

Follow-Up Questions Related to the Administrative Office of the Courts
Joint Appropriations Subcommittee on Justice and Public Safety

All of the documents referenced below have been saved in the AOC Follow-Up subfolder for the March 11, 2015 meeting folder on the subcommittee website.

Questions from March 3, 2015 Meeting

1. Can FRD compare clerk turnover to that in the private sector?

The North Carolina Office of State Human Resources does not provide this data. Fiscal Research Division has not yet been able to find an accurate measure for private sector comparison to clerk of superior court turnover. If we were to compare to bank tellers, for example, the Bureau of Labor Statistics does not distinguish bank tellers from other positions in the banking industry. The same problem arises for paralegals.

2. Judge Smith said that about 2/3 of the Chief District Court Judges have implemented the threshold change to small claims court. AOC was asked to provide a list of the districts.

AOC surveyed chief district court judges in December 2013 asking what the magistrate small claims jurisdiction amount was for each county, including any plans for increasing the amount. Sixty-eight counties had either raised or planned to raise their amount to \$10,000. The survey results by county are included in the document, AOC_Magistrate-Jurisdiction_2015-03-03.pdf.

3. Judge Smith said that AOC could conduct an analysis of filing trends related to the small claims change.

AOC provided charts for civil magistrate, civil district, and civil superior filing trends statewide for the past 15 fiscal years, AOC_Civil-Filing-Trends_2015-03-03.pdf. AOC notes that in FY 2013-14, civil magistrate and civil district filings increased slightly after multiyear declines. Since civil superior filings continued to decline, it is very likely that at least some of the civil magistrate and civil district filings would have been required to be filed in a higher court division had the jurisdiction authorization levels not changed October 1, 2013. Since AOC does not track amounts in controversy, they cannot say definitely how many of these filings would have needed to occur in the higher court division had the jurisdiction authorization levels not changed. AOC will be glad to conduct such an analysis if requested.

4. What is the turnover by district for clerks of superior court?

This information is provided in the document FRD_Clerks_FY2013-14_Turnover_by_District-2015-03-06.pdf.

5. To what areas in Mecklenburg are grant-funded ADAs assigned?

Pursuant to G.S. 153A-212.1 and G.S. 160A-289.1, a city or county can may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety. Pursuant to G.S. 7A-64, those funds may be used for district attorneys.

6. Could AOC provide a list of all court personnel funded by grants or local governments broken out by district and job title?

This information is provided in the *Report on Judicial Department Contracts with Local Governments for Court Personnel Positions – FY 2014-2015*, which is saved as AOC_Contracts_Local-Gov_2015-03-03.pdf.

7. What has been spent on the CCIS-CC to date?

The first release of CCIS-CC was in June of 2006. Through December 2014, AOC has spent about \$9.1 million on the development and implementation of CCIS-CC. While it may seem to be taking a long time, AOC states that the project team has been very innovative in completing the conversion despite uncertainties in funding and resources. This project largely has moved forward utilizing existing resources, but AOC states that significant financial investment will be required in order to complete full implementation of CCIS-CC and move toward e-Courts at a more rapid pace.

8. Could AOC provide an exact list of how it handled the \$500,000 cut to Technology Services Division?

AOC eliminated four positions and reduced the compensation level of a fifth position in order to meet a \$500,000 reduction. AOC provided a document, AOC_Technology-Positions-for-Reduction_2015-03-03.pdf, with the specifics of that reduction.

9. Was there federal money used in the creation of any of AOC's IT offerings?

AOC is unable to determine definitively whether grant funds have been used in the development of ACIS because of the amount of time since ACIS was first implemented in 1982. However, staff has examined available records from 1999 until the present, and it appears that no federal funds have been used in the development of the core functionality of ACIS during that time. In the table below, staff has identified some federal grants that were used to create data exchanges with federal agencies, to enhance the reliability of fingerprint information, and to model the data structures for the enterprise criminal database.

Year	Grant Source	Funded	Grant Amount
2000	GCC/Byrne	data modeling	\$130,551
2002	GCC/Byrne	XML interface with DOJ/DCI	\$56,000
2008	NCHIP	reconciliation of fingerprint info	\$271,950
2009	NCHIP	reconciliation of fingerprint info	\$266,731
			\$725,232

10. Could AOC provide a copy of the 2007 Strategic Plan?

AOC has provided the 2007 Strategic Plan, AOC_TSD-Strategic-Plan-2006-2010.pdf. In addition, AOC provided the NCSC 2015 Assessment Report (NCSC_2015_Assessment_Report.pdf), which represents a review of AOC technology efforts and direction conducted by the National Center for State Courts.

11. Could AOC provide a breakdown of all of the personnel in Technology Services Division with the more specific groupings mentioned in subcommittee, including how they fit into the 85% maintenance/15% production scheme?

This document is saved online as AOC_Maintenance-Development-Splits_2015-03-10.pdf

12. Can AOC provide a list of companies or public entities that AOC exchanges information with every night?

Slide 11 of the Overview of Court Technology (AOC_Overview-of-Court-Technology_2015-03.pdf) answers this question. Rep. Murry previously shared these slides with the members of the committee on Tuesday, March 2, 2015. However, if this question involves remote public access licensees, the 2015 RPA Report (AOC_RPA_Report_2015-03-04.pdf) provides the answer.

Questions from March 5, 2015 Meeting

13. Can AOC provide an estimate of waived fees?

AOC is unable to provide a reliable estimate of the amounts waived. The waiver counts include both district court and superior court cases, which have different court costs. Additionally, costs assessed vary by defendant based on the nature of the individual case.

14. Can AOC provide an update of the status of the Richmond County lawsuit related to the Misdemeanant Confinement Fund?

AOC is not tracking the status of this lawsuit. FRD will follow up with the North Carolina Department of Justice.

15. Can AOC provide a list of all administrative raises at AOC for the last year and where those funds originated, including job reclassifications?

AOC provided a document, AOC_Salary_Increases_2014-2015.pdf, which details administrative raises within AOC from January 1, 2014 through the present. In addition, Section 35.3(h) of S.L. 2014-100 granted clerks of court the exclusive authority to use salary reserves to award salary increases for deputy and assistant clerks in addition to those specifically provided under the respective salary plans. AOC provided a document, Clerk Salary Reserve Increases (AOC_Clerk_Salary_Reserve_Increases_2015-03-10.pdf), which details those increases.

16. In what order are disbursements made from the court system?

These are laid out in statute in G.S. 7A-304(d).

(1) In any criminal case in which the liability for costs, fines, restitution, attorneys' fees, or any other lawful charge has been finally determined, the clerk of superior court shall, unless otherwise ordered by the presiding judge, disburse such funds when paid in accordance with the following priorities:

- a. Sums in restitution to the victim entitled thereto;
- b. Costs due the county;
- c. Costs due the city;
- d. Fines to the county school fund;
- e. Sums in restitution prorated among the persons other than the victim entitled thereto;
- f. Costs due the State;
- g. Attorney's fees, including appointment fees assessed pursuant to G.S. 7A-455.1.

- (2) Sums in restitution received by the clerk of superior court shall be disbursed when:
- a. Complete restitution has been received; or
 - b. When, in the opinion of the clerk, additional payments in restriction will not be collected; or
 - c. Upon the request of the person or persons entitled thereto; and
 - d. In any event, at least once each calendar year.

17. What are Chapter 20 fees? When were they created? Where do they go?

The Chapter 20 court fee was created in S.L. 2009-451, Sec. 15.20(a). This fee is remitted to the State Treasurer. AOC's court cost chart states:

The Chief District Court Judges traditionally have limited "improper equipment offenses" on the list of waivable traffic offenses to equipment violations found in Part 9 of Article 3 of Chapter 20. The judges have, however, distinguished "equipment violations" in Part 9 from "height, length and width" violations in Part 9. Using the waiver list as guidance, the NCAOC interprets the "improper equipment" fee to apply to any offense in Part 9 other than (i) violations relating to vehicle height, length and width and (ii) violations that otherwise could be considered equipment violations, but for which the equipment element of the offense is derivative of the height, width or length nature of the offense. An example of the latter would be violations of G.S. 20-117 (flags and lights at the end of loads), for which the equipment (the flag) is required only because of a load that has extended the overall length of the vehicle.