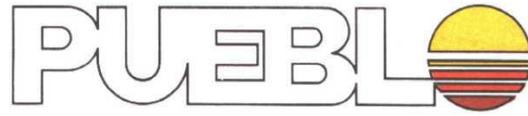


William A. Martinez
Municipal Judge

Lisa Coughlin
Court Administrator



200 South Main Street
Pueblo, Colorado 81003

Phone (719) 562-3810
Fax (719) 562-3811

PUEBLO MUNICIPAL COURT 2013 ANNUAL REPORT

February 28, 2014, 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 2014:

- To assist Court staff in achieving maximum proficiency in the use of the Court's newly implemented data management system.
- Develop relationships with private and public supervision agencies in order to continue the expansion and development of alternative sentencing and fine collection.
- 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 the development of restorative justice, teen court and diversion programs for juveniles.
- To improve the Court's ability to accurately assess the risk of recidivism for all Municipal Court Offenders and individualize sentencing.
- Enhance Courthouse security through collaboration with the Pueblo Police Department.

PUEBLO MUNICIPAL JUSTICE CENTER

As was reported in the Court's 2013 Annual Report, the data management system employed by the Court had become somewhat antiquated and deficient in meeting all the needs of the Court. A primary objective of the Court for 2013 was the installation of a new data management system. In August, Court Administrator, Lisa Coughlin, began the process of working with Tyler Inc. and the IT Department to make the transition to "Incode," the newly implemented data management system. On December 16, 2013, the Court went "live" and now uses HTE (the old system) for historical reference only.

2013: THE YEAR IN REVIEW

The Municipal Court, like all city departments, was impacted by a difficult economy which, coupled with a decline in case filings, resulted in a significant drop in the collection of fines imposed. In an effort to enhance fine collection for 2014, the Court began working with the City Finance Department to utilize a collections agency for the collection of delinquent fines.

The most significant development for the Court in 2013 was the implementation of the “Incode” data management system. Court Administrator, Lisa Coughlin and Lead Court Technicians, Teddye Gaide and Tammy Martinez began working with Tyler Inc. in August. Their objective was to identify data that would be converted to the new system, “code” Municipal Court “nomenclature,” and index all necessary Municipal Code Ordinances.

Both Ms. Coughlin and Ms. Gaide put in hundreds of hours in coordinating with Tyler representatives to convert years worth of data reflecting an average of over 30,000 cases a year. Beginning in November, the Court staff invested a great deal of time to learn the new Incode system which “launched” on December 16, 2013.

Of course, a project as large as this conversion always comes with some growing pains. For example, because of interface problems with the Police Department’s OSSI system there has been a delay in the issuing and processing of warrants. Nevertheless, since the implementation of Incode, the Court staff has diligently and conscientiously assisted with the identification of system kinks and glitches to insure that the system will adapt to meet all Municipal Court needs. I am extremely confident that with the staff’s continued diligence this new management system will prove to be invaluable to the Court’s case management needs.

Case Filings:

A total of 27,712 cases were filed in the Municipal Court for the year. This number represents a dramatic decrease of 5,257 cases in comparison to the number of cases filed in 2012. Of course, the Court is not in a position to identify the cause of this decrease. However, factors that may contribute include: Police Department efforts to identify high-risk offenders and file charges against those offenders in the County and District Courts; staffing shortages in the Finance Department’s Sales Tax enforcement section and hopefully, a decrease in the incidents of crime within the city.

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:** In 2013 there were 8,046 adult criminal cases filed in the Court. This represents a decrease of 2,585 (twenty-four percent) cases compared to 2012.
- **Juvenile Criminal:** There were 1,636 juvenile criminal cases filed in 2013, a decrease of approximately 35% compared to juvenile criminal cases filed 2012.
- **Animal Services/Control:** This category also saw a decrease in the number of cases filed. In 2012 a total of 2,644 animal control cases were filed versus 1,641 in 2013—a decrease of approximately thirty-eight percent.
- **Traffic Tickets:** The Court saw a slight increase in the number of traffic tickets filed in 2013. The number of filings increased from 6,273 in 2012 to 6,971 for 2013.
- **Miscellaneous Offenses (Code Enforcement, Sales Tax etc.):** Like 2012, the number of miscellaneous offenses both dropped and demonstrated the most dramatic month to month variations in case filings. These filings ranged from fourteen for the month of December to a high of one hundred, forty in August. In all fairness to the code

enforcement and sales tax departments, both were hampered by staff illnesses and shortages.

- **Parking Tickets:** Like all other categories (except traffic tickets) parking tickets saw a decline in filings for 2013. A total of 8,545 parking tickets were filed in 2013. Parking enforcement police officers filed a total of 9,901 tickets in 2012.

Photo Red-Light:

In 2013 the city installed two additional photo-red light cameras. The collection rate for fines resulting from photo red-light tickets was 79.1%. The total revenue resulting from this category of Municipal Court cases since 2010 is as follows:

Photo Red Light Data:

| Year: | 2010 | 2011 | 2012 | 2013 |
|------------------|-------------|-------------|-------------|-------------|
| Filings: | 2,229 | 2,232 | 2,601 | 2,240 |
| Revenue: | \$172,843 | \$179,323 | \$159,146 | \$136,250 |
| Collection Rate: | 83.7% | 75.4% | 77.7% | 79.1% |

Court Revenue:

The total revenue collected for 2013, excluding Photo Red Light offenses, was \$1,678,207. This represents a drop in revenue of \$229,576. Given a drop of more than 5,200 case filings for 2013, it should come as no surprise that fine revenue also saw a dramatic decrease. I firmly believe that this is evidence of the need 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. As in years past, the revenue collected includes fines that have been “credited” through the performance of community service, time in the Pueblo County Jail and In-Home Detention.

As was pointed out in the Court’s 2013 Annual Report, and similar to previous years, 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 often 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-five day sentence is completed after twelve days). That is to say, an inmate receiving a 25 day sentence to satisfy a \$1,000 fine serves only twelve days—at a cost of \$480 to the city. Hence, not only has the city not received the \$1,000 in fines imposed, the city has paid Pueblo County approximately half of the originally imposed fine to house the inmate.

As was expected, in 2013 the per day costs to the City for housing inmates in the Pueblo County Jail did see an increase. Because the Court was cautioned that such an increase was likely, a concerted effort was made to utilize alternative sentencing like in-home detention and expanded community service in an effort to mitigate the impact of the per day costs on the Police Department’s budget. The total cost of housing Municipal inmates in 2012 was \$183,943. In 2013 the payments to Pueblo County for Municipal inmates was reduced by approximately \$74,420 (total cost: \$109,523). The Court hopes to continue offsetting these increased costs by

expanded use of in-home-detention (the cost of which is borne by the offender) community service and adult probation programming.

CUSTOMER SERVICE

Since 2007, the Municipal Court has processed an average of about 32,000 cases per year. Municipal Court staff continues to have more daily contact with the citizens of Pueblo than perhaps any other agency of City Government. Notwithstanding this tremendous volume, the Court continues to receive relatively few complaints, and the staff continues to serve the community with efficient professionalism. It is fully anticipated that the implementation of Incode will greatly increase the Court's ability to continue providing high quality services to the community.

SENTENCING

I believe that the Pueblo Municipal Court continues to enjoy a far-reaching reputation for creative sentencing and programming. However, a continuing increase in the number of repeat offenders, cost limitations on punitive sentencing where warranted and the ever-changing needs and complexities of juvenile offenders have compelled the Court to make more concerted efforts at creatively addressing these dynamics.

As mentioned above, the Court has begun to more fully utilize in-home-detention. This sentencing option allows the Court to impose punitive sanctions for those offenders representing a greater risk to community safety without incurring the costs, for the Police Department, of a county jail sentence. In addition, The Court has been involved, with other departments, in advising the City Manager regarding the possibility of reaching out to the County's work-release provider to explore work-release sentencing and adult probation supervision for those few offenders who have employment but still require more serious sanctions than a simple fine.

While the Court may have been overly ambitious in seeking to assess risk and individualize sentencing for all juvenile offenders, I believe that the Court has made significant progress in the area of juvenile case management. The Court has continued its efforts at increasing Court involvement in school staffing for students and parents. While the success resulting from this involvement is far from where the Court would like to be, the goal of assisting students in their efforts to get back into school and improve academic performance by the juvenile probation department remains a source of pride for the Municipal Court. With the assistance of the juvenile probation case managers, several students have seen marked improvement. One middle-school student was able to earn a "turn-around" award at his middle school and the Court was honored to be asked to attend the awards assembly that recognized that student. Nevertheless, much remains to be done in the area of academic intervention and reducing juvenile recidivism.

The Court is hopeful that stronger and more effective collaboration with Pueblo City Schools can continue to bring positive outcomes for our juvenile offenders. One example of the Court's attempt to strengthen that collaboration is a recent effort to begin a pilot program to tutor Municipal Court juveniles utilizing high school seniors in need of community service hours to satisfy graduation requirements. The Court anticipates that this program will begin by mid March, 2014.

Graffiti Removal:

The city of Pueblo, in 2013 saw the greatest ever proliferation of unsightly graffiti. Despite the efforts of law enforcement and the use of excess fines and significant jail sentences graffiti of all kinds continues to torment the city. The total number of graffiti sites addressed by the Court's Graffiti Removal Program (Community Service) in 2013 increased by about seventy-seven percent. The Graffiti Removal Program addressed 11,704 sites in 2013. Over the past two years graffiti sites addressed by the Municipal Court increased 80 and 77% respectively. Clearly, graffiti continues one of the most significant code violations confronting the city.

Only one region of the city actually saw a reduction in the number of graffiti sites addressed. The Belmont area went from 546 sites in 2012 to 370 in 2013. The total break-down of areas where graffiti sites were addressed is as follows:

| | | |
|------------|-------|--------------------------|
| Bessemer | 1,863 | (52% increase over 2012) |
| Downtown | 2,356 | (36% increase) |
| West Side | 585 | (17% increase) |
| South Side | 2,757 | (13% increase) |
| North Side | 653 | (45% increase) |
| East Side | 3,120 | (62% increase) |
| Belmont | 370 | (32% decrease) |

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. Our graffiti crews participated in more than 105 other special projects at the request of non-profits and other city departments. These special projects included, for example, clearing weeds for ground breaking at the site of the new East-side library branch, flood damage mitigation at Pueblo Mountain Park, moving the City Law Department to its new offices and the Honor Farm clean up.

In 2014 the Community Service Program will attempt to provide other pro-social activities for juvenile offenders in the Municipal Court. The Court is in the process of collaborating with Crime Stoppers of Pueblo and the District Attorney's Office to purchase Soap Box Derby car(s) kits. The objective will be to give youthful offenders the opportunity to build and race the car in this Summer's competition.

The Court has also been contacted by the Tenth Judicial District to request that the Court allow juvenile offenders to perform court-ordered community service through its Graffiti Removal Program. Assuming that this will not have adverse fiscal impact on the Municipal Court, allowing juvenile offenders from the state court system to perform community service for the City of Pueblo will enable the Court to expand services to the community and address even more graffiti sites than is currently possible. A Memorandum of Understanding (MOU) has been drafted for approval by the City Council and this program will hopefully, begin by the spring.

SPECIAL PROGRAMMING

Teen Court:

Because the Court was occupied with the development and implementation of the Incode system

for the last quarter of 2013, it was unable to conduct Teen Court sessions. However, the Court is working closely with the District Attorney's office to insure that the program continues to thrive in 2014.

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

Restorative Justice:

The Court began collaborating with Ms. Michelle Randall-Garcia of the District Attorney's office in 2013 to "resurrect" a restorative justice program aimed at early intervention with juveniles that enables them to understand victim impact of their behaviors and to repair that harm in ways that are more impactful and personal. This program has proven to be very successful and will continue to be a mainstay of the Court's efforts at reducing juvenile recidivism rates.

2014: THE IMMEDIATE FUTURE FOR MUNICIPAL COURT

Legislative Change:

A Constitutional Amendment in 2012 legalized recreational use of marijuana in Colorado. While the City Council has imposed a moratorium on retail sales of marijuana within the city, the Pueblo County Commissioners have licensed several retail outlets. The amendment has resulted in a reduction of the number of adult Possession of Cannabis cases for 2013. It is both difficult and premature to conclude whether the legalization of marijuana may contribute to a rise in the number of youth using cannabis. However the number of juvenile possession of cannabis case rose from 196 in 2012 to 255 in 2013. The Court will attempt to closely monitor the juvenile filings for possession of cannabis in order to determine whether there is a statistical correlation between the legalization of recreational marijuana and the number of youth charged with this offense.

The fine and fee schedules for 2014 will remain the same as 2013 despite state legislation in 2013 authorizing municipalities to increase their maximum fines to \$2,500. However, the City Council is expected to take up the issue of imposing a mandatory \$10 surcharge for all defendants convicted (to include Deferred Sentences) of Municipal Code violations.

This year's legislative session is taking up potential legislation restricting the ability of Municipal Courts to impose incarceration on offenders who fail to pay fines owed to the courts. Naturally, the Court will be monitoring the progression of this bill through the legislative process and will be prepared to respond should it become law in 2014.

Technology:

The Municipal Court will have immediate challenges for 2014 as the staff becomes familiar with our new data 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 has enabled 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 2014, the Court the Court hopes to be working collaboratively with the District Court Probation and SB94 to begin supervising low-risk offenders sentenced to juvenile community service in State Court. The collaboration of these agencies should assist the Court in addressing the ever-increasing amount of graffiti throughout the city and provide a low cost venue for other juvenile offenders to complete court ordered community service.

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. In addition, the Court hopes to work with the City Manager's Office and other relevant departments to identify ways in which the Court can reduce adult recidivism through low cost adult probation programming which should also have positive outcomes with respect to reducing incarceration costs to the city.

MUNICIPAL COURT STAFF

The Municipal Court staff consists of eighteen 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
- 4 full time Court Technicians
- 4 part time Clerk Typists
- 1 part time Community Service Coordinator
- 3 part time Community Service Supervisors

Staff Demographics (1/1/2013)

| Employees | Minority/Non-Minority | M/F | Over Age 40 |
|--------------------|------------------------------|--------------------|--------------------|
| 9 full time (50%) | 6 (67%) / 3 (33%) | 2 (22%) / 7 (78%) | 8 (89%) |
| 9 part time (47%) | 2 (22%) / 7 (78%) | 4 (45%) / 5 (55%) | 3 (33%) |
| 18 total employees | 8 (45%) / 10 (55%) | 6 (33%) / 12 (67%) | 11 (61%) |

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 especially proud of the efforts of Lisa Coughlin to work collaboratively with Tyler Inc. and the IT Department to make the transition to Incode as seamless as possible.



Back row (L to R): Tracy Naumann, Eloise Vigil, Tammy Martinez, Amanda Taylor, Michelle Ross, Kelly Sexton. Front row (L to R): Teddye Gaide, Christina Lovato, Shelley Rodriguez, Lanisha Gomez, Lisa Coughlin (Not Pictured: Anthony (Ben) Guerrero)



L to R: Fredrick Quintana, Chris Duston, Kenneth (Kenny) Ginther, Robert (Bob) Cannon, Tawni Nolting

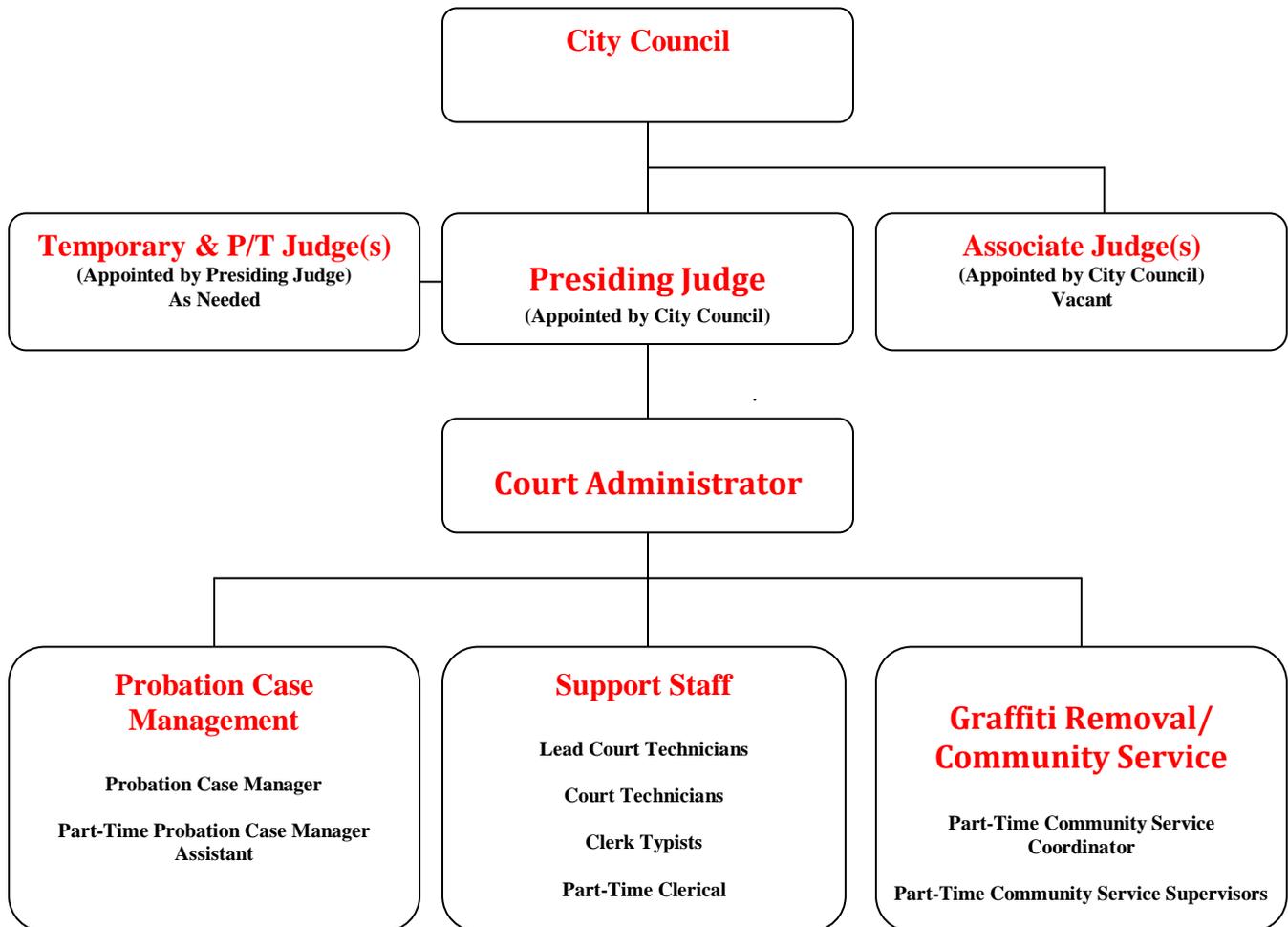
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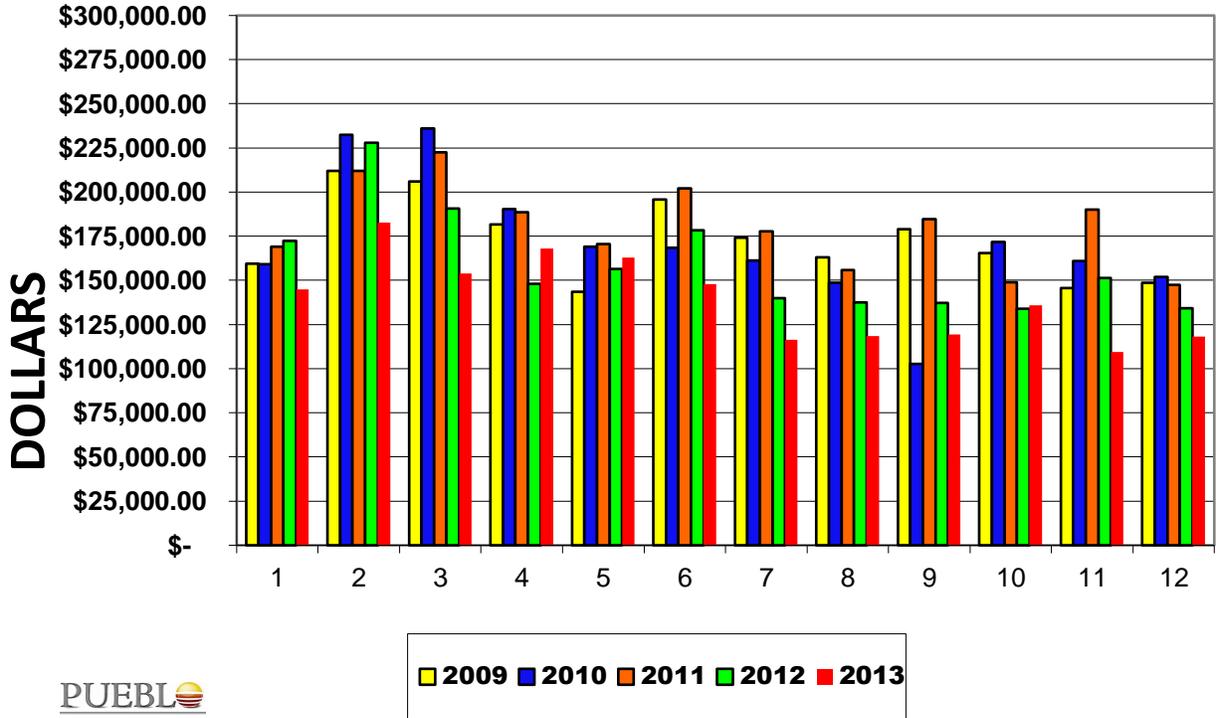
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Municipal Court Organizational Chart – January, 2013

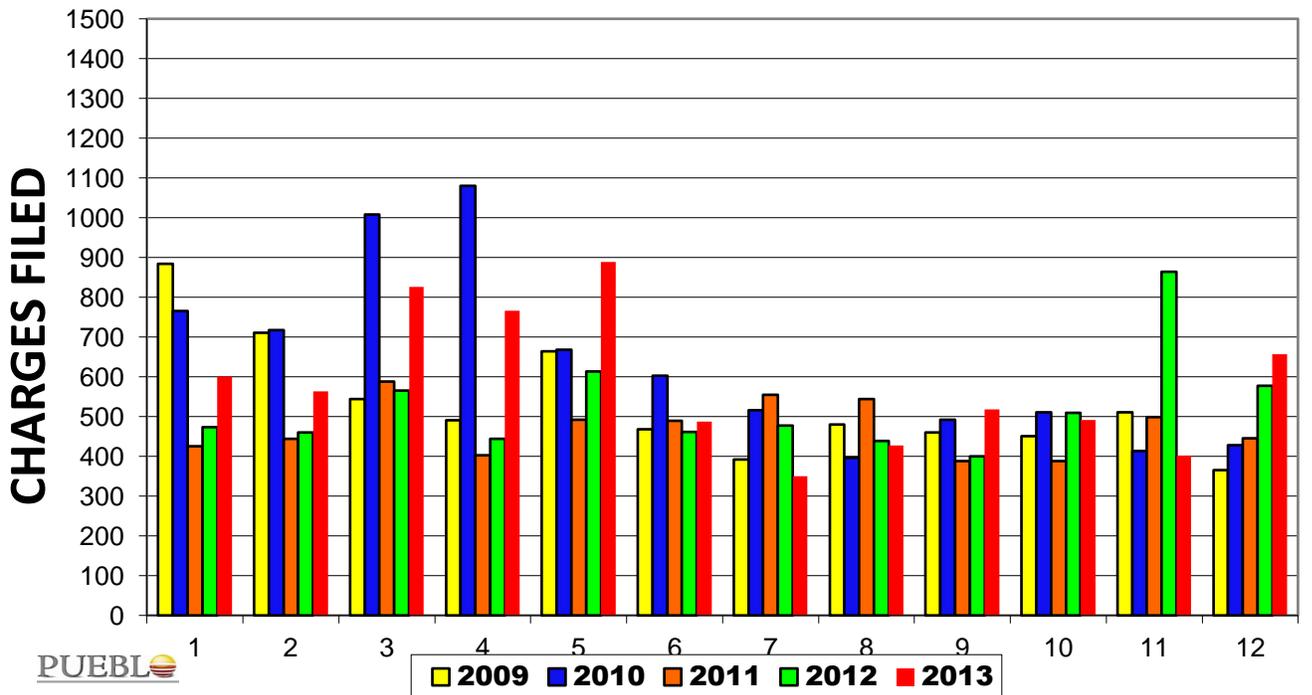




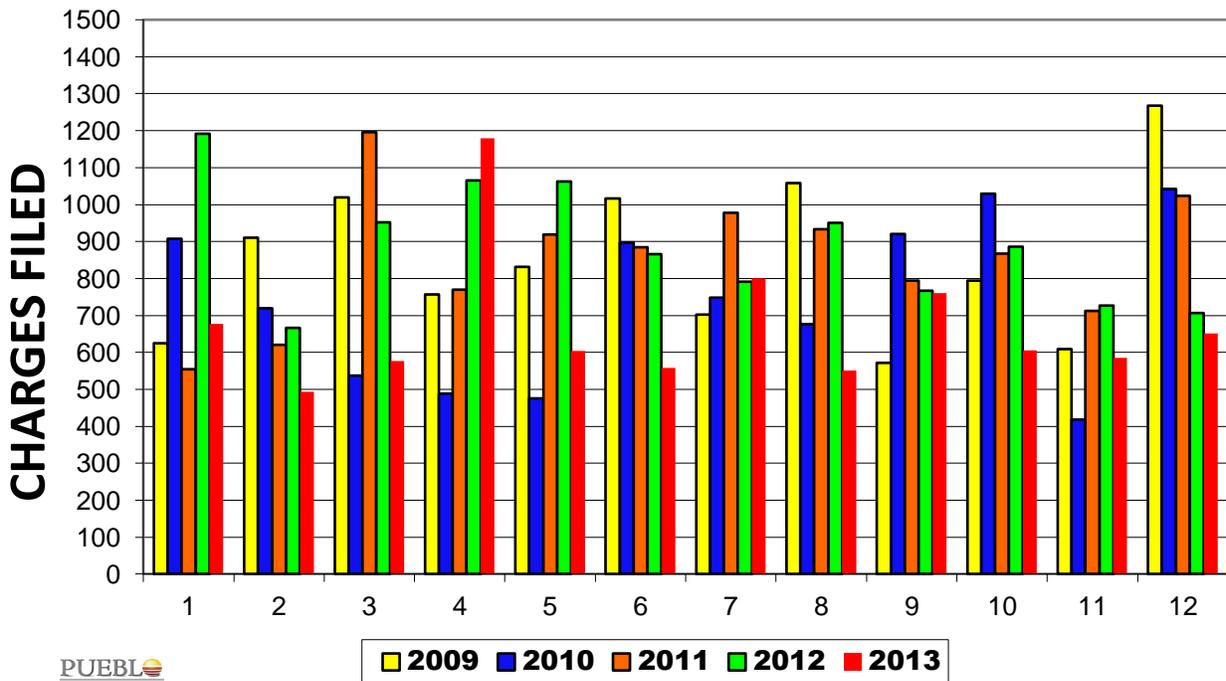
COURT REVENUE



TRAFFIC CHARGES FILED

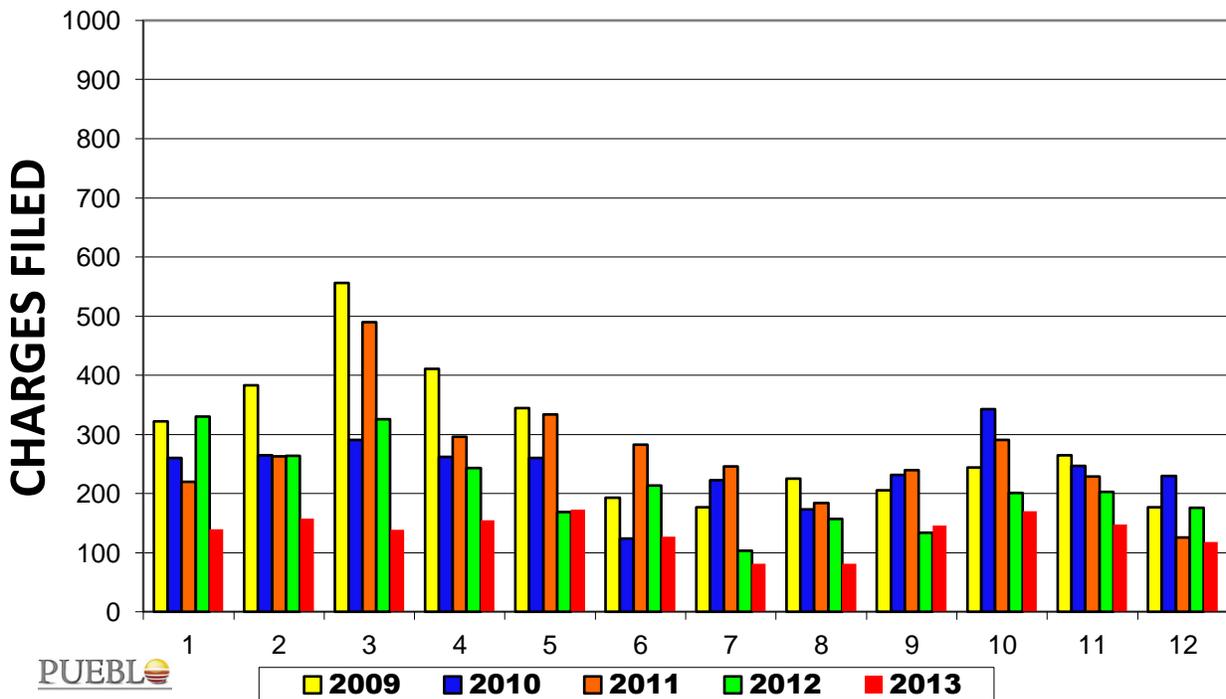


ADULT GENERAL OFFENSE CHARGES FILED



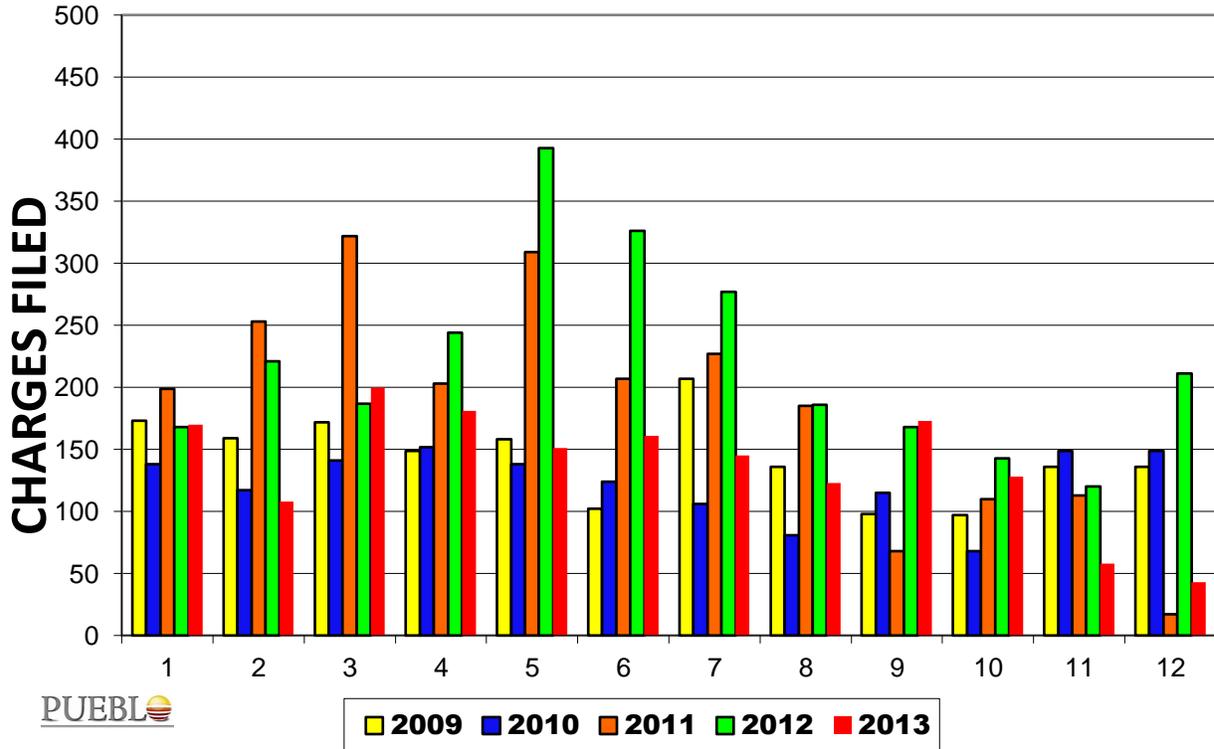
PUEBLA

JUVENILE GENERAL OFFENSE CHARGES FILED

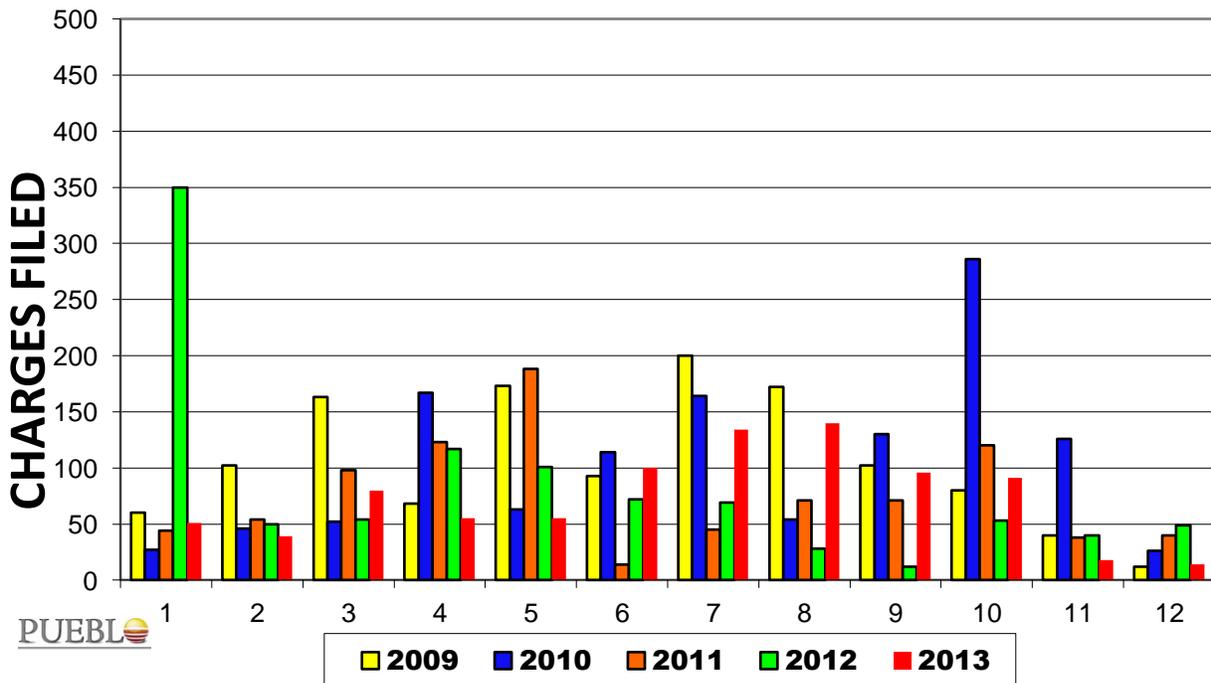


PUEBLA

ANIMAL OFFENSE CHARGES FILED



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



PARKING TICKETS FILED

