COMMITTEE OF THE WHOLE MEETING
MONDAY, APRIL 2, 2018
NORTH AURORA VILLAGE HALL - 25 E. STATE ST.
(Immediately following the Village Board Meeting)

AGENDA

CALL TO ORDER

ROLL CALL

AUDIENCE COMMENTS

TRUSTEE COMMENTS

DISCUSSION

1. Local Adjudication
2. Local D.U.I. Prosecution
3. Draft Budget

EXECUTIVE SESSION

ADJOURN

Initials _____

INTEROFFICE MEMORANDUM

TO:	MAYOR BERMAN AND VILLAGE BOARD OF TRUSTEES
FROM:	DAVID C. FISHER, CHIEF OF POLICE
SUBJECT:	LOCAL ADJUDICATION
DATE:	MARCH 29, 2018
CC:	STEVEN BOSCO, VILLAGE ADMINISTRATOR

Issue

Staff would like to start a local adjudication program, rather than prosecute ordinance violations and certain traffic offenses through the circuit court system.

Discussion

Currently, all traffic tickets, and some ordinance violations where a subject requests a hearing, are being prosecuted either through the village attorney or the Kane County State's Attorney's office in the circuit court. On a typical prepaid $120.00 fine for a speeding ticket, the village will receive approximately $15.00 after the money is divided up amongst other entities. This process is complicated even more when a citation is prosecuted in court and a fine, plus court costs are assessed. Each time a case is prosecuted in the courts, fines from the violations are divided up among several different parties. There can be as many as eighteen categories that the fine is being separated amongst.

If the Village were to switch to an administrative hearing process to adjudicate, or settle, violations of Village ordinances, many of which are heard in the Aurora Branch Court, they would be held locally by a hearing officer. By doing this, the village would receive a larger percentage of the fine amount on each violation. Resolution to violations would also be expedited. The types of cases the hearing officer might hear are:

Police-issued citation (non-moving)

Parking tickets

Animal violations

Administrative tows and impound

The way we operate now, officers have to go to court each time a ticket is being contested. This means typically going to the Aurora Branch Court. With administrative hearings, cases are heard on a specific date at a pre-determined facility and officers do not have to appear. This would lower court costs and overtime for

the village. Fines from the ordinance violations and tickets would then come to the village and not be divided up amongst other entities

Staff received quotes from three different vendors for software that allows users to issue tickets, run reports, complete administrative tow paperwork, track tickets and hearing appearances, collect fines and send non-paid violations to collections. The following are the three software vendors:

DACRA

The DACRA company software contains everything in one system that is required to issue tickets, perform administrative tows, track tows, send owners/drivers paperwork for tows, track hearing information, and send unpaid fines to collections. The system would also replace an outdated electronic ticketing system currently used by the Kane County Clerk, which will no longer be in use soon. The system also combines police and code enforcement, should the village ever want to put both departments on the same system. The monthly cost for the DACRA system is $1,500.00, plus $2.00 for each citation and $2.00 for each case that receives a disposition at an administrative hearing. There is no additional cost for training and implementation. DACRA is also cloud based, so no server would need to be dedicated to running it. (See attached key features)

QUICKET

With Quicket, an additional module would have to be purchased for the adjudication platform, pushing the cost from $1,700 month for the electronic ticketing and crash reporting, to $2970.00 for everything needed to run the ticketing and adjudication process.

MSI

The combination for the Municipal Offense System (MOS) and Municipal Offense Violation Enforcement (MOVE) and mobile electronic ticketing would cost $1,050.00 per month, with one time fees for setup for $2,000.00 and training for $2,500.00.

Conclusion

Staff is seeking to adopt a system in which an administrative hearing process can be implemented by the Village. Staff is recommending using the DACRA software to run everything related to the process for the following reasons:

- Convenient Hearing Times

- Better Compliance-Fewer Warnings Written

- Relieves Overcrowded Circuit Court Dockets

- Contest by Mail/Internet

- Impartial-Independent Attorneys w/ Special Training

- Officer Need Not Be Present-Court Overtime Savings

- Fines Stay In Community

- Shifts Cost of Enforcement From Taxpayer to Violator

- Saves Officers Time

The other two systems would be either more costly, or does not have what would be required to run an effective adjudication system. DACRA is based out of Elgin and several area departments use the program (Kane County Recorder, Kendall County Clerk, Elgin PD, South Elgin PD, Hanover Park PD). Based on warnings and tickets written already this year, it is estimated the village could see approximately $146,352.00 in revenue by changing to this process. That is $57,347.00 more than last year under the current system.

- *What is "Administrative Adjudication?"*
  - An alternative to the circuit court system authorized by state statute, providing counties and local municipalities a more efficient way to prosecute a wide range of minor violations.
  - Frees up the circuit court to focus on more serious offenses.
  - Easier system to navigate for violators who wish to contest a citation.
  - Reduced fines with increased compliance through expedited resolutions.
  - Significantly reduces enforcement and litigation expenses.
  - Shifts cost of enforcement and prosecution from the average taxpayer to the voluntary violator.

- *Some Key Features of Administrative Adjudication*
  - An administrative hearing is a civil hearing, not a criminal proceeding.
  - Violations are punishable by fines, or community service, not incarceration.
  - Burden of proof is lower given the civil nature; preponderance of evidence vs. proof beyond a reasonable doubt.
  - Rules of evidence are different; Prima Fascie evidence is allowed and citation stands on its own.
  - Administrative Law Judge/Administrative Hearing Officer hears cases; ALJs are experienced attorneys required to undergo state mandated training to be professional, fair, and courteous. ,

- *An Effective Software Management System Creates Significant Efficiencies*
  - Electronic ticket entry with auto-population for officers improves accuracy
  - Electronic state ticket transfer to county reduces clerical workload
  - Paperless hearing room management allows for less adjudication staffing
  - Full process management speeds prosecution, increasing compliance
  - Online ticket payment integration increases collection of fines
  - Integration with finance department software speeds entry of revenue
  - Seamless interfacing with collections programs increases rate of collection

- *Case Study Statistically Demonstrating the Effectiveness of an Efficient System*
  - *$300,000 annual reduction in staff costs by reducing from 4.5 FTEs to complete certain administrative tasks down to 1.75 FTEs.*
  - *125% increase in compliance via increased citations issued*
  - *Rate of payment increased to 70% with 90% pay rate for admin tows*
  - *$1 million annual net revenue increase*

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Helping municipalities improve staff efficiency, reduce expenses,
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Key Features of Your
Dacra Municipal Enforcement System

Full E-Citation Capabilities

*No vendor can exceed your e-citation needs like Dacra. Our e-citation system was designed **for** officers and **by** officers. After all, who knows best what officers need to increase their safety by expediting a traffic stop or violator interaction? Dacra provides all ticketing needs; reducing entry time, improving data accuracy, and eliminating the confusion and errors with multiple paper ticket books.*

- **State Tickets**: State moving violations are printed for the respondent, and transferred electronically to your RMS as well as to the Circuit Clerk. State citations meet the standards of the Illinois Conference of Chief Circuit Court Judges, and are AOIC compliant.
- **Local Ordinance Tickets**: Available local ordinance citations including animal, parking, and property code violations with customized "back page" text for each citation type.
- **Administrative Tow Tickets**: Administrative tow impound citations and associated notices are created and printed in the system.
- **Warning Tickets:** Warning tickets for both adjudication and state violations can be created in Dacra, producing a record of prior offenses which gives officers important information when dealing with violators.
- **Must Appear Violations**: Citations can be set automatically by violation or via officer discretion as "must-appear" requiring the violator to be present for the administrative hearing.
- **Juvenile Violations:** If the violator is underage at the time of the citation, the system will automatically identify it as a "juvenile violation" thus ensuring exclusion from public reports or FOIA requests.
- **Racial Profile Reporting**: Dacra requires racial profiling data be completed for applicable state and adjudication violations with auto-population to reduce completion time. Proactive alert reports are included to provide a "heads up" for departments to avoid possible discriminatory practices.
- **Pedestrian Stop Cards**: Also included in the Dacra system are the automated entry of state-mandated pedestrian stop profiling data and the generation of the required pedestrian receipt.

Integrated Officer Safety Features

Stopping and pulling over a violator can be dangerous for both officer and violator. Dacra provides features specifically designed to reduce the length of time the violator and officer need to be at the side of the road.

- **Previous Violator History:** The system automatically shows the number of previous warnings and citations for the violator, providing better information for officer discretion and allowing auto-completion of data fields from those previous tickets, thus reducing both issue time and errors.
- **LEADS Data Integration**: Full LEADS integration with your CAD system, not ours, allows officers to auto-populate driver and vehicle data resulting in shorter traffic stops and elimination of common data entry errors.
- **Companion Tickets**: Additional "companion" violations for the same violator are completed in under 6 seconds!
- **Night Mode**: The system has a night mode, reducing screen brightness to help preserve officer night vision.

Tow and Impound Management Tools

Efficient and effective software can manage your entire vehicle tow process, eliminating costly mistakes and reducing citizen complaints. Dacra is that software. It can manage police tows and impounds from inventory search through final vehicle disposition.

- **Night Parking Permission Management**: Permissions are managed effortlessly with online self-reporting via your municipal web site to automatically receive permission to park. The system alerts the patrol officer when a vehicle has been exempted from the ban.
- **Abandoned Vehicle Tracking**: Issues and tracks abandoned vehicle notices, creating reports ensuring that timely follow-up is conducted on all complaints in compliance with local ordinance.
- **Police Tow Inventory Management**: Create and process tow receipts, vehicle search logs, concerned party notices, tow yard inventory audit logs, and ensures the timely issuance of a Certificate of Purchase.
- **Administrative Tows:** Dacra used built-in business logic to transfer the tow data seamlessly from the issuance of an administrative hold, through payment, and into the hearing ensuring due process.
- **Tow Holds:** Dacra was created with key processes in mind such as police tow "holds," restricting the release of a vehicle until the investigative, insurance, DUI and other holds are removed.

Police Record Keeping and Compliance Features

Accurate police record keeping is getting ever more complex in the era of big data. Dacra ensures the data is collected and ported to where it needs to be accurately, securely, and timely, freeing staff for more critical work.

- **Enhanced Search Capability**: Extensive search capabilities allow for complex, multi-rule data searches for comprehensive analysis.
- **Ensures Compliance with State Laws**: Hard coded business logic ensures compliance with statutes regulating citation issuance, notices, and hearing processes and produces "proof of compliance" for appeals.
- **External Connectivity to RMS**: When synchronized with your primary Records Management System, citation and violator data is electronically pushed, reducing data entry workload and increasing accuracy.
- **Citation Change Auditing**: Automatically audits changes to a citation after it has been issued, recording both original and changed values, the logged in user, and date and time of the change.
- **Address Range Validation**: The system tracks the valid upper and lower address ranges of every street, improving accuracy by ensuring the officer does not enter an address outside those ranges.
- **Pedestrian Stop Data Transmission**: Generates a pedestrian stop receipt and enables the automatic transmission of mandated pedestrian stop data to the state.
- **Racial Profiling Reports**: Generates all mandated racial profiling state reports for uploading. Racial profiling data can then be data-mined so as to identify any concerns and take preemptive corrective action.
- **Violator Data Expungement**: Effectively manages Illinois state expungement rules for certain violations to ensure compliance while maintaining the necessary data to ensure overall agency transparency.
- **Data Security is Critical**: Dacra utilizes secure architecture structure to ensure full CJIS compliance, you can be confident that your data is secure and kept shielded from intrusion through encrypted connections.
- **Web-Based Hosted Product**: Dacra is a hosted service with, secure, off-site backup data centers.

Administrative Adjudication Hearing Management

What makes Dacra unique is the sophisticated Administrative Hearing management it provides. Much more than an electronically delivered "docket", Dacra is the heartbeat of your hearings, transforming a complex paper based legal process into an entirely electronic system that manages your hearings with little operational overhead and provides a simple process for violators to navigate.

- **Multiple Hearing Locations and Times**: Citations can be automatically assigned to a particular hearing date, time, and location based on a predetermined algorithm.
- **Individual Dispositions**: The software allows the hearing officer to enter detailed case history notes and reasoning for dispositions, as well as issuing on the spot Findings, Decisions, and Orders.
- **Batch Processing**: Through the use of efficient batch processing, default liable dispositions and findings are issued by the hearing officer for all no-shows in just a few seconds.

Payment and Collections Management

Dacra streamlines the payment of violations and collections measures to ensure that your community collects fines and fees with the least amount of effort while maintaining audit and compliance notifications.

- **Ticket Payment Entry**: Dacra uses a web interface for ticket payment entry as well as generation of respondent receipts ultimately integrating with municipal finance/ERP systems to streamline data entry.
- **Automated Fine Escalation**: The system automatically monitors unpaid citations and escalates fines according to your local ordinance fine escalation schedule.
- **Parking Scofflaw Boot/Impound**: Dacra tracks vehicles with multiple unpaid violations and allows boot or impound notice for all vehicles associated with that violator per your municipal ordinance.
- **DL Suspension**: The system tracks violators with 10 unpaid violations and generates all state required notices to suspend their driver's license per state statute. Reinstatement notices are issued upon payment.
- **Collections Vendor Integration**: The final stage in any enforcement program is sending unpaid debts to collections and yes – even this has been automated through Dacra!
- **Your Violation Data Is Yours!!!** We believe firmly that your data is yours *without exception*. We do not limit your access to the data, nor charge you extra to retrieve it at any time.

TO:	MAYOR BERMAN AND VILLAGE BOARD OF TRUSTEES
FROM:	DAVID C. FISHER, CHIEF OF POLICE
SUBJECT:	LOCAL PROSECUTION OF DUI ARRESTS
DATE:	MARCH 29, 2018
CC:	STEVEN BOSCO, VILLAGE ADMINISTRATOR

Issue

Staff would like to start prosecuting DUI arrests with a local prosecutor, rather than through the state's attorney's office.

Discussion

Currently, all DUI arrests are prosecuted through the state's attorney's office. The assistant state's attorney sets all court dates for the officers who have to testify for each DUI. An officer's schedule is not taken into consideration when the court date is set. Often, several officers will get subpoenaed for a case, and the case will then get continued multiple times, resulting in multiple court appearances for the officer(s). This causes overtime, as well as disruption to the officer's schedule. Another issue by continuing to prosecute DUI arrests this way is that the fines violators have to pay as a penalty get divided up into at least twelve different areas. This significantly reduces the amount of fine money coming to the arresting police department. Typically, North Aurora is seeing an average of $350.00 per arrest.

If the village were to switch to a system of using a private attorney for local DUI prosecution, the attorney would be able to schedule court dates around each officer's schedule, thereby, reducing overtime costs and scheduling conflicts. Multiple appearances would not have to be made, as the attorney typically reaches an agreement on the DUI arrest during the first court appearance. The fine amounts also almost entirely come to the village. The amount does not get divided up like it does when the state prosecutes the case. Switching to local prosecution would allow the village to collect fines for violations under the Illinois Vehicle Code. Typically, a minimum DUI fine is $750.00, and reaches a maximum of $2,500.00. At present, the village sees very little revenue from the $350.00 per DUI, despite the extensive training and manpower hours dedicated to the task.

In 2017, the police department made 69 DUI arrests. Assuming a 100% conviction rate and the $350.00 fine assessment, the village would likely have seen approximately $24,150.00. Under local prosecution, considering a 100% conviction rate and an average fine of $1,625.00, the amount for the same 69 DUI arrests would have been $112,125.00 (before prosecutor costs).

<u>Conclusion</u>

Staff is seeking to use a local prosecutor for future DUI prosecution. By going to this system, the village can save money on court costs, officer's schedules can be taken into account for trials, and more fine money is received by the village. If approved, qualified attorney(s) will be presented to the board to act as the local prosecutor.