

Philadelphia
Municipal
Court
Annual Report

2011

Submitted by President Judge Marsha H. Neifield

CIVIL DIVISION

Philadelphia Municipal Court Civil Division

The civil division continues to use **CLAIMS**, a web-based electronic filing and case management system, first introduced in 2002, which provides online access to dockets, schedules, and forms. All testimony in the courtrooms is captured with digital recording devices and all dispositions are recorded “real time” into the system. Currently, there are close to 3,800 attorneys who are registered CLAIMS users. MC staff continues to provide training for all new users and the online training manual is accessible through our website: <http://fjd.phila.gov/municipal> . We are in the process of creating a training session geared to the general public and all pro se litigants. Once trained on our CLAIMS System non attorneys will have the option of filing electronically. During 2011, the jurisdictional limit for all small claims increased from \$10,000 to \$12,000. Although we anticipated this would result in increased cases, small claims filings were significantly reduced during 2011.

In 2011, the civil division implemented numerous system modifications/enhancements. A few are highlighted below (not all-inclusive):

- The legacy migration of judgment records - Prior to the implementation of Claims in 2002, there were over one million judgment records dating back to 1969, along with case histories from 1987. All legacy records have been transferred to the CLAIMS system.
- Numerous Reports – The e-file Attorney Report enables documents to be attached to emails using the mass email function. Agency Revived Judgment Report- New report created to return results for agency bulk writs of revival.
- New Landlord/Tenant Complaint Form- Major changes were made to the data entry screen and generated form; LT Complaint – Property Address – The property address captured from the initial complaint is now displayed on select documents.
- Small Claims and Landlord/Tenant Judgment Notices – changes were incorporated regarding the generation of notices to now include the plaintiff.
- Ability for a Judge to mark an exhibit that was “flagged for review” as having been reviewed by the Judge.
- Individual and Bulk Writ of Revival for all City Agencies – New functionality is now available to agency users to revive cases with unsatisfied judgments greater than five years by filing only one motion in our system.
- Administrative roles were enhanced to supervise calendars, user input, staff assignments.
- Answer to Breach of Agreement Answers can be electronically filed.

CLAIMS Statistics

FIRST FILINGS- Case Initiation	2008	2009	2010	2011
Code Enforcement	55,321	54,088	52,028	48,224
Landlord/Tenant	28,381	28,438	29,891	30,939
Small Claims	58,141	40,947	35,350	30,152
Private Criminal	2,047	1,590	1,447	1,494
Total Filings	143,890	125,063	118,716	110,809

FIRST FILINGS- Dispositions	2008	2009	2010	2011
Code Enforcement	60,794	49,156	48,403	45,497
Landlord/Tenant	24,974	24,558	25,770	26,507
Small Claims	52,827	39,332	30,864	26,985
Private Criminal	1,543	1,102	1,732	1,732
Total Filings	140,138	114,148	106,769	100,721

SECOND FILINGS	2010	2011
Writs (Landlord/Tenant)	25,316	24,862
Writs (Small Claims)	4,589	6,457
Writs (Code Enforcement)	43	12,822
Writs (Transfers Of Judgment)	81	63
Petitions	10,509	10,075
Relistments	3,380	3,804
Orders To Satisfy	7,974	8,044
Settled Discontinued & Ended	3,766	4,399
Administrative Continuance	1,350	3,193
Total Filings	57,008	73,719

During 2011 we witnessed a drop in dispositions driven largely by the fact that the Civil Division was not fully operational during a portion of the year, in order to permit a full complement of judges to cover criminal courtrooms, during times of reduced judicial staffing. The Civil Division's forty two (42) full time employees handled all the Landlord/Tenant, Small Claims and Code Enforcement Cases noted above. Optimally, we operate six (6) courtrooms, three of which are staffed with trial commissioners. At

times throughout the year we were only able to assign one or two judges to hear these cases. Of the 26,985 small claims matters resolved, only 386 cases were appealed. Similarly, of the 26,507 landlord/tenant cases resolved in 2011, only 265 were appealed.

Wage Attachments for Landlord/Tenant Matters

This process was revised during 2011 and recently incorporated into CLAIMS. Attorneys are now able to e-file Writs of Attachments online with their payments. The case management system will automatically docket the check number and payment amount, and generate a letter to the plaintiff or counsel with this information. During **2011**, the Court filed **84** praecipes, resulting in the collection and disbursement of **\$149,948** from attorney filings and **\$66,016** in pro-se filings, totaling **\$215,964**.

Dispute Resolution Program

The Dispute Resolution Program continues to offer free services to parties who agree to take advantage of our successful Mediation and Arbitration. The program resolved in excess of 2000 cases during 2011. In addition to court personnel, third year law students from Temple and Penn Law Schools volunteer to conduct mediations. The programs have an 80% agreement rate in Housing matters, and over a 75% agreement rate for Small Claims cases. Less than 4% of the private criminal complaint cases resolved through arbitration result in problems requiring the case to be listed before a judge for trial. The program supervisors continue to provide educational on site presentations to community groups, colleges and others interested in starting a similar program. And, we periodically conduct Dispute Resolution training for individuals interested in becoming certified as volunteer mediators.

Common Pleas Appeals

Municipal Court Judges, who are temporarily certified to assist the Common Pleas Court Trial Division, continue to handle appeals of Code Enforcement, Landlord/Tenant and PennDOT cases, as well as certain equity actions commenced by the City. In 2011, the Court disposed of 234 Landlord/Tenant Appeals, 386 Small Claims Appeals, 409 Code Enforcement Civil Actions, 162 Lead Paint cases and 654 Pennsylvania Department of Transportation Appeals.

Interpreter Services

The Civil Division continues to utilize the Language Service Line in departments for individuals with linguistic barriers. For trials, we secured 83 per diem interpreters (which included 7 Sign Language cases). Although this number is up from last year our expenditure of just slightly more than **\$12,000**, is down almost 45% from last year. In June 2011, we initiated a Claims enhancement which eliminates the paper process. The coordinator in the interpreter's office now receives immediate electronic notification

of the judicial order for an interpreter, eliminating the previous delay and problem with lost orders.

ADA Accommodations

Municipal Court offers several options to expeditiously accommodate individuals with disabilities. In 2011, through a dedicated phone line for all ADA requests, the Court received 1,852 calls. We assisted 307 individuals with wheelchairs to and from the courtrooms; the court ordered 7 sign language interpreters and continued 516 cases in order to provide more time for clients to make special arrangements. The Court handled 402 telephonic hearings during this period from courtrooms, and mailed over 910 ADA forms and 219 various instructions to individuals. The ADA coordinator handled 4,213 individual accommodations.

Senior Law Project

The Court, working in conjunction with the Senior Law Center, developed and implemented bi-lingual informational notices which are included in all Landlord/Tenant service packages. In addition, we created a statistical report which captures any senior citizen who is a named party in a Landlord/Tenant case. This report, which is accessible to the attorneys at the Senior Law Center, identified 1,129 senior pro se plaintiffs and 143 senior defendants during 2011.

Philadelphia Landlord/Tenant Legal Help Desk

The President Judge and Civil DCA worked with the Housing Working Group of the Civil Gideon Task Force to provide equipment, email access, system enhancements, supplies and space to establish and house the Philadelphia Landlord/Tenant Legal Help Desk. This Help Desk, which recently received a funding grant, will provide access to legal information, advice and limited representation for low income Philadelphia tenants and landlords. Operation is scheduled to begin mid January, 2012

Relocation of the Municipal Court Civil Division

During 2011, the President Judge and Civil DCA visited several office sites for the relocation of the civil division of Municipal Court. After reviewing viable space and budget options, we commenced negotiations with the owners of the Widener Building. Just prior to the end of December, 2011, the Court successfully executed a 20 year lease agreement. This new state of the art facility will allow us to continue to effectively and efficiently address small claims, landlord tenant and code enforcement cases. This project also caused us to do an extensive review of current operations. Administrative staff commenced an extensive scanning project for all historical paper files, eliminating the need to transport and warehouse files in the new facility. The projected relocation has a target date of June 15, 2012.

CRIMINAL DIVISION

Philadelphia Municipal Court Criminal Division

Philadelphia Municipal Court's Criminal Division continues its collaborative work with our justice partners to refine longstanding practices and implement necessary reform initiatives.

STATISTICS

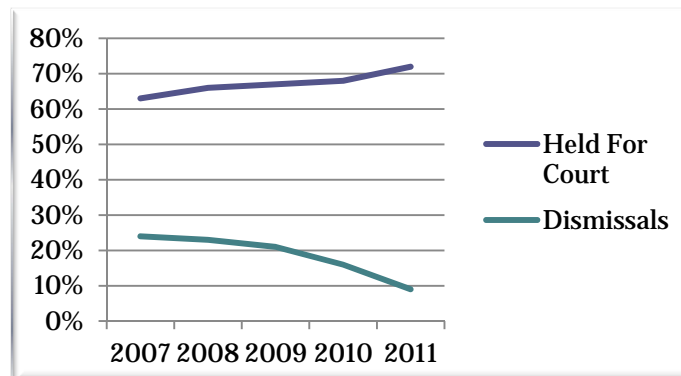
Felony and Misdemeanor Filings and Adjudications

Historically, data analysis has presented almost insurmountable challenges with the compilation of statistics and reports. As a result of the direct involvement of Chadwick and Associates, the Criminal Division finally received accurate statistics in November, 2011. For the third consecutive year, the below data illustrates an overall decrease in new felony and misdemeanor cases in Municipal Court, and an overall clearance rate of 110% dropping our pending inventory by an additional 5%.

Criminal Filings	2011
Felony Hearings	26,012
Misdemeanor Trials	28,184
Total Criminal Filings	54,196

Criminal Dispositions	2011
Felony Hearings	25,989
Misdemeanor Trials	33,351
Total Dispositions	59,346

As stated in last year's report, we collectively uncovered several glitches with data compilation. After an exhaustive review and the completion of a PARS re-sweep, detailed adjudication reports, produced by Chadwick and Associates, illustrate an increase in felony held for court adjudications and a reduction in felony case dismissals in the Municipal Court. The below chart excludes cases not brought before a judge for adjudication, accounting for 22% of felony cases being withdrawn by the District Attorney. Comparing 2007 to 2011, Municipal Court "held for court" adjudications increased 9% with 2011 witnessing 72% of felony cases held for court and "dismissals" decreased by 15%, with 9% of felony cases being dismissed by a judge. We will continue to refine statistical reports.



2011 Criminal Division Highlights

Summary Diversion Programs

Special non-traffic summary programs, such as nuisance night court and the summary diversion program helped pioneer problem solving diversion initiatives in the Commonwealth. Introduced in the late 1990's, programs addressed quality of life issues for the citizenry of Philadelphia in an attempt to dissuade future criminal behavior. The Quality of Life Diversion Program processed over 4,000 people in 2011. Collections for the Victim Compensation Fund amounted to \$127,200 for calendar year 2011 and a total of 17,200 summary offense cases were handled by the department. Collections continue to sustain the operations of the departmental staff, nuisance night court and the summary diversion programs.

Other matters initiated without an arrest warrant:

CASE TYPE	DISPOSITIONS
Private Criminal Complaints	1,480
Welfare Fraud	706
Unemployment Compensation	422

Supreme Court Rule changes permitting trials in absentia for non traffic summary cases, resulted in Judges conducting slightly more than 6,000 Rule 1002 hearings with assessments over \$2.5 million dollars. Most of these assessments have been referred for collections.

Veterans Court



Philadelphia Municipal Court, in conjunction with the District Attorney's Office, Defender Association of Philadelphia and Veterans' agencies, continues its successful problem solving endeavor to divert front end cases involving Veterans. The program assists justice-involved Veterans struggling with mental health, substance abuse or other reintegration issues.

Building on the success of established treatment court programs in Philadelphia, the Veterans Court oversees a range of services offered to qualified Veterans involved in the criminal justice system. The Judicial Branch recognizes the tremendous service Veterans provide to our country, and believes it is the Court's obligation to provide them with programs and services to overcome challenges that are unique to their experiences.

The Philadelphia Veterans Court is providing Veterans with immediate access to representatives from the Veterans Administration (VA) to determine benefits eligibility and to perform an assessment to determine the appropriate level of care. This

assessment determines the Veterans' suitability for an array of VA programs, including any required treatment (alcohol, drug, mental health or medical) as well as housing, job training, job referrals and other ancillary services. Philadelphia is fortunate to have an incredible VJO (Veterans' Justice Officer) who has assisted in the program's success. Representatives from Philadelphia Veterans' Court are active participants in assisting other jurisdictions with Mentor programs and provide invaluable experience as panel speakers at conferences. 2011 witnessed the successful graduation of 143 individuals from Veterans Court.

Video Crash Court

Municipal Court continues its use of expanded video technology with the prison for the conduct of misdemeanor crash court thereby expediting adjudications for custody defendants. Previously, those held in custody were transported to the Criminal Justice Center for plea or stipulated trial. The implementation of this successful program continues to expedite release based on agreements of defendants and counsel in conjunction with offers presented by the Commonwealth.

Cases in the non-video crash court were typically heard eight (8) weeks post arraignment. Video crash court has expedited hearings, which are scheduled approximately (3) weeks post arrest. Due to the cooperation of the District Attorney's office, Judges are also able to immediately address many Municipal Court probation/parole issues. Previously, these potential probation/parole violations resulted in longer lengths of stay pending judicial review.

In 2011, over 1,422 cases were adjudicated through the video crash court program.

SAM (Small Amount of Marijuana) Program

The District Attorney's Office is diverting cases involving small amounts of marijuana (CS13A31 - Marijuana). Municipal Court Criminal Administration created a process to continue to present the cases for preliminary arraignment as a misdemeanor, thereby affording the District Attorney the ability to research prior criminal records. If CS13A31 is the only charge, this creates a DA scheduling module to list cases in a designated courtroom before a trial commissioner. Similar to the Summary Diversion Program, if the defendants accept the SAM option, they are required to complete an educational course and upon successful completion the charges are expunged. Challenges in 2011 were brought to the attention of the District Attorney's Office and tiers were implemented to insure public safety measures were maintained with those individuals to avoid serious offenders from participating in this particular diversion program. As a result, we have reduced the classes to once per month. 3,840 misdemeanor cases were diverted through this program in 2011. We anticipate a further drop in numbers for 2012.

AMP (Accelerated Misdemeanor Program)

The primary goal of AMP continues to be the diversion of eligible defendants from standard trials. Once the case is flagged for possible participation, the DA and PD assigned to AMP review the facts of the case and discuss a proper resolution. Many adjudications are expedited, with offers of community service and court costs.

We have partnered with approved community organizations to supervise all community service in the neighborhoods and require notification to the court of compliance. (The cases are brought back in 30 days for status of compliance and withdrawal of prosecution.) While this began as a small pilot program covering four police districts, this initial step provided the foundation to expand the program City wide and provided for paperless technology into additional courtrooms. 2011 witnessed the closure of the Community Court project in Municipal Court with many of the misdemeanors folded into AMP and the SAM diversion efforts.

With the closure of Community Court in October 2011, Municipal Court's criminal division began managing cases formerly scheduled to Community Court. As part of the AMP expansion plan, Municipal Court requested General Fund reimbursement for staff to assume the management of cases previously scheduled to Community Court, along with expansion of community service and social services for defendants city wide. While Community Court only focused on a finite geographic area of the City, we anticipate funding will provide for greater opportunities to address community quality of life issues throughout the city. Expanded services will provide options for defendants beyond the formal adjudication practices usually employed for misdemeanors. Early pleas and diversion require less in court expenditures, as well as related police overtime and prosecution costs. And, restorative sanctions and treatment options are beneficial to the defendant and the community. However, a lack of funding for staff to continue this expansion will result in regular case processing and increased spending to incorporate the Community Court cases and AMP back into the Criminal Justice Center. Although we were fortunate to secure Federal ARRA funding for clerical staff through 2012, dedicated funding is necessary to continue this extremely successful diversion program. 2,830 misdemeanor cases were diverted through the AMP program in 2011.

Prostitution Initiative

The "Project Dawn" initiative is for women who are in custody on detainers or open prostitution cases. Municipal Court continues to work with the Commonwealth and Defender Association to streamline prostitution cases to centralize treatment, housing and ancillary services. The project includes a component of therapy for survivors of Commercial Sexual Exploitation (CSE). The Court witnessed implementation before a designated Judge with attorneys working in a non-adversarial special court to provide needed services to deal with the root causes of this criminal activity. The first

graduation occurred in early 2011. Municipal Court was successful in securing a Federal Bureau of Justice Assistance (BJA) Grant to support staff salaries for a coordinator and a dedicated adult probation and parole officer for Project Dawn through 2013 and new cases will be referred beginning in 2012.

DUI Treatment Court

DUI Treatment Court continues to promote public safety, to hold offenders accountable for their actions, and to help offenders to be sober, responsible and productive members of the community. In terms of the population served in the DUI Treatment Court, the target population includes DUI participants who qualify for Levels 3 or 4 under the Sentencing Guidelines of the Pennsylvania Commission on Sentencing, and are in need of drug and/or alcohol treatment. Philadelphia's DUI Treatment Court is dedicated to the treatment and punishment of individuals with multiple DUI offenses, with no history of violent crime or other legal complications related to their DUI offenses. These individuals serve reduced jail time by attending extensive treatment that is legally enforceable. If a defendant is subject to a mandatory minimum sentence of ninety days in prison, he serves ten days in prison, followed by treatment. If a defendant is subject to a mandatory minimum sentence of one year in prison, the defendant serves six months prior to participating in treatment. 93% of the participants have successfully completed the program. To date, seven (7) of the 144 graduates (5%) have been arrested and two (2) convicted on new criminal charges (1%).

Philadelphia Drug Treatment Court

The Philadelphia Drug Treatment Court, the first drug court in the Commonwealth of Pennsylvania, was established in response to the dramatic growth in drug related criminal activity occurring in Philadelphia. Recognizing that sound strategies to address the drug involvement of criminal offenders must be a fundamental priority of the criminal justice system, the Drug Treatment Court represents an effort to establish a new working relationship between the court and the substance abuse treatment system.

The Philadelphia Treatment court was designated by the U.S. Department of Justice, Drug Court Program Office and the National Association of Drug Court Professionals with recognition as a "mentor court" – a court which trains other jurisdictions in planning, implementing, and operating a drug court program. This current distinction is one of only ten of more than 2,500 national and international drug courts. Drug court teams from 20 different states, including Hawaii and the nations of Australia, Lithuania, Bermuda and England have been trained by the Philadelphia Treatment Court. Additionally, the Philadelphia Treatment Court hosts national training workshops sponsored by the National Drug Court Institute. There are over 2200 successful graduates of the program. 91% of successful graduates were not convicted of a new crime within one year of graduation and 83% were not arrested post graduation.

Mental Health Initiative

Many of the mental health challenges brought before the Municipal Court have been centralized and streamlined before President Judge Marsha Neifield. Operationally, the ability to centralize mental health cases for criminal defendants has proven beneficial in dealing with questions of competency and coordinating Orders for mental health evaluations with all parties in one location. The judge also monitors defendants returned to the community at subsequent status hearings. Through the collaborative efforts of the DA and defense counsel hundreds of cases have been monitored for treatment with prosecution eventually withdrawn. Other cases have had non trial dispositions requiring mental health supervision and treatment.

Staff Training

Criminal Division staff assumed direct involvement with two training sessions during our annual judicial conference/continuing education programs involving: 1) Witness Intimidation Bench Book training for all courtroom operations staff. A committee chaired by a Common Pleas Court Judge produced the format which a Deputy District Attorney presented to all tipstaves; and 2) Courtroom and Workplace Etiquette training was presented to all criminal division staff and FJD courtroom participants. MC and CP staff worked collaboratively on this project, and continue to collectively problem solve and coordinate initiatives which will benefit the FJD and the public.

Data Compilation Challenges

The Court continues to work diligently with AOPC and FJD programmers to refine statistical reporting capabilities. We were fortunate to have Chadwick Associates assisting criminal administration throughout 2011 to rectify data challenges uncovered with inaccuracies in statistics on several levels involving compilation methods, human error, technical needs, data integrity and unknown workarounds. We completed the goal of bringing the compilation of data and statistical reports to a more effective methodology in which to manage the court cases in the criminal division. 2012 will witness continued refinement of statistics and the FJD IT staff assuming the production of professional reports developed by Chadwick and Associates. In addition, we anticipate further refinements of data, which will remove all cases designated as "MC", which are handled by Common Please Judges, for matters outside of Municipal Court jurisdiction. During 2012, criminal administration will be heavily involved in the upgrade of PARS (Preliminary Arraignment Reporting System). This project will be "in-sourced" by the FJD IT staff and Municipal Court DCA will assist in all facets of project management involving the FJD, District Attorney's Office and Philadelphia Police Department.

Conclusion

While 2011 brought substantial changes to the Court's criminal division, we anticipate additional, positive objectives and goals brought to fruition in 2012. Initiatives in the criminal division resulted in the diversion of over 8,800 cases from the Court's calendars, saving costs associated with formal trials, court related police overtime and lengthy prison stays. Resolving the data integrity and analysis challenges will continue to lead to effective management within the criminal division of Municipal Court. At various intercepts from arrest through adjudication, specifically identified and verified quality control measures will be implemented to insure the data is accurate before we begin to examine performance, efficiency or cost saving measures. This challenge involves all stakeholders and databases. We will continue to secure standardized reports tailored for Municipal Court which allow us to examine differentiated case management tracks, productivity levels, time to adjudication, and arrest trends to better manage our criminal calendars and diversion programs. We welcome dedicated funding for technology enhancements to benefit all criminal justice stakeholders. The "in-sourcing" of the PARS application upgrade, requiring dedicated funding, is a priority for 2012. Working with the Clerk of Courts, we hope to expand the paperless applications across all criminal courtrooms to mirror the paperless civil courtrooms throughout Philadelphia, utilizing a shared FJD document management system and criminal e-filing system. Securing approval from the CP Trial Division Administrative Judge, we expect to commence another drug court program entitled "The Choice Is Yours" (TCY) with the President Judge presiding over select mandatory felony drug cases approved by the District Attorney. Working with the DA and Defender Association, we anticipate a new domestic violence program to roll out during 2012. Bridging gaps between divisions in the First Judicial District is a paramount goal in 2012. Collaboratively we can address the large inventory of bench warrants and improve pretrial release procedures.