

#167

NCJRS

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

39577

REVIEW OF FEDERAL STATUTES RELATING
TO THE FEDERAL BUREAU OF INVESTIGATION
AND THE FEDERAL COURTS



THE AMERICAN UNIVERSITY
Criminal Courts-Technical Assistance Project
Institute for Advanced Studies in Justice
The American University Law School
Washington, D.C.

This report was prepared in conjunction with The American University Law School Criminal Courts Technical Assistance Project, under a contract with the Law Enforcement Assistance Administration of the U.S. Department of Justice.

Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgement freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice. The American University is solely responsible for the factual accuracy of all material presented in this publication.

TABLE OF CONTENTS

I. Introduction.....1
II. Analysis.....3
III. Recommendations.....7

I. INTRODUCTION

For many years, the Municipal Court of Elizabeth, New Jersey, had used a system of tabular wall files for storing court records, ninety percent of which consisted of material related to traffic tickets. Filed at an annual rate of between 100,000 and 120,000 tickets, these summonses are divided into three categories: (1) current tickets, (2) failures to appear, and (3) arrest warrants. As filing space became no longer available, the summonses accumulated on desk tops, with the result that not only were clerks required to spend more time in matching summonses for necessary actions, but, in addition, greater opportunity developed for tickets to become lost or misplaced, and, consequently, cases to be dismissed.

To alleviate the problem of storing this high record volume, the Court had tentatively selected an automated filing system. However, before committing the Court to any specific system or course of action, the Clerk of Court, Anthony Lombino, requested technical assistance through LEAA's Criminal Courts Technical Assistance Project at The American University to review the Court's record storage needs and determine whether the proposed course of action was, in fact, appropriate. Mr. Robert Tobin, a specialist in court administrative operations, made a site visit to Elizabeth on July 26 to discuss specific problems relating to record storage in the Court with Mr. Lombino and other local officials, as well as to inspect the storage facilities. The purpose of this visit was two-fold: (1) to review the manual filing system currently used by the court, particularly that part of the system pertaining to traffic

cases, and (2) to make recommendations for improving the system, and, specifically, the advisability of adopting the automated system being considered.

The system under review was not very complex, and the methodology was consequently very simple. Mainly, it consisted of ascertaining the following facts from Mr. Lombino, and Robert Britzman, Assistant Criminal Justice Planner for the City of Elizabeth:

- (1) The procedure governing issuance and filing of traffic tickets (both parking and moving).
- (2) The processing of traffic case records from initial filing to disposition, including use of an EDP service bureau.
- (3) Quantification of records currently stored and the rate of record accumulation.
- (4) Space problems.
- (5) Pertinent legal and administrative constraints on records management.
- (6) Procedures governing warrant issuance after failure to appear in response to summons.

II. ANALYSIS

The Municipal Court of Elizabeth, New Jersey, is one of the busiest of the more than 500 municipal courts in New Jersey. The court has jurisdiction over disorderlies (petty misdemeanors), traffic cases, and preliminary hearings in indictable offenses. It is a one-judge court which meets daily and is served by a clerical staff of eight to nine people, headed by the Court Clerk, Mr. Lombino.

The court is located in a building which houses the Elizabeth Police Department, and police officers of that department provide most of the court's business. The court also handles cases originated by the New Jersey State Police and the Port Authority Police.

In terms of volume, the principal business of the court is the handling of traffic cases. The storage problems of the court are essentially the result of traffic cases, and it is on this aspect of the court record system that the survey focused. Traffic cases are an important revenue-producing factor for the City of Elizabeth, and in the most recent budget year, the Municipal Court produced \$476,000, the great bulk of which derived from traffic cases.

Traffic tickets are issued by the court to Elizabeth police officers.¹ The tickets have a letter prefix followed by a numerical sequence of five digits. When a numerical sequence is exhausted, a new sequence is started from 00001 with a new letter prefix. Tickets are assigned to individual

¹State police use their own tickets with a different numerical sequence. The Clerk keeps a separate subfile of state police cases which is fairly substantial in size.

police officers, and a computer service bureau keeps track of the outstanding tickets in the possession of each police officer.

There are roughly 350 tickets issued daily by state or local police officers. Approximately 85 percent are parking tickets; the rest are moving violations. In the course of a year, probably 125,000 - 130,000 tickets are issued. When traffic tickets are received in the Municipal Court, they are placed in a file of open cases arranged by ticket number. No distinction is made between moving and parking violations. Dispositions are running at the rate of 46,000 for a six month period. Thus, it appears that the annual number of dispositions will be approximately 90,000. Nondisposed tickets (and associated case papers) are therefore accumulating at the rate of 35,000 - 40,000 per annum.

A computer service bureau records the new cases by ticket number and submits a magnetic tape to Trenton each week to obtain the name and address of parking violators (the ticket records license number). The service bureau furnishes reports of open cases with the name of the violator. Moreover, the Clerk has an inquiry terminal which permits him to search the computerized file by the ticket number or license number.

Each ticket carries a court date, but for most offenses it is possible to pay the fine without a court appearance. As cases are disposed by court action or payment of fines, the disposition data is recorded in the service bureau (including monetary accounting). Disposition reports are prepared by computer.

When the tickets are returned from the service bureau, they are batched by disposition date and filed in a disposed file by this date.

New Jersey law permits destruction of these records after three years, and they constitute no real problem.

The problem facing the Court, therefore, concerns those cases which cannot be disposed, primarily cases in which the violator fails to appear and makes no payment. As indicated earlier this is a very large number of cases.

Moreover, these case records tend to get bulky because they involve issuance of a warning letter and very often a warrant, both of which documents are produced by computer. Generally, the letter and warrant are filed with the ticket to which they relate. However, where a violator has a number of outstanding tickets (normally parking tickets), only one letter and one warrant may be used for all violations, thus requiring that the tickets be pulled and associated with the letter and warrant. These tickets are kept in a separate file, called a "various" file.

The general policy of Elizabeth on "no shows" is fairly lenient. A warning letter is used and considerable time allowed before issuance of a warrant. Even when issuance of a warrant is required, not many are issued because the Elizabeth Police Department has asked that no more than 150 warrants per week be issued, since it cannot serve more than that number. It appears that the Department doesn't even serve the warrants it receives. The result is that there are numerous open cases in which required enforcement action is not taking place. Mr. Lombino states that he could issue 25,000 warrants tomorrow if the manpower existed to serve them.

Because of the break-down in the enforcement process, cases are accumulating rapidly. Even this would be no problem if the Clerk could purge cases after a certain period, but Mr. Lombino cites an administrative directive of the New Jersey Supreme Court which requires that traffic case records be retained indefinitely if they are not officially disposed.²

The accumulation of open case records has resulted in a record glut. However, the amount of space required for open cases is not very great since traffic tickets are not of great size and are stored on open shelves. The problem is that the Clerk has no space to spare and has run out of shelf space. The open cases are currently in three different racks of shelves in three parts of the office, with thousands of cases laid out on top of desks for lack of space.

It appears that the main storage shelf has 75,000 - 80,000 case records. There are 20,000 - 25,000 case records in smaller shelf units. Finally, there are 4,000 - 5,000 case records lying on desks.

The short-term solution for this problem has been perceived as an automated filing system. This unit would be installed where the main storage shelf presently stands, and the artificial ceiling would be raised to make appropriate room. All current open records could be combined in this one unit and there would be room for expansion of the system.

²Actually, there is an interim close-out procedure for cases in which a warrant has been issued but no disposition obtained. The Motor Vehicle Department receives a list of the violators so that the violators cannot license a vehicle without paying their tickets. However, the court must keep the case records.

III. RECOMMENDATIONS

As a practical matter, Elizabeth is unlikely to launch a massive warrant issuance campaign, nor to curb the issuance of new tickets. The present system, even without forceful follow-up is quite profitable. In the final analysis it is cheaper and less controversial to buy an automated filing tray than to crack down on violators.

The acquisition of filing equipment which will alleviate the present record storage problem will therefore meet the Court's needs in the short run. It must be noted, however, that acquisition of automated files is simply a short-term solution that doesn't address the problem caused by the conflict between police policy on warrant issuance and court policy on retention of traffic records. If the situation in Elizabeth is typical of other New Jersey municipalities, the State Court Administrator should review the court's policy on indefinite record retention, with a view to developing an appropriate long term approach.

END

7/2/50