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PUEBLO MUNICIPAL COURT 2012 ANNUAL REPORT

January 17, 2013, 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 2013:

- To enhance the Court's process for issuing subpoenas in order to reduce the number of cases continued or dismissed because of issues related to the service and receipt of subpoenas.
- Expand the development of alternative sentencing and fine collection in order to respond to anticipated increases in the costs of housing Municipal Court defendants in the Pueblo County Jail.
- To enhance the Court's trial scheduling procedures in order to resolve all trials in a speedy and efficient way and minimize the time spent in Court by citizens and Code and Law Enforcement officers.
- 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 City of Pueblo Departments.
- To work more collaboratively with the Tenth Judicial District, District Attorney in the development of restorative justice and diversion programs.
- To improve the Court's ability to accurately assess the recidivism risk of juvenile defendants in order to individualize juvenile sentences.
- Install a new case management system and fully train Municipal Court Staff on the system by the third quarter of 2013.

PUEBLO MUNICIPAL JUSTICE CENTER

While the Pueblo Municipal Justice Center is equipped with state-of-the-art electronic technology, the current HTE data management system has proven to be deficient in some respects. For example, the HTE data system does not interface with the Police Department's OSSI system to allow efficient dissemination of information regarding warrants issued and cleared in Municipal Court. In addition, the full utilization of courtroom technology like "StarBoard" has been hampered by the lack of sufficient processing speed of the hardware connected to this technology. The Court, with the assistance of the IT staff, has upgraded StarBoard related hardware in order to make this technology more user friendly and efficient for litigants in the courtroom.

The initial design of the Justice Center included twelve "holding cells" that were to be utilized as

a processing area for those defendants that needed to be booked into the Pueblo County Jail on Municipal Court warrants. Unfortunately, because of staffing impediments and design shortcomings, these holding cells are dramatically under-utilized. The Court hopes to initiate discussions with the Pueblo Police Department and other agencies to explore ways to utilize the holding cells in the hope of reducing inmate-housing costs.

2012: THE YEAR IN REVIEW

Perhaps the most significant event affecting the Pueblo Municipal Court for 2012 was the departure of Judge William Alexander. Judge Alexander was appointed, by Governor Hickenlooper, to the District Court and assumed those duties in June, 2012. The Municipal Court had the good fortune of having Judge Kathleen Hearn serve as interim Municipal Court Judge until July 16, 2012. Judge Hearn did a commendable job of insuring a smooth transition for the Municipal Court staff and the newly appointed Judge. On behalf of the staff, I would like to thank Judge Hearn for her willingness to serve in this capacity and for the great job that she did.

Of course, this report would be lacking if it didn't take this opportunity to also thank Judge Alexander for his many years of service to the city of Pueblo. His tireless efforts to improve the efficiency of the Court, keep abreast of technological advances, and make the Court "paperless" as well as his coalition building throughout his tenure on the Municipal Court Bench have paid significant benefits to the Court and the City of Pueblo.

Despite the uncertainties that came with the change represented by Judge Alexander's departure the Municipal Court Staff has performed admirably in adapting to the changes and in assisting me in making the transition to the bench. The staff has been extremely patient and helpful in assisting me to become familiar with Court practices and in identifying areas that must be addressed in the future. The staff is to be congratulated for its support efforts since my appointment and for its ability to accommodate the change.

Case Filings:

A total of 32,462 cases were filed in the Municipal Court for the year. This number represents an increase of 286 cases in comparison to the 32,186 cases filed in 2011, an increase of less than 1%. There are six categories of cases filed in the Municipal Court: Adult Criminal, Juvenile Criminal, Animal Service/Control, Traffic, Parking Tickets and City Complaints (Code Enforcement, Sales Tax, Land Use, Regional Building, etc.). The number of cases filed with the Court in each of these categories is as follows:

- **Adult Criminal:** These cases represent 10,335 of the filings for 2012. This is an increase of 83 cases compared to adult criminal cases for 2011.
- **Juvenile Criminal:** There were 2,515 juvenile criminal cases filed in 2012, a decrease of approximately 21% compared to juvenile criminal cases filed 2011. It should be noted that this number may be representative of the Pueblo City Schools' attempt to resolve a larger number of cases through its internal disciplinary processes.
- **Animal Services/Control:** The total number of cases filed by Pueblo Animal Services was 2,587. This represents an increase over 2011 of 374 cases.

- Traffic Tickets: The Court saw an increase of traffic ticket filings of approximately 11%. The number of filings increased from 5,655 in 2011 to 6,273 for 2012.
- Miscellaneous Offenses (Code Enforcement, Sales Tax etc.): This particular class of offenses represents, perhaps, the most sporadic of all Municipal offenses filed. While there was increase of filings from 2011 by 68 cases, the monthly filings varied dramatically from the highest of 350 in January, 2012 to twelve filings September of 2012.
- Parking Tickets: Like juvenile filings, parking tickets saw a decrease in filings from 9,948 in 2011 to 9,778 in 2012.

Photo Red-Light:

On September 1, 2009, the City formally implemented the use of Photo Red Light cameras at two separate intersections within the city. Current pending state legislation could result in the prohibition of Photo Red Light cameras in the future. Depending on the outcome of this proposed legislation, the number of Photo Red Light cameras may increase to as many as six. The impact this increase will have on the workload of the Municipal Court remains to be seen.

Photo Red Light Data:

Year:	2010	2011	2012
Filings:	2,229	2,232	2,601
Revenue:	\$172,843	\$179,323	\$159,146
Collection Rate:	83.7%	75.4%	77.7%

Court Revenue:

The total revenue collected for 2012, excluding Photo Red Light offenses, was \$1,906,296. This represents a drop in revenue of \$263,614. As in years past, the revenue collected includes fines that have been “credited” through the performance of community service or time in the Pueblo County Jail.

In the interest of fully advising the reader, it should be noted that 2012 is similar to previous years in so much as the amount of fines credited through jail sentences is somewhat inaccurate. 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. Municipal inmates are granted good-time credit for their sentences unless expressly denied that credit by the Court. The result of good-time credit is that the inmate serves half of the sentence imposed by the Court (e.g. a twenty-day sentence is completed after ten days). That is to say, an inmate receiving a 20 day sentence to satisfy an \$800 fine serves only ten days—at a cost of \$310 to the city. Hence, not only has the city not received the \$800 in fines imposed, the city has paid Pueblo County almost half of the originally imposed fine to house the inmate.

The Pueblo County Sheriff has expressed his intent to increase the fee charged to the City, by Pueblo County, to house municipal inmates to as much as \$50.44 per day. If this increase in

costs is implemented, the Court hopes to offset these increased costs by expanded use of in-home-detention (the cost of which is borne by the offender) and community service.

In addition, the Court has begun discussions with the City's finance and legal departments to explore the feasibility of utilizing the services of a collections agency in an effort to enhance revenue collection without the need to resort to jail sentences or other alternatives.

In October of 2012, the Court began utilizing in-home-detention for the first time ever as an alternative to jail sentences for the satisfaction of outstanding fines. The Court believes that utilizing this and community service will result in more cost effective ways to "credit" or satisfy fines. Since October, 2012, thirty-nine offenders have been sentenced to a total of 2,289 days of in-home-detention. This has resulted in \$25,180 in costs to the offenders and a savings of approximately \$34,000 in jail costs.

CUSTOMER SERVICE

Since 2007, the Municipal Court has processed an average of 33,466 cases per year. Arguably, the Municipal Court has more daily contact with the citizens of Pueblo than any other agency of City Government. Notwithstanding this tremendous volume, the Court continues to receive relatively few complaints, despite the fact that citizens charged with ordinance violations are often among the most dissatisfied and disgruntled.

While many of the Court's informational pamphlets are available in Spanish, the Court has recently discovered that some critical pamphlets (e.g. those related to trials and appeals) have not yet been translated into Spanish. Hence, the Court has begun discussions to contract with a Spanish language interpreter to remedy this shortcoming in the Court's efforts to serve all of the litigants appearing in Municipal Court.

The most significant efforts to provide greater customer service have come in the area of juvenile case management. It has become increasingly apparent to the Court that there is a correlation between the lack of academic progress for juvenile offenders and the frequency of juvenile offending behaviors. As a result the Court has, since the start of the new academic year, initiated greater Court involvement in school staffing for students and parents. While much remains to be done in the area of academic intervention, the Court or probation representative have attended staffings at South, East and Central High Schools and Heaton Middle School.

SENTENCING

The Pueblo Municipal Court has enjoyed a far-reaching reputation for creative sentencing and programming. Nevertheless, the increase in the number of repeat offenders, decreasing ability to collect fines and the ever-changing need and complexities of juvenile offenders have compelled the Court to make more concerted efforts at creatively addressing these dynamics.

As touched on above, the Court has begun to more fully utilize in-home-detention. This sentencing option allows the Court to eliminate the costs associated with limiting an offender's liberty in order to satisfy outstanding fines. In addition, it is the intent of the Court to use in-home-detention as a deterrent for those repeat offenders that have come to realize that a jail sentence represents only half of the sentence imposed (see good-time credit discussion above).

Although the significant reduction in juvenile case filings has resulted in a loss of revenue to the Court, it also represents a welcome challenge and opportunity to explore more effective and meaningful ways of reducing juvenile recidivism rates for the City. The Court has recently begun to explore the use of risk assessment tools and collaboration with other agencies like El Pueblo Boys and Girls Ranch and Spanish Peaks Mental Health Center to identify specific needs and strengths for juvenile defendants. The Court’s probation department has been an invaluable resource in researching risk assessment instruments, resource availability and in identifying potential partnerships with other agencies in order to be more responsive to the complexities of juvenile sentencing. Much has been asked of the probation staff in the last six months and the Court is extremely proud of the staff’s willingness to respond to these demands. Indeed, the energy and creativity brought to these efforts by Ben Guerrero and Tawni Nolting promise to insure the success of the Court’s renewed effort at reducing juvenile recidivism. It is the Court’s hope that these efforts will reduce the recidivism rates for young offenders and play a role in improving school attendance and academic performance.

Of course, the Court continues to utilize juvenile and adult community service programs as resources that afford offenders an opportunity to satisfy outstanding fines and fees. These programs also provide the Court with alternatives to jail for adult offenders and Pueblo Youth Corrections for juvenile offenders who have been held in contempt of court.

Graffiti Removal:

The City of Pueblo, like many other cities, has struggled with the proliferation of unsightly graffiti. Despite the use of excess fines and significant jail sentences graffiti of all kinds continues to torment the city. The continuing problem is reflected in the number of graffiti sites addressed by the Court’s Graffiti Removal Program (Community Service) in 2012. The Graffiti Removal Program addressed 8,775 sites in 2012 compared to 4,893 sites in 2011—an increase of nearly 80%!

While the same four areas of the city as last year account for the majority of the sites addressed by the Program, the areas accounting for the largest percentage increase in graffiti sites addressed are: Downtown, South Side and Belmont. The total break-down of areas where graffiti sites were addressed is as follows:

Bessemer	1,222	(66% increase over 2011)
Downtown	1,734	(136% increase)
West Side	499	(17% increase)
South Side	2,441	(83% increase)
North Side	449	(14% increase)
East Side	1,924	(76% increase)
Belmont	546	(169% increase)

In addition to responding to Crime Stopper and other tips to address graffiti sites throughout the city, the Graffiti Removal Program works collaboratively with other agencies and community programs to provide assistance with a variety of needs. For example, the Court recently reached out to Wal-Mart to assist with the South Side Wal-Mart store’s ongoing problem of shoppers taking carts off of the Wal-Mart premises and leaving them scattered in surrounding neighborhoods. To date the Graffiti Removal Program has collected and returned 197 shopping carts to the South Side Wal-Mart. The program has also recently assisted the Bessemer

Historical Society and the Pueblo Nature Center with clean-up projects and participated in the annual Zoo clean up.

Despite addressing almost two times as many graffiti sites as in 2011, the Court has been unable, in difficult budgetary times, to increase the budget for this very valuable city asset. The amount budgeted for the Graffiti Removal Program remains at \$75,000. Fortunately, because of CDBG grant money, the Court was able to purchase a third twelve-passenger van enabling up to three crews to be dispatched. In addition, excess fines devoted exclusively to graffiti programs were available to purchase a much needed portable paint sprayer in 2012, enabling graffiti removal crews to address sites that were previously inaccessible.



Graffiti Removal Staff from left to right: Kenny Ginther, Bob Cannon and Chris Duston

SAFETY AND SECURITY

While the Court has previously installed an audio surveillance system at customer counters, panic buttons for staff and video surveillance to enhance security for the public and staff, ever developing safety needs still persist. It is the Court's intent to collaborate with the Pueblo Police Department to explore the possibility that the PPD make staff available to operate a metal detector at the entrance to the Court.

SPECIAL PROGRAMMING

Night Court:

The Municipal Court Night Court program has always been an impressive “fast track” means of interdiction in underage drinking, prostitution and other offending behaviors needing immediate and swift law enforcement response. The success of the Night Court program continues to rely on the collaborative efforts of the Pueblo Police Department, the Pueblo County Sheriff and a Court staff willing to sacrifice many late night hours.

Teen Court:

Two Teen Court sessions have been held since the start of the 2012-2013 academic year. Four Criminology classes from Pueblo West High School (a total of 120 students) participated in the resolution of two juvenile cases as prosecutors, defense counsel, bailiffs and jurors. In addition to the students, many parents of the participating students also attended.

In the remainder of the school year, the Court hopes to invite students from Pueblo City Schools to participate in Teen Court and perhaps begin Teen Court competitions between our local school districts.

2013: THE IMMEDIATE FUTURE FOR MUNICIPAL COURT

Legislative Change:

Perhaps the two greatest areas of uncertainty for the Pueblo Municipal Court are: recently voter approved legalization of marijuana and the impact of potential legislative change at the state level with respect to maximum fines allowed in Municipal Courts. With respect to both issues, the Court can be greatly impacted by Pueblo’s response to these legislative changes.

Technology:

Technologically, the Municipal Court is eager to install and begin training in the new case management system. It is believed that this system will allow the Court to maintain improved inter-department information sharing. The ability to enhance information sharing should afford enhanced efficiency for the Court and all departments working with the Court.

The enhancement of in-court technological resources will enable litigants to present physical evidence in the form of electronic media more efficiently and with fewer delays. The Court is certainly conscious of the amount of patrol time lost to officers of the police department due to the Court’s occasional inability to play videos and audio recordings. The Court will therefore, continue to explore ways to provide the technological resources necessary to assist all litigants in the presentation of their cases.

Programs:

By March of 2013, the Court will have implemented a new pre-sentence investigation process that will task the probation department with more thoroughly assessing the socio-economic, academic and risk status of juvenile offenders. The probation department will begin providing the Court with sentencing recommendations based on the thorough determination of risk factors and strengths of our juvenile offenders in order to individualize sentencing to minimize the risk for recidivism while maximizing success rate of our juvenile offenders.

In 2013, the Court intends to make innovative and effective juvenile sentencing the Court's number one priority. To accomplish this, the Court will continue to develop partnerships with the Pueblo County District Attorney, Pueblo City Schools, mental health providers and other agencies and organizations to structure juvenile sentencing to insure the success of young offenders.

At the close of 2012, the Court began to look proactively at ways to minimize the impact of anticipated increases in the cost of housing Municipal Court defendants in the Pueblo County Jail. However, the use of in-home detention must be viewed as only one of a variety of ways that the Court can minimize this impact. The Court will continue to play whatever role is necessary to facilitate negotiations between the city and county to arrive at an agreement that will insure fair compensation to Pueblo County without compromising public safety and the city's ability to enforce its Municipal Code.

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 Assistant
- 4 full time Court Technicians
- 4 part time Clerk Typists
- 1 part time Community Service Coordinator
- 2 part time Community Service Supervisors

Staff Demographics (1/1/2013)

Employees	Minority/Non-Minority	M/F	Over Age 40
9 full time (53%)	6 (67%) / 3 (33%)	2 (22%) / 7 (78%)	8 (89%)
8 part time (47%)	2 (25%) / 6 (75%)	4 (50%) / 4 (50%)	2 (25%)
17 total employees	8 (47%) / 9 (53%)	6 (35%) / 11 (65%)	10 (59%)

The Municipal Court Staff continues to distinguish itself as one of the hardest working and devoted departments in the city. Despite processing well over 32,000 cases per year, the staff of the Municipal Court sets the bar for customer service throughout the city. Not only are the talents of the staff recognized within the city's other departments but also by agencies outside of our city government. The Court is proud of the accomplishments of Court Administrator, Lisa Coughlin, in being selected to participate in Leadership Pueblo and to Lead Court Technician, Tammy Martinez for being selected to participate in a presentation panel regarding electronic citations during an end of the year training session offered by the Colorado Association for Municipal Court Administration (CAMCA).



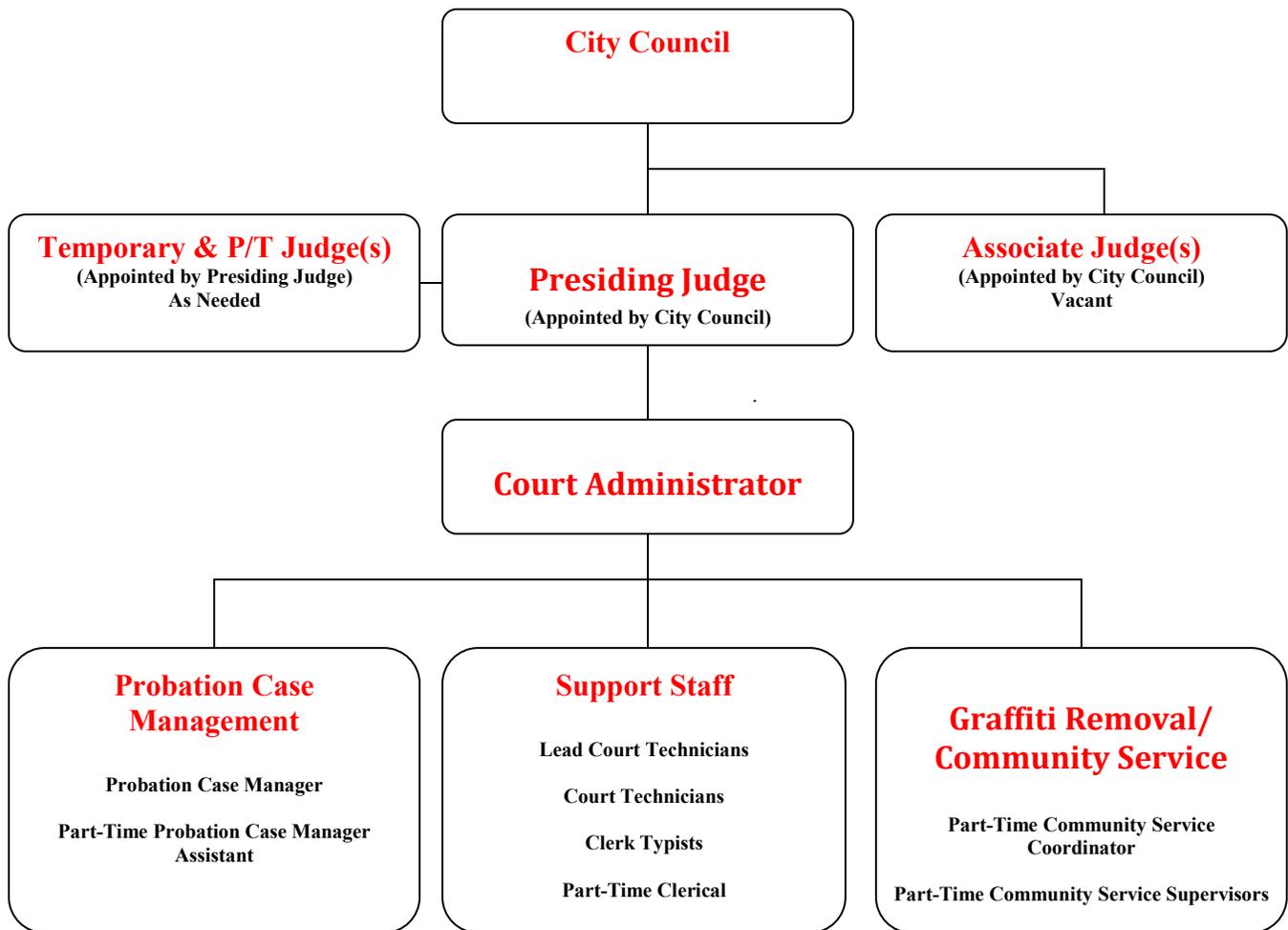
Court Staff from left to right: Dakota Stupar, Lisa Coughlin (Court Administrator), Shelley Rodriguez, Eloise Vigil, Lanisha Gomez, Michelle Ross, Kelly Sexton



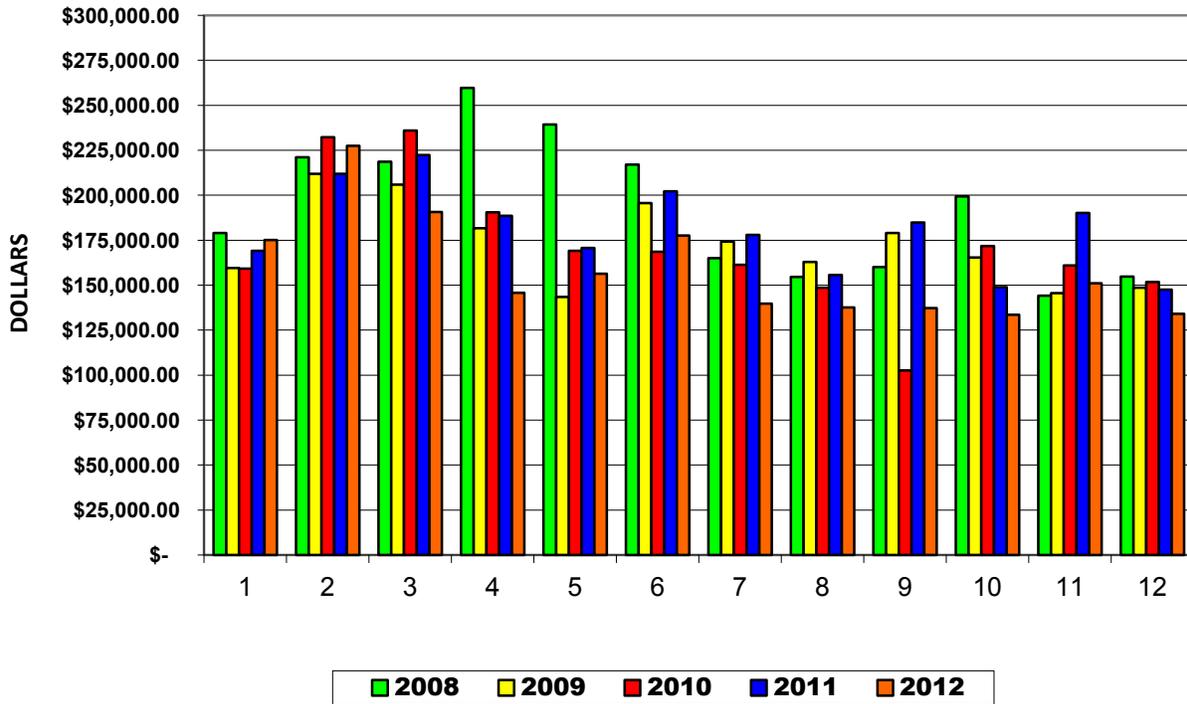
Court Staff from left to right: Ben Guerrero (Probation Case Manager), Christina Lovato, Tammy Martinez (Lead Court Technician), Yvette Robinson, Teddye Gaide (Lead Court Technician), Tawni Nolting



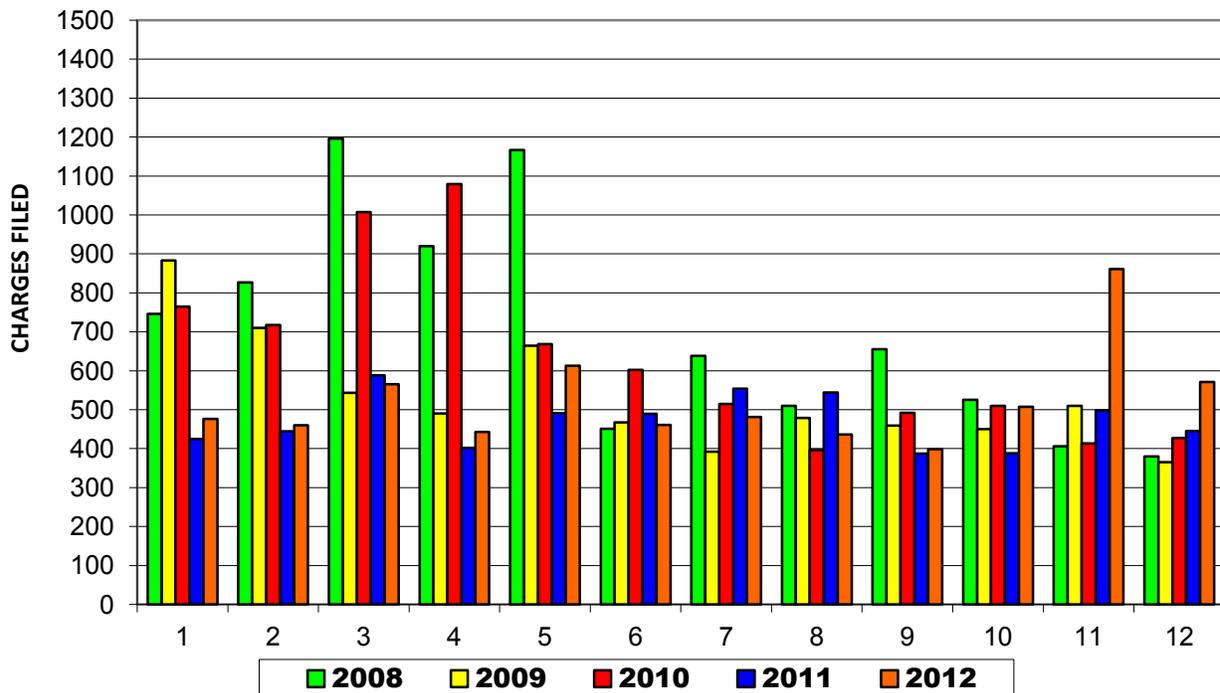
Municipal Court Organizational Chart – January, 2013



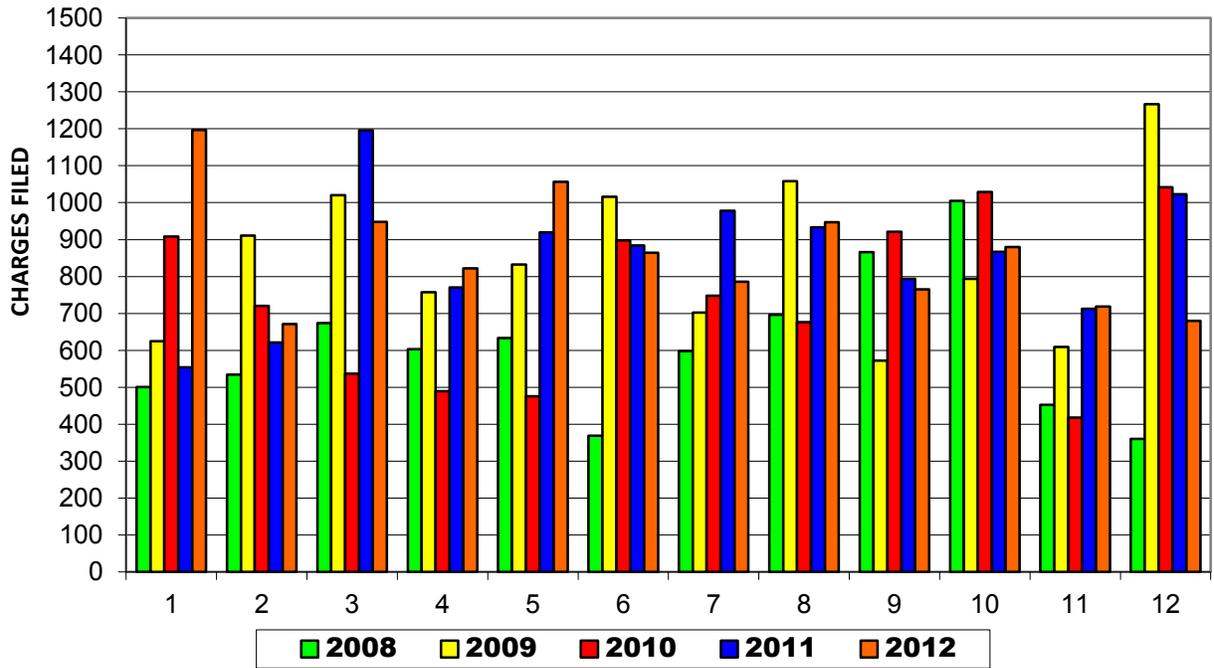
COURT REVENUE



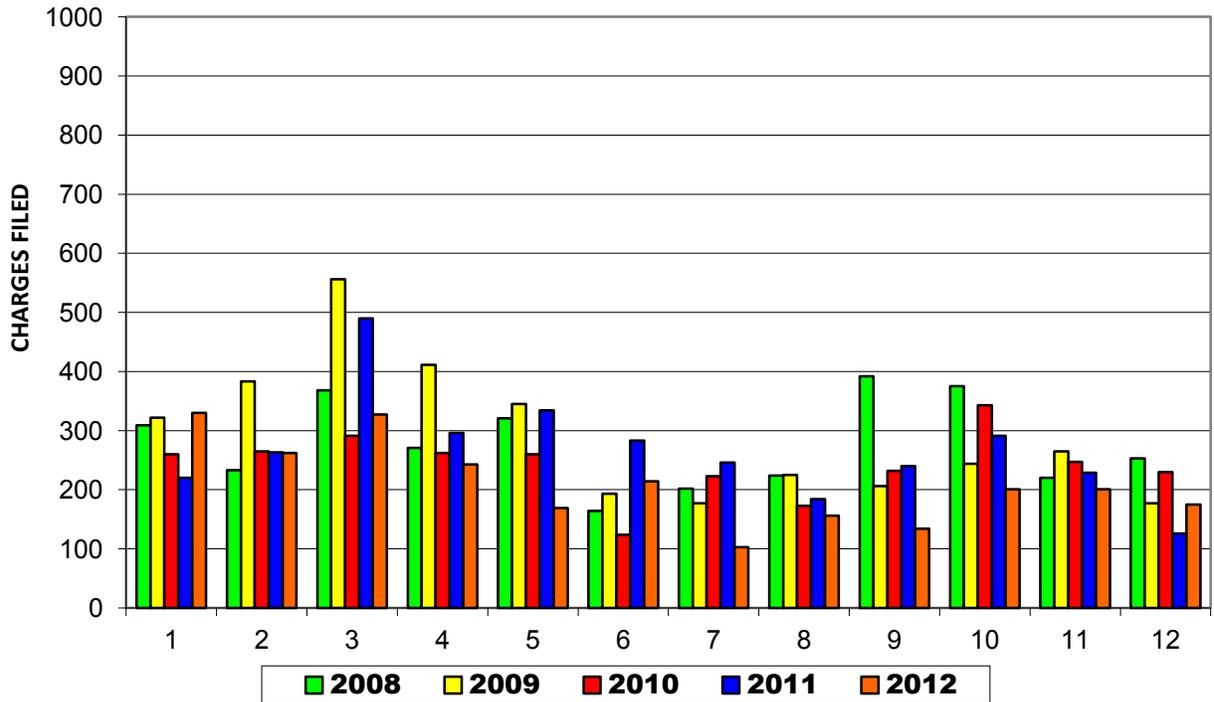
TRAFFIC CHARGES FILED



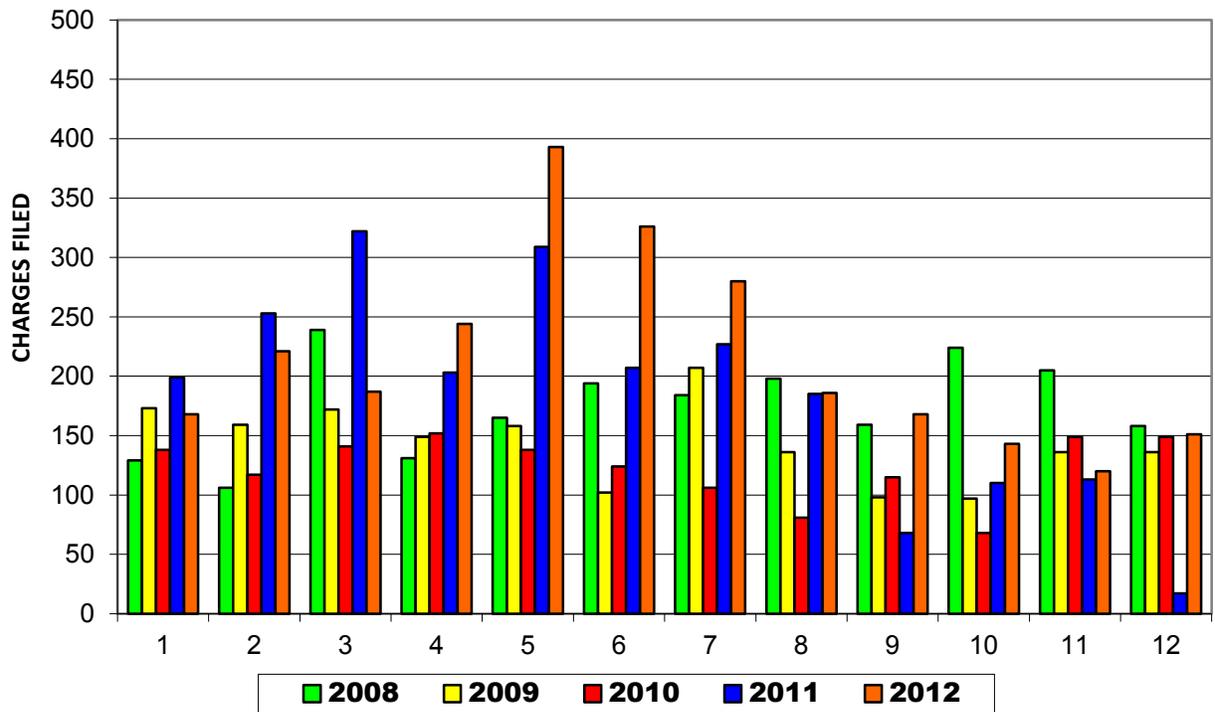
ADULT GENERAL OFFENSE CHARGES FILED



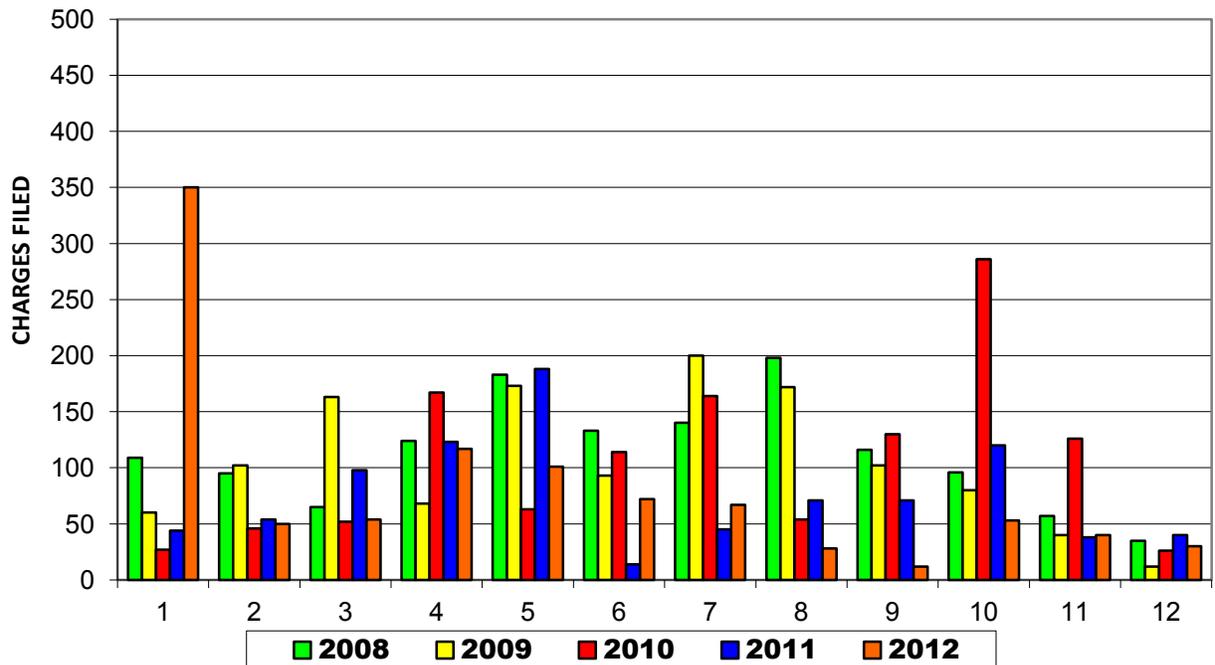
JUVENILE GENERAL OFFENSE CHARGES FILED



ANIMAL OFFENSE CHARGES FILED



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



PARKING TICKETS FILED

