

To: Guadalupe Town Council

Date: September 3, 2015

From: Lilia Alvarez  
Presiding Judge

Subject: GUADALUPE MUNICIPAL COURT ONE YEAR REPORT:  
ACCOMPLISHMENTS AND GOALS

As Presiding Judge of the Guadalupe Municipal Court, it is an honor to provide a summary of achievements for the first year since my appointment on September 3, 2014.

The Court is committed to performing our duties legally, ethically and with best practices across the board. All judicial employees engage in peak performance and consistent professionalism. Specifically, the Court has a duty to be in compliance with Supreme Court Standards, Requirements for Education Services Committee on Judicial Education and Training (COJET), Minimum Accounting Standards (MAS), Judicial and Judicial Employee Code of Conduct and Constitutional requirements.

#### Establishing a Culture of Excellence and Best Practices

The Court values a culture of excellence and best practices. In order to accomplish this change in Court culture, Guadalupe Municipal Court has collaborated with judges, court administrators and other court staff at the Arizona Supreme Court, Administrative Offices of the Court (AOC), Phoenix Municipal Court, Mesa Municipal Court, Scottsdale Municipal Court, Surprise Municipal Court, Apache Junction Municipal Court, Young Town Municipal Court and Juvenile Division of Superior Court.

### **FIRST YEAR ACCOMPLISHMENTS**

#### **ADMINISTRATION**

The Court had previously submitted a 6-month report on March 13, 2015 and this report expands on those accomplishments. The successes listed in this report have required an average of 40 hours/week from the Presiding Judge, including Fridays and weekends.

- **Courtroom Decorum**

In the past year, the Court has emphasized formal court decorum with self represented litigants and attorneys. Criminal defendants are advised of their rights and understand the impact of a guilty plea.

Judicial employees have been trained on the Court's duty to be a sanctuary for neutrality and understand that all judicial employees are to remain impartial at all times. All defendants, alleged victims and court customers receive the same information on a consistent basis and that only the Judge has the authority to rule on cases.

- Dramatic Increase in Appearance Rate for Court Proceedings

On November 4, 2014 for the first time, Guadalupe Municipal Court experienced 100% attendance by defendants scheduled to appear in Court. Appearance rate since then continues to remain in the range of 85%-100% in a consistent basis. Specifically, the Court has experienced an unprecedented 100% appearance rate on at least six different Court days.

On September 1, 2015, at a Criminal Justice Team Meeting, Prosecutor Jason Eastman stated, "the difference in attendance is unquestionable. It used to be we were lucky if 50% of defendant's showed up for their Pre-trial conferences."

- **Judicial Employees**

The Court has hired and trained 3 new judicial employees The Court culture has changed from the attitude, "We're not a real court" to "We will be the best little court in Arizona."

- COJET: In December 2014 the Court ensured that 100% of Court staff including the Judge was in compliance with COJET requirements. Court support staff is required to attend 16 hours of continuing education annually. To date, Court staff has participated in specialized training sessions to learn court ethics, case processing standards and Microsoft Excel. These trainings help streamline the process for our online Court forms and promote efficiency of Court operations.
- Staff Meetings: The Court currently holds staff meetings twice a week. Staff meeting agendas focus on the implementation of best practice protocols, consistency, and practicums. Court staff provides feedback on redundancy of the business processes. Focusing on the legal requirements for Court operations and not busy work has eliminated redundancy.
- Administrative Orders: The Court has crafted Administrative Orders that provide clear direction to the MCSO with regards to in-custody proceedings, conforming and amending of civil traffic violations, monitoring of diversion programs, collections of delinquent balances on cases and extending the authority to staff for the quashing of warrants for arrest.
- SIMS Contract: The Court discovered a discrepancy with the printer billing cycle through SIMS Business Systems, Inc. The Court discovered that the billing cycle outlined in the contract is quarterly but have been billed monthly since the onset of the

service on November 11, 2012. This discovery resulted in a refund of \$1,372.91. The contract with SIMS is now honored and the Court is billed quarterly.

## RECORDS MANAGEMENT

- **Court Calendar**

In the past, the Court strayed into habit of performing some functions that did not benefit the Court's efficiency. The AOC informed the Court that the way the Court had set up the calendar was only for documenting pre-trial conference dockets for purposes of notifying the prosecutor's office.

To date, the Court has revamped its entire calendar system to ensure that every case deadline is documented and addressed on a daily basis.

- **Records Retention and Disposition**

The Court has revamped the procedure for Records Retention and Disposition pursuant to the Arizona Supreme Court's Records Retention and Disposition Schedule, Adopted by Amended Administrative Order 2008-88, effective November 5, 2008. The revised retention periods have been implemented, and as files are closed, they are classified with a destruction date and boxed accordingly. This process is ongoing.

In addition to establishing the new procedure for cases currently being closed, the Court corrected the destruction dates for a backlog of 3,860 files that had originally been set for destruction based on the start date of the file. The correct procedure must be based upon the date of final adjudication and satisfaction of sanctions for Civil Matters; upon final adjudication and completion of sentence for Criminal Matters; and for Orders of Protection, after expiration of the Order or after denial or dismissal.

On June 5, 2015, the Court shredded 35 boxes of files pursuant to the Arizona Supreme Court's Records Retention and Disposition Schedule.

<b>Year of Eligibility/Destruction Date</b>	<b>Number of Files Boxed for Destruction</b>
December 31, 2009	89
December 31, 2010	224
December 31, 2011	396
December 31, 2012	813
December 31, 2013	307
December 31, 2014	1,044
December 31, 2015	987

- **Arizona Department of Public Safety Disposition Reports**

In reviewing the desk files of the former Court Administration, the Court found 360 Disposition Reports. The vast majority did not have a "Received" date. The oldest "Received" date found was July 10, 2009; the most recent was March 11, 2014. The Court filed all DPS reports to the appropriate case files.

#### CASE MANAGEMENT

- **Case Processing Time Requirements**

Supreme Court Administrative Order 2014-81, Adoption of Arizona Case Processing Time Standards, requires that cases be processed within specific time limits. From January 1, 2015 to August 5, 2015, the Court processed 69 misdemeanor cases, 86 civil traffic cases, and 1 DUI case. Compliance is an ongoing process.

- **Processing Outstanding Bonds**

Arizona Code of Judicial Administration Section 1-401: Minimum Accounting Standards requires that the Court review all pending bonds 90 days or older on a monthly basis. To date, the Court has reviewed all outstanding bonds that are 90 days or older. Compliance is an ongoing process.

- **Review of Un-Adjudicated Criminal Matters**

The Court has pulled and reviewed 349 files dating from 1995 to 2008 with open criminal traffic charges that have not been adjudicated. The Court prepared a list and requested that the Prosecutor review the files. The initial review was completed July 7, 2015. To date 366 files have been fully disposed and updated in the AZTEC system. The Court will continue to annually review criminal files with un-adjudicated matters five years or older. This process is ongoing.

- **Motor Vehicle Division (MVD) Processing of Completed Cases**

The Court noticed that defendants with cases as old as 1984 and with no pending matters could not obtain a driver's license because of suspension codes in past traffic dispositions. The Court now works with the MVD to clear suspension codes for matters which the Court no longer has a file and the Court ensures cases are properly adjudicated in the Court AZTEC system. The Court has 3,602 citations with suspension codes from 1985-2014. To date, the Court has purged 1,025 suspension codes from citations initiated in 1984 to 1995. This process is ongoing.

- **Bond Card/Civil Traffic Fine Schedule**

The Court has completely revised the Court's Bond card and recommended sanction amounts to be in compliance with the Standard Bond Schedule established by the Maricopa County Superior Court.

In May 2015, the Court printed and distributed the pamphlets to the Maricopa Sheriff's Office (MCSO) for dissemination by Officers. The bond card provides accurate and clear information regarding an individual's rights and responsibilities when faced with a civil traffic charge. The bond cards are printed in English and Spanish.

- **Jury Trial Protocol**

The Court has established a jury trial protocol with Superior Court to ensure accurate and efficient delivery of jury summons. To date, Guadalupe Municipal Court also has an agreement with Mesa Municipal Court for holding jury trials due to a current lack of adequate facilities at Guadalupe to hold jury trials.

- **Interpretation Services**

The Court has to comply with Supreme Court Administrative Order 2011-96 for Language Access Planning. Therefore, Guadalupe Municipal Court implemented the use of court interpretation services via a telephonic service through the Arizona Supreme Court at a minimal cost. The Court also purchased a new phone to ensure all parties can hear properly and Court proceedings.

#### AUTOMATION

- **Fill the Gap (FTG) Grant Approval**

On April 28, 2015, Guadalupe Municipal Court received a grant approval for \$5,000 from the Supreme Court to invest in consulting services from Court Executive, Leonard Montanaro. The purpose of this grant is to ensure citizens, victims, litigants, and defendants have access to a fair and swift process for resolving civil or criminal disputes.

- **Judicial Collection Enhancement Fund (JCEF) Grant Approval**

On April 30, 2015, Guadalupe Municipal Court received a grant approval for \$10,000 from the Supreme Court to invest in automation projects that improve case processing. As part of this grant, the Court has been able to implement a court website and online origination of forms.

- Court Management System/Online Forms Implementation: On March 2015, the Court launched its use of online forms. Specifically, on Tuesday, March 3, 2015 the Guadalupe Municipal Court presided over its first docket online. The Court has saved a conservative estimate of \$4,000 by no longer using outdated carbon copy paper forms.
- Court Website: On June 15, 2015, the Court launched its official website. The website is equipped with online payment options, victims' rights information, court forms to assist self represented litigants and content in Spanish for monolingual Spanish speakers. The Court has experienced an increase in Court customer satisfaction and payment from out of state defendants for the convenience of being able to pay fines online. From June 25, 2015- September 3, 2015, fines in the amount of \$3,553.00 have been paid online.
- Video Court: On May 21 2015, the Court launched its use of new video court software. Previously the Court would conduct video Court in chambers; therefore not on the record. Now, the Court conducts arraignments and change of pleas for in custody defendants in the public Court on the record.

## FINANCIAL MANAGEMENT

- **External Triennial Financial Review**

In December 2014, the Court timely hired an external auditor to complete the required External Triennial Financial Review for the Minimum Accounting Standards (MAS). All courts are required to have an external triennial financial review conducted no less than every three years.

- **Financial Records**

The Arizona Supreme Court Records Retention and Disposition Schedule, Adopted by Amended Administrative Order 2008-88, effective November 5, 2008 requires proper destruction of past financial reports. The Court has reviewed all past financial reports held in storage that were not labeled for destruction. The Court organized all reports into boxes and labeled for timely destruction.

- **Jail Costs**

The Court has been aggressive in ensuring the appearance of in-custody defendants at the earliest date possible thereby safeguarding defendant's constitutional rights and avoiding additional jail costs. The Court also issued an Administrative Order with new instructions to law enforcement regarding the times of in-custody video appearance.

- Forwarding Jail Cost Discrepancies to Town of Guadalupe: The Court has established a process of monthly reconciliation of jail bills against the information in the case management system, AZTEC and case file. With this process the Court discovered discrepancies with the May 2015 jail bill of \$511.96 and the August 2015 jail bill of \$170.98. The Court alerted the Town of Guadalupe of these discrepancies for possible action.
- Ending Debtors Prison: The Court has been aggressive in quashing "Failure to Pay" warrants and assigning these matters to collections through the Arizona Judicial Department Fines/Fees and Restitution Enforcement (FARE). This will insure that defendants, whose cases are adjudicated and only owe fines, will not be arrested with the ensuing jail costs being charged to the Town of Guadalupe. This process is ongoing. In September 2014, the Court had 767 outstanding Traffic Warrants. By the end of January 2015, the Court had reduced the outstanding warrants by 170 and still 597 remain (pursuant to Limited Jurisdiction Courts Monthly Statistical Reports). This project is ongoing.
- Savings: To date, the Court's implementation of **best practices has saved the Town of Guadalupe \$82,741.12 in jail costs.**

- **FARE Collections**

In December 2014, the Court met with Christi Weigand, Consolidated Collections Unit Manager with the Arizona Supreme Court. Also, in December 2014 the Court received on-site training to designate cases only pending a balance to collections.

The Court systematically reviews all cases that have been assigned to FARE collections and has implemented an administrative order to systematically resolve cases within specific criteria. The Court is currently in the process of reviewing case files assigned to FARE from 1994-1999. To date the Court has been able to complete/close 18 files that fall within the criteria set forth by the Court's administrative order. This process is on-going.

- **Tax Intercept Program (TIP) Case Processing**

As part of the Court's participation in the FARE collections program, the Court is a TIP auto user. The TIP program automatically includes eligible cases for tax intercepts. To date there have been 11 cases that have been closed due to tax intercept monies collected resulting in a zero balance for each case.

## COURT-COMMUNITY RELATIONS

- **Criminal Justice Team:**

In accordance with best practices, the Court established a meeting time among law enforcement, town council, the prosecutor, defense counsel and the Court to discuss and resolve any issues affecting the integrity of the Guadalupe criminal justice system.

As of July 2015, the team has convened three (3) meetings: March 31, 2015; May 26, 2015 and September 1, 2015.

- **Counseling Agencies:**

In November 2014, the Court met with Centered Spirit Counseling Agency in Guadalupe and Community Health Services (CHC) to update court orders and accurately depict services available to defendants. The Court also established protocols for communication between the Court and the Counseling agencies to ensure best practices.

Consistent with the Court's vision to enhance Court-Community relations, on July 7, 2015, the Court convened a special meeting among representatives from Centered Spirit Program, Court staff, the Public Defender and the Prosecutor. As a result the Centered Spirit Program will be collaborating with the Prosecutors Office to develop a diversion program specific for the population they serve.

- **Veterans:**

On February 2014, the Court pledged to work with Veteran's Standdown providing services specifically for veterans.

On August 2015, the Court pledge to participate with Stand Up for Veterans providing services to local veterans.

- **Public Defender:**

In October 2014, the Court attended several budget meetings and educated the Town Council on the importance of the constitutional right of having a public defender accessible to eligible defendants undergoing criminal proceedings. In November 2014, the Council voted on a budget that reflected the need for a public defender and allowed for assigning eligible cases.

From September 2014 to June 2015 there have been 92 cases appointed public defense.

- **Court Security:**

The Arizona Supreme Court's Administrative Order 2005-32 describes the authority and responsibility of a Presiding Magistrate to establish court security policies and procedures to provide a safe work environment for judicial employees, litigants and users of the court.

"Presiding municipal court judges shall supervise the administration of the judicial and internal administrative functions of the municipal courts in a professional manner, using appropriate management techniques to organize and direct the efficient operation of the court in the following areas:"

"Court security may include procedures, technology, security personnel or architectural features needed to provide a safe work environment. The presiding judge may also prohibit or regulate the possession of weapons or potential weapons in an area assigned to or controlled by the court."

The MCSO has been serving as Court security on Court days (Tuesdays and Thursday's) since October 2014.

- **Victim Rights:**

The Court continues to elaborate on Victim rights by stating victim rights in a general advisement before pre-trial conferences. Victim rights are also a part of the information available on the Court's website, providing alleged victims with the contact information for the prosecutors office.

- **E-Citations:**

The Court continues to inform the MCSO of filing delays and court date or violation code errors. The Court will continue to work closely with the MCSO for timely receipt of citations with proper codes.

- **The State:**

Pursuant to Ordinance Number 2005-04, Section 5-3-2 (C) (1), the Court alerted the Prosecutors office of the need for the updating their Deferred Prosecution forms. Per the Town ordinance the deferred prosecution fee was required to be \$100.00 since June 9, 2005. The forms were effectively updated on March 19, 2015.

## GUADALUPE TEEN COURT

Guadalupe Municipal Court launched Guadalupe Teen Court on April 22, 2015. Our efforts focus on recruiting teen residents of the Town of Guadalupe to participate in weekly Teen Court Club meetings with Judge Alvarez and to participate in monthly Teen Court hearings that are held in the Guadalupe Municipal Court. There are currently 15 local teens that volunteer with Teen Court and one intern.

Teen Court members have adjudicated shoplifting cases and curfew violations. Guadalupe Teen Court has held two hearings: June 24, 2015 and July 29, 2015. The next hearing is scheduled for September 23, 2015 and there are six (6) additional hearings scheduled until the end of school year. There is also a Teen Court Summit scheduled for November 12, 2015 at Northern Arizona University that Teen Court members will be attending.

In addition to hearing cases, Teen Court members participate on a weekly basis in lessons on constitutional law, college preparation and employment preparation. They have visited the Mesa Public Library Genesis Youth Center, South Mountain Community College and attended Guadalupe Town Council meetings.

## FUTURE GOALS

It is our goal to continue serving with integrity and vision to become a model for other courts around the State and the country. Our commitment to providing justice through innovation and efficiency remains steadfast in spite of several challenging conditions.

- Correct Past Supreme Court Operational Review Findings
  - The February 1996 Supreme Court Operational Review Evaluation states in relevant part:  
  
Facility Finding 36: "The Court should work with the Town of Guadalupe to ensure the court is in full compliance with American's with Disabilities Act (ADA) requirements to be wheelchair accessible."  
  
Facility Finding 38: "The Court should work with the Town to modify council chambers to accommodate courtroom needs. For example, the courtroom should include a jury box, a witness stand"
- Courtroom Technology Upgrade
  - The Court is currently working on a technology upgrade that will enable several functions for the Courtroom including: displaying Victim's rights, Court docket, exhibits and evidence for trials.

- The Court will continue to explore technological options for storing data and maintaining up to date information for efficient access.
- The Court will continue to support and maintain its cost saving enhancements, and routine maintenance as issues arise.
- The Court will continue to work with all operating divisions to improve processes impacting revenue collection.
- Court staff will continue to reduce paperwork and archival space by timely processing documents needed to comply with record retention policies.
- The Court will continue to evaluate its filing system for more possible efficiencies in locating files.
- Court Management will continue to review staff responsibilities and workloads to improve efficiencies throughout Court operations and services.
- The Court will continue to develop on-demand training modules and protocols to assist staff in learning and refreshing their knowledge of various job functions.

## **CONCLUSION**

This past year has been filled with many opportunities for growth and positive changes to Guadalupe Municipal Court. I am extremely grateful for the opportunity to serve and for the confidence that the Mayor and Town Council have placed in me to lead the Guadalupe Municipal Court.

The accomplishments of the past year are a reflection of the dedication and commitment of all judicial employees, and the support from the Town of Guadalupe. Everyone is focused on advancing fair and impartial justice for the citizens of Guadalupe.

It is an honor and privilege to work with our outstanding team and to serve the public as Presiding Judge of the Guadalupe Municipal Court. I look forward to continuing to serve our town, state, and greater community.