



**Special Study Session City Council Meeting  
6:00 PM, MONDAY, SEPTEMBER 16, 2013  
Conference Room A  
Farmington City Hall  
23600 Liberty St  
Farmington, MI 48335**

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**SPECIAL STUDY SESSION MEETING AGENDA**

**1. ROLL CALL**

**Roll Call**

**2. APPROVAL OF AGENDA**

**3. PUBLIC COMMENT**

**4. 47TH DISTRICT COURT**

**A. 47Th District Court 2012 Annual Report**

**5. REVIEW OF ITEMS ON REGULAR AGENDA**

**6. OTHER BUSINESS**

**7. COUNCIL COMMENT**

**8. CLOSED SESSION**

**1. Review of City Attorney Confidential Correspondence**

**9. ADJOURNMENT**

**Farmington City Council  
Staff Report****Council Meeting Date:**  
September 16, 2013**Reference  
Number  
(ID # 1354)****Submitted by:** Vincent Pastue, City Manager**Description:** 47Th District Court 2012 Annual Report**Requested Action:****Background:****Agenda Review****Review:****Vincent Pastue      Pending**  
**City Manager      Pending**  
**City Council Pending**

## Projects and Programs

### **Sobriety Court**

Since 2005, the 47th District Court Sobriety Court has focused on protecting society and reducing crime by targeting substance abuse and addiction through intervention, treatment and offender accountability. Under strict court supervision, participants in the 24 month, four phase program must comply with court-ordered requirements including substance abuse treatment, alcohol and drug testing, and education and life skill development.

To be eligible for Sobriety Court, a defendant must be charged with a drunk-driving offense, be a resident of either Farmington or Farmington Hills, and meet one or more of the following eligibility criteria:

- Blood-Alcohol Content (BAC) of .15% or greater at time of arrest
- Addiction assessment score of 3 or greater
- Prior record of alcohol related offense(s)
- Sobriety Court team discretion

The program aims to reduce drug use during program participation through a strictly enforced drug/alcohol testing regimen for participants. In 2012, program participants took 3,346 drug/alcohol tests, of which only 50 were positive (1 percent).

Another goal is to retain participants in the program. In 2012, 9 of the 11 discharged participants were successfully discharged (82%), above the statewide average of 65% for sobriety courts.

Of the 47 exit interviews conducted with program graduates through the end of the 2012, 100% believed that successfully completing the program improved their chances of remaining clean and sober in the future.

### **Collections Program/Show Cause Docket**

Since its inception in 2003, the *Show Cause Docket*, part of the Court's comprehensive collections strategy, has collected over \$3.2 million in delinquent payments from nearly 25,000 cases.

Each month, delinquent payers are noticed to appear in front of Judge James Brady to explain why they have not paid their delinquent fines and costs. Defendants that fail to appear or respond are found in contempt of court by Judge Brady, who assesses an additional \$150 fee to their debt and issues a bench warrant for their arrest. Upon arrest on the bench warrant, the defendant is required to post the amount owed to gain release and close the case or, in the alternative, is brought before the Court. *Since 2003, the Court has collected nearly 650,000 in the added contempt of court fees alone.*


The Court also continued its *State Income Tax Garnishment Project*, where the Court files garnishments on State of Michigan income tax refunds for civil infraction defendant who are delinquent on payment of their fines and costs. *In 2012, the Court was able to garnish \$84,600 on 680 cases, netting nearly \$81,000 when the costs of filing the garnishments and postage are deducted.*

Based upon State Court Administrative Office data through 2011, *the 47th District Court substantially exceeds both State and Regional court collection rates in all case categories for all case years between 2006 and 2011.* For example, for 2006 fiscal year assessments on civil infraction cases, the 47th District Court collection rate through 2011 was 97% compared to 87% regionally, and 90% statewide. Civil infraction assessments typically make up the majority of district court revenue.

### **Community Work Program**

The Community Work Program (CWP) was initiated in 1986 as a partnership between the Court and the Farmington Hills Police Department to provide a sentencing alternative to help address overcrowding at the Oakland County jail. The judges sentence qualifying misdemeanants to perform a certain number of work days to benefit the community. Workers are used annually for such projects as the set-up and tear-down of the Shiawassee sled hill, planting of the public flower beds, road litter pick-up, public building painting and maintenance, and park maintenance.

During its first year of operation, 125 individuals participated in CWP as part of their sentence. In 2012, 395 defendants worked a total of 1,825 work days on projects in the communities. Quantifying the value at the 2012 minimum wage rate of \$7.40/hour, *the program provided a minimum labor value of over \$108,000.* In addition, the program paid insurance costs, program costs and supervisor fees (paid from the \$40/workday fee assessed to the defendants) of over \$87,000, bringing *the total minimum value of the program to the communities to over \$195,000 for 2012.*



# 2012 Annual Report

## 47th District Court

### Farmington/Farmington Hills, Michigan

### Court Mission

To provide a safe, neutral, and impartial forum for peaceful resolutions of public and private disputes.

### Core Values

The Court strives to ensure: Access to Justice; Expedition and Timeliness; Equality, Fairness and Integrity; Independence and Accountability; and Public Trust and Confidence.



First elected to the bench in November 1992, **Judge Marla Parker** is now the second longest serving judge in the history of the 47th District Court, trailing only the Court's original judge, Michael J. Hand, in years of service as a judge. She was reelected to her 4th six-year term in 2010. Prior to becoming a judge, she served as a magistrate for the Court and also maintained a private law practice in Farmington Hills. She has served 5 two-year terms as the Court's chief judge, most recently in 2011.

Judge Parker holds a Bachelor's degree from the University of Michigan and a Juris Doctor degree from Wayne State University Law School.

### Jurisdiction

As part of the Michigan's "One Court of Justice", the 47th District Court has jurisdiction over the following case types arising in the Cities of Farmington Hills and Farmington:

- Criminal Felonies (through preliminary exam)
- Criminal Misdemeanors
- Traffic and Zoning Infractions
- General Civil Lawsuits (up to \$25,000)
- Landlord-Tenant Disputes
- Small Claims Lawsuits

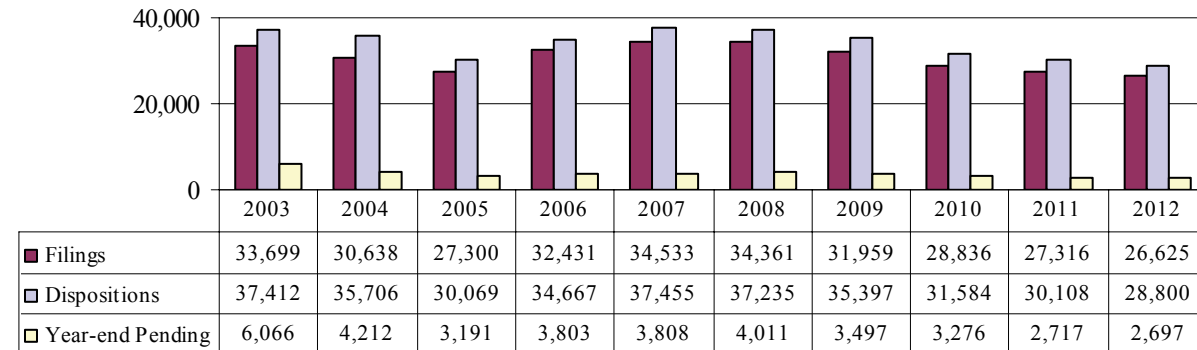
Elected in November 2002, **Judge James Brady** was reelected to a second six-year term in November 2008. He is currently serving his third two-year term as the Court's chief judge. Prior to his election to the bench, Judge Brady served the Court for 17 years as a magistrate. In addition, he spent 5 years as an assistant prosecutor for Oakland County (1980 – 1984), and worked in a private law practice from 1984 – 2002.

Judge Brady holds a Bachelor of General Studies degree from the University of Michigan and a Juris Doctor degree from Wayne State University Law School.

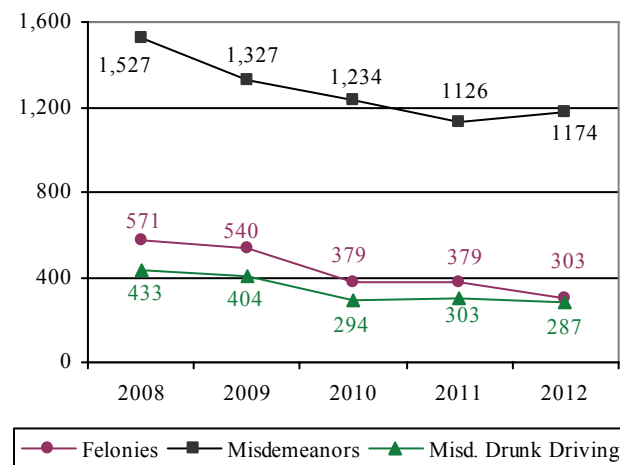


# 47th District Court Caseload Dashboard

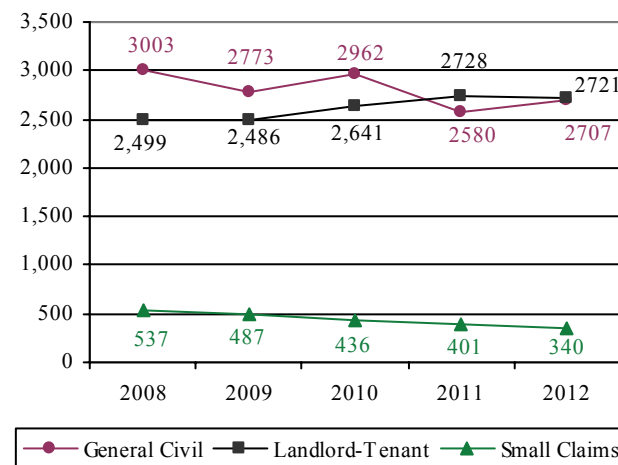
## New Filings, Dispositions & Year-end Pending 10 Year Comparison: 2003 - 2012



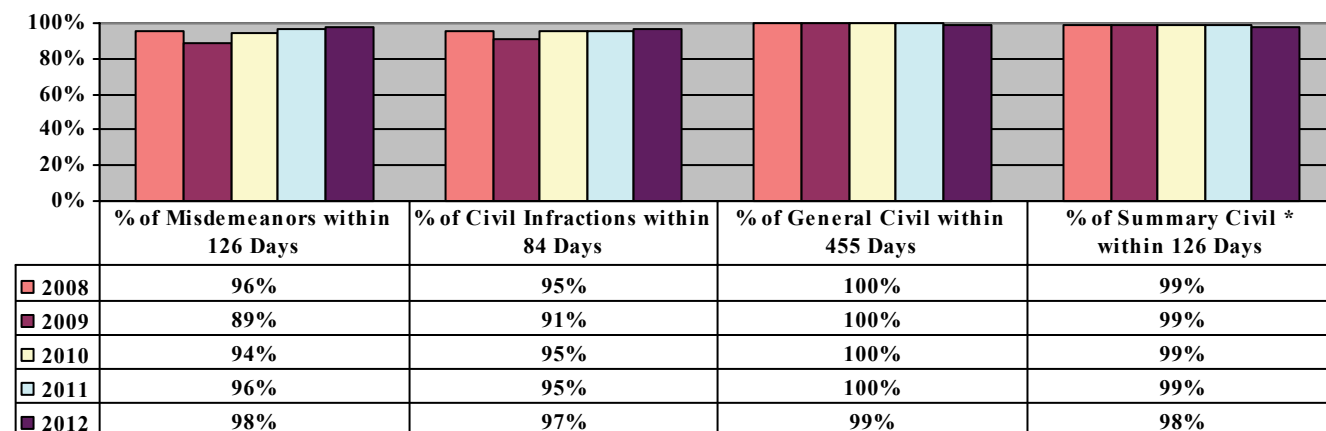
### Criminal Case Filing Trends By Type 2008 - 2012



### Civil Case Filing Trends By Type 2008 - 2012



## Disposition Rate Comparison By Case Type: 2008 - 2012 (Based on Supreme Court Established Time Guidelines)



\* Non-jury Landlord/Tenant and Small Claims

# 47th District Court Financial Dashboard

## Sources of Court Funding

The State of Michigan contributes to the Court budget as follows:

- Judges Salaries: \$45,724 per judge outlay by local funding unit reimbursed by the State throughout the year. The remaining amount (\$92,548) is paid directly by the State.
- Drunk driving & drug case funds to help offset case processing costs (FY 2011-12 total: \$25,419).
- Jury fee reimbursement for local funding unit outlay exceeding \$15 per juror, per day.
- Since 2006, the Court has secured an annual reimbursement grant from the State Court Administrative Office for the Sobriety Court Program. The FY 2011-12 grant revenue was for \$820.

**ALL OTHER COURT FUNDING COMES FROM FARMINGTON & FARMINGTON HILLS.**

## Distribution of Court Revenue

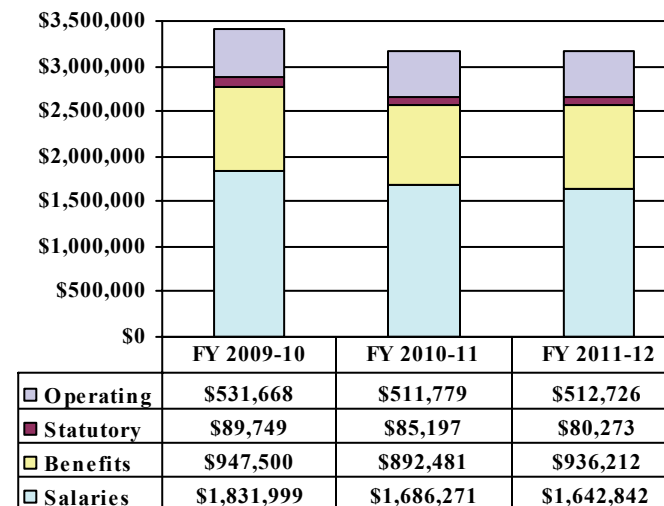
The State of Michigan receives the following revenues from court cases:

- \$40 from each traffic civil infraction.
- \$10 from each non-traffic civil infraction.
- \$50 costs and \$67.50 Crime Victim Rights fee on each misdemeanor (changed effective 4/1/12).
- 56% - 79% from each civil case filing fee (depending on the case value).
- \$10 from each \$20 motion fee.

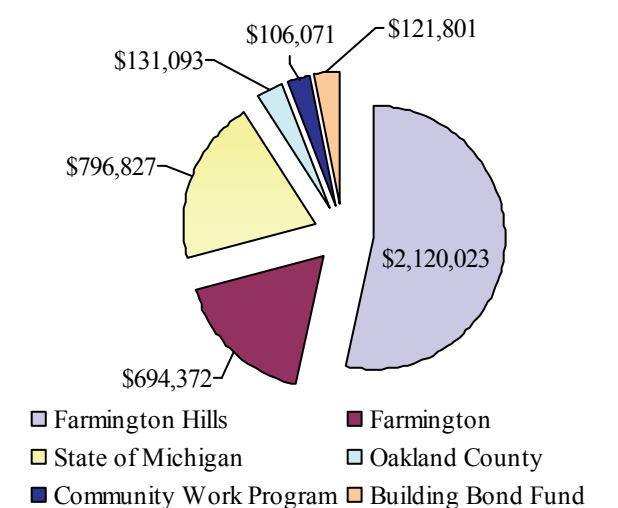
The County Library Fund receives the penal fine portion of assessments on all cases written under state law and 30% of the penal fine on motor carrier cases written under local ordinance.

**ALL OTHER COURT REVENUE GOES TO FARMINGTON & FARMINGTON HILLS.**

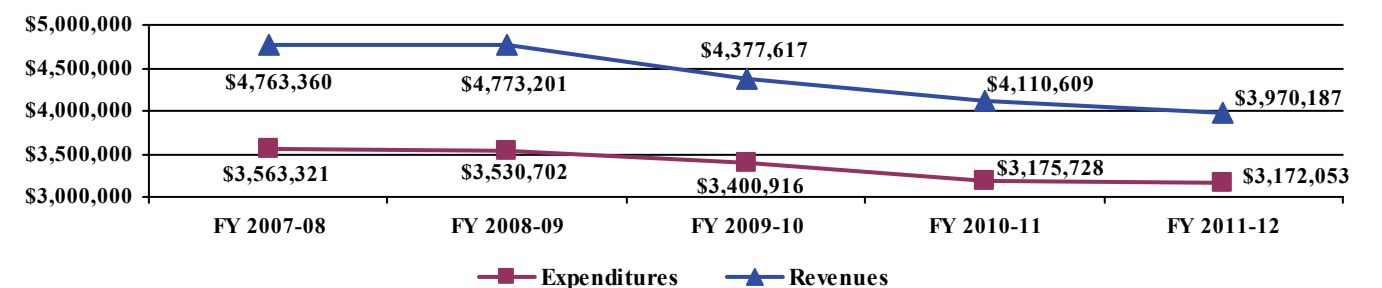
## Comparison of Court Expenditures FY 2009-10, 2010-11, 2011-12



## Distribution of Revenues Fiscal Year 2011-12 Total Revenues = \$3,970,187



## Total Court Revenues and Expenditures - 5 Year Picture



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