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# **PUEBLO MUNICIPAL COURT 2014 ANNUAL REPORT**

*February 27, 2015, by William A. Martinez, Presiding Judge*



## **MISSION**

The City of Pueblo Municipal Court's mission is to provide an efficient, equitable and impartial forum to hear and resolve alleged violations of the City of Pueblo Municipal Code and to effectively and efficiently impose and collect fines, restitution, costs and other appropriate penalties.

### **OBJECTIVES FOR 2015:**

- To expand the Court's Graffiti Removal/Community Service Program as a cost-effective alternative to the imposition of jail and to provide cost-effective assistance to community agencies and other departments of the city.
- To continue the collaboration with the Tenth Judicial District, District Attorney in order to expand restorative justice, teen court and diversion programs for juveniles and to develop other programs to prevent juvenile crime and recidivism.
- To improve the Court's ability to accurately assess the risk of recidivism for all Municipal Court Offenders and individualize sentencing by expanding the use of adult probation services.
- Enhance Courthouse security through collaboration with the City Manager, Pueblo Police Department or other agencies.
- Enhance data collection in order to better identify sentencing efficacy and address ways to enhance the compliance with Court Orders and sentencing.

### **PUEBLO MUNICIPAL JUSTICE CENTER**

The biggest concern of the Court remains the issue of courtroom security and enhancing safety for the staff and public in the Municipal Court. Since the opening of the Municipal Justice Center in 2010, the only security measure available to the Court has been a "stand by" police officer when requested by the Court. The Court has researched the cost of placing a scanner/metal detector at the entrance to the Justice Center and believes that it would be a reasonable investment to secure the safety of the public entering the building. Unfortunately, the Pueblo Police Department does not have sufficient resources to have an officer monitoring a metal detector.

I am not aware of any other Municipal Court in the State of Colorado that has no security in place for its patrons and staff. The Court believes that while courthouse violence is relatively rare, when it occurs it often is both tragic and lethal. This will continue to be a major court priority for 2015 and it is my hope that discussions with the City Manager, Chief of Police and others may produce a viable and economic solution to this serious dilemma.

## **2014: THE YEAR IN REVIEW**

As noted in the Court's last annual report, implementation of the new TYLER data management system began in December of 2013, and was fully implemented for the year 2014. The implementation of this new system has enhanced the Court's ability to compile and assess data relevant to case filings, dispositions and fines imposed and collected. However, the new management system may still prove to be inadequate in providing some data. For example, the Court had hoped to be able to provide accurate data on the amount of fines imposed in any given calendar year and recently learned that the system may not be capable of providing that information with the accuracy necessary. We are still hopeful that in working with TYLER/INCODÉ and the City's IT department, we can eventually run data reports of this kind.

In 2014, the Court saw the continuation of what appears to be an emerging trend of reduced filings in the Municipal Court. Beginning in 2013, the Court's records reflect an overall reduction of 11,800 case filings in the last two years. In 2014 the number of cases filed in the Municipal Court was 21,169. This represents a reduction of about 24% in comparison to 2013. The average number of cases filed in the Municipal Court over the last five years is 29,529. The 21,169 cases filed in 2014 represents a 28% decrease when compared to that five-year average.

Undoubtedly, this significant reduction in cases addressed by the Municipal Court has had an impact on revenue "generated" by the Court. Unfortunately, for the reasons stated above, the Court can only estimate the total amount of fines imposed for those cases at between \$1,500,000 and \$2,000,000.<sup>1</sup> As the reader will note from the data in the graphs below, a total of \$1,329,412 in fines was collected by the Court in 2014. The \$1,329,412 collected for 2014, it should be noted, does not reflect community service completed by offenders or jail sentences imposed as alternative to fines.

In 2014, there were changes in state legislation that also impacted all Municipal Courts in Colorado. Colorado Revised Statutes (CRS) 18-1.3-702 was amended in significant ways; impacting when and how the Court can impose sentences to incarceration for a defendant's failure to pay fines imposed at the time of sentencing. This statutory change resulted largely from threatened litigation against municipalities for utilizing "debtor's prisons" for failure to pay fines. Because the Pueblo Municipal Court is relatively unique in that it has its own community service program, this threat of litigation has not significantly impacted the Court's response to those defendants who fail to pay fines. Typically, the Court will, as a "progressive" sanction, convert unpaid fines to community service. This approach, while not representing "revenue" to the Court does enable the Court to "recover" fines through graffiti interdiction and other forms of community service.

After many bumps in the road the Court, in 2014, did begin to refer delinquent fines to collections. By December 31, 2014, the Court had referred a total of \$403,160 to collections. This amount represents delinquent "accounts" from January through October of 2014. Court staff is in the process of identifying the delinquent accounts for 2013 and it is anticipated that those delinquent fines will be handed over to collections by June, 2015.

Perhaps the area where the Court experienced the greatest impact for 2014, was in personnel fluctuation. The Court lost two full time employees to transfer and one part-time community service supervisor to transfer. One employee was absent from work for a little over two months while on injury leave. The Court also lost five part-time employees who left city employment altogether. Lastly, the Court's Probation Case Manager retired from city employment at the end of

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<sup>1</sup> This approximation should be viewed with caution since the Court is still working with TYLER to develop more accurate estimations of fines imposed given the limited capabilities of that data management system.

June and that position went unfilled until January 20, 2015.

Naturally, the loss of these employees resulted in additional work load and training responsibilities for the remaining staff and the reduction or temporary suspension of some Court programs. The Municipal Court staff handled these personnel challenges with the utmost dedication and professionalism. Despite being asked to do so much more with so much less, our staff responded with great attitude and willingness to pitch in to insure the smooth functioning of the Court and the fulfillment of its mission. However, until the Court is once again fully staffed with trained personnel, we will continue to ask our staff to make sacrifices and perform additional duties.

On a more positive note, one Court employee (Court Technician, Shelley Rodriguez) was recognized by City Council as Employee of the Month for November and Lead Court Technician Teddye Gaide was nominated for Employee of the Month for December.

### ***Case Filings:***

As noted above, a total of 21,169 cases were filed in the Municipal Court for the year. This number represents an dramatic decrease of 6,543 cases in comparison to the number of cases filed in 2013. Of the six categories of cases filed in the Municipal Court, the type of cases with the largest drop in filings were “Miscellaneous” cases. These cases include zoning violations, weed and litter tickets and sales tax violations. This category accounted for 873 cases in 2013 and 481 for 2014 (a reduction of nearly fifty percent). The filing of cases in the remaining five categories is as follows:

- **Adult Criminal:** In 2014 there were 4,703 adult criminal cases filed in the Court. The number of adult criminal cases filed in 2013 was 8,046—a 42% decrease.
- **Juvenile Criminal:** 1,441 juvenile criminal cases were filed in 2014. This represents a reduction of 195 cases versus 2013. This is a reduction of 12%. Juvenile case filings from 2012 to 2013 dropped by 35%.<sup>2</sup>
- **Animal Services/Control:** This category saw a reduction in the number of cases filed as well. In 2013, Animal Control Services filed 1,641 cases. For 2014 there were a total of 1,155 animal cases filed.
- **Traffic Tickets:** The number of traffic tickets filed in 2014 dropped to 5,585. This represents 1,386 fewer traffic cases when compared to calendar year 2013.
- **Miscellaneous Offenses (Code Enforcement, Sales Tax etc.):** As noted above, this category represents the greatest drop in cases filed for 2014. In fact, when considering the average number of cases filed in this category over the last five years, the 481 cases for 2014 represents a drop of 53% in comparison to the five-year average of 902 cases.
- **Parking Tickets:** In 2014 there were a total of 7,804 traffic cases filed in the Municipal Court. This total represents 741 fewer parking tickets than were filed in 2013.

### ***Photo Red-Light:***

Since the City of Pueblo began utilizing a photo red-light system there have been 16,817 tickets issued to motorists. The collection rate on those tickets to date is 79.6% (11,212). For the calendar

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<sup>2</sup> Since the legalization of marijuana, possession of cannabis by juveniles and minors have accounted for 15% of juvenile case filings.

year 2014, the collection rate on photo red-light tickets was 76.5%. However the number of tickets in this category for 2014 was more than double the number for 2013, resulting in a significant increase in revenue collected for these tickets. The total revenue resulting from this category of Municipal Court cases for the last four years is as follows:

Photo Red Light Data:

<b>Year:</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Filings:	2,232	2,601	2,240	4,824
Revenue:	\$179,323	\$159,146	\$136,240	\$256,496
Collection Rate:	75.4%	77.7%	79.1%	76.5%

***Court Revenue:***

The total revenue collected for 2014, excluding Photo Red Light offenses, was \$1,331,006. This represents a drop in revenue from 2013 of about 21% (\$347,201). Given a drop of more than 6,500 case filings for 2014, and what appears to be a developing downward trend in the filing of Municipal Code violations, it should come as no surprise that fine revenue also reflects this dramatic downward trend. If these dramatic reductions in citations persist in the future, it will become increasingly important for the Court to enhance fine satisfaction through the use of collection agencies and the need to utilize alternative sentencing to offset lost revenue resulting from jail sentences. While the Court has indeed begun to refer cases for collection, it remains to be seen how effective this approach will prove to be with respect to collecting fines imposed by the Court. Since the first cases were referred in October, 2014, it is too early to determine how successful this approach will be and the Court will be monitoring the outcomes closely.

Pursuant to Section 11-2-4(b) of the Pueblo Municipal Code, a person confined to the Pueblo County Jail, shall be credited \$40.00 per day against the assessed fine. In 2014, the City began paying the Pueblo County Sheriff \$45.00 per day to house Municipal inmates. Pursuant to the amendments to CRS 18-1.3-702, the Court will be limited to a maximum of fifteen (15) day sentences for those defendants who are able to, but fail to pay their fines. Hence a defendant who fails to pay a \$1,000 fine, for example, and receives a 15-day jail sentence will represent a net revenue loss of \$1,675 to the city. Of course, if the defendant requests and qualifies for court-appointed counsel, which of course is constitutionally mandated, the cost to the city increases.

**CUSTOMER SERVICE**

While our staff continues to provide first-rate service to all patrons of the Municipal Court, some services have been significantly impacted by budget cuts and staffing short falls. These challenges are most notably impacting referrals to Intervention Inc. for adult probation monitoring and community service.

The Court is particularly concerned with the ability to impose and supervise juvenile offenders in the Court’s community service program. During the school year especially, our juvenile offender are limited to after school hours and weekends to perform community service. This, of course, means that most juveniles attempt to perform their community service on Saturdays. Because of

the overwhelming number of juveniles required to perform community service and a severe shortage of community service supervisors, it has become a common occurrence that as many as twenty to thirty juveniles are prevented from participating in community service every weekend. Some juveniles report arriving at 4:00 a.m. and waiting in the Court parking lot in order to make it onto an eight person crew. While the Court is in no position to confirm such representations, supervisory staff does report juveniles reporting to the Court as many as two hours before sign in to insure being served.

To address this problem, the Court has begun to explore a number of short-term fixes to the problem. First, the Court will begin to use a scheduling rather than first come, first served process for juveniles. Secondly, the Court will attempt to coordinate with the Police Department's volunteer program to possibly utilize volunteers to supervise low-risk, younger and at risk juveniles. Lastly, the Court will soon meet with other city leadership to explore ways in which other departments can assist with juvenile community service supervision.

## **SENTENCING**

The Court was, because of statutory changes and other factors, compelled to "experiment" with several sentencing alternatives in order to comply with state statute and address increased costs for sentences to incarceration. There is no doubt that the Court will be driven to seek even more creative sentences and increase the use of community service to reduce recidivism and insure compliance with all aspects of Court orders.

It is the Court's hope that an economic recovery will enable the Court to dedicate greater resources to adult probation monitoring and community service supervision to reduce costs and enhance fine collection without impacting the Court's first priority—public safety.

### ***Graffiti Removal:***

Unightly graffiti of all kinds and primarily gang "tags" continues to be a huge problem for the city. In 2014, the Court's graffiti removal/community service program continued to address graffiti on both public and private property throughout the city. However, because of the ever evolving responsibilities and demands placed on the program, the number of graffiti sites addressed by the program dropped when compared to 2013. The total number of graffiti sites tackled by the Court's community service program in 2014 was 8,842.

The dramatic drop in graffiti sites addressed is, in no way, an indication that graffiti tags have diminished since last year. Rather, this dramatic drop in graffiti sites addressed is a reflection of the changing demands on our community service program. In 2014, the program responded to requests by multiple departments, non-profit organizations and the City Manager's office to assist in a wide range of "special projects." In fact, the number of special projects the program assisted with in 2014 was 454, more than a 100% increase when compared to the 228 projects for 2013. In assisting with these projects the program picked up almost 890 tires, almost 1,200 bags of trash and 55 ½ dump trailers of trash. In addition, community service crews responded, at the request of the Code enforcement Department or the City Manager's Office, with at least twenty-three (23) nuisance abatement projects. Crews also assisted the Police Department with the removal of approximately 1,000 pounds of trash and refuse from a homeless camp. This data represents only a small fraction of the contribution made by the community service program and clearly, the program more than made up for the drop in graffiti sites addressed for 2014.

The total break-down of areas where graffiti sites were addressed is as follows:

Bessemer	1,328
Downtown	2,359
West Side	380
South Side	1,459
North Side	803
East Side	2,056
Belmont	457

It is anticipated that in 2015 the Community Service Program will again be called upon to provide more services for other city departments, non-profit organizations the Chamber of Commerce and other governmental and non-governmental agencies alike. Unfortunately, this program will continue to grow in its responsibilities and contributions without seeing any growth in staff.

### **SPECIAL PROGRAMMING**

#### ***Teen Court:***

As stated above, the Court's probation department was under staffed for the second half of 2014. This prevented the Court from conducting a Fall session of Teen Court. However, the Court will conduct two Teen Court trials in April of 2015 and hopes to return to conducting four Teen Court trials per academic year.

#### ***Restorative Justice:***

The Court has continued what has been a very productive relationship with the Pueblo County District Attorney, Jeff Chostner, to provide a Restorative Justice Program for first-time offenders. On average, the Court refers five juvenile offenders per week to the program. While a handful of these juveniles fail to comply with the program and are returned to the Court, the overwhelming majority of these youngsters successfully complete the program and are rarely seen in the Municipal Court again.

#### ***Soap Box Derby:***

Last year, Pueblo Crime Stoppers graciously agreed to purchase and co-sponsor, with the Court, a soap box derby car. The car was assembled by juveniles in the community service program with the assistance of community service supervisor, Chris Duston. The Court then identified two juveniles who had shown exceptional compliance with Court orders and selected those juveniles to race the car at the annual "Joplin Hill" Soap Box Derby race. These juveniles were recognized for their accomplishments and awarded certificates at a City Council meeting last Summer.

In 2015, the Court will seek new contributors who may be willing to purchase and sponsor Soap Box Derby cars. This will enable the Court to provide expanded pro-social activities for juveniles adjudicated in the Municipal Court.

### **2015: THE IMMEDIATE FUTURE FOR MUNICIPAL COURT**

#### ***Legislative Change:***

As pointed out above, revisions to CRS 18-1.3-702 have the potential to impact when and how the Court can impose jail sentences for those offenders who willfully fail to pay fines imposed. It is

anticipated that this legislative change may have an impact on the Court's 2015 budget in so much as it may result in an increase in the number of cases in which the Court appoints counsel to represent those offenders at risk of receiving jail sentences. It is also anticipated that the Court will utilize community service more than ever before as an alternative to jail. This will continue to put significant strain on the current staffing levels for the community service program and potentially require an increase in staff or reduction in the number of "special projects" the program can perform.

The fine and fee schedules for 2015 has been amended and posted on the Court's web site. The biggest changes are reflected in the presumptive fines for traffic infractions and those offenses that have historically accounted for the largest percentage of the Court's docket.

### ***Technology:***

The Court is committed to working with the city's Information Technologies Department and Tyler/Incode to identify and implement ways in which the Court can fully utilize its data management system to generate accurate data regarding all aspects of the Court's operations. Most importantly, the Court will strive to develop mechanisms to more accurately identify the amount of fines imposed versus fines collected. This should enable the Court to assess collection rates and identify more effective means of collecting fines imposed and tracking other mechanisms utilized for fine satisfaction.

### ***Programs:***

Unfortunately, the effort to collaborate with the local SB94 Board in providing a community service resource for juveniles sentenced in the District Court was not as successful as was hoped. In June of 2014, a Memorandum of Understanding (MOU) was executed by the Municipal Court and SB 94 in which juveniles from District Court would be referred to the Municipal Court Graffiti program to perform community service. Over the remainder of the year only a handful of District Court offenders were referred to our community service program. As a result, the Court has not actively pursued any efforts to accept those referrals or renew the MOU.

Nevertheless, it is anticipated that the graffiti removal program will continue to grow to reflect the city's inability to effectively end unlawful graffiti and the inability of other city departments to engage in activities like nuisance abatement with their respective funding and staffing constraints.

## **MUNICIPAL COURT STAFF**

The Municipal Court staff consists of seventeen employees including:

- 1 full time Presiding Judge
- 1 full time Court Administrator
- 2 full time Lead Court Technicians
- 1 full time Probation Case Manager
- 1 part time Probation Case Manager
- 5 full time Court Technicians
- 2 part time Clerk Typists
- 1 part time Community Service Coordinator/supervisor
- 3 part time Community Service Supervisors

### Staff Demographics

Employees	Minority/Non-Minority	M/F	Over Age 40
10 full time (50%)	6 (67%) / 3 (33%)	2 (22%) / 7 (78%)	8 (89%)
7 part time (47%)	2 (20%) / 6 (80%)	4 (60%) / 5 (40%)	5 (50%)
17 total employees	8 (42%) / 11 (58%)	8 (42%) / 11 (58%)	13 (69%)

The Municipal Court Staff has done an outstanding job of responding to the staffing challenges that the Court has experienced over the last year. Court Technicians have especially been asked to take on expanded responsibilities resulting from unforeseen circumstances. In addition, part-time Probation Case Manager, Fredrick Quintana, admirably took on the management of both adult and juvenile probationers for six months after the retirement of the full-time case manager.

The Court is proud and thankful for the professionalism and tenacity displayed by the staff over the course of the last year.



Court Staff

L to R: Anita Lucero, Eloise Vigil, Shelley Rodriguez, Christina Lovato, Tammy Martinez, Teddye

Gaide, Lisa Coughlin (Court Administrator), Sherry Charter.



Community Service Supervisors

L to R: Chris Duston, Mike McWilliams, Kenneth (Kenny Ginther), Robert (Bob) Cannon



Probation Case Managers

Fredrick Quintana, Sarah Krepel (Probation Case Managers)

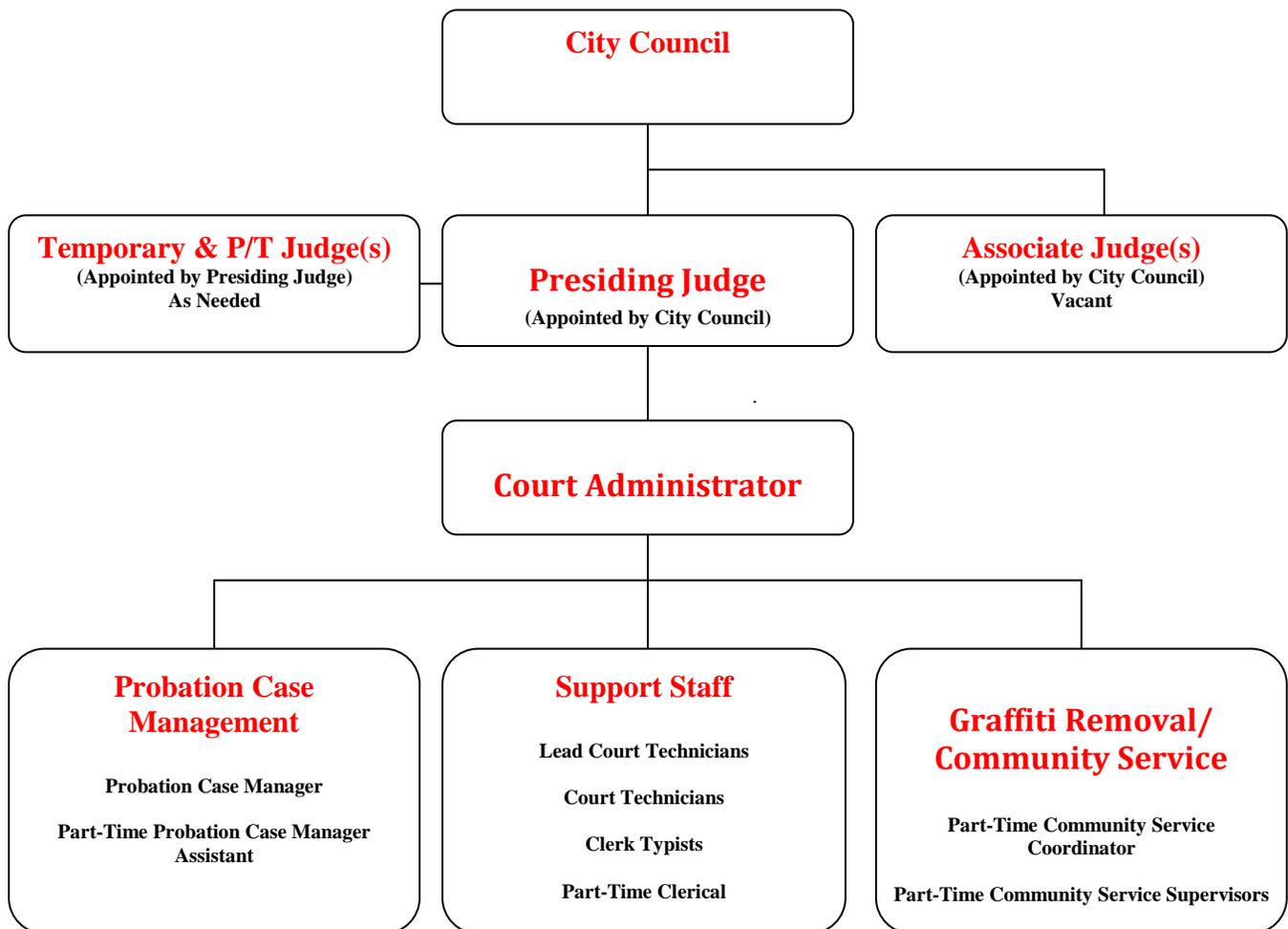
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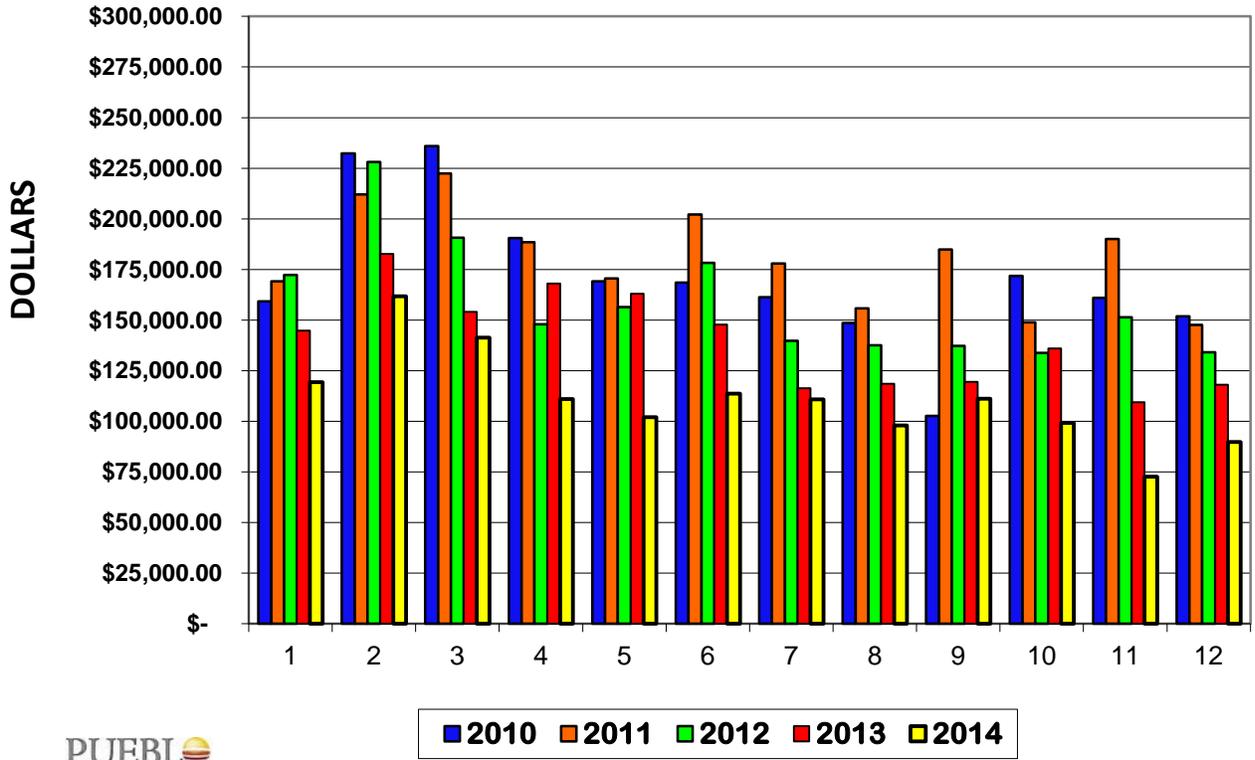
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## Municipal Court Organizational Chart – January, 2013

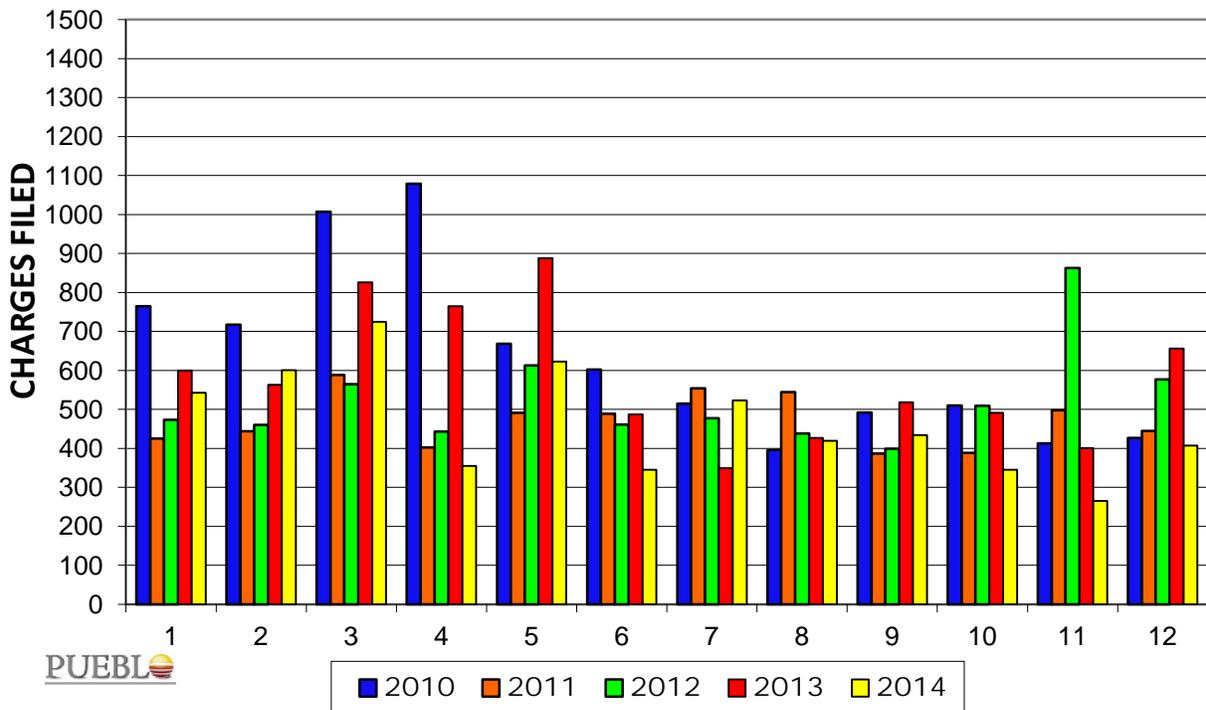




# COURT REVENUE

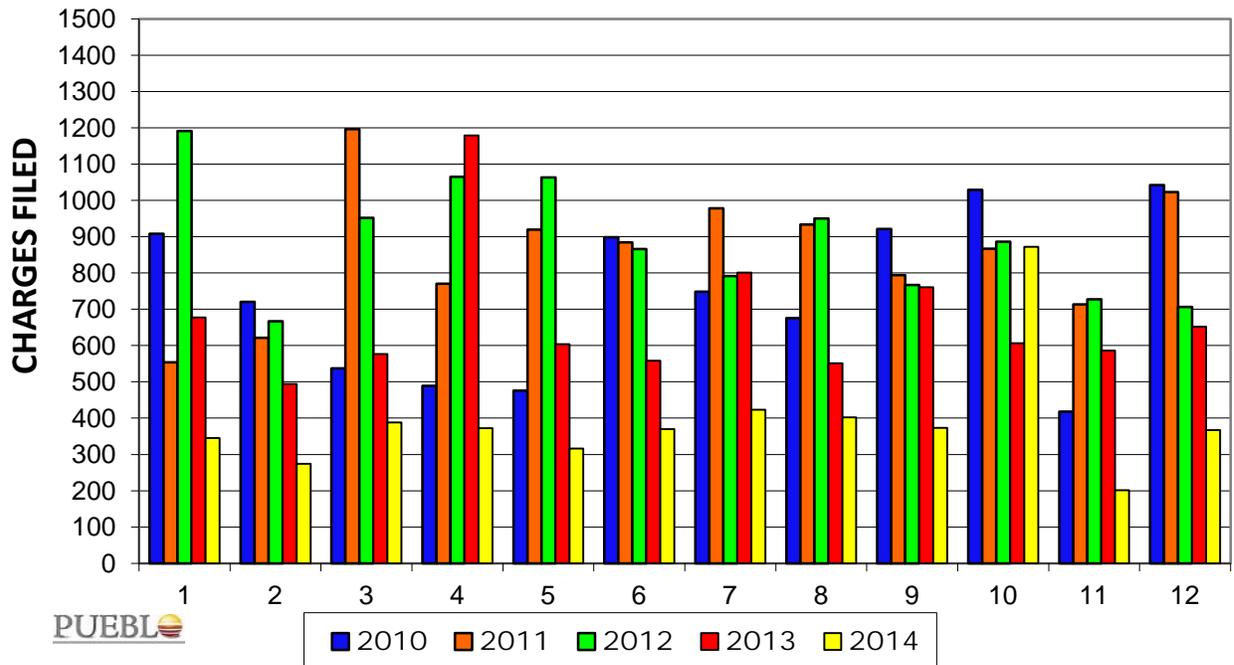


# TRAFFIC CHARGES FILED

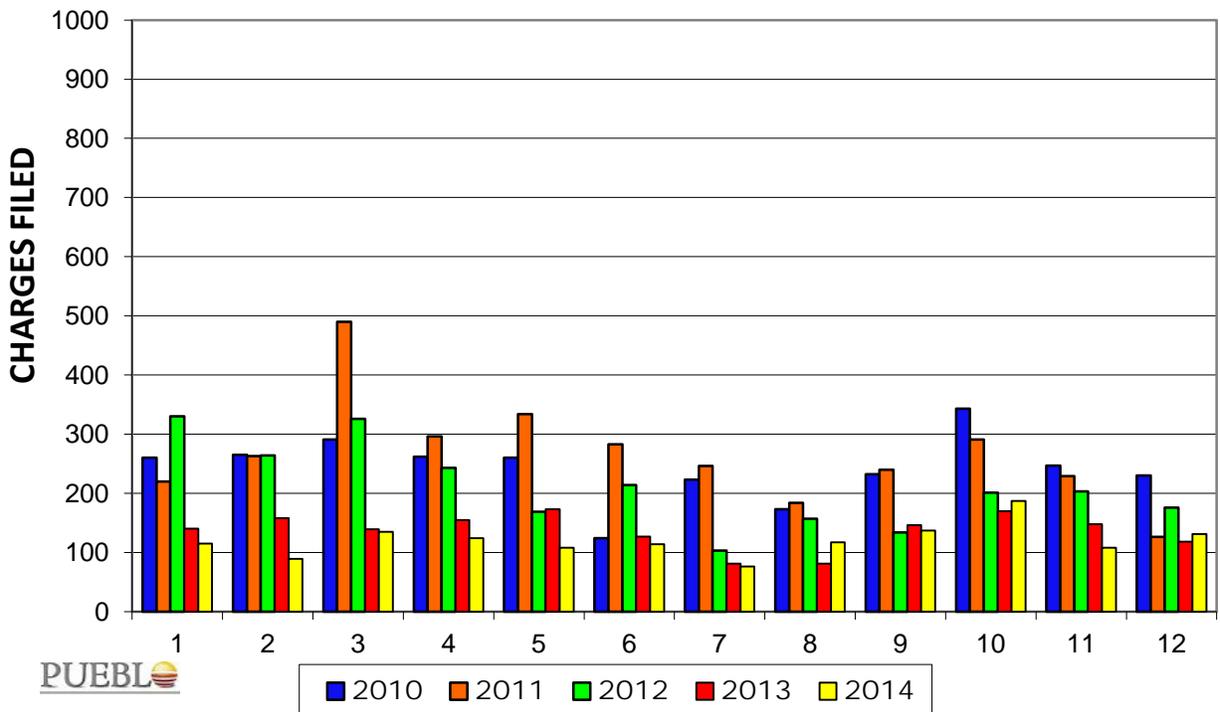




## ADULT GENERAL OFFENSE CHARGES FILED

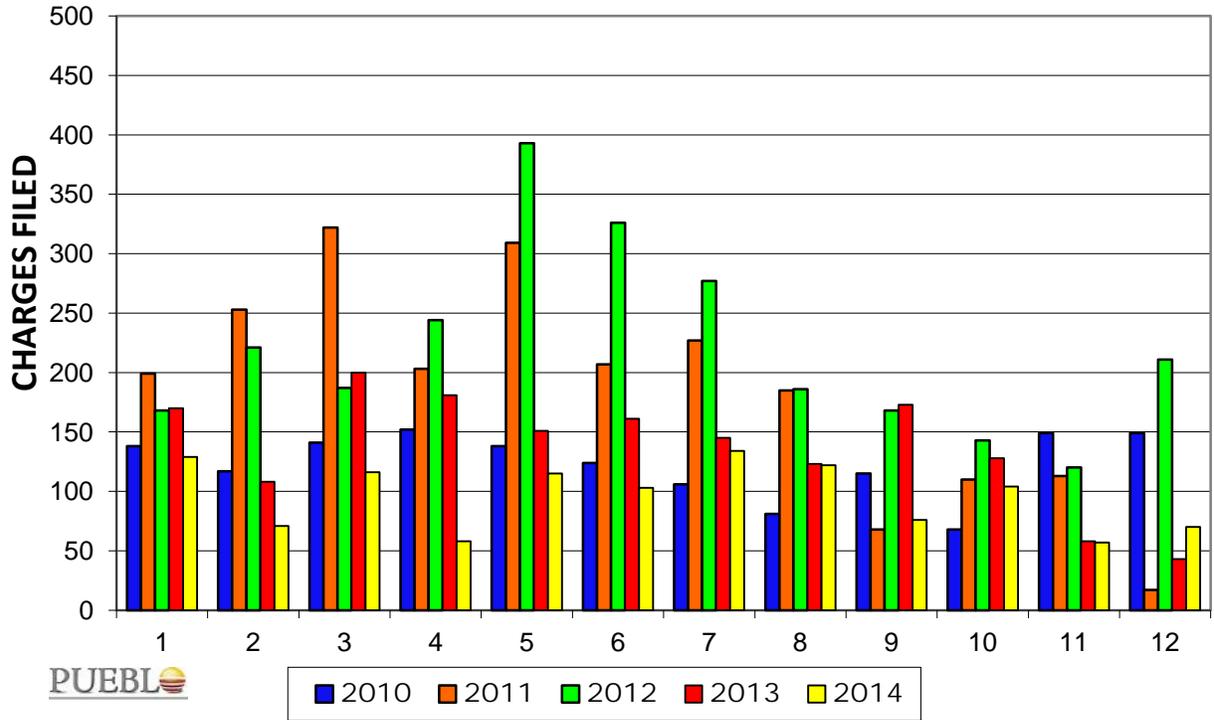


## JUVENILE GENERAL OFFENSE CHARGES FILED

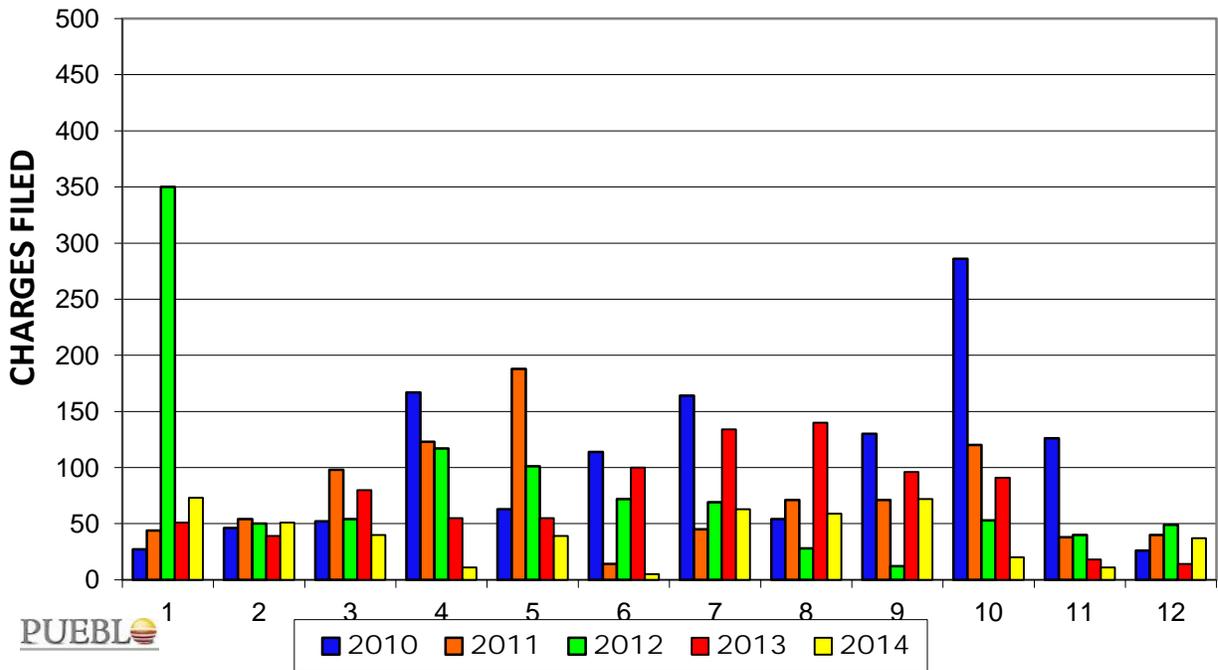




# ANIMAL OFFENSE CHARGES FILED



# CITY COMPLAINT CHARGES FILED POLICE SUPPORT-SALES TAX-HEALTH-REG'L BLDG





# PARKING TICKETS FILED

