

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, 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.

Attorney Todd Johnson of Morgantown joined the Municipal Court staff in August as a contracted substitute judge.

This year the WV Municipal League offered two separate one-day training sessions – one for judges and one for court clerks. Todd Johnson attended the judge's training seminar, and Court Clerk Joyce Marshall attended the clerk's training seminar, both held in November, 2006.

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, 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.

The networking of the computer systems of Municipal Court and the Parking Authority in the prior year continues to be a boost to productivity in Court, allowing both Departments access to addresses on outstanding parking citations, and it 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 accesses these systems so that Police Officers readily have the information to tow excessive violators.

REVIEW OF THE PAST YEAR

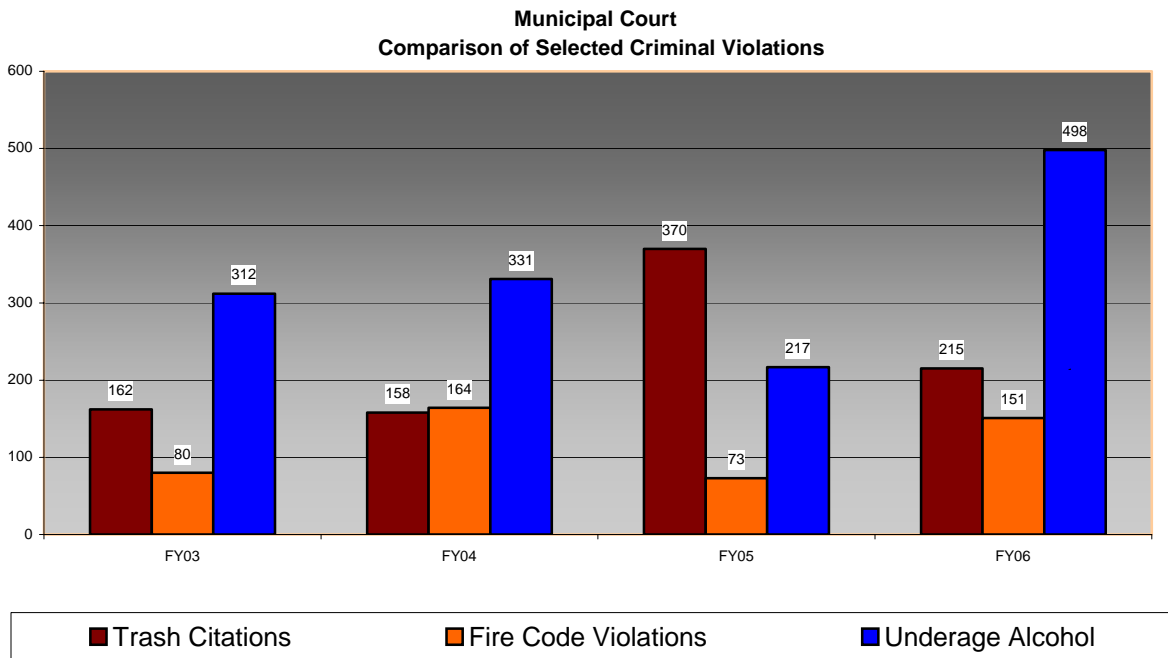
The Municipal Court has had an extremely busy year, especially with the increased emphasis on enforcing underage possession and consumption of alcohol by the Morgantown Police Department. Municipal Court has

processed 498 citations this fiscal year for underage possession/consumption of alcohol, along with 488 open container citations.

As part of this enforcement effort, Court staff has continued to work with the Morgantown Area Youth Service Project to administer alcohol education classes to the Underage Offenders. Violators who are convicted of the violation of Underage Possession/Consumption of alcohol are required to complete a six-hour alcohol education class and perform at least 6 hours of community service.

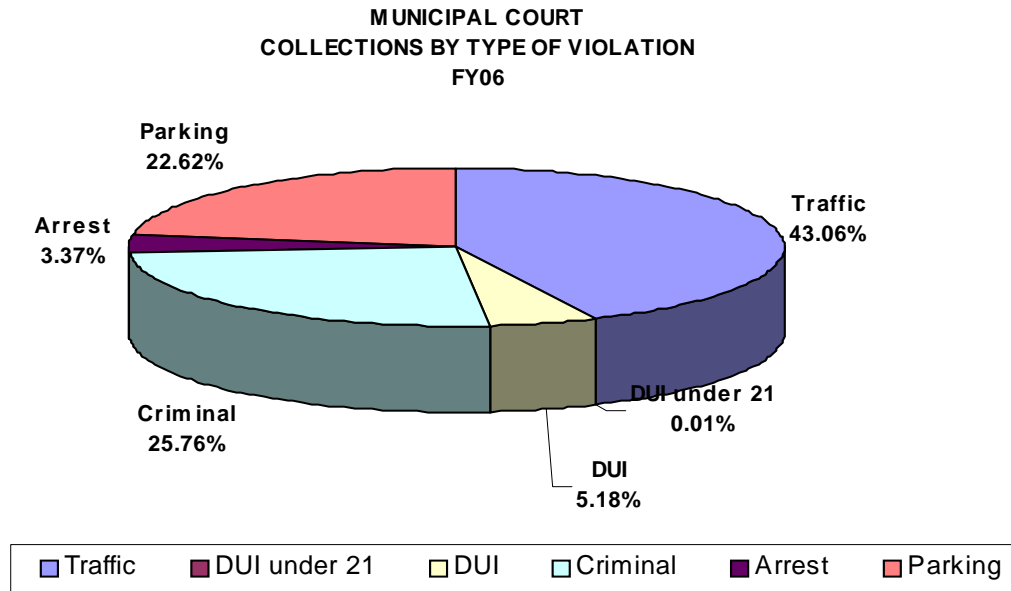
The Morgantown Youth Services Project has been referring some of those offenders to Officer Troy Ball of the Morgantown Police Department to complete their community service by picking up trash as part of the City’s litter control program, which is another area of targeted enforcement for which Court processes citations.

In addition to the citations and arrests processed for the Morgantown Police Department, the staff of Municipal Court also processed 151 tickets for fire code violations issued by the Morgantown Fire Department. The following chart depicts the number of citations issued for trash, fire, and underage drinking violations:



Total receipts for FY06 amounted to \$903,467 which includes court costs of \$171,614 paid to the State of West Virginia, \$11,050 paid to Monongalia County Teen Court, collection agency fees, and amounts being held as

bonds, pending disposition. The following chart depicts the breakdown of receipts by type of violation:



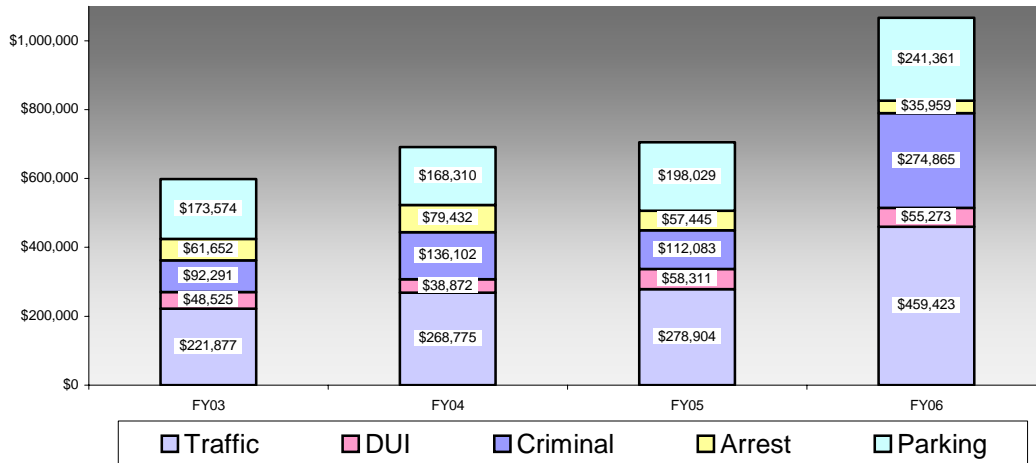
The “Criminal” category includes criminal citations such as underage drinking, trash violations, and housing code violations. The “Arrest” category includes all offenses other than DUI for which the individual is physically brought in, fingerprinted, and processed. This can include charges such as disorderly 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, 2004, through 2006, are as follows:

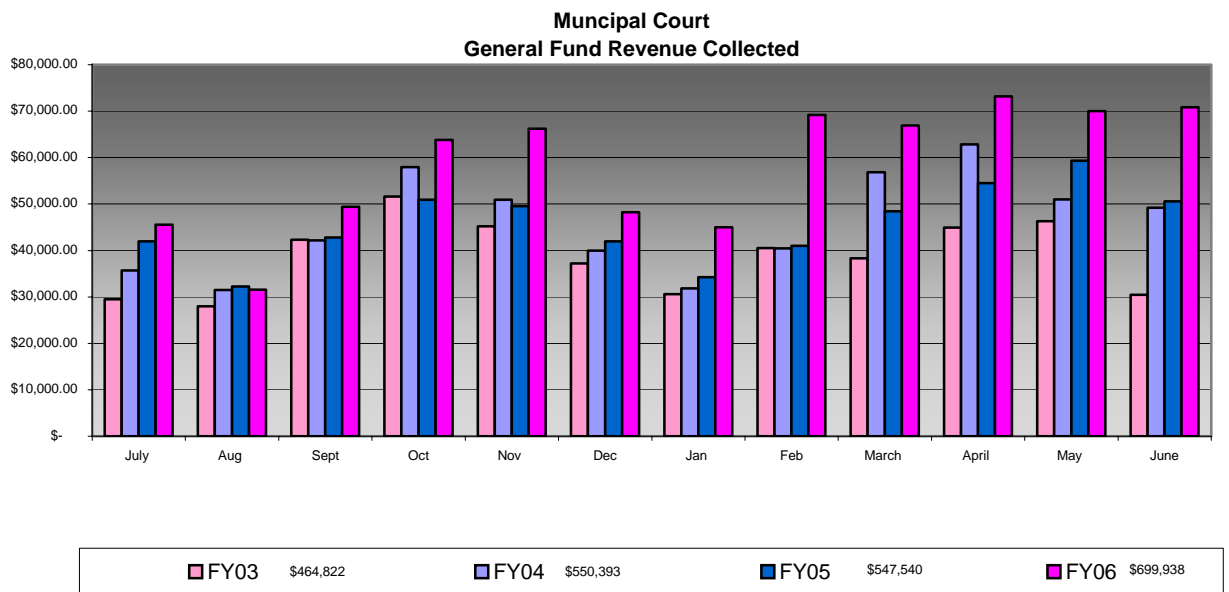
| | <u>2004</u> | <u>2005</u> | <u>2006</u> |
|--------------|---------------|---------------|---------------|
| Traffic | 4,794 | 4,815 | 5,967 |
| DUI | 149 | 155 | 160 |
| DUI Under 21 | 9 | 8 | 2 |
| Criminal | 1,160 | 1,154 | 1,993 |
| Arrest | 500 | 337 | 320 |
| Parking | <u>11,973</u> | <u>16,706</u> | <u>15,132</u> |
| Total | 18,585 | 23,175 | 23,574 |

As indicated above, the number of parking tickets decreased in FY06. As can be seen below, however, the total dollar amount charged for parking violations has actually increased. On February 1, 2006 the fine amount of a standard parking ticket was increased by \$ 7.50 by Morgantown City Council. This increase was implemented with the goal of deterring non-residents from parking in permit areas. It is evident that the desired goal is being achieved.

**Municipal Court
Fines and Court Costs by Violation Type
FY03-FY06**



Court collections, after remitting the various required fees to the State, are paid to the City's General Fund. As illustrated by the following chart, collections for the City's General Fund have increased 28% over the prior fiscal year:



On July 1, 2006 the State increased the amount collected by courts for the Community Correction fund from \$ 3.00 to \$ 10.00. The total collected for the State on an average traffic ticket is \$65, often more than the amount retained by the City as fines and City court costs.

FORECAST FOR THE COMING YEAR

In the coming year, Municipal Court staff will be trying find ways provide a more efficient court docket. The increased amount of citations written and the number of people wanting to contest them has been a challenge for Court staff over the past couple of years. Long court hours and extended waiting times for defendants has been a growing concern.

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 Ball 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.