

# **STATE OF THE COURT REPORT 2009 THROUGH 2011**

## **INTRODUCTION**

The Pike County Court of Common Pleas in 2009 presented to the County and to the public a State of the Court Report reflecting significant growth and changes occurring in the Court system over the prior five year period. That report issued at the beginning of 2009 represented the most accurate statistical information regarding the court system in Pike County available at that time. The purpose of this 2009-2011 report is to provide additional updates, statistical data and information regarding changes to court procedures and operations over the past three years.

This Report is therefore intended to update the information and statistics contained in the prior State of the Court Report from 2008, a copy of which is attached hereto.

**PIKE COUNTY COURT CASELOAD CONTINUES TO INCREASE**

The Pike County Court caseload has continued its growth despite the economic slowdown, the reduction in real estate sales and home construction and the slowdown in the rate of population growth for the County.

Docket filings with the Court continue to represent almost a 200% increase over the last ten years. Further, a review of the Court's actual schedule for 2011 indicates that the Court scheduled over 4,000 hearings, trials, arguments or other court proceedings in the courthouse for that year. The following report shall identify the changes occurring in the court caseload and budget and the steps taken over the past three years to accommodate these changes.

## **COURT OVERVIEW**

### **Court Staffing:**

Court staffing over the last three years shows a minor increase in Court staff from 50 to 52 full-time employees. This staff increase occurred in the Adult Probation Department as a result of a Federal ARRA Grant issued through the Pennsylvania Commission on Crime and Delinquency for the creation of an Intermediate Punishment (IP) Program in Pike County. This two year grant awarded in early 2010 covers 100% of the cost of the IP Program including all costs of staff, training, as well as hardware and software necessary to implement the Program. The Intermediate Punishment Program is intended to save County money related to incarceration by implementing an electronic monitoring program using home monitors, alcohol monitors or GPS monitors to oversee periods of house arrest in lieu of incarceration. Once the Program is fully implemented in 2012, it is anticipated that the savings to the County by reduction in the cost of incarceration will significantly exceed any County cost related to the Intermediate Punishment Program.

**State Budget Impact:**

As a result of serious state budgetary shortages, the state has reduced its annual subsidiary to the County to offset a portion of the staffing cost of the judges' office. This decrease in state reimbursement to the County reduced the original reimbursement of \$140,000 in 2008 to approximately \$120,000.00 for 2011.

In addition, the Pennsylvania Supreme Court has directed a review of the Magisterial District Court System across the State with a goal of reducing the number of such Courts. Following a thorough review of the Pike County MDJ System, the Court has recommended an elimination of one of the four MDJ Offices in the County which will result in savings to both the County and State.

## CRIMINAL DOCKET FILINGS

Since 2008, criminal docket filings have remained in a steady rate with criminal and miscellaneous filings for 2009 at 1,298; for 2010 at 1,273; and 2011 at 1,299. These filings constitute a significant increase in caseload over the last eight years. Most significantly, not only has the number of cases grown, so has the severity of cases. Since 2004, the Pike County court system has addressed nine separate homicide cases involving seven different victims and has conducted six murder trials by jury including four death penalty cases. A jury trial in a death penalty case will typically take between three and six weeks for both jury selection and trial. Obviously, these cases have placed a significant burden upon the Court from both a budget and facilities perspective.

### Criminal and Miscellaneous Filings

<u>Year</u>	'04	'05	'06	'07	'08	'09	'10	'11
Adult Criminal	430	463	428	414	547	512	542	546
Juvenile	131	130	150	175	171	133	125	116
Misc. Criminal	*	*	226	169	154	154	135	171
Summary Appeals	*	*	72	51	50	81	55	44
Domestic Relations	428	394	400	406	422	418	447	422
<b>Total:</b>	<b>989</b>	<b>987</b>	<b>1276</b>	<b>1215</b>	<b>1344</b>	<b>1298</b>	<b>1273</b>	<b>1299</b>

\*Included in other category for year

## CIVIL DOCKET MATTERS

**Civil Case Filings Have Continued Steady Growth:**

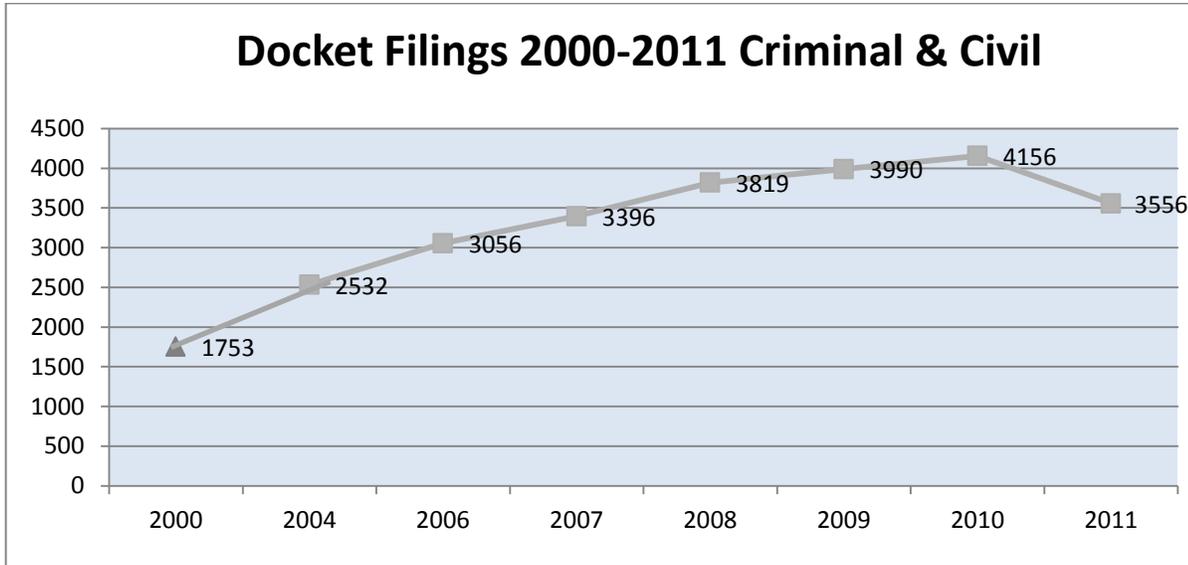
Civil docket filings since 2008 have continued their steady upward increase. When compared to 2000, civil filings for 2009 and 2010 were 250% of the rate for the year 2000. Up until 2011, civil filing has been increasing at an average rate of 8-10% a year for the last several years. Though there has finally been a decrease in civil filings in 2011, the current filings are still double the rate in 2000.

**Civil Filings**

Year -	2000	2004	2005	2006	2007	2008	2009	2010	2011
Total Filings:	1169	1543	1521	1780	2181	2475	2692	2852	2106

**TOTAL CASELOAD GROWTH**

Total caseload filings for all civil, criminal and miscellaneous dockets for years 2009; 2010; and 2011 show the respective filings at 3,990; 4,156; and 3,556 respectively. The following graph evidences the steady and consistent increase in caseload over the last ten years.



Given this consistent and steady growth despite the economic downturn and reduction in rate of population growth, it is reasonable to conclude that similar growth will continue in the future.

This rate of growth far exceeds that of any other county in the state and has continued to place severe pressure on the entire Court system. In addition, the offices of the Prothonotary and Clerk of Courts, which are responsible for maintenance of all records and reports for the county and state, are seriously stressed in its employee workload and office and storage space. With hundreds of thousands of pages of pleadings, court orders and other documents submitted annually, this record keeping process continues to place serious burdens on the current space and facility limitations.

### **COURT FACILITIES**

Inadequate court facilities continue to plague the efficient and safe operations of the court system. No additional space has been created in the existing courthouse despite the unprecedented growth rate and ever increasing court requirements over the past several decades. In addition, the

existing building continues to decline in condition, appearance and ability to function. In 2010, the main roof developed significant leaks and will require major repairs. The electrical and heating systems continue to pose serious limitations on the building. The antiquated electrical system seriously limits the ability to efficiently use modern technology in the building. Lack of adequate space continues to threaten the operation of the court as well as the Prothonotary/Clerk of Courts office.

Most significantly, Courtroom No. 2 poses a threat to the safety of all persons utilizing that room. Incidents of physical altercations between adversaries, witnesses or interested parties have occurred due to inadequate space to conduct hearings or to accommodate people. On busy days when both courtrooms are being utilized, the courthouse represents a dangerous example of chaos and confusion rather than a place for orderly resolution for disputes. Given the major increase in the Court's schedule, it is not possible to operate a court schedule without using the main courtroom and Courtroom No. 2 simultaneously.

Despite the efforts of the Pike County Sheriff's Office in providing security to the building, security and safety represent significant problems. Every security evaluation done in the court facility over the past several years has shown major inadequacies tied to the building's structure and space availability. All such security evaluations have resulted in the facility failing security tests.

Despite the steady increase in workload, the severity of cases and the changing nature of Pike County's population, the Pike County court budget has remained very consistent over the past several years. The two main increases in the court budget since 2008 have been related to professional services for the capital murder trials and expenditures for repairing and maintenance of the building itself.

In a capital murder trial, only attorneys qualified to handle death penalty cases are authorized to represent defendants. Very few attorneys meet these qualifications. In addition, in cases involving more than one defendant (the 2009 murder trial involved three defendants and the 2010 murder trial involved two defendants) the court must appoint conflict counsel since the Public Defenders' Office is only allowed to represent one defendant in such a case. These types of cases will typically add well over \$100,000 in additional costs for attorneys, expert witnesses, and courtroom staff to conduct such trials.

### **COURT COLLECTIONS**

Over the past three years, court collections have continued to increase despite the downturn in the economy. For the first time in the history of Pike County in 2009 the Court collected over \$1,000,000.00 in court costs, fines, fees, restitutions and expenses and also dispersed over \$1,000,000.00 to local and state governments and victims of crime. In 2010 and 2011 court collections

again increased. Total collection of costs through the Common Pleas Court for 2009 were \$1,002,106.56. For 2010, total collections were \$1,014,145.75. In 2011 collections were \$1,034,521.77. These figures include only monies collected through the Court of Common Pleas. They do not include fines, costs or fees collected through the Magisterial District Justices for other offenses. The funds collected through the Pike County MDJ system exceed \$2,000,000.00 per year.

### **COURT PROGRAMS AND IMPROVEMENTS**

In the past three years, the Court has implemented various programs in an effort to facilitate the efficient operation of the Court. In addition to those matters identified in the 2008 State of the Court Report, the Court has expanded its video conferencing capabilities and has also implemented an Intermediate Punishment Program.

For 2009, the Court officially implemented its video conferencing procedure for conducting hearings by video conferencing from the Pike County Correctional Facility. Inmates incarcerated at the facility who are scheduled to appear before the Court for various types of proceedings appear by video conferencing. The program has now expanded to the point where court proceedings involving inmates related to parole violations, probation violations, extradition hearings, bench warrant returns, contempt proceedings and paroles are now all conducted by video conferencing. Each Thursday afternoon the Court conducts video conference procedures and annually conducts hundreds of such hearings through the video conferencing process; thereby saving significant time and money involved in the transport of prisoners and ensuring the safety of the public and prisoners by not transporting the inmates outside of the correctional facility to attend court proceedings.

In addition, the Probation Office, public defender's Office, and District Justice Offices have access to video conferencing with the jail.

Recently, the Court obtained video conferencing access to state prisons across Pennsylvania to allow for video conferencing for various proceedings thereby eliminating the significant expense related to transporting such prisoners to Pike County by the Sheriff's Office.

In late 2010, the Intermediate Punishment Program began which will allow certain non-violent offenders to do a portion of their sentence under house arrest with electronic/GPS/alcohol monitors. Individuals participating in the IP Program also participate in the Consolidated Arraignment, Plea and Sentence Program (CAPS) which was instituted to speed up the processing of non-violent criminal offenders and to make efficient use of court time by providing only a single court proceeding to accomplish all matters involved in the criminal prosecution from arraignments, plea and sentencing.

In addition, the Court has authorized late night video conferencing procedures involving District Justices who must do preliminary arraignments following nighttime arrests. These video conferencing procedures which can occur from the District Justice's office or home are designed to

allow for prompt and efficient preliminary arraignments without requiring the transport of defendants throughout the County late at night after the defendant has been taken into custody. The implementation of this program was designed to save costs by reducing manpower and transportation costs and eliminating major safety issues inherent in such late night police action.

The Court has also implemented a mortgage foreclosure program to assist homeowners in understanding and exercising rights under existing foreclosure assistance programs and to avoid confusion or loss of such rights due to a homeowner's last minute discovery of such programs.

For 2011, the Pike County Probation office has instituted a payment system for criminal defendants for e-payments of fines, costs and restitution through credit card payments. It is anticipated that almost 600 payments shall be made in 2011 through this method further increasing the collections of the probation toward the Common Pleas AOPC collection rate.

All of these programs are designed to increase the efficiency of the Court system, to provide effective access to the Court to insure public safety and to do so in a cost effective way.

### **CONCLUSION**

The overall goals of the Pike County Court remain the same as set forth in the 2008 Report.

The Pike County Court has entered the 21<sup>st</sup> century with one eye on the challenges of the future and one eye on the historical past. Population growth, information technology, increased caseloads and societal changes challenge the Court to come up with better and more efficient ways to address the problems of its citizens. History tempers our approach to that challenge to insure that all changes made are responsible, lasting and reflect the needs of our citizens.

Everyone is aware of the current economic troubles we face. Certainly, these times confront us with conflicting problems and challenges. However, planning for our future must always remain a

priority. Opportunities may appear unexpectedly or, with proper foresight, may be created by our own efforts.

It is remarkable that citizens of this County in 1870's committed themselves to create a court facility that would serve the County's needs well for over 130 years. Their recognition of duty to their generation and future generations should serve as a reminder to us who temporarily fill their seats that we have a responsibility to our citizens and future citizens to make proper decisions to preserve safety and security, protect financial stability and emphasize respect for the rule of law.

It is my hope that the Court's goals for the next five years properly reflect a respect for the traditions of this County and that we too can create and maintain a Court operation and facility that will fulfill the needs of the citizens of Pike County for generations to come.