



THE MUNICIPAL COURT OF THE CITY OF OKLAHOMA CITY

Prior Advances in Court Processes
and
2016 Proposed Revision of Court
Processes

PRIOR ADVANCES IN COURT PROCESSES

Priorities have been placed on:

- Making determinations about financial ability to pay
- Getting defendants with warrants for money owed in front of a judge rather than held in jail
- Reducing the circumstances for the issuance of warrants and reducing the amount of time defendants spend in jail
- Increasing the availability of court services and information to defendants

2016 PROPOSED REVISIONS

- INDIGENCY HEARING DOCKETS
- MULTIPLE TIME PAY DEFENDANTS
- JAIL ARRAIGNMENTS
- MARSHAL ASSISTS ON “EX” WARRANTS
- MARSHAL ASSISTS ON ALL CITY WARRANTS
- OCPD TRANSFER TO MARSHALS
- EVENING COURT
- DISPOSITION OF CASES AT CLERK’S COUNTER

2016 PROPOSED REVISIONS

12 hours of workshops were held to discuss the proposals. Attendees included representatives of:

- Municipal Judges
- Office of the City Auditor
- Oklahoma City Police Department
- IT Department
- Legal Aid Services Municipal Public Defender
- Office of the Municipal Counselor Prosecutors and Police Legal Advisor
- Court Administrator
 - Marshal
 - Court Officers
 - Finance
 - Front Counter
 - Court Clerks
 - Court Reporter
 - Court Jail Clerk

INDIGENCY HEARING DOCKETS

- New forms have been drafted and have gone to print (Request for Indigency Hearing, Pauper's Affidavit and Rule 8 Order).
- Eight new dockets per week will be scheduled for indigency hearings.
- The regular Judges have met and agreed that three primary considerations regarding indigency will be the federal poverty guidelines, SNAP benefits and number of dependents in the home.
- Defendants will receive a packet of paperwork at the time the indigency hearing is set which will include an explanation of the process and an affidavit to complete.
- Implementation is set for August 15.

MULTIPLE TIME-PAY DEFENDANTS

- An Order has been drafted and a recent report run regarding defendants in non-jury cases who have been given seven or more time-pay continuances, which means they have been returning monthly or bi-monthly for a minimum of six months to a year. The maximum number have been returning for three to five years. These defendants have not been given indigency hearings. The remaining balances on these cases have been suspended.
- A report will be run each month under the same procedures.
- With the implementation of the new processes, this procedure should soon become moot.

JAIL ARRAIGNMENTS

- Defendants' average jail stays on City charges are approximately one week.
- Implementation of new processes should reduce the number of defendants going to jail.
- To reduce the amount of time a defendant is in pre-trial detention, the Court Clerk, Marshal, Public Defender and Prosecutor will coordinate efforts to bring the defendants' cases to the Judges as promptly as possible.

JAIL ARRAIGNMENTS

- When the Jail notifies the Court Clerk that a defendant is in custody, the Court Clerk will notify the Court Officer, Public Defender and City Attorney.
- The Public Defender will meet with his client as soon as possible to determine if a plea by authorization will be entered and to determine the defendant's financial status. If the defendant is indigent, the appropriate paperwork will be submitted promptly to the Judge.
- If the defendant wants to enter a plea of not guilty, the public defender will request a bond hearing.
- Boilerplate documents have been drafted and new procedures should be in place by August 15.

MARSHAL ASSISTS ON “EX” WARRANTS

An Order has been drafted which will mandate that a code of “EX” will be used in the Municipal Court database for warrants in cases in which:

- The case has been adjudicated;
- Money is owed in the case; and
- No indigency hearing has been held.

The Marshal will bring the Defendant to the Court Clerk for the setting of an indigency hearing and the defendant will be given the appropriate paperwork.

If the Defendant fails to appear for the indigency hearing, a warrant may issue for his arrest and he may be remanded to the County jail.

The technology issues have been identified and this process should be implemented within a week.

MARSHAL ASSISTS ON ALL CITY WARRANTS

- It is the intention to re-implement the Marshal Assist program on all City warrants (not just “EX”).
- Specific dockets need to be established to address these cases. The indigency hearing dockets may be expanded to hear these matters.
- The Marshal and Police Legal Advisor are researching the issue of waiting time for the defendants in the Court building in regard to statutory requirements and Health Department regulations.
- Assuming the above matter can be appropriately addressed, implementation can begin when the new building is ready – approximately April 2017.

OCPD TRANSFER OF CUSTODY TO MARSHAL

- OCPD officers currently call for the City Deputy Marshals to meet them in the field to take custody of Defendants who have City warrants to transport the Defendants to jail. When the new building is complete, these defendants would be taken to the Court as previously described.
- It is possible that persons arrested on new City charges may also be brought to the Court to post bond or have a bond hearing during regular Court hours.
- Research regarding the waiting time must be completed, further planning with OCPD must occur and the new building must be open before this process can be implemented.

EVENING COURT

- The feasibility of holding court during the time of 5:30 pm to 8 pm is being discussed. In addition to accommodating the needs of defendants, this would also extend the time that defendants could be brought before the Judge in Marshal Assists and OCPD Transfers.
- Such dockets would be for non-jury arraignments, indigency hearings and bond hearings.
- Even a pilot program of two evenings per week would require the addition of at least four full-time Court Administration staff. Other staffing may be met by flexing schedules.
- Implementation of a full program (three to five evenings per week) would likely require an additional Judge, Prosecutor and three or more Court Administration staff.
- This is in the preliminary discussion stage.

DISPOSITION OF CASES AT THE COURT CLERK'S COUNTER

Currently, Defendants are able in many cases to enter a plea at the Court Clerk's counter and make partial payments or obtain "time-pay continuances".

"Time-pay continuances" are being removed from our practices and our vocabulary. Instead, when Defendants indicate that they want to take care of their cases but they can't pay in full, the following procedures will occur:

- For moving traffic violations, water safety violations and wildlife violations, Defendants will be able to enter a plea and, if they cannot pay in full, will be set for an indigency hearing in 90 days.
- For all other traffic violations and non-jury criminal violations, Defendants will be given a continued arraignment date in 90 days.

This will give the Defendants a reasonable amount of time to gather the necessary funds or appear back in Court for an indigency hearing.

Implementation is planned for August 15.

IMPLEMENTATION SCHEDULE

PROCESS

- Indigency Hearing Dockets
- Multiple Time Pay Defendants
- Jail Arraignment Revisions
- Marshal Assists on “EX”
- Marshal Assists on City warrants
- OCPD Transfer to Marshal
- Evening Court
- Disposition of Case at Counter

SCHEDULE

- August 15
- Monthly
- August 15
- Within a week
- Opening of new Courthouse
- Opening of new Courthouse
- Contingent
- August 15