

MUNICIPAL COURT

INTRODUCTION

The Municipal Court of the City of Morgantown is the judicial branch of the City of Morgantown. It is authorized and provided for by West Virginia law and was created by ordinance promulgated by the Morgantown City Council. It serves the public independently of the legislative and executive branches of City government. The Morgantown Municipal Court Judge is an attorney licensed to practice law in the State of West Virginia and is appointed by City Council. The Judge is neutral and detached, thus affording people that come before the Court a fair and impartial hearing on the merits of their case. All persons are accorded access to the Court.

PROGRAMS / SERVICES

Municipal Court processes traffic and parking citations, criminal citations, misdemeanor arrests, and building, housing, and fire code violations committed within the City of Morgantown.

The Municipal Court office is open to the public from 8 a.m. to 5 p.m. weekdays. The Court schedule is as follows:

| | <u>Beginning at:</u> |
|--------------------------------|----------------------|
| First Monday of each month | 3:00 P.M. |
| Each Tuesday | 8:00 A.M. |
| Each Thursday | 2:00 P.M. |
| Second Thursday of each month | 5:00 P.M. |
| Jury Trials | Scheduled as Needed |
| Plea Day: | |
| Second Wednesday of each month | 8:30 A.M. |

Every citation issued by the Morgantown Police Department is assigned a court date at the time it is issued. In some cases, the citation may be paid prior to the court date. In all cases, the citation may be contested before the Court. Dates are assigned to Police Officers according to their work schedule. Every person arrested during the previous month is required to appear on Plea Day. On Plea Day, persons who plead not guilty are scheduled hearings. Those pleading guilty are sentenced that day.

The Judge or Municipal Court Clerk conducts all arraignments of individuals arrested during normal weekday hours. The Court also provides two part-time on-call Deputy Municipal Court Clerks (DMCC) that perform this duty

nights and weekends, so that the arraignment service is provided around the clock, seven days a week.

RESOURCES

The Court offices are located on the first floor of the City of Morgantown's Public Safety Building at 300 Spruce Street, Morgantown WV 26505.

Court personnel consists of a part-time Municipal Court Judge, one substitute judge, full-time court clerk/supervisor, full-time payment clerk, full-time data entry clerk, and two part-time deputy municipal court clerks. The Assistant City Attorney serves as City Prosecutor and works closely with the Court staff.

The current computer system and software was originally installed in May 1998, but was upgraded in 2002. Hardware consists of an IBM X Series 232 Server and four workstations, a dot matrix printer, laser printer, and an ink jet printer.

The Court utilizes Justice Systems, Inc.'s "FullCourt" software and contracts with Justice Systems, Inc. for its annual maintenance and support. This system permits Court staff to perform all case management functions from initial entry, scheduling, and case status updating, to collections, disbursements of monies, and case dispositions.

REVIEW OF THE PAST YEAR

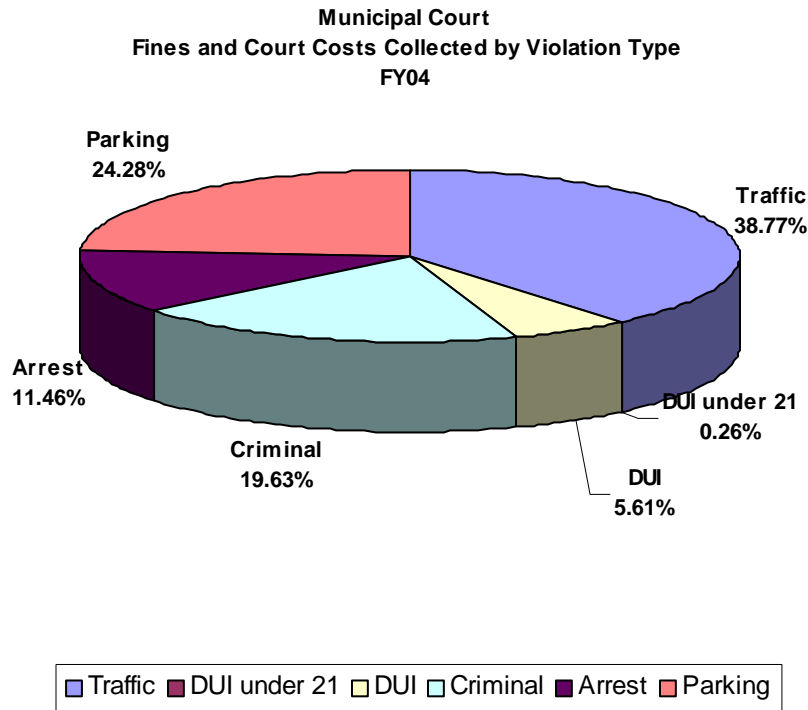
The Municipal Court has had another busy year. The Court has continued to work hard to deter underage drinking. The Morgantown Police Department has issued 331 citations this fiscal year for underage possession/consumption of alcohol, all of which are processed by Municipal Court. The Judge and the Court Clerk continue to work with Morgantown Area Youth Services to provide alcohol awareness classes to underage offenders. Anyone who pleads guilty or no contest to the violation of "Underage Possession or Consumption of Alcohol" is required to complete six hours of community service and a six-hour alcohol awareness class.

During the past year, Morgantown Area Youth Services has been referring some of the offenders back to the City of Morgantown to do their community service hours picking up trash as part of the City's litter control program. The community service workers are under the direction of Officer Herky Bender, who has been assigned by the Police Department to be the litter control officer.

In addition to the citations and arrests processed for the Morgantown Police Department, the staff of Municipal Court has processed seventy tickets for illegal burning issued by the Morgantown Fire Department. The Code

Enforcement Department has brought twenty-four cases through the court this past year.

Total receipts for FY04 amounted to \$695,270, which includes court costs of \$135,269 that were paid to the State of West Virginia, collection agency fees, and amounts being held as bonds, pending disposition. The following chart depicts the breakdown of receipts by type of violation:



The “Criminal” category includes criminal citations such as underage drinking, trash violations, and housing code violations. The “Arrest” category includes all offenses other than DUI for which the individual is physically brought in, fingerprinted, and processed. This can include charges such as disorderly conduct, battery, destruction of property, and public intoxication.

The number and types of cases that have been processed by Municipal Court for fiscal years ended June 30, 2002, through 2004, are as follows:

| | <u>2002</u> | <u>2003</u> | <u>2004</u> |
|--------------|--------------|---------------|---------------|
| Traffic | 3,124 | 4,424 | 4,794 |
| DUI | 144 | 129 | 149 |
| DUI Under 21 | 4 | 2 | 9 |
| Criminal | 808 | 904 | 1160 |
| Arrest | 613 | 536 | 500 |
| Parking | <u>1,277</u> | <u>12,373</u> | <u>11,973</u> |
| Total | 5,970 | 18,368 | 18,585 |

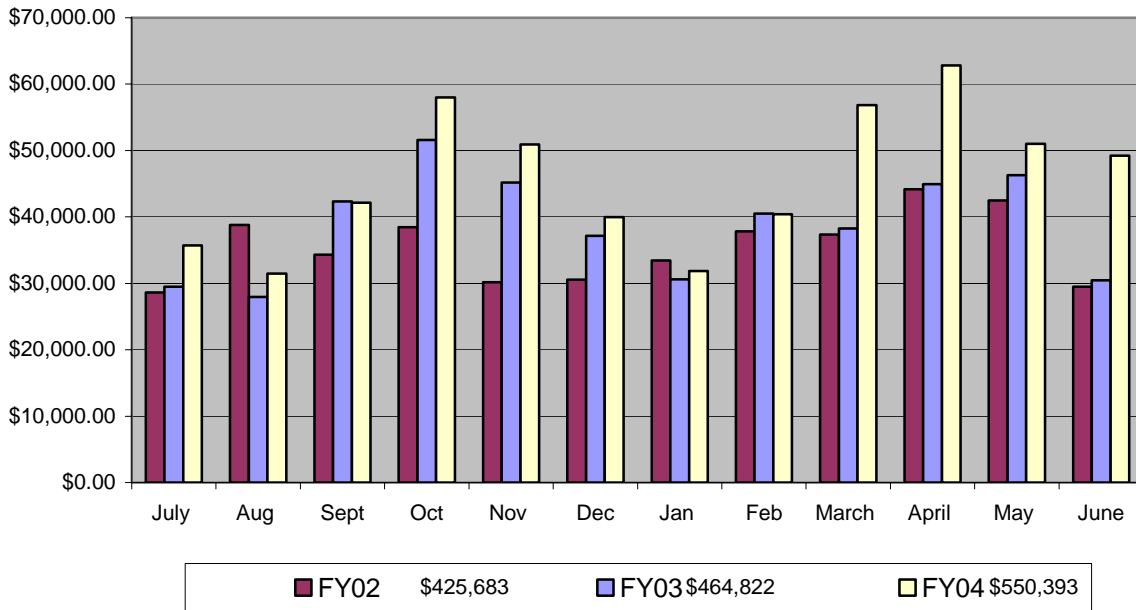
In FY04, parking violations accounted for 64% of cases processed, but only 24% of total collections. This, of course, is due primarily to the relatively low fine on parking violations compared to other violations.

Due to outdated equipment and new privacy laws requiring the truncation of credit card information, Municipal Court needed to upgrade its credit card processing equipment. As the Finance Department was in the process of selecting a credit card processor for its office, Court was able to upgrade its equipment and secure lower processing fees by going with the vendor selected by Finance. As an additional result of changing credit card processors, Court staff received training in the proper procedures to follow when processing credit and debit cards to minimize the fees charged and to prevent charge backs. The lower rates secured from the new vendor, along with staff's additional training, should result in significant savings on the credit card fees paid.

All Court collections, after remitting the various required fees to the State, are paid to the City's General Fund. Municipal Court was required to implement the collection of an additional fee for the State of West Virginia this year – an additional \$3 is now added to all citations other than parking tickets for the "Community Corrections" fee. This brings the total collected for the State on an average traffic ticket to \$53, often more than the amount retained by the City as fines and court costs.

Municipal Court staff has continued to work hard to improve the collection of outstanding parking citations. Court utilizes an outside collection agency that specializes in parking tickets. The fee paid for this service, which totaled \$9,607 during the past year, is totally covered by an additional charge added to all accounts turned over to the agency for collection. The result of this effort is evidenced by the following chart, which indicates that total General Fund revenues were up \$85,571 over the previous fiscal year, an increase of 18.4%.

**Municipal Court
General Fund Revenue Collected**



FORECAST FOR THE COMING YEAR

The Court has a busy year ahead. The staff of Municipal Court will continue to enhance its collection efforts to maintain the positive results seen in the past year. The Court will continue to do everything possible to assist in the efforts to eliminate or reduce underage drinking. The Judge will continue to work with Officer Bender to control the problem of trash disposal and the continuing problems with the litter free premises ordinance.

As a customer service initiative, Court staff anticipates implementing Internet collections for fines. This is particularly geared for the large student population in Morgantown that is accustomed to transacting much of its business on the Internet.

The Municipal Court will continue to provide the citizens of the City of Morgantown with the best service possible. The staff of the Municipal Court strives to insure that an individual's experience with the Court is as pleasant as possible, even under unpleasant circumstances.