

# Chapter IX

## ADMINISTRATION

### 1. SUPERVISORY RESPONSIBILITY

Each judge or the presiding judge, if one has been designated, is responsible for the orderly administration of the court. R. 1:33-4. Duties include the supervision of all judges of the court of which he is the presiding judge; the appointment of all personnel made by the court; supervision of the clerk of the court and all other employees of the court; supervision of the court calendar; implementation and enforcement of all administrative rules, policies and directives of the Supreme Court, the Chief Justice, the Administrative Director of the Courts and the Assignment Judge of the county; and the performance of any other functions and duties assigned to him by the Chief Justice by rule of the Supreme Court or by statute. The primary responsibility for the administration of each individual Municipal Court is thus placed primarily on each individual judge or presiding judge. While the judge may delegate the actual ministerial work of keeping records and preparing reports, he nevertheless is responsible for all the administrative duties and activities of the court's clerical and other personnel. The judge must periodically check on the performance of all clerical work to see that his rules and the requirements of the court rules and of the Administrative Director of the Courts are being carried out. Court personnel, even though they may have been appointed by municipal authority, are members of the judicial system and are therefore responsible to the judges in the manner and performance of their duties.

The Chief Justice of the Supreme Court has the ultimate responsibility for the administration of all courts in the state. R. 1:33-1. To assist in the discharge of this responsibility, the Chief Justice appoints an Administrative Director of the Courts, R. 1:33-2, and an Assignment Judge for each county, R. 1:33-3. The Administrative Director is generally responsible for the enforcement of the rules, policies and directives of the Supreme Court and Chief Justice relating to matters of court administration. The Assignment Judge, who is subject to the authority of the Chief Justice and the Rules of the Supreme Court, is responsible for the administration of civil and criminal justice and for the administration of all courts in the county.

The primary responsibility of the municipal court judge includes the supervision of the actions of court personnel, books of account, dockets and all bank accounts maintained by the court. Each municipal court judge must consider this function paramount insofar as the administration of the court is concerned. The Code of Judicial Conduct, as adopted by the Supreme Court on April 3, 1974, is applicable, with certain exceptions, to judges of the municipal courts, and it is the duty of all judges to abide by and to enforce these provisions and those of the Disciplinary Rules of the Code of Professional Responsibility. The court must also always be conscious of the limitations on practice and political activity contained in R. 1:15 and R. 1:17. See also Chapter X. All Municipal Court judges as well as court personnel must remember that although they are appointed by the governing body in the municipality where they sit, nevertheless they are an integral part of the state judicial system and are therefore responsible to the court as part of the judiciary, and not to the municipality.

It is also the responsibility of the judge or court clerk to notify the Trial Court Administrator and the Administrative Office of the Courts, Municipal Court Services, prior to the start of planning for a new municipal facility or changes in existing facility.

### 2. CONDUCT OF PROCEEDINGS

The court calendar should follow the order set forth in R. 7:10-3, as closely as possible. Experience should demonstrate approximately how much time is necessary to dispose of uncontested matters before reaching the contested cases. Contested cases should be listed on the calendar at a later time than uncontested matters, thus minimizing the time that persons involved in those cases will have to

spend waiting in court. Notice of the correct time to appear should be given to all parties and their attorneys. A suggested form of court calendar appears in the Appendix.

It is suggested that each judge review his calendar in advance of trial to determine those cases in which police officers will be called to testify. Whenever possible, the court and the municipal prosecutor, if there is one, should arrange to have police officers "on call," or permit them to testify out of turn in order to keep the time required for their court appearance to a minimum.

The court, of course, is not an adjunct of the police department and it is essential that proceedings avoid creating such an impression in the mind of the public. To prevent any misunderstanding the court should require police officers, other than the court attendant, to conduct themselves in the same manner as any other party or witness in the courtroom. Whenever possible, having officers who must testify be "on call," or waiting in some other section of the building, will not only reduce the number of officers in the courtroom, but also limit noise and confusion in the courtroom and the outside hallway. If an officer is waiting in court to testify, he should be seated in the area provided for the public just as any other witness. Police officers involved in pending cases should not confer with the judge in chambers. Neither should they be permitted in the immediate area of the bench or council tables unless their presence is necessary as a witness or otherwise required by either the State or the defense.

From time to time it may become necessary for a municipal prosecutor or other member of a municipal law department to represent the interests of the municipality against its employees, particularly police officers, in municipal court actions as well as in subsequent appeals. In these cases, the propriety of such representation may be called into question. Judges should be aware of *Perillo et al v. Advisory Committee on Professional Ethics*, 83, N.J. (1980), which reviewed Opinion 423 of the Advisory Committee on Professional Ethics. The Court stated that such representation would be unethical when persons reasonably familiar with the affairs of the municipality could conclude that a later conflict of interest would arise due to the close and regular cooperation between municipal police officers and municipal attorneys. See also Chapter X.

It is essential that the judge control the conduct of all persons in the courtroom to avoid disruption or distraction and thus maintain proper decorum. Some judges have, however, required defendants and others appearing in their court to adhere to standards of dress that are not only arbitrary and unreasonable but also bear no relationship to the maintenance of decorum. Work clothes, long hair or beads, African style dress, religious articles and items of clothing such as a yarmulke worn by Orthodox Jews are acceptable forms of attire and should not be the subject of either restriction or comment by the judge. A judge should not impose an arbitrary standard of either required or prohibited clothing. The appearance of litigants, witnesses or spectators need not be conventional to be acceptable.

Experience has demonstrated that in the summer season an increase in cases, especially in the shore and lake areas, may be anticipated. Adequate plans, therefore, must be made well in advance to avoid overcrowding of courtroom facilities and unduly long sessions. Temporary clerical assistance may also be required to handle increased workloads and to take the place of personnel on vacations. Additional court sessions may have to be scheduled, and when court sessions are overcrowded or protracted the judge should consider adding an additional session. Contested cases which may take some time to hear, such as violations of N.J.S. 39:4-50, should be scheduled for hearing at a special time rather than at a regular session. These matters should be reviewed with the appropriate municipal officials so the court calendar will remain current.

It frequently becomes necessary to adjourn or postpone a case. Every effort should be made in such an instance to notify the complainant, the defendant and all witnesses in order to avoid the inconvenience occasioned by an unnecessary court appearance. When an adjournment is granted, a new trial date should be fixed simultaneously, if possible. R. 7:4-2(c). If a complaint is not heard on the return date, a new date should be set and notice served on the complaining witness, the defendant, and all known witnesses by subpoena. R. 7:4-2(h).

Every effort should be made to avoid the dismissal of complaints because of non-appearance of the complainant or the State's witnesses. Where there is a municipal prosecutor, it is his responsibility to ensure the presence of all witnesses necessary for the State's case. If there is no prosecutor and the complainant is an officer, the burden falls on the law enforcement agency involved.

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\* The court should schedule one hour for a lunch or dinner break if the court session begins prior to the lunch or dinner hour and extends beyond it. Court hours are to be fixed by the municipal court judge and are subject to approval by the Administrative Director of the Courts. R.1:30-3(a).

If the complaining witness fails to appear, the judge should not automatically dismiss the complaint, especially if the complainant is a police officer. If the defendant is in court ready to proceed, the judge should question the court clerk or municipal prosecutor as to any notice given to the complainant, and an attempt to contact the complainant should be made immediately. In most instances, there should be no difficulty in contacting local officers and having them come immediately to the court. Before dismissing a complaint for lack of prosecution, the judge should consider all factors, including the seriousness of the charge, so there is no miscarriage of justice. In appropriate cases, the judge may postpone the hearing and fix a new trial date. If an officer did not appear and the case is dismissed for lack of prosecution, the judge should, in writing, so notify the Chief of Police or officer in charge of the State Police Barracks, or person in charge of the particular enforcement agency, and request a written explanation. If there are any problems of communication between the court and enforcement agencies regarding appearances by officers, the judge should see that they are corrected. When warranted, the judge may refer the matter to the County Prosecutor or the Attorney General for investigation.

### 3. ORIENTATION AND TRAINING OF COURT PERSONNEL

A course for municipal court clerical personnel is conducted annually and at various locations throughout the State. It generally runs for a period of five weeks for five hours each week. The Municipal Court Bulletin Letters should be checked to determine the date, time and place of these courses. Each judge should require his court clerk, deputy clerks and other personnel to attend in order to more fully understand and discharge their duties and responsibilities.

Each Municipal Court judge should insure that the municipality wherein his court is located processes adequate and current copies of all statutes with which the court might possibly concern itself as well as copies of the court rules. The Municipal Court Bulletin Letters, prepared by the Administrative Director of the Courts, should be maintained in a ring binder for future reference. Court personnel should be required to read these bulletins so their knowledge of their functions will remain current.

### 4. CLERICAL FUNCTIONS

The clerical functions of every Municipal Court are extremely important. Court personnel are frequently the first representatives of the judicial system the public meets, and thus courtesy and patience must be emphasized. The municipal court should adopt a system for court personnel to follow so they will know the difference between their areas of responsibility and those areas which are reserved to the court itself. This is particularly important with reference to calendar control, granting of adjournments, the amending of complaints and the scheduling of hearings which might be protracted.

Each court clerk should prepare a court calendar at least three days in advance of a court session, with sufficient copies for the police department and state police barracks, and should post a copy outside the entrance of the courtroom. The judge and the municipal prosecutor, if there is one, should also receive a copy and the clerk should retain one for his own use. When cases are added or deleted after the calendar has been prepared, a supplemental calendar should be prepared and distributed. Where time does not permit the mailing of a notice of trial or notice of postponement, the court clerk should contact all interested parties, attorneys and witnesses by telephone so they do not needlessly appear in court. The municipal prosecutor should be obligated to contact witnesses for the State, but in any event the court clerk should see that a procedure is established regarding notice of trial and postponement.

The calendar should show the docket number or ticket number, defendant's name, the charge, the name of the complaint and provide space for the entry of a plea, finding and sentence.

Each municipal court judge should require his court clerk and deputy clerk and other administrative personnel to fully familiarize themselves with R. 7:10-4 and the requirements of the Administrative Director of the Courts dealing with financial control, receipt and disbursement of monies, dockets, forms, and record keeping. The court must require the court clerk to maintain a complete supply of necessary forms and an inventory system should be adopted to provide for the prompt replenishing of these supplies. A court cannot function properly unless it has the appropriate materials at hand, particularly those which are prescribed by the Administrative Director of the Courts. The judge must take the responsibility of instructing the court clerk and other personnel as to the use of these forms. In

addition, the judge should instruct the court clerk and other personnel with respect to the maintenance of bank accounts, checkbooks and the balancing of the monthly bank statements. This is particularly true with reference to bail money. Bail money should be kept separate from other accounts maintained by the court. If for any reason the bail money cannot be refunded to the owner because he cannot be located, the court should pay the bail to the municipal treasurer, to be refunded if the owner is subsequently located.

A complaint is "filed" with the court when it is signed by the police officer or complaining witness, submitted to the court for action, and assigned a docket number. Private citizens are entitled to file complaints. See also Chapter II. However, in cases of motor vehicle violations, the uniform traffic ticket must be used even though signed and filed by a private citizen. For this purpose the court should have available under the control of the clerk a supply of traffic tickets for the court's own use. Such a supply must be regulated pursuant to the instructions of the Administrative Director of the Courts. Court clerks and other personnel taking complaints should make notes of the pertinent information given by the complaining witness and then check the indices of an applicable statute or ordinance to determine the appropriate section alleged to have been violated. When the complaint is made out, a sufficient description of the essential facts constituting the offense charged should be inserted. R. 3:2. It should be emphasized to the clerk and other personnel that it is not adequate to quote the language of the statute without reference to particular facts which bring the alleged offense within the statute.

After the filing of a complaint and service thereof, the matter proceeds in accordance with the Rules of Court. At the time of the hearing, the clerk should have the entire file available for the court, including pleadings, process and correspondence.

After the hearing or at the end of a particular session, the court clerk should prepare all the information which is required to become part of the court's permanent records. This will facilitate the preparation of the periodic reports required by the Administrative Director.

From time to time complainants do not wish to pursue their matters before the court. Personnel taking complaints should advise such persons that they will be required to appear in court for the dismissal of the complaint and may be assessed costs if the charge is false and found to have been made in bad faith. N.J.S.2A:8-32. Court personnel nevertheless should accept any complaint sought to be made by a private citizen. If a charge is frivolous or fails to constitute a violation, it may later be dismissed by the judge in open court. Under no circumstances should a complaint be filed with the court unless it has been completed, signed and the jurat properly executed. If a complaint is to be amended, it may not be amended by clerical personnel. This may be accomplished only by a judge in open court. If a traffic complaint is amended, the judge must write "amended" on the face of the complaint so no portion of the original document is obliterated and then note the amendment on the back of the complaint and date and initial it.

The municipal court clerk should set up a separate filing system for traffic cases closed under R. 7:6-3. Parking cases, non parking cases and cases involving N.J.S. 39:4-50, operating a motor vehicle under the influence of liquor or drugs, should be filed separately in each of these three categories by the defendant's last name. Closed cases (moving) may be destroyed only if subsequently reopened and disposed of. Closed cases (parking) should be retained permanently only where five or more unanswered complaints have accumulated against the defendant within a three-year period. Five or more closed parking cases may be destroyed only if subsequently reopened and disposed of. See also Chapter V.

See the Records Retention Schedule for Municipal Courts which appears in the Appendix.

## 5. DOCKETS AND DOCKETING

R. 7:10-4(d) requires the court to maintain separate dockets in such form as prescribed by the Administrative Director of the Courts. Separate dockets should be maintained for:(1) traffic cases including parking, which should be numbered consecutively beginning with T-1; and (2) all other criminal cases which shall be numbered consecutively beginning with C-1. The forms of docket are prescribed by the Administrative Director of the Courts, samples of which may be found in the Appendix. No changes in the form of dockets may be made without the written authorization of the Administrative Director.

In those instances where, over a period of years, the docket numbers for either traffic or criminal cases or both have become exceedingly high, a new docket number series may be adopted. This may be desirable if the present docket numbers are in the ten thousands or higher. When no apparent

confusion will occur, the docket numbering system can simply start again with T-1, T-2, T-3, etc. for traffic cases and C-1, C-2, C-3 etc. for other matters. If the repetition of the old docket numbers may create a problem, a letter prefix may be used such as T-A1, T-A2, T-A3, etc. Under similar circumstances, consideration may also be given to a new number series for traffic tickets when ordering a new supply.

It is absolutely essential that all complaints be entered promptly in the proper docket when the complaint is filed with the court. It is improper to wait until matter has been disposed of before making the necessary docket entry.

The Administrative Director of the Courts will approve alternate forms of dockets other than those published in this Manual when the volume of cases warrants the use of data processing equipment. Certain types of offenses such as parking cases may frequently warrant the use of such equipment. It must be emphasized however that a machine record system should not be used without the prior written approval of the Administrative Director of the Courts.

It is important, as has already been indicated, that all complaints, both traffic and non-traffic, be entered promptly in the proper docket. The initial procedure includes making all entries on the left-hand page of the docket for the next docket number and also the entry of the docket number on the complaint. If bail is posted, this too must be entered initially in the proper column of the docket and noted on the complaint. Further docket entries are then made in the other columns as the case progresses. Docketing complaints must be entered in docket number sequence as they are filed with the court. It is improper to docket traffic cases by the ticket number sequence. The offense should be identified in the docket by giving the citation of the statute or ordinance alleged to have been violated.

Judges must sign all judgments in cases decided by them. This function cannot be delegated to the court clerk nor should a rubber signature stamp be used. In traffic cases heard in court, all the appropriate blanks under "court action" on the back of the traffic complaints must be completed by the judge, including the plea, finding and sentence, and must be dated and signed personally by him. In non-traffic cases the judgment of conviction must set forth the complaint, the plea, the findings, the adjudication and sentence. It must contain the number of the section and title or a reasonably short description of the statute or ordinance under which conviction was had, the names and addresses of the sworn witnesses, and a list of the exhibits produced at trial. See R. 7:4-6(b). The judge must personally fill in all of the blanks under "Court Action" and personally sign and date the CDR forms. In Violations Bureau cases, the violations clerk should note the amount of fines and costs paid and the date of payment and, when there is any doubt as to who received the payment, the person receiving it should initial the ticket. This information on Violations Bureau cases may be noted on the front or back of the traffic complaint or on the front of the traffic summons. The payment and date thereof may be entered by a machine or by hand in ink. In non-traffic cases, the judgment can be entered on the complaint itself or a separate judgment may be prepared by the clerk of the court. The disposition of all traffic cases must also be noted in the Traffic Ticket Control Record.

When a sentence is suspended, a docket entry of simply "S.S." is improper. In such a case the judgment should be one of "guilty," and the suspension of sentence should be separately indicated since a suspended sentence is a result of a conviction or a plea of guilty. After a conviction or a plea of guilty, the court may suspend the imposition of sentence or may place the defendant on probation. R. 3:21-7 and R. 7:4-6(e). It is important that the judgment and the terms of the suspended sentence be entered in the docket and be either noted on the complaint or attached thereto.

There can be no disposition of a matter by the entry of a notation to the effect "complaint withdrawn." Once a complaint has been filed it cannot be withdrawn. The disposition of that complaint is under the control of the court and not of the complaining witness. If the complainant fails to appear or to testify or affirmatively states that he does not wish to press the charge, and the judge is satisfied that there is no practical purpose to be served by pursuing the matter further and no testimony has been heard, the judge may dismiss the complaint. However, a judge should exercise extreme caution in such instances, and such dismissals should be made only in open court. If any testimony at all has been taken in the case, the matter should proceed to its conclusion and a judgment of guilty or not guilty entered.

Occasionally the court finds it necessary to reserve decision until after the conclusion of the hearing. In such a case, upon the entry of judgment of acquittal the court must mail a copy thereof to the defendant by ordinary mail; otherwise the defendant shall be notified to appear for entry of judgment and sentencing. R. 7:4-6(b).

## 6. FINANCIAL CONTROL

The proper handling of the court's fiscal matters is as much a part of the judge's responsibilities as any other part of judicial administration. When the judge is on vacation, ill, or otherwise not available, it is important that someone else be designated to accept the responsibility for these matters. Accordingly each municipal court judge should authorize the court clerk or the acting judge both to sign checks for the refund of cash bail, and to make disbursement of funds to the municipality, County, State or other agencies. The necessary arrangements must be made with the bank through an appropriate order and the execution of signature cards.

Financial control is one of the most sensitive aspects of judicial administration. R. 7:10-4(a) provides that all monies received by a court as fines or forfeitures together with the financial reports covering such funds must be forwarded to the appropriate custodian on or before the 10th day of each month. When the funds are received in the course of enforcing municipal ordinances and assessed and collected by the municipal court, the municipal treasurer is the proper recipient. Where the monies were collected in the course of enforcing State laws and regulations, the funds should be paid to the custodian of the funds of the municipality or of the County or to such agency or officer as the particular law involved provides.

Under N.J.S. 39:5-41, fines collected for violations of Title 39 where the complaint was instituted by the Director of the Division of Motor Vehicles or by a member of his staff or the State Police must be paid to the Director of the Division of Motor Vehicles. For all violations of N.J.S. 39:4-46, failure to display the name and place of an owner of a commercial vehicle, N.J.S. 39:4-76, overweight vehicles on interstate bridges, and N.J.S. 39:8-1 *et seq.*, inspection violations, fines must be distributed to the Division of Motor Vehicles. Otherwise, fines collected for violations of Title 39 are paid to the County Treasurer.

Upon the final determination of a case the person who posted cash bail (bailor) should be given a check for the amount of bail posted. It is important that the refund be made only to the person who actually deposited the cash. Cash bail should always be deposited by the end of the next business day and, unless the bailor specifically approves, no portion thereof should be used to pay any fine or costs. If part of the bail is used for the payment of penalties, two checks should be drawn payable to the bailor; one for the amount of the fine and costs which the bailor should endorse back to the court and one for the balance due to bailor.

If the refund of bail is in order after the disposition of a case and the court cannot locate the bailor for purposes of making a refund, the court should pay the bail to the municipal treasurer by a separate check with an accompanying letter of explanation keeping a copy of the letter in the court file. If the bailor is subsequently located, the court may then direct the municipality to make the appropriate refund.

If the defendant does not appear and the bail is forfeited, the funds are dispersed in the same manner as fines for the particular violation. Where a Title 39 violation has been charged by a State enforcement officer, the forfeited bail money should be paid to the Director of Motor Vehicles. Where the forfeiture occurs in a proceeding instituted by a local officer under Title 39, the proceeds are paid to the County Treasurer.\* The court however may first deduct court costs from the forfeited bail in an amount not to exceed those specified in N.J.S. 22A: 3-4 and pay the same to the municipal treasurer. See N.J.S. 39:5-9.

The procedure to follow with respect to compelling the payment of forfeited corporate surety bonds is outlined in Chapter III in the Section on Bail and Bail Forfeiture.

Where bail is forfeited by either a resident or non-resident motorist in a non-parking traffic case, a disposition report must also be sent to the Division of Motor Vehicles. Where fines are collected from defendants in criminal cases other than those already discussed, such funds must be turned over together with any bail forfeitures to the municipal treasurer.

In the case of an intermunicipal court, however, fines must be paid to the municipal treasurer of the municipality in which the offense was committed, and any costs and fees and bail forfeitures must be

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\* N.J.S. 39: 5-41 was amended to provide that when the amount forwarded to the County Treasurer in a given year equals the amount sent to the County Treasurer for Title 39 violations in 1980, then at that point all such collections are to be sent to the Municipal Treasurer. When and if the municipality receives the same amount that the county received in 1980, any additional collections shall be sent one-half to the county and one-half to the municipality for the balance of the year.

apportioned among or between the municipalities according to the ratio of the municipalities' contribution to the support of the court. N.J.S. 2C:46-4.

There are other instances involving State laws in which fines collected must be forwarded to the State agency charged with administering the particular law, i.e. Fish and Game Violations. N.J.S. 23:10-19. It is recommended therefore that whenever a violation of a statute which is administered by a special State agency or board is involved, the statute should be consulted to ascertain the proper payee of any fines.

R. 7:10-4(b) obligates the court to keep an accurate account of all fees, costs and monies received, as well as any monies dispersed and to whom dispersed. The court must issue receipts whenever money is received. The receipts should be in triplicate and pre-numbered by the printer. The original should be given to the payor, one copy should be attached to the complaint and the third copy should be left in the receipt book. Where the Administrative Director of the Courts has approved a machine system of processing parking tickets, a machine tape can serve as the duplicate receipt. The monies received must be deposited in a bank or banks authorized to do business in this State at least weekly, and preferably daily. Pending the deposit of receipts in a bank account the money must be kept in a secure place, preferably a safe, if one is available. Only a bonded person responsible and accountable for court receipts should have custody of and access to the money. When a bank deposit is made, it should include the total amount of cash or checks then on hand and received since the most recent deposit. Portions of fines or costs collected should not be withheld for the purpose of establishing a petty cash or change fund. If such a fund is necessary, the judge should request the appropriate local official to provide it from the municipality's own funds. When deposits are being prepared, a duplicate deposit slip should also be made, receipted by the bank, and retained with the court's financial records. No disbursement of any type should be made except by check drawn on the depositing bank.

The procedure to follow with respect to the handling of unidentified receipts received by the Violations Bureau is covered in Section 4 of Chapter VI.

If any monies are due the court, its employees, or any other persons for salaries, fees, or any other charges, such monies may be paid only after a proper voucher has been submitted by the court to the appropriate financial officer and may not be deducted from the court's receipts. R. 7:10-4(c).

Under R. 7:8-3, whenever there is a reversal of a judgment of conviction and the defendant has paid a fine or costs which have already been dispersed by the court to the proper payee, then those fines or costs must be remitted to the defendant upon the service of a copy of the order of reversal upon the person to whom the money was dispersed. See also Chapter VII. It is the practice of most municipal courts to make a check out to the defendant and deduct this amount from the next monthly disbursement to the treasurer or fiscal agency of the State, county or municipality that received the fine and costs which had to be refunded. An appropriate notation should be added on the monthly financial report.

In the event of the reversal of the conviction of the defendant who has already paid the VCCB penalty, the court should issue a refund check to the defendant in the amount of the VCCB assessment in addition to refunding any fines and costs already paid by the defendant.

When some, but not all, of the penalty has been paid, only the amount already paid should be refunded.

## 7. CASH BOOK

Pursuant to R. 7:10-4(d) the Administrative Director of the Courts has prescribed the form of the general cash book and traffic cash book to be used in municipal courts. Samples of these cash book's may be found in the Appendix. No variation from these prescribed forms will be permitted without the prior written approval of the Administrative Director of the Courts. The only exception to this rule exists in those courts handling a large volume of cash bail. In such instances the proper books may be designated on an individual basis by the registered municipal accountant appointed by the municipality to make the annual audit.

The purpose of the cash book is to record in chronological order all monies received by the court. Pre-numbered receipts should be used and entries in the cash book made by receipt numbers, corresponding with the sequence in which payments are received. The entry of receipt numbers in the cash book in consecutive order facilitates auditing the accounts of the court.

Every municipal court must maintain a general cash book in which the monetary transactions in all criminal cases are entered and, if a separate traffic cash book is not maintained, all traffic case entries

should be made in the general cash book. A separate cash book may be kept for traffic cases or parking cases only. Such a separate book is not recommended if the volume of cases is small. If a separate traffic cash book is maintained, each column should be totaled whenever a bank deposit is made, and the totals then posted to the general cash book with a notation as to the deposit. This posting of deposits facilitates reconciliation of the bank account.

A general cash book should be footed handhold at the end of each month and the balance receipts less disbursements reconciled with the monthly bank statement and the checkbook making a special notation on the bank statement itself of any outstanding checks. The reconciliation of accounts will be facilitated if deposits as well as checks are entered in the checkbook, thus maintaining a running balance.

Bank deposits should be made at least once a week, but, in the larger courts where receipts are substantial, deposits should be made daily. Deposits should be made the same day if the court receives an unusually large amount of money.

The general cash book makes provision for cash bail entries. If cash bail is posted, entry thereof should also be made in the appropriate docket and, in traffic cases, the "bail fixed" box on the reverse side of the complaint should be completed. Receipts issued for payment of bail should indicate the date of the defendant's scheduled court appearance and the name and address of the bailor. If a separate cash bail book is maintained and the court has a combined bank account for bail and general funds, the monthly total should be posted from the cash bail book to the general cash book so that proper reconciliation of the bank account may be made. In the event that the court maintains a separate cash bail book and a separate cash bail account, the cash bail book should be totaled and reconciled each month with the cash bail bank account statement and the appropriate checkbook.

Receipts must always be issued when cash bail is posted, even where the cash bail is taken by a member of the police department. The police department should have pre-numbered receipts in triplicate containing the essential information shown on the receipt form in the Appendix. The original receipt should be given to the person posting bail and one copy should then be delivered promptly to the court clerk with the cash bail. The court clerk should then sign the third copy to show receipt of the cash bail from the police department and this copy should be retained in the police department records. When a person other than the defendant posts the bail, his name and address should be noted on the receipt so that the court may contact him with respect to refund or forfeiture of the bail. The Supreme Court has indicated that in cases where the offense charged is not serious and the amount of bail is not great, or if 10% cash bail is being paid, the court should accept personal checks rather than have the defendant held in jail until such time as he can obtain a bail bond or post cash bail. Before accepting a check under such circumstances, the person accepting the check should be reasonably certain of the defendant's identification or the person issuing the check if the bailor is not the defendant.

Care should be taken in maintaining the court's cash books so that the record will always be accurate and up-to-date. Each day's entries in the cash book must be made promptly and at no time should the judge allow the clerk to delay making cash book entries. The proper method of correcting an error in the cash book is to draw a thin line through the incorrect item and place the correct entry above or next to the corrected item. Erasures, strikeovers and the use of ink eradicators on the cash books are improper.

The cash books are vital records of the court and must be safeguarded at all times. For this reason they should be kept in a locked, metal cabinet.

## 8. INSTALLMENT PAYMENTS

If the defendant states that he is unable to pay a fine all at once, the judge shall question the defendant regarding his ability to pay the fine and shall have the defendant complete in full an Application to Establish Indigency (Form 5A), a copy of which appears in the Appendix. When the judge orders a defendant to pay a fine in installments pursuant to N.J.S.2C:46-1, or *State v. DeBonis*, 58 N.J. 182 (1971), the court clerk is required to give the case special attention. Installment payments are not limited to traffic cases. The judge may order a fine paid in installments in any type of case. The Order-Payment of Fines and Costs must be in writing and a copy given to the defendant. A suggested form for the Order is in the Appendix.

On any non-parking traffic case the MF-1 disposition report must be sent to the Division of Motor Vehicles within 3 days of the imposition of sentence. Do not delay forwarding the MF-1 report until all

installments are paid. Only the initial MF-1 report should be sent to the Division of Motor Vehicles. Do not send an MF-1 report for each payment. Similarly, do not delay sending the yellow copy of the CDR-1 and CDR-2 forms to the State Bureau of Identification when the fine is for an indictable or disorderly persons offense.

When an installment payment is received, whether it be cash, check or money order, a receipt should be given for the partial payment and the payment should be entered in the cash book and then deposited with the next bank deposit. Do not postpone the foregoing until all payments have been made.

On the back of the MF-1 form, indicate Partial Payments or simply 'PP'. On the MF-10 monthly financial report to the Division of Motor Vehicles, when the first payment is received, indicate the full amount of the fine in the same column with the defendant's name and in the last column enter the amount of the first payment with PP in the column for example:

DATE OF TRIAL OR WAIVER	NAME OF DEFENDANT	SUMMONS NUMBER	COMPALINANT	VIOLATION	AMOUNT OF FINE
20	\$50 J.T JONES	1247	S.P.	39:4-98	\$15 PP

For subsequent partial payments, there is no need to repeat the full amount of the fine, but the court should disburse and include the partial payments in the proper monthly financial report as received followed by PP in the column for cents. For the final payment use F in this column. This procedure will assist the Division of Motor Vehicles in tracing partial payments. A similar procedure is suggested for the financial reports to the county.

It is suggested that the clerk keep a separate record of installment payments in a book using a separate page or file card for each defendant. The fine imposed should be entered in the disposition column of the docket. Individual payments should not be entered in the docket. Enter only the final total paid. If a defendant fails to make payments as ordered, a reminder notice should be sent including a statement that a warrant for his arrest may be issued if he fails to comply. If there is no response to the notice, an arrest warrant should be issued. N.J.S.2C:46-2.

## 9. TRAFFIC TICKET CONTROL RECORD

Under the provisions of R. 7:6-1(c) every court and every agency authorized by the Administrative Director of the Courts to print and distribute uniform traffic tickets is responsible for all tickets printed and for distribution to law-enforcement officers or others in its municipality and for their proper disposition. The court must prepare or cause to be prepared such records and reports relating to the uniform traffic tickets as the Administrative Director of the Courts prescribes. A sample of the prescribed form may be found in the Appendix. Although the responsibility for properly maintaining the Traffic Ticket Control Record rests with the judge, he may of course assign the details to a clerk under his supervision. It is essential that the record be kept up-to-date regardless of the volume of (traffic) tickets handled by the court. The judge's responsibility can be fulfilled only if adequate records are properly maintained. In making an inventory of traffic tickets in the possession of police officers, the court should work in liaison with the Chief of Police.

The Traffic Ticket Control Record is a current inventory of local tickets only and should not include tickets issued to defendants by the State Police or motor vehicle inspectors. Traffic tickets supplied to local police officers must be individually entered in a Traffic Ticket Control Record in consecutive sequence by ticket number, thus ensuring a complete record. The following basic principles are essential to every Traffic Ticket Control system:

- (a) Tickets must be pre-numbered serially when printed and the court must keep a record of the serial numbers of all tickets ordered and received from the printer.
- (b) Tickets must be issued to police officers in serial number sequence.

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\* Under "Complainant," use appropriate abbreviations: M.V.INSP. for Motor Vehicle Inspector, S.P. for State Police, C.P. for County Police, or L.P. for Local Police. The name of the individual enforcement officer is not necessary. If none of the above applies, indicate "Other".

- (c) Police officers should be required to sign the control record or receipts for all tickets issued to them.
- (d) The Traffic Ticket Control Record must be current. The number of all local traffic tickets should be entered in strict serial number sequence after which an entry is made on the control record of the date and name of the officer who received the tickets.
- (e) When each ticket is disposed of, an entry thereof must be made in the disposition column of the Traffic Ticket Control Record. The entry must include either the docket number or date of disposition so that the particular ticket can be readily located in the file of disposed of cases. For cases "closed" under R. 7:6-3, failure to appear cases and tickets "voided" a similarly appropriate notation must be made in the disposition column of the control record.
- (f) Tickets in the possession of police officers for more than six months should be recalled by the court and reissued to officers on parking meter or traffic duty so that they will be promptly used.
- (g) The supply of traffic tickets must be kept in a secure place so that only the designated person responsible for their issuance to officers has access to them.
- (h) No more than one book of tickets should be supplied to an officer at one time unless experience indicates that he has an immediate need for a larger supply. Each court must arrange to obtain its own supply of the Traffic Ticket Control Record forms. These forms should be kept in proper sequence in a folder or binder to insure their preservation.

## 10. COSTS AND FEES

The assessment of fees and costs in municipal courts is governed by N.J.S. 22A:3-4. Under that statute, where there is a violation of Title 39 of the Revised Statutes or of a municipal traffic ordinance, court costs of up to \$15 are allowed at the discretion of the judge. In all other cases, costs shall not exceed \$25. In addition, the court may also tax costs not exceeding \$20 pursuant to N.J.S. 39:5-39 to be paid to any physician testifying in a drunken driving case.

It should be noted that N.J.S. 2A:8-32 provides that costs may be assessed against the complainant when the court dismisses a complaint or finds the defendant not guilty and the court is of the opinion that the charge was false and not made in good faith. Under no circumstances may court costs be collected from the complainant at the time the complaint is filed.

N.J.S.2A:8-33 provides that the costs and fees charged against defendants in criminal cases including traffic cases shall become municipal funds and shall be turned over to the municipal treasurer. Forfeited bail is dispersed in the same manner as fines for such violations. There is no provision for deduction of court costs from such forfeitures except in the case of traffic violations. Under N.J.S. 39:5-9 the judge may first deduct costs and fees from forfeited bail in an amount not to exceed the amount of the costs and fees authorized by N.J.S. 22A: 3-4 and pay the same to the municipal treasurer.

The current costs for copies of court records which may be assessed under N.J.S. 22A:3-4 are as follows:

For certificate of judgment	\$2.00
For certified copy of paper filed with the court as a public record:	
First page	\$2.00
Each additional page or part thereof	\$ .50
For copy of paper filed with the court as a public record:	
First page	\$1.00
Each additional page or part thereof	\$ .50

## 11. REQUIRED COURT REPORTS

### *a. Monthly Report to the Administrative Director of the Courts*

N.J.S. 2A:12-4 provides that all judges must furnish the Administrative Office of the Courts with all requested information and statistical data bearing on the state of the dockets of the court and such other

information as may reflect the business transacted by them. R. 1:32-1(b) in turn requires every judge of a municipal court, on or before the tenth day of each month, to submit to the Administrative Director of the Courts, on forms supplied by him, a report of activities for the preceding month. The rule further requires each municipal court judge to submit such other reports as the Administrative Director of the Courts, with the approval of the Chief Justice, requests. A copy of the monthly municipal court report is contained in the Appendix and is a summary of all complaints, traffic and non-traffic, disposed of by the court, including both court and Violations Bureau cases. Detailed instructions for the preparation of the report are available from the Administrative Office of the Courts.

It is recommended that the court clerk keep a worksheet for the preparation of these reports. The worksheet permits a current accumulation of data during the course of a month so that substantially all of the information required in the report will be conveniently available and may be summarized at the end of each month by merely totaling the individual columns of the worksheet. Those courts which have only a few cases each month may find a worksheet unnecessary, but its usefulness increases with the volume of the court's work. The financial information requested in the report should be readily available from the cash book. The worksheet itself should contain column headings corresponding to the items contained in the report form. A separate worksheet should be prepared for each of the individual sections and entries should be made at regular intervals. It is recommended that if a case is tried, the entries in the worksheet should be made as soon as practicable after complete entries have been made on the complaint and in the dockets, cash book, and Traffic Ticket Control Record.

It is essential that the records of the court be kept current in order to properly prepare monthly reports. Docket and cash book entries must be up to date and deposits and disbursements must be made properly. It is also essential that the court receive a monthly statement from the bank and reconcile it with the cash book. Each item on the report must be completed using "none" where appropriate. The judge must personally sign the report and see that it is sent to the Administrative Director of the Courts by the tenth of each month with a copy to the Trial Court Administrator for the county in which the municipal court is located. A copy of the report should also be retained for the court files. Reports containing errors or omissions will not be accepted by the Administrative Director of the Courts and will be returned for correction.

#### *b. Summary Violent Crimes Compensation Report*

A summary Violent Crimes Compensation Board Report is to be submitted by the tenth of each month to the Violent Crimes Compensation Board, along with a municipal court check. A copy of this report may be found in the Appendix. One copy of this report is to be sent to the county Trial Court Administrator, one to the Administrative Office of the Courts and one is to be retained in the court file. In the event that no VCCB reportable activity has taken place within the given month, a report nevertheless is required. "None" or "0" must be noted on the form.

#### *c. Monthly Financial Reports*

Under New Jersey statutes 39:5-40 and 5-41, fines, penalties and forfeitures collected for violations of Title 39, where the complainant is the Director of Motor Vehicles, a member of his staff, a member of the State Police, an inspector of the Public Utility Commission or a law enforcement officer of any other State agency, must be paid by the court to the Director of Motor Vehicles. Payment for inspection violations should always be forwarded to the Division of Motor Vehicles, regardless of the status of the issuing officer. Accordingly a Monthly Financial Report, a copy of which may be found in the Appendix, must be sent by the court to the Bureau of Court Reports and Fines Section of the Division of Motor Vehicles in Trenton listing the cases in which fines, penalties or forfeitures are payable to that Division. An original and two copies of the report should be prepared so that one copy will be available for the court's own files and one copy furnished to the State Police. The original must be sent to the Division of Motor Vehicles on or before the tenth of each month accompanied by the court's check for all traffic penalties owed to the State and collected in the preceding month. The amount of the check should equal the total of the fines listed in the report. The check should be made payable to the Director of Motor Vehicles. Supplies of these Monthly Financial Report forms may be obtained from the Bureau of

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\* For all violations of N.J.S. 39:4-46 (failure to display the name and place of an owner of a commercial vehicle) and N.J.S. 39:4-76 (overweight vehicles on interstate bridges) fines must be disbursed to the Division of Motor Vehicles as well.

Court Reports and Fines Section of the Division of Motor Vehicles. Fines payable to the County Treasurer and fines and costs payable to the municipal treasurer should be similarly accounted for monthly and paid to the appropriate treasurer. Forms for the county may be obtained from the County Treasurer.

*d. Reports on Traffic Cases to the Division of Motor Vehicles*

N.J.S. 39:5-42 requires every court to report disposition of non-parking traffic cases to the Division of Motor Vehicles. A copy of this MF-1 disposition report to be used for this purpose may be found in the Appendix. This includes state statutes contained in Title 39 and all local traffic ordinances, except parking cases. The statute also requires a report setting forth the conviction of any person having committed a penal offense or crime in which a motor vehicle was used. The report must be sent to the Bureau of Court Reports and Fines Section of the Division of Motor Vehicles, on forms provided by that Division, within three days after disposition of the case by the judge or Violations Bureau. The form must be completed and filed regardless of whether the defendant was found guilty or not guilty or the complaint dismissed or an appeal filed. Only one MF-1 card should be sent by the municipal court regardless of whether an appeal is taken.

Since these reports serve as the record of each motor vehicle operator, it is essential that all the information requested be supplied in a legible fashion. Accordingly, the reports should be typed or printed by hand with special attention to the spelling of defendant's name, the date of birth and the driver's license number, and complete summons number. When the offense charged was N.J.S. 39:4-50 (driving under the influence of intoxicating liquor or a narcotic or habit-producing drug) the report must also be completed to indicate whether the complaint was based on the officer's observation, a physician's examination or chemical analysis. If a test was given, the blood alcohol content must also be included. If more than one test was administered the results may be listed on the back of the MF-1 card. Such information is necessary for proper processing by the Division of Motor Vehicles. A person convicted under N.J.S. 39:4-50 may be required by the Division of Motor Vehicles, Bureau of Alcohol Countermeasures to participate in a program of alcohol education and rehabilitation. If a driver's license has been suspended or revoked, such information should be noted in the proper place and the license attached to the transmittal and receipt form. All appropriate information should be furnished. For speeding violations, the speed charged and the applicable speed zone should be noted. For a violation of N.J.S. 39:3-37, misstatement of fact in an application or examination, the court should indicate on the disposition report whether the offense involves a driver's license or registration so the Director of Motor Vehicles may take appropriate action. If a defendant has been charged with the violation of a local traffic ordinance, the nature of the violation should be put on the back of the disposition report. If a notice of appeal has been filed in a particular case, this fact should be noted on the back of the report. If the judge stays payment of a fine or stays revocation of a driver's license pending disposition of the appeal, this also should be noted on the back of the report.

Under N.J.S. 24:21-20(c), the municipal court is required to forward an MF-1 report to the Division of Motor Vehicles when a person is adjudged a disorderly person under N.J.S. 24:21-20(a)(4) and -20(b). Pursuant to N.J.S. 24:21-20(c), every person adjudged a disorderly person under this statute shall, at the discretion of the sentencing judge, have his driving privilege in the State revoked for not more than two years. If such person's driving privilege is suspended, his driver's license should be attached to the transmittal and receipt form and sent to the Division of Motor Vehicles, along with the MF-1 report. The procedure described above should not be implemented when a defendant is initially placed on conditional discharge or supervisory treatment but should be done only when the judgment of conviction is entered.

When the disposition reports are sent to the Division of Motor Vehicles, they must be accompanied by the Transmittal and Receipt Form (MF-2) shown in the Appendix. This report is prepared by the court in triplicate, listing the trial or Violations Bureau disposition date and the defendant's last name. The original and first copy are to be mailed to the Division of Motor Vehicles with the individual disposition reports. The Division will check the disposition reports with the Transmittal and Receipt form and date-stamp them and returned the acknowledgment copy to the court. When the court receives a date-stamp acknowledgment copy with no discrepancies, the court may destroy the second or court copy. If the court does not receive the acknowledgment copy within a reasonable time, the court clerk should contact the Bureau of Court Reports and Fines Section of the Division of Motor Vehicles. If the Division did not receive the reports, duplicate disposition reports so marked should be prepared and

sent with another transmittal and receipt form. These forms may be obtained from the Bureau of Court Reports and Fines Section, Division of Motor Vehicles.

*e. Uniform Crime Reporting System*

The clerk of every court is required to report the disposition of every criminal charge, including indictable offenses heard on waiver of indictment and trial by jury, disorderly person's offenses and petty disorderly person's offenses to the State Police Bureau of Identification. See N.J.S. 53:1-18. Accordingly, CDR-1 (Complaint-Summons) and CDR-2 (Complaint-Warrant) forms must be used in all disorderly person, petty disorderly person and indictable cases. These forms are designed to furnish all of the information required for the court's purpose and the purposes of the various agencies that might also be involved. Included therein as a carbon is the SBI copy which must be sent to the State Bureau of Identification, New Jersey State Police, West Trenton, New Jersey, 08625, within 30 days of the disposition of the case. Disposition means final adjudication in the municipal court or referral to the County Prosecutor for the action of the Grand Jury or referral elsewhere, as, for example, to the Juvenile and Domestic Relations Court or placement of the defendant by the court on conditional discharge under the Controlled Dangerous Substances Act. These forms, CDR-1 and CDR-2, and a manual on their use may be obtained from the State Bureau of Identification.

*f. Prevention of Domestic Violence Report*

A report (LR-48) with respect to the number of domestic violence complaints filed and orders issued (pursuant to N.J.S. 2C:25-1 *et. seq.*) in the municipal courts is required to be submitted to the Administrative Office by the fifth day of the month for the activity of the preceding month. A copy of the report should also be forwarded to the Trial Court Administrator of the county and a copy should be retained for the court files. A copy of the Report appears in the Appendix. Supplies of the report and instructions for completion are available from the Statistical Services Unit of the Administrative Office of the Courts.

## 12. AUDITS

The records and accounts of each Municipal Court are audited annually by a registered municipal accountant appointed by the municipality. These audits are supervised by the Division of Local Government Services of the State Department of Community Affairs. That agency mails a copy of the audit report to the Administrative Office of the Courts where it is reviewed and deficiencies noted therein are called to the attention of the judge. Additional copies of the report are also furnished to the county treasurer, the local governing body and to the judge by the Division of Local Government Services. Where the report indicates a shortage of funds or a violation of the law, the matter may be referred to the County Prosecutor for appropriate action.

These audit reports contain a summary of the court's receipts, disbursements, and year-ending balance. They also contain comments and recommendations and a questionnaire for completion by the auditor dealing with basic court information and court administration. The auditor may make comments and recommendations with respect to matters of special concern, such as proper bonding of the court clerk or other personnel, the prompt deposit of all funds received in amounts corresponding to receipts, prompt docketing of all complaints filed and completion of entries in the various books and records of the court. The auditor may also note any failure to reconcile accounts or to total receipt books or the cashbook with the bank statement. The auditor may also note deficiencies in the Traffic Ticket Control Record.

These reports are therefore an important means of providing Division of Local Government Services and the municipal governing body with necessary information and also to inform both the Administrative Director of the Courts and each respective judge regarding the administration of his court. It is the responsibility of each judge to review these reports and take prompt action to correct any deficiencies disclosed. If a judge has reason to believe that there may be a shortage in the funds of his court or that other derelictions may exist, it is suggested that he advise the Director of the Division of Local Government Services. The Director may then request a special audit by the municipal auditor in order to resolve any questions promptly rather than wait until the regularly scheduled annual visit.

## 13. BUDGETS\*

The judge of each Municipal Court should prepare an annual budget for his court and submit it to the proper municipal officer for inclusion in the annual municipal budget. Budget items should include:

- a. Salaries of the judge or judges and clerical staff. Where circumstances warrant, allowances should be included for salary increases and any fringe benefits which may be provided to other municipal employees. This is also particularly applicable when courts are required to hold additional court sessions to handle increased loads in order to alleviate overcrowding and late night sessions.
- b. Payment for the services of any acting judges who may have to sit when the regular judge is on vacation, ill, disqualified or otherwise unable to sit. Provision should also be made for the cost of temporary clerical help which may be required when the caseload of the court increases in the lake or shore areas during the summer. Temporary help may also be necessary when regular personnel are on vacation. Each court, regardless of size, should provide for payment of a deputy court clerk who can act when the court clerk is ill, on vacation or otherwise unable to perform required duties.
- c. Payment of interpreters when the need may arise. See also Chapter IV.
- d. Payment for the purchase, installation and repair of sound recording equipment approved by the Administrative Office of the Courts.
- e. Payment for transcripts on appeal by indigent defendants when prepared at the expense of the municipality.
- f. Funds for the purchase, maintenance and repair of equipment and supplies and any needed improvement of facilities for the courtroom, clerk's office or Violations Bureau.
- g. Payment of miscellaneous expenses such as attendance at county and state conferences by the judge and court clerk.

The governing body should be reminded that provision should be made for a municipal prosecutor and also for a municipal public defender to represent indigent defendants in non-indictable matters in which the judge deems representation appropriate under *Rodriguez v. Rosenblatt*, 58 N.J. 281 (1971). See also Chapter IV.

## 14. DESTRUCTION OF RECORDS

R. 1:32-3 specifically places the responsibility for the keeping of the books and records for the municipal court with the judge of that court. It is imperative that court records be kept in a safe place. For this purpose, a metal file cabinet with a locking device is adequate. Fireproof file cabinets are not necessary. When no file cabinets with a locking device are available, the judge should request that the municipal authorities supply them. N.J.S.2A:8-18 requires municipal authorities to supply all such equipment. The Administrative Director of the Courts in conjunction with the Bureau of Records Management Services of the Department of Education has prepared a Records Retention Schedule for municipal courts which may be found in the Appendix. It is incumbent upon each judge and court clerk to review the court's records at least once a year to determine those records which may be destroyed in accordance with the schedule. No record, however, should be destroyed regardless of the schedule if that record is required for auditing been purposes. Unless the audit has been completed and no investigation is in progress with respect to the record, no item should be destroyed. Court records may not be destroyed without prior authorization from the Bureau of Archives and History. The storage of court records will always become a problem where the court has a considerable volume of cases or limited filing and storage space. It is, therefore, wise to adopt a periodic program for the review of the

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\* The Municipal Court Budget Assistance Program started August 1981, is designed to have the Assignment Judge and the Trial Court Administrators review all municipal court budgets and provide guidance and support for municipal court budgets submitted to the municipal governing bodies. The purpose of the project is to make the municipalities aware of the problems of the municipal courts so that the courts can obtain needed support.

records in accordance with the Records Retention Schedule. Those records that are no longer required should be destroyed by shredding.

Court records under R. 1:38 are public records and may be examined and copied by anyone under the supervision of the court clerk. They are not, however, police records, and police officers should only have access to them under the supervision of the court clerk. When the court clerk or other court personnel are not present, court records should be kept in locked cabinets and the clerk's office should be locked. No person except the judge and court personnel should have a key to the office or the court files. Keys in the possession of other persons should be recalled. If a problem regarding outstanding keys persists, it may be necessary to have the locks changed.

It should be noted that R. 1:38(b) specifically provides that probation reports and presentence investigations are not considered public records. R. 1:38(f) provides that records of programs approved for operation under R. 3:28 (Pretrial Intervention Programs) and reports made for a court or prosecuting attorney pertaining to persons enrolled in or under investigation for enrollment in such programs are not public records. All records regarding search warrants must remain secret. Disclosure that a search warrant has been applied for or issued prior to its execution except as necessary for its execution may constitute a contempt. R. 3:5-4. See also Chapter VIII. Other records which the judge has ordered impounded or kept confidential must also be restricted from public inspection or copying.

## 15. REFERENCE MATERIALS

Each municipal court should have an up-to-date copy of the court rules for the use of the judge and court clerk. The court should also have copies of New Jersey Statutes Annotated with current pocket parts, covering those statutes usually dealt with by the court. It is suggested the following annotated volumes be included:

Title 2C, The New Jersey Code of Criminal Justice  
2A:1 to 2A:14  
2A:85 to 2A:112  
2A:113 to 2A:151  
2A:152 to 2A:170-41  
2A:170-42 to 2A:End  
Title 24, Food and Drugs  
(Contains Dangerous Substances Act)  
Title 39, Motor Vehicle and Traffic Regulations  
(2 Volumes 39:1 to 5D and 39:6 to 39:12-includes Index)

In some courts Title 23, Fish and Game, will be helpful. The court should have a complete set of local ordinances. If funds for the purchase of these items are not available in the budget for the court, the municipal official in charge of purchasing should be contacted regarding their purchase.

The court should have current copies of the Municipal Court Bulletin Letters issued by the Administrative Office of the Courts. These Bulletin Letters should be kept by the court clerk in a ring binder for reference purposes. The court should also have a current edition of the Lawyers Diary and Manual.

The court should also have appropriate stationery and forms. The court clerk should check to see that an adequate supply of forms or on hand and that requests for additional forms are sent promptly to the proper agency or printer.