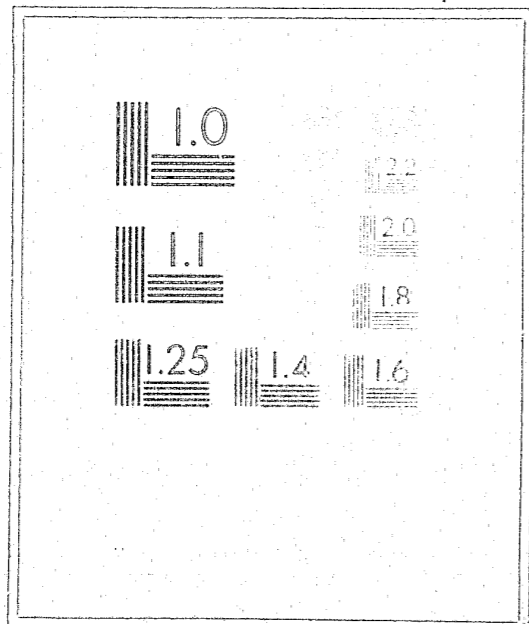


157
9

NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

6/27/77

Microfilm

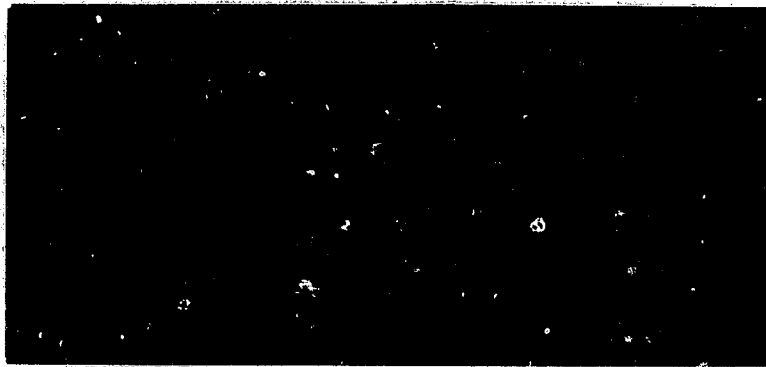
39793

AN ANALYSIS OF THE OPERATIONS
OF THE CLERK'S OFFICE OF THE
BARBERTON, OHIO, MUNICIPAL COURT



THE AMERICAN UNIVERSITY
CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
Institute for Advanced Studies in Justice
The American University Law School
Washington, D.C.

A Program of the
Office of Regional Operations
(Adjudication Division)
Law Enforcement Assistance Administration
U.S. Department of Justice



AN ANALYSIS OF THE OPERATIONS
OF THE CLERK'S OFFICE OF THE
BARBERTON, OHIO, MUNICIPAL COURT

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT

Joseph A. Trotter, Jr., Director
Caroline S. Cooper, Deputy Director
R. William Linden, Jr., Technical Assistance Specialist
Kathy Bradt, Administrative/Research Assistant
Lucia Mencla, Secretary
Susan Ellis, Secretary

Project Advisory Board

Nicholas N. Klittrie, Law School
Richard A. Myren, Center for the Administration of Justice
David J. Saarl, Center for the Administration of Justice
Elliott S. Milstein, Law School

INSTITUTE FOR ADVANCED STUDIES IN JUSTICE

Nicholas N. Klittrie, Institute Director
Joseph A. Trotter, Jr., Associate Director
David J. Saarl, Associate Director
B.J. Tennery, Associate Director (On Leave)
Fran Lazerow, Assistant Director for Research

David E. Aaronson & C. Thomas Dienes, Co-principal Investigators
The Impact of Decriminalization on the Intake Process for Public Inebriates

H.H.A. Cooper, Staff Director
National Advisory Committee Task Force on Disorders and Terrorism

Jerry V. Wilson, Project Director
War on Crime in the District of Columbia 1955-1975

Michael Rudolph, Project Director
Assessment on the Critical Issues in Adult Probation Services

THE AMERICAN UNIVERSITY

Joseph J. Sisco, President
Richard Berendzen, Provost
Gordon A. Christenson, Dean, Law School

Consultant:

Lawrence P. Polansky

NCJRS

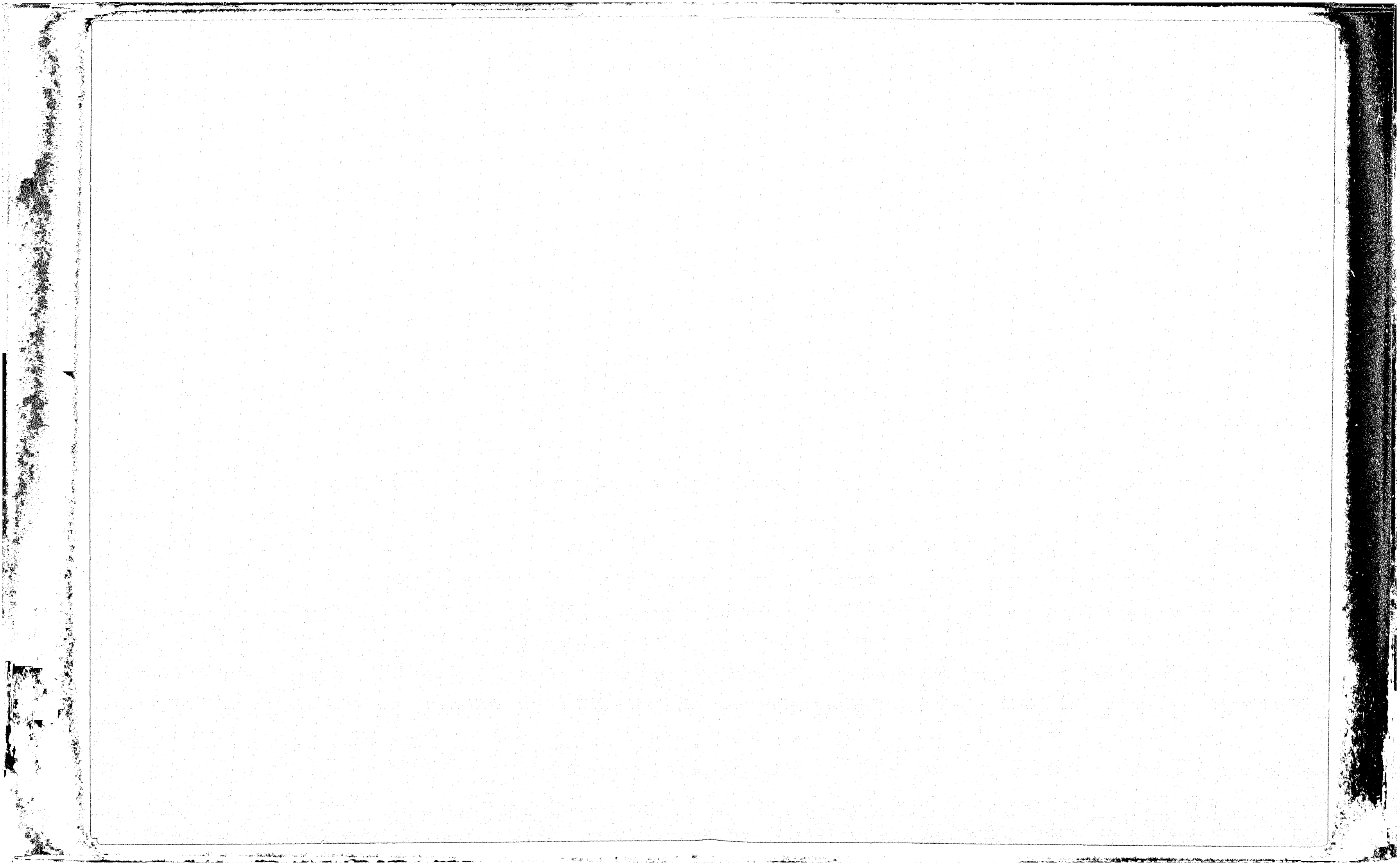
MAR 8 1977

August, 1974

ACQUISITIONS

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
The American University Law School
2139 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Law Enforcement Assistance Administration Contract Number: J-LEAA-043-72



I. INTRODUCTION

A. Statement of the Problem

The Barberton Municipal Court is a Two Judge Court with a small compact Clerk's Office responsible for all clerical and financial activity of the court. The operation is housed in one small room in the corner of the Municipal Building and the clerical system in operation has not been objectively reviewed for many years.

A self appraisal by the presiding Judge led to a request for an evaluation by The American University Criminal Courts Technical Assistance Project.

The presiding Judge considered the present paper flow of criminal and traffic cases to be antiquated, and requested assistance and recommendations regarding personnel, recording and filing equipment, and called for an analysis that would provide a basis for improvement and modernization in his court.

B. Purpose of the Consultancy

With the above ends in mind and with the assistance

of LEAA Summit County Regional Office Courts Planner, Randolph Baxter, the aid of The American University Technical Assistance Program was solicited, and arrangements were made for a short site visit by Mr. Lawrence P. Polansky, Chief Deputy Court Administrator for the Philadelphia Court of Common Pleas.

The purpose of the consulting visit was to review in some detail the operation of the office and make recommendations for improvement wherever appropriate and possible. Further effort was indicated in the area of consideration of the effect of the proposed consolidation of Municipal and Common Pleas Courts as well as the mandated implementation of the individual calendar by January 1, 1975.

C. Methodology

The basic approach utilized by the consultant on this project was to review in some detail the organization of the office and the function(s) of each employee and/or unit within the Clerk's office.

Each employee was interviewed and an attempt was made to have each describe his function and identify his responsibility and capability to perform more than one office function.

Particular attention was directed toward identifying duplicative or unnecessary functions.

Filings, docket books, indices and cash receipt and disbursement books, and file room areas and procedures were all directly observed.

The study was performed in an atmosphere of total cooperation without a single exception, each person contacted had a positive attitude toward the operation of the office and the purposes of the study. Special appreciation must be voiced for the extensive time, assistance and direction afforded by Judge Judge and Mrs. Donna Butler, who were both extremely knowledgeable of the operation, gave generously of their time and paved the way for a very productive one day visit.

II. Analysis of the Existing Situation

A. General

The Barberton Municipal Court is responsible for all traffic and misdemeanor activity, preliminary hearings for felonies, limited civil jurisdiction and trusteeships.

There were 12 full time and part-time employees in the Clerk's Office. Two of the employees were summer help from the Neighborhood Youth Corp who could assist only with very basic filing and other clerical duties and two others were permanent part-time employees who worked 3 or fewer days each week.

The office area was crowded, fairly neat on the surface, but files on closer analysis were not fully accessible or in perfect order.

Office hours were 8 A.M. to 4:30 P.M. with a $\frac{1}{2}$ day of service provided on Saturday as well with Compensatory time provided for those who are needed for the Saturday morning shift.

There was no formal procedural manual nor any formal description of the duties of the individual employees.

B. Specifics

(1) Assignment of Cases

One employee acts as assignment commissioner and Chief Deputy Clerk. She is responsible for: the assignment of all cases; State Control Data for reporting; distributing revenues for criminal/traffic activity; issuing subpoenas for all criminal cases; and getting all cases ready for court.

The employee in this position was familiar with most activities in the office and seemed quite capable of performing the duties of the other personnel but apparently is not called upon to do this frequently.

(2) Civil Work

Two employees operate this unit and share many but not all of the tasks which include: accepting all original filings; accepting all subsequent filings;

preparing docket sheets and jackets; maintaining indices; posting all entries to the dockets; accepting fees and preparing receipts; time stamping all filings; issuing summons; disbursing funds; storing and transcribing court activity audio belts (on request) and transcribing audio-belts containing judicial correspondence.

One of the two employees is responsible for taking care of the counter when a civil client enters the office for service.

(3) Criminal Unit

Two employees operate this unit but apparently share very few of the duties and are not flexibly interchangeable.

One employee is responsible for keeping track of all persons in jail; accepting bond money; initiating file jackets; case numbering; docket sheet preparation; indexing; preparing reports; "Bond Mail" (process of accepting bail and then forfeiting same on non-appearance for traffic violations - driver's license is confiscated and when bond money is received the license is mailed back to the offender or the auto club if they put up the bond); typing disposition information onto the docket; and preparing commitment papers.

The second employee makes up bindovers; takes counter payments; types dispositions onto docket; prepares reports to Motor Vehicle Bureau; handles all criminal counter work;

follows up on payments to be made (fines, fees, restitution); takes affidavits from private citizens filing criminal complaints (receives \$8 filing fee and swears complainant); maintains bench warrant file; records forfeiture of 10% bonds; notifies drivers of suspensions with exceptions; notifies attorneys of appointment on a misdemeanor case and the Presiding Judge in Akron of the need for appointment in felonies and, when time is available, prepares notices to defendants who don't pay on time that they must come in and pay or else".

(4) Counter Assistant

The only male employee works a 2½ day week (½ day Saturday) and accepts payments at the counter, does indexing and filing and occasionally acts as bailiff for one of the judges.

(5) Parking Tickets

One employee handles only parking ticket activity. She is responsible for recording all tickets on a card file maintained by license number (a distinction is made between meter violations and other parking offenses); sending notices on overdue tickets; preparing contested tickets for court; maintaining parking cash book; handling mail payments; occasionally prepares a list of licenses of autos towed because of excessive accumulated unpaid tickets; and occasionally reviews unpaid items and follows up when time permits.

(6) Trusteeships

One employee (part-time) devotes her time to the handling of the voluntary trusteeship accounts. The job requires (at "filing") a list of all debts which is sworn to by the debtor. A journal sheet is prepared for each person and a notice is sent to every creditor, named by the debtor, asking for a verification of the amount of the debt and inquiring whether the creditor wishes to participate in the trusteeship. The debtor is required to voluntarily bring in his paycheck and deposit with the clerk $17\frac{1}{2}\%$ of the gross less taxes. Every 3 months the accumulated monies are distributed to creditors in proportion to their share of the original debt. If a debtor misses paying for 30 days, he is dropped. If he misses one payment, he cannot pay the next unless he pays both. A \$6 filing fee is charged and the account is assessed 2% when the quarterly distribution is made (an additional \$.10 is assessed for every creditor over 10). There were approximately 55 active accounts at the time of this review.

(7) Management -

The Clerk of Court is responsible for the supervision of the operation of the entire unit and, in fact, performs the tasks of absent employees when necessary.

In addition she is responsible for all bankings, cash receipt and disbursement books; maintaining all bank accounts; balancing all bank statements; writing all trusteeship checks; all purchasing for the office and all bill paying and keeping track of all employee time.

(8) Filing System

The files are generally the responsibility of all employees, each unit having more interest in the area of its responsibility. No one is directly responsible for all files, except, of course, the Clerk.

Generally, the disposed files were in poor order being located in counter shelves or drawers, the vault, a nearby storeroom area and an attic storeroom area called the penthouse.

Older disposed records were microfilmed up to 1967 but no filming has been done since that time.

Active records are filed in a great number of places (including the desk drawers of several of the employees).

No dockets have ever been microfilmed and there are 44 years worth in the building.

III. Recommendations

A. General

(1) There appeared to be an over-emphasis on job specialization within the Clerk's office. Each person worked in a specific unit and in most cases had specific duties that another person in the sub-unit did not perform.

Some of the employees who had many years of experience in the office obviously could (and did) perform duties in other units when necessary but generally there was not enough flexibility in staff assignment.

In light of that, I recommend that: (1) all employees begin to learn more about each others tasks; that a book of standard procedures, fully describing the duties and tasks involved in each task be prepared and made available to all

existing staff as well as being provided to all new employees; that employees be utilized for functions which cross the present "section" lines. (For example, counter work should be assigned to one person who would handle all counter activity no matter what the subject matter.)

(2) Every employee should fill out a detailed report on his individual duties and responsibilities to provide the documentation for the procedures manual suggested above.

(3) The use of compensatory time as compensation should be reviewed in light of recent federal action which may require time and a half cash payment for such work.

The office hours might also be re-evaluated to see whether better service (and public relations) would result from staying open beyond 4:30, to perhaps 6 or 7 P.M. to accomodate working persons who can't accomodate the 8 - 4:30 schedule.

I further suggest the use of American University Technical Assistance or the aid of area graduate schools of business or public administration to provide the necessary expertise to develop the documentation of the operation.

B. Specifics

(1) Assignment of Cases

The pending implementation of the individual calendaring system calls for immediate attention. The problems with scheduling which can be expected suggest consideration that an employee outside of the Clerk's office be assigned the responsibility for scheduling and concurrently keeping track of the calendar for both judges and the utilization of the courtroom and council chamber.

(2) Civil Unit

No specific recommendations but see general recommendations re: job flexibility and counter operation.

(3) Criminal Unit

Again the comment re: job flexibility and counter operation is appropriate.

I noted that \$.75 per certified mailing was required for the return of driver's licenses but apparently no special fee was assessed for this service.

Some thought should be given to the advisability of following-up on the 90% portion of bail forfeitures. It was ascertained that this was done when professional bondsmen provided the bail service and might very clearly be called for on an individual basis under the new system.

A formal procedure must be set up and followed for following up on fines and restitution orders. It appeared that this effort was only undertaken when "time was available"

(4) Counter Assistant

See general recommendations (1).

(5) Parking Tickets

See General recommendations (1) and (2)

The filing system in this area seems to call for a special effort (or perhaps a redesign). It appeared that all active files were contained in the employee's desk and did not appear to be maintained in a fashion conducive to good control of all activity..

(6) Trusteeships

Unless required to perform this function by law, I would recommend the elimination of this costly and time consuming process from the Clerk's Office operation.

(7) Management

No recommendations. Position calls for supervisor who can assure that all work is done and can fill in if employee is absent. This is being done well at the present time.

(8) Filing System

Filing should be centralized in the office with all active files being located in one location.

Perhaps a relatively inexpensive automated rotary filing unit could be purchased to provide a central and accessible location.

Disposed files must be microfilmed and destroyed. The vault, adjacent room and penthouse have to be cleared of the accumulated mess and then filming should take place as close to disposition as possible on a regular basis. I recommend either the purchase of a microfilming unit for the City of Barberton or that a contract for annual microfilm services be provided for each year in the courts budget.

Old dockets should also be filmed and destroyed as soon as possible and the basic historic file unit of the court must be a microfilm cabinet near the counter area.

IV. Summary

The Barberton Municipal Court Clerk's office is an efficient and compact operation which I feel could benefit greatly from a decrease in individual employee specialization and an assignment of duties by general function rather than section of court activity.

Excellent improvement in space and efficient file retrieval would be obtained from investing relatively small amounts in an automated rotary file and some microfilming work.

END

7. 11. 1941