Courts and SDLAs

Working Together for Reporting Convictions

Presenters

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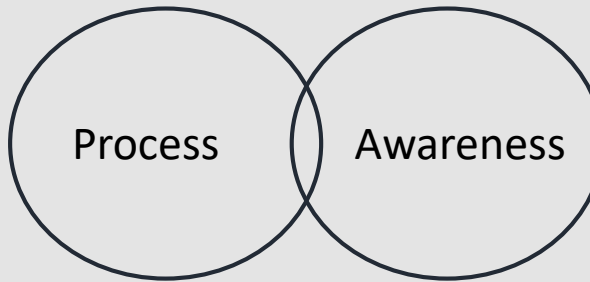
National Center for State Courts

1

NCSC's **Mission** is to improve the administration of justice through leadership and service to state courts and courts around the world.

2

NCSC and CDL **goals** align

Process | Awareness

3

NCSC's CDL initiatives are a direct result of FMCSA Grant awards

Why is the NCSC involved with CDL?

NCSC CDL Goals

- Improve CDL performance measurement
- Improve conviction reporting
- Improve business and legal processes
- Eliminate masking and CDL diversion
- Improve CDL case management
- Improve governance, stakeholder cooperation and understanding
- Improve CDL awareness among judges, court professionals and court personnel
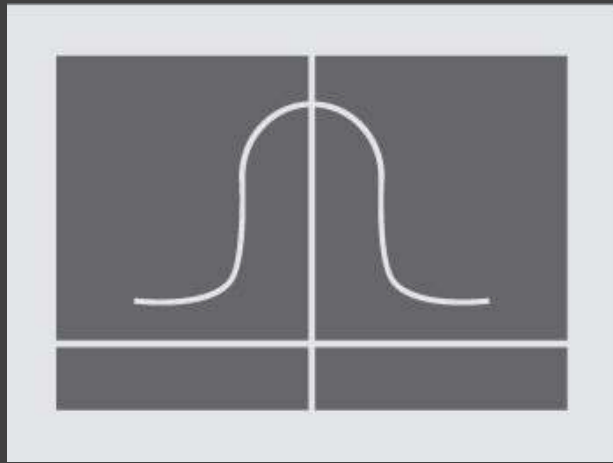
Questions

Do courts have the data needed to identify and triage CDL cases?

What types of 383.51 cases come to court and what are the dispositions?

How long does it take to process a court 383.51 disqualifying offense case?

How timely are courts reporting CDL convictions to the SDLAs?

Research Study

Court

1. Provide 1 year of court data for commercial drivers

2. Assist with case file review as available

3. Participate in site visit

SDLA

1. Provide record update data aligning with court data

2. Provide ACD to State Statue Translation table

3. Participate in site visit

Court Data Request

Case Identifiers

1. Court type (e.g., Circuit, District, Municipal)
2. Court county
3. Court group (e.g., 1st District)
4. Citation number/Complaint identifier
5. Driver license number
6. Issuing state of driver's license
7. Court case number

Citation/Complaint Characteristics

8. Citation/complaint issuer (e.g., State Patrol, MCSAP)
9. Citation/complaint type (e-filed, paper)
10. Type of vehicle (commercial, personal)
11. Hazardous material
12. Fatality
13. Refused alcohol test
14. Railroad-highway crossing

Key Procedural Events

15. Date of citation/complaint
16. Date of citation/complaint filed with court
17. Number of days in inactive status
18. Date of disposition
19. Date conviction sent to State Driver's License Agency

Charges/Citations

20. Degree at complaint/filing (e.g., Felony)
21. Statute at complaint/filing
22. Level at filing (e.g., state or local)
23. Degree at disposition (e.g., Misdemeanor)
24. Statute at disposition

Type of Disposition

25. Manner of disposition (e.g., jury trial, bench trial)
26. Result of disposition (e.g., conviction, acquittal)
27. Fines/penalties imposed as part of sentence
28. Representation status (e.g., represented at disposition)

SDLA Data Request- *Example*

Identifiers (Input Data)

1. Citation number/Complaint identifier
2. Driver license number
3. License State
4. License Type (Endorsement)
5. Vehicle Type
6. Offense Date
7. Court Case Number
8. Court Identifier

Key Procedural Events (Extraction Data)

9. Date of citation/complaint
10. Date SDLA received conviction from court
11. Date of record update
12. Date record update sent to CDLIS (out-of-state)

Disqualifying Offense Characteristics

13. Offense description
14. Offense statute/code
15. Offense Count indicators
16. ACD code SDLA applied
17. Accident indicator
18. Hazardous material indicator
19. Fatality indicator
20. Refused alcohol test indicator
21. Railroad-highway crossing indicator

Disqualification Update

22. Disqualification applied
23. Disqualification applied date
24. Disqualification expiration date

State	Court Data	SDLA Data
Participating		
1 Indiana	July 2017	September 2018
2 New Mexico	May 2018	October 2018
3 Connecticut	Legal	Legal
4 Nebraska		Legal
5 Pennsylvania		
Invited or in Discussion		
6 California (counties)		
7 Wisconsin		
8 Texas (counties)		

State Progress

Do courts have the data needed to identify and triage CDL cases?

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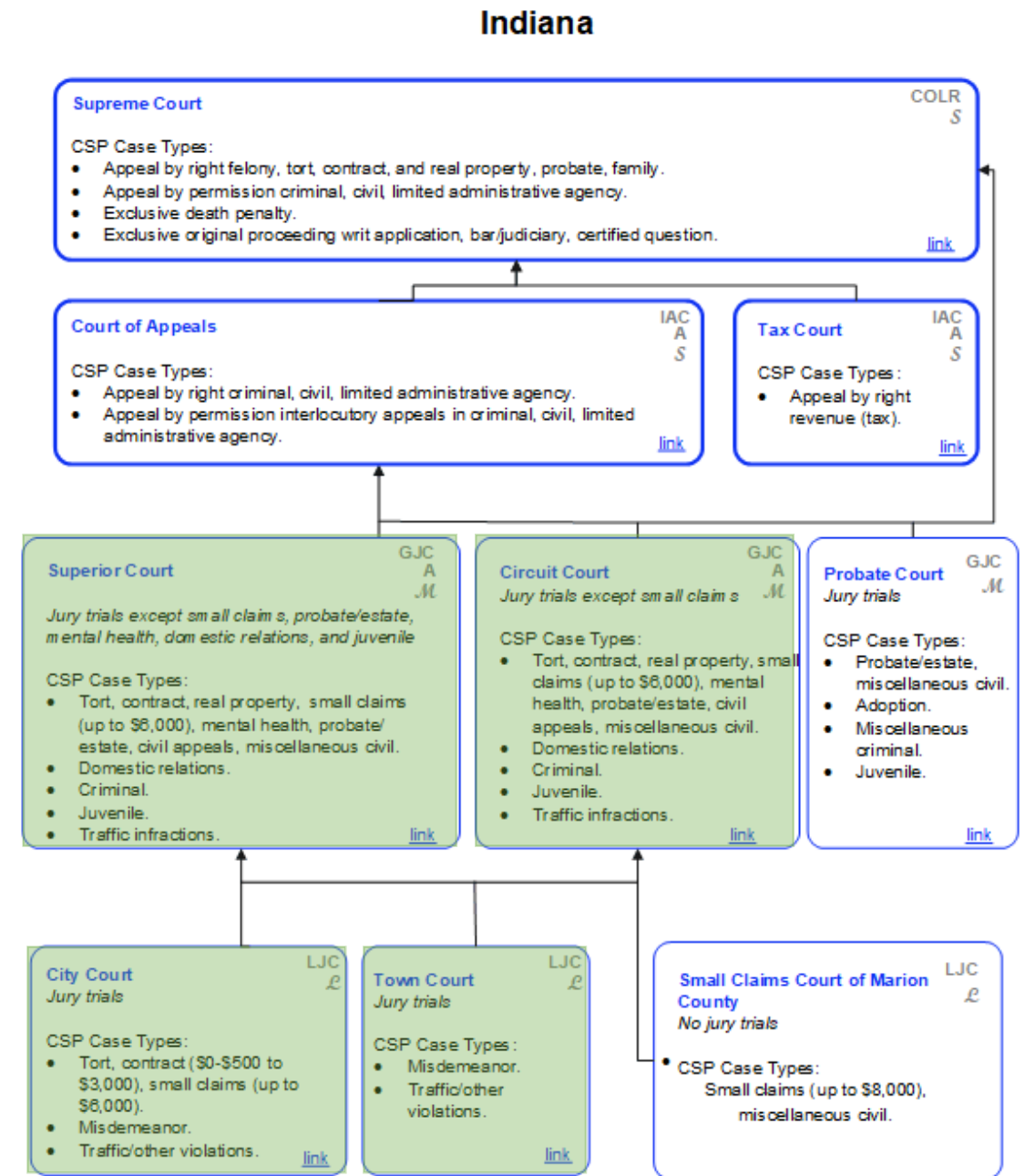
Do courts have the data they need?

☑ Court Levels
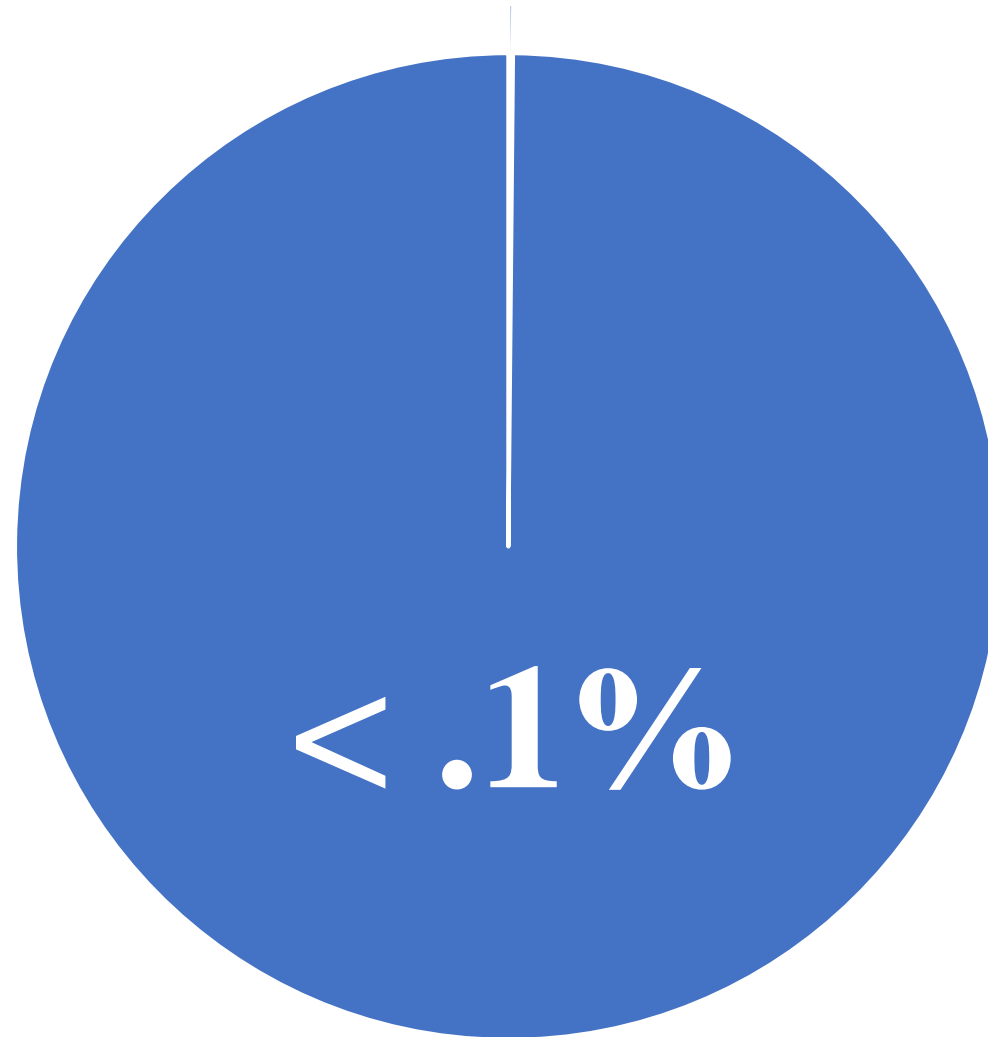
☑ Identify CDL Drivers

☑ Statutes/Codes

Indiana

Supreme Court   COLR S

CSP Case Types:
- Appeal by right felony, tort, contract, and real property, probate, family.
- Appeal by permission criminal, civil, limited administrative agency.
- Exclusive death penalty.
- Exclusive original proceeding writ application, bar/judiciary, certified question.

link

Court of Appeals   IAC A S

CSP Case Types:
- Appeal by right criminal, civil, limited administrative agency.
- Appeal by permission interlocutory appeals in criminal, civil, limited administrative agency.

link

Tax Court   IAC A S

CSP Case Types:
- Appeal by right revenue (tax).

link

Superior Court   GJC A M

Jury trials except small claims, probate/estate, mental health, domestic relations, and juvenile

CSP Case Types:
- Tort, contract, real property, small claims (up to $6,000), mental health, probate/estate, civil appeals, miscellaneous civil.
- Domestic relations.
- Criminal.
- Juvenile.
- Traffic infractions.

link

Circuit Court   GJC A M

Jury trials except small claims

CSP Case Types:
- Tort, contract, real property, small claims (up to $6,000), mental health, probate/estate, civil appeals, miscellaneous civil.
- Domestic relations.
- Criminal.
- Juvenile.
- Traffic infractions.

link

Probate Court   GJC M

Jury trials

CSP Case Types:
- Probate/estate, miscellaneous civil.
- Adoption.
- Miscellaneous criminal.
- Juvenile.

link

City Court   LJC L

Jury trials

CSP Case Types:
- Tort, contract ($0-$500 to $3,000), small claims (up to $6,000).
- Misdemeanor.
- Traffic/other violations.

link

Town Court   LJC L

Jury trials

CSP Case Types:
- Misdemeanor.
- Traffic/other violations.

link

Small Claims Court of Marion County   LJC L

No jury trials

CSP Case Types:
- Small claims (up to $8,000), miscellaneous civil.
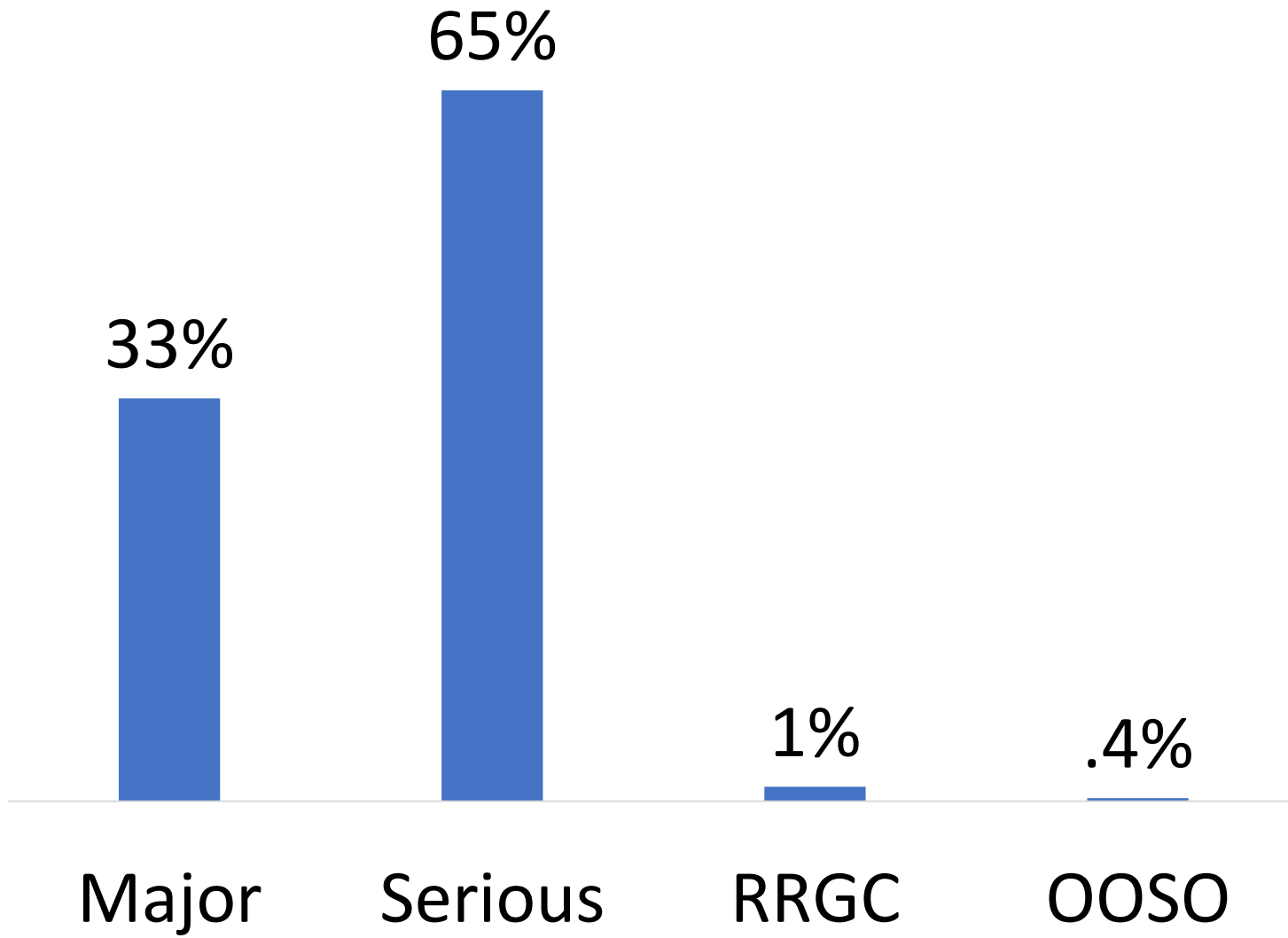
What is the profile of 383.51 court cases?

☑ Volume

☑ Types

☑ Dispositions

789 Cases filed in 2016

< .1%

8%	27%	19%	46%
Alcohol/Drug	Behavior/Duties	Speeding	Maneuvers
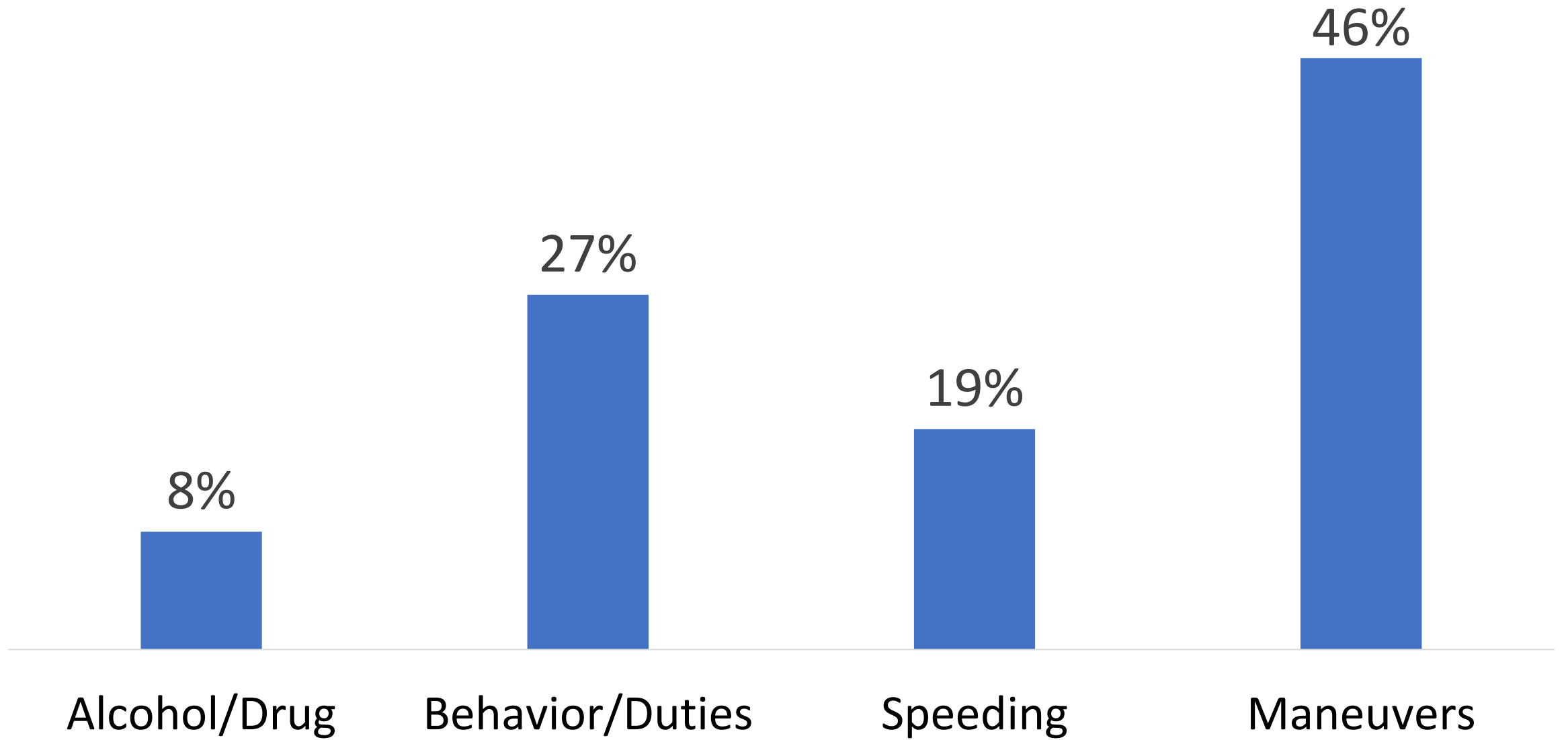
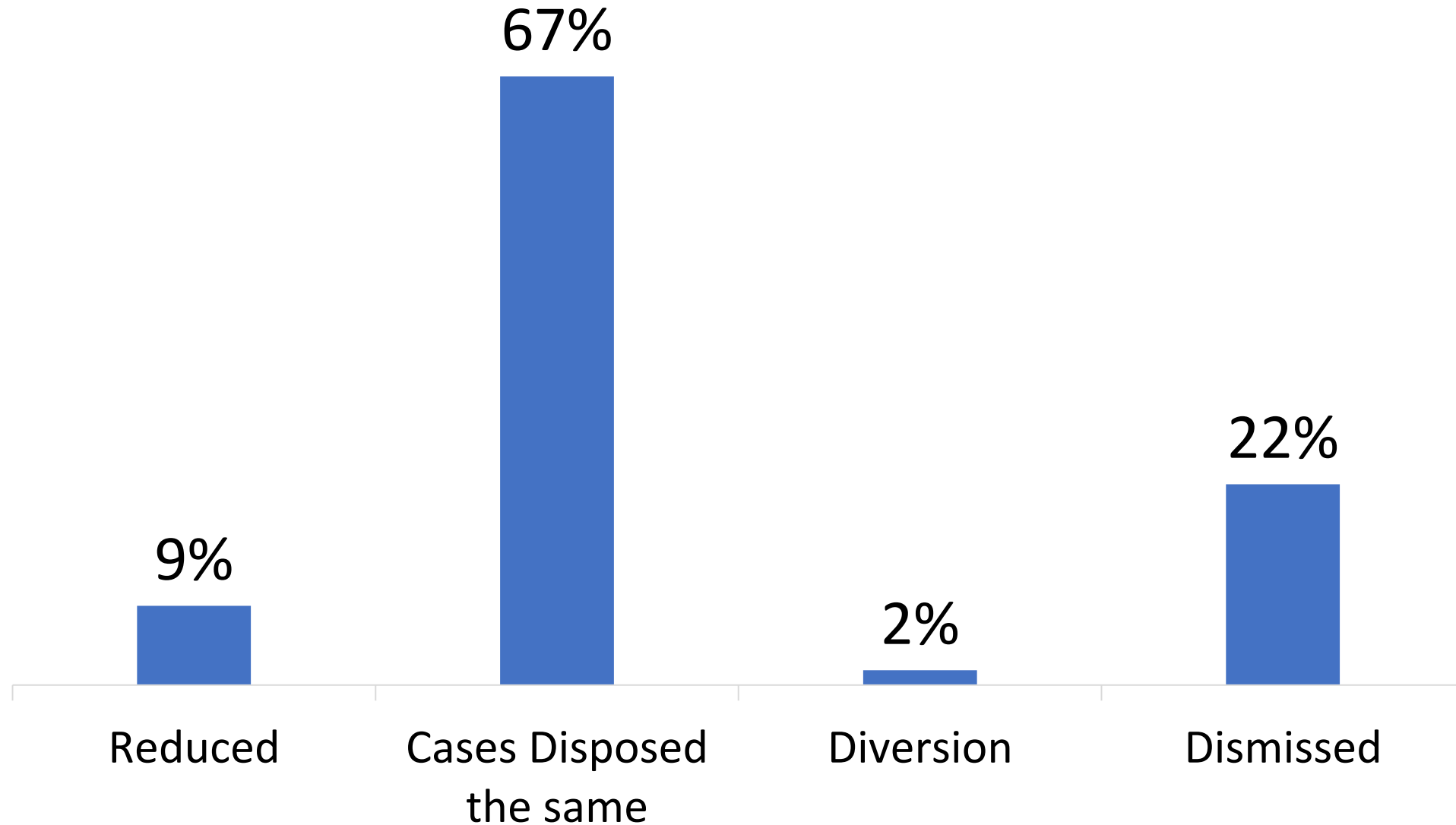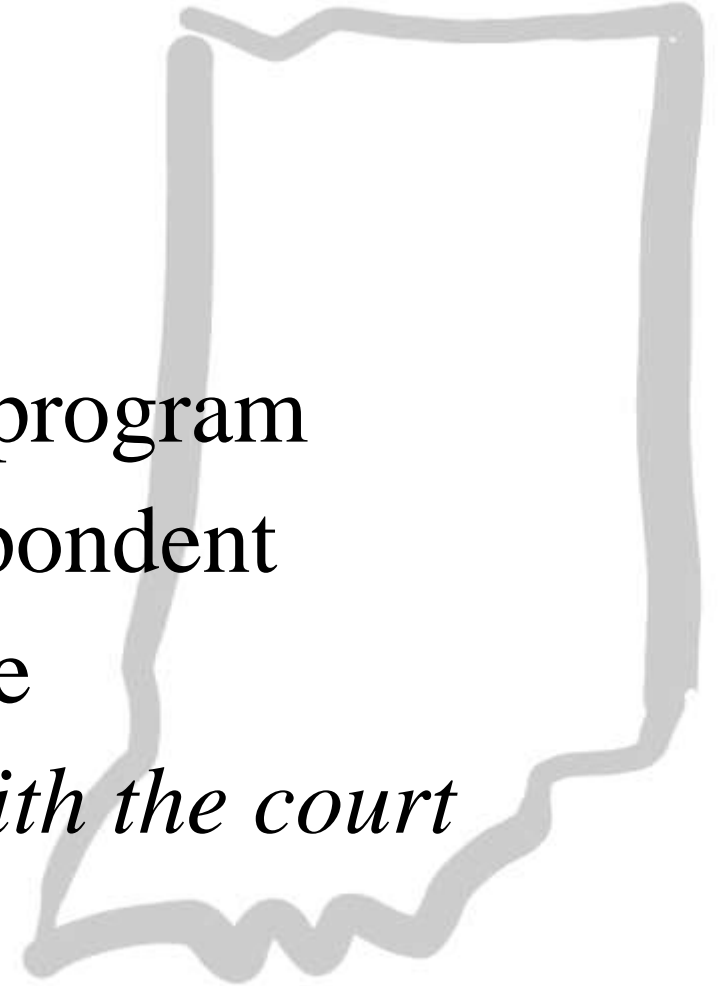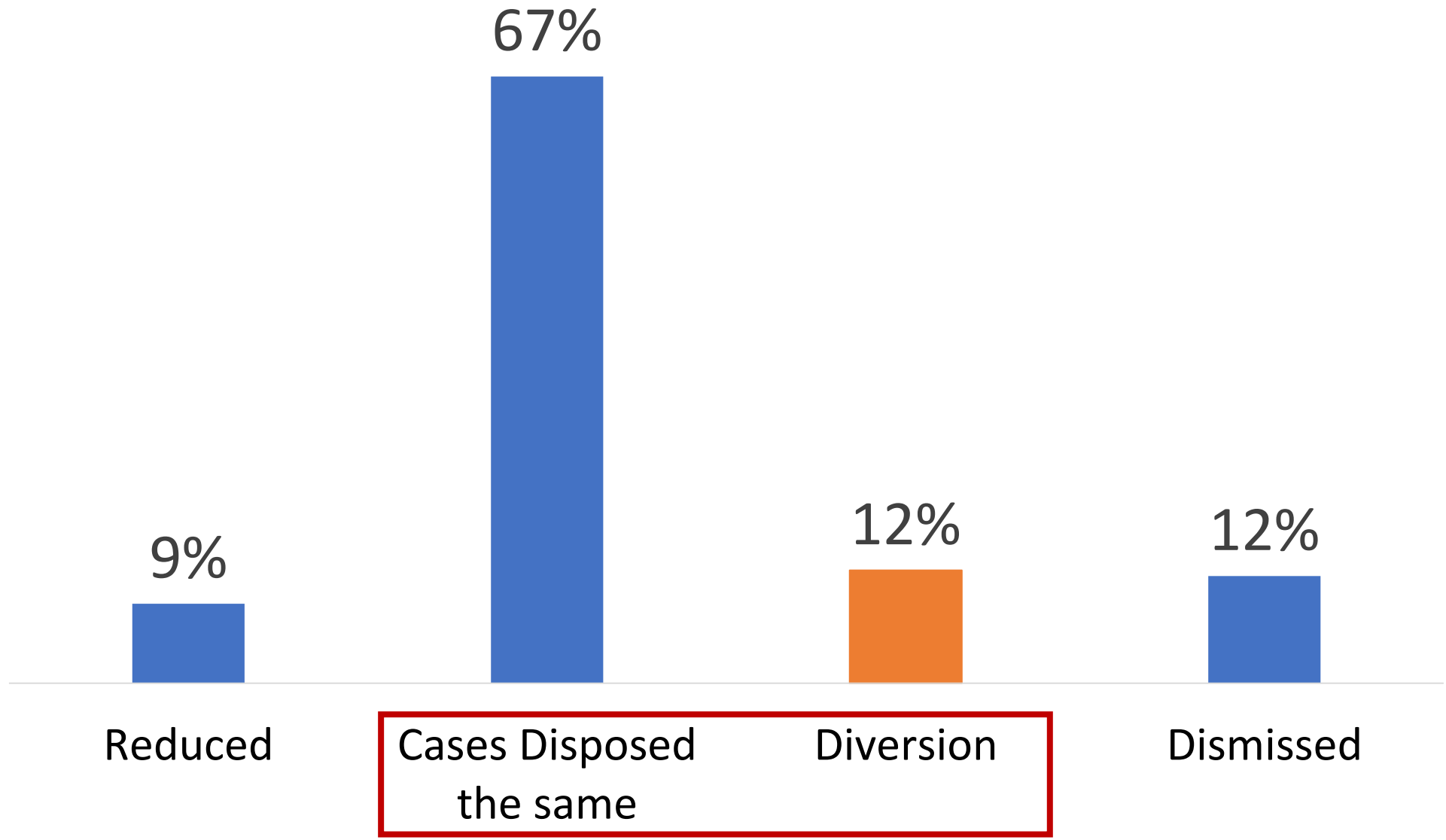787 Cases disposed in 2016

Reduced: 9%
Cases Disposed the same: 67%
Diversion: 2%
Dismissed: 22%

Diversion & Deferral Process

- Prosecutor files a case
- Prosecutor offers Diversion/Deferral program
- Agreement signed by Defendant/Respondent
- Fees paid to Clerk and entered on case
- *Agreement may or may not be filed with the court*
- Prosecutor moves to dismiss the case

SDLA Data- in Process

☐ Record found

☐ Points Applied

☐ Disqualification

How long does it take to dispose a 383.51 case?

☑ By Disposition

☑ Model Time Standards
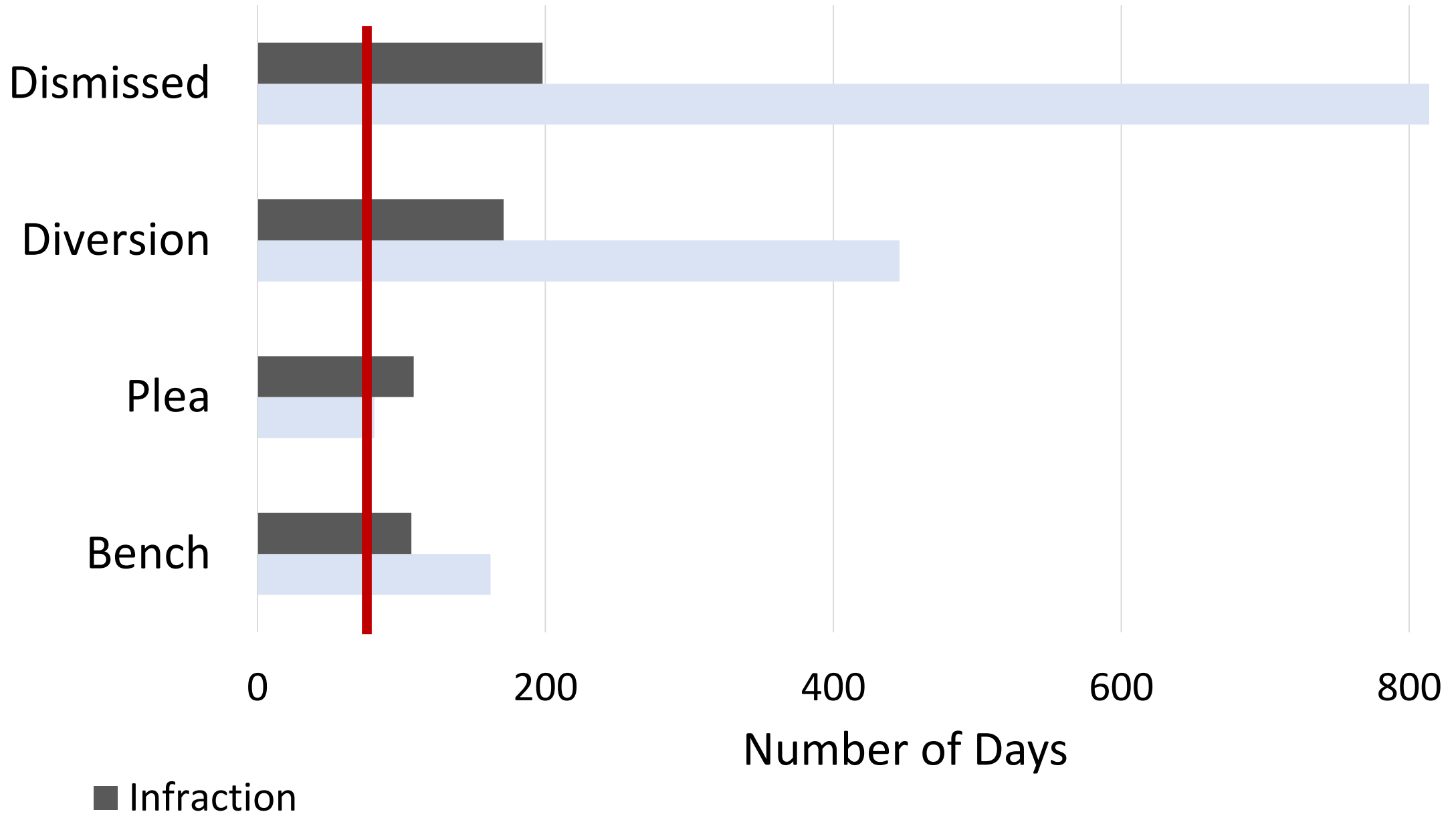
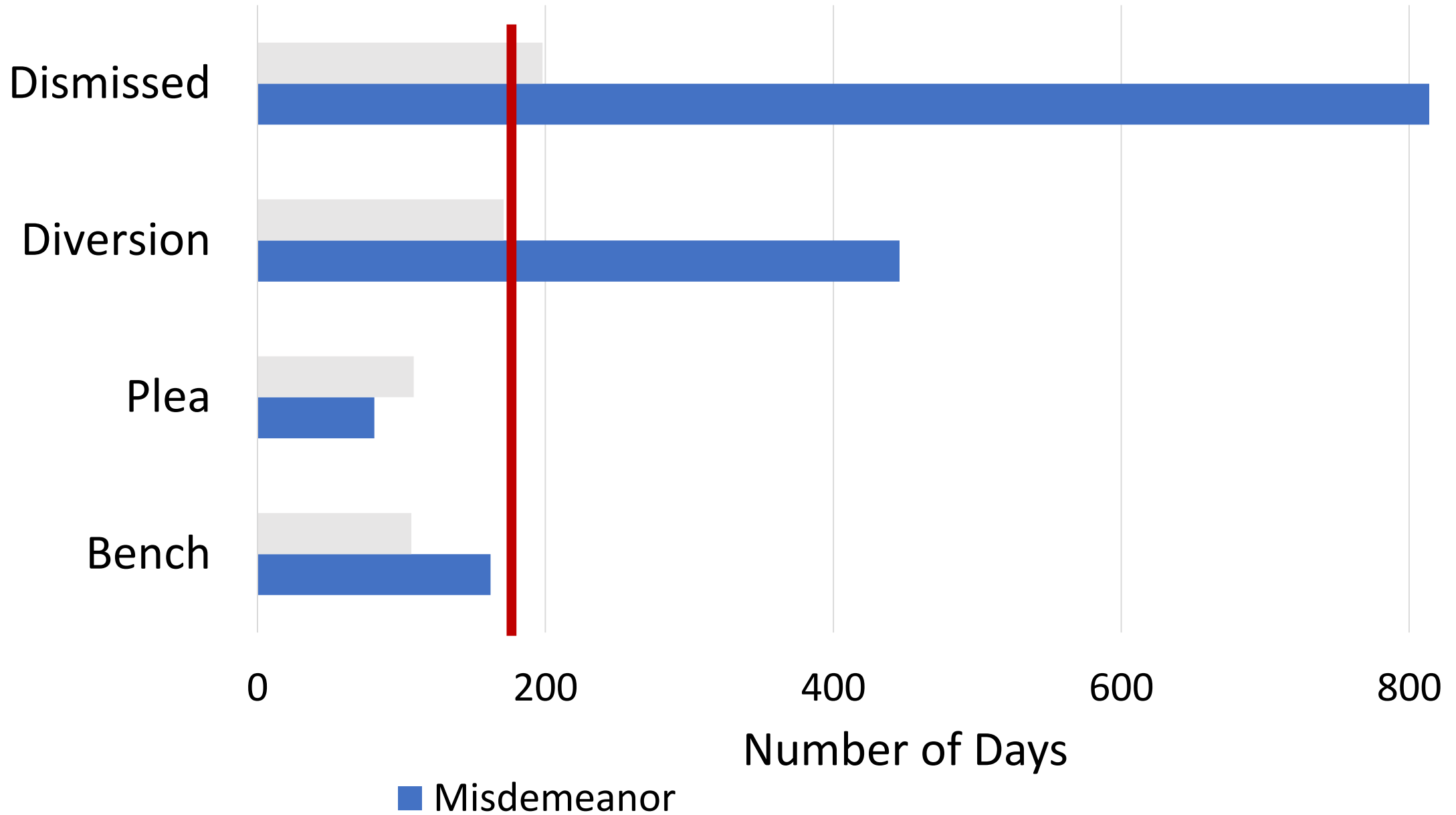Number of Days

Infraction Misdemeanor
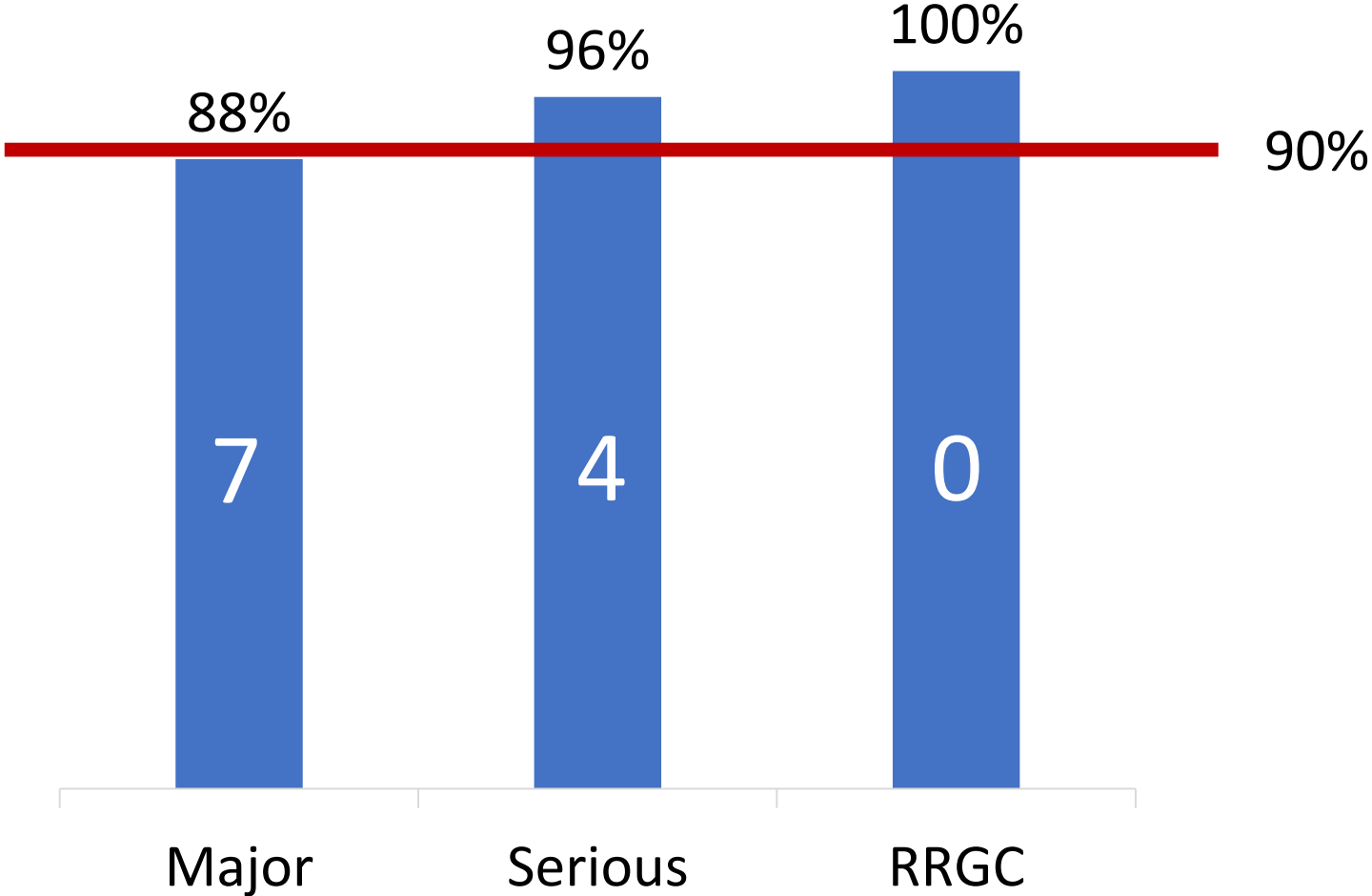
Number of Days

Infraction
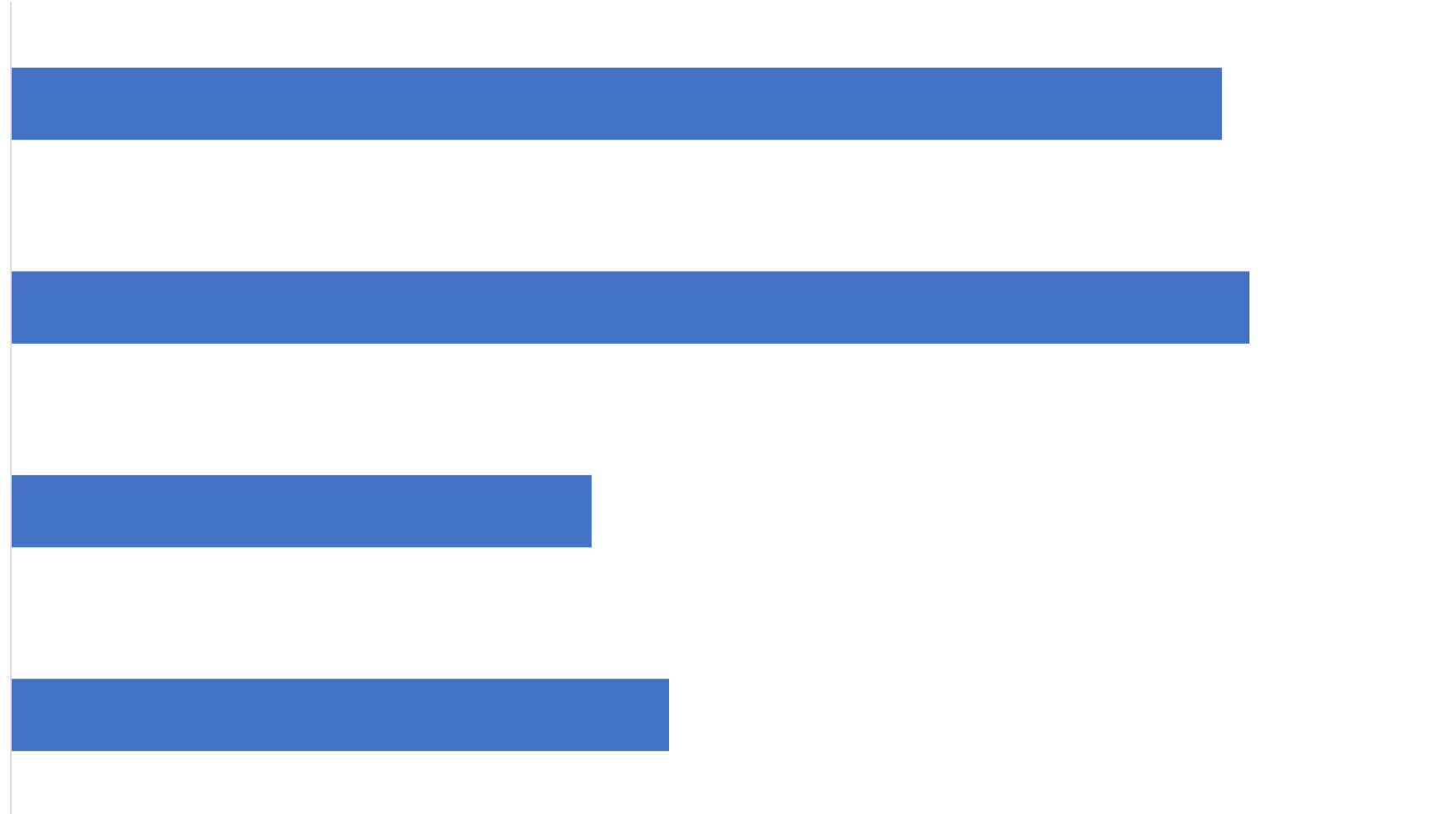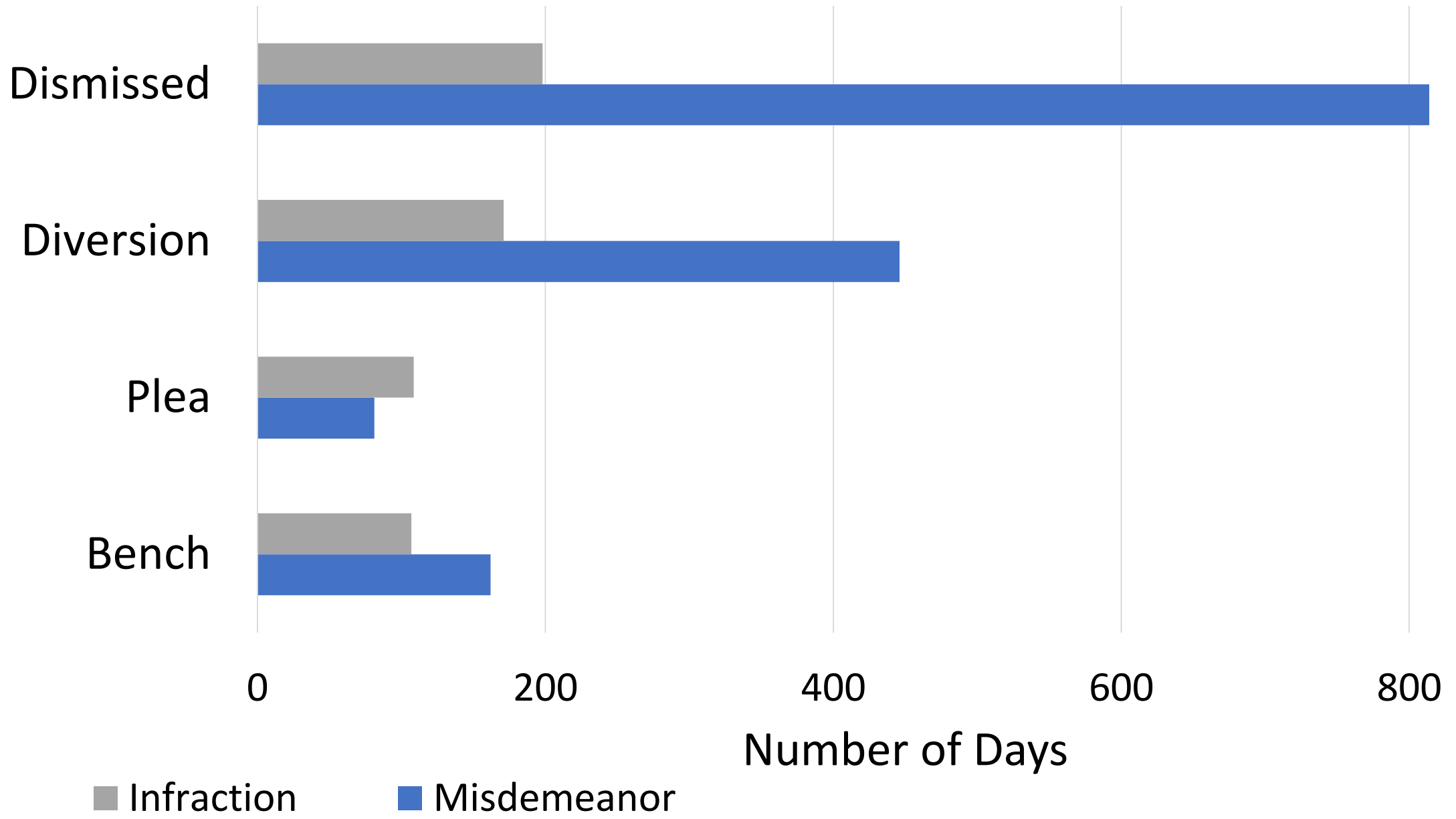
How timely are courts submitting to SDLA?

☑ % sent within 10 days

☑ Average days

How timely are Courts transmitting to SDLA?

Takeaways

Quality data from roadside into reliable CMS is essential

383.51, rare but important cases

Diversion and dismissal process has large impact on timeliness

Automation key in timely SDLA reporting

Using Technology

Improving CDL Processes

NCSC Technical Assistance

Through research, we are identifying best practices and opportunities to assist courts and SDLAs:

- Governance and stakeholder collaboration
- Data quality
- Implementing performance metrics
- Data exchange between the Courts and SDLA

What have we learned?

General Challenges

- Exchange of information is either in paper or done with an inflexible flat file that does not change easily.
- Lack of standards that make normalizing difficult and subject to a higher amounts of errors.
- Commercial cases may not be adequately identified in systems.

General Challenges

- Diversion process does not flag/automatically exclude CDL cases within existing systems.
- Courts often do not have direct real time access to drivers' records. (especially out of state drivers)
- Complexity of court structure. Traffic is handled in multiple court levels with varying levels of governance.

Challenge

AAMVA has a DL standard, but it is not applied in a uniform manner. The use of e-citation/ticket is hampered by differences in 1) information available on out of state licenses and 2) varying levels of secured data (encryption).
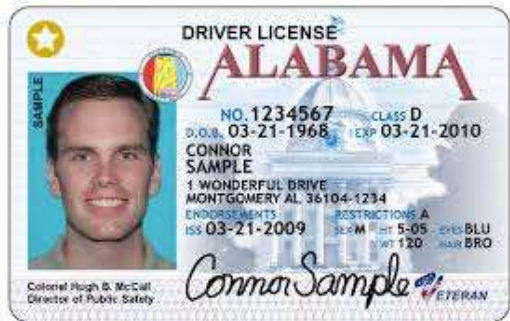
Opportunity

Mandatory minimum standards for readable information on licenses. This will better support e-citation initiatives.

Courts have concerns about verifying out of state CDL driver's and the status of their endorsements.

Improving Data Quality

Challenge	Opportunity
Handwriting – BAD for automated processes and data quality.	Continue efforts to move to electronic citations/tickets, so data may be electronically collected and shared. Improves quality control checks at roadside.

Improving Data Quality

Challenge	Opportunity
Court and prosecutor case management systems may not have clear indicators that this is a Commercial Driver case.	Case management systems may offer some type of flagging systems to highlight commercial driving cases. There may also be business rules to exclude deferral programs for Commercial Drivers.

WARNING:
CDL Case – not eligible for deferral/diversion

Improving Work Flow

Best Practices

Look at methods to use electronic connections to share data between stakeholders: SDLA, prosecutors and courts.

Develop a standard electronic file for transmission, preferably XML based and NIEM compliant. ***NCSC has a NIEM exchange available for download called Courts2SDLA***.

Have some automated method to verify successful receipt of data. Provide report to the court on how records were processed and list of records that need to be completed or errors corrected. (Feedback loop)

Look at new AI technologies to further help automate workflows by putting traffic cases into triage pathways.
**Felony cases in particular do not report back in commercial cases once they enter this track, and is an area in need of improvement.

Improving Data Sharing

The primary indicator of successful data sharing and continuous improvement of data quality is GOVERNANCE.

Governance

- Can be formal (in statute) or informal (by agreement)
- Includes stakeholder representatives that cover policy, legal & technology
- Develops standards for technology and business rules within applications
- Provides oversight for strategic goals, changes and clear indicators for success
- Provides clearly defined stakeholder responsibilities

The primary indicator of unsuccessful data sharing and continuous improvement of data quality are handwritten, paper-based, manual processes.

Data Quality and Sharing

Technical Assistance Opportunities

- Court2SDLA Data Exchange
- Reach out
- Best Practice Workshop

Questions ?

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757-259-1824

General Challenges

- Staff turnover
- Training of Judicial Officers and Court Staff
- Lack of information sharing between stakeholders
- CDL status is not apparent in Case Management System(s)

- Diversion process does not flag/automatically exclude CDL cases
- Courts often do not have direct real time access to driver's records. (especially out of state drivers)
- Complexity of court structure. Traffic is handled in multiple court levels with varying levels of governance.

Partners

Working Group: Composition

Margaret Allen, ICM (VA)

Hon. Barbara Brown (AZ)

Gabe Goltz, NASJE (AZ)

Romana Lavalas, NTLC (DC)

John Newell, NASJE (NM)

Hon. Earl Penrod, Ret. (IN)

Hon. Gary Graber (NY)

Bryan Walker, NJC (NV)

Working Group: Meetings

Three in-person meetings to be scheduled

- One held after the NASJE conference
- August 26-29, Austin, TX

Conference calls between live meetings as needed

Possible Uses of the Curriculum

Courses for judges and court personnel

Live	Web

State Judicial Association meetings

National Association meetings for judges, court personnel, district attorneys, other partners

NCSC Technical Assistance

Our research grants provide for Technical Assistance. Through on-going research, we are identifying best practices to successful data sharing and data quality.

We will work with the courts and SDLAs to:

- Identify data quality and data sharing successful operational practices and challenges

- Through grant initiatives, assist with implementing performance metrics to areas identified for improvement

- **Faculty will be available at no cost to those using the curriculum design**

What else do you want judges and court staff to know?

Margaret R. Allen

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Institute for Court Management

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Questions ?