

# 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.
<b>Jury Trials</b>	Scheduled as Needed
<b>Plea Day:</b>	
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, 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, four workstations, and various printers.

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.

Recently, the computer systems of Municipal Court and Parking Authority were networked to give each Department inquiry access to the other's system. This has assisted both Departments in locating addresses on outstanding parking citations and allows Parking Authority enforcement staff to collect Municipal Court's outstanding citations on booted vehicles after hours. In addition, the Dispatch Center of the Police Department has also been given inquiry access to these systems so that Police Officers will be able to access the information to tow excessive violators.

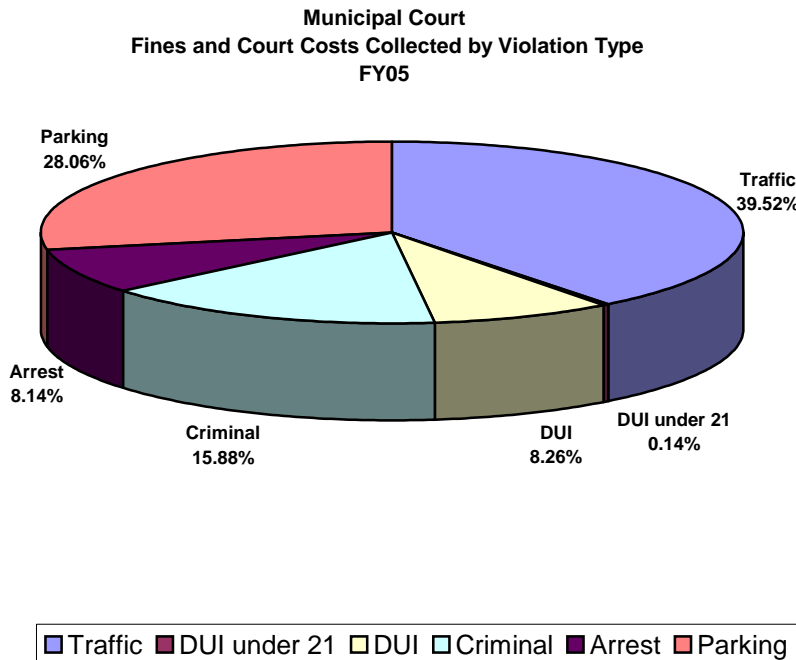
## **REVIEW OF THE PAST YEAR**

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 217 citations for this past 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. The Police Department has also issued 370 citations for various trash offenses during FY05.

In addition to the citations and arrests processed for the Morgantown Police Department, the staff of Municipal Court has processed 73 tickets for fire code violations issued by the Morgantown Fire Department and also processes citations for the Building Code Enforcement Department.

Total receipts for FY05 amounted to \$716,214, which includes court costs of \$141,280 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.

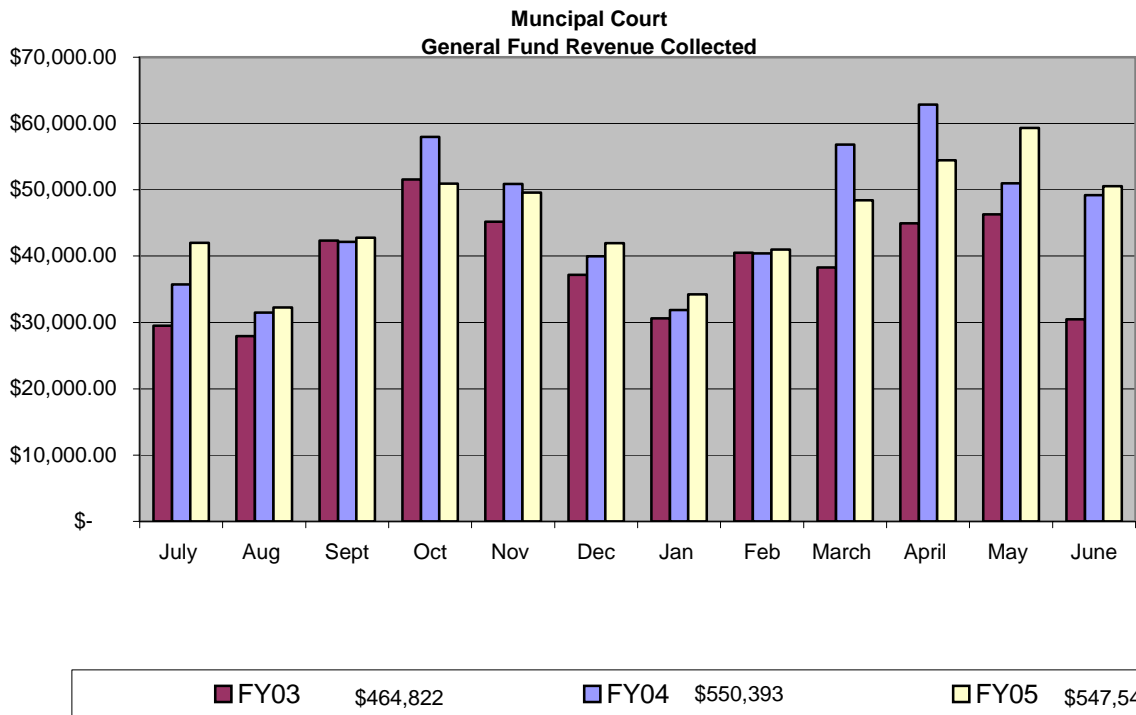
The number and types of cases that have been processed by Municipal Court for fiscal years ended June 30, 2003, through 2005, are as follows:

	<u>2003</u>	<u>2004</u>	<u>2005</u>
Traffic	4,424	4,794	4,815
DUI	129	149	155
DUI Under 21	2	9	8
Criminal	904	1,160	1,154
Arrest	536	500	337
Parking	<u>12,373</u>	<u>11,973</u>	<u>16,706</u>
<b>Total</b>	<b>18,368</b>	<b>18,585</b>	<b>23,175</b>

In FY05, parking violations increased almost 40% primarily due to increased enforcement efforts by the Police Department. Total parking violations accounted for 72% of cases processed, but only 28% of total collections. This, of course, is due primarily to the relatively low fine on parking violations compared to other violations.

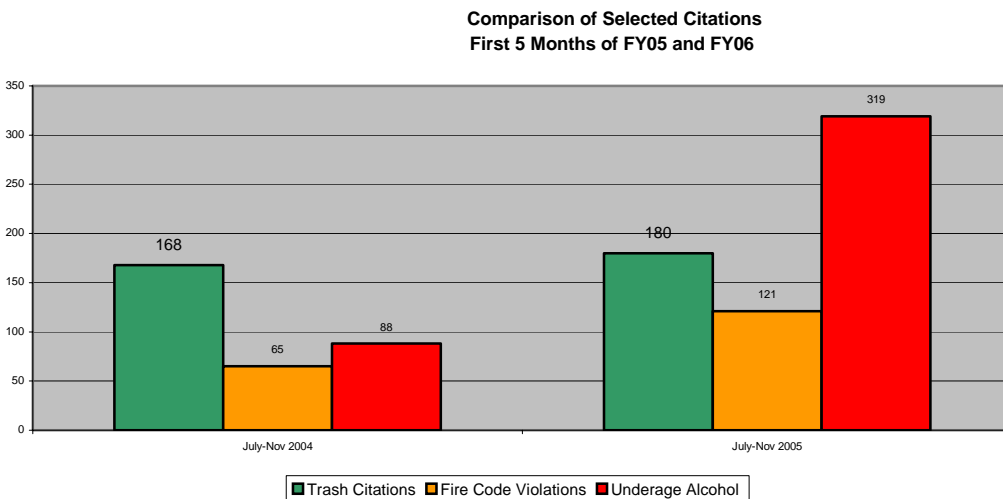
All Court collections, after remitting the various required fees to the State, are paid to the City's General Fund. Municipal Court was required to implement the collection of an additional fee for the Monongalia County Commission this year – an additional \$5 is now added to all traffic citations other than parking tickets for the “Teen Court” fee that goes to the County to fund the operations of the Teen Court. This brings the total collected for the State on an average traffic ticket to \$58, 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 \$8,217 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 relatively consistent with the prior year, showing a decrease of only \$2,853 from the previous fiscal year, or one-half percent.



### FORECAST FOR THE COMING YEAR

If the activity seen during the first five months of FY06 is any indication, the Court has a busy year ahead. The chart below comparing to the first five month of FY04 and FY05 for trash, fire code, and underage alcohol shows a marked increase in the number of citations processed in each category.



Court staff hopes that a substitute judge can be retained soon. The Court has been operating without a relief judge since August, 2004, which makes it difficult for the Municipal Court Judge to take leave time and keep the docket up to date. In addition, Court hours may need to be extended as the number of court cases and citations continue to increase. A large increase in City Code Violations is also expected with the addition of two new inspectors in the Fire Department.

The staff of Municipal Court will continue to enhance its collection efforts to maintain the positive results seen over the past two years. 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.

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.