

PIKE COUNTY COURT OF COMMON PLEAS

STATE OF THE COURT REPORT



A SUMMARY OF THE COURT OF COMMON PLEAS

2004 - 2009

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1.

INTRODUCTION

On the fifth anniversary of my election as President Judge in Pike County, I believe it appropriate to report to the citizens of this County on the state of the Pike County Court and the progress that has been made over the past several years. The purpose of this report is to outline changes which have occurred in the Court operations, address significant pressures on Court finances and facilities, and identify anticipated needs of the Court over the next five years.

It is my hope that this report will provide accurate information to government officials and citizens of the County regarding our criminal and civil justice system and to dispel misconceptions and inaccuracies about the duties, operations and cost of the judicial system.

2.

COURT OVERVIEW

The Pike County Court of Common Pleas is responsible for overseeing the entire Pike County Court system, four Magisterial District Justice Offices, the Adult Probation Office, Juvenile Probation Office, Domestic Relations Office, the Court Reporters' Office, the Jury Commissioners' Office and the Custody and Mediation Center. In order to accomplish these goals, the Court employs 50 full-time county employees. The following outline shows the number of employees per court division:

Court Employees Paid By County	
Court of Common Pleas.....	7
Magisterial District Offices (4).....	9
Adult Probation.....	12
Juvenile Probation.....	7
Domestic Relations.....	11
Court Reporters.....	3
Jury Office.....	1

In addition to these employees, the Commonwealth of Pennsylvania employs and pays the salary of the Judges, the Magisterial District Justices, the Court Administrator and the Assistant Court Administrator. As a result, they are excluded from the above list of county employees. The Commonwealth also pays to Pike County \$70,000.00 annually to offset certain office expenses for secretaries, law clerks, etc. of the Judges. Beginning in 2009, the reimbursement from the state will increase to \$140,000.00 to reflect the addition of the second judge's staff.

Up until 2008, the Court staff remained stable for approximately ten years. However, in 2008, the Court added the following additional staff members:

1. Administrative Assistant for the second Judge;
2. Law Clerk for the second Judge;
3. One Court Reporter;
4. Locator for the Domestic Relations Office;
5. Converted Jury Coordinator from part-time to full-time;

These increases in staff obviously had an impact on the Court's budget.

However, when viewed in light of the major increase in the Court's caseload, the staff increases and the budgetary impact appear minor in comparison. These impacts are addressed in subsequent sections of this report.

Section 3 of this Report addresses the growth of the Court's caseload while section 4 addresses the Court budget. A summary of those sections reveals a 50% increase in caseload over the last 5 years while the county taxpayer burden increased less than 15% over the same five year time period.

The Court's use of innovative programs to enhance efficiency, its success in obtaining grants, its use of non-taxpayer funds, and its continuing efforts to do more with less have led to this level of efficiency.

3.

CASELOAD STATISTICS

The only way to effectively monitor the Court operation is to evaluate its caseload and its efficiency in handling that caseload. The Court system can be generally divided into criminal and civil dockets. These dockets are separate and distinct and are subject to their own rules, time schedules and court procedures. In addition, different state reporting requirements dictate the manner of collecting and reporting county statistics for these dockets.

Criminal Docket

Since the beginning of 2007, the State has used the Common Pleas Case Management System (CPCMS) to track all criminal filings. This change has resulted in a modification in the manner of accounting for criminal filings in the County. Therefore, certain of the pre-2007 statistics cannot be fully relied upon for an exact comparison to CPCMS figures. However, the numbers for 2004, 2005 and 2006 are generally reliable and are included in this report for general comparison purposes.

Criminal case filings covering adult criminal cases, juvenile delinquency cases, miscellaneous criminal cases and summary appeals for the last five years are as follows:

Criminal and Miscellaneous Filings

<u>Year</u>	'04	'05	'06	'07	'08
Adult Criminal	430	463	428	414	547
Juvenile	131	130	150	175	171
Misc. Criminal	*	*	226	169	154
Summary Appeals	*	*	72	51	50
Domestic Relations	428	394	400	406	422
Total:	989	987	1276	1215	1344

*Included in other category for year

Increases in the overall criminal and miscellaneous docket from the year 2004 to 2008 represent a 50% increase in caseload for the Court over that time period. The largest increase has been in adult criminal prosecution. Not only has adult criminal caseload increased, but the severity of crimes being prosecuted has also increased. Serious crimes place a significantly heavier burden in terms of time and cost on the entire court system.

Civil Docket

Civil case filings have also substantially increased. Civil cases include personal injury cases, breach of contract cases, collection cases, foreclosures, divorce, custody, injunctions, etc. The following outline shows the increase in civil filings over the past several years.

Civil Filings

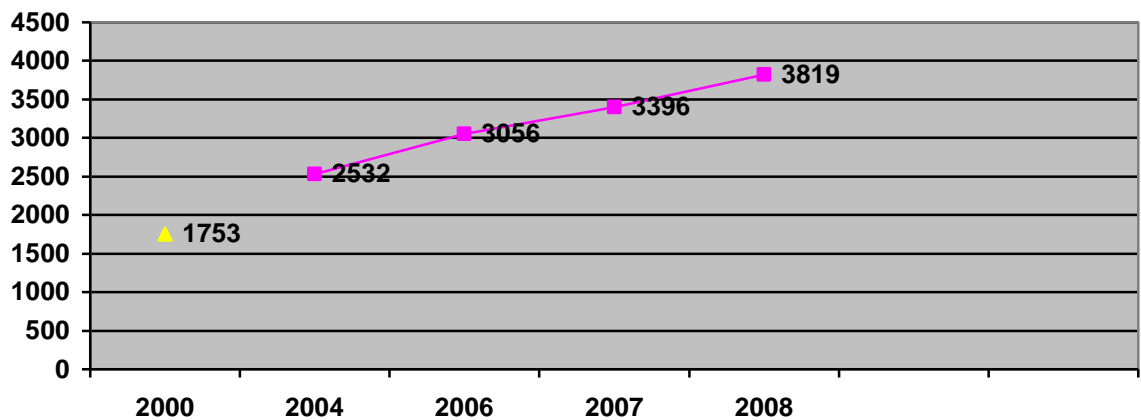
Year	2000	2004	2005	2006	2007	2008
Total Filings	1169	1543	1521	1780	2181	2475

Over the past eight years, the total number of civil filings in the Pike County Court System has more than doubled. In the four years from 2004 through 2008, there has been more than a 60% increase in the Court's civil caseload.

Total Caseload Growth

Total caseload filings for all criminal and civil cases for the year 2004 were 2532. Total caseload filings for the year 2008 were 3819. This growth also represents a 50% increase in the entire caseload of the County.

Docket Filings 2000-2008 Criminal & Civil



Given the steady and predictable growth of the Court's docket over the last four to eight years, it is safe to conclude that similar court growth will accompany the future population growth of the County.

The addition of the second Judge for the County in 2008 greatly assisted the Court in addressing this growth. Prior to the election of Judge Gregory Chelak, Pike County had the highest ratio of citizens to judges of any fourth to eighth class county in the state. While Pike County now falls within the normal range of citizens to Judges, continued population growth will force that ratio to the higher end once again.

It is difficult to estimate where our population growth will end. However, most estimates place Pike County's maximum population in the foreseeable future at or beyond 100,000 citizens. The past decades of growth have effectively proven that population growth inevitably leads to a comparable growth in court cases.

4.

COURT BUDGETARY INFORMATION

The County Commissioners and the Court are in continuing discussions regarding the cost of meeting the Court’s needs. Despite the growth of the County, the actual budgetary burden imposed upon Pike County taxpayers for its court operation averages less than 3% increase per year. The following is an outline of Court budgetary information for the years 2006, 2007 and 2008. The budget figures have been broken down into three separate categories. The first category is the costs associated with operating the Court of Common Pleas. The second figures represent the costs associated with operating the Magisterial District Justice System. Finally, the third breakdown shows the cost of operating the Adult and Juvenile Probation system together with the Domestic Relations offices.

<u>Court</u>	2006	2007	2008*
Judges’ Offices	247,934.00	252,952.00	358,158.00
Courthouse	48,124.00	52,500.00	54,491.00
Courts	180,988.00	168,847.00	259,242.00
Court Reporter	100,870.00	101,843.00	149,524.00
Jury	51,700.00	48,301.00	91,835.00
Mediation	<u>31,225.00</u>	<u>24,894.00</u>	<u>23,602.00</u>
	660,841.00	649,337.00	936,852.00
County Taxpayer Responsibility	(590,841.00)	(579,337.00)	796,852.00¹

*2nd Judge added

¹ For purposes of this report, County taxpayer responsibility is computed by calculating total County costs of operation less Commonwealth reimbursement for judicial expenses. Current reimbursement for two judges is \$140,000.00. Actual County tax burden is significantly less once all other grants, reimbursements and state incentives are deducted.

<u>Magisterial District Offices</u>		2006	2007	2008
MDJ	60-03-01	137,732.00	136,515.00	145,841.00
MDJ	60-03-02	150,110.00	150,185.00	164,060.00
MDJ	60-03-03	106,809.00	99,074.00	108,510.00
MDJ	60-03-04	<u>118,626.00</u>	<u>94,590.00</u>	<u>93,413.00</u>
		513,277.00	480,364.00	511,824.00

<u>Probation/Domestic Relations</u>		2006	2007	2008
Adult Probation		856,060.00	792,572.00	733,040.00
Domestic Relations		563,572.00	579,744.00	615,497.00
Juvenile Probation		<u>408,540.00</u>	<u>395,165.00</u>	<u>408,157.00</u>
		1,828,172	1,767,481	1,756,694

Overall Court Budget			
	<u>2006</u>	<u>2007</u>	<u>2008</u>
Total Court Costs	3,002,290	2,877,983	3,205,376
County Taxpayer Responsibility	2,932,290	2,807,983	306,537²

A review of the Court budget for the past three years shows a total increase in expenditures of County funds of 6.7% for an average increase of approximately 2.3% increase per year. The largest increase occurred in 2008 with the addition of court staff related to the second judge. However, a portion of these costs will be offset by the state

² For purposes of this report, County taxpayer responsibility is computed by calculating total County costs of operation less Commonwealth reimbursement for judicial expenses. Actual County tax burden is significantly less once all other grants, reimbursements and state incentives are deducted.

reimbursement to the County for \$70,000.00 per year/per judge. This offset is accounted for in the County Taxpayer Responsibility line.

In addition, the Court has reimbursed to the County certain expenditures from funds collected by the Court from criminal offenders for supervision fees and from incentive funds received by the Court for operating the County’s child support system through the Domestic Relations Office. Since 2004, these reimbursements to the County for training, vehicles, equipment and general costs equal almost \$500,000.00.

The Court also receives grants and reimbursements from the state for providing probation and domestic relations services to the County. These funds presently exceed \$600,000.00 per year. Finally, as identified in Section 5 of this report, the collection arm of the Court collects and pays over to the County approximately \$333,000.00 for fines, costs and expenses.

A summary of all court expenses and credits anticipated for 2009 shows the following:

Total Court Operating Costs	3,899,370.00
Direct State Salary Payments	694,000.00
State Contribution to County Salaries	140,000.00
Grants/Incentives	654,000.00
Court Reimbursements to County	125,000.00
Court Collections	<u>333,000.00</u>
Total County Costs	1,953,376.00

When reviewed in light of caseload, budget and employee base, it is clear that over the last five years the Court is handling 50% more cases and has added a second judge and related staff with little budgetary increase other than an inflationary factor. This has been accomplished by maximizing efforts of those involved in the system and utilizing grants, incentives and collections to offset cost as much as possible.

5.

COURT COLLECTIONS

In addition to its other duties, the Court assesses and collects fines, costs, fees and restitution applicable to criminal cases. The Pike County Probation Office is the collection arm of the Court. The funds collected are disbursed to various governmental bodies or individuals in accordance with the terms of the Court's Order. In 2008, over \$932,000.00 was collected. That figure represents a substantial increase over funds collected in prior years. Of that amount, \$333,000.00 was payable to Pike County in various fines, costs and fees. An additional \$180,000.00 was payable to the Commonwealth of Pennsylvania. \$147,000.00 was collected as restitution for victims. Finally, \$80,000.00 in miscellaneous funds for local government costs were recovered by the Court. A breakdown of funds so collected is available upon request.

These figures do not include the fines, costs and fees collected through each of the Magisterial District Justices for summary and traffic offenses. Total sums collected and disbursed through the Magisterial District Justices in 2008 were \$1,507,456.00.

Finally, the Domestic Relations arm of the Court is responsible for all child support collection in the County. In 2008, the Domestic Relations Office had almost 1,300 support cases open and was responsible for collecting over \$6,300,000.00 in child support.

6.

COURT FACILITIES

Despite the efforts of all court employees to contribute to the efficiency of the court system, the court's physical facilities represent the biggest obstacle to efficient judicial management in Pike County. As the caseload continues to grow, the limitations of court facilities represent the most serious threat to the safe and efficient management of the judicial system.

The Pike County Courthouse located in Milford was constructed in 1873. With the exception of a small addition done in the 1990s (adding an elevator and handicapped accessible bathrooms to conform to the Americans With Disabilities Act) the courthouse is the same size and configuration as originally constructed. The existing courthouse has no offices available for court staff. In early 1980's, the County purchased a wood frame residential structure near the courthouse as temporary quarters for the Court staff in contemplation of constructing expanded court facilities. Twenty-five years later, the Court continues to occupy that house without the addition of any new court facilities.

In 1985, the County constructed a new Administrative Office and moved its county operations to that Administration Building. Since that date, several plans for courthouse construction have been proposed but despite the passage of 25 years, no action has been taken to construct such facilities.

The County itself has now outgrown the Administration Building constructed in 1985 and is looking to acquire new and expanded space for County offices in addition to space for courthouse needs.

The County presently has two judges but only one courtroom. A second makeshift courtroom has been created out of the Prothonotary's old office. In addition,

the courthouse has no available conference rooms for attorney/client conferences, no interview rooms for Protection From Abuse applicants, no room to sequester witnesses, not even a room to keep adversarial parties separate and apart. If a citizen comes in requesting a Protection From Abuse Order, anyone using the law library must be evicted so the room can be used as the interview room. At times, witnesses have to be kept out of the courthouse in order to insure their safety.

In 2004, the Court moved its custody and mediation programs out of the courthouse due to the lack of available space. The Mediation Center is now located in an older one story home approximately eight blocks from the courthouse. This home lacks adequate space, parking and the security necessary to address the heightened risks inherent in any family or custody disputes.

At any given time, the County court system may have both courtrooms in operation, PFA interviews being conducted, custody conferences and mediations occurring all in facilities clearly incapable of handling this workload. In addition, every security analysis done for the Court to date demonstrates that the facilities fail most physical security requirements, pose a risk to staff and the public and fail to meet even minimum requirements currently recommended for courthouse safety.

In addition to the fact that the existing courthouse is inadequate and unsafe, the facilities are also inefficient, deteriorating and excessively expensive to operate. As time passes, the expenses of trying to maintain the Courthouse and several homes that are over 100 years old simply cannot be justified. Heating, ventilation and electrical systems are antiquated, inefficient and unreliable. Court efficiency is adversely affected by excessively hot (85 degrees) or excessively cold (60 degrees) offices. Modern technology is damaged by unreliable power. The buildings are clearly energy inefficient.

Most of the county offices that are integral to the operation of the Court are not located in the court facility. The District Attorney's Office is located almost a block away in the Administration Building. The Probation Office and Juvenile Probation Office are also located in the Administration Building. The Public Defender's Office is located in a house up the street from the courthouse. The Sheriff's Office is located across the street from the courthouse. Finally, all of court personnel including the judges, secretaries, law clerks and Court Administration are located in a house near the courthouse. The inefficiencies related to movement of personnel, files and equipment to and from the court facility negatively impacts the efficiency of all such offices.

In addition, inadequate holding cells in the courthouse require the transport of prisoners from Pike County Correctional Facility to the Sheriff's Office across the street and then in small groups to the court facility and thereafter back to the Sheriff's Office. This procedure exposes staff and public to the danger resulting from such public movement of prisoners. Finally, because of the physical limitations of these facilities, the Sheriff must provide additional manpower simply to make up for the physical deficiencies. This ultimately increases the Sheriff's costs of operation.

The Court facilities as they presently exist create widespread security problems across court and county government. While the Sheriff's Office does its very best to insure security, the antiquated facilities in both the courthouse and the Mediation Center make this an impossible assignment.

7.

COURT PROGRAM IMPROVEMENTS

Since 2004, various programs have been instituted to facilitate the efficient operation of the Court. Included in these programs are the Criminal Offender Processing System (COPS) which provides for electronic fingerprinting and photographing of defendants. The Court has contributed both time and money to insure that the County and State Police have proper equipment for electronic processing of defendants. In addition, a Consolidated Arraignment, Plea and Sentencing program (CAPS) has been instituted to speed up the processing of non-violent criminal offenders.

The Court has recently recommended the implementation of an Intermediate Punishment Program that would provide for house arrest and electronic/GPS monitoring of certain non-violent criminal offenders.

In addition, as a result in changes in case law and statutory law of Pennsylvania, the Court has undertaken the responsibility for handling virtually all requests for Protection From Abuse Orders and all matters involving primary custody of children.

The Court has also accommodated the Common Pleas Case Management System which is a comprehensive statewide electronic information system for reporting and managing criminal cases.

For the first time ever, the Court has developed and adopted a comprehensive personnel manual to provide uniform policies for all employees and to coordinate Court employee policy to County employee policy where appropriate.

The Court Administrator's Office has implemented an updated jury system to improve jury efficiency. This system electronically selects jurors at random, prepares notices and allows jurors to electronically submit juror information forms from their own

computers. The Court is also working to purge from the juror system those individuals who are deceased or have relocated from Pike County. This will save both time and money for the Court in empanelling future juries.

Court Administration has created a computer based scheduling program in assist attorneys and citizens in monitoring future court dates. The system also organizes a daily hearing schedule which is automatically emailed to all court related offices as a reminder of scheduled court appearances. A modern website for the Court has been created which contains the Court schedule, local court rules, frequently asked questions, court forms and other information applicable to the Court together with links to other related organizations.

The Court has installed video conferencing equipment to assist in arranging for certain court appearance without the necessity of individuals physically appearing in court. The Commonwealth of Pennsylvania has also recently installed a similar system in each of the Magisterial District Justice Offices. These systems will reduce the time and expense of transporting prisoners as well as eliminate the risk inherent in such transfer.

These programs and others have been implemented by the Court primarily through state grants. In those instances where the County was required to contribute a percentage of the cost, the Court made up much of the difference of the cost by reimbursing the County with almost \$500,000.00 in offender supervision fees or incentive funds earned from the State.

8.

LOOKING TO THE FUTURE

It is clear that the current facilities for the Pike County Court are inadequate and have been inadequate for many years. The Court has recommended to the County Commissioners that all interested parties evaluate plans for the construction of an addition to the Pike County Courthouse which will preserve the historical courthouse but provide sufficient room to relocate the Court Offices, District Attorney's Office, Public Defender's Office, Sheriff's Office, and Probation Office together with other offices into a single modernized structure that will facilitate efficiencies for every office.

Given the inadequacy of the current facility, the disbursed nature of all court related offices and the inherent security threats posed by the existing facility, it is clear that the existing courthouse cannot be improved without significant involvement of the entire community.

The Court cannot ignore the problems of the present or the needs of the future. As we look to the future, we must anticipate as best we can the demands of the law and its impact on the citizens of the County and the facilities available to assist those citizens. Many of the goals set by the Court five years ago have been met. As the Court looks to the future, new goals must be set and different priorities established.

The goals of the Court for the next five years are as follows:

1. Work with local and county government to locate court related offices to a single facility.
2. Maintain the current historical courthouse to the fullest extent possible while modernizing court facilities to provide efficient and cost effective judicial operations.
3. Provide adequate space in a single facility to guarantee sufficient security that is both physically and financially effective.

4. Continue to improve information technology in order to make the Court as efficient as possible.
5. Implement additional improvements for court efficiency such as expanded video conferencing, electronic record keeping, and fast track programs for court procedures.
6. Anticipate future advances in technology such as electronic filing of court documents, interoffice coordination and electronic transfer of information.

9.

CONCLUSION

The Pike County Court has entered the 21st 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.