

Courts and Courts' Support - Departmental Performance Report

Courts and Courts' Support						
The mission of the court system is to provide an accessible and responsive forum for the resolution of disputes through the rule of law and quality service that ensures that all are treated with courtesy, dignity and respect.						
Objective/Performance Measure	Unit	Annual Target	Actual 2008	Actual 2009	Est. 2010	Proj. FY 2011
Customer						
Conduct Bail Hearings						
Bail Hearings Conducted	#	36,000.0	43,913.0	42,955.0	38,660.0	36,727.0
Process Real Estate Documents in a Timely Manner						
Customer Service Hours Per Week - Circuit Court Clerk	#	47.5	47.5	47.5	34.5	34.5
Deeds Recorded	#	104,000.0	96,676.0	100,154.0	104,160.0	108,306.0
Deeds Returned within Three (3) Days	%	100.0	100.0	100.0	100.0	100.0
Total Documents Recorded	#	140,000.0	138,340.0	138,591.0	140,000.0	141,400.0
Receive, Index and Docket all New Adult and Juvenile Cases						
New Cases Filed in Juvenile and Domestic Relations Court	#	31,000.0	33,676.0	31,130.0	30,987.0	31,000.0
Try Criminal, Traffic, and Civil Cases						
Cases Tried per Judge	#	27,239.0	29,305.0	31,130.0	32,375.0	33,671.0
New Cases Filed in General District Court	#	230,000.0	205,133.0	217,912.0	226,628.0	235,964.0
Internal Process						
Ratio of Juveniles Diverted to Outreach Detention						
Children Placed in Detention Outreach Program	#	1,317.0	1,650.0	1,492.0	1,402.0	1,317.0
Juveniles Diverted to the Detention Outreach Program	%	75.0	75.0	75.0	74.0	74.0
Timely Adjudication of Felony Criminal Cases						
Criminal Felony Cases - Disposition within 120 Days	%	46.4	51.6	50.1	50.0	40.0

Major Changes

In total, the proposed budget for Courts and Courts' Support decreases by \$71,518, or 1.1% for FY 2010-11. The budget for this department was prepared based on the latest information available at the time regarding the State budget. It will be adjusted once the State budget is finalized, including the adjustments discussed with City Council prior to adoption.

Change	Impact
Reduced State funding for the Clerk of the Circuit Court, which occurred in mid-year FY 2009-10.	<ul style="list-style-type: none">• Elimination of 11 positions (10 State and 1 City) and curtailing of customer service hours from 47.5 hours to 34.5 hours per week.• Shortage of Deputy Clerks to assist judges in courtrooms.• Delay in the processing of documents.

Additional information about program reductions is available in the Requested But Not Funded listing in the Resource Management Plan document.

Departmental Overview

Most of the programs and services provided by Courts and Courts' Support are funded in large part by the State, but they also receive funding from the City. Shown here, with the exception of the Clerk of the Circuit Court, is only the City portion of their funding. Each Court has a separate State budget. Due to this split in funding sources, many of the courts and their support functions are receiving budget reductions from both the City and the State. The services provided by the Courts and Courts' Support are:

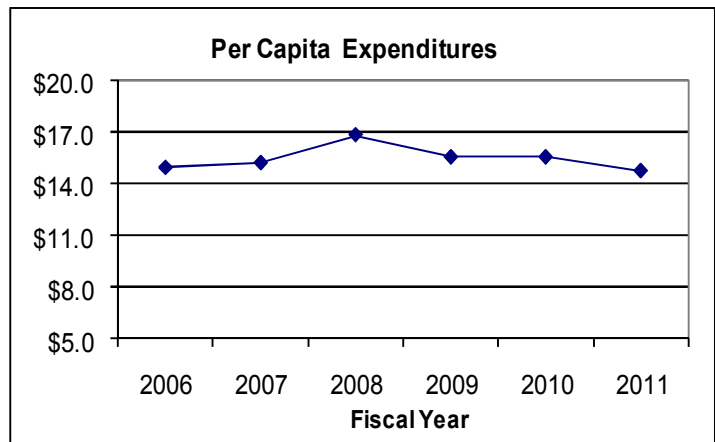
- **Virginia Beach Circuit Court** - Is the trial court of record in the City. This court hears cases such as felonies and misdemeanors originating from grand jury indictments; appeals of felonies and misdemeanors committed by juveniles; cases involving juveniles 14 or older that have been certified to the Circuit Court by the Juvenile and Domestic Relations District Court; civil cases (exclusive for almost all claims exceeding \$15,000 and concurrent jurisdiction with the General District Court for claims from \$4,500 to \$15,000); equity suits; adoptions; name changes; appeals from General District Court; appeals from Juvenile and Domestic Relations District Court; and writs of mandamus, prohibition, and certiorari involving proceedings arising from actions of the local governing body.
- **General District Court** - Hears cases such as traffic violations; civil cases (exclusive original jurisdiction for almost all claims not exceeding \$4,500) and concurrent jurisdiction with the Circuit Court claims from \$4,500 to \$15,000; criminal misdemeanors; preliminary hearings for criminal felonies; bond hearings and arraignments. This Court also conducts preliminary hearings in adult felony cases, all traffic infractions involving adults, and conducts mental commitment hearings.
- **Juvenile and Domestic Relations District Court** - Hears such cases as delinquents; juveniles accused of traffic violations; children in need of services; children in need of supervision; children who have been subjected to abuse or neglect; family or household members who have been subjected to abuse; adults accused of child abuse, neglect or offenses against members of their own family (juvenile or adult); adults involved in disputes concerning the support, visitation, parentage, or custody of a child; adults involved in criminal matters where children or family/household members are named victims; abandonment of children; foster care and entrustment agreements; court ordered rehabilitation services; and court consent for certain medical treatments. The judges also present operator's licenses to approximately 100 juveniles on Wednesdays.
- **Clerk of the Circuit Court** - Provides a reliable records system and administers the Courts responsively and fairly for the legal community and the general public. This unit is charged with the custody, safekeeping, and proper indexing of legal and quasi-legal papers deposited in the Clerk's office. This office records land documents and plats; files and docket Civil, Criminal, and Chancery cases; assigning a deputy clerk to each courtroom to assist the Circuit Court judges; handling the probate of wills; issuing hunting and fishing licenses; issuing marriage licenses; processing notary public applications; docketing judgments and financial statements; recording military discharge forms (DD-214); and recording business assumed-name certificates.

- **The Magistrate** - Conducts an independent, unbiased review of all criminal complaints, probable cause search warrant hearings, specifically defined civil complaints and all involuntary mental commitment hearings as presented by law enforcement officers, local, State, or Federal governmental agencies, citizens, and visitors to Virginia Beach. The Magistrate serves as a neutral judicial officer of the court and is often the first contact and may be the only access that a citizen may have into the court system. The Magistrate's office issues arrest warrants; issues search warrants; admits to bail or commits to jail; issues summonses in misdemeanor cases and subpoenas; issues civil warrants; accepts prepayment for certain offenses (certain traffic and minor misdemeanor violations); issues emergency custody orders; issues temporary mental detention orders; issues medical emergency detention orders; issues emergency protective orders (family abuse cases); and issues out of service orders (this prohibits a person who has been found to have a measurable amount of alcohol in his/her blood from driving a commercial motor vehicle for twenty-four hours).
- **Court Services Unit (Juvenile Probation)** - Provides probation supervision to children placed on probation by the Juvenile Court and parole services to those youth who have been committed to the Department of Juvenile Justice. The Court Services Unit processes all petitions for the Juvenile Court and provides intake services to the Virginia Beach Police and the general public. Support services are provided to victims of spousal abuse. The Unit prepares all social history background investigations for the Juvenile Court and refers juveniles who are before the Court to community based systems of sanctions, programs, and services.

Trends and Issues

- The only area in the Courts and Courts' Support section that is proposed for an increase in FY 2010-11 is the General District Court. This is due to the increased use of court appointed attorney's that has occurred over the last three years.
- Pursuant to legislative changes effective July 1, 2008, only those magistrates who have been continuously employed as a magistrate on or before that date are eligible to receive a local salary supplement. Magistrates hired after July 1, 2008 are not permitted to receive any type of salary supplement from the locality in which they serve. Due to attrition in the Magistrate's office, salary supplements have decreased significantly.

- As the graph shows, the State continues to reduce funding for the courts. City Council's policy of not supplanting State funding has resulted in reductions in the budget amounts over the past three fiscal years. The increase in FY 2008 is due to a mid-year increase totaling \$526,100 of State funding for the Clerk of the Circuit Court for technology.



- To meet budgetary constraints, the Clerk of the Circuit Court had to reduce contracted manpower, office supplies, and other accounts totaling \$54,358. Should the State budget reduce reimbursements to localities, budget units such as the Clerk's may have to resort to reduced hours of operations or the furloughing of employees. The Clerk's Office began FY 2009-10 with 58 positions. A mid-year reduction of State funding resulted in the loss of 11 positions (10 State and 1 City). This has resulted in employee furloughs, a shortage of Deputy Clerks to assist judges in courtrooms, a reduction in customer service hours from 47.5 hours to 34.5 hours per week, and delays in the processing of documents. The Clerk's budget of \$2,512,025 for FY 2010-11 is reduced by \$17,681 over the previous year. This budget reflects a \$259,122 reduction in the State funding amount, which occurred mid-year in FY 2009-10.

- Pre-dispositional services in Juvenile Probation provide shelter care and alternative options to juveniles before their sentences are determined by a judge. These services account for the largest portion of the Court Services Unit and total \$1,549,229 in FY 2010-11. This is a reduction of \$130,851 to the pre-dispositional program when compared to FY 2009-10. This reduction will not impact the services offered by this program; however, this is seen as an efficiency savings as the number of juveniles entering the program has declined in recent years. City post-dispositional funding which provides funding above the State amount for temporary beds for juveniles has seen no change in FY 2010-11.

Council Amendment

As a result of additional state funding, the operating budget adopted by City Council on May 11, 2010 restores 11 state positions that were cut mid-year in FY 2009-10. The hiring of these additional positions is contingent on the availability of funding for both years of the state's biennium budget.

Courts and Courts' Support - Departmental Resource Summary

	FY 2009 Actual	FY 2010 Adjusted	FY 2011 Adopted	Variance from FY 2010
<u>Program Summary</u>				
<u>002 General Fund</u>				
<u>Expenditures</u>				
Circuit Court	1,012,602	998,897	957,408	(41,489)
General District Court	448,612	320,995	494,693	173,698
Juvenile and Domestic Relations District Court	160,246	162,320	143,839	(18,481)
Clerk of the Circuit Court	2,760,181	2,529,706	2,775,084	245,378
Magistrates	127,727	130,910	97,296	(33,614)
Juvenile Probation	1,503,852	2,052,190	1,928,489	(123,701)
Juvenile Probation CHINS Unit	220,798	305,284	295,034	(10,250)
Total Expenditures	<u>6,234,018</u>	<u>6,500,302</u>	<u>6,691,843</u>	<u>191,541</u>
<u>Revenues</u>				
General District Court	1,222	75,146	75,146	0
Juvenile and Domestic Relations District Court	5,583	0	0	0
Clerk of the Circuit Court	8,719,286	1,627,955	1,911,537	283,582
Total Revenues	<u>8,726,091</u>	<u>1,703,101</u>	<u>1,986,683</u>	<u>283,582</u>
General City Support	<u>(2,492,073)</u>	<u>4,797,201</u>	<u>4,705,160</u>	<u>(92,041)</u>
Total Department Expenditure	6,234,018	6,500,302	6,691,843	191,541
Total Department Revenue	8,726,091	1,703,101	1,986,683	283,582
Total General City Support	<u>(2,492,073)</u>	<u>4,797,201</u>	<u>4,705,160</u>	<u>(92,041)</u>

Position Summary by Program

<u>002 General Fund</u>				
Circuit Court	12.00	12.00	12.00	0.00
Clerk of the Circuit Court	58.00	47.00	58.00	11.00
Juvenile Probation	1.00	1.00	1.00	0.00
Juvenile Probation CHINS Unit	5.00	5.00	5.00	0.00
Total	<u>76.00</u>	<u>65.00</u>	<u>76.00</u>	<u>11.00</u>
Total Position Summary	<u>76.00</u>	<u>65.00</u>	<u>76.00</u>	<u>11.00</u>