



Report for Catawba County

Justice System Review

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Introduction

Catawba County, North Carolina (“the County”) is about to embark upon a major courthouse expansion project at the Newton Courthouse. The current space is thought to be a bottleneck for disposing of cases. This bottleneck is significant because Catawba County has a large backlog of trials, which creates financial difficulties for the County.

Many of the accused are incarcerated pre-trial, at which time the County must pay for incarceration. Incarceration after a guilty verdict is paid for by the State of North Carolina. The direct cost of incarceration is \$34 per day. However, the County can also rent out unused jail space to the federal government or Burke County, North Carolina. Therefore, there is also an opportunity cost associated with having many defendants incarcerated pre-trial. The federal government and Burke County are charged respectively \$65 and \$45 per night for each rented space. In addition, reducing the inmate population even without rental has value, as it prolongs the County’s ability to live within the existing bed space.

As of January 31, 2008, eleven percent of criminal superior court cases were filed over two years earlier and over thirty-four percent were over one-year old. As of June 30, 2007 (the last time year-end data was available), there were 1,508 pending criminal superior court cases, and the average age was 235 days. The average age on disposal of felony cases was 349 days. There were also over 3,300 non-motor vehicle district criminal cases pending. Civil superior court had 346 cases pending with an average age of 156 days. Additional statistics are provided in Appendix B.

A group comprised of core justice system personnel (“core group”) was consulted to help focus this project. Members of the core group included:

- Senior Resident Superior Court Judge Tim Kincaid
- Resident Superior Court Judge Nathan Poovey
- District Attorney Jay Gaither
- Clerk of Court Al Jean Bogle
- Chief District Court Judge Bob Brady
- Sheriff David Huffman
- County Manager Tom Lundy
- County Attorney Debra Bechtel

The core group identified a number of topics to help focus the project. These topics included:

- How to maximize the use of available courtrooms
- Identifying areas where technology could make improvements
- Other safe ways to implement alternatives to incarceration
- Conducting regular triage of the jail population for case disposition
- Speedier trials for inmates to reduce presentence jail time
- Improving efficiency of moving jail population into courtrooms when needed
- Better tracking of individuals who are incarcerated
- Alternatives to holding court when courtrooms are full
- Efficient scheduling of specialized court
- Docket control
- Case management plans
- Effectiveness of operating two courthouses

Over the course of the review, in addition to the core group, the following individuals were consulted:

- Mental Health Director John Hardy
- Magistrate Kim Sigmon
- Magistrate Lib Allen
- Chief Information Officer Terry Bledsoe
- Hickory Police Chief Tom Adkins
- Space Consultant Steve Allan
- Local Attorney Tom Morphis
- Local Attorney Dan Green
- Superior Court Trial Court Administrator Judy Sherrill
- Pam Knuckles from Repay

This project was undertaken prior to the courthouse expansion to ensure that the processes would be efficient and effective. A separate study is being completed by Space Consultant Steve Allan, which will address the layout of the courthouse. It was noted that neither the Register of Deeds nor the divisions of the Sheriff's Office unrelated to courtroom security are directly related to the operation of the courts and, therefore, would not be required to be located within the courthouse facility.

Background on the Catawba County Court System

Courthouses

The Catawba County court system is operated through two courthouses: Newton and Hickory.

Newton

The Newton facility is located at 100 SW Blvd, Hwy 321 South, and it is the county seat. The facility consists of four full-sized courtrooms and one smaller courtroom. Arbitrations are held in the facility. These courtrooms hold district criminal, district civil, superior criminal, superior civil, magistrate, and juvenile court. The Newton facility houses the Clerk of Courts main office, the Sheriff's Office, the Office of the District Attorney, Repay, the magistrates, probation, and the Register of Deeds.

Hickory

The Hickory facility is located at 111 Main Ave Northeast, and it has two full-sized courtrooms. Criminal district and civil district court are held there. In addition, State probation offices are located in the facility.

The Hickory facility is preferred by some lawyers in the Hickory area, because most law offices are located in the City of Hickory. The facility is also located close to the Hickory Police Department. The Hickory Police Department assigns an officer to the court operations, who notes when Hickory police testimony is required and calls the appropriate Hickory officers to the courthouse as needed. This eliminates long courthouse waiting periods for the on-duty officers and lessens the overtime required for off-duty officers.

In 2007, the City of Hickory received facility fees totaling \$131,895 from the State to hold court, as well as \$39,788.50 in officer fees.

Challenges

Having multiple courthouses is rare in North Carolina counties, and it does present some challenges. The challenges presented in Catawba County include time for lawyers to travel back and forth in the same day, transporting confidential records, security associated with transporting incarcerated defendants, and confusion for residents.

Types of Court

Superior Court¹

The Superior Court is the trial court of general jurisdiction in North Carolina. The counties are grouped into forty-six superior court districts, which in turn are grouped into eight divisions. One or more superior court judges are elected for each superior court district.

The Superior Court is the proper division for the trial of civil actions in which the amount in controversy exceeds \$10,000. It is also the proper division, without regard to the amount in controversy, for certain special proceedings, condemnation actions and proceedings, corporate receiverships, and review of decisions of administrative agencies. The Superior Court is where the principal relief sought is injunctive or declaratory to establish the validity of a statute, ordinance or regulation, or enforcement or declaration of any claim of constitutional right. In addition, the Superior Court Division, through the clerk of superior court, has exclusive original jurisdiction for probate of wills and for administration of decedents' estates.

As to criminal jurisdiction, the Superior Court has original jurisdiction in all felony cases and in some misdemeanor cases. Most misdemeanors are tried first in the District Court, from which a conviction may be appealed to the Superior Court for trial de novo by a jury. Both criminal and civil cases in Superior Court are tried before a twelve-person jury.

The North Carolina Constitution requires Superior Court judges to rotate between districts, or "ride circuit." Each superior court judge holds court for at least six months in a superior court district. The rotation method was developed to avoid any favoritism that might result from always having the same judges hold court where they live, where they might be personally familiar with and interested in the cases brought before the court.

The senior resident superior court judge is responsible for court operations within the district. By statute, the senior resident superior court judge is the most senior judge in the district and is responsible for carrying out various administrative duties and appointing magistrates and some other court officials.

District Court¹

The District Court is divided into thirty-nine district court districts. Catawba County is in a district with Burke and Caldwell County. The jurisdiction of the District Court is extensive and can be divided into four categories: criminal, civil, juvenile, and magisterial.

¹ From the North Carolina Court System website: www.nccourts.org

The criminal jurisdiction of the District Court division includes preliminary "probable cause" hearings in felony cases and virtually all misdemeanor and infraction cases. The District Court also has jurisdiction to accept guilty pleas in "H" and "I" felony cases, if the district attorney, defense, and judge agree. Trials in criminal and infraction cases are by heard district court judges; no trial by jury is available for such cases. Appeals are to the Superior Court for trial de novo before a jury.

In addition, the district courts share concurrent jurisdiction with the superior courts in general civil cases. However, the District Court is the "proper" division for general civil cases where the amount in controversy is between \$4,000 and \$10,000. Civil cases in District Court may be tried before a jury; appeals are to the Court of Appeals. Cases where the amount in controversy is less than \$4,000 is handled in magistrate court.

All civil cases involving claims for money damages of \$15,000 or less are subject to court-ordered, non-binding arbitration. Certain property disputes, family law matters, estates, special proceedings, and class actions are excluded from court-ordered arbitration. If a case is not resolved at arbitration, it may be appealed and heard before a judge or jury.

The court's jurisdiction also extends to all juvenile proceedings, mental health hospital commitments, and domestic relations cases. Juvenile proceedings concern children who are delinquent, undisciplined, abused, neglected, or dependent. These proceedings are initiated by petition, and the hearing conducted by the judge may be less formal than in adult cases. The court appoints counsel for Juveniles, who are alleged to be delinquent.

The Chief Justice of the Supreme Court designates a chief district court judge for each District Court district. The chief district court judge is responsible for the efficient and effective operation of district court within the district. However, the chief district judge does not have administrative authority over the other judges or the offices headed by other elected officials.

Magistrates are also judicial officers of the District Court Division. In criminal cases, magistrates issue arrest and search warrants, conduct first appearances, and determine conditions of pretrial release. For some relatively minor criminal matters they may accept guilty pleas and impose punishment. In civil cases, they preside over the trial of small claims (\$4,000 or less).

Family Court¹

A major goal of Family Court is to coordinate all the case management and service agency efforts for families in distress. Family courts offer a more consistent, efficient use of trial time for these types of cases.

Special family court judges hear all cases involving juvenile delinquency charges; neglect and abuse charges; termination of parental rights and adoptions; domestic violence; child custody and visitation rights; divorce and related financial issues like child support, alimony, or equitable distribution of property; and involuntary commitments.

Under the Family Court concept, local alternative dispute resolution programs, such as mediation, are used frequently to resolve the issues without the court issuing a judgment or order. The case managers will arrange for mediation between the parties, divorce education, drug counseling, or whatever services the family members (including both adults and children)

might need to reach a resolution of the conflicts without having to proceed with an adversarial hearing in court. When a judge does need to hear matters involving a family, and to issue orders in the case, the case managers will make sure that there is nothing in that case that will delay the prompt resolution of the issue before the court. In addition, frequent training sessions are provided for the family court judges to increase their judicial expertise in dealing with family matters.

Specialty Courts

District Court has many “specialty” courts. Specialty courts offer a way to group like cases and have judges “specialize” in certain types of offenses. The overall goal is to address each offense with subject matter expertise and to focus on reducing recidivism. These courts offer more intense supervision and attention to the root causes of defendants’ violation of the law. The subject matter varies from drug and alcohol addiction to family interactions. The increased intensity results in more time spent per case but, arguably, fewer cases in the long run.

Catawba County currently has seven types of specialty courts. They include: family court, child support court, juvenile court, juvenile special sessions court, drug treatment court, domestic violence court, magistrate/small claims court, hospital hearings court, and infractions court.

Methodology

TechSolve worked with a cross-functional, inter-departmental group that was effective in identifying opportunities for improvement and empowered to implement the recommendations. Interaction was done primarily through interviews, but also through group sessions. These interviews/sessions included Superior Court judges, District Court judges, magistrates, members of the district attorney’s office, the Clerk of Court, a representative from Repay, the county manager, county attorney, the director of information technology, the superior court trail court administrator, the Sheriff, the Hickory Police Chief, practicing attorneys, and the Mental Health Director. The communication covered discussions on strengths, weakness, and areas for improvement. They were centered on the primary focus areas.

TechSolve sat in on some court sessions. Docket management, docket call, disposition, and general courtroom practices and procedures were observed.

TechSolve also conducted group sessions that covered topics discussed in many of the interviews. One of the sessions focused on courtroom scheduling. Everyone involved with scheduling was able to express concerns and brainstorm solutions.

During all of the sessions, TechSolve helped the court officials look for ways to maximize both efficiency and effectiveness.

The recommendations below address opportunities for improvement as identified by court officials and TechSolve.

Focus Areas

Maximize the use of available courtrooms

This project precedes a potential courthouse expansion. Therefore, it is important that Catawba County uses the available courtrooms effectively before additional space is built.

Twenty percent of the time (twelve weeks a year), superior courtrooms are not scheduled due to the amount of assigned judges (by the AOC), holidays, conferences, vacations, etc. These courtrooms are scheduled dependent upon judge availability.

Scheduling of courtrooms is not an exact science. Commonly, many courtrooms stand empty for a variety of reasons, including early resolution of disputes and cases. Scheduling of the courtrooms on short notice is also difficult. However, it is to the advantage of both the Superior Court and the various divisions of District Court to develop routine notification to one another and share the use of available rooms based on the ability for last-minute scheduling.

When looking at maximizing the use of available courtrooms, the issues that arise are tied to many other resources than just the physical courtrooms. All of the resources have to be coordinated among a large group of people.

Judges within each the Superior and District Courts are, for the most part, able to handle any docket. Bailiffs are able to work in any Court. However, court clerks are often specialized with particular areas of expertise. Judge availability and dedicated court time for specialty courts are also factors that should not be overlooked as alternative courtroom uses are considered.

Use of additional courthouses facilities for lengthy trials

Working with the available resources, the system is disposing of cases at about the same rate that new cases enter the system. However, lengthy cases, such as homicides, can occupy one of the courtrooms for weeks and occasionally months. Such cases can cause significant backups in the overall system and lead to increased pretrial wait times for simpler cases. While these lengthy cases only make up around two percent of all cases, they consume about half of all court effort and time.

TechSolve recommends that these cases be removed from the Newton facility (as it stands with four large courtrooms). The County should look into moving these cases off-site (see Additional Courtroom Space – Near Future, below). This space could utilize a visiting/retired Superior Court judge, who can be requested through the Administrative Office of the Courts (AOC). Support staff will also be needed, but the court officials think it could be done with minimal budget impacts.

This change will allow for the existing courtrooms in Newton to continue to function and dispose of much simpler cases. Moving lengthy cases off-site will significantly reduce the average age of all Superior Court cases awaiting trial as well.

Hold all other criminal court in one place

Operating a second courthouse is rare both in North Carolina and across the United States. Counties with multiple courthouses operate them in very different ways – some separate

misdemeanor and felony charges, some separate criminal and civil, and some operate all types of court in multiple courthouses.

Catawba County District Court operates in both courthouses. This is a source of a good deal of confusion and inefficiency. The challenges this presents in Catawba County include time for lawyers to travel back and forth in the same day, transporting confidential records, security associated with transporting incarcerated defendants, and simply confusion for residents.

This could be solved through a number of solutions, including closing the courthouse in Hickory or changing the type of court held in each location.

Closing the Hickory courthouse may require legislation from the General Assembly and could be unpopular, as it is located close to many citizens and many of the lawyers in Catawba County. However, with a courthouse expansion in Newton, the County could operate a single courthouse. This would alleviate the many of the inefficiencies associated with the judicial system.

Changing the type of court held in each location would also benefit the County in a number of ways. The most logical change would be to hold all criminal court in Newton and some civil court in Hickory. This change would have the following positive impacts:

- Eliminate the need to transport incarcerated individuals to the Hickory courthouse, which would increase safety.
- Eliminate the need for some lawyers to travel back and forth between courthouses when criminal court is held in both courthouses.
- Eliminate the problem of having lawyers absent from court due to traveling between courthouses for similar types of cases.
- Allow lawyers to try more cases, as they will be in one place. In addition to benefiting the local lawyers, this will also benefit the County. Lawyers with certain specialties are in demand in Catawba County, and their time can often be a constraint to hearing additional cases.
- Reduce the amount of files that would need to be transported to Hickory by the clerks.
- Simplify filings in criminal court by eliminating Hickory's different case numbering system. Elimination of the separate numbering system makes sense even in the current situation.
- Sheriff staff could use additional resources, previously assigned to transporting inmates to the Hickory courthouse, to ensure inmates can be transported to Newton courtrooms in a time-effective manner, which was reported to be an issue.

There would be opposition to making this change. Below are some of the potential issues, along with potential solutions when available:

- The City of Hickory receives \$131,895 in facility fees and \$39,788.50 in officer fees each year for holding court in the Hickory courthouse. The City uses this money for upkeep of the facility. This amount would decrease if only civil court was held in Hickory.
 - However, the difference would go to the County for holding the same criminal cases. The County could then work with the City of Hickory to identify alternate use arrangements for the facility.

- The City of Hickory estimates that it would cost them \$150,000 to \$200,000 each year to send police officers to the Newton courthouse. These are costs associated with overtime for police officers and fuel for transportation.
 - There are currently only three counties in North Carolina that operate multiple courthouses. Having a courthouse in the City of Hickory has been a convenience for the city. However, it also represents an inconvenience for the Sheriff's office with regards to travel time and fuel. Overall, operating a second courthouse yields a net inefficiency for the entire court system.
 - This cost would be significantly reduced through the implementation of both technology and procedural improvements. Video testimony for police officers from the station or the officer's patrol car (see Technology – Videoconferencing, below) would limit the amount of time required to physically be in court. Implementing a split docket based on officer schedules would also reduce the amount of time required to be in court. Implementing a progressive officer on-call program where the officer is contacted just before needed in court (identical to the program currently used in the Hickory courthouse) would also reduce unneeded time in court. These are just three ideas to help mitigate the financial impact to the City.
- More residents live in Hickory than any other area in the County, and it could be argued that the residents would want court in the city.
 - Infraction court could still be held in Hickory. This would address much of the quick, in-and-out court appearances. Civil court would also still be held in the city. These are the two types of court that are most used by voting Hickory residents.

This change was recommended by majority of the court officials involved in the project.

Separate docket with stand-by cases (only need defendant and attorney)

By separating cases that involve incarcerated individuals and no witnesses, a stand-by criminal docket could be on hold until a court schedule breaks down. Certain times should be dedicated for potential stand-by cases – times that would be determined by the frequency of breakdown by each type of court.

For example, if it is determined that the Thursday afternoon court schedule often breaks down, then the defense attorney could be prepared for the stand-by cases to be heard each Thursday afternoon after the case is put on the stand-by docket. The incarcerated individual could be transported to the court at any time. One limiting factor would be that a district standby docket could not be heard by a superior court judge, and vice-versa.

Night Court for infractions

Infractions court is typically a high-volume court that requires little time for case disposition. Holding infractions court in the evening would benefit all residents that otherwise would have taken off work, which is the case for most infraction offenders.

This would not cause additional staffing costs if alternative work schedules could be arranged for an assistant district attorney, clerk, bailiff, and security staff. However, if alternative work schedules are not possible, the change would cause additional staffing costs needing approval

from the AOC. There will also be a minimal impact on the County budget associated with bailiff costs. The Sherriff indicated that alternative work hours in his office could be managed.

The extent of alternative work schedules or additional cost are dependent on the frequency of holding night court. If it were only made available one day every other week, the required changes would not be too substantial. However, the additional availability of daytime courtroom space and improved public service justify these changes, regardless of frequency.

Night court has previously been held in Buncombe and Wake County. The counties discontinued night court because of convenience for staff and the end of grant money, respectively. Brunswick County is preparing to start a night drug court. More information on these counties' experience with night court can be found in Appendix D.

Call docket before judge arrives

Judges decide whether or not they would like to be present for the docket call. In the current state, the judge is present. Having the assistant district attorney (ADA) start the docket call an hour before the judge is scheduled to start court would allow the court to dispose of cases for an additional hour each day in which there is a docket call. It is recommended that the judges create a protocol for the types of activities that could be done without a judge present.

This is very significant because of the limited number of total hours a judge is present. The district attorney has confirmed that this change for the ADAs is feasible.

Have assistant district attorneys (ADA) and attorneys come early to meet and negotiate pleas

This recommendation goes along with the previous recommendation. If an attorney would like to negotiate a plea, they often must wait for a break in court. Having an ADA available before court starts would greatly benefit the lawyers and dispose of cases before they are called. The district attorney supports this idea.

Analyze number of cases to put on the docket each day

After improvements are made to the judicial system (as a result of this effort and others), evaluate the number of cases disposed, placed on the docket, and continued due to docket over-scheduling. This will provide information on how many cases to schedule on a docket for each type of court.

Currently, dockets can significantly run over time. On these days, some attorneys and citizens will come to court and never be seen. This is very discouraging, and some attorneys do not take their court dates seriously due to continuances from over-scheduling. There will always be a major source of variation with hearing cases; however, determining the appropriate number of cases to put on a docket will ensure attorneys take court scheduling seriously (see Speedier Trials, Hold Lawyers Accountable, below).

Visiting judge or a magistrate take pleas

Taking pleas consumes a good deal of time in District Criminal Court. Some jurisdictions take pleas off of the District Criminal Court docket by having them disposed of by magistrates or visiting judges. Under the current statute magistrates could take pleas for most class three

misdemeanors. Other pleas could be done by a visiting judge or by a magistrate, if given the authority by the Chief District Court Judge.

In current practice, magistrates are occasionally permitted to take pleas with some type of judicial review. The chief district court judge can allow magistrates to perform these duties on a more regular basis, and that would greatly increase the amount of cases heard in criminal district court. In turn, this would help to reduce the backlog of cases.

Examine the use of each type of specialty court

Specialty courts can be very effective for reducing recidivism. However, they can also use many additional resources, including court time. There are currently seven specialty courts in Catawba County. These courts offer more intense supervision and attention to the root causes of defendants' violation of the law. The increased intensity results in more time spent per case but, arguably, fewer cases in the long run.

TechSolve recommends evaluating which specialty courts are effective in Catawba County. This means evaluating which specialty courts have: consistent and predictable outcomes, a judge or judges who feel passionate about the subject, and an effective rehabilitation system (the most important of which is the latter). Specialty courts that do not have an effective support system will not fully realize the benefits of specialty court. After analyzing specialty court, those that are not determined to be especially effective in reducing recidivism should be combined with other ineffective specialty courts and grouped with general criminal cases.

By reducing the amount of time dedicated to specialty courts, additional courtroom time would be available for general criminal district or criminal superior court cases. These courts currently have a significant backlog, many of which have defendants, who are incarcerated while awaiting trial.

The court officials see the benefits of specialty courts, and they believe that some of the specialty courts are serving their purpose. Some believe that there are too many specialty courts, and they are causing the overall system to schedule ineffectively. Some court officials believe that the County would not require additional court space if there were fewer specialty courts.

Without significant analysis of each specialty court, it was common for TechSolve to hear that Family Court and Juvenile Court are effective. The effectiveness of the others should be examined further.

One point of entry for all types of district court

One of the biggest improvements that could be made to the efficiency of the Catawba County court system would be to assign responsibility for tasks associated with coordinating District Court activities (similar to what Judy Sheril does for Superior Court). This person would coordinate the needs of all departments and be the single point of entry for scheduling court cases. The person could report to the Chief District Court Judge, County Manager, or a coordinating body.

An alternative would be to have this position report to a coordinating committee of selected judges, clerks, representatives of the district attorney, sheriff representatives, and others having the ability to influence court operations.

This position could also coordinate continuances in advance of the scheduled court date.

In other districts, similar positions were thought to be funded initially through AOC grants. How each position is currently funded could not be conclusively determined.

Schedule based on lawyers

In certain types of court, a few lawyers handle a majority of the cases. This causes those lawyers' schedules to be one of the limiting factors to hearing more cases. In these courts, dockets could be organized based on lawyer, as Judge Brady currently does in a couple of his courts. Lawyers' cases would be grouped to minimize the amount of time each lawyer were required to be in court. This would also help with the problem of having lawyers running back and forth between courthouses.

This also relates to the issue of having a public defender (see below – Other, Public Defender).

Additional Courtroom Space – Near Future

Catawba County voters recently passed a sales tax to expand the Newton courthouse. It is important to examine other options for additional courtroom space to complete the expansion, deal with growth, and offer more flexibility.

1924 Courthouse

During discussions on physical space, the 1924 courthouse was presented as an option. A large, magnificent space, it is essentially unused except for the museum on the first floor and for holding county and other board meetings. While the biggest issue would be parking, it would be ideal for lengthy superior trials (which would limit the amount of people coming and going). Utilizing the old courthouse would also make it easier to schedule the superior courtrooms in Newton, because it is hard to reschedule court space when a long trial settles. (Note: Juries should still be selected in the Justice Center to reduce the parking requirements at the 1924 courthouse).

The Sheriff does not think there would be security issues with the old courthouse. There are only two entrances to the court room, and one entrance could be blocked off. If the 1924 courthouse was only used occasionally, the security guards could use wand metal detectors at the open entrance. If used on a more regular basis, a magnetometer would be set up.

For criminal trials, two deputies would be needed. One deputy would remain with the judge and the other in the back. The bailiff would attend to the defendant while in the courtroom or in the holding cell located in the 1924 courthouse. The judge or sheriff may require more security depending on the nature of the criminal trial. Security precautions would apply just as they do now in the Justice Center courtrooms (the security needs are evaluated on a situation-by-situation basis).

While holding all lengthy superior court trials in the 1924 courthouse would greatly improve the efficiency of the court system, superior civil trials are the most ideal. These trials would only call for one deputy.

The 1924 courthouse would require hardwiring to the Administrative Office of the Courts (AOC), and there are differing viewpoints on whether this connection already exists. There would also have to be some minor physical renovations, such as altering the juror box and making the semi-circle mobile.

Jury assembly room

The jury assembly room could be converted into a space used to hold court, but it would not have adjacent conference rooms or a jury deliberation room. This conversion would also require inmates to be escorted through the lobby area, as there are no hallways leading to this space that are closed to the public. However, this could be adequate for many types of court and ideal for civil trials with little renovation.

The jury assembly room could still be used for jury assembly on the first day of the week. However, many court systems use vacant courtrooms for jury assembly and, therefore, do not have dedicated jury rooms.

Renovating the current courthouse space

There is a possibility that the courthouse would not have to be expanded in the near term if only offices that were required to be in the courthouse were located in the courthouse. For example, the Sheriff's Office, Register of Deeds, and 9-1-1 center would not have to be connected to the courthouse. Relocating these offices would free-up enough space to renovate the courthouse for additional courtroom space and office space. However, the spatial problem would shift to finding office space for the displaced departments.

TechSolve is not qualified to determine if this is a cost-effective alternative. This is something that should be examined before any additions are started.

Case Management & Regular Triage

REPAY services

REPAY, INC. is a not-for-profit organization that assists the courts and justice community by providing services that offer individuals assistance in developing constructive behavior and gaining life skills necessary to eliminate future contact with the justice system. Its services are offered in Catawba, Caldwell, and Burke County.

In addition to other services, REPAY will prepare reports on request from the judges and/or attorneys regarding indigence, alcohol or drug abuse, mental health or other factors which might enable the matching with community resources. The court may then consider those alternatives when dealing with the defendants.

Pre-trial services are provided in Catawba County, but not the other counties it serves. The program should offer all pre-trial jail inmates information about various treatment options available to them. The district attorney and the courts have the option of taking the voluntary

participation in treatment options when considering taking a plea, setting bond, probation or sanctions. In theory, this program assists in pushing nonviolent cases through the system faster, allowing jail space to open up for more serious offenders.

The program cannot “encourage” individuals to take advantage of the treatment options or to enter a plea. However, indicating to the defense attorney, if there is one, the district attorney, and the court that the inmate desires some sort of treatment or plea is in the best interest of all concerned.

Currently, the program only operates in the District Criminal Courts. The same reasons for its operation in District Court are applicable in the Superior Court. Following a TechSolve visit, the REPAY management met with the district attorney to address extended time of incarceration relating to Superior Court cases. As a result, lines of communication have opened and, in the eyes of REPAY, the system improved. TechSolve recommends that REPAY should also routinely contact inmates incarcerated on Superior Court charges of a less-serious nature (intermediate sanctions or less).

REPAY does not address child support cases under the theory that child support does not get to the level of a Court hearing without alternatives having been addressed. REPAY should also be allowed to address these cases as it deems appropriate, since their employees have a broader base of experience that may lead to solutions not otherwise available (and provide desirable options to the courts).

The effectiveness of these services should be monitored through the court board suggested below (see Other – Criminal Justice Leadership Council). REPAY could be more effective in dealing with pretrial services for many reasons, if there was a consensus on the extent of their pretrial duties.

REPAY should also consider contacting bond sponsors and potentially set up a payment schedule. In other areas of the country, the REPAY equivalent updates the judge on cases before the first appearance, so that the judge is aware of situation before offenders enter the courtroom. REPAY may also assist in offering the following three services:

Pre-trial diversion

Pre-trial diversion is reserved for offenders with little to no record and incarcerated for a non-violent crime. Before the offender’s first appearance, they are told of their eligibility of going through a program rather than going to court, as decided by a judge and the district attorney. On their first appearance, the offender has the option to go through the program. If the offender goes through the program, they will simply be on probation and never appear on the docket.

An example would be for an offender incarcerated for a drug related crime. If the offender complies with the judge’s program requirements (which would consist of support groups, etc.), then the offender would never go to court.

This program is applied to seventy percent of first time offenders in Hamilton County, Ohio. Of those, ninety-eight percent do not offend again.

A screener position could be created to lead this and other intake efforts. For pre-trial diversion this position would communicate the offenders’ situation to the judge and the eligibility to the

offender. The screener would also work to manage cases and monitor timelines. The position existed years ago in Catawba County, and many court officials thought it was very effective. The responsibilities of the screener position should be examined with specific comparison to the responsibilities of REPAY.

Create a disposition schedule

Similar to pre-trial diversion, some counties set up a disposition schedule that involves activity prior to the first appearance if the offender has counsel. The judge, representative from the District Attorney's Office, defending attorney, and a representative from REPAY would meet before the first appearance. The group would briefly discuss the case and options if a plea were entered. Once the grounds were set, the offender could enter a plea. The court staff would verify the offender's record and set up probation.

Rapid indictment

Rapid indictment is a practice that is being practiced throughout the United States to shorten the time to trial for cases that require indictment through a session of the grand jury.

Currently in Catawba County, a probable cause hearing is set for three weeks after the first appearance. The district attorney has worked to ensure that this hearing is waived for most cases. The case then goes to a session of the grand jury to determine if there is enough evidence to indict the accused. Sessions of the grand jury are held monthly, which means that an individual will be incarcerated under the arrest warrant without being indicted and ready for trial for up to a month or more.

Rapid indictments require sessions of the grand jury to occur more frequently, and the benefit is to have the offender ready for trial sooner. This benefit would only be realized once the backlog of cases was reduced. Therefore, the case would be heard earlier and the offender would spend less time incarcerated pretrial.

One issue inhibiting the court system from indicting inmates sooner is the turnaround time for FBI lab results. The District Attorney has worked to allow for the use of private laboratory testing that should be able to deliver results within a couple of days.

Rapid indictment would require additional funding from the AOC for multiple sessions of the grand jury each month. This idea would have to be approved by the district attorney, whose office could send offenders in front of the grand jury sooner.

In most jurisdictions with rapid indictment programs, an offender is either indicted or released within ten days of the first appearance. If the county would adopt this process, this measure could be tracked and reported to a court board (see Other – Criminal Justice Leadership Council).

Timelines for criminal court

Cases are managed more closely in civil court, because it has monitored timelines. Criminal Court, however, has a soft timeline that is not monitored as closely. The timeline includes setting trial dates within forty-five days and hearing a case within 120 days. However, the complexity of scheduling cases has caused the timelines to not be followed. Someone must be

responsible for reporting the current performance – most likely the District Attorney. This should be reported at the Criminal Justice Leadership Council meetings.

Release inmates on their own recognizance when maximum sentence is served

Occasionally a defendant will be incarcerated pre-trial longer than their maximum sentence if convicted. In such cases, the inmates should be released on their own recognizance. The court system is allowing defendants to remain incarcerated for longer than necessary.

During the interviews, some Court employees seemed hesitant to this idea. The thought was that a potential law-breaking citizen should not be released into the community before their trial is heard regardless of how long the defendant has been incarcerated.

The inmate could also simply be brought in front of a judge, so that they can make an informed decision about pleading guilty and getting out of jail.

Time for pleas in district court

Set aside time in District Court to do nothing more than take pleas. This should be done multiple times during the week. When REPAY can identify an incarcerated individual wanting to plead, that case should be the first on the docket.

A 2006 task force recommended a similar initiative that would dedicate time each Friday for plea court. In this case there is additional incentive to plead, as otherwise the incarcerated citizen will have to spend the weekend in jail and will not have the opportunity to plead until the following week.

All incarcerated individuals should be aware of the option to plead, regardless of who represents them. REPAY would not be negotiating a plea deal. Instead they would simply present general options to the incarcerated individual (pleading, jail diversion programs, etc). If the incarcerated individual would like to further discuss or consider these options, their attorney (if represented) and an assistant district attorney should be contacted.

Triage should be done at the time of arrest

Magistrates should be able to perform triage at the time of booking. Lesser offenses should be handled differently than more serious offenses. This is already done to a certain extent. However, the extent of triage could be expanded based on some of the other improvements, such as the ability to use credit cards. The triage performed should lead into the case management associated with Repay.

Speedier Trials

Reduce the amount of continuances granted

Granting continuances is a common practice. Many of these are justifiable; however, court officials believe that continuances are frequently granted for unacceptable reasons. One way to assist judges in managing the courts is to track the length of all cases and number of continuances granted to each attorney. Tracking the length of each case is already done by most judges. Knowing which attorneys are consistently asking for multiple continuances would

also be beneficial. These reports by judge could be reported to a court board (see Other – Community Justice Leadership Council).

Remove overlooked lawyers from the court-appointed list

Many of the continuances are a result of lawyers not being able to prepare for a case due to their high caseload. Many of these circumstances are occurring with court-appointed defense attorneys. Each attorney on the list has eighteen to twenty cases concurrently. The chief district court judge has the ability to remove lawyers' names from the court-appointed list if they are not able to respond in a timely manner.

Hold lawyers accountable

The courts occasionally have to deal with the issue of lawyers not showing up for court without notice or excuse. Judges grant continuances in most cases with no consequence for the absent lawyers. In many instances, it is assumed that the lawyer is in court in another jurisdiction or the other Catawba courthouse. Court scheduling cannot be done effectively without reliable attendance. Being in court in another jurisdiction is not an excuse to miss a case in Newton without communicating the absence in advance. Upon future absences, judges should start requiring lawyers to produce schedules showing reasons for missing court. The judges should also start communicating that lawyers need to contact the district attorney prior to the court date.

Technology

Throughout the course of the study, technology improvements were often a point of interest. This is not surprising, because technology is often the easiest form of improvement. Many times the technology improvements, which can be costly, can be avoided by simply changing the processes in the organization. With that being said, a study performed within the last five years showed Catawba courts to be ten years behind in technology capabilities. TechSolve thinks Catawba County could see significant improvements through some of the following technology improvements.

Videoconferencing

Videoconferencing is a great way to reduce county costs and use courtroom time more effectively. A growing resource within courthouses all over the United States – Catawba County is currently only using videoconferencing for first appearances and arraignments. However, there are other uses for videoconferencing that can save money, avoid dangerous situations, and shorten time waiting for trial. Raleigh, Asheville, Charlotte, and Statesville are currently using videoconferencing in other ways.

Videoconferencing can also be used during sentencing for the incarcerated. For officers, it can be used in any part of the hearing, but is most commonly used when presenting non-controversial information. In such an instance, the officer could appear via videoconference from the police station or even from a camera in the patrol car. Each option presents very significant cost savings over spending the entire day or a partial day in court. The appropriateness for officer videoconferencing could be determined by the attorneys and the judge on a case by case basis. The cost savings would be significant for all incorporated police department, especially Hickory if all criminal court was moved to Newton.

Videoconferencing can also be used for witnesses. Commonly video conferencing is used for expert witnesses that may live out of town or a witness that has been sent abroad for military purposes. However, the defending attorney and prosecuting attorney would have to agree to allow videoconferencing for witnesses.

Digital recording devices for superior courtrooms

There is a great benefit to being able to change over courtrooms for different types of court. Per state regulations, Superior Court uses court reporters and District Court uses digital recording devices. Adding digital recording capabilities to the Superior courtrooms would allow District Court to be held in a Superior courtroom when it otherwise would have been vacant.

Since the study commenced, one of the Superior courtrooms has had this capability installed.

Computer technology in courtrooms

There are very few audio/video capabilities in the courtrooms. Practicing attorneys have a difficult time presenting evidence that would be very simple with today's computer capabilities. Currently, they must produce hard copies all of their evidence in the form of multiple copies for each juror and poster boards or other physical mediums.

Using simple computer programs and a LCD projector would allow for easier display of evidence. Tablet computing capabilities would allow for witnesses to diagram their testimony. An alternative to using a projector would be to install small monitors in the jury boxes, judge's bench, and attorney tables.

Evidence camera in courtrooms:

Similar to possessing enhanced computer technology, an evidence camera would also allow for the easier display of evidence (this would also be connected to a projector or display screens). Two products that are very popular in courtrooms across the United States are Wolfvision's "Visualize" and DOAR's "Presenter."

Warrant repository & paperless warrants

Issuing paper warrants is a thing of the past. Warrants can get lost, and communication to other jurisdictions is difficult. A paperless warrant system with a warrant repository addresses both of these issues. A warrant repository is easily searchable by law enforcement inside and outside the county. The AOC is currently piloting the project in another county, and it is expected to roll out to the entire state by fall of 2009.

eCitations in patrol cars

eCitations allow police officers to issue citations from their patrol car without the duplication of paperwork in the station. After a citation is issued, the database is automatically updated in real-time. This allows law enforcement to spend less time doing administrative duties and more time adding valuable law enforcement to the community.

Some communities allow officers to accept credit payments for citations as they are issued. This is a benefit for both the community and the city/county. By paying the citation, a guilty plea is automatically entered. The person making the payment does not have to come to court or

mail in a payment. The citation never enters the administrative processes of the court system. The database simply updates the offender's record and recognizes the revenue.

In most communities with implemented eCitation programs, the initial investment for equipment came from the local government.

Accept credit and debit card payments online, by phone, or in person at the jail and in the Clerk's office

Currently only cash, certified checks and money orders are accepted in the jail and Clerks Office. At the jail, acceptance of credit and debit cards would allow some people to pay bonds on the spot rather than staying in jail for an additional time while waiting for someone to bring an accepted method of payment. In the Clerks' office, this would just be a convenience issue. Many people in today's society prefer to use electronic payments.

This is something that was not found to be done in the court system anywhere in North Carolina. However, Mecklenburg County is accepting credit card payments for other services. They allow credit card numbers to be entered online or through an automated telephone system.

It was not determined if the AOC will allow for the use of credit or debit cards. The fees associated with accepting this form of payment may prevent implementation.

An alternative would be to install ATM machines in various places in the courthouse.

Document imaging

Document imaging simply allows for the storage of files electronically. This could enable designated AOC employees to access files from any location at any time, which would eliminate the transportation of files that is currently being done. This would also eliminate the possibility of losing files. Today's document imaging technology present options where off-site backup and security encryption are safer ways to store information than hard files. In addition to benefitting the staff, it also decreases the amount of space required for files. The spatial savings would have to be analyzed for Catawba County to determine the potential impact for the future courtroom expansion.

This is done in other North Carolina counties, and the funding sources were not identified.

Alternatives to Incarceration

This section focuses on alternatives to incarceration for convicted offenders sentenced to less than six months in jail, for which the crime would result in incarceration in the Catawba County jail facility.

Inmates in jail due to criminal or civil contempt are not eligible for alternatives to incarceration under the current North Carolina statute. However, Michael Crowell from the North Carolina School of Government is of the opinion that legislators may not be aware that the statute prevents this group of inmates from being eligible for alternatives to incarceration. He felt that if legislators were contacted, they may be willing to amend this requirement.

Satellite based monitoring system

The Sheriff's Office has the capacity to monitor up to fifteen individuals per day using satellite based monitoring systems. The program can be used for child support and/or non-violent offenders by judges' order. Monitoring bracelets operate off cellular technology and, therefore, do not require a home phone. They are also equipped with GPS locators. Protocols have recently been worked out between the judges, Social Services, and the Sheriff's Office to determine which child support offenders would be eligible for this technology.

The cost of the satellite based monitoring program includes the fee for the monitoring device and a deputy's salary. Typically, a deputy could monitor between fifteen and twenty cases at a time. The county currently has fifteen. The cost per day for the monitoring device is \$6 if used and \$2.50 if not used. Assuming usage, the annual cost for fifteen devices is \$32,850. The full cost to the County for a deputy is roughly \$50,000 per year. Therefore, the total cost for the program (using fifteen devices) is \$82,850 annually.

Those fifteen devices would also account for a \$186,150 reduction in jail operating cost and have an opportunity of generating \$355,875 in revenue (if jail space is rented federally). See Appendix C for further details.

This program could be expanded, if use increases. The same economics would apply to each additional fifteen devices utilized.

Blood alcohol content (BAC) monitoring

Similar to ankle bracelets for monitoring location, units can remotely monitor blood alcohol content (BAC). Also worn on the ankle, BAC units measure ethanol secretion from the skin. The unit sends a continuous signal via a phone or internet connection to a centralized server. The server can be accessed at any time and can send alerts to probation officers. BAC monitoring is commonly used throughout the United States for DWI offenders, domestic violence cases involving alcoholism, and similar cases. BAC monitoring is most effective when used in combination with electronic house arrest monitoring.

The equipment costs for BAC monitoring units are slightly higher than electronic house arrest monitoring units. However, the monitoring costs can be combined. Typically the offender is responsible, as determined by a judge, for a daily operating expense. However, even without the offender being responsible for operating costs, BAC and satellite based monitoring are more cost effective for the County than incarceration.

Day reporting

Day reporting involves requiring convicted persons to visit a probation officer on a daily basis to inventory their activities. This is often linked with employment requirements. This could be used for citizens not paying child support. In such a case, the offender could be ordered to report on a regular basis to Child Support Agents or REPAY instead of a probation officer. They would provide information on where they are working, hours worked, or specific efforts to find employment, if unemployed. This would enable Child Support Agents or Repay staff to follow up with employers or prospective employers to ensure offenders are doing as they claim. Violations

could then result in satellite based monitoring or jail time. REPAY has indicated that its office has the capacity to provide this service.

Community service

Assigning significant amounts of community service hours could be used as an alternative to incarceration for non-violent crimes. Acceptable activities could include Adopt-a-Highway and improving Catawba County parks.

Supervision could be done in a number of ways. The system could be set up to simply require signatures from court approved organizations providing community service opportunities. The offender would be required to produce the signed document to the Clerk of Court's office before a specified date or face a future court appearance. The system could also be set up to more directly benefit the County through improvement projects. These initiatives would have to be supervised by either the Sheriff's Office or county staff as determined by the individual initiative. This would only apply to non-violent criminals; therefore, law enforcement trained individuals would not have to supervise.

Work Farm²

Work farms are minimum security facilities for non-violent offenders. Inmates work in fields and greenhouses to grow produce. Work farms can be effective in dealing with non-support offenders. Tyrrell County, North Carolina uses work farms.

Other

National Institute of Corrections (NIC)

The National Institute of Corrections (NIC) is a congressionally funded non-profit that provides training, technical assistance, information services, and policy/program development assistance to federal, state, and local corrections agencies for little-to-no cost.

Through cooperative agreements, they award funds to support various program initiatives. They also provide leadership to influence correctional policies, practices, and operations nationwide in areas of emerging interest and concern to correctional executives and practitioners as well as public policymakers.

Many court systems use the NIC to help address areas of deficiency. In many cases the NIC will fully fund training or sending an NIC officer to the requestors site to review and advise. NIC officers will identify a need and fund travel for local staff to learn about that need.

Hamilton County, Ohio has used the NIC to speak to judges about sentencing felons to things other than incarceration. More information on the NIC can be found at www.nicic.org.

Create Criminal Justice Leadership Council

Good communication is an important part of solving any issue. Communication is critical to effectively work together so that any complex system is optimized, as is true in the Catawba County judicial system. In this system effective communication is difficult, because there are so

² More info on the Tyrrell County work farm is available at <http://www.doc.state.nc.us/DOP/prisons/tyrrell.htm>

many departments and employees. One way to address this issue is to have a forum where issues can be discussed by the management of each department.

The Criminal Justice Partnership Program (CJPP) is a board that functions similarly and has recently won an award for its work. However, it serves a different function. The Criminal Justice Leadership Council should include the clerk of court, a superior court judge, the chief district court judge, a county attorney, the Sheriff, a chief of police, probation management, the District Attorney, and Repay (or an upper management level representative from each department). The county manager or assistant county manager should consider attending these meetings to show the importance.

This board would be charged with implementing recommendations from this report. They will also continue to meet regularly to address any issues. Measures (number of continuances, etc) could also be presented at these meetings for accountability. If the measures uncover some deficiencies, the group can immediately address them.

It may be determined that an additional hire would be required to coordinate all of efforts of this group. Some previous efforts to improve court efficiencies have fallen short of their goals due to the hectic schedules of all court officials and staff. This created position would facilitate all current recommendations and future ideas.

On-call jury

The jury selection process is not bad as it presently exists. However, today's technology presents some additional opportunities. Currently, jurors phone in to see if they are needed the following day. If they are needed, they come in and wait for the concluding trial to end. With instant accessibility via cell phones, text messaging, etc., the jurors could be notified a couple of hours before they are needed instead. They would be "on-call" for the day and receive a message at some time in the day indicating specifics.

Public records

With courthouse alterations on the table for future renovations, the ability to access public records immediately upon entering the courthouse would benefit the community because it would allow them to bypass security lines. This eliminates the both congestion and confusion. Access to public records is available without going through security in most counties across the United States. Public records request areas are very commonly located in the lobby of the courthouse. In addition to the added convenience, this could allow public records to be open at times the courthouse is close, if there ever is a need.

The lessened security should be balanced with the ease or doing business for the customer. This would have to be addressed in more detail with the spatial planner during any expansion efforts.

Avoid incarceration for non-payment of child support

The judges in Catawba County have been incarcerating individuals who do not pay child support. Many of the court officials interviewed believe that many offenders are either not able or willing to pay regardless of how long they spend in jail.

Judges should consider the possibility of requiring such defendants to perform community service for Catawba County instead of going to jail. This also gives them an opportunity to pursue gainful employment. Sentencing offenders to community service has always been an option, but it is not used as much as it could be. Incarceration should only be used as a last resort when dealing with non-payment offenders.

Create Office of Public Defender, have contract attorneys, or some combination

Currently the State Office of the Public Defender appoints a limited number of attorneys as criminal defense attorneys to serve Superior Court. Overlapping criminal trials and large case loads are reported to add to the previously mentioned scheduling problems.

Having a public defender would benefit the County in a number of ways. An Office of Public Defender would provide consistency to cases requiring a court appointed attorney, be financially beneficial to the County, and ensure availability for court sessions. The most substantial is the latter. Currently, the court appointed list consists of lawyers with relatively large case loads. This causes many cases to be continued, because the lawyer has not met with the defendant and/or prepared for the case.

Creating an office of the Public Defender may be opposed by some members of the local bar association, unless the office were staffed by a combination of attorneys on staff and attorneys on contract, who would be selected locally rather than through a state agency.

In the current scenario, without a public defender the bar could help improve the situation by taking an active role to encourage more lawyers to get on the court appointed list.

Currently, only judges have the authority to ensure timely representation from court-appointed attorneys. The judges could remove lawyers from the list for being non-responsive or requesting excessive continuances. A good practice would be to require defense attorneys and prosecutors to present calendars when requesting continuances based on scheduling conflicts.

Locked conference rooms

The current locking mechanism of courtrooms when not in use also results in the locking of the adjacent conference rooms, which are in high demand. By locking the inner doors to the courtroom rather than the outer doors, the conference rooms could still be accessible when the connected courtrooms are closed. This would ensure that lawyers would have a place to meet with their clients in a private setting.

Appendix A – Prioritized List of Improvement Initiatives

While precise return-on-investment data was not analyzed as part of this project, the following is a list of prioritized improvement initiatives.

Improvement Item	Page Number
Call docket before judge arrives	11
Release inmates on their own recognizance when max time served	17
Use of additional courthouse facilities for lengthy trials	8
Create Criminal Justice Leadership Council	22
Assistance from National Institute of Corrections	22
ADAs come early to take pleas and meet with attorneys	11
Visiting Judge or magistrate take pleas	11
Warrant repository and paperless warrants	19
Videoconferencing technology	18
Time for pleas in district court	17
Hold all criminal court in one courthouse	8
Pretrial diversion	15
Rapid indictment	16
Remove overbooked lawyers from the court appointed list	18
Reduce the amount of continuances granted	17
Satellite based monitoring system	21
Examine use of specialty courts	12
Computer technology in courtrooms	19
eCitations in patrol cars	19
One point of entry for all types of district court	12
Office of public defender	24
Repay services	14
Triage at time of arrest	17
Day reporting	21
Community service	22
Night court for infractions	10
Avoid incarceration for non-payment of child support	23
Evidence camera in courtrooms	19
Create disposition schedule	16
Timelines for criminal court	16
Accept credit and debit cards	20
Locked Conference Rooms	24
Digital recording devices for Superior courtrooms	18
Document imaging	20
BAC monitoring	21
Hold lawyers accountable	17
On-Call jury	23
Stand-by cases	10
Schedule based on lawyers	13
Correct number of cases on docket	11
Public records	23

Appendix B – Court Statistics³

Civil Court Statistics

	Filed	Total Disposed by Trial	Total Disposed	Median Age when Disposed	90 th % of Age when Disposed	Pending Cases	Median Age of Pending	90 th % of Age of Pending
Civil Superior (Total)	559	18	573	161	488	346	156.5	512
Contract	103	0	105	186	424	60	155	428.5
Collect on Accounts	68	1	84	121	319	22	102.5	275
Motor Vehicle Negligence	88	4	87	309	531	73	163	470
Other Negligence	48	2	52	385	918	50	199.5	629.5
Real Property	9	1	15	168	542	18	414	1451
Administrative Appeal	2	1	2	120	139	2	143	254
Other	241	9	228	118.5	359	121	142	509
Estates	1,188	-	1,129	-	-	-	-	-
Special Proceedings	2,661	-	2,626	-	-	-	-	-
Civil Magistrates	3,131	-	3,111	-	-	-	-	-
Civil District (Total)	3,890	2	3,746	56	200	1072	66.5	374
URESA	0	0	0			0		
Child Support (IV-D)	880	0	826	26.5	154	176	56.5	198
Child Support (non IV-D)	163	0	195	204	581	132	263.5	758
Other Domestic Relations	1,460	0	1,459	50	186	331	66	459
General Civil	1,328	1	1,212	69	183	413	60	208
CVM Appeal and Transfer	59	1	54	74	146	20	79	224

³ Source – North Carolina Administrative Office of the Courts: July 1, 2006 – June 30, 2007

Criminal Court Statistics

	Filed	Trial	Guilty Plea	Dismissal	Total Disposed	Median Age when Disposed	90 th % of Age when Disposed	Pending Cases	Median Age of Pending	90 th % of Age of Pending
Criminal Superior (Total)	1,846	43	738	906	2,048	280.5	818	1,508	235	669
Felonies (Total)	1,356	33	671	788	1,532	349	860	1,253	235	661
Murder	5	0	10	4	14	461	1,422	12	451	844
Manslaughter	4	0	1	0	1	66	66	6	326.5	723
Rape and First Degree Sex Offense	4	2	6	1	9	658	1812	17	485	816
Other Sex Offenses	30	4	9	16	29	314	691	38	340	907
Robbery	61	0	30	14	45	230	685	46	201.5	508
Assault	27	6	27	20	54	451	832	28	191.5	634
Burglary and Breaking or Entering	227	2	101	66	193	247	750	176	225	684
Larceny	164	3	85	77	165	280	617	145	235	648
Arson and Burnings	2	0	2	2	4	419.5	1,373	3	282	599
Forgery and Utterings	9	0	14	57	73	532	818	6	178	634
Fraudulent Activities	63	0	23	74	100	442.5	868.5	77	260	844
Controlled Substances	382	7	198	264	474	395.5	1050	391	248	675
Other	378	9	165	172	371	281	566	308	233	606
Misdemeanors (Total)	490	10	67	118	516	139	434	255	275	670
Impaired Driving Appeal	76	2	7	9	86	92.5	350	27	271	660
Other Motor Vehicle Appeal	76	0	13	36	94	119.5	335	43	130	627
Non-Motor Vehicle Appeal	207	8	43	66	220	189	481	113	373	730
Case Originating in Superior Court	131	0	4	7	116	100.5	413	72	122.5	779
District Criminal Non Motor Vehicle	9,553	335	2,840	-	9,273	77	252	3,301	63	225
Criminal Motor Vehicle	15,329	-	-	-	15,784	-	-	-	-	-
Infractions	15,559	-	-	-	15,612	-	-	-	-	-

Appendix C – Cost of Incarceration of non-Support Offenders⁴

Problem

In fiscal year 2006-07, roughly 5,575 beds were consumed by individuals solely confined for failure to pay child support. This equates to an average of fifteen inmates per day.

Financial Implications

Below is an analysis of the financial implications associated with housing the estimated fifteen child support inmates daily. Obviously, there is a direct cost associated with housing. There is also the potential to use this bed space in other ways. If we were not housing these inmates, our bed space could potentially be rented to the federal government or to Burke County at the Burke/Catawba District Confinement Facility. Revenues received could then be held in reserve to assist with the cost of future jail additions. Reducing the inmate population without rental has value in that it prolongs our ability to live within our existing bed space. If the inmate population continues to grow at its current annual rate of five percent, we would reach our current combined capacity by 2013/2014.

Cost of Housing Child Support Defendants

- (15 child support inmates x \$34 per day for food, medical, supervision, and general operating costs) x 365 days per year = \$186,150 per year

Potential Revenue Lost to County from Child Support Devoted Beds

- If rented federally: (15 beds x \$65) x 365 days per year = \$355,875 per year
- If rented to Burke County: (15 beds x \$45) x 365 days per year = \$246,375 per year

Costs of Electronic House Arrest Program

- (\$6 per day charge per offender x 15 offenders) x 365 days per year = \$32,850 per year
- Electronic House Arrest Deputy = \$50,000
- Total Annual Cost = \$82,850

⁴ From Catawba County document on IV-D Child Support Problems

Appendix D – Night Court in North Carolina

The feasibility of night court came up often during this project. The County Attorneys' office did some research on what other North Carolina counties have experienced night court. The following is what was found.

After contacting the School of Government at Chapel Hill, Administrative Office of the Courts (AOC), and the eighteen largest counties (by population) in North Carolina, TechSolve learned that two counties held night court in the past, and one county is planning on holding a night court in the near future. Assistant District Attorney (ADA) Rodney Hasty, with Buncombe County District Attorney's Office, and ADA Tom Ford, with Wake County District Attorney's Office, confirmed that their counties held night court in the past. Neither of these counties presently holds night court. After speaking with Brunswick County's Judge Lewis, he confirmed that Brunswick County is getting ready to begin holding night drug court.

Buncombe County

Buncombe County held night court for approximately ten years. Buncombe County's main consideration for discontinuing night court was that the late hours were not convenient for their staff. Their second consideration for discontinuing night court was due to space. Buncombe County District Courtroom number one is their largest courtroom, therefore they had to dismiss day court early because night court began at 4:00 P.M.

While not a night court, Buncombe County started a pilot program in January 2008 that may be worth looking at. Through a 2006 resolution, Buncombe County went to AOC requesting funding for an emergency judge three days a week to begin a "drop-in" court held the first full week of each month. A Buncombe County judge presides on Friday; the "emergency judge" presides on Monday, Wednesday, and Thursday; and there is no judge on Tuesday, which is warrant day. The morning session of drop-in court is held from 8:30-11:30 A.M., with the judge present from 9:30 A.M.-12:30 P.M., and the afternoon session of drop-in court is held from 1:00-4:00 P.M., with the judge present from 2:00-5:00 P.M. The program is so new the District Attorney's Office couldn't provide particular data.

Wake County

Attorney Ford said it had been many years since Wake County had operated a night court, and they only held one for about a year. Night court in Wake County was funded by a grant in either 1990 or 1991. When the grant was in place, "emergency judges" were provided to handle night court. Wake County's courthouse is twelve stories high; therefore, when the grant ran out, it was not feasible to continue with night court due to security costs to staff the courthouse, the lack of officers available for court dates at night, and the unwillingness of the judges to work. Additionally, there were limits on the types of cases that were scheduled. In order to qualify, the case had to be a non-contested misdemeanor. When the grant money ran out, Wake County determined that it was not feasible to continue with night court.

Brunswick County

Brunswick County's Judge Lewis believes it will be beneficial to begin holding night court in Brunswick County. Brunswick County is in the process of starting a night drug court.