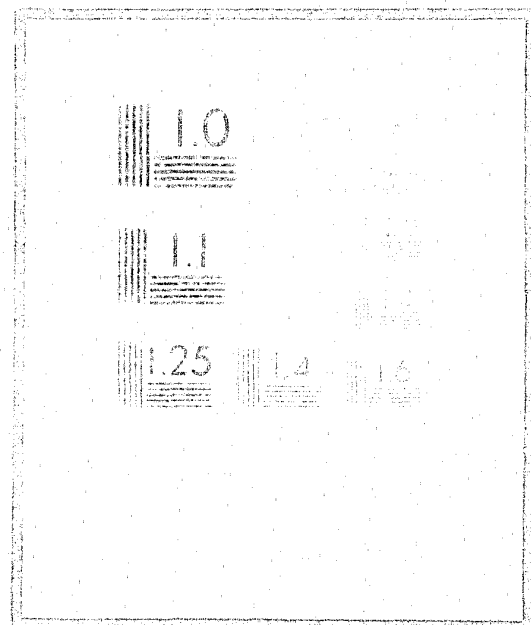


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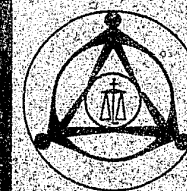
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REVIEW OF PLANNING AND PROGRESS
FOR COURTS AND PROBATION DEPARTMENTS
AND HOW TO IMPROVE THEM
IN THE FEDERAL AND STATE COURTS

39834



THE AMERICAN UNIVERSITY

Criminal Courts Technical Assistance Project
Institute for Studies in Justice and Social Behavior
The American University Law School
Washington, D.C.

REVIEW OF PLANNING AND PROCEDURES
FOR CONVERSION TO INDIVIDUAL DOCKET
AND FOR COMPUTER SYSTEM DEVELOPMENT
IN THE AKRON, OHIO MUNICIPAL COURT

October 1974

CONSULTANT:

Eldridge Adams

NCJRS

MAR 8 1977

ACQUISITIONS

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NOTICE TO THE READER

There is a September 30, 1974 contract deadline for completion of all technical assistance assignments conducted under the auspices of The American University Criminal Courts Technical Assistance Project. Consequently, assignment reports received after August 20, 1974, cannot be edited by the project staff prior to their transmittal to the client agencies, as is our usual procedure. The present report is one of those for which our time schedule did not permit editing. We apologize for any inconvenience this may cause.

Joseph A. Trotter, Jr.
Director
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Assistance Project

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I. INTRODUCTION

The Akron, Ohio Municipal Court is required to convert to an individual docket system by January 1, 1975. Since an application for federal funding to conduct a computer system study had been denied, the court Executive Officer, Robert A. Mossing, requested outside review, comment and suggestions from LEAA's Criminal Courts Technical Assistance Project at the American University. Mr. Eldridge Adams, a specialist in court calendaring and automation, was assigned to assist Mr. Mossing and visited the Court during the period of August 27 through 30, 1974.

During this site work, Mr. Adams reviewed available documentation, observed clerical procedures, met with the judges and the City's Director of Finance, and discussed the plans, procedures, and alternatives with Mr. Mossing and others of the non-judicial staff. All on-site work, except the documentation review, was done in concert with Mr. Mossing.

Rather than diagnosing management problems and submitting recommendations to the judges, the focus of this consultation was upon reviewing plans and procedures for converting to the new docket system and for increasing the efficiency in processing information.

II. ANALYSIS OF THE EXISTING SITUATION

A. JURISDICTION AND SIZE

Municipal Courts are one of several alternative courts of limited jurisdiction provided for by Ohio law.

Summit County has three municipal courts: one each in Akron, Barberton, and Cuyahoga Falls. These courts have jurisdiction over civil cases where damages involve \$10,000 or less and final jurisdiction of misdemeanor criminal cases involve imprisonment for one year or less. Initial appearances and preliminary hearings for felony cases are held in these courts to determine probable cause to bind a case over to the Summit County Grand Jury. All three municipal courts have jurisdictions which extend beyond the immediate boundaries of their municipalities.

In 1973, the Akron Municipal Court disposed of approximately 83,000 cases of which some 60,000 were traffic cases. Total fines and costs were over \$1.5 million in 1973. The court has five judges, a full-time referee in Traffic Arraignments, and a visiting judge in the summer. Besides the office of the Clerk, who is elected, there are 30 other personnel, who report to the Executive Officer. The court is housed on the top three floors of the Akron City-County Safety building. The Court's 1973 expenditures were about \$900,000.

Akron is the rubber capital of the world and its population is over 500,000 (projected at over 600,000 by 1980). The city is about an hour's drive from downtown Cleveland.

The good points of this court need to be noted at the outset. The capability and dedication of all personnel is outstanding, as is the cooperation among them. The facilities were of good appearance. The clerk's office is open 24 hours a day, 7 days a week. All personnel - judges and staff - were concerned, thoughtful, and open to suggestions and a fresh point of view. Morale is high.

The situation in the court, as it pertained to this consultation, can be summarized as follows:

1. The Ohio Supreme Court, after consultation with the Municipal Courts of the state, has mandated an individual docket for Municipal Courts.
2. The Akron Municipal Court had submitted a grant application for computer system development, but has been informed verbally that no funding was available.

To obtain comments and suggestions on their plans relative to these two topics were the chief purposes of requesting this consultation. Accordingly, the next two sections of this report discuss the status and plans for docket changeover and computerization.

This report is, of course, not a general treatise on docketing or computerization; it covers those points needing emphasis for this court. Notes were taken on-site indicating points needing emphasis and these emphases are reflected in this report.

B. DOCKET CHANGEOVER

The Court started planning for the required conversion to an individual docket well in advance of the effective date of January 1, 1975; planning started early in 1974. Indeed, it is their plan to commence operation under the new system in September so that the procedure will be well "shaken down" by the end of the year. These plans were well thought out and proceeding very well. Indeed, there appears to be little need for outside help here: For example, the Executive Officer had prepared a 28 page analysis of six alternative methods under the individual docket. Each of these methods differs from the others in the number and types of dockets and in the way the schedules of the individual judges are arranged. The alternative selected is one using weekly rotation and three dockets:

Docket A: Felony Court and Misdemeanor Lock-Ups

Docket B: Misdemeanor Arraignments and Evictions

Docket C: Misdemeanors, except Arraignments Civil, including
Small Claims, Contested Traffic.

In other words, the Court has adopted a sound approach by first establishing and documenting alternatives and, second, selecting the optimum alternative.

They have designed new forms and are going to install a new phone system to coordinate assignment of cases.

One interesting feature in this Court is the existence of a black-board for each judge, which lists the type of cases he is handling that day. In this way, a member of the public can see quickly where his or her case is being tried.

One of the problems imposed by the change to an individual docket is that procedures must be devised for the preparation of the required reports.

Accordingly, Mr. Mossing has conducted an analysis of the clerical procedures to see what new procedures are needed to prepare the new reports. Fortunately, the Clerk's Office keeps a detailed accounting-journal for criminal and traffic cases, with entries for all cash transactions made to date of sentence, for all transactions made subsequent to sentence, and even for cases where no cash is involved. In accordance with accounting procedures, these entries are independently checked. Thus, this journal provides a very accurate way of counting cases with a certain status. Although only cases of a certain type are reflected in this journal, there is also a journal for parking cases. The significant point is that the court is analyzing the reporting needs and seeking a procedure that both exploits existing procedures and is accurate.

The basic document for a criminal, traffic, or parking case is the ticket. Even when a police officer has not issued a ticket in the field, one is made out on arrest. Practically every case has a ticket associated with it. The tickets are used to prepare Court Appearance Dockets and generally used to schedule appearances and trials.

There are problems with the individual docket that should be anticipated. Jury trials need to be coordinated to achieve efficiency in the calling of jurors. Two judges may schedule an appearance or depend on the appearance of the same attorney at the same time. A case may not be ready even if a judge is available. Special abilities of a judge cannot be assured for a case that requires it (less important in courts with this type of jurisdiction perhaps). Since all judges do not render effective justice at the same rate, the deliberate judge will be penalized. In jurisdictions where there is no transfer rule, if a judge gets a protracted case his other cases will also be delayed. In Akron, the court plans to reassign cases so that multiple defendants will be tried together or so that cases involving one defendant will be tried together.

In general, the question of individual calendar for a municipal court, is a trade-off between the advantages of master calendar for such a court and the effect of change in improving calendaring effectiveness. One objective of the Supreme Court in mandating an individual docket system was to achieve state-wide uniformity in reporting court activity. The Akron Municipal Court has anticipated some of these problems and should make plans to cope with all of them. At least the disadvantages of an individual docket, should be recognized lest expectations be unnecessarily violated by the realities.

C. COMPUTERIZATION

As discussed above, the Court had submitted a proposal for "process analysis" that had not been rejected on the grounds that funding was not available.

The proposal envisioned two phases. The first would include documentation of the current manual system, analysis of information needs, survey of existing computer centers, and producing a conceptual design of a computer system with a cost benefit analysis. The second phase would include final design of the computer system and a new manual system, design of forms and layouts, and selection of equipment. The project would include analysis of legal procedures, records and paper flow, organizational relationships, and administrative procedures. The proposal was well thought out. For example, the court had taken the precaution of establishing a policy to withdraw at the end of phase one if that was indicated. That is rare foresight. Too many courts commit themselves to computerization, and when analysis indicates they should make major revisions in plans there is too much momentum to do so.

The primary objective of this proposed project was to implement centralized case scheduling (under individual docket). Sub-objectives were to:

1. Provide the presiding judge and the executive officer of each court with a weekly status list of all cases pending and the movement of those cases through the court,
2. Provide the court with a central source of information for all participants in each case including defense counsel and prosecuting attorneys assigned to the case.
3. Provide that the witnesses to criminal, civil or traffic cases be called only when absolutely necessary and when they are called, that the case is actually going forward for disposition on that date.

4. Provide the courts with various reporting ability including reports to the Ohio Supreme Court.

The idea of computers is new to the Court. There is thus a natural tendency to emphasize the device and to want to borrow systems from other courts without sufficient skepticism. There was a tendency to concentrate on the computer rather than on information needs; that is, to worry about method rather than needs. When attention was directed to needs, the major information needs that emerged were scheduling, notification, and reports to the Supreme Court.

There are some sound guidelines for data processing projects. One of these is that a court should have control of the processes used in processing both cases and administrative matters, just as it does with a manual system. It needs to be emphasized that the courts that have made the greatest progress in computerization have had their own staff, and often either had a computer or rented time from a commercial agency. Courts that depend on other government agencies, no matter how marvelous their data processing efforts are, run into a variety of severe problems. One is that the court's priority is seldom seen as high as any other agency. A tax run or payroll for a city or county will always be seen as more important than running a court's calendar. For evidence of this problem in Akron, one need only look to the attitude of the City as expressed to the consultant.

The Court feels that the City's cooperation has been good. However, the city's approach to data processing is purely on the basis of cost. Furthermore, the city gives the court's processing a low priority on the grounds that the Court's budget is low when compared to other agencies. The separation of powers is not recognized. The premise was that the measure of an agency's service to the community was its budget. (It was also acknowledged this was a weak argument but that "you have to start somewhere".) Ira Sharkansky (in The Routines of Politics 1970) calls this the "spending-service cliché". He points out that decision makers have problems that lead them to use this routine: the complexity of the relationships of the actual factors that influence service, lack of data about such factors, a belief that many of these factors cannot be manipulated by public officials, the appeal of money as a common denominator, and popular acceptance of this routine. It is a natural feeling among city and county administrators, but the courts need to educate these administrators if they are to have control over their own processes. No matter how cooperative a programmer may be, if he works for someone else, the programs he produces will not be under the court's control. A court would not have its secretaries working for the public works department. Its programmers, too, should be its own.

There are other data processing guidelines, which are set forth in the literature (see, for example, Adams, Courts and Computers; Shaw and Atkins, Managing Computer System Projects). Some of these seem more important to the Akron Municipal Court at this time. Indeed, they are already planning for change in their docketing processes. They recognize the need for experiment, that mistakes are inevitable in any new process, and that unforeseen change is almost always a part of any developing system. This is no less true of data processing system development. There is a need to plan for changing procedures

and for manual override of computerized procedures. (Customers who correspond about their computerized bills too frequently become keenly aware of this

Since there will be mistakes, there is a need to establish audit procedures. There needs to be routine tests of data accuracy and procedures and staff to make the necessary corrections. The Court should analyze its needs before it jumps to computerization. It should think in terms of data processing needs rather than in terms of acquiring a computer. A court may computerize and satisfy needs for career building forgetting the computer scene. There are also of course legitimate needs. Where the same data is written over and over as cases flow through the system, or where the same data is maintained at several places in the system, computerization should be considered. If data is needed rapidly or the same computational processes are repeated in a high volume operation, computerization should be considered.

When needs are finally established, one should conceive alternative methods of achieving those needs. Beside each there should be listed the costs and benefits of each. Then, the most desirable alternative can be chosen. Before a need for a data item is established, the cost of providing it must be estimated. The consequences of not providing it need to be analyzed, too. The reason for providing it should be documented.

It should be remembered that a computer does nothing alone. Neither does a computer with a program. To accomplish a result, one needs a computer, program, procedures, specifications, and the like. (Some of these can be borrowed from other users, some cannot.) Each court has to decide on its own needs.

In checking out prospective vendors, remember that the Chicago office of a vendor is not the same as the New York office. It is not enough to check on a given company, one must check on the men who will be assigned to your work. At the same time, it is only fair to have clearly in mind the kind of work you want done. Do you want a system to show other people? Are you trying to solve a problem? Are you fighting a political battle and need backing for your views against the views of other agencies? Remember that if your needs are an effective information system a negative reference from someone who wanted political support may not mean too much. Occasionally, the customer himself is at fault when an effort fails, but you cannot reasonably expect him to admit it. In short, there is no royal road to vendor selection. It requires common sense, and paradoxically, both skepticism and trust. The central question is what kind of job will these specific people do for you?

It is important that a court be in close communication with other courts that have faced similar problems. One of the least expensive ways of achieving this is attendance at selected professional meetings by the executive officer and an interested judge. Such meetings include the National Conference of Court Administrative Officers, the National Association of Trial Court Administrators, and the National Association for Court Administration. In regard to computerization, visits to selected sites are a very cost-effective way of finding helpful efficiencies and procedures. Most court administrators are too busy to provide by mail the kind of data that can be gathered in a visit. It is seldom documented, nor do their budgets permit it. Visits to the Washington, D.C. Superior Court are recommended.

III. OTHER OBSERVATIONS

In the course of the on-site analysis other problems were discovered that the Court may wish to study. Although a detailed coverage of them is beyond the scope of this consultation, the court indicated a desire to have such items included in this report. They are simply listed here for whatever action the Court deems necessary.

1. Cash control was rigid, as it should be, as far as the consultant could determine. However, the attitude toward tickets was more casual. For example, prosecutors apparently have access to tickets and take them at their discretion. The Court may wish to have the matter looked into to see if ticket control should be tightened. (However, the situation was not clearly a problem and this does not appear to be a priority item.)
2. Prisoners are sent to court in jail coveralls. This places them at a disadvantage compared to those who are on bail. The judges should ask themselves whether this practice should continue. Admittedly a change here would make problems for the police, but it is the practice in other jurisdictions for prisoners to change to "street" clothing for court appearances.
3. It was reported that a bailiff reads rights to defendants who appear in court. The judges may wish to assign this function to a judicial officer.
4. It was reported that prosecutors schedule pre-trials and set trial dates. Since it is generally accepted that calendaring should be in the hands of the court rather than the prosecutors, the judges may wish to change the current practice.

5. The courtrooms are well appointed down to the floors, which give a barbershop flavor to otherwise dignified surroundings. Carpets are recommended.

6. The consultant sat in one chair in one jury box and that chair was uncomfortable. Someone should check this problem, by generally testing the courtrooms from the point of view of jurors.

IV. SUMMARY AND RECOMMENDATIONS

In summary, this is a forward-moving court that may be expected to correct its own problems given time. Capability, dedication, and cooperation are excellent. Judges and non-judicial personnel are open to suggestions and morale is high. Planning for docket changeover is well thought out and underway. Plans for computerization generally followed accepted system development procedures. Based on these considerations, on-site observations, and relevant background documentation, the following recommendations are made. (The recommendations made here summarize the discussion in the previous sections of this report.)

1. Continue the current approach in planning for the docket changeover. Study the claimed advantages of master docket and the claimed disadvantages of individual docket to help anticipate problems with the individual docket. Continue to look for places where audited counts of cases (by category of case) are made, as sources for the reports to the Supreme Court.
2. In computerization, look to information needs rather than to the computer. Take vigorous steps to ensure that the Court has control of all processes of the Court or of the Clerk's Office. Automating a clerical process, for example, should not remove it from the Court's day-to-day control.

3. Take steps to ensure an adequate travel budget. Restricting this budget unnecessarily can cost the tax payers more in the long run through overlooked techniques and savings discovered by other courts. Visits to courts that have relevant experience can yield information that can be obtained in no other way (whether that be mail, phone, or the like).

END