

# LFC HEARING BRIEF

**AGENCY:** Administrative Office of the Courts (218); Department of Transportation (805); Taxation and Revenue Department Motor Vehicle Division (333)

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*E-filing and electronic document management are fully integrated into Odyssey.*

*During the 2009 legislative session, e-filing was added to Section 34 of the New Mexico statutes.*

**Attorney complaints include:**

- *E-filing fees are too high;*
- *Fees will have to be passed on to clients;*
- *The fee is per document filed;*
- *The fee is per person served;*
- *It is difficult to register for the services;*
- *There is a fee to file pro bono cases.*

## SUMMARY

This report provides an update of the implementation of the case management system (Odyssey), corrective action taken on prior year suggestions for improvements or cost savings, electronic filing (e-filing) at the district courts; use of electronic citations (TraCS) by law enforcement agencies; and electronic sharing of data with the courts and the Motor Vehicle Division (MVD).

Although this status report is not considered a full information technology program evaluation and no findings are issued, suggestions for improvement and (potential) cost savings are provided.

Only one of the prior year's suggestions on the case management system has been implemented.

**Case Management System.** The Legislature appropriated a total of \$8.7 million in general fund revenues from 2007 through 2009 and almost \$1.8 million from increases in the civil filing fees at district and magistrate courts to replace the 10-year-old statewide case management system. Of the total \$10.5 million appropriated, \$8.3 million have been spent through October 31, 2010.

In FY10, the Administrative Office of the Courts (AOC) actually received \$816.8 thousand from the increase in civil filing fees, \$78.2 below the appropriation. In the first quarter of FY11, AOC has collected \$194.3 thousand from those fee increases. If the next three quarters remain equal to the first quarter, collections will decrease by \$39.6 thousand from the previous year and will be \$117.8 thousand below the appropriation.

Since the end of calendar year 2008, the AOC Judicial Information Division (JID) has implemented Odyssey in 12 district court and five magistrate court locations. The overall opinion of court staff in those courts remains highly positive. The 2<sup>nd</sup> Judicial District has been preparing its staff to convert to Odyssey since 2009. The first data conversion was highly successful with issues in only 13 out of 46,221 active files. The staff is ready and anxious to convert to Odyssey.

**E-Filing.** In FY99, the Judiciary made its first attempt to introduce e-filing to the district courts. Although the project showed promise, it was abandoned sometime after the pilot project.

***E-Filing and electronic document management will allow judges and court staff electronic access to case-related documents eliminating the need to use paper files.***

***TraCS was developed using Federal Highway Administration, Federal Motor Carrier Safety Administration and National Highway Traffic Safety Administration.***

***From August 2006 through November 2010, DOT has spent \$5.4 million on the statewide traffic records project.***

***The charge code table does not include motor transportation violations.***



Source: LFC Analysis

Legislators have anticipated the need to have e-filing and document management as an integral part of a statewide case management system and have allocated appropriations accordingly.

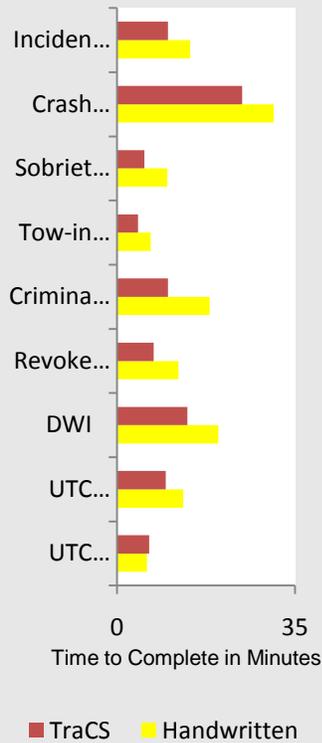
In November 2009, AOC and the 13<sup>th</sup> Judicial District entered into a third-party contract for e-filing services. Neither the Court nor AOC will pay for e-filing services because the fees collected will be shared: 18 percent to AOC and 82 percent to the vendor. AOC, however, did have to spend \$307.8 thousand for additional functionality, configuration, and licenses. In December 2010, the New Mexico Bar Bulletin published the 13<sup>th</sup> Judicial District’s intent to make e-filing mandatory starting July 1, 2010. The mandatory requirement has drawn objections from some of the attorneys practicing in the district. Some of the concerns expressed are valid; however, amending user documents, and providing directed training and disclosure will resolve those.

In September, a malfunction with the software caused more work for the clerks because e-filed cases did not to automatically docket into Odyssey. Even with this issue, e-filing can bring efficiencies to the courts.

Since July 1, 2010, the 13<sup>th</sup> Judicial District has received 9,600 e-filing envelopes, but it does not have information on the total number of cases filed electronically. The revenue generated for the first quarter was \$35.2 thousand, of which \$6,200 was deposited in the electronic services fund and \$29 thousand remained with the vendor. The 13<sup>th</sup> Judicial District is responsible for the \$1,800 in gross receipts taxes, incorrectly charged to attorneys.

**E-Citations.** The statewide traffic and criminal records project started in 2002 using the TraCS software developed by the Iowa Department of Transportation and currently used by 17 other states. The purpose of statewide traffic records, of which TraCS is a component, is to enhance the ability to provide and share traffic safety data. From October 2004 through September 2006, the Department of Transportation (DOT) conducted a pilot project with 52 officers from six law enforcement agencies (LEAs). Based on the outcome of the pilot, TraCS was approved for statewide use in November 2006 and is now used by 781 officers in 12 LEAs. TraCS reduces data entry errors by swiping personal information loaded into the driver’s license and using the Sentencing Commission’s charge code table to populate the citation.

**TraCS Evaluation  
Pilot LEA Time  
Savings**



Source: DOT TSB

A total of 320 State Police and Motor Transportation Division (MTD) patrol officers issued 255,000 citations in FY10. Of those, only 30 officers are equipped with TraCS. It will cost \$462.8 thousand to equip the remaining 290 patrol officers. In FY10, MVD used 2.5 person-years to enter 313,000 citations and court abstracts. In the same time period, the 54 magistrate courts used 4 person-years to enter 135,000 citations. Electronic sharing of citation information could save up to \$262.7 thousand annually.

**Conclusion.** Available technology is a tool that will allow state government to gain efficiencies, save money and operate with a smaller workforce, especially in austere budget times. Although all benefits of using technology for day-to-day operations or for information sharing cannot be fully quantified, there is no question that reducing or eliminating redundant data entry can save time and money.

Employing technology as a productivity and accuracy tool requires changes in the present mindset and business processes, and enthusiastic technology adoption. Odyssey and e-filing are powerful tools that will allow the courts to stay current even with reduced staffing levels or vacancies. Moreover, clerks within judicial districts can help each other without having to incur travel time and cost. E-filing can also provide savings to the public defender's office, the district attorneys and private practitioners as it is rolled out for other case types and in other districts. The deployment of e-citations to law enforcement officers and integration with the courts and MVD can immediately reduce data entry and provide cost savings.

Suggestions for improvements are summarized below. More specific suggestions are in the body of this report.

- Adopt the best practices from the Chaves Magistrate Court in all magistrate courts;
- Change business practices at the courts and AOC to take full advantage of technology and reduce costs;
- Provide attorneys more directed e-filing training including cost saving suggestions;
- Deploy TraCS to all State Police and MTD patrol officers;
- Complete the citation data repository and provide data sharing capabilities.

## **CASE MANAGEMENT**

The purpose of this report is to provide an update of the implementation of the statewide judicial case management system that replaced a 10-year-old system and automated existing manual processes. This report includes

- Software rollout, including appropriations and expenditures;
- Prior year corrective action;
- E-filing at the 13<sup>th</sup> Judicial District and training for its Bar members;
- E-citation pilot project at the Chaves Magistrate Court;
- Integration with the traffic and criminal records software; and
- Data exchange with the Taxation and Revenue Department Motor Vehicle Division.

### **Project Summary, Prior Year Corrective Action, and Suggestions for Improvement.**

Since this report is not considered a full information technology evaluation, no findings are issued and no responses are required. The report does, however, include suggestions for improvement that should be incorporated into the implementation of the system as it is implemented in other courts. Most of the suggestions reference changing business processes at the Administrative Office of the Courts (AOC), the courts and partner agencies.

*Project Summary.* The Administrative Office of the Courts Judicial Information Division (AOC – JID) embarked on statewide implementation of the new case management system (Odyssey) in all magistrate and district courts in 2007. In 2008, the Bernalillo County Metropolitan Court was added to the project. The (oversight) governance structure (JIFFY<sup>1</sup> and steering committee) is strong and representative of the different levels of courts. The project's management appears well-structured and -managed. Demands on the Judicial Information Division (JID) staff require JIFFY's continued assistance to prioritize projects and manage stakeholder expectations.

The Legislature appropriated a total of \$8.7 million from general fund revenues from 2007 through 2009, and almost \$1.8 million from increased civil filing fees, for the project. District courts and the Bernalillo County Metropolitan Court recognized the need for electronic content management and electronic filing (e-filing) capabilities and the Legislature appropriated a total of \$2.9 million for those initiatives from 2005 through 2008. The capabilities are fully integrated into Odyssey and other courts will be able to take advantage of that integration in the future. None of the previous appropriations for electronic content management or e-filing were wasted since all the work, technology, software, and knowledge can still be leveraged or used for the present project.

In 2009, with the state budget shortfall, the AOC requested and received from the Legislature a change in the state statute (Sections 34-6-40 and 35-6-1 NMSA 1978) to increase the civil filing fees by \$10 in the district and magistrate courts and the metropolitan court, which will be used to complete the statewide Odyssey rollout. In

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<sup>1</sup> JIFFY is the judicial information systems council.

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FY10, the AOC received \$816.8 thousand in revenue from the \$10 civil filing fee increase. The collections through the first quarter of FY11 are \$194.3 thousand. AOC anticipates that revenue in FY11 will remain the same as the FY10 levels; although, if collections in the next three quarters remain equal to the first quarter, collections will decrease by \$39.6 thousand from the previous year and \$117.8 thousand below legislative the appropriation. In the succeeding months, AOC may want to adjust the average collection down to allow for a more conservative budget. The table below shows the revenue and expenditures for Odyssey by fiscal year.

**Table 1. Case Management System Appropriations and Expenditures**  
(in thousands)

Purpose	Appropriation	Expenditures				Available
		FY08	FY09	FY10	FY11	
Case Management System Needs Assessment (Laws 2006, Chapter 109)	\$750.0	\$358.3	\$40.8	\$349.9		\$1.0
Case Management System Replacement (Laws 2007, Chapter 28)	\$6,000.0	\$1,769.6	\$2,055.9	\$2,171.0		\$3.5
Case Management System Replacement, including Metro (Laws 2008, Chapter 3)	\$2,000.0			\$781.1	\$405.7	\$813.2
Case management system support (Laws 2009, Chapter 124)	\$895.0				\$373.0	\$522.0
Case management system implementation (Laws 2010, Chapter 6)	\$895.0			\$0.0	\$0.0	\$895.0
<b>Total</b>	<b>\$10,540.0</b>	<b>\$2,127.9</b>	<b>\$2,096.7</b>	<b>\$3,302.0</b>	<b>\$778.7</b>	<b>\$2,234.7</b>

1. Actual collection in FY10 were \$816.8 thousand

Source: LFC Analysis

Of the \$10.5 million appropriated for Odyssey between 2006 and 2010, \$8.3 million had been spent as of the end of October 2010.

In the latter parts of 2008 and 2009, the AOC-JID staff and the case management contractor rolled out the system to two district courts in four counties and three magistrate courts in two counties (see rollout schedule at **Exhibit 1**). In 2010, the staff was able to roll out to three district courts in nine counties and two magistrate courts in two counties. The later roll outs had minimal contractor involvement. As more courts have been converted into Odyssey and gone live, the process has become more reliable, repeatable and stable. AOC-JID has compressed the rollout schedule with JIFFY's approval now that JID's base of knowledge is greater, and more courts are using Odyssey and their competencies have increased. Instead of a final implementation date of calendar year 2013, the rollout is now scheduled to be completed by the end of 2012.

Responses to survey questions posed to staff at the Chaves Magistrate Court and the 13<sup>th</sup> Judicial District show opinion of Odyssey continue to be highly positive. Separate interviews with the clerks indicated that the system is very easy to use, and that the clerks are becoming familiar and comfortable enough with the system to train each other. The clerks did point out areas needing improvement, which have been reported to JID. By way of example, Odyssey does not have a mechanism to alerts a clerk that a cash bond is outstanding on a closed case, so a cash bond can remain on the case indefinitely, requiring additional clerk time to review closed cases. Another illustration is that

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warrants are not automatically quashed nor is there a mechanism that a warrant remains open on a closed case, which could result in a person being wrongly arrested.

The 2<sup>nd</sup> Judicial District has been preparing its staff for the Odyssey implementation since 2009. A review of their implementation plan shows they have completed almost all the tasks except fully training staff and completing final data conversion. The first data conversion revealed problems with 13 out of 46,221 active case files. The 2<sup>nd</sup> Judicial District has been sending staff to other districts to have them become familiar with Odyssey. Staff is ready and anxious to convert to Odyssey. As with other courts, the 2<sup>nd</sup> Judicial District will see an initial productivity loss, but as all staff is trained and become fully comfortable with Odyssey, productivity will increase.

**Prior Year Review and Corrective Action.** The first review in 2009 had suggestions to improve internal controls, standardize processes, and realize productivity gains. Whether the suggestions were implemented or not these suggestions continue to be valid. The judiciary will not recognize productivity gains or strengthen internal controls if it does not implement the suggestions. The table below lists the suggestions, and whether or not the AOC or the court(s) have implemented each one.

**Table 2. LFC First Status Review of the Case Management System Implementation  
Status of Suggested Improvements**

<b>Suggested Improvement</b>	<b>Status</b>
Reengineer the business process at AOC instead of requiring magistrate courts to backdate receipts for interest earned.	Not Implemented
Address the outstanding balances at the district courts for discharged defendants, including using the Taxation and Revenue Department tax intercept program.	Not Implemented
Adopt a cost-effective written policy for handling overpayments at the magistrate courts.	Not Implemented
Standardize how overpayments are handled at district courts.	Not Implemented
Require magistrate court personnel to e-mail monthly reports as they go live on Odyssey to save postage.	Not Implemented
Require training evaluations and report results to JIFFY.	Implemented. Reporting to JIFFY is only for bad results
Consider sending out user satisfaction surveys six to nine months after go-live to assess if user needs are being met.	Not Implemented
Consider giving JID's management analyst access to SHARE to process vouchers and redirect AOC fiscal staff to other tasks.	Not Implemented

Source: LFC First Status Review

**Suggestions for Improvement and Savings.** Business processes should be re-engineered to take full advantage of the power of Odyssey. Staying with old business processes will prohibit the courts from fully achieving system and operational efficiencies. The Chaves Magistrate Court has made the following changes to its process and has become more efficient and saved money; these changes should be considered a best practice and instituted in other magistrate courts.

- Using list manager to create packets of required forms, docket case events and print all required forms quickly;
- Providing docket sheets, bench warrants, or arraignment lists to the defense and prosecution by e-mail instead of the U.S. Postal Service;

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- Having law enforcement notify the court of served warrants by e-mail;
- Calculating the six-month rule requirement before pre-trial hearing for quicker trial date settings; and
- Finalizing cases in the courtroom to reduce or eliminate caseload backlog, and reduce postage costs by providing notices, agreements-to-pay, release orders, etc. to the parties before leaving the courtroom.

Last year's status review showed future cost savings in postage, increased collection of fines and fees, and faster remittances to the AOC and money transfers to beneficiaries. These can only be realized if the old processes are re-engineered and changes in present mindset.

Other suggestions for AOC and the courts include:

- Requiring the AOC Fiscal Services staff to generate the Odyssey reports it needs in Santa Fe or allow courts to e-mail the reports instead of printing and mailing them in. At the Chaves Magistrate Court, postage costs to send in monthly reports available to AOC on Odyssey could go down from \$10 per month to about \$0.43 per month. Projected out to the other 54 courts the savings could be over \$10 thousand annually.
- Creating an electronic interface or electronic data transfer method between Odyssey and the MVD system to avoid paying postage to mail citation abstracts. The Chaves Magistrate court alone could save about \$260 per year on postage costs. The larger savings would be at MVD from data entry costs.
- Having Department of Transportation (DOT) complete the data repository for citations, so that citation information can be electronically transferred to the courts, instead of entering each citation by hand thus saving clerk time.
- Requiring District Attorneys, public defenders, and law enforcement agencies to adopt the Sentencing Commission's charge code table so that there is uniformity in statutory cites among the various partners.
- Adjusting the Odyssey budget to reflect that the decrease in civil filing fees will not be equal to the appropriation.

## **ELECTRONIC FILING**

In FY99, the judiciary made its first attempt to introduce electronic filing (e-filing) in the district courts. A pilot project at the 11<sup>th</sup> Judicial District used software from the United States District Court for the District of New Mexico, modified for state courts' needs. The software, however, could not support electronic filing at multiple court locations. Sometime after the pilot project, it was abandoned although it did show some promise.

The case management appropriations since 2006 anticipated the need to have electronic filing and electronic content management as an integral part of any statewide case management system, and have required interfaces to both, at a minimum.

During the 2009 Legislative session, Section 34 of the New Mexico statutes annotated was amended to provide for electronic filing. Section 34-1-11 NMSA 1978 provides for

- Creation of an electronic services fund;
- Appropriation of the fund by the Legislature;
- Establishment of a reasonable electronic services fee to cover the cost of filing, access and ancillary services; and
- Entering into agreements for e-filing services, fee collection, and remittance to the AOC.

In November 2009, AOC and the 13<sup>th</sup> Judicial District signed a third-party contract to procure a fully integrated electronic filing system. The plan was to use the courts in Sandoval, Cibola, and Valencia Counties as pilot sites, starting with civil cases and then moving ahead with other case types as the system became more stable. According to the contract, the services were to be available by November 17, 2009. The contractor is responsible for collecting the fees and transferring them daily using an automated clearing house account. Another part of the contract calls for quarterly payments to AOC. Gross receipts tax, according to the contract is the responsibility of the 13<sup>th</sup> Judicial District. Neither the Court nor AOC will pay for implementation of the services because \$5.00 from e-filing and service only fees and \$8.00 from the "e-file and serve" fee will be retained by the contractor as compensation. However, AOC did pay \$307.8 thousand for additional functionality, configuration, and licenses associated with e-filing.

The December 14, 2009, New Mexico Bar Bulletin published the 13<sup>th</sup> Judicial District's intent to make e-filing mandatory starting July 1, 2010. It also informed attorneys that up until June 30, 2010, they could register and file pleadings at no cost. It encouraged attorneys to read the online guides and to attend online training.

As part of the e-filing pilot, the 13<sup>th</sup> Judicial District drafted an electronic filing rule (LR13-411), which the Supreme Court provisionally approved on June 23, 2010, for all cases filed on or after July 1, 2010.

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The e-filing system allows attorneys to file all pleadings electronically after the initial pleading (complaint or petition). The filing date is extended beyond the court's normal business hours to 11:59:59 PM. Attorneys can also file on weekends and holidays if they wish. The fees to file documents electronically in compliance with LR13-411(B) are

- \$6.00 per transmission of one or more (case-related) documents filed;
- \$6.00 per transmission to serve one or more previously electronically filed (case-related) documents on one or more persons or entities; and
- \$10.00 per transmission to file and serve one or more (case-related) documents and to serve on one or more persons or entities.

The electronic filing rule has a caveat that requires attorneys to pay a \$5.00 per page scanning fee plus the e-filing fee for pleadings filed in person. The per page scanning fee plus the e-filing fee will be substantially more than the e-filing fee alone.

The mandatory requirement to file all documents electronically for a fee has drawn objections from some attorneys in the 13<sup>th</sup> Judicial District. Solo and firm practitioners believe that the fees are too high. The fees will have to be passed on to their clients who are usually from lower income brackets. Other attorneys believe that the filing fee is per pleading and that the fee for electronic service is per person or entity. Another attorney thought that he would be required to pay for the services on pro bono cases. Still others complain about the difficulty of registering with the service and filing documents online. Although some of these issues have merit, all can be resolved by amending user documents, providing directed training, and disclosure of electronic filing requirements.

Discrepancies were found when comparing the contractor's user guides to the local rule. The filing fees in the contractor's guide were lower. The rule includes both the portion designated as revenue to the AOC and the amount of compensation for the contractor to provide the services. The contractor's guide also mentions a 3 percent service fee that is not defined anywhere, but turns out to be the gross receipts tax that, according to the contract, should be billed separately to the 13<sup>th</sup> Judicial District and not assessed to the filing party.

The contractor's user guides refers to a filing envelope, but it never defines the term and does not inform the filer that numerous case-related documents can be included in the envelope (transmission), which is similar to a physical envelope that can contain numerous case-related documents. By including numerous case-related documents in one envelope, attorneys can save money. For pro bono cases, the attorney needs to create a separate account. When providing pro bono services, the attorney uses the pro bono account and no payment will be required for filing and process.

Additionally, none of the user guide information provides for alternative filing methods if the e-filing system is not available, an attorney does not have sufficient bandwidth to file documents, or does not have access to an Internet service. However, the 13<sup>th</sup> Judicial District administrator did indicate that the court would work with attorneys to file documents, so as not to negatively impact them.

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The contractor's online training is a 10-15 minute walkthrough of the system screens, including a question and answer session, but no hands-on training is provided. Staff at the 13<sup>th</sup> Judicial District will and do provide more focused training and assistance, if it is requested.

Since July 1, 2010, the 13<sup>th</sup> Judicial District has received 9,600 e-filing envelopes, but it does not have data on the total number of electronically filed cases. The revenue generated in the first quarter is \$35.2 thousand of which \$6,200 goes to the electronic services fund and \$29 thousand goes to the vendor. The 13<sup>th</sup> Judicial District is responsible for \$1,800 in gross receipts taxes that were incorrectly charged to attorneys.

In September 2010, a software malfunction at the e-filing pilot courts caused e-filed cases to not immediately docket case pleading into Odyssey when they were accepted by the clerk. This increased the workload for the clerks in Sandoval County since the documents had to be scanned and docketed manually. Even with this issue, e-filing can bring efficiencies to the courts.

The 13<sup>th</sup> Judicial District has already employed an in-state travel cost saving measure. Because Odyssey and e-filing are available to all the clerks in the district regardless of physical location, the clerks in Cibola County were able to help the clerks in Sandoval County with the case processing backlog without having to incur travel costs.

Another efficiency measure that the courts can adopt is electronic document management, which would allow for imaging of active and inactive files. Odyssey has fully integrated electronic content management capabilities. At the 13<sup>th</sup> Judicial District, civil case types that are not e-filed and criminal cases are scanned and made part of Odyssey. Judges and court staff have electronic access to all case-related documents eliminating the need to use paper files.

New approaches to records management will need to be created for retention and preservation. The retention for civil and criminal cases is permanent. However, if documents filed with the court are available in an imaged format (and backed up in multiple locations), and considered the permanent record, then paper files could be destroyed within 30 - 60 days after the pleading is filed and imaged. This would eliminate the need to rent storage space for case files, reduce the amount of time staff spends locating and pulling requested case files and save money on storage supplies. When e-filing is added at the 2<sup>nd</sup> Judicial District, more of the documents will be made part of the case management system, immediately allowing time to image active and inactive files. As a long-term statewide records retention and management solution, the State Commission on Public Records will need funding to implement a statewide central electronic records repository concomitantly.

**Suggestions for Improvement and Savings.** E-filing at the district courts promises to provide filing efficiencies by reducing the need to docket case events separately from the filed documents, and by reducing the need for maintaining paper-based files. To quantify

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the potential savings, courts will have to gather data on the cost of supplies, storage, and clerk time to access physical files.

The business process change will involve a change in how clerks, judges, and attorneys handle cases. Instead of having a paper case file before the judge, there will be a computer screen with the requisite documents available. Instead of serving opposing counsel by mail, or process server, service can be made electronically. Instead of standing in line or hiring a courier to file case documents, attorneys and legal staff can do so from their office.

AOC-JID and the 13<sup>th</sup> Judicial District could adopt the following suggestions so that courts using or contemplating use of electronic content management and e-filing will not encounter the same issues.

- Have the contractor assess what went wrong when the e-filing system and Odyssey were unable to properly communicate and fully document the issues and solutions;
- Share the assessment with other courts contemplating adopting e-filing in their courts and with JIFFY;
- Have the vendor amend the user guide to include the business process changes for New Mexico courts or create one specifically for e-filing in New Mexico courts with business practices and suggestions for attorneys, and have the vendor post it on its website;
- Have court staff attend the online training to ensure that attorneys and their staff are receiving full and relevant training from the vendor;
- Provide suggestions about filing multiple case-related documents in one envelope and having a separate account for pro bono cases;
- Work with the Supreme Court Mandatory Continuing Legal Education to potentially provide CLE credits on e-filing to attorneys;
- Require judges to use electronic records and move away from reliance on paper documents; and
- Work with the State Commission on Public Records to allow the electronic record to become the permanent record.

To assist with the retention and preservation of records in an electronic format, the Legislature should consider funding the State Commission on Public Record's request for a centralized electronic records repository.

**ELECTRONIC CITATIONS AND CRIMINAL REPORTS**

The statewide traffic and criminal records project started in 2002 when the Department of Transportation (DOT) took over configuration and deployment of the Traffic and Criminal Records System (TraCS) project from the Taxation and Revenue Department. The statewide traffic records system project uses the TraCS software developed by the Iowa Department of Transportation with funding from the Federal Highway Administration, Federal Motor Carrier Safety Administration and the National Highway Traffic Safety Administration. The software currently is used by 17 states. The purpose of the statewide traffic records system is to enhance the ability of traffic records agencies to provide and deliver timely, accurate, complete, uniform, and accessible traffic safety data to address traffic-related concerns and make improvements.

The sub-projects for statewide traffic records are traffic citations (TraCS), a data repository (distribution center), crash system improvements, ignition interlock and enhanced reporting. The components for the records system are shown in the following table. Crash data reporting is the pivotal component for funding is the most important to DOT.

**Table 3. Statewide Records System Components**

Major components	Other components
Crash data	Interlock database
Citation & adjudication data (DWI as an expanded subset)	Medical Investigator (traffic fatalities)
Vehicle data	State Lab (toxicology & alcohol testing)
Driver data (license & history)	
Roadway data (characteristics and traffic volume)	
Injury surveillance (EMS, Emergency Department, Hospital)	

Source: TRACS Strategic Plan

From October 2004 through September 2006, DOT conducted a pilot project with 52 officers from six law enforcement agencies to establish that a standard and uniform system could be used by the various law enforcement agencies. Based the pilot project outcome, in November 2006, the statewide traffic records coordinating and executive oversight committees approved TraCS for statewide use.

The project was, and continues to be, funded by federal traffic safety grants to the DOT Traffic Safety Bureau. From August 2006 through November 2, 2010, DOT expended approximately \$5.4 million to develop traffic and criminal forms, deploy the software to law enforcement agencies, and provide user help. In 2007, DOT set aside \$4.5 million for TraCS phase I to rollout out to more law enforcement agencies, and \$1.8 million for a data repository (data distribution center). A dispute between the contractor and DOT resulted in a lawsuit (Bency and Associates, LLC vs. State of New Mexico Department of Transportation Case Number: D101CV20102261) halting completion and implementation of the data repository. The contract was cancelled in September 2010. Additionally, the state employee hiring freeze prevented DOT from filling critical positions that would have been assigned to the project.

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The major initiatives of the project were law enforcement data collection and electronic transfer of records to the agencies that use the information as part of their core functions. The agencies whose core functions will benefit the most from TraCS are:

- State, county and municipal law enforcement agencies;
- Taxation and Revenue Department Motor Vehicle Division (TRD-MVD);
- Department of Transportation Traffic Records Bureau; and
- Magistrate courts and the Bernalillo County Metropolitan Court.

**Law Enforcement Citation Issuance.** In New Mexico, 781 officers in 12 law enforcement agencies are using TraCS, and two agencies are using the University of Alabama's e-Cite software. Those officers collectively issued 100,015 citations in 2009. The TraCS citations currently reside in 14 separate servers with no easy way to share the information with partner agencies or for DOT to easily perform analytics.

The State Police and Motor Transportation Division (MTD) officers issued over 231,000 and 255,000 citations in FY09 and FY10, respectively. Patrol officers using TraCS no longer write in a violator's personal information because swiping the person's driver's license through a magnetic stripe reader automatically populates the information onto the citation, making it easier to read and reducing errors. Additionally, loaded into TraCS and Odyssey is the Sentencing Commission's charge code table, which eases the entry of violations onto the citation and makes the charges in both systems uniform. The charge code table does not include motor transportation violations (Chapter 65-2A NMSA 1978), which impacts the 10 MTD officers currently using TraCS and the remaining 85 future users. State Police officers issuing paper citations use a "Penalty Assessment Misdemeanor Schedule of Assessments" (schedule) as an easy look-up guide for statutory violations. The schedule does not include the Sentencing Commissions' charge codes, requiring the courts and MVD to guess as to which violation the officer is referring. For example Section 66-7-301 NMSA 1978 refers to 16 speeding violations, depending on speed or if the offense is committed within a construction zone. By contrast, the charge code table differentiates each violation using a unique charge code.

Section 66-8-128 NMSA 1978 requires the citation to include a notice to appear and a penalty assessment notice; with a place for the signature of the violator agreeing to pay the prescribed penalty assessment. The signature requirement is posing a technical and potential safety problem for officers. The link between the TraCS software and the signature pad is not strong enough to reach from the officer's vehicle to the violator's vehicle, requiring the violator to approach the officer's vehicle to sign the citation. Other states no longer require a signature. For example, Washington simply removed the signature requirement. Removing the requirement of the violator's signature will eliminate the technical and officer safety issues, and will reduce the cost to equip an officer but will require an amendment to the statute. The cost to equip the remaining 290 State Police and MTD patrol officers is \$462.8 thousand.

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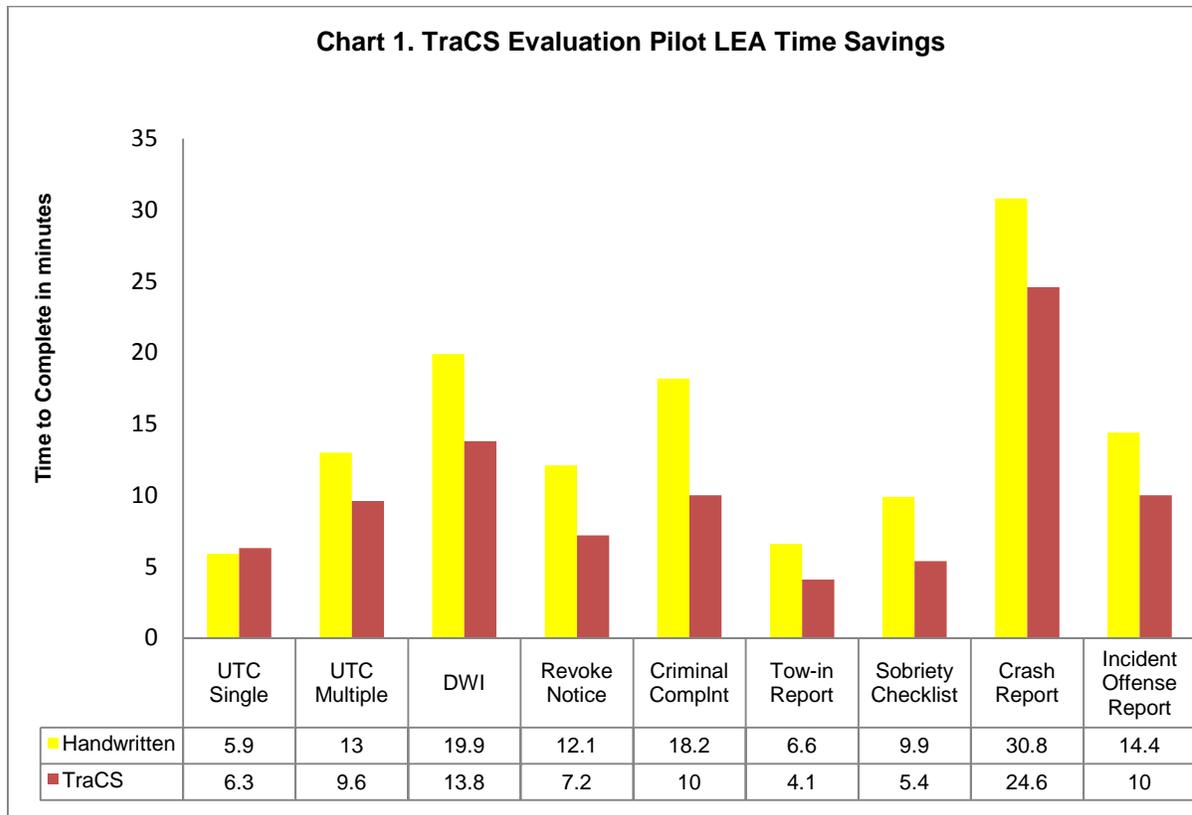
The number of citations issued by TraCS-equipped officers increased from 16 in 2004 to 87,848 in 2010. The increase is partly reflective of the gradual increase in the number of officers using TraCS from 52 in 2004 to 781 officers today. Although the number of citations issued by State Police and MTD officers has increased, the number of officers using TraCS is minimal (30 out of 320 filled positions). The most dramatic increase is in Dona Ana County where Sheriff’s office-issued citations have gone from 562 in 2008 to 39,000 in 2009. The current count for 2010 indicates that the number will continue to increase. The table below shows statistics on all forms law enforcement officer issued using TraCS from 2004 through 2010.

**Table 4. TraCS Citations and Forms  
Aggregate Totals for all Participating Law Enforcement Agencies**

Year	Uniform Traffic Citations	DWI Citations	Tow Reports	Criminal Complaints	Incident Offense Reports	Crash Reports	DWI I/O Reports	Totals by Year
2004	16	0	0	0	0	0	N/A	16
2005	1,862	3	0	0	0	0	N/A	1,865
2006	14,399	1,020	112	215	178	209	N/A	16,133
2007	17,302	2,437	34	978	353	1,182	N/A	22,286
2008	31,941	2,302	466	1,984	838	3,350	N/A	40,881
2009	95,738	4,277	2,543	2,371	2,458	5,821	0	113,208
2010	87,848	1,724	2,376	1,292	2,994	4,813	3	101,050
<b>TOTAL</b>	<b>249,106</b>	<b>11,763</b>	<b>5,531</b>	<b>6,840</b>	<b>6,821</b>	<b>15,375</b>	<b>3</b>	<b>295,439</b>

Source: DOT Traffic Safety Records

Based on the outcome of the pilot conducted from October 2004 through September 2006, law enforcement agencies can save time using TraCS to capture traffic-related data. The evaluator reported that an average time savings of 30 percent for LEAs would likely increase as officers became familiar with the more complex reports. The chart below shows the time savings going from handwritten citations and reports to using TraCS.



Source: DOT Traffic Safety Bureau

**MVD Citation Processing.** In FY09 and FY10, TRD-MVD processed over 411,000 and 313,000 citations, respectively, including penalty assessments paid directly to MVD and citation abstracts received from the courts on convictions. The citations and abstracts had to be manually entered into the MVD system. Based on data entry observation, it takes an MVD clerk on average one minute per citation or abstract to enter the data into the system if there are no problems with the citation. If the clerk runs into problem and a manager gets involved, it can take up to five minutes or more. The time to enter the citations and abstracts in FY09 and FY10 is equal to 3 and 2.5 person-years, respectively.

Section 66-2-7 NMSA 1978 allows the Motor Vehicle Division to copy or abstract records in paper, **electronic**, microfilm, optical or other formats. Section 66-8-128 NMSA 1978 allows MVD to **prescribe one or more electronic versions of the uniform traffic citation**, and these electronic versions may be used in the issuance of citations. Additionally, if any entity wishes to submit uniform traffic citations by electronic means to the MVD, it must secure the prior permission of MVD. Section 66-8-135 NMSA 1978 requires every trial court judge to prepare and forward to the department an abstract of the record. With the prior approval of the department, the **information required may be transmitted electronically** to MVD.

MVD does not require the courts to send citation abstracts on dismissals or on deferred sentences that are later dismissed. In FY09, the magistrate courts dismissed 37 percent of traffic, DWI misdemeanor, and DWI felony citations, none of which needed to be sent to

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MVD. Cases can have multiple citations so the number of citations could exceed 41,000 in 2009.

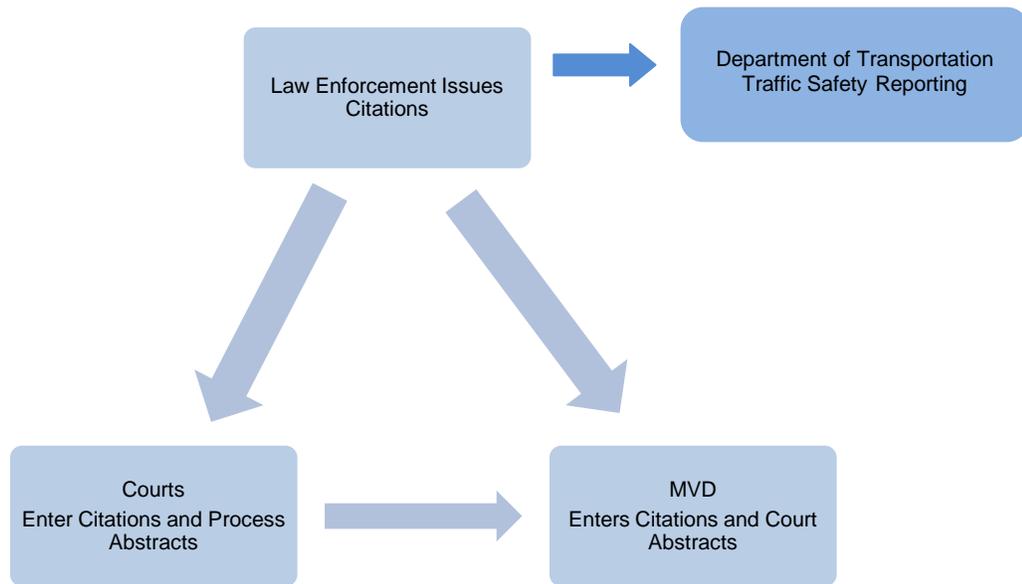
Although MVD staff and management have expressed a preference to receive the data electronically from law enforcement and the courts to save over 2.5 person-years, they continue to require citation and abstract images. Even though there will be a reduction in data entry time, TRD may not be able to reduce the number of clerks because these individuals also process tax returns that are not e-filed. MVD is in the process of replacing its vehicle and driver computer system and has included the requirements for the data exchange in its project.

**AOC e-Citation Project.** The judiciary's 54 magistrate courts in 33 counties processed over 150,000 and 135,000 citations in FY09 and FY10, respectively. AOC-JID launched a pilot project in 2009 in the Chaves Magistrate Court in Roswell allowing three State Police officers and one MTD officer to issue citations electronically using the University of Alabama e-Cite software. The project was started as a pilot because the DOT TraCS project appeared to be at a standstill, and the court wanted to alleviate the data entry workload on its clerks by not entering citation information. The University of Alabama e-Cite software is used by all Alabama law enforcement agencies and is being deployed in Arkansas, as compared to TraCS, which is used in 17 states.

Based on data entry observation, it takes an experienced court clerk on average three minutes to enter a single citation into Odyssey. Electronic data transfer from TraCS into Odyssey would save up to 4 person-years.

***Integration of TraCS, Odyssey and the MVD System (Milagro).*** The graphic below shows the flow of a citation from the law enforcement agency to MVD and the courts, and from the courts to MVD. Data transfer remains paper-based and requires the various state agencies to manually enter the information. The purpose of the statewide traffic records system was to capture a small amount of data manually, and electronically share traffic information thereby reducing duplicate data entry.

Graphic 1. Citation Flow



Source: LFC Analysis

**Cost Savings and Efficiencies.** A value proposition describes the quantifiable benefits that can or will be derived from using a product or service. According to DOT, the value proposition for the data repository (distribution center) is workflow automation, accurate and timely information, and enhanced decision making. In September 2010, AOC and DOT signed a memorandum of understanding to build the electronic interfaces with law enforcement agencies that use TraCS, starting with the Dona Ana Magistrate Court in Las Cruces since it is the court with the largest number of TraCS citations. The interface will assist with the development of the data repository for e-citations.

Even though DOT has not quantified the value proposition of the data repository for workflow automation, accurate and timely information and enhanced decision making, the efficiencies that can be gained by entering the data once and sharing it many times are very high. Law enforcement agencies, the Courts, MVD and DOT will all benefit from a data repository. Law enforcement agencies will be able to centrally collect and report statistical information and institute programs targeting areas with high traffic incidents. MVD will be able to keep driver records up-to-date with a driver's current activity and save clerk time by not having to enter citation information. The magistrate courts and the Bernalillo County Metropolitan Court will save clerk time by not having to enter citation information by hand into the Odyssey. DOT will be able to easily report crash data to the National Highway Traffic Safety Administration and report performance measures to comply with federal funding requirements.

The table below quantifies the benefits from reduction or elimination of data entry by the courts and MVD. The overall savings to New Mexico is over \$262.7 thousand annually.

**Table 5. Average Citation Processing Time**

Agency	Number of Citations	Minutes	Hours	Weeks	Annual Savings
MVD	313,350	470,025	7,834	151	\$117,350
Courts	135,392	406,176	6,770	169	\$145,343

Source: LFC Analysis

In addition to savings in staff time, the courts can also save on postage by no longer having to send abstracts to MVD by mail.

**Suggestions for Improvement and Cost Savings.** Below are suggestions for improvement and cost savings for each of the citation partners.

Department of Transportation:

- Deploy TraCS to entire law enforcement agencies instead of to just a few officers at a time;
- Consider deploying TraCS to all the State Police and MTD officers; and
- Complete the data repository and provide data-sharing capabilities with citation partners.

Administrative Office of the Courts:

- Request the Department of Public Safety add the Sentencing Commission charge code to the “Penalty Assessment Misdemeanor Schedule of Assessments” as an interim measure until all State Police are using TraCS;
- Work with the Sentencing Commission to update the charge code table to include motor transportation violations; and
- Work with MVD to transmit citation abstract information in the MVD-prescribed format.

Motor Vehicle Division:

- Establish a time certain to stop requiring citation and citation abstract images and focus on receiving data electronically.
- Introduce legislation in cooperation with DOT and AOC to remove the signature requirement on traffic citations.

Law Enforcement Agencies:

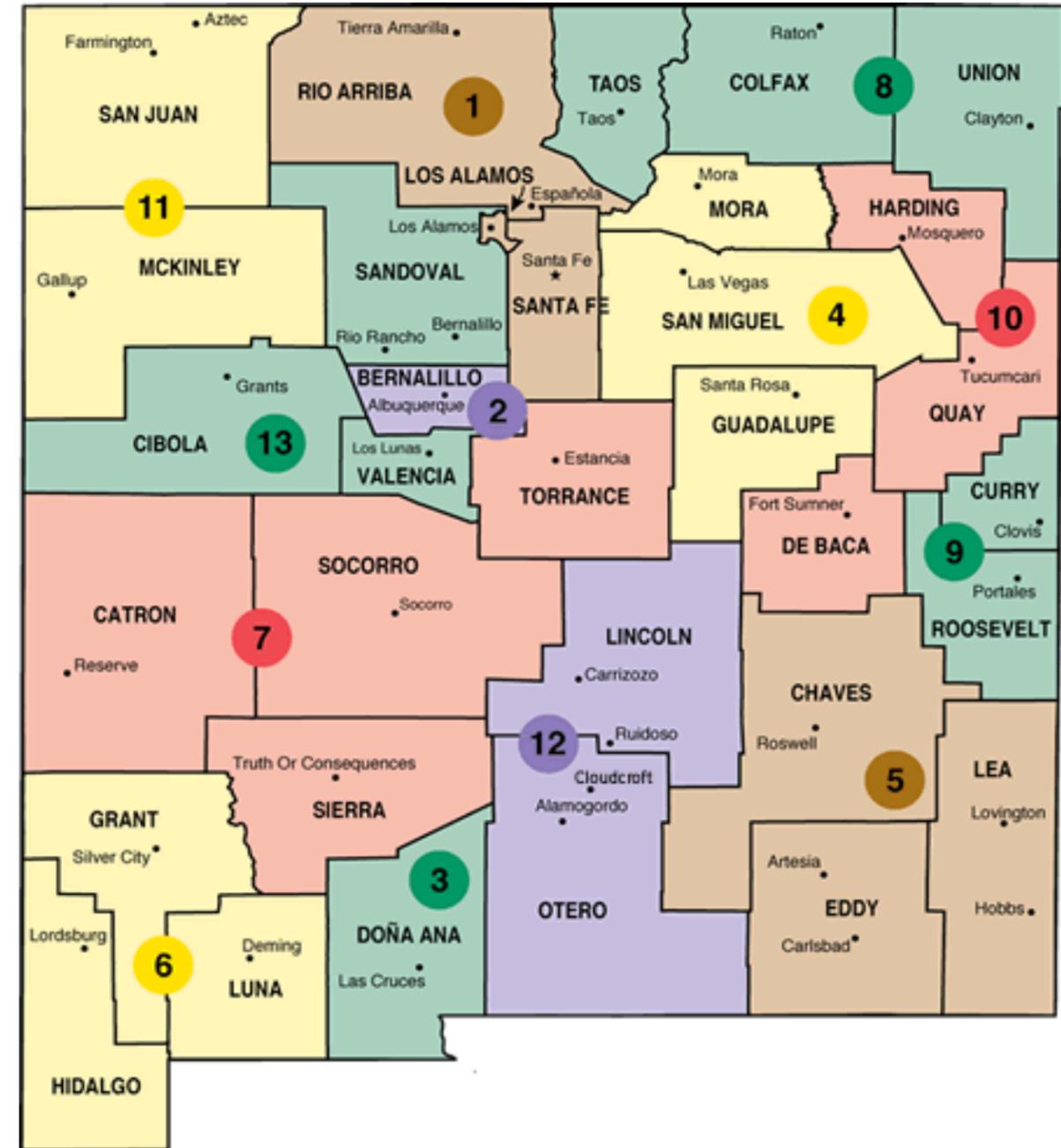
- Add the Sentencing Commission charge code to the State Police’s “Penalty Assessment Misdemeanor Schedule of Assessments.

Case Management System (Odyssey) Revised Rollout Schedule

Judicial Districts and Counties

Year	Quarter 1 District/County - Location	Quarter 2 District/County - Location	Quarter 3 District/County - Location	Quarter 4 District/County - Location
2008 & 2009	4 <sup>th</sup> Las Vegas Mora Guadalupe	Torrance Moriarty Estancia	Chaves Roswell 5 <sup>th</sup> Roswell	
	7 <sup>th</sup> Estancia Reserve Socorro T or C	San Juan Farmington Cibola Grants	13 <sup>th</sup> Grants Bernalillo	5 <sup>th</sup> Carlsbad Lovington 13 <sup>th</sup> Los Lunas
2010	San Juan Farmington	13 <sup>th</sup> Grants		
	1 <sup>st</sup> Los Alamos Santa Fe Tierra Amarilla	2 <sup>nd</sup> Albuquerque	Dona Ana Las Cruces Hatch Anthony	Rio Arriba Chama Espanola Los Alamos Los Alamos San Juan Aztec Taos Questa Taos Santa Fe Santa Fe Pojoaque San Miguel Las Vegas Mora Mora Guadalupe Santa Rosa
2011	10 <sup>th</sup> Ft. Sumner Mosquero Tucumcari		Lea Eunice Hobbs Jal Lovington Eddy Artesia Carlsbad Lincoln Carrizozo Curry Clovis Roosevelt Portales	
2012	Catron Quemado Reserve	Union Clayton	8 <sup>th</sup> Clayton Raton	3 <sup>rd</sup> Las Cruces
	Socorro Socorro	Colfax Raton Springer	9 <sup>th</sup> Clovis Portales	6 <sup>th</sup> Lordsburg Deming Silver City
	Otero Alamogordo	DeBaca Ft. Sumner	11 <sup>th</sup> Gallup Aztec Farmington	12 <sup>th</sup> Carrizozo Alamogordo
	Lincoln Ruidoso	Harding Roy		
	Hidalgo Deming Lordsburg	Quay Tucumcari		
	Grant Bayard Silver City	McKinley Gallup Bernalillo		
	Sierra T or C	Sandoval Cuba Valencia Belen Los Lunas		

Source: Odyssey Project Manager



Source: JEC