

March 5, 2014

Steve Olson
Manitowoc Municipal Judge
900 Quay Street
Manitowoc WI 54220

Mr. Eric Sitkiewicz, Chair
PUBLIC SAFETY COMMITTEE
City of Manitowoc
900 Quay Street
Manitowoc WI 54220

RE: Municipal Court Staffing

Dear Mr. Sitkiewicz:

As the Oversight Committee for the Municipal Court, I respectfully request I be given the opportunity to be placed on the agenda and appear before the Public Safety Committee regarding what I believe is a significant staffing problem developing for the Court. I briefly explain the problem in this letter, however, will have significant additional information for your Committee when I personally appear. **I believe the City is being penny-wise & dollar-foolish in Court staffing.**

Since the late 1980's, the Municipal Court has had one full time clerk. Traditionally, that clerk would provide some limited assistance to the Treasury Department @ busy tax times, however, was otherwise devoted full-time to Court Clerk duties. In recent years, Court case load peaked in 2011 at 4807 cases, dipping to about 4200 cases annually in 2012 & 2013. **Court revenue in 2007 was \$372,571 on 3686 cases, increasing to \$591,256 in 2013 on 4126 cases. Court revenues have increased 37% in just the last six years.**

One very interesting issue is that, although caseload peaked @ 4807 in 2011, revenues have continued to increase despite a slight decline in cases. **This is primarily due to the collection efforts of Court Clerk Heyduk.** Cases vs. revenues last three years:

<u>Year</u>	<u>Caseload</u>	<u>Revenues</u>
2011	4807	\$579,384.43
2012	4159	\$583,407.65
2013	4126	\$591,256.32

I was recently informed that for about 1/3 of the year, the Court Clerk will now only be able to devote 68.75% of her undivided time and attention to the Court. Finance Director Steve Corbeille has worked out a staff sharing arrangement with the Police Department which will involve Court Clerk Heyduk 'covering' the Treasury Department for 2 hours of her 8 hour day. Some time ago it was already mandated that the Court Clerk 'cover' Treasury one half hour per day - year round.

None of this occurred in the past.

I have spoken to Finance Director Corbeille and he & I have 'agreed to disagree' over whether this reduction in the Court Clerk's ability to give her full attention to her duties is in the City's best interest. In light of caseload increasing in recent years & revenues increasing exponentially despite staffing remaining the same, **I believe the City is being penny-wise & dollar-foolish.**

Wisconsin statutes dictate that I, as Municipal Judge, have complete control over who is employed as Court Clerk and what the duties are of the Court Clerk. However, statutes do not dictate the amount of Clerk time which is available to the Court. Accordingly, Council can decide that the Clerk shall be full-time, 75% time, or whatever it may decide. The question is whether the current scenario is in the City's best interests.

There has been a steady erosion of the Court Clerk's ability to carry out her duties, which I will explain more fully when I appear before your Committee. This will cause revenue reductions as we move forward, if matters remain unchanged. Several years ago, I did a study of the ratio of forfeitures ordered to forfeitures collected. The Court collected 72% of judgments. I anticipate the collection ratio has likely risen given rising revenues despite a slight decline in caseload.

The Court has statutory duties which the Clerk must carry out. Extra efforts to collect judgments, such as obviously have been occurring through the efforts of Court Clerk Heyduk, are not mandated by statute. If there is something that must 'give' as a result of the Court Clerk no longer being able to devote her full time and attention to the Clerk, it is obvious where that must occur.

My reason for facilitating Court Clerk Heyduk's efforts on collection differ from how the City may view them. If I order a forfeiture, it's punishment for an infraction. If that forfeiture is not paid, then there is no punishment. Lack of punishment will trickle down to officers responding to calls @ 3 a.m. If the miscreant believes officers can issue a citation & he'll never have to pay it, then, why comply with officers in the first place? Yet, if those forfeitures are collected, for the largest part, they are deposited in City coffers.

I look forward to appearing before your Committee to explain in more detail. Please advise me soonest of a date.

Sincerely,



Steve Olson
Municipal Judge

pc: Mr. Tyler Martell
Mr. Dave Soeldner
Mr. Scott McMeans
Mr. Al Schema
Mayor Justin Nickels
Mr. Steve Corbeille