sanction is imposed, it is incumbent on all branches of government to see that the penalty is enforced.

Recommendations:

1. Identify the percentage of fine, sanction, and restitution amounts that can reasonably be collected, and review this goal amount each year with the objective of increasing collections.
   - Monitor average fines/sanctions assessed and paid per case type (reference the fine amounts reduced through other means, such as defendant producing proof of insurance or vehicle registration).
   - Monitor assessed and completed community service hours.

2. Track the recidivism rate (as reflected in subsequent convictions in City Court) of offenders supervised by the Probation Program. Compare this rate with the recidivism of non-supervised offenders with like-kind offenses. (Use recidivism information from other courts when available.)

3. Compare total number of outstanding warrants (estimated at 25,000) with the number served annually by (a) City Marshals, (b) TPD Officers, (c) Marshals and Officers working together, and (d) other Court staff.
4. Fiscal Soundness

Background: Fiscal issues focus on both expenditures and cost/benefit analysis of the City Court budget. This area has been a constant source of friction between the Court and other branches of government. The problem is exacerbated by State law, which requires City Court to provide specific services and to collect and distribute to the State Treasurer earmarked percentages of certain fines and surcharges. For example, in FY 1995-1996, while City Court operations cost $6,871,079, the Court collected $7,029,250 in total revenue (an apparent $158,000 "surplus"). However, $2.2 million in revenues had to be sent to the State to comply with surcharge requirements. The State, which does not pay the cost for adjudication and subsequent collection of these sums, is so far unable or unwilling to assume responsibility for paying the costs for local court services, including those services mandated by the State.

Recommendations:

1. Establish an administrative goal to collect 70% of the Courts' operational costs in City-retained fine revenue (this performance level is based on the current State surcharge system, in which all Title 13 drug fines collected, and 59% of other fines collected, are transferred to the State).

2. Prepare a comprehensive fiscal report on a quarterly basis that provides the following information:

   a) Amount of revenue generated by the Courts vs. amount retained by City. (Identify, by category of State fund, the amounts of State surcharges and other fines the Court transfers to the State, and compare against the grants and other financial support provided by these State funds back to the Court and to other City entities.)

   b) Aged reports of outstanding receivables broken down by type of receivable.

   c) Net costs (or savings) of various Court programs, per "user" where appropriate (i.e., program savings minus program costs, divided by number of "users");

      (1) net cost per probationer
      (2) net jail costs avoided per home detainee
      (3) net revenue generated by Sentence Enforcement Unit
      (4) net revenue generated by Marshall Program

(The Task Force recognizes that the acquisition of a new computer system is necessary before information can be developed for many of these measures.)
5. Measures for Comparison with Benchmark Cities

Background: The City of Tucson has established a number of benchmark cities for comparison purposes (Albuquerque, Austin, Colorado Springs, Denver, El Paso, Ft. Worth, Las Vegas, Mesa, Oklahoma City, Phoenix, Portland, Salt Lake City, San Antonio, San Diego, and San Jose). While comparison with the Phoenix and Mesa municipal courts may be most meaningful because of similarities to Tucson City Court, comparisons with the other benchmark communities could provide useful information. Such comparisons should include “per-capita” measures to control for the different populations of the benchmark cities.

Recommendation:

Conduct regular comparisons with benchmark cities on the following measures:

1. Total annual citations received (parking, other civil, criminal, total).
2. Average time to sentencing by type of case.
3. Number and percent of cases appealed, and appellate disposition (# cases upheld vs. overturned).
4. Annual budget, total annual revenue, and amount of revenue transferred to the State or other jurisdiction.
5. Criminal fines assessed, and percent collected.
6. Civil sanctions assessed, and percent collected.
SECTION III. Communicating with City Officials

Background: The task force discovered during its sessions a lack of formal communication links between the City Court on one hand and the Mayor and Council and the City Manager on the other. The absence of such linkages aggravate otherwise cordial relations between the branches of Government. It appears that communication is mid level, ad hoc, and issue related, when the better practice would be high level, timely, and comprehensive.

Recommendations:

1. The Presiding Judge should meet with the City Manager, and also with the Mayor, on an as-needed basis. Both the City Manager and the Mayor and Council should be briefed when a major report or press release will occur.

2. The Council Liaison Position should be filled at all times, and should meet on a monthly basis with the Associate Presiding Magistrate and Court Administrator. The liaison’s designated aide should be copied with major court development documents and policy review materials.

3. The Assistant City Manager designated by the City Manager to cover court and related criminal justice affairs should meet bimonthly with the Court Administrator.

4. The Presiding Judge should provide an annual State of the City Court Report to the Mayor and Council reflecting performance through each fiscal year. Mayor and Council members could request special areas of concern to be covered in the report.
SECTION IV. Quality Judicial Decisions

Background: City Magistrates are subject to a number of internal and external reviews of their performance, as well as opportunities and requirements for ongoing professional training. This section briefly summarizes the processes that promote quality performance by Magistrates.

1. Judicial Performance Evaluations

This is analogous to a judge’s consumer satisfaction survey conducted by the Presiding Judge, who surveys all staff, public and private attorneys, jurors, witnesses, and parties who appear before the judges. The survey information is collected every other year, and presented in a statistical report that shows the performance of each permanent Magistrate and an overall court average. The report is provided to Mayor and Council and becomes public record on file at the City Clerk’s Office. The reports generated during a judge’s term are provided to the Merit Selection Commission at retention hearings every four years.

2. City Magistrates Merit Selection Commission

Prior to a judge’s reappointment date, the Merit Selection Commission conducts its own survey of lawyers and court staff. The Merit Selection Commission sends out a general request and published request to the public for comments on a Magistrate’s performance. The survey includes a peer assessment from each fellow Magistrate. The data gathered is confidential to the Commission, and is used to make its recommendation to the Mayor and Council for retention of a Magistrate.

3. Continuing Judicial Education (COJET Requirements)

Each Magistrate is required to receive 16 hours per year of continuing judicial education, including a portion on ethics. The Administrative Office of the Supreme Court administers the program and monitors compliance. As a practical matter, City Magistrates routinely exceed the minimum hours and are actively involved in teaching assignments to improve other judicial officers. The general statement of responsibility is “Judges should obtain and maintain professional competence through judicial education, spend such time as may reasonably be required to accomplish that purpose, and support and assist other judges who may be attending judicial education programs as participants or faculty, and when reasonably able to do so, teach in judicial or legal education programs.”

As part of COJET, all Magistrates are required to attend the annual State judicial conference designated by the Supreme Court. Participation in other State and national seminars is encouraged. New Magistrates receive two weeks New Judge Orientation training addressing topics such as ethics, opinion writing, and judicial performance.
SECTION IV. Quality Judicial Decisions (continued)


This Commission, created by the Arizona Constitution, is authorized by law to investigate complaints of judicial misconduct. City Magistrates are subject to the jurisdiction of the Commission. Misconduct can include criminal behavior, disability, willful misconduct in office, willful and persistent failure to perform duties, habitual intemperance, violations of the Code of Judicial Conduct, and conduct that brings the judiciary into disrepute.

The Commission has authority to discipline a judge by private admonition or private reprimand. The Commission also has authority to recommend to the Supreme Court the public censure, suspension, removal, or forced retirement of a Magistrate. Complaints are accepted from any source, including the public or fellow Magistrates.

5. Presiding Judge

The Presiding Judge of the Superior Court is the Presiding Judge of the Tucson City Court. The Presiding Judge provides unified leadership to the local judicial community. Important policy issues are reviewed by the Presiding Judge. The Presiding Judge has final administrative responsibility, not only for City Court, but also for the Superior Court of Pima County and the Consolidated Justice Courts of the County. The Presiding Judge is also a source of guidance to individual Magistrates, and the bench as a whole, on legal and ethical issues. The Presiding Judge has delegated day to day administrative authority of the City Court to the Associate Presiding Magistrate of the City Court.

The Presiding Judge meets on a weekly basis with the City Court Administrator and the Associate Presiding Magistrate. The Presiding Judge has the ability to persuade, recommend, and order appropriate conduct and training of individual Magistrates and the bench as a whole. The Presiding Judge is also a source for the confidential and private investigation and resolution of complaints concerning Magistrates that may not reach the level of a CJC complaint or action before the Mayor and Council. The Associate Presiding Magistrate is also a source who receives complaints, and who outlines to complainants their avenues of redress. In this capacity, the Associate Presiding Magistrate can often identify trends and suggest adjustments or recommend educational opportunities to address shortcomings.


The Magistrates as a whole meet once a month to discuss general policy and legal issues with each other, the Court Administrator, and the Presiding Judge. The meetings are an opportunity to build consensus without violence to individual judgment. New administrative policy may be developed, reviewed, explained, and refined.

See Attachment 2 for a 5 year comparison of various judicial activities.
SECTION V. Other Topics Discussed by Task Force

A number of ideas and suggestion were made at Task Force meetings that the Task Force did not evaluate, but which may merit further review by City staff. Those topics are listed below without comment:

Administrative Issues

- The feasibility and benefits of placing all or part of the Court collection function under the auspices of the City Finance Department.
- Before installing a new computer system, conduct an amnesty program for warrants and suspended driver's licenses, to reduce the citation files transferred to the new system.
- Training and certification of probation officers by the State-wide system.
- The feasibility of acquiring a full-time training coordinator position.

Public Service Issues

- Offering a "self-service" center with computer-aided legal research capability.
- Public access by phone to the Court computer system.
- Publishing descriptions of the non-financial benefits of each court area.
- Offering a phone tree for call-in information. (The technology was recently acquired by the Court.)
- An Internet web site for access to Courts Information.
- Regular press releases, Public Service Announcements, presentations on City Cable Channel 12, and other publicity to inform the public on:
  + services available at the Courthouse
  + service improvements
  + common traffic errors and their correction
SECTION V. Other Topics Discussed by Task Force (continued)

Judicial Issues

- The Superior Court conference team model for judicial self improvement, in which a judge discusses, on a confidential basis, the findings of his/her judicial performance survey with a peer judge, a member of the bar, and a private citizen.

- A Court-wide and individual Magistrate statistical performance report that can be used by the Magistrate for self-improvement and by the Magistrate Merit Selection Commission in assessing Magistrates' timely adjudication of assigned cases.

- The feasibility of achieving equity in compensation between City Magistrates and Justices of the Peace.

Workload Analysis and Reporting

- Understand the workload of citations as they progress through the Court by analyzing citation dispositions at different periods from the date of citation.

- Compare citation volume by the number of regular Magistrates and limited Magistrates (the two limited Magistrates, who are non-attorneys, handle civil code violations).

- Develop a model for measuring current capacity and the impact of subsequent fluctuations in workload. The model could include impact measures that illustrate the non-monetary costs of exceeding capacity. An example would be the impact on waiting times of a percentage growth in civil citations issued.
## Task Force Participants

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Captain John Alese</td>
<td>Administrative Commander</td>
<td>Pima County Jail</td>
</tr>
<tr>
<td>Tom Bering</td>
<td>City Attorney</td>
<td></td>
</tr>
<tr>
<td>Laura Brynwood</td>
<td>Principal Assistant City Attorney</td>
<td></td>
</tr>
<tr>
<td>Barbara Candito</td>
<td>City Magistrate Merit Selection Commission</td>
<td></td>
</tr>
<tr>
<td>Penelope Culbrath-Graft</td>
<td>Assistant City Manager</td>
<td></td>
</tr>
<tr>
<td>Charles P. Davies</td>
<td>Public Defender</td>
<td></td>
</tr>
<tr>
<td>Julie Edmonds-Mares</td>
<td>City Manager's Office</td>
<td></td>
</tr>
<tr>
<td>Hector Estrada, Esq.</td>
<td>Escrada and Leon, PC</td>
<td></td>
</tr>
<tr>
<td>Raphael Gallego, Esq.</td>
<td>Hollingsworth and Gallego, PC</td>
<td></td>
</tr>
<tr>
<td>The Honorable Emojean Girard</td>
<td>Presiding Judge</td>
<td>Pima County Justice Court</td>
</tr>
<tr>
<td>Michael Hard</td>
<td>Executive Officer</td>
<td>Bank One</td>
</tr>
<tr>
<td>Mary Hesla</td>
<td>Executive Assistant to the Superior Court</td>
<td>Presiding Judge</td>
</tr>
<tr>
<td>Randy Kitchen</td>
<td>City Court Administrator</td>
<td></td>
</tr>
<tr>
<td>Captain John Leavin</td>
<td>Tucson Police Department</td>
<td></td>
</tr>
<tr>
<td>Lieutenant Tom McNally</td>
<td>Tucson Police Department</td>
<td></td>
</tr>
<tr>
<td>Liz Miller</td>
<td>Assistant City Manager</td>
<td></td>
</tr>
<tr>
<td>Ester Reeves</td>
<td>Court Controller</td>
<td>Phoenix Municipal Court</td>
</tr>
<tr>
<td>Dr. Tanis Salant</td>
<td>Office of Government Programs</td>
<td>University of Arizona</td>
</tr>
<tr>
<td>The Honorable K. C. Stanford</td>
<td>Associate Presiding City Court Magistrate</td>
<td></td>
</tr>
<tr>
<td>John Thomas</td>
<td>Department of Budget and Research</td>
<td></td>
</tr>
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# Tucson City Court Five Year Judicial Activity Comparison

<table>
<thead>
<tr>
<th></th>
<th>91/92</th>
<th>92/93</th>
<th>93/94</th>
<th>94/95</th>
<th>95/96</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bench Trials</td>
<td>873</td>
<td>1,091</td>
<td>965</td>
<td>780</td>
<td>871</td>
</tr>
<tr>
<td>Jury Trials</td>
<td>149</td>
<td>209</td>
<td>157</td>
<td>134</td>
<td>140</td>
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<tr>
<td>Civil Traffic Hearings</td>
<td>2,429</td>
<td>2,654</td>
<td>2,272</td>
<td>1,876</td>
<td>2,486</td>
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<tr>
<td>Protective Order Hearings</td>
<td>705</td>
<td>825</td>
<td>753</td>
<td>934</td>
<td>958</td>
</tr>
</tbody>
</table>
## COURT STATISTICAL SURVEY

**NAME OF COURT:** Tucson City Court

**TOTAL BUDGET:**
- 96/97: $7,845,440
- 97/98: $7,785,540

**GRANT-FUNDED PORTION OF TOTAL BUDGET:**
- 96/97: $103,800
- 97/98: $105,450

**TOTAL REVENUE COLLECTED**
- 95/96: $7,029,250
- 96/97: $7,800,236

**REVENUE COLLECTED FOR CITY GENERAL FUND**
- 95/96: $4,832,866
- 96/97: $5,423,131

**ARE JUDGES ELECTED?** ✗
**OR APPOINTED?**

**JUDICIAL SALARY:**
- 96/97: $55,000
- 97/98: $67,500

**NUMBER OF FULL TIME JUDGES:**
- 96/97: 12
- 97/98: 12

**DO YOU USE ADDITIONAL PART-TIME (PRO TEM) JUDGES?** YES ✗ NO

**IF YES, WHAT IS THE AVERAGE FULL-TIME EQUIVALENT USAGE?** 3 PER DAY

**HOW ARE PART-TIME JUDGES PAID?** $90 PER HALF-DAY SESSION

**NUMBER OF FULL-TIME EQUIVALENT SUPPORT EMPLOYEES?**
- 96/97: 123.5
- 97/98: 123.5
### COURT STATISTICAL SURVEY

<table>
<thead>
<tr>
<th>Name of Court:</th>
<th>Phoenix Municipal Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Budget:</td>
<td>96/97 $23,253,873 97/98 $23,818,744</td>
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<tr>
<td>Grant-funded portion of total budget:</td>
<td>96/97 $444,651 97/98 $234,513</td>
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<tr>
<td>Total Revenue Collected:</td>
<td>95/96 $24,479,859 96/97 $25,837,042</td>
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<tr>
<td>Revenue collected for city general fund:</td>
<td>95/96 $14,301,476 96/97 $15,094,000</td>
</tr>
<tr>
<td>Are judges elected?</td>
<td>OR APPOINTED? X</td>
</tr>
<tr>
<td>Judicial Salary:</td>
<td>96/97 $89,973 97/98 $95,602</td>
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<tr>
<td>Number of full-time judges:</td>
<td>96/97 22 97/98 22</td>
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<tr>
<td>Do you use additional part-time (pro tem) judges?</td>
<td>YES X NO</td>
</tr>
<tr>
<td>If yes, what is the average full-time equivalent usage?</td>
<td>9.39 FTE BUDGETED</td>
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<tr>
<td>How are part-time judges paid?</td>
<td>$44.84 hourly, no benefits</td>
</tr>
<tr>
<td>Number of full-time equivalent support employees:</td>
<td>96/97 309 97/98 309</td>
</tr>
<tr>
<td>Does not include temporary positions</td>
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</tbody>
</table>