

# 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:

Beginning at:

First Monday of each month	3 P.M.
Each Tuesday	8 A.M.
Each Thursday	3 P.M.
Second Thursday of each month	5 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, a contracted 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 the 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.

The Parking Authority and the Dispatch Center of the Police Department have inquiry access to Municipal Court's computer system. This enables Parking Authority enforcement staff to collect Court's outstanding citations on booted vehicles after hours and gives police officers current information to tow excessive violators. In return, Municipal Court staff has inquiry access to the Parking Authority's computer system so that they can share name and address information on parking citations.

As further described in the following section, Municipal Court recently purchased a video arraignment system that allows for remote arraignments of individuals at the North Central Regional Jail in Doddridge County.

## **REVIEW OF THE PAST YEAR**

### Statistical Review

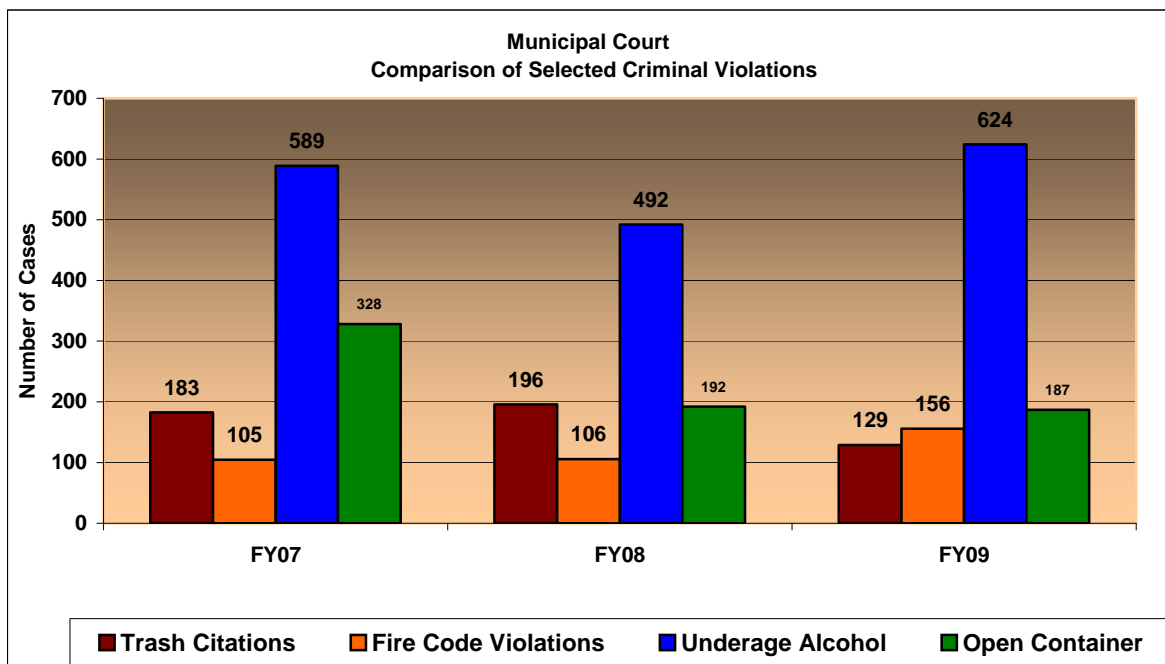
The Municipal Court has had a busy year. Although the number of parking and traffic citations processed has decreased over the past two years, the court docket, which primarily encompasses arrests and criminal complaints, has remained steady and challenging.

Underage alcohol citations are still a very large portion of the citations processed in Municipal Court. The Court has processed 624 citations for Underage Possession / Consumption of alcohol, along with 187 for violations of the open container ordinance.

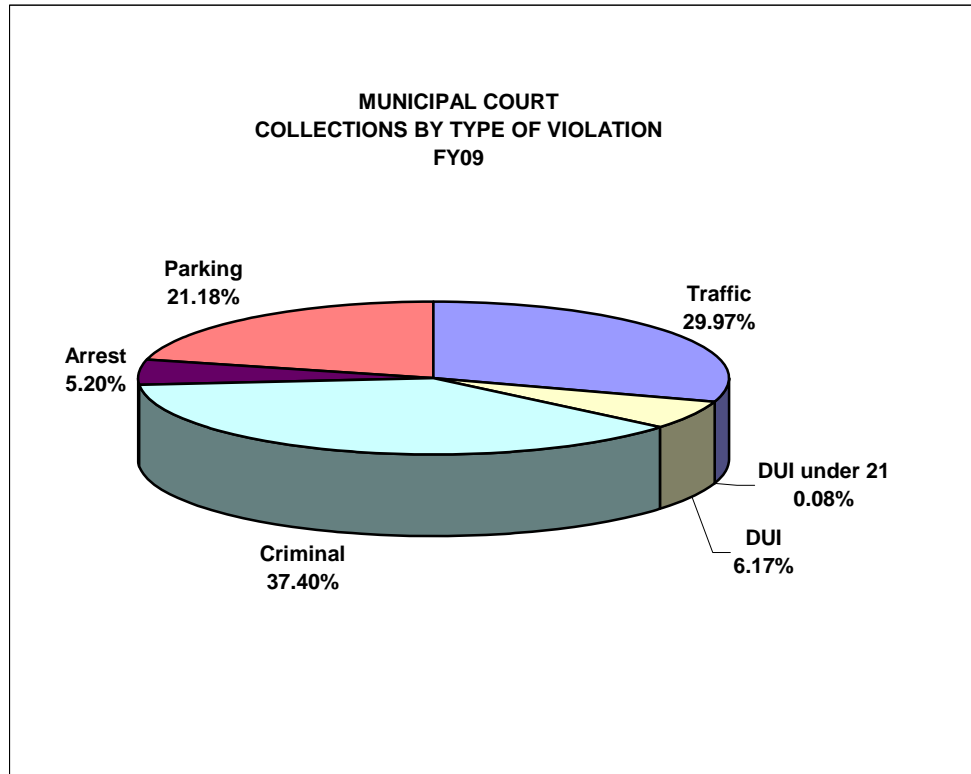
As part of this enforcement effort, Court Staff has continued to work with the Morgantown Area Youth Service Project to administer alcohol education classes to the Underage Offenders. Violators who are convicted of Underage Possession/Consumption of Alcohol are required to complete a six-hour alcohol education class and perform at least 6 hours of community service. Second and subsequent violators are required to complete a six-week program which includes group and individual counseling.

Litter control continues to be a concern. The Morgantown Police Department has issued 129 tickets for various ordinance violations. The majority of citations are for failure to maintain a litter free premise and failure to have trash stored in proper containers. First offenders must pay a fine of up to \$500.00. Second offenders are sentenced to do community service in addition to paying a larger fine.

In addition to the citations and arrests processed for the Morgantown Police Department, the staff of Municipal Court also processed 156 tickets for fire code violations issued by the Morgantown Fire Department. The following chart depicts the number of citations issued for trash, fire, underage drinking and open container violations:



Total receipts for FY09 amounted to \$778,017 which includes court costs of \$131,173 paid to the State of West Virginia, \$17,465 paid to Monongalia County Teen Court, fees to collection agencies, and amounts being held as bonds, pending disposition. The following chart depicts the breakdown of receipts by type of violation:

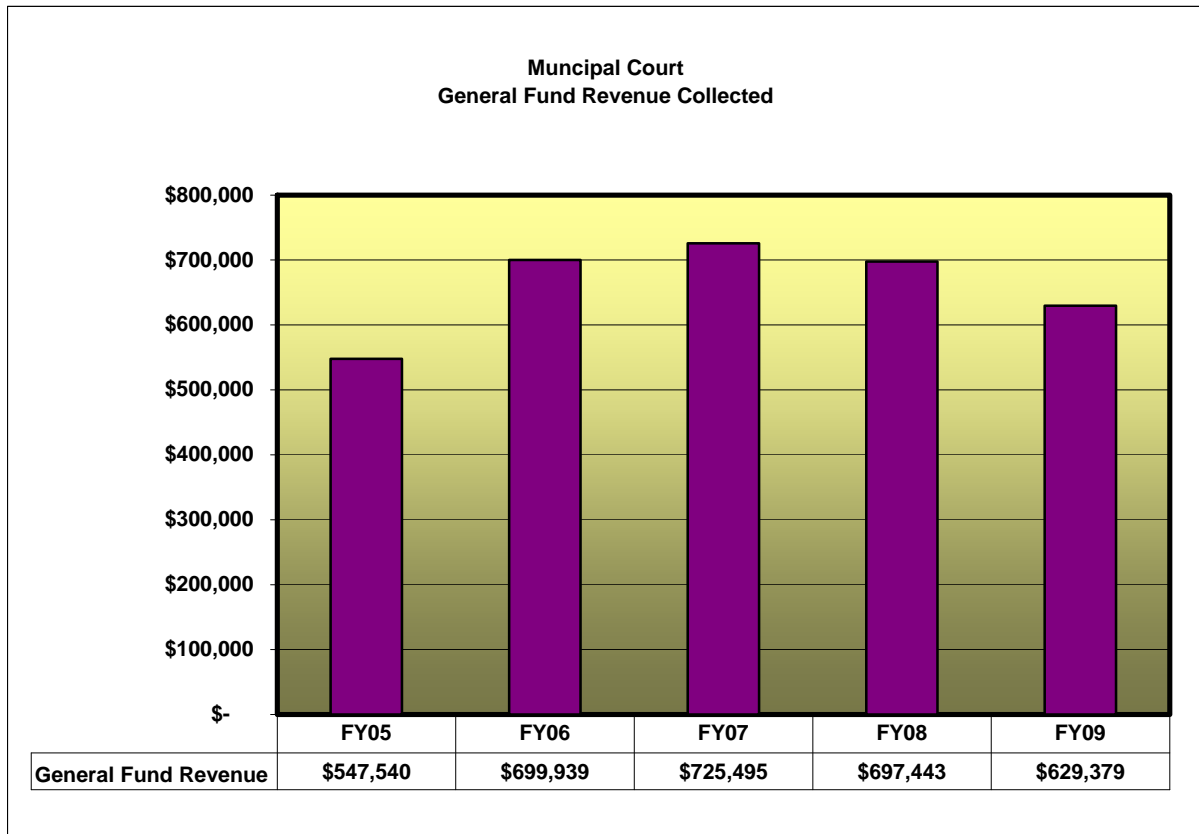


The “Criminal” category includes criminal citations such as underage drinking, trash violations, fire, and housing code violations. The “Arrests” category includes all offenses other than DUI for which the individual is physically brought in, fingerprinted, and processed. This can include charges such 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, 2007, through 2009, are as follows:

	<u>2007</u>	<u>2008</u>	<u>2009</u>
Traffic	5,033	3,567	3,234
DUI	109	96	129
DUI Under 21	5	3	6
Criminal	1903	1608	1772
Arrests	351	316	344
Parking	<u>13,123</u>	<u>10,841</u>	<u>7,973</u>
<b>Total</b>	<b>20,524</b>	<b>16,431</b>	<b>13,458</b>

Court collections, after remitting the various required fees to the State and County, are paid to the City's General Fund. The following chart depicts collections for the City's General Fund over the past five years:



### Video Arraignment System

Municipal Court staff is very excited about its newly acquired video arraignment system, which was installed in October, 2009, and is now up and running.

In most instances, a person is arraigned at the time of arrest. In some instances, though, it is not possible to arraign the individual due to intoxication or disorderly behavior, and that person is, consequently, transported to the Regional Jail for holding. However, State Code requires that arrestees must be arraigned within 24 hours of the time of arrest. Consequently, the arrestee must be transported back to Morgantown for arraignment before the Judge or Clerk the next day.

During the week, the Monongalia County Sheriff's Department provides transport service to and from the Regional Jail. However, a significant problem was occurring when the arrest occurred on a Friday or Saturday. In

that case, the City would have to provide transportation for the arrestee back to Morgantown. This system allows the Judge and Court Clerks to arraign arrestees being housed at the North Central Regional Jail without having to transport them back to Morgantown. The video arraignment system will save valuable time for police officers and transportation costs for the Monongalia County Sheriff's Department, while ensuring that all arrestees are arraigned in the time frame mandated by State Code.

## **FORECAST FOR THE COMING YEAR**

In the coming year, Municipal Court will continue to explore ways to prove the efficiency of its operations and the quality of its services.

### Court Docket

With additional police officers on duty and schedules that must allow for vacation and sick time while striving to control overtime, it has become increasingly difficult to schedule court appearances during established Court times that coincide with the officers' available duty dates and times in a timely manner. The Court staff, in conjunction with the Police Department, has made some procedural changes in attempt to alleviate this problem and will continue to seek new ways to manage the docket in a manner that is efficient and effective for all parties involved.

### Court Software

The existing Court software system was last upgraded in 2002. At present, Court has a contract for maintenance on the current version, but needs to either upgrade its existing software, at a considerable cost, or implement a new system.

Ideally, the system selected would be integrated with the Police Department's system, so that citations would only have to be entered one time by the Police Department and could be downloaded into Court's system for processing. (Currently, all citations are entered by both Departments in separate systems.) In addition, the Police Department would have inquiry capabilities in Court's system so that they would have information on dispositions of cases. An integrated software system could also help with the docket as Court staff would have better information on officer's duty schedules.

### State Income Tax Offset Program

The State Legislature passed a law in a previous year that allows municipalities to submit unpaid fines, costs, forfeitures and penalties assessed by municipal courts (except for parking violations) to the State Tax Department for offset of these amounts against the individual's West Virginia income tax refund. Legislative Rule Title 110, Series 40 has been promulgated that sets the guidelines and procedures for the program. The

State Tax Department now has its online reporting system in place, with which City staff participated last year in the planning and design thereof.

The primary stipulations for submitting unpaid amounts due are:

- 1) Amounts due must be over \$50
- 2) Court staff must first submit the unpaid amount to the WV Department of Motor Vehicles (DMV) for suspension of the violator's driver's license
- 3) 90 days must elapse from the date the violator received the certified notification of suspension of driver's license from the DMV before the Court can submit the unpaid amount for offset

Court staff is currently in the process of compiling the list of unpaid amounts from the past several years to be submitted to the State Tax Department for immediate processing. Prospectively, Court will use this mechanism as a regular and ongoing tool to enhance its collection efforts.

## **SUMMARY**

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. The Municipal Court will continue to provide the citizens of the City of Morgantown with the best service possible, while utilizing its resources in an efficient manner.