



# Internal Audit Report

Justice Courts  
May 2003



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May 30, 2003

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We have completed our FY 2002-03 audit of the Justice Courts, which included reviews of eight County Justice Courts for compliance with applicable Minimum Accounting Standards (MAS). The audit was performed in accordance with the annual audit plan that was approved by the Board of Supervisors.

The highlights of this report include the following:

- The Justice Courts have not developed formal, written procedures for reporting fraud issues at court locations
- All eight Justice Courts' comply with most MAS requirements, but some exceptions were noted
- Three of five Justice Court Key Results Measures tested were reported inaccurately

Attached are the report summary, detailed findings, recommendations, and management's response. We have reviewed this information with Justice Court Services and the Superior Court and appreciate the excellent cooperation provided by the employees. If you have questions, or wish to discuss items presented in this report, please contact Joe Seratte at 506-6092.

Sincerely,

A handwritten signature in cursive script that reads "Ross L. Tate".

Ross L. Tate  
County Auditor

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# Executive Summary

## **Minimum Accounting Standards (Page 7)**

Although all eight Justice Courts reviewed comply with most Minimum Accounting Standards (MAS) requirements, we found some exceptions. While some exceptions are more significant than others, none present an immediate risk to the courts.

## **Cash Receipts (Page 9)**

Our review of internal controls over cash receipts identified elevated risks with the Fines Manager position. Inappropriate segregation of duties has allowed monies to be misdirected without being detected. The courts should consider restricting the Fines Manager position from handling cash receipts.

## **Loss Reporting (Page 11)**

Our review noted that key County departments were not notified of a FY 2002 internal theft occurring in the courts. The Justice Courts do not have formal, written procedures for reporting internal losses at court locations. Reporting of fraud and theft issues is essential to properly assess business risks and develop appropriate controls to Safeguard County assets. The Courts should consider developing procedures for reporting internal theft and abuse.

## **MfR Performance Measures (Page 13)**

Three of five Justice Court Key Results Measures tested were reported inaccurately. In addition, the Justice Courts do not have a process to validate measurement data. Inaccurate data negatively impacts management's ability to make informed decisions related to meeting goals and improving operations. The Justice Courts should strengthen Managing for Results controls related to ensuring data accuracy and review.

# Introduction

## Background

The office of the Justice of the Peace is established in the Arizona Constitution Article 6, Section 32. Qualification of Arizona judges, establishment of Justice Precincts, Civil and Criminal Proceedings in Justice Courts are established under various Arizona Revised Statutes. The Board of Supervisors can create, change, and abolish justice precincts, but may not abolish a precinct until the expiration of terms of office of the present Justice and Constable.

The Maricopa County Justice Court system consists of 23 Justice Courts (MCJC) at 19 locations. MCJC has a budget of over \$17 million, of which over \$15 million is supported by the General Fund. Justices of the Peace (JP) are independently elected from their respective precincts and serve four-year terms of office.

## Court Operations

Justice Courts operate independently and have geographical boundaries established by the Board of Supervisors that follow voting precincts. Generally speaking, JP precincts are larger than city or towns limits and incorporate an entire city/town and pieces of other communities. While most precincts in Maricopa County incorporate the name of a community into their titles, they are County courts. Most cities and towns operate their own municipal courts that handle some of the same types of cases, including civil traffic and misdemeanors.

The 23 Justice Courts in Maricopa County handle civil, criminal traffic, and misdemeanor cases and a variety of civil matters not in excess of \$10,000. The courts conduct business at 19 sites and serve over three million people living and working in Maricopa County. The Court employs 23 Justices who are organized into Divisions based on geographic regions and population. Justice Courts can issue search warrants and handle domestic violence and harassment cases. The following table shows Justice Courts caseloads for FY 1999 through FY 2002:

<b>CASE-RELATED MEASURES</b>				
<b>CASE TYPE</b>	<b>FY 1999</b>	<b>FY 2000</b>	<b>FY 2001</b>	<b>FY 2002</b>
Criminal Traffic	24,061	28,339	27,055	32,617
Civil Traffic	149,299	158,204	154,469	167,109
Felonies	18,808	18,111	16,661	17,414
Misdemeanor	32,056	32,841	33,268	33,576
Small Claims	19,990	17,500	16,161	15,010
Civil	94,839	94,625	104,881	94,411
Total Cases	339,053	349,620	352,495	360,137

Source: State of Arizona Supreme Court, Arizona Courts Data report FY 2002

## AOC Review Mandate

The Minimum Accounting Standards (MAS) review is an agreed-upon procedures engagement. An independent accountant performs standard audit procedures set forth by the Administrative Office of the Arizona Supreme Court (AOC). The purpose of the engagement is to ensure that Maricopa County courts maintain effective internal control procedures over financial accounting and reporting systems.

The Arizona Auditor General's Office turned over responsibility for County MAS reviews to Internal Audit in FY 1998-99. MAS reviews are performed on a three-year cycle. The current schedule for the County's MAS reviews is shown in the table below. The schedule will repeat beginning in FY 2005.

Locations shown represent County Justice Courts except for Clerk of the Superior Court, Juvenile Probation Department, and Adult Probation Department.

<b>MAS Schedule</b>		
<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
Central Phoenix East Phoenix #1 East Phoenix #2 Maryvale Peoria West Mesa Wickenburg	Buckeye Northwest Phoenix Northeast Phoenix South Mesa/Gilbert South Phoenix Tempe East Tempe West West Phoenix Clerk of Superior Court	Chandler East Mesa Glendale Gila Bend North Mesa North Valley Scottsdale Tolleson Juvenile Probation Adult Probation

## Scope and Methodology

Our audit objectives were to determine if the Justice Courts':

- Key performance measure data is accurate, reliable, and valid to allow adequate planning and budgeting decisions
- Established controls are adequate to ensure that County resources (cash receipts) are safeguarded against possible waste or abuse
- Compliance with AOC Minimum Accounting Standards is adequate
- Process for managing surety bonds and forfeitures is in compliance with ARS requirements and maximizes revenue opportunities

This audit considered all aspects of the Justice Court operations. However, due to resource constraints, we focused our efforts on the areas of highest risk. Future audits in the Justice Courts should consider the following areas, which were excluded from our current review:

- Judicial Productivity Credits
- Account Receivables/Collections
- Operational Expenses
- Justice of the Peace Pro Tempore Issues
- Unclaimed Funds

This audit was performed in accordance with generally accepted government auditing standards.

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# Court Reported Accomplishments

**The Maricopa County Superior Court provided the following information for inclusion in this report.**

Justice Court Administration (JCA) has taken significant steps to improve the collection process in Maricopa County as noted below:

- JCA began sending delinquent criminal cases to collections after an eighteen-month hiatus, including a backlog of 5,261 cases totaling \$3,279,709 in receivables.
- JCA began sending accounts to private collection agencies on a weekly rather than a monthly basis, increasing the collection rate of these companies from 8.6% to 16.4%.
- JCA is currently working on reducing the time it takes to refer an account to private collections after it becomes delinquent from 90 days to 45 days.
- JCA began participating in the debt set off program run by the Administrative Office of the Courts in Fiscal Year 2003 after not participating in 2002, which has resulted in almost \$300,000 being collected so far this fiscal year.
- JCA is currently exploring participation in the Central Compliance Bureau, which is being established under the auspices of the Administrative Office of the Courts, thereby making an array of sophisticated collection techniques available to the justice courts.
- JCA is in the process of moving \$2,109,738 in outstanding account receivables from the automated accounting system to the fines management system for collection purposes, and instituting a procedure in the future that once a judgment is entered into the automated system a fine management plan will be automatically created.

All of these efforts have lead to an increased collection rate and enhanced enforcement of judicial orders. From 1988 through 2002 the average collection rate of all the justice courts was around 78%. In February 2003 the overall collection rate hit 102%, which means the justice courts brought in more revenue that month than they assessed. In March 2003 that rate rose to 136%. In the near future we plan to implement an automatic default system for our delinquent civil traffic cases. This should have a significant positive impact on our collection/enforcement rates in this area.

In conclusion, it should be noted that approximately 63% of all revenue collected by the justice courts goes directly into the county general fund. In Fiscal Year 2002 the justice courts collected \$23,897,719 of which \$15,061,664 went to the county general fund.

# Issue 1 Minimum Accounting Standards

## Summary

Although all eight Justice Courts reviewed comply with most Minimum Accounting Standards (MAS) requirements, we found some exceptions. While some exceptions are more significant than others, none present an immediate risk to the courts.

## MAS Review

During an MAS review, 58 separate tests are applied. Most of the exceptions are minor and do not, by themselves, present a significant risk to the court. The number of exceptions found, by Justice Court, is reported below along with a description of significant exceptions.

JUSTICE COURT	NUMBER OF EXCEPTIONS	SIGNIFICANT EXCEPTIONS
Buckeye	1	0
Northeast Phoenix	0	0
Northwest Phoenix	1	0
South Mesa	0	0
South Phoenix	5	3
Tempe East	5	1
Tempe West	4	0
West Phoenix	9	3

## MAS Significant Exceptions

### South Phoenix

Of the 58 requirements tested, 3 material exceptions were found:

- Reconciliations not performed between the contractor's monthly report and court case records
- 4 of 25 disbursements tested were not made within specified time frames
- 3 of 25 daily cash counts tested, noted cash receipts not recorded on day received

### Tempe East

Of the 58 requirements tested, 1 material exception was found:

- 6 outstanding checks more than 6 months old

## West Phoenix

Of the 58 requirements tested, 5 material exceptions were found:

- 13 of 50 files requested could not be located
- 7 bank reconciliations were not completed within one month of the bank statement date
- 5 of 25 receipts tested contained accounting code errors

## **MAS Trends**

Maricopa County Justice Courts have improved their financial and administrative controls since Internal Audit began performing MAS reviews in FY 1998. The number of exceptions is down significantly over the past three years. Individual exceptions are typically low-risk. For example, most reconciliation exceptions relate to a missing signature for a cash drawer count. This trend is shown in the graph below.



# Issue 2 Fines Managers

## Summary

Our review of internal controls over cash receipts identified elevated risks with the Fines Manager position. Inappropriate segregation of duties has allowed monies to be misdirected without being detected. The courts should consider restricting the Fines Manager position from handling cash receipts.

## Cash Receipts Risks

Justice Courts process a high volume of cash receipts on a daily basis in the form of checks, money orders, cash, and credit card transactions. The 23 courts are dispersed across the County, increasing the difficulty of monitoring these transactions. The nature of Justice Court transactions – large dollars and a large number of transactions – inherently carry a level of risk to the County.

## Fines Manager Function

Defendants that can not afford to pay the entire imposed fine are assigned to the Court's Fines Manager. The Justice Courts employ 22 Fine Managers to determine the ability of the defendant to pay the imposed fines and set up and administer a payment plan. The Fine Managers interview the defendant, perform a credit check, and, if appropriate, establish a payment plan.

Once the payment plan is established, the defendant submits payments on a pre-arranged schedule. The payments can be made through the mail, in person to any cashier, or to the Fines Manager. The Fines Manager records all payments in the Fines Management system. Additional responsibilities include delinquent account collections, reporting delinquent accounts to MVD and contracted collection agencies.

## Segregation of Duties Risks

Having access to both assets (cash receipts) and accounting records for those assets goes against the most basic principles of internal control. In addition, the Fines Manager position presents an elevated risk for three reasons:

- Payment Plan cash receipts are broken up into small increments, which makes them easier to conceal or divert
- Payment Plan cash receipts are remitted over a long period of time, and monitored only by the Fines Managers
- Fines Managers develop an ongoing relationship with their clients which place them in a position of trust

This situation makes the Fines Manager position particularly vulnerable to misuse. It has resulted in two instances of internal theft of which Internal Audit is aware. One instance at the Tolleson court and one at the Chandler court (which is still under investigation) are summarized in the table on the following page.

Location	Tolleson	Chandler
Position Involved	Fines Manager	Fines Manager
Occurrence	Theft of cash	Theft of cash
Time period	July 1997 – April 1998	June 1999 – December 2001
Amount of Loss	Est. \$ 1,300	Est. \$2,500
Method	Cash receipts were misdirected by Fines Manager prior to being entered into the court automated system	Cash receipts were misdirected by Fines Manager prior to being entered into the court automated system
Reason	Defendants were allowed to give cash receipts directly to Fines Managers	Defendants were allowed to give cash receipts directly to Fines Managers

Both instances could have been avoided if Fines Managers were prohibited from accepting cash receipts. We are not aware of any other instance involving Fines Managers. However, the Justice Courts do not have an established method for accumulating and reporting losses from internal fraud and theft.

### **Recommendation**

The Courts should consider restricting Fines Managers from accepting cash receipts.

# Issue 3 Loss Reporting

## Summary

Our review noted that key County departments were not notified of a FY 2002 internal theft occurring in the courts. The Justice Courts do not have formal, written procedures for reporting internal losses at court locations. Reporting of fraud and theft issues is essential to properly assess business risks and develop appropriate controls to Safeguard County assets. The Courts should consider developing procedures for reporting internal theft and abuse.

## Reporting Necessary for Risk Management

Complete, accurate, and timely reporting of fraud and theft related issues to County management is essential to assess business risks and to assist in the development of appropriate controls to safeguard County assets.

## Reporting Process for Losses

In recent years the courts have experienced several losses perpetrated by employees. In attempting to obtain details of a recent theft at one Justice Court, we found that no process is in place to notify appropriate County departments of the losses. Justice Court Services had not been notified of the loss, and was unable to provide any relevant information.

Misdirection of County assets, whether perpetrated internally or externally, presents a risk to the County. Systematic accumulation and reporting of losses would enable management to address the specific instance under investigation. In addition, it would help in establishing internal controls to prevent similar instances from occurring in the future.

Reporting fraud-related occurrences centrally to Justice Court Services will help manage risks in the Justice Courts. Sharing this information with appropriate County departments would help the County's overall risk management process. County departments that would benefit from having information concerning fraud-related losses include:

- Risk Management
- Internal Audit
- Protective Services
- County Attorney

## Recommendation

The Courts should develop written procedures for reporting fraud and theft.

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# Issue 4 MfR Performance Measures

## Summary

Three of five Justice Court Key Results Measures tested were reported inaccurately and the Justice Courts do not have a process to validate the measurement data. Inaccurate data negatively impacts management's ability to make informed decisions related to meeting goals and improving operations. The Justice Courts should strengthen Managing for Results controls related to ensuring data accuracy and review.

## County Policy Requirements

County Policy B6001 (4.D Evaluating Results) requires the Internal Audit Department to review County departments' strategic plans and performance measures. The policy also requires that a report of the results be issued.

As part of this audit, we performed certification reviews of five Justice Court Key Results Measures. The following information defines the result categories that are used in the certification process.

## Definitions

Certified: The reported performance measurement is accurate (+/-5 per cent) and adequate procedures are in place for collecting/reporting performance data.

Certified with Qualifications: The reported performance measurement is accurate (+/-5 per cent) and adequate procedures are not in place for collecting and reporting performance data.

Factors Prevented Certification: Actual performance measurement data could not be verified due to inadequate procedures or insufficient documentation. This rating is used when there is a deviation from the department's definition, preventing the auditor from accurately determining the performance measure result.

Inaccurate: Actual performance is not within 5 per cent of reported performance and, or the error rate of tested documents is greater than 5 per cent

Not Applicable: Performance measurement data is not yet available.

## Review Results

**Key Measure #1:** Percent of DUI cases resolved within established limited jurisdiction court standards.

**Results:** Inaccurate

We sampled case files included in the measure reported to verify accuracy in case type identification, reporting logic, and case file maintenance. The error rate of days reported was greater than 5 per cent. Better controls need to be established to ensure data accuracy in performance measure results.

Measure #1	Qtr 1	Qtr 2	Qtr 3	Qtr 4	FY03 Total
Reported #s	62.2%	64.8%			
Actual #s	Unknown	Unknown			

**Key Measure #2:** Percent of Criminal Traffic cases resolved within established limited jurisdiction court standards.

**Results:** Inaccurate

We sampled case files included in the measure reported to verify accuracy in case type identification, reporting logic and case file maintenance. The error rate of days and cases reported as pending was greater than 5 per cent. Better controls need to be established to ensure data accuracy in performance measure results.

Measure #2	Qtr 1	Qtr 2	Qtr 3	Qtr 4	FY03 Total
Reported #s	49.6%	49.1%			
Actual #s	Unknown	Unknown			

**Key Measure #3:** Percent of Misdemeanor cases resolved within established limited jurisdiction court standards.

**Results:** Inaccurate

We sampled case files included in the measure reported to verify accuracy in case type identification, reporting logic and case file maintenance. The error rate of cases reported as pending was greater than 5 per cent. Better controls need to be established to ensure data accuracy in performance measure results.

Measure #3	Qtr 1	Qtr 2	Qtr 3	Qtr 4	FY03 Total
Reported #s	41.9%	38.2%			
Actual #s	Unknown	Unknown			

**Key Measure #4:** Percent of Civil Traffic cases resolved within established limited jurisdiction court standards.

**Results:** Not Applicable

This measure is currently under development and supporting data is unavailable.

Measure #4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	FY03 Total
Reported #s	N/A	N/A			
Actual #s	N/A	N/A			

**Key Measure #5:** Percent of Civil (non-traffic) cases resolved within established limited jurisdiction court standards.

**Results:** Not Applicable

This measure is currently under development and supporting data is unavailable.

<b>Measure #5</b>	<b>Qtr 1</b>	<b>Qtr 2</b>	<b>Qtr 3</b>	<b>Qtr 4</b>	<b>FY03 Total</b>
Reported #s	<b>N/A</b>	<b>N/A</b>			
Actual #s	<b>N/A</b>	<b>N/A</b>			

### **Recommendation**

Justice Courts should:

- A.** Develop and implement a formal plan for case file data validation and clean-up.
- B.** Establish formal written procedures for the development, calculation, review and reporting of performance measure data.

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# Court Response

**AUDIT RESPONSE  
MARICOPA COUNTY JUSTICE COURTS  
MAY 22, 2003**

**Issue #1:**

**All eight Justice Courts' comply with most MAS requirements, but some exceptions were noted, though none present an immediate risk to the courts.**

**Response:** Concur. Of the 8 justice courts studied, only 25 exceptions were identified, and of these only 7 were identified as significant exceptions. The majority of these significant exceptions were focused in only 2 out of the 8 courts. As noted in the audit report, the number of exceptions has steadily decreased from a high of 67 in 2000 to only 25 in 2002 for a decrease of 63%. Justice Court Administration has devoted 3 staff persons to Minimal Accounting Standards compliance. Staff currently conducts their own detailed annual audits of all 23 justice courts. There are policy manuals, which govern financial management in the justice courts. Staff continues to work with the courts to improve cash handling procedures.

**Recommendation:** None, For Information Only.

**Issue #2:**

**There are elevated risks with the Fines Manager positions with regard to controls over cash receipts. Inappropriate segregation of duties has allowed monies to be misdirected without being detected.**

**Response:** Concur. After discussion with the Justice Court Administration executive team we agree.

**Recommendation:** The courts should consider restricting the Fines Manager position from handling cash receipts.

**Response:** Concur. Policies and procedures will be developed to restrict the Fines Managers from handling cash receipts. Through discussion with the county auditors it was noted that in many justice courts the Fines Managers perform many functions, including front counter coverage. The auditors indicated they had no problems with the Fines Managers handling cash receipts over the front counter. The real problem is allowing the Fines Managers to accept cash on cases they are managing in the privacy of their own office. Fines Managers shall be directed to walk such clients to the nearest receipting clerk, and this clerk shall take in the money and provide a receipt to the client.

**Target Completion Date:** June 2003.

**Benefits/Costs:** Better control over cash receipts and a reduced risk of theft.

**Issue #3:**

**The Justice Courts have not developed procedures for reporting fraud issues at court locations.**

**Response:** Concur. Since Justice Court Administration (JCA) was reorganized in June 2002, and new Court Administrators were hired, the court has had a procedure in place to immediately report any theft. However, these procedures need to be developed into policy and put in writing and distributed to all the courts.

**Recommendation:** The Courts should consider developing procedures for reporting internal theft and abuse.

**Response:** Concur. Justice Court Administration is in the process of developing the necessary written policies and procedures. These policies and procedures will be incorporated into the manuals that are distributed to the courts. JCA has also formally implemented strict money handling and safe procedures.

**Target Completion Date:** August 2003.

**Benefits/Costs:** The justice courts will know what to do when a theft occurs, and they will act consistently. The proper authorities will be notified with minimal delay, thereby minimizing any theft and increasing potential restitution in a timely manner.

**Issue #4:**

**Three of five Justice Court Key Performance Measures tested were reported inaccurately. In addition, the Justice Courts do not have a process to validate measurement data. The Justice Courts should strengthen Managing for Results controls related to ensuring data accuracy and review.**

**Response:** Concur. Justice Court Administration has been aware of the data quality issue and has been working with the courts to clean up the existing data. In discussion with the auditors it was noted that the 5 courts studied had the highest case inventory. JCA research has indicated that these courts are the ones with the more serious data quality issues, therefore JCA believes the results of the audit may have been a little skewed. We also have instituted data clean up per case type at different points in time. JCA has been monitoring DUI cases since January 2002, and even the auditor noted that the data was more reliable for these cases. Work did not begin with the misdemeanor and criminal traffic cases until June 2002. There are many old cases in the system, and in the past JCA had no monitoring procedures in place. Therefore, it will take some time to clean up the thousands of cases that are in our system.

**Recommendation A:** The Justice Courts should develop and implement a formal plan for case file data validation and clean up.

**Response:** Concur. In addition, JCA has always had a process in place to formally review our pending cases in the DUI, misdemeanor and criminal traffic areas. Detailed lists are provided to the courts on a monthly basis. These lists provide information on pending cases by case record number, defendant name, complaint date, days in the system, any excluded warrant time and any future calendar dates. The courts have been instructed to use these lists as part of their data clean up effort, starting with the oldest cases. Monthly progress is monitored. Caseload management has become a criterion in the annual performance evaluation of our Court Managers and Deputy Court Managers. This whole process simply has not been put in writing as a formal policy since we are still in the development stage.

JCA has recently identified the most problematic courts and developed a short-range plan. We will allocate SIPS from superior court that can be assigned to the justice courts on a short-term basis to help with the clean up effort. Other staff will be drawn from the justice courts themselves to help in this effort.

There are two other issues that will govern the pace of our clean up efforts. Clean up for all practical purposes must occur at the court level. They have the case files and they are familiar with what is happening with the case. This is a resource issue for the courts, since they still must deal with the new cases that continue to come through the front door. Case filings continue to increase each year, and staffing levels have not kept up with this increase. A recent staffing study conducted by JCA shows that the justice courts are understaffed. In addition to this resource issue, currently we have no way to identify related cases across case types, since we have no way to link cases. JCA is working on an automated solution to this problem that will link cases by citation number. This process should be implemented shortly, which will greatly aid in the clean up effort, since it will enable courts to remove related warrant cases from the pending caseload list.

**Target Completion Date:** January 2004 for completion of a caseload policy manual.

**Benefits/Costs:** The courts will have a reference document they can use to guide them in their clean up efforts. This will minimize calls to JCA for clarification.

**Recommendation B:** The Justice Courts should establish formal written procedures for the development, calculation, review and reporting of performance measure data.

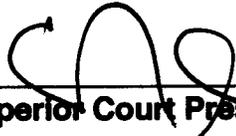
**Response:** Concur. See response to previous audit finding. JCA has formal policy manuals that describe how information should be entered into the

automated system. The problem has always been to ensure compliance with these policies and procedures. JCA is working on an operational review manual. Staff from JCA will soon visit a select number of justice courts each year to conduct formal operational reviews. Data entry compliance will be one of the areas audited. Formal written caseload management procedures will certainly help the process, though JCA has sent out numerous memorandums on this subject. Also, once the citation link is established this should greatly facilitate this clean up effort. However, until the staffing issue is resolved or new automation system implemented the courts will have limited resources to tackle this problem.

Target Completion Date: January 2004 for completion of a policy caseload management manual.

Benefits/Costs: The courts will have a reference document they can use to guide them in their clean up efforts. This will minimize calls to JCA for clarification.

Approved By:  5/21/03  
Department Head/Elected Official Date

 5/21/03  
Superior Court Presiding Justice/Administrator Date  
Judge

 5/23/03  
County Administrative Officer Date