

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

*In Re: Adoption of a Compliance Program for the Philadelphia Municipal Court
Traffic Division*

ADMINISTRATIVE DOCKET

No. 01 of 2015

ORDER

AND NOW, this 4th day of May, 2015, in order to ensure that the reforms implemented at the Philadelphia Municipal Court Traffic Division since 2011 remain in effect, and further to ensure that the Philadelphia Municipal Court Traffic Division continues to operate with integrity and professionalism so as to promote public confidence in the administration of justice, it is hereby ORDERED and DECREED that the *Compliance Program* described in the attached document be implemented effective immediately.

It is further ORDERED and DECREED that Joseph L. Hassett, Esquire, is appointed *Compliance Officer* pursuant to Section V of the *Compliance Program*.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1; and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. This Order shall be filed with the Office of Judicial Records in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two certified copies of this Order, and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, shall be published in *The Legal Intelligencer*, and will be posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be submitted to *American Lawyer Media*, the *Jenkins Memorial Law Library*, and the Law Library for the First Judicial District of Pennsylvania.

BY THE COURT:

/s/ Gary S. Glazer

HONORABLE GARY S. GLAZER

Administrative Judge

Philadelphia Municipal Court Traffic Division

Philadelphia Municipal Court Traffic Division

Compliance Program

May 2015

I. Introduction

The Traffic Division of the Philadelphia Municipal Court adjudicates in excess of one hundred thousand motor vehicle citations annually and is the court that most Philadelphians encounter during their lives. Public confidence in the integrity and professionalism of the Traffic Division is essential to the court fulfilling its mission to adjudicate cases promptly, fairly and cost-effectively.

For decades the former Traffic Court was plagued with recurring scandals that undermined public confidence in the court. In 2011, following a raid by the Federal Bureau of Investigation, the Pennsylvania Supreme Court took the unprecedented step of appointing a commissioned Court of Common Pleas judge as Administrative Judge of the Traffic Court with the mission of reforming the Traffic Court permanently and restoring public confidence in the adjudication of traffic citations in Philadelphia. Major reforms implemented since 2011 include:

- The enactment of legislation by the Pennsylvania General Assembly transferring jurisdiction for traffic offenses from the Traffic Court to the Philadelphia Municipal Court and initiating the process for amending Pennsylvania's Constitution to abolish the Traffic Court;
- Replacing elected non-attorney Traffic Court judges with state-level attorney hearing officers recruited through an open process and hired on the basis of merit;
- Arranging for the Philadelphia District Attorney's Office to represent the Commonwealth at all traffic proceedings;
- Revising case scheduling procedures to minimize the risk of case-fixing and ensure the integrity of the adjudicative process;
- Transferring appeals of traffic offense convictions from courtrooms in the Stout Center for Criminal Justice to a newly established Common Pleas courtroom at 800 Spring Garden staffed by specially designated Municipal Court judges who have been authorized to hear traffic appeals.
- Conducting mandatory training in ethics and professionalism for all employees of the Traffic Division.

As a result of these and other reforms, and the recent federal prosecutions of former Traffic Court judges and staff, there is, at present, a high level of confidence that the Traffic Division is operating with integrity and professionalism. However, history has shown that past efforts to reform the Traffic Court attenuated over time, and corruption – fueled by the insatiable desire of many Philadelphians to fix traffic tickets – always returned. To address the risk of corruption returning and to ensure that the Traffic Division continues to operate with integrity and

professionalism into the future, the Traffic Division has adopted this *Compliance Program*, which is structured along the lines of compliance programs in the private sector. The program enlists the support of every employee of the Traffic Division in monitoring the integrity and professionalism of the court's operations.

II. Statement of Policy

It is the policy of the Traffic Division that:

- All personnel are to adhere to the highest standards of ethical conduct and professionalism.
- Cases are to be adjudicated promptly and fairly and solely on the basis of evidence presented in open court and in hearing rooms.
- *Ex parte* communications regarding pending matters are strictly prohibited.
- Defendants and their attorneys are to be treated fairly and equally; no one shall receive special or preferential treatment.
- Defendants, their attorneys, the public at large, and fellow employees are to be treated with courtesy and respect at all times.
- Courtrooms and hearing rooms are to operate in a prompt and timely fashion to minimize inconvenience to the public.
- All employees have a role in maintaining the integrity and professionalism of the court and are required to report suspect conduct.

III. Potential Risk Areas

This *Compliance Program* addresses the following risk areas that threaten to undermine the mission of the court:

- *Ex parte* communications with judges, hearing officers and staff regarding pending cases and matters.
- Attempts to secure special consideration for fellow employees, friends, family and the politically connected.
- Inquiries from public officials and their staffs regarding pending cases.
- Political campaign activity by judges, hearing officers and staff.
- Unauthorized access to confidential information such as the PennDOT driving record and the eTIMS case record information.
- Work hours abuse.
- Discourteous and unprofessional treatment of the public and fellow employees.
- Adjudication of citations involving court employees and their immediate family members.

IV. Standards of Conduct

The Traffic Division operates in a complex regulatory environment established by the following:

- Article V of the Pennsylvania Constitution
- Orders of the Pennsylvania Supreme Court pursuant to its administrative authority
- The Pennsylvania Rules of Criminal Procedure promulgated by the Supreme Court
- Local Rules of Criminal Procedure adopted by the First Judicial District upon review and approval by the Supreme Court Criminal Procedural Rules Committee
- Orders of the Administrative Governing Board of the First Judicial District
- Written directives of the President Judge of the Philadelphia Municipal Court or the Administrative Judge of the Municipal Court Traffic Division
- Enactments of the Pennsylvania General Assembly including the State Ethics Act and the Pennsylvania Crimes Code
- Federal criminal statutes including Theft of Honest Services and Bribery

Compliance with every aspect of the above is critical to the Traffic Division fulfilling its mission. For the purposes of this program, which is focused on integrity and professionalism, the following codes of conduct incorporate the standards of conduct required by the regulatory scheme:

- Pennsylvania Code of Judicial Conduct: effective July 1, 2014
- Pennsylvania Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014
- Code of Conduct for Employees of the Unified Judicial System
- Code of Conduct for Judicial Staff of the First Judicial District
- Code of Conduct for Non-Judicial Staff of the First Judicial District

Every employee must be fully knowledgeable about the code of conduct applicable to his or her position.

V. Compliance Officer

The program shall be overseen by the ***Compliance Officer***, who shall report directly to the Administrative Judge on all matters relating to the program, unless the Supreme Court has not appointed an Administrative Judge for the Traffic Division, in which event the ***Compliance Officer*** shall report directly to the President Judge of the Municipal Court. The duties of the ***Compliance Officer*** are as follows:

1. Implement and administer the *Compliance Program*.

2. Develop and implement periodic training programs in the areas of ethics and professionalism for all Traffic Division employees.
3. Ensure that all employees execute an annual acknowledgement that they have read and understand the personnel policies of the FJD including the applicable Code of Conduct.
4. Implement the process for reporting alleged violations, including a method for anonymous reporting, pursuant to Section VI of this Program.
5. Develop and maintain a method for logging complaints of unethical conduct.
6. Ensure the protection of whistleblowers from retaliation.
7. Oversee the investigation and resolution of complaints.
8. Confer with the Administrative Judge regarding the action to be taken on complaints that have been determined to be founded, including personnel actions and referrals to appropriate authorities.
9. Meet monthly with the Administrative Judge to review matters relevant to compliance.

VI. Procedures for Reporting

The Program's reporting procedures are designed to encourage employees to report suspect activity. Reports may be made verbally or in writing, and on a named basis or anonymously. The ***Compliance Officer*** shall keep the Administrative Judge apprised of all complaints of suspect conduct. Specific provisions concerning reporting are as follows:

A. Confidentiality

An employee making a report shall not disclose to others that the report has been made. The requirement, applicable to the reporting employee, is intended to protect the integrity of the fact-finding process; to protect the reporting employee from retaliation; and to prevent reputational harm to the subject during the pendency of the investigation and after the investigation in the event that the report is determined to be unfounded. While the ***Compliance Officer*** is not bound by confidentiality, the ***Compliance Officer*** shall, where possible, use discretion to minimize the risk of retaliation against the reporting employee.

B. Named Reporting

Suspect conduct may be reported in person or in writing to the ***Compliance Officer***. If provided in writing, the report should be submitted on the appropriate form, a sample of which is attached. Within five days, or as soon as practicable, of receiving a named report, the ***Compliance Officer*** shall notify the reporting employee of the status of the matter.

C. Anonymous Reporting

Employees may also report suspect activity anonymously by sending a written but unsigned report to the *Compliance Officer* on the form provided, or by leaving a voicemail on the Traffic Division Compliance Program's Hotline at 215-686-1625.

D. False Reporting

The purpose of this program is to ensure the integrity and professionalism of the Traffic Division. While employees are encouraged to make good faith reports of suspected unethical or unprofessional conduct, intentional false reporting could lead to disciplinary action, up to and including termination.

VII. Response, Monitoring and Tracking

1. The *Compliance Officer* shall keep a log of all reports received. The log shall include the date and time of the report, the names of the reporter and the subjects, the date, time and place of the alleged conduct, and a narrative description of the conduct.
2. The *Compliance Officer* shall, within thirty days of the receipt of a report, conduct a preliminary review to determine whether the report is founded and whether further investigation is warranted.
3. If the *Compliance Officer* determines that the report is unfounded, the *Compliance Officer* will confer with the Administrative Judge and close the matter.
4. If the *Compliance Officer* determines that the report is founded, he/she shall consult with the Administrative Judge to determine appropriate action to be undertaken.

VIII. Monitoring of Key Risk Indicators

In addition to the reporting procedures set forth above, the *Compliance Program* includes the monitoring of key risk indicators for evidence of unethical activity. Key risk indicators are statistical measures that are applied to the data in the periodic reports generated by court administration.