

Highland Park  
Municipal Court  
and  
DPS Best Practices Assessments

---



# Background

- 1) The DOJ Ferguson Municipal Court investigation in 2015 related to “patterns and practices” of racial biases where minorities were not afforded the same opportunities to resolve cases, pay fees, and seek protection by the United States Constitution, when compared to others.
- 2) DOJ found “harmful court and police practices” in the Ferguson Municipal Court.
- 3) The DOJ Report of the Ferguson Municipal Court impacted the rest of the nation through a renewed interest on behalf of the federal government to provide oversight and engage municipal courts throughout the country.

# Directive

- The Town of Highland Park Leadership took a proactive position towards police and court reform by engaging Del Carmen Consulting, to provide an on-going assessment of both the municipal court and department of public safety (DPS).

# Highland Park Court Assessment Objectives

- The objectives of the Highland Park Municipal Court Study were as follows:
  - Review and assess its current policies to determine the need to replace, add, or remove current court policies.
  - Review and assess the current web-based information to the public in order to identify areas where the content and dissemination of information could be improved.
  - Review the case-processing system in order to identify areas of improvement.
  - Assess the current information/data being collected and make the necessary changes in order to improve the information available for further analysis.
  - At a further point, once the data collection mechanisms are in place, analyze the court related data and provide relevant findings.

# Acknowledgement

- It should be noted that the Town of Highland Park leadership; in particular, the Mayor, Council Members, Town Administrator, CFO, Town Attorney, Judge, Prosecutor and Court Staff, have been incredibly supportive, open and responsive to the needs for information during the course of my involvement in this project. When information has been sought, it has been received immediately. This is truly commendable as it is a testament of transparency and an attitude that is responsive to the best practices model as established by the United States Department of Justice and respective experts.

# On-Going Assessment

- When considering the findings related to the study, it should be noted that these are preliminary in nature.
- That is, the study can be considered as currently being “underway” as the significance of the data is limited to a few months and some of the policy revisions are taking place.
- Restated, once the data has been collected and analyzed for a longer period of time, the findings will be more generalizable and provide a more significant understanding of the courtroom practices and systems in place.

# 1) Policy Review

- The first objective related to the review and assessment of the court's current policies in order to determine the need to replace, add, or remove current court policies, an initial assessment took place.
- This initial assessment led to the conclusion that a series of court policies were outdated and others should be created, given the current best practices and issues affecting municipal courts nationwide.
- This process is underway and was facilitated through the hiring of an intern who is assisting the court administrator in further developing these policies.

## 2) Review and Assessment of the Website Information

- The second objective included the review and assessment of the current court website information made available to the public in an attempt to identify areas where the content and dissemination of information would be improved.
- The focus on the information provided through the web site relates to the findings and recommendations made by DOJ on the Ferguson report.



# The Initiatives Related to the Website Review

- Provided a language translator to assist people in obtaining needed information about municipal court that do not use English as a primary language.
- Clarified information related to payment plans consistent with expectations from the United States Department of Justice.
- Assisted defendants with identifying public transportation opportunities to access municipal court.
- Transformed the web site information to be clearer thus, allowing individuals that are not familiar with court terminology, to find and understand relevant information, without any challenges.
- Making the “plea form” available online for individuals to download, complete and submit accordingly.

### 3) Review the Case-Processing System

- During the course of the review of the current case-processing system, it became clear that there are circumstances when municipal court judges are faced with unique scenarios which may be perceived as the unfair administration of justice.
- Thus, the process of identifying these circumstances was initiated with the intent of “closing the gap” of information.

# Case Processing Initiatives

- A protocol pertaining to people with arrest warrants that cannot pay the fine when they arrive at municipal court was modified to ensure that individuals who are trying to pay their fine and “do the right thing” are not arrested on site merely for not being able to pay the fine in full. These individuals are now directed to attend the next available court session to speak to the judge and their warrant is “lifted” until they are able to speak with the judge.
- At the direction of the judge, the court no longer issues Capias Pro Fine warrants. These warrants require that people who have a judgement against them and have not made payment to the Court or established a payment plan, be arrested when found. In an effort to avoid perpetuating a cycle of poverty and follow best practices, the court opted to forgo issuing these types of warrants; payment of their fines is pursued using other avenues.

## Case Processing Initiatives (cont.)

- The court has also developed processes to ensure that the defendants understand their rights and options when disposing of a citation. This information is disseminated through a brochure developed by the Texas Municipal Court Education Center (TMCEC) and modified for Highland Park's use. Additionally, each defendant is now provided a form aimed at ensuring that they understand their options in disposing of the citation.

## 4) Assessment of Data

- The fourth objective of the study was to assess the current information/data being collected and make the necessary changes in order to improve on the information being collected.
- Specifically, the focus of the review related to data that was missing or areas where additional data could be collected that would assist in explaining the “reasons” why a particular case was disposed and the outcome of each of the cases processed through the courts.

# Assessment of Data (cont.)

- Specific categories where the collection of additional data was recommended included, but not exclusive, of the following:
  - Reasons for the disposition of a case.
  - Number of cases settled out of court and the reasons why these never made it to court.
  - Number of cases reviewed and disposed by the prosecutor.
  - Deferred cases dismissed by mail.
  - Cases where defendant completed the alcohol awareness course.
  - Cases dismissed by compliance with citation where insurance evidence was not produced.
  - Cases where dismissal took place after the appeal was made.

## 5) Analysis of the Data Collected

- The final goal and objective of the study related to the collection and analysis of data.
- The objective in collecting and analyzing the data is to determine the patterns and practices of the municipal court in Highland Park, in its administration of justice.

# Summary of Findings

- Although the data was limited to only 3 months, it does present a preliminary profile regarding the disposition of cases.
- The importance related to the manner in which the cases are processed through the Highland Park Municipal Court, goes without saying.



# Summary of Findings (cont.)

- Findings:

- The cases filed are mostly related to Caucasian defendants; this was followed by Hispanics and African Americans, respectively.
- The cases that were closed by the court, dismissed by the prosecutor and dismissed by the judge, seem to be proportionally distributed among Caucasians, African Americans and Hispanics. This is an early indicator that justice seems to be distributed across race and ethnicity.
- Cases involving juvenile or minor offenders seem to be all based on Caucasian defendants.
- The cases dismissed at the window and those dismissed via U.S. Mail also seemed to be proportionally distributed among all races and ethnic groups.

# Summary of Findings (cont.)

- A significant percentage of cases by all races/ethnicities were disposed through the payment of fines to the clerk. This may be an indicator that defendants took advantage of the convenience of resolving their cases before their court date.
- The data also shows that there were various methods of disposing cases by all racial and ethnic groups. While no specific pattern was identified given the small sample of data analyzed, it is clear that disposition of cases ranged from driving courses being completed, to paying fines and providing proof of insurance. This particular case distribution warrants further analysis as additional data is acquired.

# Overall Impressions

- The preliminary findings suggest signs of fairness if this is measured via the availability of options on disposition of cases.
- Additional work, however, is required not only in terms of the acquisition of additional data but the expansion of particular categories such as “dismissals by the judge and prosecutor”. That is, “reasons” or “sub-categories” of dismissal decisions should be collected and analyzed.
- It is clearly encouraging to identify that the early profile of cases being processed through the court, demonstrate a record of fairness and equal application of the law to all.

# Highland Park DPS Best Practices Assessment (Update)

- Assessment for the Department of Public Safety continues in the form of quarterly audits to ensure data integrity.
- In addition, search analyses are performed on an on going basis in order to identify patterns and practices related to searches and whether or not these produced contraband.
- The Sandra Bland Act has established significant (new) requirements specific to the data collection and analysis—working with DPS to have these in place.