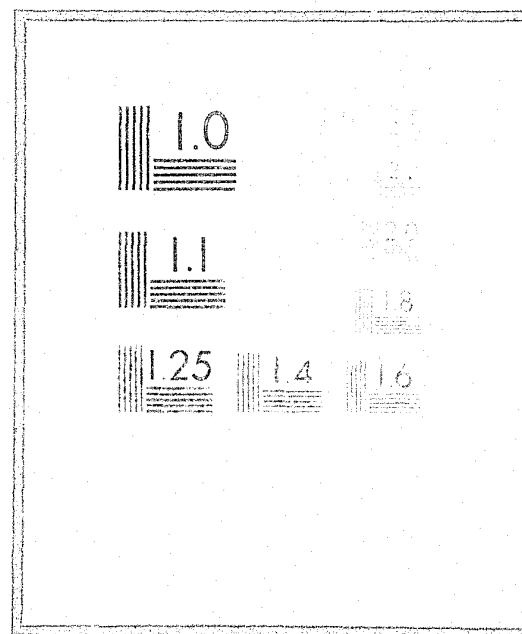


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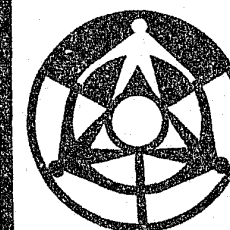
U.S. DEPARTMENT OF JUSTICE
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NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

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THE FEASIBILITY OF UTILIZING A COMPUTERIZED
MICROFILM SYSTEM FOR RECORDS MANAGEMENT
IN MIDDLESEX COUNTY, NEW JERSEY
PHASE I



THE AMERICAN UNIVERSITY
CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
Institute for Advanced Studies in Justice
The American University Law School
Washington, D.C.

A Program of the
Office of Regional Operations
(Adjudication Division)
Law Enforcement Assistance Administration
U.S. Department of Justice



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IN MIDDLESEX COUNTY, NEW JERSEY

PHASE I

July, 1973

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MAR 8 1977

ACQUISITIONS

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Law Enforcement Assistance Administration Contract Number: J-LEAA-043-72

This report was prepared in conjunction with the Institute's Criminal Courts Technical Assistance Project, under a contract with the Law Enforcement Assistance Administration of the U.S. Department of Justice.

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I. INTRODUCTION

A. Background of Consultation

At the initiative of the coordinator for court management information systems of the Middlesex County (New Jersey) Criminal Justice System, technical assistance was requested to determine the feasibility of using a computer driven microfilming storage and retrieval system to deal with the record management problems of the county's criminal justice departments and agencies. This request was forwarded through appropriate LEAA channels to the Criminal Courts Technical Assistance Project at The American University.

One of the objectives of this requested study was to determine whether such a microfilming system could be integrated with the computer information system currently being designed for the County's courts and related agencies. Local officials were particularly interested in:

- 1) developing an overview of the microfilming requirements of the county's justice related departments, 2) determining whether computer driven microfilming systems, such as produced by Ragan Precision Industries, could be used jointly by these departments, and 3) having a cost/benefit analysis of such a system. The end product envisioned from such a study would be a report covering these areas and recommendations as to which direction the county should go regarding microfilm records management for the justice related departments.

In view of the complex technical nature of this request and the lack of available information regarding the necessary elements of the proposed study, a representative of the Project, Mr. Robert Tobin, visited New Brunswick on June 27 and 28 to define the problem more precisely. During this visit, Mr. Tobin conferred with various Middlesex County justice officials including:

Gerald Boylan	Clerk of the County Court
George Stahanovich	Coordinator of Management Information Systems for Middlesex County
Richard Caplan	PMI (software consultant for the County)

Specifically, this first phase of assistance was designed to determine the need for such a study and the feasibility of its being undertaken by the Technical Assistance Project. If the latter was the case, the consultant was to develop the format for the study's conduct. The results of this preliminary survey are contained in the report which follows.

B. Focus of Study

The problem, as defined by the Middlesex County officials, is essentially a technical one:

"Which computer-driven microfilm retrieval system should be installed."

They have gone beyond the question of whether they should have such a system and have pretty well committed themselves to install some computer-driven and computer-controlled system for storing, indexing, retrieving, viewing and reproducing microfilm papers. During this initial phase

of technical assistance, the following areas were identified for concentration:

- ° Definition of the microfilm system requirements of the County Court
- ° Scope of the proposed microfilm system and its relation to the proposed EDP system for the criminal justice area
- ° Alternatives in system development, based on current technical uncertainties
- ° Funding support

C. Methodology Used

This review included the following tasks:

- ° Determination of file size, filing methods, file location and space requirements in each segment of the court record system (the proposed microfilm system goes beyond criminal records and will include records in chancery, civil, juvenile and domestic relations)
- ° Ascertaining retention and closed file policies and related legal requirements
- ° Estimating current and future workload
- ° Estimating level of retrieval demand, especially demands involving record reproduction
- ° Ascertaining the content and scope of the proposed EDP system being designed by PMI on the criminal side of court
- ° Ascertaining by interview (primarily Mr. Boylan) the specific needs that must be met by the proposed system
- ° Reviewing available materials on computer-driven microfilm retrieval systems and making state-of-the-art inquiries
- ° Identifying funding sources and strategies

II. ANALYSIS

A. The Setting

Until the late 1950's Middlesex County was a quite uncongested county relatively untouched by the urban problems of Northeastern New Jersey. Within the last 15 years, the county has grown rapidly, changed greatly in character and been drawn increasingly into the Greater New York sprawl.

These changes have affected the volume and type of cases filed in the Courts of the County. The number of indictments has grown from 300-400 per year in the early 1950's to about 3000 per year in 1973. The volume of civil litigation, divorces and juvenile matters has also risen dramatically. Yet the County Court record system (except for a few EDP applications) is essentially that of a small, non-urban court system.

B. The Record System

The County and Superior Courts of New Jersey have concurrent original jurisdiction. The great majority of chancery and civil cases are filed in the Superior Court which maintains a central record system in Trenton. However, less important case papers in civil and chancery cases may be filed with the County Clerk, who therefore must maintain a dual filing system--one for cases filed originally in County Court and one for subsidiary filing in Superior Court cases.

A total decentralization of Superior Court filing is under consideration since it is difficult to handle state-wide filings in Trenton.

Criminal case records are handled by the County Court Clerk and constitute a significant volume of cases.* Cases prior to 1939 are dead-filed in a vault. Cases filed in the Clerk's office total some 45,000, 2/3 of which are 10 years or less in age. Approximately 2,000 criminal cases are in an open status at any point in time, with less than 10% of them being more than three years old.

The record system for Criminal cases typifies the record system generally. In addition to the basic files of Criminal cases, the Clerk maintains minute books, a docket book, a multi-year alpha index for cases, a separate index for recognizances (except for cash bail), a shelf of transcripts in alpha order and a file of recognizances by assigned number. The system is fragmented, redundant and bulky.

The size of individual criminal case records (probably 12 pages per case on the average) is growing due to broader use of motions. A problem has been that the compilation of complete case records often requires not only the basic file, but reporter minutes, transcripts and even bail information, all of which are recorded separately.

The Civil and Chancery sections of the Clerk's office are utilizing hundreds of square feet of file space for record retention. County civil cases going back to 1947 occupy some 39 files and are accumulating at the rate of a file per year even though most civil filings are in Superior

*Juvenile and Domestic Relations filings are also the entire responsibility of the County Court Clerk.

Court. Civil cases are far more voluminous in terms of record size than criminal cases.

Chancery files occupy as much space as the Civil and Criminal files combined. Juvenile and Domestic Relation cases are in a separate area of the building and were not viewed.

The March 1973 statistics for the four basic court divisions (Superior and County Court combined) are as follows:

	<u>Filings During March 1973</u>	<u>Cases Pending March 31, 1973</u>
Civil	339 (about 10% county cases)	4510
Criminal	277 (not counting some 30 misdemeanor appeals)	1680
Equity	183	82
Juvenile & Domestic Relations	431	340

C. Retention and Closed File Policies

New Jersey's record retention policies are stated in statutes, case law and administrative regulations.

At the present time these regulations promote prolonged record retention. Criminal case records can only be destroyed by court order. Civil and Chancery cases can be destroyed three years after judgment, except that cases involving property rights must be retained 20 years. Since there is no method for determining which cases involve property rights without examining each case, there is understandable reluctance to destroy records.

There are significant legal constraints on the use of micro-filming to permit record destruction.

D. Current and Future Caseload

Middlesex County, after an increase in caseload 10 or 12 years ago, has achieved a more stable pattern of filings. Indictments, accusations and misdemeanor appeals vary between 3000 and 4000 per year.

County cases on the Civil and Chancery side are small in comparison to Superior Court filings. County Civil case filings run 300 per year. If as expected, however, the County Clerk handles Superior Court records in their entirety, the civil volume will magnify ten-fold or more.

In the not too distant future the County Court Clerk could be responsible for handling 14,000 cases per year or more for all segments of the system.

E. Levels of Retrieval Demand

Retrieval demand takes two basic forms:

- ° Need to have reproduced and certified copies of actual court documents
- ° Need to see court documents

Generally the first need is external to the County Court, i.e., reproduction of records for appellate courts, certified records of criminal judgments for prosecutors at various locations, etc.

The second need is largely internal, such as the need for a judge to see a segment of record for some decision-making purpose.

The second need often leads to the movement of case records from clerical control, a risk factor for any record custodian. The first need involves removal of case records to a reproduction center under clerical control. In both instances a case record may be out of the file when needed, and problems of record loss or destruction are increased by such movement.

The level of reproduction demand is not terribly high. The criminal record reproduction is most voluminous, followed by the need to reproduce judgments in Matrimonial cases and Civil cases. The total effort is estimated at slightly more than one clerk-year of personnel time plus reproduction cost.

Thus, computer-driven microfilm retrieval must rest on other justifications: (1) the security problems inherent in broad file access and file movement; (2) the anticipated retrieval demands in the near future, particularly those associated with Superior Court filing.

F. Proposed EDP System

The County Court is currently supported by a batch EDP system which provides period outputs on pending cases, jail cases and various aspects of court operations. The system does not provide current data for inquiry purposes, nor does it impact the manual record system, which is somewhat antiquated.

The County has retained a software consulting firm (PMI) to design a criminal justice information system which will permit on-line inquiry of Criminal case files in the County Court* and will provide automated docketing, noticing and calendaring. These applications will eliminate certain manual operations.

In early 1974 a new computer configuration (IBM 370-145) will be employed by the County to support the proposed system and will provide the necessary teleprocessing capability. It is anticipated that all requests of the County court record system will be brought into the on-line system as soon as the Criminal segment of the record system is made operational.

The criminal justice system design will be completed by September, and software implementation will start at that point if the design is approved and adequate funding exists.

G. Type of System Envisioned by County Officials

The microfilming system envisioned by Middlesex County Officials will have the following features:

- ° Scope: The system will encompass the four principal segments of the County Court record system in this order of implementation: Criminal, Civil, Chancery, Juvenile and Domestic Relations.

*The County has to better estimate the number of frames of active storage (pages per file X number of files) and the current and anticipated reproduction and inquiry load.

- ° Purely Historical Records: It is hoped that many very old records (more than 30 years old) can be destroyed without microfilming by the County, although they may be filmed by the state archives.
- ° Cases Which Are Not Purely Historical but Seldom Accessed (1940-1960): These cases would be microfilmed, computer-indexed (by printout) and placed on reels for access by a microfilm reader-printer. The basic file would be destroyed as permitted by law.
- ° Recently Disposed and Open Cases: These cases would be microfilmed, computer-indexed for on-line inquiry and stored in a terminal for access upon demand through some computer-driven mechanism. It is anticipated that the County computer will control the system and that the County will need only the microfilm-oriented peripherals. Remote inquiry is desired. Open manual files would, of course, not be destroyed. Disposed files could be destroyed as permitted by law.

It would appear that separate terminals might be required for each major segment of the system* and that input might have to be handled on a night shift. It also would appear necessary to have a manual alternative when the machine is down. An easy purging and resplicing method is also required.

There is no question that microfilming of historical records is a necessity and the County is purchasing two cameras and a reader-writer to start this process.

The problem is whether the County needs a sophisticated microfilm retrieval system for recently disposed and current cases. This clearly necessitates computerized indexing, sophisticated storage and

*The County has to better estimate the number of frames of active storage (pages per file X number of files) and the current and anticipated reproduction and inquiry load.

retrieval techniques, special input-output terminals geared to micro-film and some well-trained terminal operators.

H. State of the Art

The system closest in concept to the one envisioned by County officials is a system developed by Ragen Industries, a New Jersey firm.

Their system is being installed in some municipal police departments and a probation department in New Jersey with LEAA funding and is being watched with great interest by law enforcement officials.

The Ragen system features terminals with cartridge storage of microfilm (1,000,000 frames per terminal), entry of index data and retrieval of microfilm by key board, video and hard copy outputs, manual alternatives during "down time" and reasonably fast access.

Kodak is rumored to have a computerized system based on microfiche and IBM also has a microfilm system.

It appears that the state-of-the-art in the area of computerized microfilm retrieval is still somewhat experimental with considerable problems of accuracy and mechanical functioning. The Ragen system is still basically in a test mode.

I. Funding

The core of the problem in Middlesex County is largely one of funding. Certain elements of the envisioned system appear to be taken care of:

- ° Criminal justice system design (SLEPA-funded)
- ° Microfilm cameras and a reader-printer
- ° An upgraded computer configuration.

Still in doubt is funding for implementation of the Criminal justice system design. However, the County appears to have the programming capability to carry over the programming logic of the criminal system into non-criminal segments of the record system once the criminal area is implemented.

Funding for a computer-driven microfilm retrieval system is even more remote. It appears to be the feeling of knowledgeable County officials that all aspects of the envisioned system should be tied together now and funding sought while there is momentum behind implementation.

In short, part of the desire to quickly install a computerized microfilm retrieval system is based on fear that funding is more likely now than later. If there was reasonable certainty that a phased multi-year funding approach would produce the desired system within the next few years, some of the urgency would abate.

III. RECOMMENDATIONS

Based upon this preliminary review of relevant background data, the following recommendations are submitted for consideration by local officials.

- A. It is not advisable to install any microfilm retrieval system for at least a year or two. The current technical conditions indicate a high risk factor. However, historical microfilming could start in all segments of the record system.
- B. County officials should explore the use of the ESIP (Equipment System Improvement Program) in the National Institute of Law Enforcement to explore various microfilm retrieval systems to determine their applicability to criminal courts and perhaps the suitability of Institute funding of a project in Middlesex County.
- C. The Middlesex County Courts should outline a three to five year implementation and funding plan for EDP and microfilming, phasing in the computerized microfilm retrieval aspects in the second or third year. A strategy that permits present planning for future sophisticated equipment is more likely to produce good results and continued funding.
- D. The exact phasing of this implementation plan will require the assistance of an expert in the field of computerized microfilming and should establish an order of priority among the four segments of the record system with standby planning for assumption of Superior Court recordkeeping. It should also establish a relationship between EDP and microfilming development in each segment.

IV. SUMMARY

Middlesex County is taking needed moves to modernize the court record system. This process will require careful planning at all stages. Decisions should be made after appropriate consideration of all factors involved. Such decisions should not be made in a hurry.

END