



CITY OF ATLANTA

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**AUDIT COMMITTEE**  
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December 7, 2023

Honorable Mayor and Members of the City Council:

We undertook this audit because members of the Atlanta City Council received complaints about the Municipal Court from citizens, attorneys, and city employees. Councilmembers adopted Resolution No. 22-R-4794, requesting an audit of the Atlanta Municipal Court. The resolution requested our office review Municipal Court data from 2018 to present, including budget, staffing and specific questions listed in the audit objectives. We last audited the court in 2011.

The court's data showed that the COVID-19 pandemic had a significant impact on court operations. The number of cases heard dropped and has yet to return to pre-pandemic levels. The time to resolve cases also increased during this period. Failures to appear have remained a problem and the court now has limited enforcement capabilities for signed FTA warrants. Despite challenges, the court collects 90% of assessed fines—fines are assessed only after a case is adjudicated—and has recently increased clearance rates.

The Audit Committee has reviewed this report and is releasing it in accordance with Article 2, Chapter 6 of the City Charter. We sent an initial draft report to the chief judge on December 1, 2023, and received feedback on December 4, 2023. We appreciate the courtesy and cooperation of court and AIM staff throughout the audit. The team for this project was Christopher Armstead, Duane Braithwaite, Kathy McCauley, and Tiajah Sherman.

Amanda Noble  
City Auditor

Danielle Hampton  
Chair, Audit Committee

The Municipal Court was established pursuant to Article VI, Section I, of the Constitution of Georgia and Article 4 of the City Charter. Atlanta's Municipal Court has jurisdiction to hear and decide city charter and ordinance violations, and has concurrent jurisdiction over certain state misdemeanor cases, including traffic violations, possession of one ounce or less of marijuana, shoplifting, and furnishing alcohol to a minor. Under the charter and state law, the court is authorized to impose fines up to \$1,000 and/or imprisonment for up to six months for city ordinances and up to twelve months for state misdemeanors or alternative sentencing. State law also authorizes the Municipal Court to act as magistrate (hold preliminary hearings or issue warrants) over state offenses. State law also provides exclusive jurisdiction to decide traffic misdemeanor cases originating inside the corporate limits of the city.

[City Code](#) states that the court shall have ten judges, and ten additional pro hac judges, who serve as judges when needed. Municipal Court judges are appointed by the mayor, and citizens vote to retain judges in office every four years. If voters elect not to retain a judge, the mayor will appoint another judge to fill the resulting vacancy. A chief judge is selected by a majority vote of all judges. The chief judge is responsible for court operations, including deciding the structure of the court, assigning judges, determining the court's schedule and hours of operation, preparing the budget, and reporting to City Council.

Only nine of the ten seats for judges are currently filled, as shown in Exhibit 1. The chief judge has divided the cases that the court hears into six different divisions. The divisions are as follows:

- **General Traffic** - speeding, driving with suspended licenses, failure to stop and other simple rules of the road violations
- **In-Custody/First Appearance** - hearings for individuals who are in the custody of law enforcement
- **Criminal & Aggravated Traffic** - misdemeanor offenses such as shoplifting, drugs, and disorderly conduct; and serious traffic offenses such as reckless driving, street racing, and hit & run
- **Housing & Code** - residential & commercial code violations and city permit violations
- **DUI** - driving under the influence of alcohol or other intoxicants
- **Restore Atlanta/Community Court** - quality of life cases, homeless court, defendants under the age of 21

Exhibit 2 shows the current division assignment of judges. While City Code authorizes ten additional pro-hac judges, the court currently has only three. The court also has two senior judges who are retired Municipal Court judges who fill in as needed—for example, last minute sick leave or absences.

**Exhibit 1: Municipal Court Has Eight Associate Judges and One Chief Judge**



**Note:** The Honorable Stephanie C. Davis passed away in June 2023.  
**Source:** Municipal Court of Atlanta, Standard Operating Procedures, January 2023

**Exhibit 2: The Judges Operate Six Different Divisions**

MUNICIPAL COURT OF ATLANTA

## COURT ORGANIZATION | JUDGES & COURT DIVISIONS

COURT DIVISION	PRESIDING JUDGE
GENERAL TRAFFIC	 Jackson   Gaines   Baker   Bey   Mann
IN-CUSTODY/ FIRST APPEARANCE	 Davis
CRIMINAL & AGGRAVATED TRAFFIC	 Ward
HOUSING & CODE	 Portis
DUI	 Gundy
RESTORE ATLANTA/ COMMUNITY COURT	 Graves   Ward   Portis

**Note:** The In-Custody/First Appearances Division is currently without a presiding judge.  
**Source:** Municipal Court of Atlanta Fiscal Year 2023 Budget Presentation

In fiscal year 2023, the court had 185 authorized positions and a total budget of \$13,588,056. The court has 1 person who serves as both court administrator and chief clerk and oversees the 12 offices of the court. The offices are as follows:

- **Administration** - oversees the overall operation of the court including contractual obligations, technological improvements, collection of all court ordered fines, and employee performance
- **Budget** - monitors the court's monthly, quarterly, and annual expenses to ensure that the court remains within the allotted annual budget
- **Clerk's Office** - maintains the official court records including all citations, case filings, and orders of the court
- **Communications** - provides informative and real-time information regarding court related events, news, and programs
- **Courtroom Operations** - ensures that all cases filed are properly and efficiently adjudicated, including providing administrative and clerical support for Municipal Court judges
- **Data Management** - processes all citations filed, schedules court hearings, and processes and monitors defendants who are released on bond from the Atlanta City Detention Center
- **Finance** - processes all financial transactions for court issued fines and fees
- **Safety and Security** - provides security for court staff, visitors, and the internal and external parameters of the courthouse
- **Pretrial** - assists the Department of Corrections with the early release of defendants
- **Quality Control** - ensures the accuracy of the data entered into the court's case management system
- **Restore Atlanta** - provides alternative sentencing options and diversion programming
- **Warrants** - processes warrants for defendants who fail to appear in court

The court replaced the former case management system, CourtView, with Benchmark, an automated case management system, in 2018. Benchmark is used to record and track case information from the initial filing—when the court receives the ticket from the issuing agency and inputs it into the system—through final disposition, including case scheduling and payment posting. The system enables scanned copies of tickets to be stored and accessed electronically. Courtroom staff enter case dispositions, including fine amounts, into the system during court proceedings. Once the ticket is entered into Benchmark, defendants can pay fines (that do not require a court appearance) online, by mail, or in person at the court. Court personnel generate case and financial management reports from Benchmark.

## General Judicial Process

The city's judicial process starts once an officer makes an arrest or writes a ticket. The components of the process are as follows:

**In-custody cases.** In cases of arrest, individuals booked into jail must have a hearing within 48 hours. The defendant also has an opportunity to talk with a public defender. Usually, the first hearing is a bond hearing in which the judge reads the charge and considers the defendant for pre-trial release. If the defendant pleads not guilty, the judge either schedules a bench trial or transfers the defendant's case to the county for a jury trial if the defendant elects. If the defendant pleads guilty or no contest, the judge rules on the case and imposes a sentence. The judge can also dismiss a case.

**Ticket issuance.** In cases in which an officer issues a ticket without making an arrest, the officer writes a scheduled court date on the ticket. The ticket describes the specific charge, person charged, location of violation, issuing officer, and scheduled court date if required. Some charges provide defendants with the option to plead guilty and pay fines online prior to the court date instead of appearing in court if the offense is eligible pursuant to state law.

**Ticket processing.** Arresting agencies deliver tickets to the Municipal Court. APD (Atlanta Police Department) supervisors review tickets for legibility and completeness and log them on a citation form. A court clerk reconciles the tickets delivered to the court with the citation form and provides a signed copy of the citation form to the arresting agency as proof of delivery. Clerks enter tickets into Benchmark into a general calendar, from which they later assign to judges according to corresponding divisions and availability.

**Pre-trial diversion.** Either upon solicitor's office review, judge referral, or defendant's request, a defendant may apply to participate in a pre-trial diversion program (PTI). The program allows for defendants to have their case dismissed through payment of a participation fee, performing community service, and/or attending rehabilitation courses. For traffic cases, the benefits to defendants include no points on licenses and no impact to driving records, which can in some cases increase insurance costs. There are three pre-trial programs based upon case type:

- **Traffic Violations Diversion Program (PTI-T)** - allows for the dismissal of traffic violations for defendants 17 years of age or older who also meet eligibility, depending on prior driving and criminal history
- **Criminal & City Ordinance Violations Diversion Program (CPTI)** - allows for the dismissal of criminal and local city ordinance violations for defendants 17 years of age or older who meet eligibility, depending on prior driving and criminal history
- **Bicycle Diversion Program** - allows for the dismissal of bicycle related ordinance violations with the completion of bicycle safety courses

**Court proceedings.** Before the court session begins, court staff reviews and prepares the calendar by organizing all the cases set, organizing any pleadings, including requests for

continuances or notices of conflicts, checking that all charges for any one defendant are combined in one case set on the calendar, and performing any other preliminary tasks as required by the respective presiding judge. Defendants also fill out a plea form. During the arraignment hearing, the judge reads each defendant the charge or charges and asks the defendant to enter a plea of not guilty, guilty, or no contest. If the defendant enters a plea of guilty or no contest, the judge can impose fines and fees, suspend fines and fees, impose jail time, or dismiss the case. The judge rules on the case and court staff records the disposition into Benchmark. If the judge imposes fines and fees, the defendant either pays them immediately at the cashier window or requests Pay-only Probation, which establishes a payment plan for defendants who are unable to pay the assessed fine and is distinguished from traditional probation which includes terms, conditions, and reporting obligations. If the defendant enters a plea of not guilty, the defendant may request a bench trial with the judge or request a jury trial, which results in the case being transferred to the county in which the violation occurred (referred to as bound over). If the defendant does not appear in court on the scheduled day, court staff notes in the case docket that the defendant has failed to appear (FTA).

**Failures to appear.** When a defendant misses a court date, the court may find that the defendant failed to appear, and the action the court may take depends on the type of case. In misdemeanor criminal cases, a court staff enters a failure to appear onto a case's docket. In traffic cases, the court mails the defendant a postcard notifying the individual that they failed to appear and provides a 30-day time within which the defendant can return to court to resolve the failure to appear and enter a plea. Should the defendant not return to court, the court can enter a failure to appear in the case file and notify the Georgia Department of Driver Services to suspend the defendant's driver's license and can then issue an FTA warrant for the defendant pursuant to state law for traffic offenses.

## Audit Objectives

We sought to address the following questions in response to the resolution:

- What is the number and types of cases as it relates to case load for the court?
- What is the amount of fines and forfeitures per each case category per year and to what extent are they collected?
- How many failures to appear occur?
- How many failure to appear warrants does the court sign and enter into the Georgia Crime Information Center (GCIC)?
- How many cases are bound over to state courts?
- What is the utilization of pre-trial intervention programs?
- What is the bench time for judges?
- What are estimated revenue losses from failures to appear and bound over cases?



## Scope and Methodology

We conducted this audit in accordance with generally accepted government auditing standards. The scope of our data analysis was 2018 through June 2023 and we obtained administrative days calendar up to the end of 2023.

Our audit methods included:

- interviewing the chief judge, court administrator, and solicitor to understand court operations
- interviewing Atlanta Police Department officers to understand how tickets are sent to the court for processing
- analyzing court data from January 2018 through June 2023 to assess court case types and trends, judge bench time and administrative time, and assessed and collected fines
- reviewing Chapter 62 of the City Code to understand the court's authority, jurisdiction, and responsibilities, relevant sections of the Official Code of Georgia, including: Title 15 concerning Courts generally and Pre-trial Intervention programs; Title 17 concerning Criminal Procedure; Title 35 concerning the Georgia Crime Information Center; Title 36 concerning Municipal Courts; Title 40 concerning Traffic Jurisdiction and Offenses; as well as the Georgia Uniform Rules of Municipal Courts
- researching best practices to understand and analyzing court performance metrics including clearance rates, management of financial legal obligations, and disposition times
- reviewing administrative days
- reviewing court staffing and budget

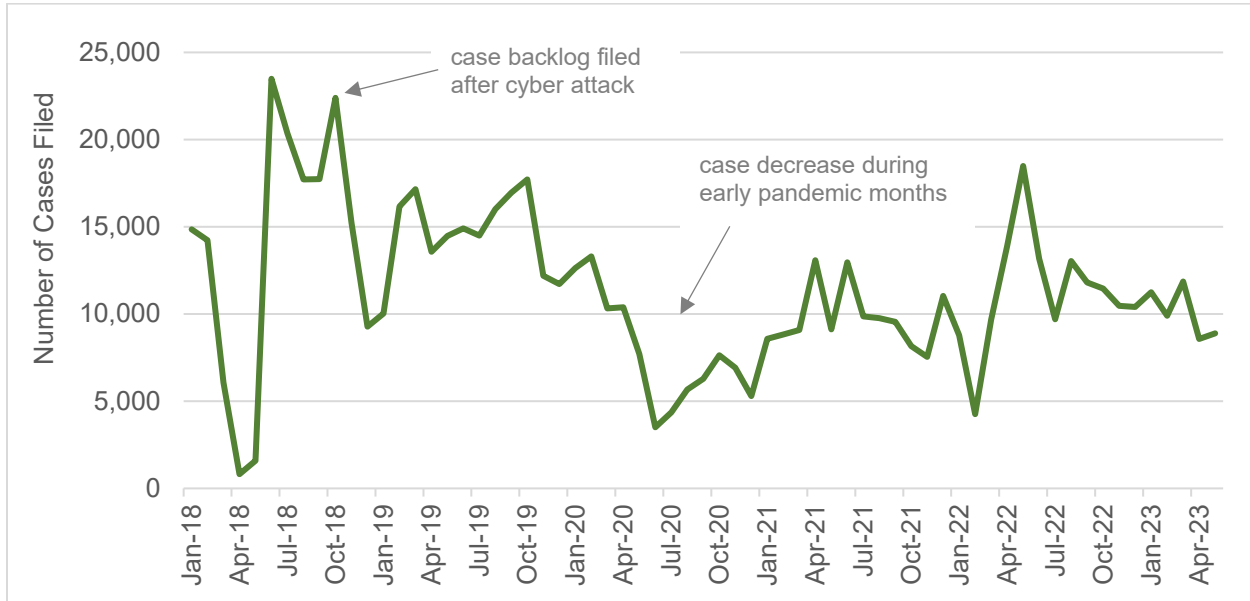
Generally accepted government auditing standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Findings

Municipal Court filed nearly 10,500 new cases each month between January 2018 and May 2023. From January 1, 2018, through June 5, 2023, the median number of cases filed monthly was 10,466 (see Exhibit 3). The court logs cases into Benchmark (Benchmark Court Case Management Software), its case management system. The number of cases filed decreased during the cyberattack in April 2018, when staff were unable to enter new cases into the case management system. The spike in cases beginning in June 2018 is the backlog of cases that staff entered into the system when the system was back online. Exhibit 3 also shows a

decrease in cases during the initial months of the 2020 COVID-19 pandemic. Although the caseload has since shown an uptick, the number of both traffic and criminal cases has not returned to pre-pandemic levels.

**Exhibit 3: Cases Have Not Rebounded Since the Pandemic**

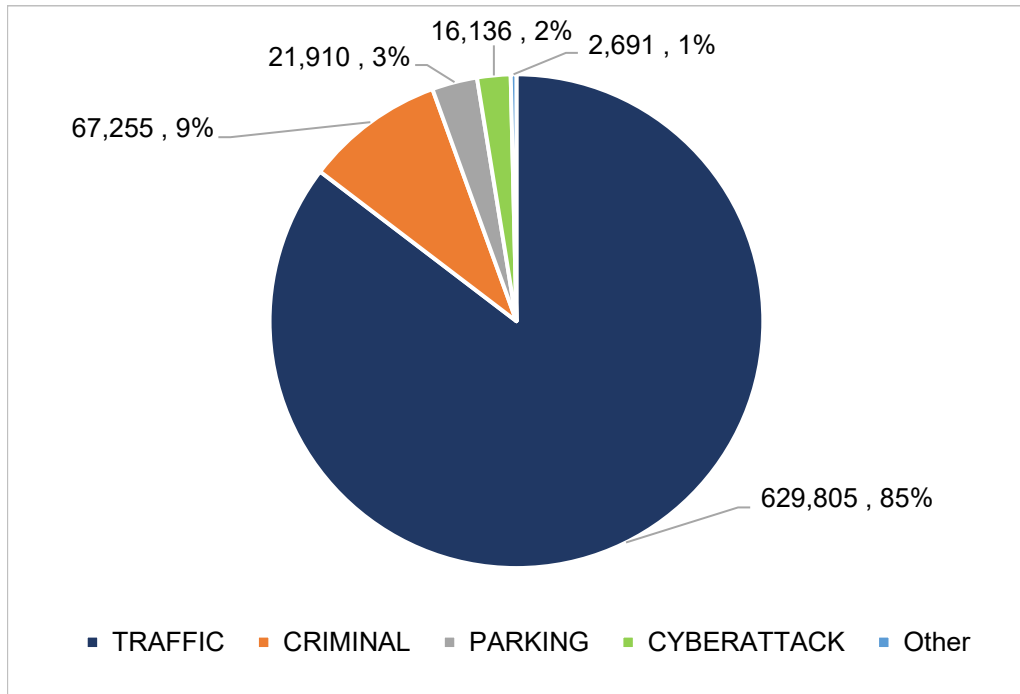


**Source:** Benchmark Court Case Management Software, January 1, 2018 – June 5, 2023.



Municipal Court primarily handles traffic cases. From 2018 through 2023, the court filed 737,797 cases. As shown in Exhibit 4, 85% of the court’s cases were traffic related. The remaining 15% were criminal cases, parking, and other case types. The Benchmark system also had about 16,000 cases categorized as “cyberattack,” which are not offenses, but cases that were logged during the city’s cyberattack; these are a mix of both traffic and criminal cases.

**Exhibit 4: 85% of Cases Filed Between 2018 and 2023 Were Traffic Cases**

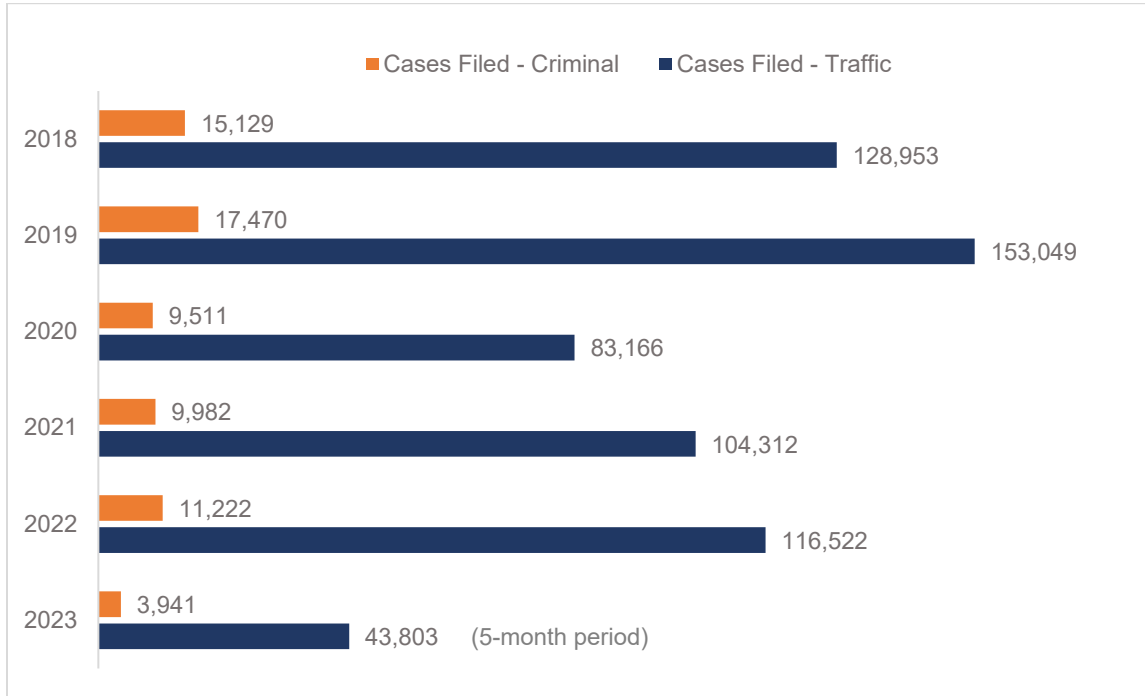


Case Type	Number of Cases	Percent
Traffic	629,805	85%
Criminal	67,255	9%
Parking	21,910	3%
Cyberattack	16,136	2%
Other	2,691	1%
<b>Total</b>	<b>737,797</b>	

**Source:** All cases filed, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

Exhibit 5 shows the breakdown of traffic and criminal cases filed each year between 2018 and 2023. The court filed 697,060 of these cases, which make up 94% of the total cases. The year with the highest number of cases was 2019, with a decline in 2020, and an uptick in the years following the pandemic.

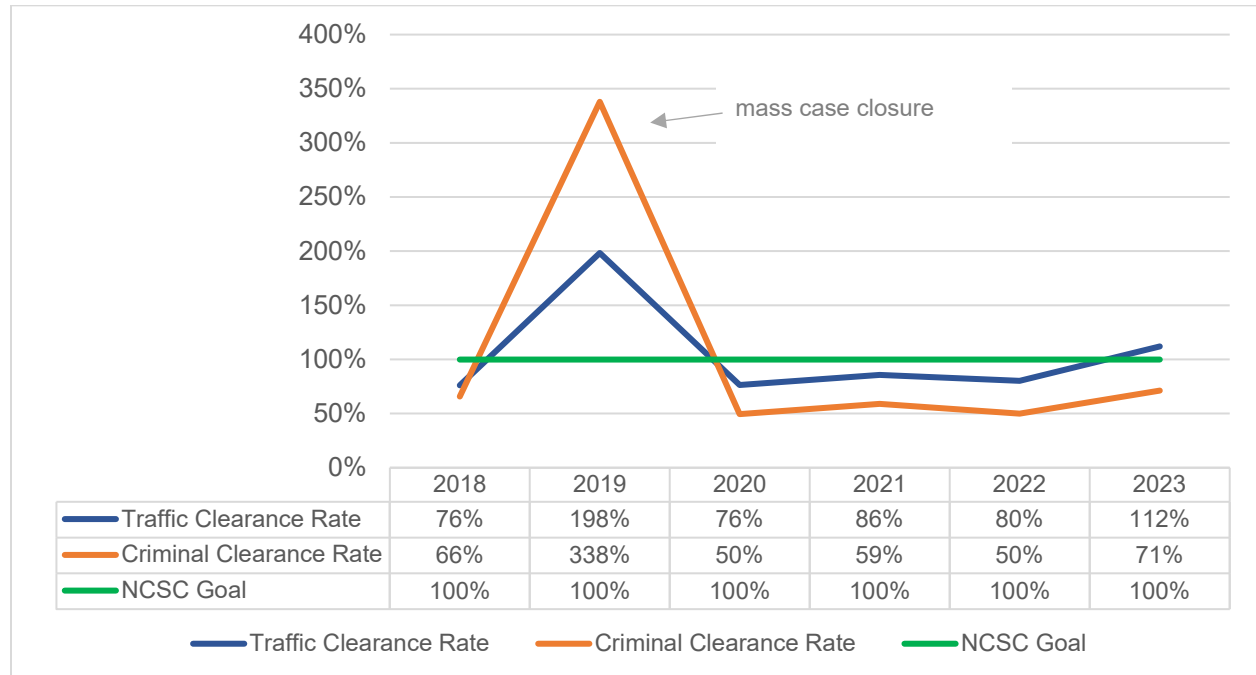
**Exhibit 5: Traffic and Criminal Cases Peaked During 2019**



**Source:** Traffic and criminal cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

The Municipal Court’s clearance rate for traffic and criminal cases fell below the target during the pandemic but began to reach the 100% goal for traffic cases in the early months of 2023 (see Exhibit 6). The clearance rate refers to case resolution and is calculated by dividing the number of cases resolved by the number of new cases filed within a given time period. Georgia state law creates the Judicial Council’s Administrative Office of the Court, AOC, with legal responsibility to create standards regarding court performance in Georgia for all classes of court. The NCSC (National Center for State Courts) is a non-profit organization that analyzes trends and recommends best practices for court operations and has developed court operation metrics called CourTools. AOC’s website promotes CourTools metrics. NCSC’s target for resolving cases, or case clearance, is 100% or greater. The metric allows the court to analyze the efficiency of its case flow management practices, and achieving this goal indicates that a court is not developing a backlog of open cases. The Municipal Court’s chief judge reports compliance with this target in the city’s budget book.

**Exhibit 6: The Court Has Recently Met Its Case Clearance Target**



**Source:** Traffic and criminal cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

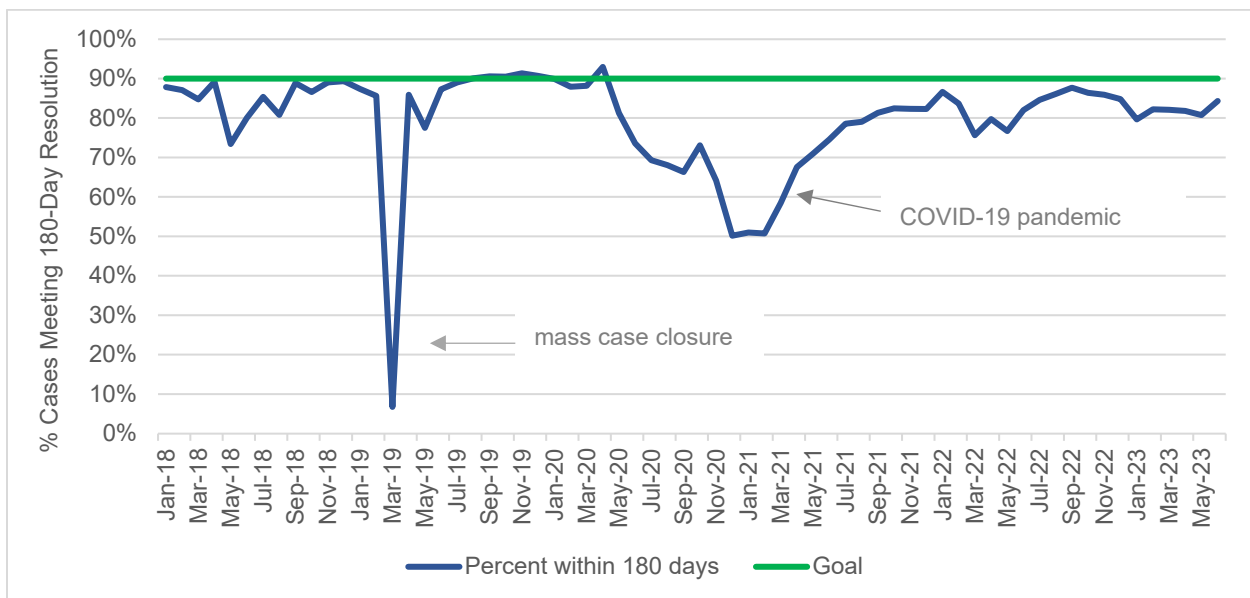
As shown in Exhibit 6, the clearance rates prior to 2023 were lower than the 100% goal. Although it appears that the clearance rates significantly exceeded 100% for both traffic and criminal cases in 2019, this was due to a mass case closure. During this effort, the court closed cases that were incorrectly migrated from the previous case management system, and also moved some older cases to an inactive status at the recommendation of the Judicial Council of Georgia, referred to as “dead docketing.”

Criminal cases consistently had lower clearance rates than traffic cases during the period. Court staff told us that the pandemic and failures to appear impacted the case closure rate. Although clearance rates were below the goal during the pandemic months, traffic cases began to increase when court operations fully returned after October 2020, and as of May 2023, were above the goal. The clearance rate for criminal cases had also begun to improve but was still well below the target.

The pandemic has also impacted the court’s ability to meet the model standard of 180-days to dispose of a case. Model time standards measure a court’s ability to resolve cases within certain timeframes to ensure that defendants have speedy resolutions. The AOC uses the Georgia Model Time Standard of resolving 90% of cases within 180 days.

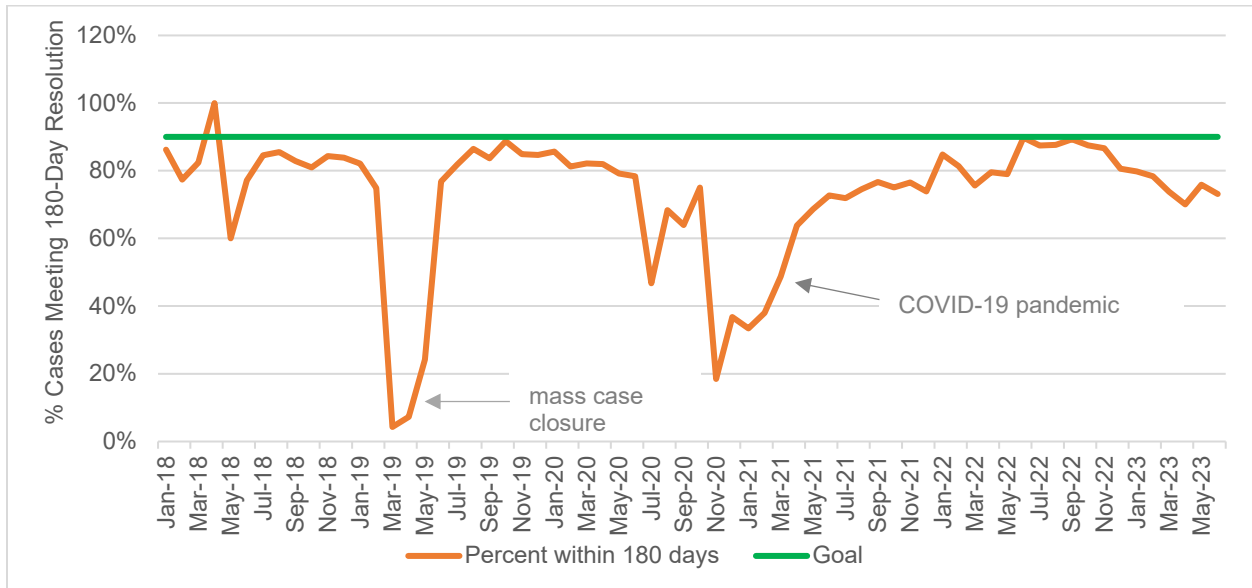
Exhibit 7 shows the percentage of traffic cases that were resolved within 180 days; Exhibit 8 shows the same for criminal cases. The sharp declines in performance shown in both exhibits are related to the mass closeout of older cases being moved to an inactive status (dead docket), as well as the impact of COVID-19. A dead docketed case is closed but not resolved—a defendant, judge, or solicitor can re-open the case at any time. Although the pandemic affected the ability of the court to meet the standard, both traffic and criminal cases appear to be trending closer to meeting the goal, although criminal cases are further from meeting the standard.

**Exhibit 7: Traffic Cases Are Near the 180-day Georgia Model Time Standard for Resolution**



**Source:** Traffic cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

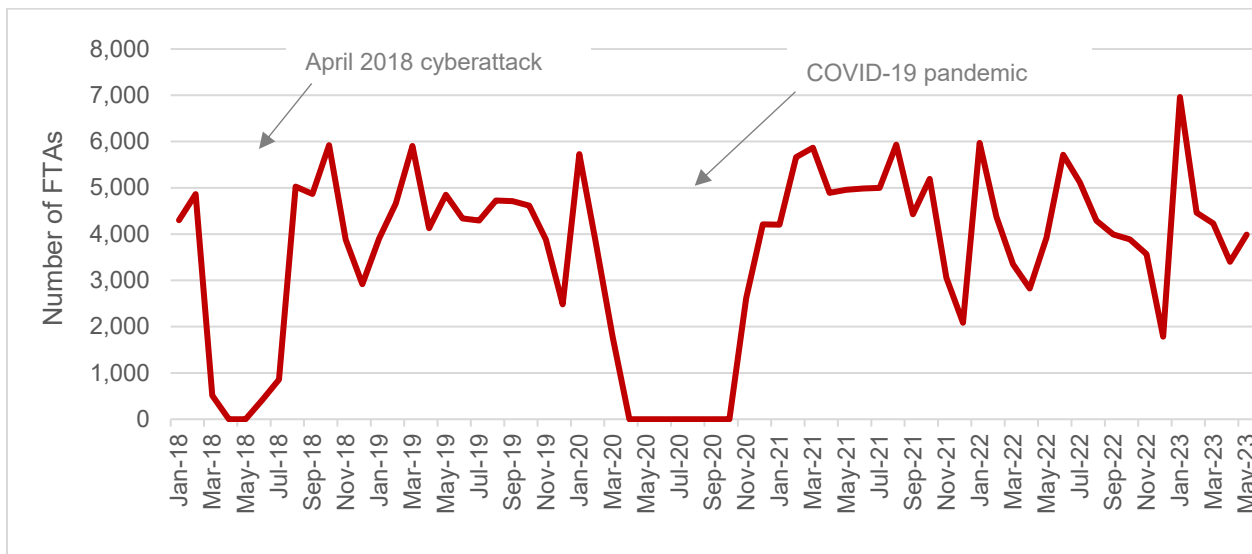
**Exhibit 8: Criminal Cases Lag in Resolution Performance**



**Source:** Criminal cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

More than 4,000 defendants failed to appear in court each month, referred to as FTAs (failures to appear). Failures to appear in court can impact the court’s ability to timely resolve a case. As shown in Exhibit 9, the number of FTAs dropped significantly after the city’s cyberattack in April 2018, and during the early period of the pandemic when the court was partially closed.

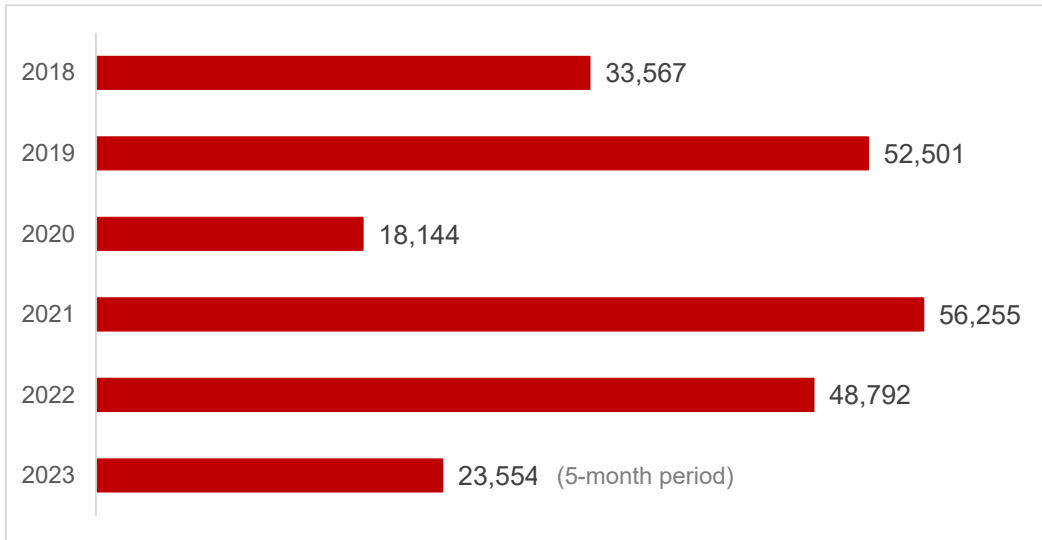
**Exhibit 9: FTAs Can Impact the Court’s Ability to Resolve Cases**



**Source:** All cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

Exhibit 10 shows the number of failures to appear by year; a median of 48,792 defendants failed to appear between 2018 and 2022. Annually, the number of failures to appear peaked in 2021. It should be noted that the data in 2023 only covers five months of the calendar year, but the failures to appear for the year had already reached 23,000 as of June 5<sup>th</sup>.

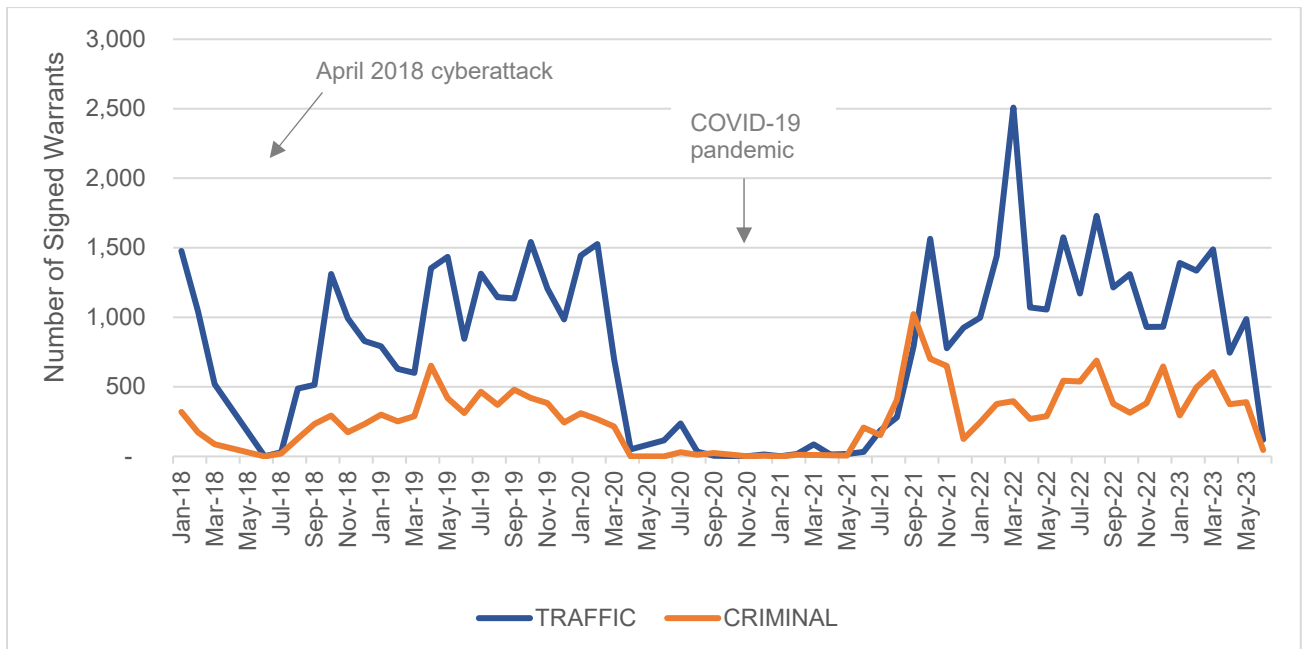
**Exhibit 10: The Median FTAs Per Year Was 48,792**



**Source:** All cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

In accordance with the Supreme Court of Georgia’s Statewide Judicial Emergency order, the court discontinued signing warrants for failures to appear during the pandemic for health and safety reasons. Court staff routinely run reports in Benchmark to identify failure to appear notices in which defendants have not returned to court after 30 days from the notice. Staff then generates a list of cases eligible for failure to appear warrants and forwards the list to the judges for signatures. When a judge signs the warrant, court staff enters the information into the case docket. During the first year of the pandemic, the court instituted a policy to not sign warrants because of the potential impact to public health, including the health of officers who would execute the warrants. Exhibit 11 shows the impact of the COVID-19 pandemic on the number of signed warrants for traffic and criminal cases. Warrants for all cases for each year are shown in Exhibit 12. In July 2021, the court resumed signing warrants following the full expiration of all statewide COVID-19 Emergency Declarations.

**Exhibit 11: FTA Warrants Decreased During the Pandemic**



**Source:** Traffic and criminal cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

**Exhibit 12: FTA Warrants Decreased During the Pandemic**

Case Type	Year						Total
	2018	2019	2020	2021	2022	2023	
Traffic	7,201	12,976	4,126	4,691	15,935	6,066	50,995
Criminal	1,657	4,584	862	3,300	5,067	2,207	17,677
Other	23	16	0	1	9	3	52
<b>Total</b>	<b>8,881</b>	<b>17,576</b>	<b>4,988</b>	<b>7,992</b>	<b>21,011</b>	<b>8,276</b>	<b>68,724</b>

**Source:** All cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

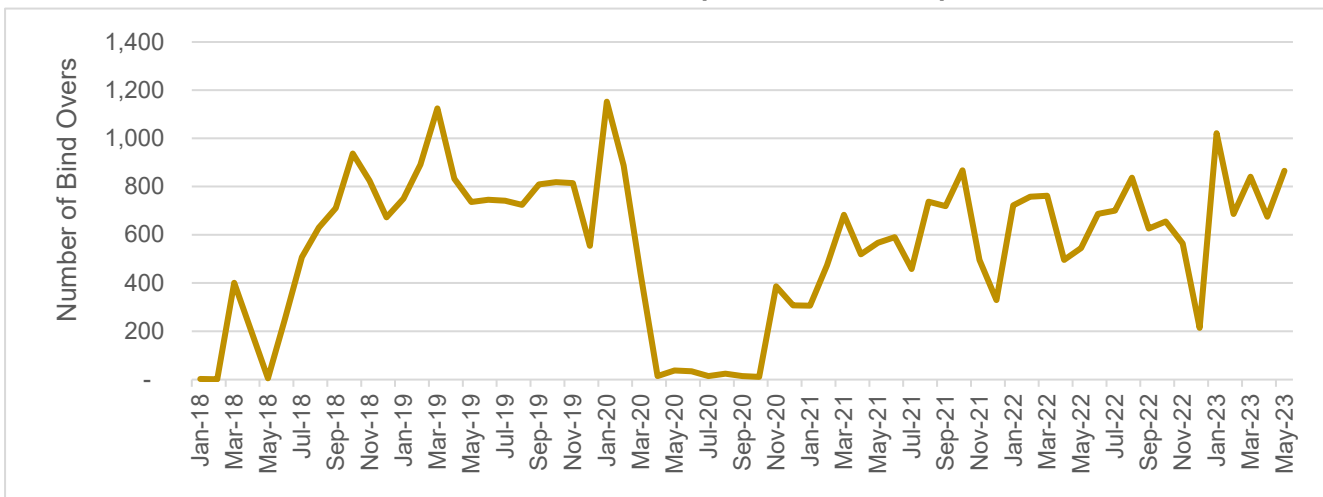


We lack the clearance needed to confirm the number of warrants entered in GCIC (Georgia Crime Information Center), the state’s criminal information system. GCIC is a statewide repository of criminal history as well as warrants from jurisdictions across the state. Law enforcement agencies enter warrants into the system to alert arresting officers, so that if an officer stops an individual, the issuing law enforcement agency can be notified if there is a “hit” and determine whether that individual should be transferred into custody. Although judges sign warrants, it is typically the responsibility of the sworn officers of a local law enforcement agency to enter warrants into GCIC and/or execute the warrants if an individual’s address is within their jurisdiction. The Georgia Bureau of Investigation limits access to this information to only authorized individuals.

Although the court has resumed signing warrants, the pandemic and current police resource constraints limit enforcement. When a municipal court judge signs a failure to appear warrant, the court’s warrant team reviews a defendant’s criminal history in GCIC and prepares a packet including relevant documents. Court staff then forwards the documents to the APD (Atlanta Police Department) to enter the warrant into GCIC. Court staff told us that during the pandemic, the Municipal Court removed warrants from GCIC for public health purposes. Also, during the pandemic, APD lost 40% of its GCIC unit staff; because of these staffing limitations, APD officers agreed to maintain only 300 warrants for the court in addition to APD’s 3,000 warrants. As a result, the chief judge reviews a daily list of cases to determine which signed warrants to forward to APD for entry into GCIC.

About 7% of cases are bound over to state court. Defendants have a right to request jury trials for misdemeanor traffic and criminal cases. If a defendant requests a jury trial, the court gathers the case documents and forwards them to the respective state court (Fulton, DeKalb, or Clayton Counties). These are called bind overs. Exhibit 13 shows the number of bind overs each month from January 2018 to May 2023. The pandemic affected the process until Municipal Court resumed operations in October 2020.

**Exhibit 13: Cases Are Bound Over to State Court Upon Defendant Request**



**Source:** All cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

Defendants resolve roughly 9% of cases using pre-trial intervention programs. The Office of the City Solicitor is responsible for managing pre-trial intervention programs. These programs offer a defendant the option to have a case dismissed by paying fees or performing community service and/or attending rehabilitative courses, for eligible offenses and defendant histories, at the discretion of the solicitor. Exhibit 14 shows the number of cases disposed through pretrial intervention programs between 2018 and 2023. As shown, the use of pre-trial intervention programs was highest in 2018 and 2019. Currently, approximately 9% of cases are diverted through the pre-trial programs.

**Exhibit 14: Pretrial Intervention Programs Are Used Infrequently**

Docket Code	Year						Total
	2018	2019	2020	2021	2022	2023	
Dismissed (Traffic) Pretrial Intervention	13,341	28,082	10,840	11,085	11,253	6,532	81,133
Dismissed Per Solicitor – PTIT Program	5,865	1	0	2	2	0	5,870
Dismissed - PTI	137	525	105	120	11	4	902
Dismissed – Pretrial Intervention Program	156	438	91	85	11	10	791
<b>Total</b>	<b>19,499</b>	<b>29,046</b>	<b>11,036</b>	<b>11,292</b>	<b>11,277</b>	<b>6,546</b>	<b>88,696</b>

**Source:** All cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

Municipal Court collects about 90% of assessed fines. Fines are assessed only at the resolution of a case. If a case results in either a finding of guilt or a plea not contesting charges, judges will assess appropriate fines. From January 2018 to May 2023, the court assessed over \$82 million in fines, of which nearly 10% remains outstanding. Traffic cases represent 92% of the total assessed fines. Defendants can participate in probationary payment plans if they are unable to pay their fines immediately. Exhibit 15 shows outstanding fines for all cases; Exhibits 16 and 17 show fines for traffic and criminal and other ordinance violations respectively.

**Exhibit 15: Almost 92% of All Assessed Fines are for Traffic Cases**

Year	Total Amount Assessed	Amount Paid	Amount Outstanding	% Outstanding
2018	\$14,436,284.32	\$12,785,593.62	\$1,650,690.70	11.4%
2019	\$16,229,096.22	\$14,836,442.60	\$1,392,653.62	8.6%
2020	\$11,583,609.30	\$10,493,879.64	\$1,089,729.66	9.4%
2021	\$15,882,615.36	\$14,735,121.92	\$1,147,493.44	7.2%
2022	\$18,465,117.85	\$16,573,237.05	\$1,891,880.80	10.2%
2023	\$5,554,078.62	\$4,601,116.90	\$952,961.72	17.2%
<b>Total</b>	<b>\$82,150,801.67</b>	<b>\$74,025,391.73</b>	<b>\$8,125,409.94</b>	<b>9.9%</b>

**Source:** All cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

**Exhibit 16: Almost 10% of Fines for Traffic Cases Remain Outstanding**

Year	Total Amount Assessed	Amount Paid	Amount Outstanding	% Outstanding
2018	\$12,545,246.47	\$11,069,884.72	\$1,475,361.75	11.8%
2019	\$14,338,220.30	\$13,148,228.13	\$1,189,992.17	8.3%
2020	\$10,825,815.37	\$9,951,752.54	\$874,062.83	8.1%
2021	\$15,166,384.83	\$14,059,683.40	\$1,106,701.43	7.3%
2022	\$17,350,044.83	\$15,550,830.33	\$1,799,214.50	10.4%
2023	\$5,184,662.86	\$4,278,710.64	\$905,952.22	17.5%
<b>Total</b>	<b>\$75,410,374.66</b>	<b>\$68,059,089.76</b>	<b>\$7,351,284.90</b>	<b>9.7%</b>

**Source:** Traffic cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

**Exhibit 17: Almost 11% of Fines for Criminal and Ordinance Cases Are Outstanding**

Year	Total Amount Assessed	Amount Paid	Amount Outstanding	% Outstanding
2018	\$1,434,942.52	\$1,295,963.69	\$139,978.83	9.7%
2019	\$1,792,394.55	\$1,597,171.96	\$195,222.59	10.9%
2020	\$613,919.30	\$517,669.11	\$96,250.19	15.7%
2021	\$662,748.01	\$622,121.01	\$40,627.00	6.1%
2022	\$864,042.89	\$772,209.59	\$91,833.30	10.6%
2023	\$248,623.76	\$203,935.76	\$44,688.00	18.0%
<b>Total</b>	<b>\$5,616,671.03</b>	<b>\$5,009,071.12</b>	<b>\$607,599.91</b>	<b>10.8%</b>

**Source:** Criminal and other ordinance cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

When defendants appear in court and resolve their cases, the court has greater than 90% compliance rate for financial compliance. One of the NCSC's CourTools performance metrics is for courts to monitor the management of financial legal obligations of defendants. Once a court has rendered a verdict, courts generally issue fines, which creates a compliance component to which defendants must adhere. The metric divides the number of cases with a rendered verdict for assessing financial obligations and the number of cases that have completed those obligations. Although NCSC does not have a target percentage, Exhibit 18 shows that the Municipal Court has a compliance rate of over 90% for financial obligations for all case types. While criminal cases had compliance rates over 90% from 2018 to 2021, there is a drop in compliance in 2022. Cases with decisions rendered in 2023 may not have had enough time to pay.

**Exhibit 18: Compliance with Financial Obligations – All Cases**

Year Court Decision Entered	Case Count	Cases Completed Financial Obligation	Percent
2018	71,748	67,253	93.7%
2019	100,857	96,007	95.2%
2020	47,521	46,244	97.3%
2021	75,420	73,964	98.1%
2022	86,313	83,584	96.8%
2023	47,879	43,497	90.8%

**Source:** All cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

**Exhibit 19: Compliance with Financial Obligations – Traffic Cases**

Year Court Decision Entered	Case Count	Cases Completed Financial Obligation	Percent
2018	62,869	58,952	93.8%
2019	89,054	85,004	95.5%
2020	44,595	43,468	97.5%
2021	71,308	70,013	98.2%
2022	79,703	77,247	96.9%
2023	44,189	40,044	90.6%

**Source:** Traffic cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

**Exhibit 20: Compliance with Financial Obligations – Criminal and Other Ordinance Cases**

Year Court Decision Entered	Case Count	Cases Completed Financial Obligation	Percent
2018	5,635	5,189	92.1%
2019	8,382	7,691	91.8%
2020	2,081	1,941	93.3%
2021	2,417	2,257	93.4%
2022	2,331	2,069	88.8%
2023	1,238	1,019	82.3%

**Source:** Criminal and other ordinance cases, Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

The court hears a reduced number of cases on particular days, called administrative days; however, some court cases are still scheduled on those days. Section 4-105 of the City Charter and Uniform Municipal Court Rule 3 authorizes the chief judge to set the hours of operation of the court and preparation of calendars deemed necessary and proper. The Administrative Days Policy is a COVID era policy. It did not exist until the court reopened during the COVID-19 pandemic. The policy was designed to allow for continuity of operations while the court complied with all of the COVID requirements, including the Council of Municipal Court Judges "Best Practices and Guidelines for Operating Municipal Courts During the COVID-19 Recovery."

Administrative days are workdays that the chief judge has set aside to hold a reduced number of hearings. The chief judge states that the administrative days are days where court staff typically use a higher amount of leave, such as days before holiday weekends. The administrative days allow for staff training and encourage staff to coordinate vacation leave on days with limited impact to normal court operations. The court is still open for defendants to pay citations. Additionally, judges are free to use and do use the days to have hearings on their calendars. We reviewed the administrative days calendar to determine whether cases were scheduled. There were 120 administrative days scheduled from October 2020 through the end of 2023. We found that there were court cases scheduled for every administrative day, for an average of 297 cases scheduled each administrative day for the dates within the timeframe of our data. Because administrative days tend to be on Fridays, we compared and found that administrative days were roughly half the typical case load for normal Fridays during the same period.

Untimely receipt of citations from APD delays ticket entry into the court's case management system and may lead to confusion for defendants, impacting customer service. APD issues citations using the Uniform Traffic Citation from the Georgia Department of Driver Services. Part of the citation contains a summons indicating when and where a defendant must go to adjudicate their citation (see Exhibit 21). Although APD officers do not have the ability to see court calendars when issuing citations, officers provide defendants with a court date and time. APD's procedures state that the court date should be no less than 60 days from the citation date. After providing the defendant with a copy of the citation, APD officers return the other copies to their precinct for collection—officers at the various precincts collect the citations and deliver the court's copy to the ticket intake team. APD's procedures state that tickets should be brought to the court the following business day.

When the Municipal Court receives untimely citations, the court's policies and procedures state that staff must expedite these noncompliant citations to attempt to accommodate the written court time. Municipal Court staff defines noncompliant tickets as those that are received within three weeks of the court date written on the ticket. When staff receive the ticket after the court date has already passed, or do not have enough time to enter the ticket into the system and place the case on the docket, court staff resets the case for a different date and mails a letter to the address on file for the defendant notifying the defendant of the new court date.

**Exhibit 21: Citation Instructs Individuals to Appear on the Ticket’s Court Date**

You are hereby ordered to appear in Court to answer this charge on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  AM  PM in the \_\_\_\_\_ Court at \_\_\_\_\_ City \_\_\_\_\_, Georgia

**SECTION IV SUMMONS**  
**NOTICE:** This citation shall constitute official notice to you that failure to appear in Court at the date and time stated on this citation to dispose of the cited charges against you shall cause the designated Court to forward your driver's license number to the Department of Driver Services, and your driver's license shall be suspended. (Georgia Code 17-6-11 and 40-5-56) The suspension shall remain in effect until such time as there is a satisfactory disposition in this matter or the Court notifies the Department of Driver Services.

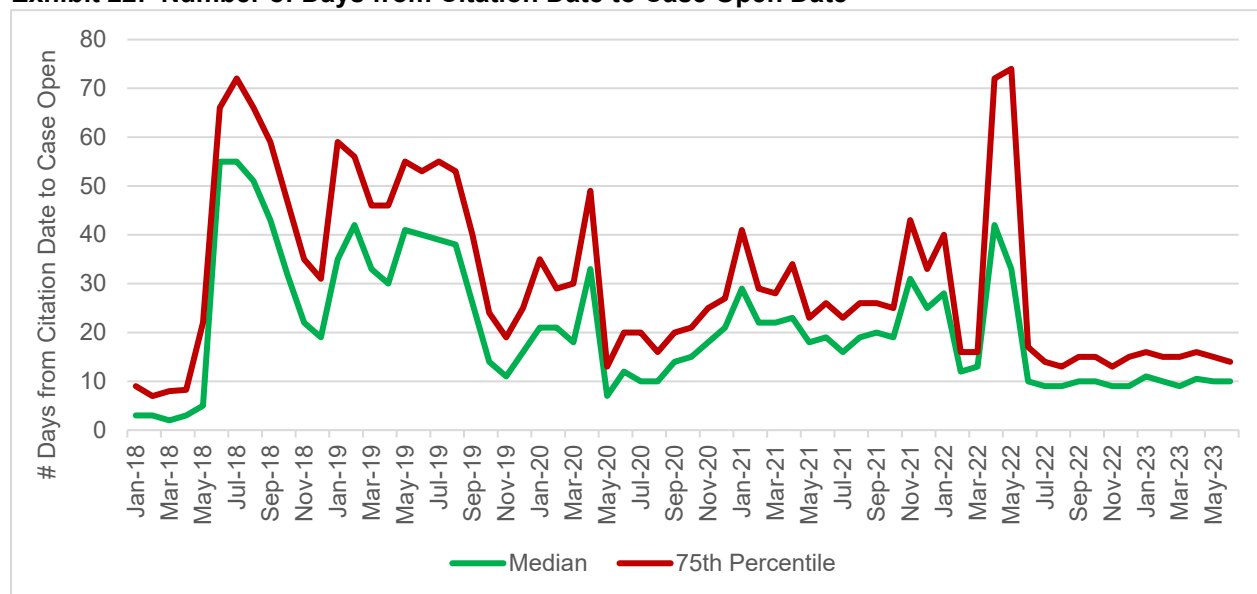
**SECTION III CITATION**  
 LICENSE DISPLAYED IN LIEU OF BAIL  YES  NO RELEASED TO \_\_\_\_\_ SIGNATURE ACKNOWLEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME  
 SIGNATURE \_\_\_\_\_

Source: Georgia Department of Driver Services website DDS-32

In our review of Benchmark data for case filings, we found a higher-than-average number of new cases during the months of April and May 2022. Court staff told us that these were citations that were delivered to the court in a batch, long after they had been written.

Exhibit 22 shows the median and 75<sup>th</sup> percentile number of days between a citation date and the date court staff filed the case. For April and May 2022, over 25% of cases filings were 70 days after the citation date which equates to more than 7,000 citations. In this event, it is likely that defendants had court dates on citations that had already passed before they reached Municipal Court. Defendants may have visited the courthouse on their court dates to find there was no case in the system. The result would be a negative customer service experience.

**Exhibit 22: Number of Days from Citation Date to Case Open Date**



Source: Benchmark Court Case Management Software, January 1, 2018, through June 5, 2023

We were unable to identify reliable data in Benchmark which tracks bench time for judges. In our 2011 audit of Municipal Court, we used court transcripts and video to identify the amount of time judges spent on the bench. Whether a courtroom regularly records court depends upon the judge. Defendants can specifically request video or written transcripts to preserve events for a potential appeal. We found that the data in Benchmark was dependent on clerks properly and timely entering information, and noticed inconsistencies, including inaccurate timestamps. The case management system contains features that are used in different ways by different courtroom staff rendering general conclusions difficult. We found the data to be unreliable to calculate bench time.

We were also unable to estimate revenue loss for cases bound over to state court or failures to appear. Bind overs do not result in revenue loss because the city cannot prevent defendants from exercising their right to a jury trial. The city does not track the outcomes of bound over cases. We also cannot calculate lost revenue for failures to appear; these cases have not been resolved; therefore, fines have not been officially assessed. The city can only reasonably recognize revenue owed upon the resolution of a case. Also, the court's mission is to "provide a neutral and responsive forum for the resolution of criminal and civil matters that preserves the rule of law and ensures due process to all defendants." Imposing fines, fees, and other financial obligations should be based on administering impartial justice, not generating revenue for a municipality.