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Risk and Vulnerability Assessment Report

**AUSTIN MUNICIPAL COURT
RISK AND VULNERABILITY ASSESSMENT**

February 2005

**Office of the City Auditor
Austin, Texas**

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Date: February 22, 2005
To: Mayor and Council
From: Stephen Morgan, City Auditor
Subject: Risk and Vulnerability Assessment of the Austin Municipal Court

I am pleased to present this risk and vulnerability assessment of the Austin Municipal Court's case adjudication and disposition processes and performance. While the purpose of such an assessment is primarily to serve as a detective method to isolate control weaknesses (vulnerabilities) and thus provide direction for improving performance, results also provide assurance that the City is not exposed to high risks in specified areas.

Results of the risk assessment show a strong control environment at Austin Municipal Court, with comprehensive policies and procedures, knowledgeable staff, and key performance indicators showing improving trends. By analyzing a sample of cases filed at the Court, we found that the Court's collection rate slightly exceeds that estimated for other Texas cities. Analysis also showed that the Court has achieved an improving overall rate of conviction or dismissal (disposition) on cases filed over the last ten years. Additionally, although retained revenues have been flat in recent years, gross revenues collected by the Court are growing. Patterns in prosecutions, judgments, proportion of revenues remitted to the State, and volume of citations issued all effect trends in retained revenues.

In order to ensure broad based coverage of court risks, we used the Trial Court Performance Standards, issued in 1995 by the National Center for State Courts and the federal Bureau of Justice Assistance. The standards provide a common language for describing, classifying, and measuring the performance of trial courts.

There is always room for improvement, and on this note we isolated eleven risks with vulnerabilities ranked from medium to high. As summarized, the vulnerabilities deserving further attention are: the time to disposition for non-traffic Class C misdemeanors, customer service by telephone, controls over cash in the mail, incentive pay issues, management approach to planning and operational performance evaluation, and selected personnel practices.

We appreciate the cooperation we received from Municipal Court management, judges, and staff.

Stephen L. Morgan, CIA, CGAP, CFE, CGFM
City Auditor



ACTION SUMMARY MUNICIPAL COURT RISK AND VULNERABILITY ASSESSMENT



	Recommendation Text	Management Concurrence	Proposed Implementation Date
01.	In order to accurately identify time required for Court activities, the Court Clerk should require that all staff accurately account for their time so that time accounting accurately reflects time spent on activities.	Concur	Beginning in FY2006 with changes to activities and duties
02.	In order to make effective and efficient use of its resources, the Court Clerk should analyze queuing software reports and available staffing levels to identify peak lobby hours and adjust staffing accordingly.	Concur	Analysis of reports in progress; staffing to be "adjusted accordingly" as adequate staffing becomes available
03.	To improve employee morale, the Court Clerk should continue to pursue bilingual pay for Court employees through the Human Resources Department.	Concur	Estimate is underway for inclusion in budget forecasts
04.	In order to create a results-oriented Court environment, the Court Clerk should explore managing for results strategies and identify ways to replace the current cultural emphasis on processing workload with an emphasis on achieving results.	Concur	Emphasis on results to continue, including additional internal measures for FY2006
05.	In order to encourage shared accountability for results, the Court Clerk should ensure that managers are trained in the use of management information to develop strategies that maximize results achieved.	Concur	Will refer to HR classes beginning immediately
06.	To ensure that the Court mailroom is properly handling cash payments, the Court Clerk should conduct an assessment of the controls over cash received through the mail and adjust controls as needed.	Concur	Assessment during FY2005; if staffing or funding is needed, implementation will depend on budget approvals

	Recommendation Text	Management Concurrence	Proposed Implementation Date
07.	Prior to renegotiating the agreement for operation of the Central Booking facility in the Fall of 2005, the City Council should consider taking steps to ensure that the extent to which City prisoners are turned away from the facility is investigated and that the prisoner admission levels are considered in renegotiation.	Concur	Review is currently underway and Court will continue to assist the Council and City management in negotiating a new contract
08.	To ensure that all citations filed with the Court are accounted for in the case management system, the Court Clerk should periodically use sampling to test completeness of the system.	Concur	Sampling to begin following implementation of computer upgrade
09.	To ensure that the case management system upgrade is successful, the Court Clerk should make sure that the new system has: <ul style="list-style-type: none"> • error reports in place to capture discrepancies in defendant information, and • input controls to ensure that the case status field is not left blank. 	Concur	Upgrade to computer system currently underway
10.	Following implementation of the case management system upgrade, the Court Clerk should comprehensively review the system's data controls.	Concur	Review to begin following implementation of computer upgrade
11.	In order to improve the collection rate, defined as the ratio of amounts collected to amounts assessed, the Court Clerk should develop a formal and comprehensive collection plan that includes strategies for dispensing expeditious and timely justice, and achieving best possible compliance with Court orders.	Concur	Comprehensive strategy already in place; will update strategy and place in more formal format during FY2006
12.	In order to improve Court efficiency and data integrity, the Court Clerk should continue working with City departments that issue hand-written citations to pursue implementation of electronic ticket writers where cost effective.	Concur	Court will work with other City Departments to develop handheld ticket writers as departmental funding becomes available

	Recommendation Text	Management Concurrence	Proposed Implementation Date
13.	In order to ensure that Court staff have timely access to complete and accurate case files, the Court Clerk should ensure that sufficient controls around document imaging are implemented in the case management system upgrade.	Concur	Upgrade to computer system currently underway
14.	To obtain information needed for decision making, the Judicial Committee should consider requesting that the Human Resources Department continue to administer a survey of Court users regarding judicial performance. In addition, the Human Resources Department should look for ways to improve the response rate to this survey and should share the aggregate results with the Presiding Judge upon completion.	Concur	Court will assist the Council Judicial Committee and HR with any surveys regarding judicial performance
15.	In order to broaden input obtained about judicial performance, the Judicial Committee should consider requesting that the Human Resources Department include court staff in their survey regarding judicial performance.	Concur	Court will assist the Judicial Committee and HR with any surveys regarding judicial performance
16.	The Court Clerk should continue to work with other departments to identify barriers to disposition of City ordinance violations so that such citations are disposed in a timely manner.	Concur	Identification of possible barriers will take place during FY2005 and forwarded to other departments; Court will work with other departments to address identified barriers
17.	In order to support robust collection strategies, the Court Clerk should produce and share disposition and termination aging reports to collections staff on a regular basis, at least monthly.	Concur	Termination reports will be developed, produced and shared following computer upgrade implementation

	Recommendation Text	Management Concurrence	Proposed Implementation Date
18.	<p>To provide for equitable enforcement of the Court's orders, the Court Clerk should use available means to strengthen enforcement of citations issued to vehicles with out-of-state license plates. For example, the Court could:</p> <ol style="list-style-type: none"> 1) send these cases to collections at the earliest permitted time, and 2) communicate with the University of Texas to determine whether the citation is for a vehicle registered by a student and therefore subject to pursuit locally. 	Concur	Effective means to improve closure of out-of-state parking cases will be studied and added to Court's revised collection plan following implementation of the computer upgrade
19.	<p>In order to effectively evaluate performance, the Court Clerk should gather benchmarks from other Texas cities to set revised goals and analyze performance against those goals. Specifically, the Court Clerk should implement periodic aging and delinquent reports, and revise goals for:</p> <ul style="list-style-type: none"> • Days to termination • Days to disposition 	Concur	Will include new goals with next budget
20.	<p>In order to know the termination rate for City ordinance citations, the Court Clerk should track and report these separately from State misdemeanors.</p>	Concur	Will report quarterly to Budget with other key indicators beginning with next report
21.	<p>In order to ensure that customers are served by telephone, the Court Clerk should identify and implement ways to alleviate the call abandon rate for customer service phone calls routed to operators.</p>	Concur	Analysis is currently underway and, if staffing or funding is needed, implementation will depend on budget approvals

AUSTIN MUNICIPAL COURT RISK AND VULNERABILITY ASSESSMENT COUNCIL SUMMARY

This report presents the results of our risk and vulnerability assessment of the Austin Municipal Court's case adjudication and disposition processes and performance. This project was added to the 2004 Service Plan at Council request. The purpose of our work was to provide a broad-scope assessment of risks and identify control weaknesses, providing direction for improving performances. However, a risk and vulnerability assessment does not necessarily confirm actual performance problems. Our work covered all Municipal Court operations and the Judiciary.

We found that overall the Court is performing well, with some areas needing improvements. Areas of control strengths identified are a strong control environment, comprehensive policies and procedures, experienced staff, and key performance indicators showing improving trends over the last ten years. For example, the Court has had increasing gross revenues over the last several years and has a collection rate that is slightly better than other Texas cities.

A risk and vulnerability assessment produces a picture of where to focus audit or management resources, or conduct further study. Areas that need improvements include management approach to planning and operational performance evaluation, and performance monitoring and reporting. In addition, some operational performances may need further attention, such as length of time to terminate Class C misdemeanor cases, delays in trial settings, and a significant backlog of pending cases. Furthermore, we noted some weaknesses related to selected personnel practices, including compensation for bilingual employees, and a high abandon rate for customer service calls routed to operators. Also, improvements can be made with regards to controls over case management system data. Finally, other areas that need consideration are the judicial performance evaluation process and the interlocal agreement with Travis County for the operation of the Central Booking facility.

We have issued 21 recommendations directed at improving performance in the areas identified. Management concurs with all 18 of the recommendations directed to the Court. Remaining recommendations are addressed to City Council and the Judicial Committee of the Council.

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Perceptions can matter as much as actual performance, and the public seems broadly satisfied with or indifferent to Court customer service.45

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CHAPTER 1: INTRODUCTION

The Austin City Charter establishes a Municipal Court to carry out the judicial duties of local government, as prescribed by State law. As such, the City of Austin Municipal Court, a municipal court of records, is the judicial branch of City government. The vision of the City of Austin Municipal Court is “to be the most effective, efficient, and impartial Municipal Court in Texas,” and the Court’s mission is to “serve the public in a fair, efficient, and accountable manner”.

Court Responsibilities

Cases filed in the municipal court encompass several types of violations. These types are:

- Traffic Violations – Traffic violations include moving and non-moving violations, commercial vehicle violations, failure to maintain financial responsibility, driving without a license, and other traffic-related offences. The citations for these violations are issued by the Austin Police Department (APD), the University of Texas Police Department, the Aviation Department, Austin Independent School District, and the Parks and Recreation Police Department.
- Parking Violations – These violations are handled administratively, generally following the civil code. Parking violations are typically issued by the Parking Division of the City’s Public Works Department. If a vehicle has outstanding parking citations, it is subject to booting or towing. Parking cases and related boot and tow orders are handled by the Civil Parking Division of the Municipal Court. This division includes a hearings officer who handles hearings on contested parking cases. Appeal of hearing decisions are heard by Municipal Court judges.
- Class C Misdemeanors – Class C misdemeanors are defined by the Texas Penal Code and are punishable by a fine up to \$500. These citations are issued by APD officers. Some examples of Class C misdemeanors are public intoxication, theft (less than \$50), disorderly conduct, minors in possession of alcohol, or possession of drug paraphernalia. Higher level misdemeanors are handled at the county court level. For the purpose of this report, the term “Class C Misdemeanors” is used to describe non-traffic violations of state law.
- Violations of City Ordinances – These violations are established in the City code and include offenses such as violations of the juvenile curfew, violations of the park curfew, environmental, health and safety violations. Environmental citations are issued for a wide range of violations including pollution, land development violations, health and safety violations associated with food service establishments, rubbish at a residence, and animal violations. Citations for these violations are issued by staff in different City departments including the Solid Waste Services Department, the Neighborhood Planning and Zoning Department, the Neighborhood Housing and Community Development Department, and APD. The maximum fines for these violations range from \$500 to \$2,000.

Court Structure

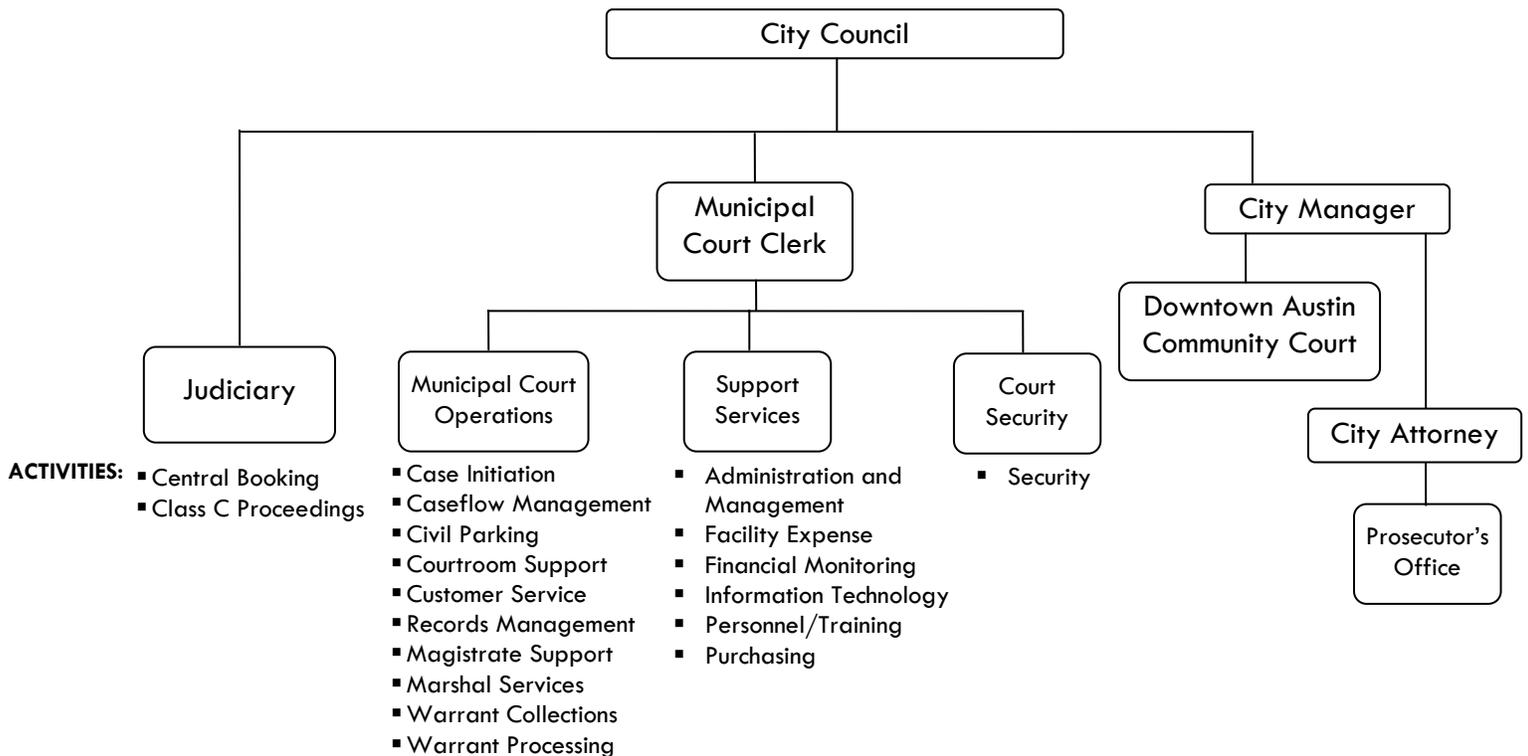
The Court handles cases at four locations, the main court, two sub-stations, and the Central Booking facility operated by Travis County. The main court processes all the various offenses and is the principle location for trials. The sub-stations are similarly operated, but typically do not host trials. The Court provides, under an interlocal with Travis County, magistrate services for all levels of criminal offenses at the Central Booking facility.

To handle these cases, the Court is organized into two sections, the Judiciary and Court Operations. The Judiciary includes the presiding judge, seven associate judges and twelve substitute judges. These judges are appointed for two-year terms by the City Council and

supervised by a presiding judge who is also appointed. Court Operations includes functions such as customer service, warrants, marshals, and records management. Court Operations activities are managed by a Court Clerk, who is appointed by the City Council. Judges and the Court Clerk report to the City Council rather than the City Manager. This maintains the separation of the executive and judicial branches of government. Prosecution of all municipal court cases is handled by the City Prosecutors Office, which is a division of the City Law Department.

In addition to the Municipal Court, the Downtown Austin Community Court (DACC) handles public order offenses, a subset of Class C misdemeanors, occurring in the downtown Austin area. The Community Court is designed to provide alternative sentencing options, emphasizing swift, accountable justice. This model is designed to reduce the recidivism rate, restore the debt to the community as a result of the offense, and to provide supportive services to assist with modifying offending behaviors.

**EXHIBIT 1.1
Municipal Court Organizational Chart, FY04**



SOURCE: Municipal Court and City of Austin organizational charts

The Court is tasked by state law to collect certain court costs and fees assessed against every adjudicated case, and remit that amount to the State Comptroller. The Court also submits monthly reports to the State's Office of Court Administration. This agency conducted a revenue evaluation of the Court in March 2001, finding that the Court performed at an "above average level of competence as it relates to the collection process" overall, and a "somewhat proactive approach to the collection of court fines and fees."

Municipal Court workflow is organized by budgeted programs and activities. These include three direct service programs and a support service program. Within the Judiciary program, the activities are:

Central Booking – The Central Booking activity is responsible for providing magistration and arraignment services at the central booking facility (County jail) under contract to Travis County for arrest cases.

Class C Proceedings – The Class C Proceedings activity is responsible for providing magistration and arraignment services for non-jail cases at the Municipal Court.

Within the Municipal Court Operations program, the activities are:

Case Initiation – This is the group that receives citations from various enforcement agencies, creates case file folders, and routes the folders to the appropriate location.

Caseflow Management – Staff in this activity are responsible for updating cases following trials and other decisions, and monitoring deferred cases. This group also schedules trial appearances and maintains the court docket.

Civil Parking – The Civil Parking activity handles most aspects of parking violations, including processing records, sending notices, conducting hearings, and initiating boot and tow enforcement for delinquent violations.

Courtroom Support – This activity is responsible for providing case support to judges and for maintaining decorum during Court proceedings.

Customer Service – Staff in the Customer Service activity provide assistance for walk-in, phone, and mail customers of the court. They are responsible for providing information over the phone and in person, accepting and processing payments, accepting motions, and processing payment plans.

Magistrate Support – This activity prepares documents for all jail cases, processes payments at the jail, and schedules cases for appearance.

Marshal Services – The Marshal Services activity is responsible for locating and arresting noncompliant defendants. Staff in this activity are City Marshals, and also serve subpoenas, back up building and courtroom security, and provide prisoner transport.

Records Management – Records management maintains and retrieves case files for court operations. This group is also responsible for handling public record requests, archiving records, and expunging records.

Warrant Collections – Staff in Warrant Collections are responsible for locating and contacting defendants in order to gain voluntary compliance with court orders. If they do not obtain voluntary compliance, the location and contact information is given to City Marshals to serve arrest warrants.

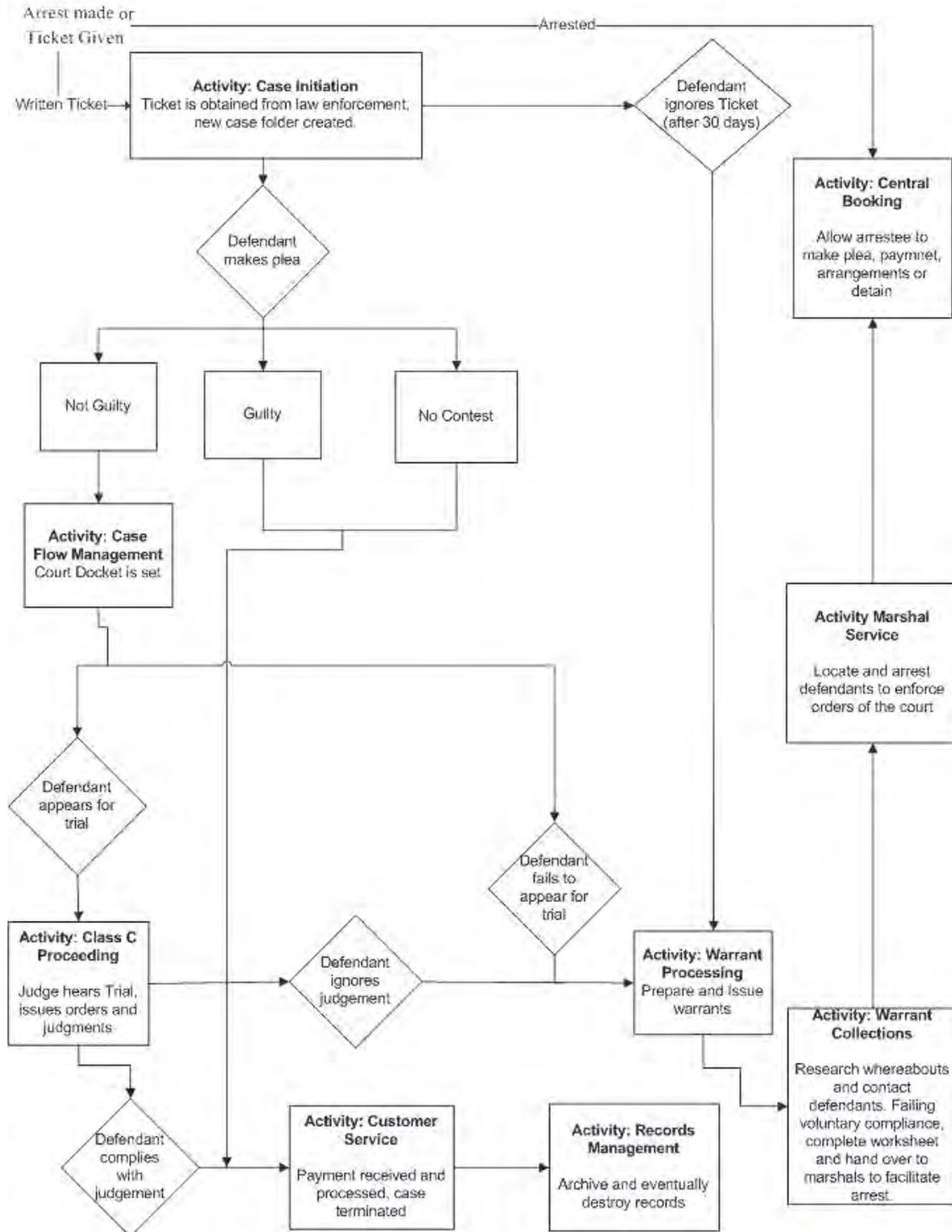
Warrant Processing – The Warrant Processing activity prepares arrest warrants for judicial review and confirms the existence of valid arrest warrants for law enforcement personnel so that defendants who fail to appear or who do not comply with orders of the Court may be arrested.

There is also one activity in the Security program:

Court Security - This activity provides security for the DACC and Municipal Court, oversees the contract for security services, conducts safety inspections, and maintains the emergency plan. As needed, staff in this activity also process and transport arrestees and process vehicles subject to “boot and tow” orders.

A chart of the flow of cases through the Municipal Court activities is shown below. In addition, Appendix B contains an overview of the flow of Municipal Court processes.

EXHIBIT 1.2 Municipal Court Activity Process Chart



SOURCE: OCA analysis of Municipal Court processes.

Court Staffing

Similar to other City general fund departments, the Court has experienced a significant decline in the number of budgeted positions, or full-time equivalents (FTEs), since FY 01. In all, the Court has lost 28 positions between FY 01 and FY 05, which constitutes a 16 percent decline in staffing. FTEs are shown for each activity in the table below.

**EXHIBIT 1.3
Full-Time Equivalents, FY 01-05**

Program	Activity	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005 (budgeted)	% Change FY 01 - 05
Judiciary	Central Booking	3	3	3	3	3	0%
	Class C Proceedings	9	9	8.75	8.25	8.25	-8%
Court Operations	Case Initiation and Management	19.13	N/A*	N/A	N/A	N/A	---
	Case Initiation	N/A*	8.5	8.5	5	5	-41%
	Caseflow Management	N/A*	11	11.25	9.75	9.25	-16%
	Civil Parking	6.25	6.25	6.25	4.63	5.13	-16%
	Courtroom Support	9	7.25	6.75	6.63	6.63	-26%
	Customer Service	34.5	33.5	33.25	31.75	32.25	-7%
	Magistrate Support	15	14	11	10.88	10.38	-31%
	Records Management	12.38	12.5	11.75	11.13	11.13	-10%
	Marshal Services	12.75	9.5	9.17	8.25	8.25	-35%
	Warrant Collections	8.85	8	7.66	7.75	7.75	-12%
	Warrant Processing (Issuance)	14.38	16.25	14.42	14.5	14.5	1%
Security	Court Security	4	7.5	7.5	4	4	0%
Support Services	Administration and Management	2	2	3	2.75	2.75	38%
	Facility Expense	0.38	0.5	0.5	0	0	-100%
	Financial Monitoring/Budgeting	5	5	5.25	4.28	3.78	-24%
	Information Technology Support	9	9	8	7	7	-22%
	Personnel/Training	3.38	3.5	1	.7	1.2	-64%
	Purchasing/M/WBE	1.75	1.5	1.75	1.75	1.75	0%
Department		169.75	167.75	158.75	142	142	-16%

* In FY 02, Case Initiation and Management became two activities, Case Initiation and Caseflow Management

SOURCE: City of Austin Reporting Measurement and Analysis (CARMA) system

Court Expenditures

Although not as severe as the decline in FTEs, Court expenditures have also declined over the last few fiscal years. As shown in Exhibit 1.4, beginning in FY 02 Court expenditures decreased each year. In the FY05 budget, budgeted expenditures were higher than FY 04 actual expenditures.

EXHIBIT 1.4
Municipal Court Expenditures, FY 01-05

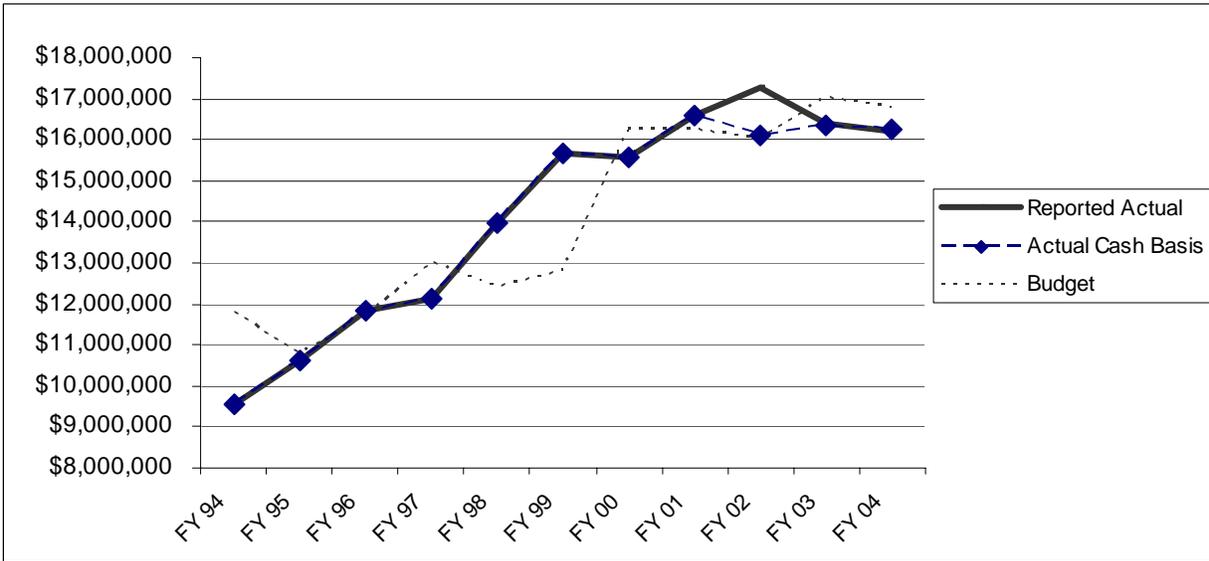
Program	Activity	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005 (budgeted)	% Change FY 01 - 05
Judiciary	Central Booking	\$ 354,536	\$ 395,342	\$ 412,666	\$ 401,072	\$ 425,130	20%
	Class C Proceedings	\$ 872,254	\$ 886,972	\$ 888,358	\$ 888,974	\$ 935,881	7%
Court Operations	Case Initiation	N/A	\$ 356,821	\$ 289,333	\$ 237,963	\$ 268,712	-25%
	Case Initiation and Management	\$ 757,973	N/A*	N/A	N/A	N/A	---
	Caseflow Management	N/A	\$ 420,350	\$ 419,092	\$ 248,739	\$ 372,944	-11%
	Civil Parking	\$ 409,527	\$ 396,244	\$ 252,971	\$ 261,280	\$ 284,605	-31%
	Courtroom Support	\$ 336,923	\$ 281,212	\$ 263,085	\$ 256,892	\$ 298,734	-11%
	Customer Service	\$ 1,159,540	\$ 1,350,474	\$ 1,290,352	\$ 1,223,436	\$ 1,442,142	24%
	Magistrate Support	\$ 459,956	\$ 427,602	\$ 407,749	\$ 393,863	\$ 412,792	-10%
	Records Management	\$ 535,146	\$ 528,851	\$ 521,656	\$ 453,257	\$ 468,549	-12%
	Marshal Services	\$ 721,054	\$ 605,607	\$ 617,131	\$ 703,077	\$ 652,752	-9%
	Warrant Collections	\$ 299,723	\$ 329,890	\$ 267,480	\$ 321,764	\$ 442,794	48%
	Warrant Processing (Issuance)	\$ 744,861	\$ 786,390	\$ 856,873	\$ 606,902	\$ 617,365	-17%
	Security	Court Security	\$ 364,323	\$ 668,274	\$ 532,744	\$ 406,807	\$ 454,737
Support Services	Administration and Management	\$ 219,054	\$ 174,182	\$ 208,835	\$ 256,062	\$ 250,651	14%
	Facility Expense	\$ 232,373	\$ 51,132	\$ 156,440	\$ 135,575	\$ 58,336	-75%
	Financial Monitoring/Budgeting	\$ 220,755	\$ 271,091	\$ 263,579	\$ 156,661	\$ 196,643	-11%
	Information Technology Support	\$ 734,412	\$ 736,341	\$ 562,123	\$ 509,379	\$ 546,013	-26%
	Personnel/Training	\$ 199,173	\$ 119,268	\$ 77,126	\$ 71,904	\$ 98,698	-50%
	Purchasing/M/WBE	\$ 150,361	\$ 133,211	\$ 85,906	\$ 71,734	\$ 109,457	-27%
Department		\$ 8,771,944	\$ 8,919,254	\$ 8,373,499	\$ 7,705,341	\$ 8,336,935	-5%

* In FY 02, Case Initiation and Management separated into two activities, Case Initiation and Caseflow Management
SOURCE: City of Austin Reporting Measurement and Analysis (CARMA) system

Revenue Collection

As part of administering justice, the Court is responsible for collecting fines and court costs assessed in adjudicated cases. Some of these costs and fees are retained by the City, some are required to be remitted to the State Comptroller of Public Accounts and Travis County. The trend line in Exhibit 1.5 shows the last eleven years' net to General Fund collected by the Court. In FY 02 the City Controller's Office moved to report revenues using a "60-day accrual method," in conformance with a new GASB (Government Accounting Standards Board) standard. The dashed, diamond line shows the actual cash collected, and the solid line shows reported revenues. In FY 02, you can see the initial accrual adjustment. In FYs 95-99 of the eleven year trend, average annual retained revenue growth net to General Fund was 11 percent, whereas over the last five years average annual growth has been 1 percent.

EXHIBIT 1.5
Retained General Fund Revenues, Reported and Cash, FYs 94-04



FY	Reported Actual	Budget/Adjusted Budget	Actual Cash Basis
99	\$15,668,975	\$12,823,692	\$15,668,975
00	\$15,573,008	\$16,262,527	\$15,573,008
01	\$16,602,887	\$16,251,416	\$16,602,887
02	\$17,273,513	\$16,000,933	\$16,114,945
03	\$16,412,660	\$17,016,136	\$16,337,240
04	\$16,194,475	\$16,778,600	\$16,228,505

NOTE: Includes all revenue sources for General Fund only, and excludes other retained revenues for Technology, Child Safety and Security Funds collected by the Court. Also, Austin adopted a 60-day accrual method in FY 02.

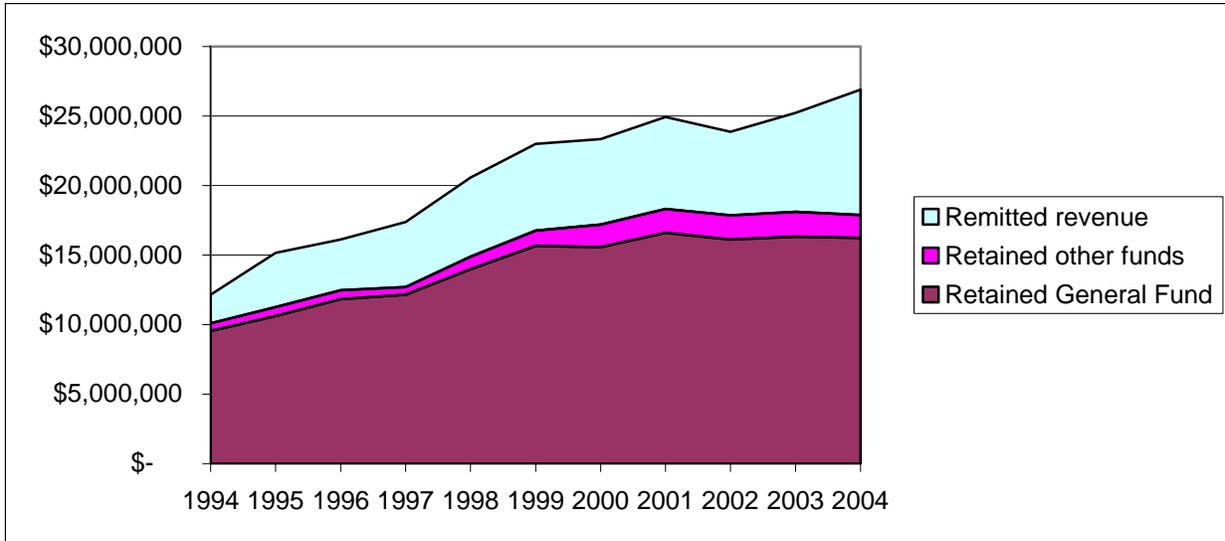
SOURCE: OCA analysis of AFS2 data, from Controller’s Office.

Factors external to the Court affecting the annual trend include: the number of cases filed by law enforcement agencies, economic hardship (affecting a defendant’s ability or willingness to pay), and maximum penalties set by the state legislature, which have increased in the 11-year period, and the portion of gross revenues that must be remitted to the state. A summary of the number of cases filed at the Court by law enforcement can be found in Appendix C. The Court’s revenue trend is also influenced by internal administrative factors, such as success at compliance activities, judicial and prosecutorial policy decisions, and effectiveness of enforcement programs. Judicial decisions – judgments of guilt and innocence – and orders for nonfinancial penalties for indigent or those serving jail time, and Law Department prosecutions affect assessed obligations to the City and Court revenues. A historic overview of all 13 budget revenue sources and three special revenue funds can be found in Appendix D.

According to state law, Texas municipal courts remit various court costs and other fees to the State, and less significantly to the county. In FY 04, the City retained the lowest historical proportion of the total revenues Court collected. Exhibit 1.6 shows gross revenues over the last 11 fiscal years. As shown in Exhibit 1.7, however, the trend over the last 11 years is a decline in

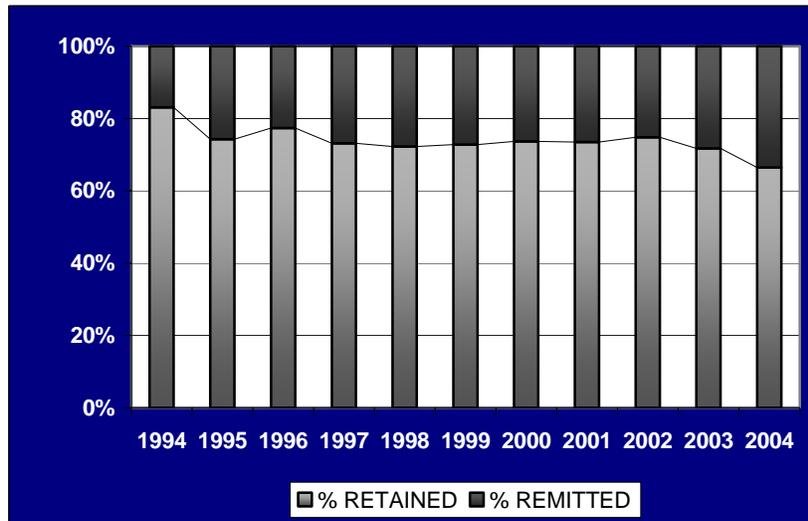
the proportion of revenues retained by the City, even though gross revenues themselves have increased in this time. Specifically, six years ago in FY 99, the Court collected \$23 million in gross revenues and retained 73 percent of those revenues in the General Fund. By comparison, in FY 04 the Court collected just under \$27 million, but retained only 66 percent of those revenues in the General Fund.

EXHIBIT 1.6
Gross Revenues: Retained and Remitted FY 94-04



SOURCE: OCA analysis of data as reported to the Office of Court Administration by Austin Municipal Court (total revenues) and AFS2 (retained revenues).

EXHIBIT 1.7
Retained Revenues as a Proportion of Gross Revenues, FY 94-04



SOURCE: OCA analysis of data as reported to the Office of Court Administration by Austin Municipal Court (total revenues) and AFS2 (retained revenues).

Objectives, Scope, and Methodology

Objectives

Our objectives for this risk and vulnerability assessment of the Municipal Court were to:

1. Identify and rank inherent risks at the Municipal Court,
2. Identify extent of vulnerability to these risks, and
3. Review existence and effectiveness of controls over problem areas in order to rank vulnerability.

Scope

We reviewed all Municipal Court operations except the Downtown Austin Community Court (DACC) and the Prosecutors Office. DACC was excluded as it has historically been a separate operation from the Municipal Court. The Prosecutors Office was included in a recent audit of the Law Department, and thus does not require further review.

Financial and other performance data was collected and reviewed over an eleven-year span of FY 94 through FY 04.

Methodology

In order to conduct this risk and vulnerability assessment, auditors collected data using various methods including:

- Reviewing best practices and legal requirements related to municipal courts
- Identifying criteria by which to measure the Municipal Court
- Interviewing court employees at different levels of the organization
- Extracting and analyzing data from the financial system of record (AFS2)
- Collecting and analyzing data from the Court's information systems
- Reviewing reports of and by the Court
- Testing the accuracy of the case management system through sampling

In addition, a team of graduate students from the University of Texas McCombs School of Business surveyed other cities' municipal courts about different aspects of their operations.

Once we collected and reviewed information about the Court, we summarized this information and assigned risk and vulnerability ratings.

In auditing, risk is defined as the likelihood that an event or action could adversely affect the City's operations, customers, or mission. Types of risk include both inherent risk and vulnerability. **Inherent risk** is the uncertainty or risk that is intrinsic to an operation based solely on the type of work performed, the amount of resources involved, or the complexity of the operations performed. **Vulnerability**, also known as "control risk," is the probability that a particular risk might actually occur and have a negative impact on the organization if controls are not in place or are not functioning effectively to mitigate inherent risks.

Using a set of criteria that included financial performance, operational performance, legal compliance, and public impact, we assigned ratings to the inherent risks on a scale of one to five, with five being the highest risk rating. We then used a one to five scale to assign a vulnerability

rating. For the vulnerability ratings, a one indicates low vulnerability to the risk either because the risk was not encountered or controls were in place to address the related risk. A five represents a high vulnerability, which indicates that a significant weakness exists and is either not being addressed or the solution is not working. The criteria used for assigning the risk and vulnerability ratings is available in Appendix E of this report.

The matrix in chapter two of this report shows the risks identified related to Municipal Court operations with information on vulnerability to these risks, along with risk and vulnerability ratings which were assigned using the criteria tables in Appendix E. In some cases, the risk or vulnerability rating fell between two criteria categories and was assigned an in-between rating, e.g. low-medium.

The text of this report and our risk and vulnerability matrix is organized based on the performance areas of the Trial Court Performance Standards, published by the National Center for State Courts. These Trial Court Performance Standards identify the fundamental goals and responsibilities of courts within these five performance areas:

- Access to justice
- Expedition and timeliness
- Equality, fairness, and integrity
- Independence and accountability
- Public trust and confidence

The Trial Court Performance Standards provide a common framework for evaluating individual courts. We used these standards as criteria by which to evaluate the Austin Municipal Court in several areas of our work. A detailed description of each of the standards' performance areas is available in Appendix F.

This risk and vulnerability assessment was conducted in accordance with generally accepted government auditing standards.

CHAPTER 2: RISK AND VULNERABILITY ANALYSIS

A risk and vulnerability assessment produces a picture of where to focus audit or management resources, or conduct further study. A risk and vulnerability analysis relies on assigning ratings to inherent risks, in order to isolate areas deserving improvements or further study.

- Rating inherent risk– Auditors evaluate the seriousness of the inherent risk, in the event that the scenario (risk) were to occur. Factors considered in rating inherent risks include the potential for financial loss, impact on mission, goals and objectives, and impact on public support or credibility.
- Rating vulnerability – Auditors evaluate the probability that a particular risk might actually occur. Information used to assess vulnerability is limited to: actual performance data, and/or a review of the existing controls in place to prevent the occurrence of what is otherwise a theoretical risk.

The possible combinations of risk and vulnerability ratings are presented below.

EXHIBIT 2.1
Risk/Vulnerability Rating Combinations

VULNERABILITY	Low/High	Med/High*	High/High*	in this analysis, which combinations shaded in summarized in the page. The risk in entirety in Appendix
	Low/Med	Med/Med*	High/Med*	
	Low/Low	Med/Low	High/Low	
	RISK			

* The risks identified have rating Exhibit 2.1 above, are matrix on the following assessment is presented G.

**Risk and Vulnerability Assessment Summary
in order of vulnerability level**

TCPS RISK AREA	INHERENT RISK	RISK	VULNER- ABILITY
Independence and Accountability	Not sharing accountability for results- Court administration should ensure that Court employees have meaningful information, and training in its use, so that they can make informed decisions and be accountable for performance.	MED	HIGH
Independence and Accountability	Scheduling not effective - Personnel resources should be scheduled to match fluctuations in demand.	MED	HIGH
Independence and Accountability	Performance reporting not representative - Court performance should be accurately represented in performance reporting.	MED-HIGH	MED-HIGH
Expedition and Timeliness	Delays in case disposition – The Court should strive to dispose cases within expected times.	HIGH	MED-HIGH
Independence and Accountability	Inequitable personnel practices – The Court should exhibit fairness in the recruitment, compensation, supervision, and development of court personnel.	MED	MED-HIGH
Expedition and Timeliness	Delayed justice - Court actions and activities should be timely and expeditious.	HIGH	MED
Equality, Fairness, and Integrity	Citations issued but not filed with the Court - The Court's case management system must include all citations issued by enforcement agencies.	HIGH	MED
Expedition and Timeliness	Caseload backlogs - The Court should dispose as many cases as are filed to prevent backlogs.	HIGH	MED
Access to Justice	Poor information availability - Court and case information should be made available to court users through common, modern routes of communication.	MED-HIGH	MED
Equality, Fairness, and Integrity	Errors and omissions in case information- The Court should guard against errors and omissions in case information.	MED-HIGH	MED
Access to Justice	Insufficient space - Facilities should provide adequate space for court activities.	MED	MED

CHAPTER 3: PERFORMANCE DATA AND CONTROLS

During the course of identifying and rating the effectiveness of the Court's internal controls, several areas of control weakness came to our attention. Correcting these weaknesses would improve the Court's performance in areas where inherent risk is rated as medium to high. Below we discuss these areas as well as areas where the Court is performing well, organized by Trial Court Performance Standard (TCPS) category.

Accountability and Independence

Although the Court is using personnel resources effectively for the most part, we noticed some areas where these could be better allocated or accounted for.

Prudent allocation of staff resources is essential for the smooth and efficient operation of the Municipal Court. Although basic performance indicators show that the Court is adjudicating and disposing cases effectively, we noticed some areas where accountability for personnel allocation can be improved. We did not conduct a staffing sufficiency analysis to evaluate the significance of the Court's 16 percent cutback in budgeted FTEs from FY 01 to FY 05. Nor did we review the allocation of available resources among divisions. We did however find some impacts of staff being either transferred internally, or assigned duties aligned with separate budgeted activities. We noted one area where staffing needs can be better anticipated and accounted for using an existing management system.

Court employees are routinely called upon to support activities other than those to which they are budgeted. Court employees are currently cross-trained to be able to support other units when required. However, we found the following examples of transferring duties across activities, or transferring personnel themselves to other units not accounted for in the cross-training program:

- a. Personnel from the warrant collections unit are routinely pulled to support the front counter and also to take credit card calls from 2:00 PM to 6:00 PM every day.
- b. Citations are distributed Court wide to be entered into the case management system.

Regarding the impacts of allocating duties to other personnel, warrant collections staff are now performing fewer duties related to their budgeted activities. The Court has encountered inconsistencies in ticket entry by distributing case initiation to staff who are assigned to other Court activities.

Time accounting does not reflect actual time spent on an activity. In our work, we found *ad hoc* as well as planned use of staff from other activities. Different reasons we identified for management to move personnel to different activities include boosting employee morale, promoting new ideas and perspectives, and meeting peaks in demand. However, transferring duties is not accounted for in the time accounting system. Court management asserts that they do not account for their time by actual activity because they cannot budget individual employees in multiple activities. If they did record time in each activity they work in, their budgeted FTEs

and actual FTEs would not be comparable. However, not recording time to the correct activity hampers the Court's ability to adequately plan for optimal staff allocation.

In Customer Service, Municipal Court is not using existing management systems to manage daily and seasonal fluctuations. Municipal Court served an average of 14,317 customers per month in FY 03 and 14,401 customers in FY 04. In March of 2004 the Court implemented a system called NEMO, a real-time take-a-number system, to better manage this volume. Court personnel limit the system's primary usage to reviewing current conditions of some basic performance statistics, such as total number of customers served, average wait time, and average time to serve a customer. However, the system has the capacity to track support received from other activities and to assess the adequacy of the staffing level or assist in managing peak time. The effect of not using these features is that work is regularly disrupted, when staff are pulled without warning, to cover immediate needs of walk-in customers. The mailroom at the central location has needed overtime assignments to cover unmet demand.

Recommendations

01. In order to accurately identify time required for Court activities, the Court Clerk should require that all staff accurately account for their time so that time accounting reflects time spent on activities.

MANAGEMENT RESPONSE: Concur/Underway
Changes to activity composition and duties to be completed by FY 2006.

02. In order to make effective and efficient use of its resources, the Court Clerk should analyze queuing software reports and available staffing levels to identify peak lobby hours and adjust staffing accordingly.

MANAGEMENT RESPONSE: Concur/Underway
Analyze queuing system statistics to develop optimum staffing; staffing to be "adjusted accordingly" as adequate staffing becomes available. To be completed FY 2005.

Court employees appear competent in their duties; however, we found indications of low morale, low employee satisfaction, and perceptions of unfair practices.

The TCPS state "fairness in the recruitment, compensation, supervision, and development of court personnel helps ensure judicial independence, accountability, and organizational competence. Court personnel practices and decisions should establish standards of personal integrity and competence among its employees." In addition, the TCPS strongly support evaluations of employee satisfaction, at broad and fine-grain level, to evaluate employee perceptions of these factors, and monitor effects on employee morale. The Court does have two evaluation tools that assess employee satisfaction within the department. According to the results however, the Court has relatively low job satisfaction.

Employee surveys indicate low job satisfaction at Municipal Court. The Court currently administers a semi-annual employee survey designed to monitor employee perceptions of fairness, and morale. In addition, Court employees participate in the Citywide Listening to the Workforce (LTW) survey, which contains some questions relating to employee morale. Broad results are comparable across the two surveys.

The Court internal employee survey includes questions pertaining to:

- fairness of complaint resolution,
- fair treatment in the workplace,
- idea acknowledgement,
- feedback and recognition, and
- comfort in the workplace.

Positive responses to these questions ranged from 64 to 74 percent for the last two years, or last four surveys. The overall job satisfaction rating for the 2003 LTW survey was 70 percent by respondents from Municipal Court compared to an average of 80 percent Citywide.

Also in the LTW survey, only 45 percent of Court respondents reported that they felt they could report unethical behavior without retaliation, compared to a 54 percent Citywide average. Only 40 percent of the respondents were satisfied with promotion or career opportunities compared to the 48 percent average for the City. These survey results present a different picture than the FY 05 Municipal Court business plan, which indicates that teamwork and cooperation are high within the Court.

In auditor interviews, some employees expressed dissatisfaction with staffing procedures, specifically a reassignment policy. The Court maintains a policy pertaining to both lateral job movement based on seniority, and competitively based promotions. A minimum employment period with no disciplinary actions within 12 months and an overall rating of “meets expectations” on the last Success Strategy Planning Review (SSPR) qualifies an employee for a job move. Once a move has taken place, the employee is required to complete a minimum of a six-month commitment in that position before they are eligible for another transfer. A number of employees stated that promotions were not necessarily moving the most qualified individuals to new positions, despite the commitment to competitive selection in the staffing policy. Lateral movement was also discussed with mixed opinions, with concerns about compliance with the six-month rule

Satisfaction is also mixed with regard to a cross-training initiative effort within the Court. Management implemented this approach to help provide a richer job experience for Court employees and to prepare the Court for handling peak demand in certain activities.

The Court does not compensate bilingual Court employees for routinely using Spanish on the job, while employees in law enforcement and public safety departments receive such pay. We found that Court clerks and other Court employees frequently translate to Spanish when processing cases, yet are not compensated for this skill. While in compliance with City policies, this practice is in contrast to Austin Police, Emergency Medical Services, and Austin Fire Department, which compensate their employees with Spanish incentive pay. Perceptions by

employees that they are not compensated fairly have negatively affected employee morale. Bilingual pay for Municipal Court employees was discussed when the City Manager initiated a bilingual pay pilot program for public safety departments in 2001, but to date has not been expanded to include the Court.

Recommendations

03. To improve employee morale, the Court Clerk should continue to pursue bilingual pay for Court employees through the Human Resources Department.

MANAGEMENT RESPONSE: Concur/Underway
Develop estimate for inclusion in budget forecasts, to be completed FY 2006.

The Court can benefit from greater emphasis on participative management and joint evaluation of organizational performance.

The TCPS document “Guiding the Courts into the Future” indicates that by not sharing responsibility for planning, a court risks its managers and administrators being asked to do unexpected and often unreasonable things at inopportune times and being held accountable for decisions and actions about which they had little prior knowledge and very little prior planning.

The obverse of this risk is that without extending accountability for important decisions, managers and administrators will not buy in to planning, management, and continuous improvement of the Court. We found that some managers felt effectively excluded from planning processes, while other managers perceived their roles as narrowly confined to very specific steps in Court processes. Two indicators of the narrow scope of accountability, or lack of accountability afforded to managers, supervisors, and leads were the lack of familiarity with performance measures, and upper management’s unfamiliarity with information designed for sound management decision making.

Supervisors and operations leads are rarely familiar with the measures and actual performance of their respective areas. Early on in this assessment, and consistent and pervasive throughout, we observed a very limited knowledge of actual performance results in operations areas. This was not confined to the measures that are reported externally as part of the budget process, but to any internally relevant, simple measures of workload. (In contrast, staff consistently knew their roles in the Court process, and demonstrated knowledge of processes in areas other than where they currently served.

For example, a senior operations manager could not interpret the data that supervisors and leads provided in performance reports. Interviewing the reporting supervisor, this supervisor too could not interpret what the lead had compiled. In another example, a supervisor speculated that workload had increased “because tickets must have increased.” In fact, tickets have declined over the last two years, and workload was flat compared to the previous year. These facts were understood by the Court Clerk and Financial Manager, but not by this supervisor who is directly affected. In this case, employees are not empowered to manage change with information.

The Court Clerk states that plans for Court reorganization and the adoption of an IT upgrade, will make staff more aware of the entire Court process, not one part of it as in the past. The new case management system does support this organizational design. However, although the IT upgrade will extend greater access to information on performance of the shared process, lead and supervisory staff need to be developed, supported, and ultimately held accountable for understanding and managing performance. This requires a cultural shift away from a current emphasis on process rather than results. Court wide sharing of information on bulletin boards, of key output measures for example, would improve the current weakness at relating output or results measures to activities: employees regularly perform better when given goals and regular updates on how they are doing.

Access to and comprehension of information designed to evaluate operational performance is concentrated at the highest level of the organization. Meeting with the Information Systems manager, we learned of about 40 *ad hoc* management reports, most run for the Court Clerk, and also an Operations Manager, a judge, and a member of the public. This high quality information requires original system query design, distinguishing it from scores of pre-programmed queries for generating routine performance measurement data. Such information is typically used to either assess the outcomes of special projects, or to make informed management decisions. Information generated to support high-level policy decisions includes: a report of revenue from Violation of Promise to Appear cases compared to revenue from the tiered fine structure that replaced the VPTA in 2004; a report to evaluate a proposed change to the collection agency contract, adding a 30 percent collection fee to these cases; case aging reports run to evaluate the Controller's accrual accounting method; other diminishing returns analysis; and analysis useful for establishing purge procedures.

We did learn that senior management does routinely track and share queries showing the results of special enforcement projects, generating an initial and final analysis report for each. Also, the revenues collected in round-up efforts are, at least occasionally, emailed to all Court staff. However, senior managers we met with indicated they had not seen, or could not interpret, many of the other reports mentioned above. In contrast, the Court Clerk asserts that she has shared this information and discussed it at senior management staff meetings. We did not examine either position for this Risk and Vulnerability Assessment. However, we suggest that more concerted training efforts and regular emphasis on joint decision making using this case management system information, and holding managers accountable for such decision making, should strengthen awareness and use of these tools.

Lack of accountability for planning or organizational performance evaluation may contribute to poor employee morale and management resignations. According to the TCPS Futures document, one of the functions of successful court managers and leaders is to “bring people together for joint performance.” Lack of inclusiveness described above may or may not affect actual Court performance in the short term. However, effects may show up in environmental dynamics and medium to long term viability of a court. Recent loss of staff in Court's upper management is apparently due, in large part, to complaints that they lacked individual accountability and a sense of participation in decision making.

We also noted that Court employees do not strongly associate their roles with accountability for performance of that role. This was indicated by the high frequency with which senior managers, when asked policy and procedural questions, referred auditors to the Court Clerk for confirmation. There are, on the other hand, monthly managerial and supervisor meetings held to discuss Court issues, and upper management retreats held to review the results of the Clerk's internal survey.

Recommendations

04. In order to create a results-oriented Court environment, the Court Clerk should explore managing for results strategies and identify ways to replace the current cultural emphasis on processing workload with an emphasis on achieving results.

MANAGEMENT RESPONSE: Concur

Emphasis on results to continue, including additional internal measures for FY2006

05. In order to encourage shared accountability for results, the Court Clerk should ensure that managers are trained in the use of management information to develop strategies that maximize results achieved.

MANAGEMENT RESPONSE: Concur/Underway

Will refer to HR classes or request HR to assist with developing training, immediately.

The Court Clerk recognizes deficiencies in reported performance measures and has plans in place to improve measures.

An effective performance measurement system is results-oriented, selective, useful, accessible, and reliable. Gathering and analyzing quantitative and qualitative data and using this data to identify areas in need of attention are also part of an effective system. Austin Municipal Court performance measures encompass these characteristics to some extent. However, some refinement of Court measures is needed to provide complete information on the Court's performance. The Court is aware of needed improvements, and improvement efforts are underway.

The Municipal Court's performance measurement system shows improvement over the years. The Court now has a comprehensive plan in place, confirmed by the presence of documents consisting of definitions, data sources, and calculation methodologies for most externally reported performance measures. In addition, we noted improved tracking and data review at the Court. Notably, too, the department introduced the TCPS-recommended termination rate measure to quarterly performance reports in FY 02, calculating one prior year's performance at that time. The Court is also proposing reorganization of performance measures for FY 06.

The Court presents a wide range of performance measures including output, efficiency, and results measures. Output measures should count the goods and services produced by an agency while efficiency measures should reflect the agency's productivity. Results measures should identify the actual impact or public benefit of an agency's actions. The Municipal Court externally reports on more than 200 measures with 51 percent of these reflecting outputs, 36 percent reflecting results, and the remaining 13 percent reflecting efficiency. These measures provide a range of information about the Court's activities.

The Court's calculation methodologies for "collection rate" and "average fine paid" are fundamentally flawed. Some of the Court's results measures do not provide useful information to the Court. The Court currently uses individual payments rather than final or full payment of citations for calculating "collection rate" and "average fine paid."

- a. *Collection rate* is calculated as the ratio of the number of payments made during a month (for cases filed during any time period) to the number of cases filed during the same month. Since citations can be paid in full or in installments, this measure can include multiple partial payments for the same citation, resulting in an inaccurate and ineffective indicator of Court performance.
- b. *Average fine paid* is based, again, on the number of payments, not complete payments received, and is obtained by dividing the amount of revenue collected by the number of payments received on a monthly basis. As a result, it merely reflects the average payment received.

Our survey of other Texas municipal courts indicated that Austin's Municipal Court was one of the few courts using individual payments, rather than final or full payments of citations, in the calculation of these two indicators. We found that the Court is aware that these measures are not reliable, competent, or relevant. The Court does not use these as key indicators of performance. Further analysis in the performance measurement system is required to determine accuracy, reliability, and controls in place for the performance measurement system.

Indicators show minimal vulnerability to thefts, fraud, or abuse.

The TCPS state that a court should account for the use of its resources and use formal financial auditing to prevent and detect irregularities, misfeasance, or malfeasance in its financial practices. We reviewed indicators of possible fraud: the outcomes of investigations by the City Auditor's Integrity Unit, the frequency of audits of cash drawers, and controls over the receipt of cash by mail. We also administered a questionnaire designed to detect the possibility of fraud. We found that investigations conducted in recent years had no related substantive findings. We also learned that unannounced audits of cashiers are conducted 12 times a year, showing balanced drawers in each audit.

Responses to questions about instructions to destroy documents or otherwise withhold information also indicated low vulnerability to fraud. We also reviewed controls over the cash safe in the main courthouse and determined them to be strong. On the downside, we noted that although defendants are instructed not to send cash by mail, they sometimes do. The existing

controls in the Court’s mailroom are insufficient to ensure that these cash payments are accounted for.

We reviewed three Court-related contracts for cost effectiveness and found ways that the City could reduce its risk in future renegotiations or renewals for one of them.

City contracts should be cost-effective and deliver agreed upon services. We looked over the City’s contract with the County to operate the Central Booking facility and the Court’s contracts with a collection agency and interpretation services. We found no areas to improve within the contract for interpretation services. Areas for improvement in the other two contracts are discussed below.

Through an interlocal agreement, the City and County jointly operate a jail facility, known as the Central Booking facility. The County is responsible for operating the Central Booking facility and housing City prisoners, and the City in turn provides magistration services for all City and County prisoners at the facility. The interlocal agreement for Central Booking is a five-year contract which began in October of 2000 and terminates in October 2005.

The contract was revised in 2000 to settle some disagreements about compliance with the contract that preceded this one and to set up new requirements for joint operation of the jail. The contract had an initial term of two years with three renewal terms for a year each. The amount of the contract was set up to increase slightly, by about three percent, at each renewal to account for inflation. The contract includes a provision that if the number of bookings of City prisoners exceeds a number specified for each term, the City will pay above and beyond the contract amount on a per prisoner basis.

In the four years with complete data regarding the number of City prisoners admitted, the City has never met or exceeded the contract limits. In fact, the number of City prisoners admitted has never exceeded the amount specified in the first year. The table below shows the contract limit and actual number of City prisoners admitted by fiscal year.

**EXHIBIT 3.1
Central Booking Contract Limits and Prisoners Admitted, FY 01–05**

	Price Agreement	Contract Limits	Prisoners Admitted	Admitted as Proportion of Limit
FY 01	\$2.7 million	48,500	37,728	78%
FY 02	\$2.9 million	53,350	37,999	71%
FY 03	\$3.0 million	58,685	38,471	66%
FY 04	\$3.2 million	64,554	40,288	62%
FY 05	\$3.4 million	71,009	N/A	N/A

SOURCE: Central Booking interlocal agreement and Travis County’s Central Booking admissions data.

According to some interviews, City prisoners are sometimes turned away because of the need to reserve space for more serious offenders. If this does happen, the City may be paying for a service that is not always provided for City prisoners. This should be investigated further and considered prior to renegotiation of the Central Booking interlocal agreement in the fall of 2005.

In a separate contract, the Municipal Court obtains collection services from Municipal Services Bureau (MSB). Under this contract, the City, in accordance with changes in state law, has recently transferred the collection agency cost for adjudicated and parking cases entirely to the paying defendant. This cost is set by law to be 30 percent of the balance. Conversely, for unadjudicated cases, the cost is 20 percent of the amount actually collected on a case and is paid by the City.

While we did not audit this, the City's contract with MSB conforms to best practices laid out by the National Center for State Courts; however, it does not include specific performance standards that should be monitored by the Court to evaluate the agency's performance.

Recommendations

06. To ensure that the Court mailroom is properly handling cash payments, the Court Clerk should conduct an assessment of the controls over cash received through the mail and adjust controls as needed.

MANAGEMENT RESPONSE: Concur
Assessment during FY2005 by Accounting Staff.

07. Prior to renegotiating the agreement for operation of the Central Booking facility in the Fall of 2005, the City Council should consider taking steps to ensure that the extent to which City prisoners are turned away from the facility is investigated and that the prisoner admission levels are considered in renegotiation.

MANAGEMENT RESPONSE: Concur/Underway
Court will continue to assist City Council and City management in negotiating a new contract 2006.

Equality, Fairness and Integrity

Case management system errors indicate a need for a full review of data controls.

We conducted limited testing of the case management system, using a sample of cases and selecting a few elements of a case file. Our testing detected some errors and one citation that took more than two months to appear in the case management system. We did not review the general and application controls needed to guard against errors and omissions in the planned upgrade to the case management system. The Trial Court Performance Standards indicate that records of all relevant court decisions and actions should be accurate and properly preserved.

The accuracy of the records, the integrity of case files, and reliable access to them are fundamental to the achievement of the purpose of the Court.

Auditor analysis of court case records revealed a few problems in the Court's case management system and in case files. The case management system, AMCORD, includes numerous details on the history of a case, including information on the defendant, date and type of violations committed, fines and fees assessed, payments made, court decisions and actions, and status of the case. In addition to the information contained in AMCORD, case records are maintained in hardcopy case files, including such relevant documents as citations, notices to appear, warrants and commitments issued, and other correspondence with the defendant. The limited nature of the tests we performed captured only specific elements of a case record, such as:

- Existence of a case file for each citation sampled.
- Accuracy of selected relevant dates and of defendant information included in the case management system against information as recorded on citations contained in case files;
- Accuracy of judgments and orders included in the case management system against information as recorded in the orders contained in case files; and
- Presence of a case status in the case management information system.

Auditor analysis revealed a number of discrepancies between defendant information as recorded on the citation and as entered in the court case management system. For 8 of the 124 citations analyzed (6.5%), the address of the defendant was not reported accurately. Errors included differences in the city of residence, in the street number, and in the street name. According to Court staff, the Court has recently implemented a new program that checks the reliability of an address before it is accepted by the system. Additionally, in a review of other documents contained in case files, for 1 of the 66 case files tested (2%), one correspondence to the defendant was sent to the wrong address. In this case, the last notice to the defendant was sent to the home address, though the defendant had notified the Court that he was in prison, and the Court had previously, appropriately, sent correspondence to his prison address.

An analysis of a statistically significant sample of 490 citations from the period September 2002 through August 2004 showed that for six percent of the cases analyzed in the case management system, the case status field was left blank. The case status field identifies information on the progress of each individual case and should contain entries such as active, warrant or commitment issued, or terminated. Extrapolating this to the population for the same period, there could be as many as 48,000 cases in the case management system with a blank status field. The accuracy of this information enables the Court to efficiently oversee each case and perform timely enforcement and collection activities.

Since no regular report is run to identify cases with a blank status field, there can be resultant enforcement and collection timeliness issues. However, when delinquent cases are advanced to warrant status, controls do exist to prevent possible wrongful arrest. Marshals and case flow management staff estimate an average of one or fewer of these wrongful arrests due to judicial or clerical errors a year. A manual review of warrant lists reportedly catches about 26 cases a year out of more than 100,000 in warrants issued, thus preventing an improper advance to warrant status in these cases.

To test the completeness of cases filed in the case management system, we used a judgmental sample of citations issued by the Austin Police Department (APD), the Transportation, Planning and Sustainability Department, and Solid Waste Services. Tracing our sample to the case management system showed that all citations were recorded in the system.

While the majority of the citations tracked were recorded in the case management system within two weeks of the violation date, 1 of 58 citations issued by APD (or 2 percent) was not entered into the case management system until 66 days after the violation date. While this length of time does not violate the state requirement that complaints be filed within two years of the offense, it may indicate problems in coordination between the Court and APD and illustrates the risk of using hand-written rather than electronic citations. However, because this was a judgmental sample it is possible that this one delayed citation was an anomaly.

In addition, standards require reliability and integrity of case files. While we did not test this element of Court accountability, several judges reported having received empty or incomplete case files at the docket and for warrant processing. These errors result in redoing paperwork, refunding overcharges, and rescheduling and resetting court dates, which ultimately increase court costs and decrease timeliness. We learned that Court management is aware of these problems and has reportedly addressed them by putting controls on scheduling court dates and newly filed paperwork.

Recommendations

08. To ensure that all citations filed with the Court are accounted for in the case management system, the Court Clerk should periodically use sampling to test completeness of the system.

MANAGEMENT RESPONSE: Concur

Select samples and follow progress following implementation of computer upgrade.

09. To ensure that the case management system upgrade is successful, the Court Clerk should make sure that the new system has:
- error reports in place to capture discrepancies in defendant information, and
 - input controls to ensure that the case status field is not left blank.

MANAGEMENT RESPONSE: Concur/Underway

Upgrade to computer system currently underway, to be implemented FY 2005.

10. Following implementation of the case management system upgrade, the Court Clerk should comprehensively review the system's data controls.

MANAGEMENT RESPONSE: Concur

Review to begin following implementation of computer upgrade, and to be completed by FY 2006.

Austin Municipal Court collection rate is in line with that of other Texas municipal courts, though the Court lacks a formal comprehensive collection plan.

The Office of Court Administration stresses the importance of compliance with monetary penalties by considering a fine “punishment for a crime only if it is collected.” Additionally performance standards reiterate that the Court should take responsibility for the enforcement of its orders, to ensure effectiveness and equality of enforcement efforts. Disregarding Austin Municipal Court’s flawed “collection rate” performance measure, we used a methodology recommended by the Texas Office of Court Administration to calculate a valid collection rate for FY 03. This indicator showed that Austin did as well as or better than other Texas municipal courts with regard to collecting obligations due to the City. At the same time, some enforcement activities at the Court show decreased productivity, and the Court lacks a formal comprehensive collections plan, indicating that collections could be improved.

Austin Municipal Court collections rate compares favorably with estimates of other Texas cities. We analyzed a statistically significant sample of 260 citations from FY 03, and discovered that the Austin Municipal Court collection rate is aligned with an estimate, as calculated by the Office of Court Administration, for other Texas municipal courts. Exhibit 3.2 shows the result of the analysis. The collection rate, defined as the amount paid divided by the amount assessed, for FY 03 was 66 percent, compared to an estimated average for other Texas municipal courts ranging between 61 percent and 65 percent, according to the Office of Court Administration. Amounts paid include those obligations met through community service and jail time. In our sample there were eight cases for which jail time was used to pay off obligations and none for community service.

EXHIBIT 3.2
Auditor Estimated Collection Rate for FY 03
 (calculated as amount paid/amount assessed)

	NON-PARKING	PARKING	TOTAL
sample size	170	90	260
total amount assessed	\$22,821	\$2,215	\$25,036
total amount paid*	\$14,446	\$2,025	\$16,471
collection rate	63%	91%	66%

* Includes obligations met through jail time.

SOURCE: Auditor analysis of Court records on November 2, 2004.

A breakdown of the data by type of citation indicates that collection of parking cases is significantly higher than collection of non-parking cases. Possible explanations include the administrative processes in place to dispose parking cases (a hearing officer, instead of a judge) and the relatively low cost of parking fines.

The Court makes a variety of routine and *ad hoc* efforts to achieve defendants’ compliance with its orders for monetary penalties, but lacks a formal collection plan. Court management’s collection plan consists of an outline, rather than a comprehensive plan or analysis. It includes a series of questions and statements, but does not include a range of

strategies for maximizing collections, benchmarks, or methods to measure routine and *ad hoc* collection efforts. In addition, as discussed previously, two key performance measures reported by the Court related to compliance with monetary penalties do not provide useful information to evaluate achievements.

The Court's enforcement efforts generally includes the entire Court. Routine collection strategies include: mailing of several notices to defendants, in both English and Spanish, telephone calls, access to Court staff and judiciary, and docket management. When these efforts fail, the Court applies additional strategies such as warrant issuance, Marshal and APD arrests, and use of a collection agency.

The Court also conducts several *ad hoc* enforcement projects to promote compliance with its orders. These projects include regional warrant round-ups, during which law enforcement coordinates with the Court to compel defendants to resolve outstanding warrants. The Court has conducted a round-up once per year since 2001; the 2001 round-up was the first conducted since 1993. The Court also conducts other special projects which do not follow a fixed schedule. Examples include round-ups that target specific zip codes or specific neighborhoods, and mailed notices that target specific types of cases such as boot and tow cases, seat belt violations, deferred disposition cases, or violations of promise to appear.

The Court Clerk typically measures the success of these collection efforts based on the number of cases the initiative brings to termination and the ones where sufficient action is taken to clear the warrant, for example setting up a payment plan. Although the Court tracks the amount of revenue collected, it does not regularly evaluate the amount collected as a percentage of the amount assessed of the cases targeted. This indicator was not included in the majority of the Court's standard performance monitoring reports; it was included, though, in the April 2004 round-up by zip codes, where 1.38 percent of the total balance targeted was collected as result of the project.

Recommendations

11. In order to improve the collection rate, defined as the ratio of amounts collected to amounts assessed, the Court Clerk should develop a formal and comprehensive collection plan that includes strategies for dispensing expeditious and timely justice, and achieving best possible compliance with Court orders.

MANAGEMENT RESPONSE: Concur

Comprehensive strategy already in place; will update strategy and place in more formal format, to be completed by FY 2006.

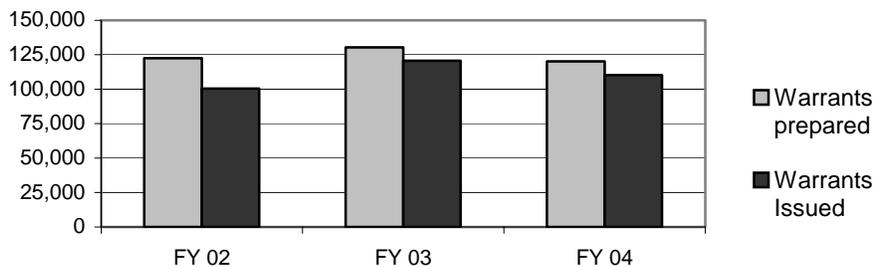
Despite a favorable collection rate, the Court has experienced declines in some routine enforcement efforts.

TCPS addresses the importance of the Court enforcing its own rule and orders, just as the City Code indicates that the Court is responsible for enforcing its orders in the absence of voluntary compliance. Municipal Court’s enforcement efforts, following failure to achieve a defendant’s voluntary compliance, include efforts by the Warrant Processing unit, Warrant Collections and the Marshal Services. The process for enforcement is as follows:

- If a defendant has not contacted the Court within 30 days of the initial appearance date, a warrant letter is sent out to the defendant, followed by a warning letter. Upon non-compliance, Warrant Processing staff prepare warrants. Warrants are issued after approval by a judge and after Warrant Collections staff attempt a pre-warrant phone call to the defendant.
- Warrant Collections staff then attempt to locate and contact the defendants. To do this, they first make phone calls to gain voluntary compliance with court orders. Failing voluntary compliance, Warrant Collections staff prepare worksheets. A completed worksheet includes information obtained from research conducted about the non-compliant defendant’s whereabouts, cases pending and any higher charge warrant information.
- Marshal Services then uses the worksheet to locate the defendant and serve the warrant and/or arrest the defendant. Serving warrants includes leaving door hangers for the defendant or the defendant paying to clear his balance.

The Warrant Processing unit acts in a timely manner on courtroom orders and scheduled time payment plans. The Warrant Processing unit prepares warrants and issues warrants approved by a judge to defendants who do not voluntarily comply with the orders of the Court. According to staff, Court procedure is to give priority to issuing warrants resulting from courtroom orders and defaults on payment plans over issuing warrants for other reasons. Priority is placed on those cases for which defendants have had recent interaction with the Court. These can be sent to the judge for approval as early as the same day to up to two weeks. We found that lower-priority warrants may not be issued for several months.

**EXHIBIT 3.3
Warrant Processing Output, FY 02–04**



	FY 02	FY 03	FY 04
Number of warrants prepared	122,550	130,358	120,114
Number of warrants issued	100,368	120,652	110,162
% of prepared warrants issued	81.9%	92.6%	91.7%

SOURCE: OCA analysis of departmental reports, unaudited.

Collections-related calls, as a percentage of total calls made by the Warrant Collections unit, have declined. Following preparation and issuance of warrants, the Warrant Collection unit steps in to locate and contact defendants by making phone calls in order to gain voluntary compliance with Court orders. According to the department’s budget, the primary objective of Warrant Collections is to locate and contact defendants to gain compliance.

Warrant Collections staff handles several types of phone calls. These include:

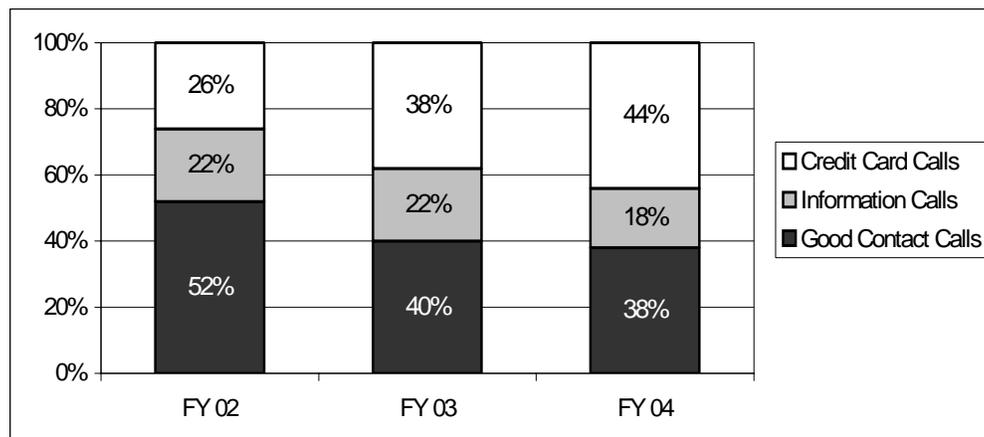
- Collection calls, referred to as “good contact calls.” These constitute pre-warrant calls and calls made to a defendant after a warrant is issued, when the clerk speaks to someone or gets a recording. Wrong numbers are not counted as good contact calls.

In addition, Warrant Collections staff also handles calls that are not enforcement-related:

- “Information calls,” which provide information like lobby hours, mailing address, etc; and
- “Credit card calls,” which are those where the defendant voluntarily makes a payment over the phone by credit card. This payment may or may not have been the result of collection efforts by the Warrant Collections unit.

Exhibit 3.4 shows a declining trend in the “good contact calls” as a percentage of total calls, thus indicating a drop in collection efforts to gain compliance. There has been a corresponding decline in the percentage of payments received from the “good contact calls.” A greater percentage of the calls handled by the Warrant Collections unit have been credit card calls, which represent voluntary compliance. However, handling these calls is not within the stated objective of Warrant Collections activity, according to budget documents.

**EXHIBIT 3.4
Phone Calls Handled by Warrant Collections Staff, FY 02-04**



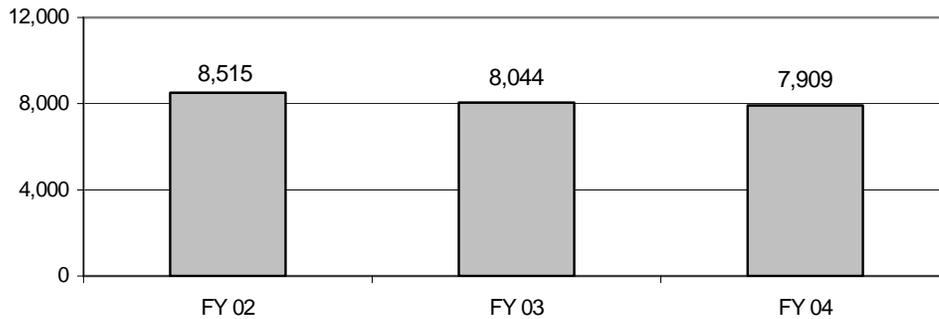
SOURCE: OCA analysis of departmental reports, unaudited.

NOTE: Total connected calls are 15,869, 34,199, and 28,547 for FY 02, 03 and 04 respectively.

Warrant Collections also shows a declining trend in worksheet production. Warrant Collections completes worksheets with information about defendants who have not voluntarily complied and hands these over to the marshals to facilitate arrests. The Warrant Collections target is to generate 120 worksheets per month per clerk, which is 10,080 worksheets annually. In FY 04, warrant collections met 78 percent of this target. As shown in Exhibit 3.5, the unit witnessed a

slight decline in worksheet production from FY 02 to FY 04. There are contradicting views about worksheet production; some employees believe that worksheet production has been declining severely while others do not. Due to unavailability of data prior to FY 02, neither view could be confirmed.

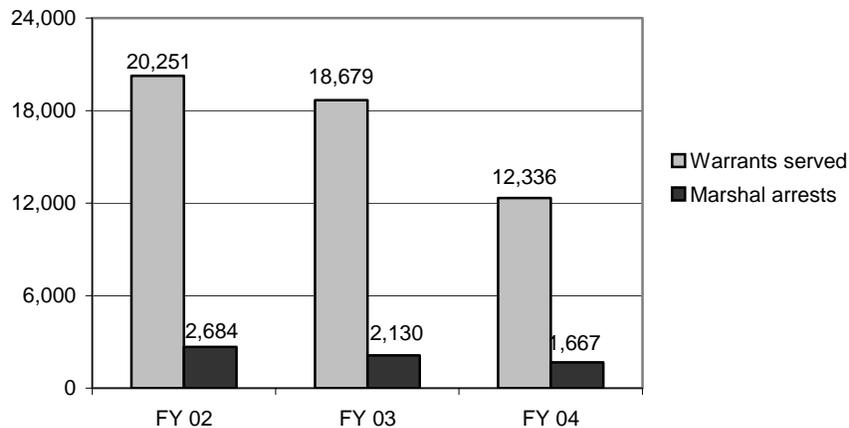
EXHIBIT 3.5
Worksheets Produced by Warrants Collections, FY 02-04



SOURCE: Departmental reports, unaudited.

The number of marshals available to serve warrants has decreased by 25 percent since FY 02, and the numbers of warrants served and arrests made have declined. Once worksheets are prepared, Marshals then locate defendants and serve warrants and/or arrest defendants to enforce warrants. The measure “warrants served” includes leaving door hangers for the defendant or the defendant paying to clear his or her balance. From FY 02 to FY 04, the number of Marshals available to serve warrants in the field has decreased by 25 percent. This corresponds to a 39 percent decrease in the number of warrants served and a 38 percent decrease in the number of arrests made during the same period. Also, reportedly contributing to the decline, Marshals are now assigned additional duties such as courier services and making bank deposits. On the other hand, additional testing might confirm that the City Marshal’s coordination with APD in this area sufficiently compensates for decreased arrests made by Court’s Marshals.

EXHIBIT 3.6
Marshal Services Output, FY 02-04

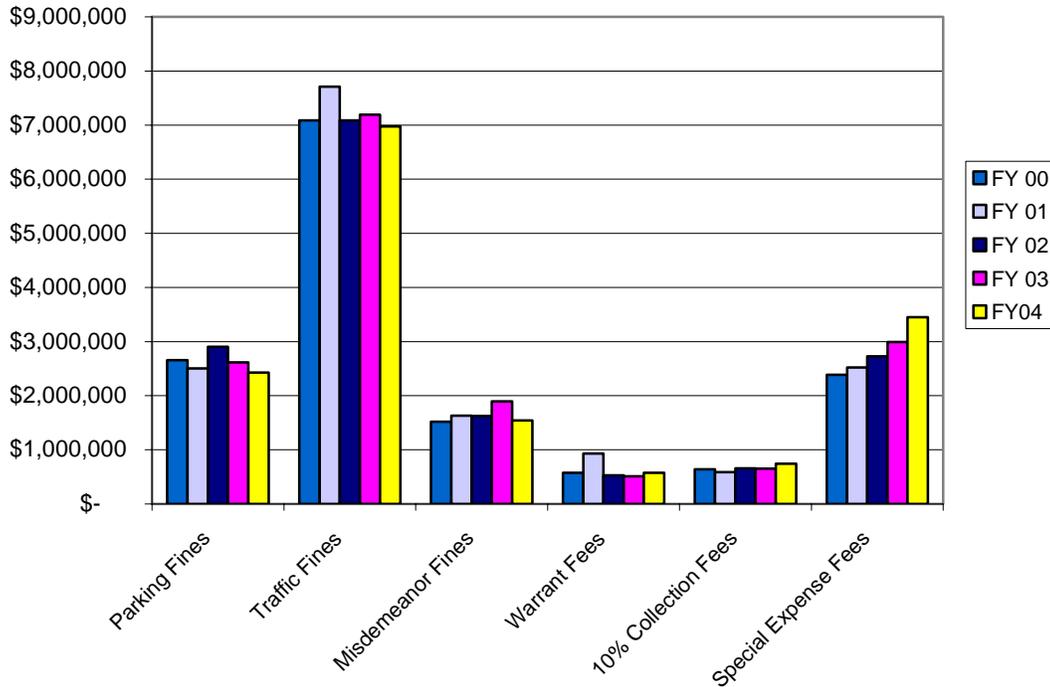


SOURCE: Departmental reports, unaudited.

Analysis of six selected revenue types show varied trends within revenue sources.

Here we look in more detail at the six most significant revenue sources for the City over the last five years, graphed in Exhibit 3.7.

**EXHIBIT 3.7
Revenue from Major Sources, Cash Basis, FY 00–04**



SOURCE: AFS2 data provided by the Controller’s Office.

- **Parking fine revenue** declined in the last two years, due, in part at least, to the declining number of citations issued.
- **Traffic fine revenue**, by far the greatest contribution to Court revenues, have dipped in the last fiscal year slightly below the four prior years. This is due, in part at least, to a decline in the number of citations filed, concurrent with an increase in deferred dispositions. When a defendant is granted deferred disposition for a case, the traffic fines are waived so long as the defendant meets the terms of deferral. When a defendant meets the terms of deferral, the City collects a fee for utilizing deferred disposition, which is recorded as special expense fee revenue rather than as traffic fine revenue. See Appendix C for the deferred disposition trend.
- **Misdemeanor fine revenue** was lower in FY 04 than in previous years, perhaps due to lags in termination time, a decline in the number of misdemeanor citations issued, and the Court’s replacement in early 2004 of the long-standing misdemeanor Violation of Promise to Appear (VPTA). Previously, when a defendant failed to pay or failed to appear in Court for a traffic violation, a VPTA was filed, resulting in a misdemeanor violation for the defendant. Court management replaced the VPTA with a new incentive for defendants’ timely action or payment, referred to as the tiered fine scheme, which does not involve a misdemeanor and is recorded as traffic fine revenue. Again, see Appendix C for the misdemeanor deferred disposition trend.

- **Warrant fee revenue** of \$50 are costs collected upon a conviction if a warrant is processed, which may include telephone calls or letters to the defendant, or marshals executing the warrant. Warrant fee revenue is steady in all years except for a spike in FY 01, the year of the first annual warrant round-up.
- **10% Collection Fee revenue** is the portion that the City retains of the State's Consolidated Court Costs it collects. Revenue from this fee has been fairly stable.
- **Special Expense Fee revenue** is a consistently growing revenue source. This category of budget revenue includes deferred disposition fees, dismissal fees, time payment fees, and arrest fees. Deferred dispositions and related fees have steadily increased in the last several years.

Revenues from these sources for FY 94 to FY 04, along with the remaining minor revenue sources, can be found in Appendix D.

In addition to the revenue sources above, there are three fees assessed by the Court and deposited into special use funds. These are: the Municipal Court building security fee, deposited in the Security Fund; Municipal Court technology fee, deposited in the Technology Fund; and child safety court costs, deposited in the Child Safety Fund.

Bottlenecks exist in some stages of the document processing flow.

Since Court records may affect the rights and duties of individuals, their protection and preservation over time are vital. Inaccuracy, loss, or untimely availability of court records seriously compromises court integrity and weakens the judicial process. Court management is aware of bottlenecks in some stages of case flow and is reportedly undertaking initiatives to address some of them. The future upgrade to the case management system has potential for improving the process, but its success will depend on thorough planning around its implementation.

The Court met its goals for case initiation, in FY 02 to FY 04, but routinely experiences bottlenecks here. The Court has a goal to enter 70 percent of cases it receives in the court case management system within five business days from the violation date. Based on auditors' analysis of a sample of citations from the period September 2002 to August 2004, the Court exceeded its goal, initiating 76 percent of cases within the targeted time. At a more detailed level, 66 percent of non-parking cases were initiated within the targeted time, and 94 percent of parking cases were initiated within the targeted time. In an effort to reduce delays in case initiation, since February 2003 the Court has distributed data entry of cases departmentwide.

Problems in coordination between the Court and the agencies issuing citations cause delays in filing cases. The Parking Enforcement division in the Public Works Department is the only agency that electronically issues and transfers citations to the Court. All other agencies manually issue and deliver tickets to the Court. The Austin Police Department (APD) issues the majority of citations. In addition to delivering the citations manually to the Court, all APD substations forward their citations to the APD central location, adding delays to the process.

The flow of case documents has bottlenecks, which are being addressed by Court management. As previously discussed, several judges reported receiving empty or incomplete case files at the docket and for warrant processing. When case files are incomplete, cases are re-set and the warrant process is delayed. Court management is aware of these bottlenecks in the case flow and has reportedly addressed some of them through several initiatives, including:

- Revising the scheduling process, by scheduling cases before judges at least 14 days out, to allow enough time to create a file by the court date; and
- Streamlining the filing process by re-instituting a filing box at the counter to expedite sorting of paperwork before it gets to records management and to ensure presence of proper notices in case files.

In addition, this problem will be addressed by the implementation of the case management system upgrade, scheduled for early 2005, which will eliminate hardcopy case files. If processed timely, images of all documents should be available in the case management system, reducing the risk of lost or incomplete files.

Recommendations

12. In order to improve Court efficiency and data integrity, the Court Clerk should continue working with City departments that issue hand-written citations to pursue implementation of electronic ticket writers where cost effective.

MANAGEMENT RESPONSE: Concur

Court will use its expertise to work with ticket writing departments to determine effectiveness/funding needs. Work with other City departments beginning in FY2006

13. In order to ensure that Court staff have timely access to complete and accurate case files, the Court Clerk should ensure that sufficient controls around document imaging are implemented in the case management system upgrade.

MANAGEMENT RESPONSE: Concur/Underway

Imaging controls currently being developed as part of computer upgrade, FY 2005.

Controls are in place to encourage and evaluate judicial integrity; however, the Court could improve its judge evaluation process to make it more comprehensive and systematic.

Decisions and actions of the Court should be based on legally relevant factors, which should be consistently applied to all cases. Integrity and impartiality are integrated in the Eight Canons of Judicial Conduct, which governs judicial conduct for all judges throughout the state. Measures of judicial integrity are incorporated into judicial evaluations at the Court, and the judicial evaluation system is similar to those in other Texas courts. However, some improvements to this process could strengthen the judicial evaluation system and provide better information to decision makers. We also noted that the Court has mechanisms in place to limit judicial

influence in a particular courtroom. Finally, indicators that reflect adherence to laws and procedures are favorable.

Surveys and evaluations have been implemented by the Judicial Committee of the Council to gather a variety of qualitative information to assess judges’ fairness, impartiality, and courteousness. Best practices for evaluating judges’ performance call for a system that seeks input from a variety of parties who use the court regularly or observe judges in the performance of their duties. When performed in this manner, results from judges’ evaluations provide information for judicial self-improvements, judicial education development, and for assessing public perceptions of the judiciary.

Currently, the City Code gives the Judicial Committee of the Council the responsibility of evaluating judicial performance. The Committee has, in turn, tasked the Presiding Judge with conducting annual performance evaluations for each Austin Municipal Court judge to assess judges’ skill of presiding over a courtroom, timeliness, administrative duties, professionalism, and teamwork. The evaluation results are then presented by the Presiding Judge to the Judicial Committee of the Council.

Additionally, police officers appearing before the Court, and prosecutors from the Law Department were called to provide their assessment of judicial performances to the Judicial Committee prior to the 2004 judicial reappointments. The police and prosecutors surveys addressed judges’ performance on fairness, impartiality, courtesy, efficiency, and timeliness. Exhibit 3.8 presents the aggregate responses to this survey.

**EXHIBIT 3.8
Judicial Performance Survey Results**

Question about Judicial Performance	Agree or Highly Agree	Neutral	Disagree or Highly Disagree
Accessible to discuss bonds and other off-docket issues	63%	32%	5%
Arrives on time	59%	36%	5%
Attentive to evidence and arguments	68%	17%	15%
Avoids gender bias	76%	20%	4%
Avoids racial bias	73%	21%	6%
Courteous	72%	15%	13%
Courteous to lawyers/parties in the courtroom	83%	15%	2%
Decisive	74%	15%	10%
Efficient and timely	70%	18%	13%
Exhibits judicial courage	48%	28%	25%
Fairness and equity in substantive rulings	66%	18%	16%
Hardworking	61%	30%	9%
Impartial and avoids favoritism or pressure	53%	28%	19%
Works efficiently / does not waste others' time	69%	20%	11%
Overall performance is good	65%	17%	18%
Average for all questions	67%	22%	11%

SOURCE: OCA analysis of an HRD survey of APD officers and prosecutors regarding judicial performance.

NOTE: Nineteen APD officers and six prosecutors responded to this survey.

Although the Court has surveyed Court users regarding judicial performance, the survey instrument and the survey administration can be improved to provide more comprehensive information. The survey conducted in 2003 had a very low response rate. Specifically, only nineteen police officers and six prosecutors completed the survey for one or more judges. This low response rate limits the comprehensiveness and validity of the survey instrument. In addition, the survey does not include employees of the Court. Court employees working directly with judges are in a position to provide useful information about the integrity of the judiciary. It is important to obtain the input of all key participants in the court process, in order to obtain fair and balanced information on the equality and fairness of court's decisions and actions.

Austin's process for evaluating judges incorporates many of the same elements that other Texas cities use. As part of this project, we surveyed four other Texas cities to obtain information about how they evaluate judges and make reappointment decisions. The results of this survey are available in Appendix H.

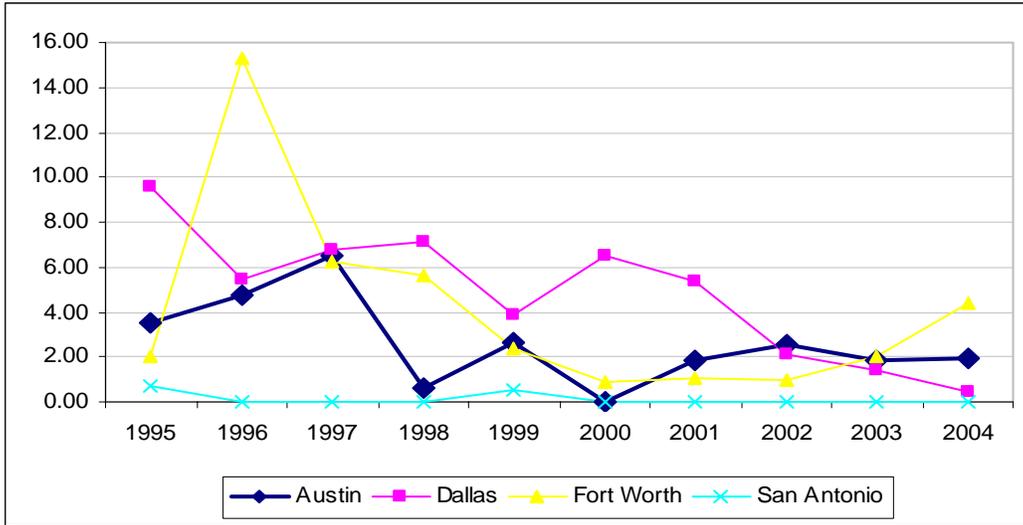
From our survey, we learned that only Austin and Dallas conduct formal performance evaluations of individual judges on a routine basis. In addition, Fort Worth is in the process of establishing such a system. Like Austin, Dallas and Fort Worth use a survey of people who interface with judges as part of their evaluation process. Dallas surveys the prosecutors and defense attorneys, while Fort Worth includes prosecutors and court employees.

In addition to performance evaluations and surveys, San Antonio, Dallas, and Fort Worth all include some quantitative measures of judicial workload into their evaluations. Austin does not incorporate this type of information. However, Austin's rotating docket, which results in each judge handling different types of cases with differing frequency, complicates developing productivity measures for judges. Other quantitative information, such as the number and outcome of appeals, could be incorporated into Austin's judicial appraisals.

The influence of a single judge in a particular courtroom is limited in Austin's Municipal Court by a rotating docket. One method for maintaining judicial integrity is to limit the amount of time and influence of a judge in a particular courtroom. Austin Municipal Court has a docket rotation system in place that keeps judges involved in the different aspects of the Court to ensure that litigants receive individual attention, without variation due to judge assignment. The rotating docket is a six-week rotating schedule of assignments within different judicial areas, such as magistration (at Central Booking), presiding over bench and jury trials, dealing directly with the public during walk-in dockets (mitigation), juvenile cases, and processing arraignments. However, while this schedule may limit requests for a particular judge, judges are responsible for knowing the law in every area, rather than being able to specialize in an individual area.

In Austin, Municipal Court appeals, an indicator of adherence to laws and procedures, have declined since the late 1990s. In addition to a qualitative evaluation, appeals can be used as an indicator of court adherence to law and procedures. An analysis of the outcomes of appeals in terms of affirming or reversing the court's decision may point to areas where court performance can be improved. The number of appeals for Austin Municipal Court is low and has significantly decreased since the late 1990s. Exhibit 3.9 shows the trend in the number of appeals per 100,000 cases filed for Austin and some other major Texas cities for the period FY 95 through FY 04.

EXHIBIT 3.9
Cases Appealed per 100,000 Cases Filed
for Austin and Other Major Texas Cities, FY 95-04



SOURCE: OCA analysis of Texas State Office of Court Administration data.

Recommendations

14. To obtain information needed for decision making, the Judicial Committee should consider requesting that the Human Resources Department continue to administer a survey of Court users regarding judicial performance. In addition, the Human Resources Department should look for ways to improve the response rate to this survey and should share the aggregate results with the Presiding Judge upon completion.

MANAGEMENT RESPONSE: Concur

Court will assist the Council Judicial Committee and HR with any surveys regarding judicial performance, prior to December 2005.

15. In order to broaden input obtained about judicial performance, the Judicial Committee should consider requesting that the Human Resources Department include court staff in their survey regarding judicial performance.

MANAGEMENT RESPONSE: Concur

Court will assist the Judicial Committee and HR with any surveys regarding judicial performance, prior to December 2005.

Expedition and Timeliness

The Court performs well with regard to expedition and timeliness of carrying out justice, with isolated issues related to time to dispose misdemeanor cases, backlogs of old cases, and time to trial.

The Trial Court Performance Standards specify four key measures of expedition and timeliness, and the Court currently measures surrogates for two of those recommended measures.

- Disposition rate - instead, the Court tracks termination rate
- Time to disposition – instead, the Court tracks average age of closed cases, and percent of cases waiting more than 60 days from appearance to trial.
- Age of cases – the Court does not track this
- Certainty of trial dates – the Court does not track this

Indications are that at a broad level, the Court successfully keeps up with workload. However, some areas deserve further study of what may be performance problems. Specifically, these problems are: a low rate of disposing City ordinance and parking cases, long waits to get misdemeanors through the Court process, large backlogs of old cases pending in the case management system, and protracted time to trial.

Disposition rates, measuring the Court’s effectiveness at achieving a conviction or dismissal on cases filed, show strong performance in recent years but room for improvement in disposing City ordinance and parking cases. A case is considered disposed when a final order is entered for a judgment, or a dismissal. As one example, if someone is found guilty, fined \$150 and given two weeks to pay, the case was disposed at trial but was not terminated until the defendant voluntarily or is compelled to pay the ordered amount. The disposition rate shows all cases for which there is a conviction, dismissal, or administrative termination. Administrative terminations are those cases that the Court Clerk determines to be uncollectible and are given judicial and prosecutor review, before they are purged from the case management system.

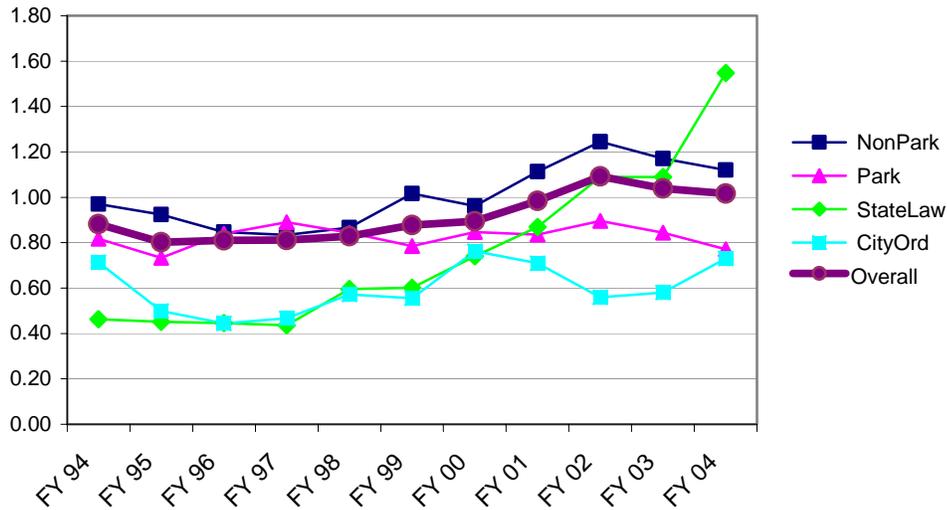
The disposition rate is calculated as the ratio of cases disposed to cases filed in a given period. A consistent trend of one-to-one ratios between case disposition and case filings is evidence that the Court is keeping pace. A court not performing well, as evidenced by a disposition rate well below 1.0, should require court to examine the size and characteristics of its pending case loads. Knowledge of the disposition rate over three to five years can help a court monitor its overall performance; in other words, the measure is not an appropriate quarterly measure.

Beginning FY 01 Court has succeeded at disposing as many or more cases as were filed in the same year, evidence that the Court is disposing of older cases. See Exhibit 3.10.

In addition to an improving overall disposition trend over that last eleven years, other observations include:

- a consistently low parking citation disposition rate around .80;
- consistent improvement in the non-parking/traffic citation disposition rate, exceeding 1.0 since FY 02;

**EXHIBIT 3.10
Disposition Rates, FY 94-04**



SOURCE: Office of Court Administration, as reported by Municipal Court. Data is not audited.

NOTE: The spike in FY 04 in State law dispositions is due largely to a sharp decline in the number of such cases filed in FY 04 over the prior year.

- lower success disposing City ordinance cases, dropping below .60 in FYs 02 and 03 - these represent less than one percent of all cases in the system, but tend to be relatively high-dollar cases such as illegal dumping, food establishment violations, and animal violations;
- and most notable, a steady and positive increase in the disposition rate for state law citations, which are Class C misdemeanors and include violations such as public intoxication, disorderly conduct, and minors in possession of alcohol.

It is important to note that without auditing the OCA data used in Exhibit 3.10, or Court’s own reported performance, we cannot explain why the parking disposition rate is lower than the parking termination rate: since disposition is a step toward final termination, we would expect the disposition to be higher. Further work is required to assess the reliability of data reported by the Court to OCA and in performance reports. The Court does not separately report rates of disposition or termination for City ordinance cases.

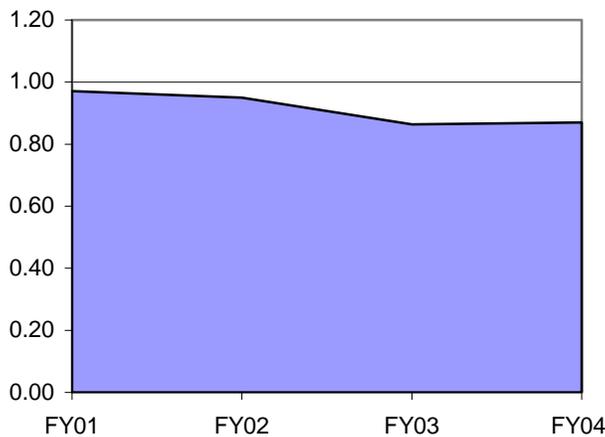
For thirteen north central Texas cities convened for a Municipal Court benchmarks meeting in 2004, the average disposition rate in FY 02 was .85. The City of Austin disposition rate exceeded 1.0 in the same year.

The Court’s termination rates for each case type indicate some strengths and weaknesses in the Court’s effectiveness at getting cases through the “pipeline”. A termination rate is another gross indicator of the Court’s effectiveness at moving cases through the system. A terminated case is one that has been dismissed by a judge, paid by the defendant, or purged from the system as the result of an administrative decision with prosecutorial and judicial approval. The ratio does not indicate how long cases are in the pipeline, but it does indicate whether, at a high level, cases are making it through the pipeline. Termination rates reflect both voluntary and enforced compliance with orders and/or judgments and administrative dismissals.

The rate is calculated as the ratio of cases terminated to cases filed in a given period. An average rate less than 1.0 indicates that a backlog of cases has accumulated. The Court's overall termination rate in FY 04 was .87.

According to the Court's termination data, performance in the various categories of cases over the last four years ranges from .78 to 1.08, as shown in Exhibit 3.11. With a routine purge plan, which the Court currently does not have, the Court could achieve average rates of 1.0 over several years. For example, in FY 01 the Court purged a group of approximately 10,000 old traffic citations, resulting in a 1.08 clearance ratio. There has reportedly been no such purge of cases since FY 01.

EXHIBIT 3.11
Termination Rates, FY 01–04
(number of cases closed / number of cases filed)



	FY 01	FY 02	FY 03	FY 04
Overall	0.97	0.95	0.86	0.87
Parking	0.90	1.00	0.88	0.87
Traffic	1.08	0.95	0.87	0.86
Misdemeanor	0.83	0.80	0.78	0.93

SOURCE: City of Austin Budget Office performance reports. Not audited.

Another factor affecting termination rate is the number of cases filed, the denominator of this ratio, which has declined for all citation types in three of the last four years. For trends in cases filed see Appendix C. With cases filed at the Court declining, we would expect the termination rate to increase if the effectiveness at terminating cases remained constant. Instead, we see the rate declining. Further analysis would be needed to explain this trend.

For parking cases involving out-of-state license plates, the termination rate is significantly lower than the rate for all parking cases. The Court is responsible for providing equal enforcement of all of its orders. However, for parking cases involving out-of-state license plates, the current practice consists of entering or uploading citations in the case management system and relying on voluntary compliance, until the Court sends the case to the collection agency.

Court management asserts that the collection agency is the primary collector of these citations since staff reductions in 2002.

As a result of less enforcement effort in this area, the termination rate for out-of-state parking cases is significantly lower than the termination rate for all parking cases. Exhibit 3.12 compares out-of-state parking case filing and termination data to data for all cases. In addition to being lower than for all cases, the termination rate for out-of-state cases has significantly decreased over time. Between FY 01 and FY 04, the number of out-of-state parking citations filed has remained constant, while the termination rate has decreased from .69 to .50. This decrease in the termination rate translates into inequitable enforcement and may result in revenue loss for the Court.

EXHIBIT 3.12

Comparison of Termination Rate Out-of-State Parking Versus All Parking, FY 01-04

ALL PARKING CITATIONS	FY01	FY02	FY03	FY04
# parking cases filed	158,250	157,096	155,256	154,000
Termination rate for all parking cases	0.85	1.00*	0.88	0.90
OUT-OF-STATE PARKING CITATIONS				
# of out-of-state parking cases filed	6,551	6,206	6,151	6,203
Termination rate for out-of-state parking cases	0.69	0.56	0.51	0.50

* In FY02, the Court purged 10,000 old parking cases, thus increasing the termination rate.

SOURCE: OCA analysis of data from AMCORD.

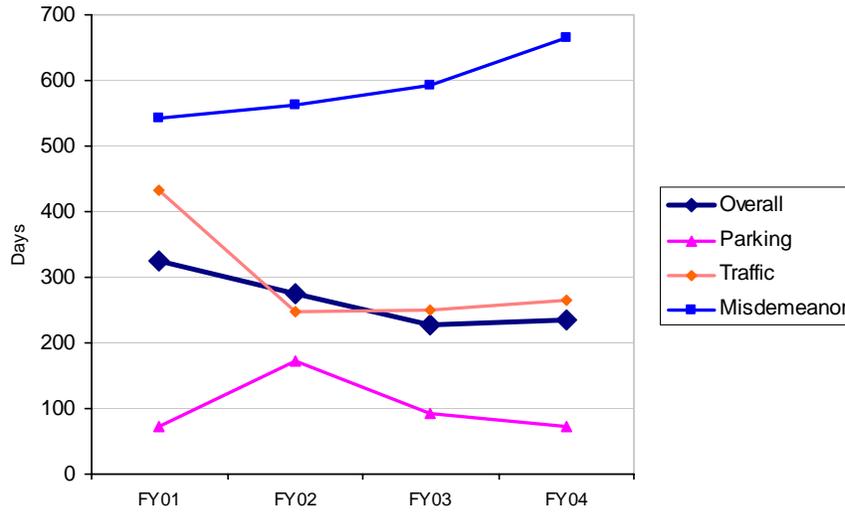
Overall, the Court’s average time to terminate the cases that it closes is declining. For those cases which the Court has successfully terminated, parking and non-parking traffic cases averaged two and eight months to close respectively, while it took the Court an average of two years to close misdemeanor cases. However, without benchmarks for time to terminate each type of case, it is difficult to assess how good or bad the Court’s performance is in this area.

The Court’s measure of average termination time on closed cases measures how long it took from the violation date to closing, or terminating, the case, for cases that were closed in the reporting period. The Court has reported this measure in budget quarterly reports since FY 02. Terminations are those cases on which sentences were completed, and include cases which were pled no contest/guilty, and those that went to trial or an administrative hearing.

Looking at Exhibit 3.13 on the following page, one can see that:

- closed misdemeanor cases took almost two years, in FY 02-04, and have taken longer than other types to make it through the system over the charted period. The presiding judge and Court Clerk explain this by the increased frequency of deferrals in recent years. More work would be needed to confirm this.
- closed traffic cases averaged eight months to termination in FY 02-04. Benchmarks are needed to further evaluate performance.
- closed parking cases were terminated in an average of two and a half months. This is predictably the fastest moving case type, as the Court has a walk-in administrative hearing process, and fines are less costly. Benchmarks are needed to further evaluate performance.

**EXHIBIT 3.13
Average Days to Terminate Closed Cases, FY 01-04**



	Dept goal, all years	FY 01	FY 02	FY 03	FY 04	FY 01-04 % change
Overall	335 days	324	276	228	236	-27%
Parking	80 days	72	173*	93	73	1%
Traffic	450 days	433	248	251	264	-39%
Misdemeanor	550 days	542	562	592	665	23%

* Approximately 10,000 old cases purged this year.

SOURCE: City of Austin Budget Office reports, unaudited.

The Court’s goals for average days to termination may not be based on appropriate benchmarks and deserve review. In FY 02 the Court introduced this measure to quarterly performance reports. At the time, the Court apparently set performance goals that exceeded FY 01 actual performance by one to eleven percent. The Court has not updated these goals since.

The Court does not appropriately express its performance goals for cases closed in terms of 90-95-100 percent closed within specified times, nor does the Court report its performance results following this structure. More appropriately, per the Trial Court Performance Standards (TCPS), this measure should break down all cases meeting expected termination times. For example, a Court might aim to close 90 percent of misdemeanor cases in 12 months, 95 percent in 18 months, and 100 percent in 24 months. The Court instead focuses on the average age of closed cases, rather than the age of closed cases as a proportion of all closed cases. For example, the Court reports that the average number of days to close misdemeanor cases was 655 in FY 04 rather than breaking out what percentage of the Court’s cases were closed within one, three, and six months.

Last year, six north central Texas cities reported average days to disposition for FY02 in a benchmarking conference. Exhibit 3.14 presents the results they reported. This format is appropriate for reporting both frequency of days to disposition and days to termination for the Court. We do not have comparable Austin data.

EXHIBIT 3.14
Average Days to Disposition for Six Texas Cities, FY 02

	Average for the Cities	Cumulative
Less than 30 days	33.6%	33.6%
30 to 60 days	13.4%	46.9%
60 to 90 days	8.2%	55.2%
90 to 120 days	10.5%	65.7%
120 to 150 days	8.9%	74.6%
150 to 180 days	5.0%	79.6%
> 180 days	20.4%	100.0%

SOURCE: Government Finance Officers Association of Texas.

The Court’s case management system has a significant backlog of pending cases. A backlog is the percentage of pending cases that exceed the maximum disposition or termination time goal for the case type. Periodic age reports can be designed to evaluate the age of cases awaiting termination or disposition in order to establish whether a backlog of delinquent cases exists, and if so determine its magnitude. For a court operation, the TCPS recommend a measure of age of cases awaiting disposition. Aging reports are a standard tool in operations requiring time sensitive responses from customers.

We requested an age report be run off the Court case management system. Broadly, it shows that 43 percent of cases in the system (AMCORD) with open status are four or more years old. Prior year data is necessary to detect accumulating backlogs, however because the Court does not periodically track age of cases, we could not detect trends, although the Court’s termination rate of less than 1.0 ensures a backlog. Exhibit 3.15 compares the Court’s stated goals for terminating each case type.

EXHIBIT 3.15
Pending Cases and Termination Goals

	Dept goal: Days to terminate	Percent cases pending more than 670 days	Total number of cases pending
All Cases	335 days	63%	658,802
Parking	80 days	77%	229,350
Traffic	450 days	50%	291,340
Misdemeanor	550 days	65%	136,646
City Code	550 days	17%	1,466

SOURCE: OCA analysis of data provided by Municipal Court on August 1, 2004.

NOTE: Cases pending for more than 670 days have been pending since prior to FY03.

A sound, systematic purging plan will alleviate the backlog. Means by which to prevent a backlog of cases include effective enforcement activities, routine case management policies and procedures, and purging of cases for which the City has passed the point of diminishing returns. The Court Clerk states that a historical review suggests an appropriate age to terminate criminal

and parking cases is eight and five years respectively. A purge would be comprised of judgments of liability and cases that have not been adjudicated.

Indicators such as frequency of resets and proportion of trials waiting more than 60 days suggest some issues in certainty of court dates. The last measure of expedition and timeliness recommended by the TCPS is the certainty of a court/trial date. This measure requires case-by-case data collection and evaluates the frequency with which cases scheduled for trial are heard when scheduled. Per TCPS, one would wish to determine number of cases with one trial setting, two, and so on, and look at the trend as in the aging report.

We reviewed resets as a portion of sets for bench or jury trial. Cases scheduled for trial may not be heard when first scheduled for a variety of reasons originating with a defendant, his or her attorney, or the prosecutor, or due to clerical errors. Cause for resets is not attributed here. This data was only easily available for the past two years, as it is not routinely tracked or reported prior to auditor request. We have no benchmark or other means to evaluate performance.

**EXHIBIT 3.16
Trial Resets, FY 03 and FY 04 (partial)**

	Resets	All Sets	Resets/Sets	Cases Reset Two or More Times
FY 04 (partial)	3,132	10,875	29%	697
FY 03	3,216	11,955	27%	829

SOURCE: AMCORD data provided by Municipal Court FY03 through July 2004. Not audited.

We also reviewed data on time to trial from appearance, which is not specifically recommended by TCPS, but is a valuable indicator of expeditious justice. Municipal Court’s benchmark is 60 days (following another 60 days from plea to appearance). Exhibit 3.17 shows Court’s data, as tracked by operations staff.

**EXHIBIT 3.17
Cases Waiting More Than 60 days from Appearance to Trial Date**

Oct-03	Nov-03	Dec-03	Jan-04	Feb-04	Mar-04	Apr-04	May-04	Jun-04	Jul-04
19%	26%	36%	28%	26%	27%	15%	18%	27%	19%

SOURCE: Municipal Court. Data not audited.

In the first ten months of FY 04 an average of 24 percent of cases waited more than 60 days for trial. Without further work, the causes for uncertainty in court date remain unknown.

Recommendations

16. The Court Clerk should continue to work with other departments to identify barriers to disposition of City ordinance violations so that such citations are disposed in a timely manner.

MANAGEMENT RESPONSE: Concur

Analyze Court’s disposition information for each department’s cases to identify barriers, if any; work with appropriate departments. Beginning 2005.

17. In order to support robust collection strategies, the Court Clerk should produce and share disposition and termination aging reports to collections staff on a regular basis, at least monthly.

MANAGEMENT RESPONSE: Concur

Said reports will be developed, produced and shared FY2006, following computer upgrade implementation.

18. To provide for equitable enforcement of the Court's orders, the Court Clerk should use available means to strengthen enforcement of citations issued to vehicles with out-of-state license plates. For example, the Court could:
- 1) send these cases to collections at the earliest permitted time, and
 - 2) communicate with the University of Texas to determine whether the citation is for a vehicle registered by a student and therefore subject to pursuit locally.

MANAGEMENT RESPONSE: Concur

Effective means to improve closure of out-of-state parking cases will be studied and added to Court's revised collection plan (see #11 above), following computer upgrade implementation.

19. In order to effectively evaluate performance, the Court Clerk should gather benchmarks from other Texas cities to set revised goals and analyze performance against those goals. Specifically, the Court Clerk should implement periodic aging and delinquent reports, and revise goals for:
- Days to termination
 - Days to disposition

MANAGEMENT RESPONSE: Concur/Underway

The two new goals will be set, FY 2006.

20. In order to know the termination rate for City ordinance citations, the Court Clerk should track and report these separately from state misdemeanors.

MANAGEMENT RESPONSE: Concur

Will report quarterly to Budget with other key indicators, with next quarterly key indicator report.

Access to Justice

The Court provides convenient and affordable access, although the abandon rate for customer service phone calls can be improved.

The Municipal Court extends convenient lobby hours, operates three locations for convenience, and provides handicapped accessibility to the Court. We did note that the Court has limited

space for its activities at the central location. For easy access to information by phone, the Court has live operators and an interactive voice response (IVR) system; however we noted some aspects of phone call handling that can be improved. The Court also provides interpreters and facilitates affordable access to the judicial system by providing extensions and payment plans to financially disadvantaged individuals.

Austin’s Municipal Court lobby hours compare favorably to other cities for convenience.

The Municipal Court’s downtown location operates from 7:00 a.m. to 10:00 p.m., Monday through Thursday and 7:00 a.m. to 6:00 p.m. on Fridays. The Court’s north and south substations operate from 8:00 a.m. to 4:30 p.m., Monday through Friday. Research on other Texas Municipal Courts shows comparable hours. However, Fort Worth has extended hours at the substations, open on Saturday and Sunday. Also, Houston and Fort Worth have their main locations open on Saturdays. On the other hand, Plano and San Antonio operate shorter hours in the evening.

The Municipal Court is not meeting its target lobby wait time, but does compare well to targets used for other City walk-in services. Municipal Court’s goal for serving lobby customers is ten minutes. To compare, Watershed Protection and Development Review’s development assistance center has a target wait time of 15 minutes and the permit center’s is 30 minutes.

Municipal Court’s average wait time for FY 04 was 15 minutes; four months in FY 04 reached or exceeded a 20 minute wait time. The average lobby wait time was better in FY 03, averaging 10 minutes. A possible reason for this increase could be the change in the methodology to calculate this measure when the Court moved from a manual system to a real-time information system in March 2004.

EXHIBIT 3.18

Average Lobby Wait Time in Minutes at the Downtown Location, FY 03 and FY 04

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Average
FY 04	7	22	20	6	17	21	13	10	9	13	18	20	15
FY 03	19	18	6	13	14	5	7	10	8	5	6	6	10

SOURCE: Municipal Court reports, unaudited.

The percent of calls abandoned while waiting for an operator is much higher than either industry or City standards. We found that the monthly call abandon rate for the Court ranged from 19 to 30 percent during FY 04. This is actually an improvement over the FY 03 rate, which ranged from 20 to 34 percent. In response to the City Manager’s emphasis on high levels of customer service, the Citywide call center has set a goal of five to six percent of calls abandoned and has consistently met that goal during its first six months of operations. By contrast, the Municipal Court has set a goal of 20 percent, which it has not met.

As an alternative to waiting for a Court operator, a customer may elect to get information from the Court’s IVR. Here, the call abandon rate is less than one percent. This system demonstrates an efficient, automated customer service system.

In terms of the information provided by phone, our limited testing indicated that both the IVR system and the customer service representatives appear to provide accurate and useful information about the Court processes and procedures.

The Court is also accessible to the financially disadvantaged, providing alternatives to customers with fewer financial resources. According to the TCPS, courts should ensure affordable access to the financially disadvantaged; however, at the same time such access should be controlled to prevent misuse. The Municipal Court offers various alternatives to assist the financially disadvantaged in discharging their obligations to the Court.

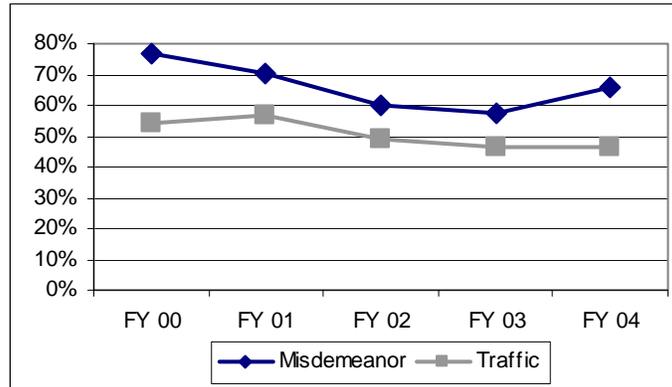
The Court grants extensions to defendants for 30 days from the defendant's plea date. If the defendant does not comply with the extension, a notice is sent and an Order of Commitment is issued directing the defendant to fulfill his or her obligation. The defendant can request an extension to pay, which involves making monthly payments. Finally, if the defendant cannot fulfill the conditions of the extension to pay plan, the defendant can meet with the time payment officer. The time payment officer can work out a payment schedule to accommodate the defendant's financial condition. This is known as the scheduled time payment plan. Another option available to pay off the obligation is through performing community service, which requires a judge's approval.

Interviews with six Texas Municipal Courts revealed that only Austin's Municipal Court reviews a defendant's financial condition. Interviews with other Texas cities reveal that those cities do not perform document verification to determine eligibility for time payment plans. In some of these cities, authorization of the payment plan is at the judge's discretion. In Austin, in the case of the scheduled time payment plan, the Court's time payment officer screens the defendant and verifies financial documents to ensure eligibility for the plan.

Austin, unlike some other Texas Municipal Courts, permits multiple ticket holders to apply for time payment plans even if they have not cleared prior obligations. We noted that the Austin Municipal Court encourages those defendants with multiple outstanding tickets to visit the time payment officer to customize a payment schedule. In comparison, other Texas Municipal Courts like Plano and Irving restrict multiple ticket holders from applying for time payment plans, unless defendants clear prior obligations. This is used as a control to prevent misuse of the plan.

Extension and payment plan default rates average over 50 percent. Exhibit 3.19 shows the trend for the default rate by type of violation. Over the last five years, the default rate on extensions and payment plans averages 66 percent for defendants charged with criminal misdemeanor and 51 percent for defendants charged with traffic violations. Here, the default rate is the ratio of the number of defendants issued commitments for non-compliance with extensions or payment plans to the number of defendants in extensions and payment plans. The default rate appears to be on the high side. However, with no benchmarks, it is difficult to say this with certainty. Overall, the proportion of defendants using extensions and payment plans show a small variance over the last five years.

EXHIBIT 3.19
Default Rate for Traffic and Misdemeanor Violations, FY 00-04



SOURCE: OCA analysis of unaudited AMCORD data provided by the Court.

Payment plans extend alternatives for those in need. However, research shows that the longer the court waits to begin an earnest collection process, the less it will be able to ultimately collect. So, attempting prompt collection is critical.

Recommendations

21. In order to ensure that customers are served by telephone, the Court Clerk should identify and implement ways to alleviate the call abandon rate for customer service phone calls routed to operators.

MANAGEMENT RESPONSE: Concur/Underway

Analysis of telephone system statistics being performed, with adequate staffing levels to be determined. To be implemented FY2005; if staffing or funding is needed, implementation will depend on budget approvals.

Public Trust and Confidence

Perceptions can matter as much as actual performance, and the public seems broadly indifferent to or satisfied with Court customer service.

The Court has a number of ways to gather information on how the public and various components of the justice system perceive its overall performance with regard to the Court administration and operation. Trust and confidence of all constituencies are essential to the Court, as compliance with law depends, to some degree, on public respect for the court. Constituents include the general public, court employees and users, and people involved in the judicial process, such as attorneys, witnesses, and lawyers.

Information on the general public perception of Court performance is included in an annual survey of citizens about public service delivery. With regard to the Court, the 2004 results of this survey showed that 57 percent of respondents assigned a high level of personal importance to the quality of Court services, 19 percent assigned a low level of importance, while 24 percent of

respondents expressed no opinion. Additionally, 33 percent of respondents reported a high level of satisfaction with the quality of Court services, while 19 percent reported a low level of satisfaction, and 48 percent expressed no opinion. When considering only those respondents who expressed an opinion, 63 percent of them expressed a high level of satisfaction with the quality of Court services.

Additionally, the Court gathers feedback on its users' satisfaction through a customer comment card. The Court asks users to assess clerks' courtesy, knowledge, accuracy of information, and timeliness and provides a venue for comments. The percentage of positive responses, along with a compilation of comments, is reported monthly to the Court Clerk. While the Court does not track the number of customers served who completed the survey, the vast majority of respondents appear to be satisfied. In FY 04, 89 percent of respondents reported they were satisfied with service.

As mentioned previously, the Human Resources Department administered a survey to capture justice system perception in 2003. Specifically, members of the Police Department appearing before the Court and prosecutors from the Law Department were surveyed, and asked to provide their perception of judges' fairness, impartiality, courtesy, efficiency, and timeliness. The survey had a very low response rate. Aggregate responses indicated that a majority of respondents were satisfied with judicial performance. This information was communicated to the Judicial Committee and taken into account when making decisions on judges' reappointment.

Additionally, the TCPS recommends the use of a Court Performance Inventory as a tool to collect individual perceptions about court performance in the TCPS performance areas. Results from this survey would provide information for self-assessment, self-improvements, and public accountability.

**APPENDIX A
MANAGEMENT RESPONSE**



MEMORANDUM

TO: Steve Morgan, City Auditor Date: February 17, 2005

FROM: Rebecca Stark, Clerk of the Municipal Court *Rebecca Stark*

SUBJECT: Municipal Court Risk and Vulnerability Assessment

Thank you for allowing me this opportunity to comment on the Risk and Vulnerability Assessment of Municipal Court recently presented by your office. The management staff of Municipal Court appreciates the time and effort your staff spent in preparing the report. Observations by those outside the judicial system provide valuable information on the perceptions of court that are not possible from within the system.

Your conclusion that there is a "strong control environment at Austin Municipal Court, with comprehensive policies and procedures, knowledgeable staff, and key performance indicators showing improving trends over the last ten years, and more critically in the last five" is very gratifying. This, as well as other positive observations throughout the report, indicates that we are making progress toward our goal to be the most efficient, effective and impartial Court in the state.

The first draft of the report was presented on January 21, 2005, so limited time was available for verification of statistics or in-depth discussion of the body of the report. Dialog centered on the twenty-one recommendations. While I believe that some items presented in the report do not portray an accurate picture, they do not affect the validity of the recommendations. I concur with all of them and look forward to working within the department as well as with other departments to implement them.

Some key issues affecting Court's ability to operate at desired effectiveness were included in this report but bear repeating in this response. Over the last three years, the Court has experienced extensive operational and support staff reductions, and is experiencing difficulty meeting desired customer and support service levels. Also, retained revenue has remained relatively steady over the past three difficult years despite the economic downturn and declining case filings (see Appendixes C and D). These issues affect many of the concerns expressed in the report.

I have attached the action plan matrix for your recommendations. Thank you again for the opportunity to respond to this Assessment.

**ACTION PLAN
MUNICIPAL COURT RISK AND VULNERABILITY ASSESSMENT**

Rec #	Recommendation Text	Concurrence	Proposed Strategies for Implementation	Status of Strategies	Responsible Person/ Phone Number	Proposed Implementation Date
01	In order to accurately identify time required for Court activities, the Court Clerk should require that all staff accurately account for their time so that time accounting accurately reflects time spent on activities.	Concur	Changes to activity composition and duties	Underway	To be assigned	FY2006
02	In order to make effective and efficient use of its resources, the Court Clerk should analyze queuing software reports and available staffing levels to identify peak lobby hours and adjust staffing accordingly.	Concur	Analyze queuing system statistics to develop optimum staffing; staffing to be “adjusted accordingly” as adequate staffing becomes available	Analysis Underway	To be assigned	FY2005
03	To improve employee morale, the Court Clerk should continue to pursue bilingual pay for Court employees through the Human Resources Department	Concur	Develop estimate for inclusion in budget forecasts	Underway	Melanie Montez 9974-4695	FY2006, if approved

Rec #	Recommendation Text	Concurrence	Proposed Strategies for Implementation	Status of Strategies	Responsible Person/ Phone Number	Proposed Implementation Date
04	In order to create a results-oriented Court environment, the Court Clerk should explore managing for results strategies and identify ways to replace the current cultural emphasis on processing workload with an emphasis on achieving results.	Concur	Emphasis on results to continue, including additional internal measures for FY2006	During budget process	To be assigned	FY2006
05	In order to encourage shared accountability for results, the Court Clerk should ensure that managers are trained in the use of management information to develop strategies that maximize results achieved.	Concur	Will refer to HR classes or request HR to assist with developing training	Underway	Rebecca Stark 974-4690	Immediately
06	To ensure that the Court mailroom is properly handling cash payments, the Court Clerk should conduct an assessment of the controls over cash received through the mail and adjust controls as needed.	Concur	Assessment during FY2005 by Accounting Staff	To be planned	To be assigned	FY2005; if staffing or funding is needed, implementation will depend on budget approvals
07	Prior to renegotiating the agreement for operation of the Central Booking facility in the Fall of 2005, the City Council should ensure that the extent to which City prisoners are turned away from the facility is investigated and that the prisoner admission levels are considered in renegotiation.	Concur	Court will continue to assist City Council and City management in negotiating a new contract	Review underway with city mgmt.	Rebecca Stark 974-4690 Judge Evelyn McKee 974-4834	FY2005

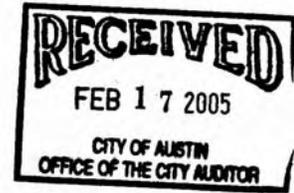
Rec #	Recommendation Text	Concurrence	Proposed Strategies for Implementation	Status of Strategies	Responsible Person/ Phone Number	Proposed Implementation Date
08	To ensure that all citations filed with the Court are accounted for in the case management system, the Court Clerk should periodically use sampling to test completeness of the system.	Concur	Select samples and follow progress	To be scheduled	To be assigned	Following implementation of computer upgrade
09	To ensure that the case management system upgrade is successful, the Court Clerk should make sure that the new system has: error reports in place to capture discrepancies in defendant information, and input controls to ensure that the case status field is not left blank.	Concur	Upgrade to computer system currently underway	Underway	Kitzy Daniels 974-4651	FY2005
10	Following implementation of the case management system upgrade, the Court Clerk should comprehensively review the system's data controls.	Concur	Review to begin following implementation of computer upgrade	To be planned	To be assigned	FY2006
11	In order to improve the collection rate, defined as the ratio of amounts collected to amounts assessed, the Court Clerk should develop a formal and comprehensive collection plan that includes strategies for dispensing expeditious and timely justice, and achieving best possible compliance with Court orders.	Concur	Comprehensive strategy already in place; will update strategy and place in more formal format	To be planned	Rebecca Stark 974-4690	FY2006

Rec #	Recommendation Text	Concurrence	Proposed Strategies for Implementation	Status of Strategies	Responsible Person/ Phone Number	Proposed Implementation Date
12	In order to improve Court efficiency and data integrity, the Court Clerk should continue working with City departments that issue hand-written citations to pursue implementation of electronic ticket writers where cost effective.	Concur	Court will use its expertise to work with ticket writing departments to determine effectiveness/funding needs	To be planned as interest expressed	To be assigned	Work with other City Department beginning in FY2006
13	In order to ensure that Court staff have timely access to complete and accurate case files, the Court Clerk should ensure that sufficient controls around document imaging are implemented in the case management system upgrade.	Concur	Imaging controls currently being developed as part of computer upgrade	Underway	Kitzy Daniels 974-4651	FY2005
14	To obtain information needed for decision making, the Judicial Committee should request that the Human Resources Department continue to administer a survey of Court users regarding judicial performance. In addition, the Human Resources Department should look for ways to improve the response rate to this survey and should share the aggregate results with the Presiding Judge upon completion.	Concur	Court will assist the Council Judicial Committee and HR with any surveys regarding judicial performance	Planning underway	Rebecca Stark 974-4690 Judge Evelyn McKee 974-4834	Prior to December 2005

Rec #	Recommendation Text	Concurrence	Proposed Strategies for Implementation	Status of Strategies	Responsible Person/ Phone Number	Proposed Implementation Date
15	In order to broaden input obtained about judicial performance, the Judicial Committee should consider requesting that the Human Resources Department include court staff in their survey regarding judicial performance.	Concur	Court will assist the Judicial Committee and HR with any surveys regarding judicial performance	Planning underway	Rebecca Stark 974-4690 & Judge Evelyn McKee 974-4834	Prior to December 2005
16	The Court Clerk should continue to work with other departments to identify barriers to disposition of City ordinance violations so that such citations are disposed in a timely manner.	Concur	Analyze Court's disposition information for each departments' cases to identify barriers, if any; work with appropriate departments	To be planned	To be assigned	Identification of possible barriers beginning in 2005
17	In order to support robust collection strategies, the Court Clerk should produce and share disposition and termination aging reports to collections staff on a regular basis, at least monthly.	Concur	Said reports will be developed, produced and shared	To be planned	To be assigned	FY2006 (following computer upgrade implementation)

Rec #	Recommendation Text	Concurrence	Proposed Strategies for Implementation	Status of Strategies	Responsible Person/ Phone Number	Proposed Implementation Date
18	To provide for equitable enforcement of the Court's orders, the Court Clerk should use available means to strengthen enforcement of citations issued to vehicles with out-of-state license plates. For example, the Court could: send these cases to collections at the earliest permitted time, and 2) communicate with the University of Texas to determine whether the citation is for a vehicle registered by a student and therefore subject to pursuit locally.	Concur	Effective means to improve closure of out-of-state parking cases will be studied and added to Court's revised collection plan (see #11 above)	To be planned	To be assigned	FY2006 (following computer upgrade implementation)
19	In order to effectively evaluate performance, the Court Clerk should gather benchmarks from other Texas cities to set revised goals and analyze performance against those goals. Specifically, the Court Clerk should implement periodic aging and delinquent reports, and revise goals for: Days to termination Days to disposition	Concur	The two new goals will be set	Underway	Rebecca Stark 974-4690	FY2006
20	In order to know the termination rate for City ordinance citations, the Court Clerk should track and report these separately from State misdemeanors.	Concur	Will report quarterly to Budget with other key indicators	To be planned	To be assigned	With next quarterly key indicator report

Rec #	Recommendation Text	Concurrence	Proposed Strategies for Implementation	Status of Strategies	Responsible Person/ Phone Number	Proposed Implementation Date
21	In order to ensure that customers are served by telephone, the Court Clerk should identify and implement ways to alleviate the call abandon rate for customer service phone calls routed to operators.	Concur	Analysis of telephone system statistics being performed with adequate staffing levels to be determined	Analysis underway	Rebecca Stark 974-4690	FY2005; if staffing or funding is needed, implementation will depend on budget approvals



To: Steve Morgan, City Auditor
From: Evelyn McKee, Presiding Judge *EJM*
Date: 2/17/2005
Re: Municipal Court Risk and Vulnerability Assessment

This is in response to the Risk and Vulnerability Assessment Report. I appreciate the opportunity to have the Court assessed and I concur with the two recommendations that relate to judicial evaluations.

Particularly gratifying is your conclusion that the Court is showing improving trends in the last 10 years, and especially the last 5 years. We have worked hard to make this the most efficient, effective and impartial Court in the state, and that continues to be our goal.

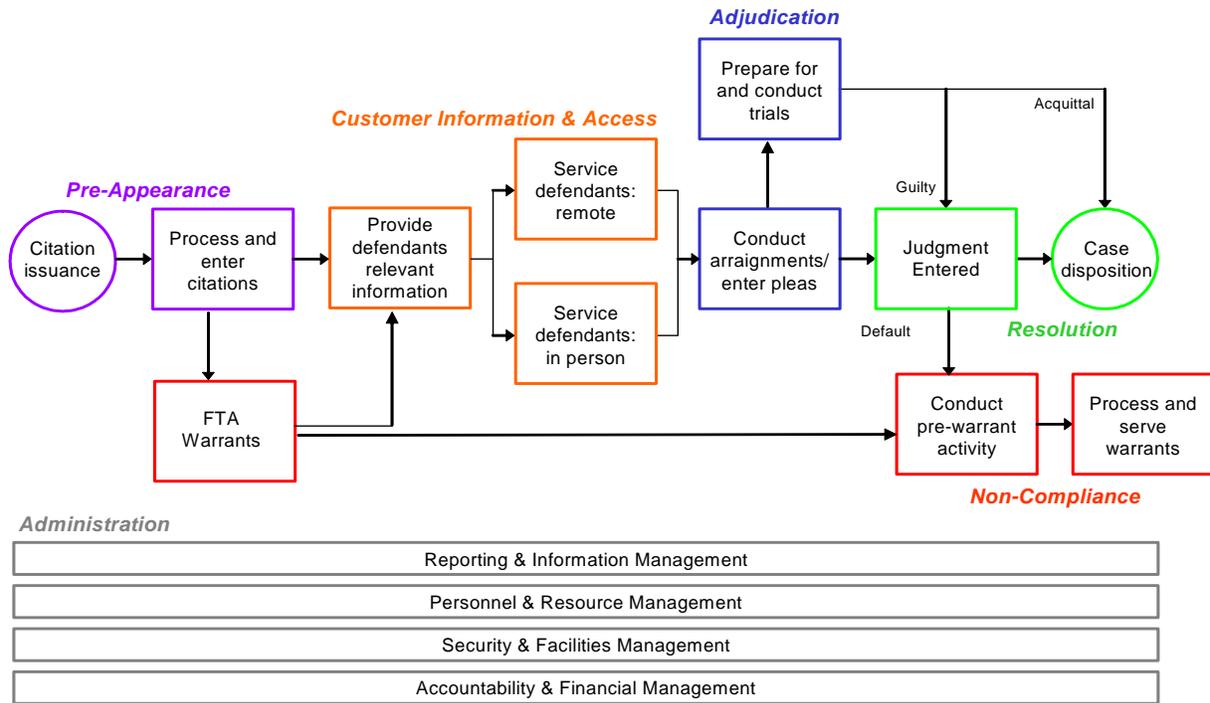
As an aside, I would like you to know that your staff was highly professional in their dealings with us, and considerate of the judges' schedules.

APPENDIX B
MUNICIPAL COURT OPERATIONS FLOWCHART

Municipal Court Operations Flowchart

GRA Municipal Court Operations Model™

Administer timely justice & achieve voluntary compliance



SOURCE: Municipal Court benchmarking presentation at the Government Finance Officers of Texas 2004 Fall Meeting.

APPENDIX C
CASES FILED, CASES DISPOSED, FY 94 - FY 04

Cases Filed, Cases Disposed, FY94-04

Fiscal Year		1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Cases Received												
	NonPark 1	214,647	253,993	229,674	234,571	239,055	231,809	229,039	228,749	221,057	234,670	232,392
	Park 2	193,407	281,165	233,619	175,513	180,701	174,374	168,234	158,269	157,096	155,265	145,981
	StateLaw 3	12,761	24,464	28,265	38,621	35,550	44,520	41,927	39,827	40,338	41,198	25,941
	CityOrd 4	8,698	11,495	12,998	12,040	13,992	11,785	7,979	4,857	5,670	6,427	6,610
	Total	429,513	571,117	504,556	460,745	469,298	462,488	447,179	431,702	424,161	437,560	410,924
Disposition Prior to Trial												
	<i>Bond Forfeitures</i>											
	NonPark	1,899	844	429	352	187	560	721	580	197	226	105
	StateLaw	248	18	-	-	-	-	-	-	-	-	-
	CityOrd	82	13	-	-	-	-	-	-	-	-	-
	<i>Cases Dismissed</i>											
	NonPark	71,928	77,048	41,566	37,193	43,364	51,728	25,246	45,542	28,582	28,665	27,167
	Park	25,855	30,808	30,989	21,810	19,589	17,798	15,361	11,398	6,451	8,432	7,753
	StateLaw	2,661	3,913	2,319	3,466	5,285	4,634	10,362	5,943	4,529	3,732	3,879
	CityOrd	2,793	2,277	1,162	1,138	1,874	1,217	2,346	723	627	580	1,098
	<i>Fined</i>											
	NonPark	72,998	84,077	91,141	105,226	112,218	125,159	116,408	126,846	112,853	111,870	98,181
	Park	132,250	175,416	165,186	134,432	132,976	119,151	127,068	120,778	134,351	122,628	104,717
	StateLaw	2,408	6,068	8,404	10,971	12,827	18,630	17,513	21,084	18,529	20,410	13,772
	CityOrd	3,209	3,300	4,126	3,850	5,453	4,921	3,354	2,635	2,542	3,153	3,734
	Total	316,331	383,782	345,322	318,438	333,773	343,798	318,379	335,529	308,661	299,696	260,406
Disposition at Judge Trial												
	<i>Guilty</i>											
	NonPark	496	696	575	517	410	387	477	382	16,801	18,043	21,421
	StateLaw	14	23	50	71	58	66	66	88	6,586	7,023	6,971
	City Ord	12	6	-	-	-	-	-	-	-	-	-
	<i>Not Guilty</i>											
	NonPark	76	164	163	195	124	170	176	182	640	127	130
	StateLaw	12	12	29	53	54	54	52	49	37	61	48
	City Ord	8	4	-	-	-	-	-	-	-	-	-
Disposition at Jury Trial												
	<i>Guilty</i>											
	NonPark	92	135	112	152	123	156	167	113	70	77	133
	StateLaw	5	6	35	20	36	19	29	32	19	24	20
	City Ord	13	7	-	-	-	-	-	-	-	-	-
	<i>Not Guilty</i>											
	NonPark	22	23	24	37	13	24	52	32	16	18	17
	StateLaw	5	2	9	24	8	8	20	24	8	15	14
	CityOrd	11	4	-	-	-	-	-	-	-	-	-
Cases Dismissed At Trial												
	NonPark	3,645	3,123	2,121	3,116	3,522	3,584	4,460	16,539	49,574	51,557	50,239
	StateLaw	85	153	230	421	626	636	916	5,203	11,629	10,865	11,053
	CityOrd	21	15	-	-	-	-	-	-	-	-	-
	Total	4,517	4,373	3,348	4,606	4,974	5,104	6,415	22,644	85,380	87,810	90,046
Cases Dismissed After												
	<i>Driver Safety Course</i>											
	NonPark	33,439	33,117	32,565	21,688	19,917	24,923	22,496	16,498	19,704	15,666	13,831
	<i>Deferred Disposition</i>											
	NonPark	1,059	1,613	2,314	3,661	3,766	4,436	3,366	3,549	3,611	4,724	9,181
	StateLaw	463	851	1,539	1,816	2,282	2,739	2,080	2,213	2,626	2,735	4,393
	CityOrd	59	103	487	639	684	398	383	89	-	-	-
	<i>Proof Of Financial Responsibility</i>											
	NonPark	22,653	33,907	23,554	23,413	23,366	22,821	22,741	23,057	22,444	22,798	21,230
	<i>Compliance Dismissal</i>											
	NonPark	-	-	-	-	-	1,776	23,982	21,319	20,672	20,847	18,810
	Total	57,673	69,591	60,459	51,217	50,015	57,093	75,048	66,725	69,057	66,770	67,445
Community Service Ordered												
	NonPark	-	-	-	-	-	-	-	3,797	7,538	10,321	9,841

¹ Traffic laws such as exceeding speed limit, expired inspection, expired driver's license.

² State law or municipal ordinance involving improper standing of a vehicle.

³ Non-traffic, non-jailable misdemeanor violations of Texas Penal Code, State laws and local ordinances: public intoxication, disorderly conduct, simple assault, theft under \$50.

⁴ Non-traffic offenses in municipal ordinances: loose dogs, zoning code, plumbing code, litter, public health, etc.

SOURCE: Office of Court Administrators. Data not audited.

APPENDIX D
REVENUES, FY 94 - FY 04

Retained Revenues, FY 94-04

MUNICIPAL COURT

Retained Revenue Analysis for

FY 94 through FY 04 (Close II)

(General Fund: As of November 12, 2004)

(Other Funds: As of February 9, 2005)

Excludes interest income

		FY 94 Actual	FY 95 Actual	FY 96 Actual	FY 97 Actual	FY 98 Actual
1100 Court - Admin	4204 Traffic Fines	-	-	-	(524)	(303)
1100 Court - Admin	4879 Cash Over/Short	(25)	(10)	-	-	-
9100 Court Revenues	4203 Parking Fines	2,541,841	2,796,013	2,912,204	2,081,663	2,597,161
9100 Court Revenues	4204 Traffic Fines	3,948,186	4,070,928	4,872,163	5,681,189	6,277,847
9100 Court Revenues	4206 Misdemeanor Fines	202,278	720,487	881,414	1,054,040	1,249,371
9100 Court Revenues	4207 Warrant Fees	441,519	370,427	323,462	375,730	487,823
9100 Court Revenues	4229 10% Collection Fees	276,354	402,017	432,238	426,698	637,140
9100 Court Revenues	4401 Driving Safety Fees	411,405	450,098	408,798	428,339	440,664
9100 Court Revenues	4402 Court Bond Forfeitures	90,681	81,313	78,244	40,160	27,020
9100 Court Revenues	4405 Special Expense Fees	1,477,594	1,594,708	1,805,815	1,870,493	2,092,152
9100 Court Revenues	4406 Over Size/Weight Truck Fine	151,131	113,429	156,418	122,416	154,639
9100 Court Revenues	4408 Contra CT Special Expense Fees	-	-	-	-	-
9100 Court Revenues	4875 Returned Check Fees	15,245	13,543	17,605	11,574	10,478
9100 Court Revenues	4879 Cash Over/Short	(555)	100	(1,072)	(1,438)	(2,225)
9100 Court Revenues	4880 Non-Recurring Revenue	(11,554)	-	-	55,719	49
9101 Time Payment Revenues	4405* Special Expense Fees	-	-	-	283	19,809
9110 Finance - Gen Fund Adj for A/R	4203 Parking Fines	-	-	(49,870)	-	-
9200 Community Court Revenues	4206 Misdemeanor Fines	-	-	-	-	-
9200 Community Court Revenues	4207 Warrant Fees	-	-	-	-	-
9200 Community Court Revenues	4405 Special Expense Fees	-	-	-	-	-
		9,544,100	10,613,053	11,837,419	12,146,342	13,991,625
2301 Child Safety Fund	4187 Child Safety Revenue - City	548,589	655,596	646,270	555,560	556,495
2301 Child Safety Fund	4401 Court - Driving Fees	-	323	-	-	-
2101 Muni Court Bldg Security	4405 Court - Special Expense Fees	-	-	735	10,690	329,004
2102 Muni Court Technology Fund	4407 Municipal Court Technology	-	-	-	-	-
		548,589	655,919	647,005	566,250	885,499

Retained Revenues, FY 94-04

	<i>FY 99 Actual</i>	<i>FY 00 Actual</i>	<i>FY 01 Actual</i>	<i>FY 02 Actual</i>	<i>Adjusted Actual</i>	<i>FY 03 Actual</i>	<i>Adjusted Actual</i>	<i>FY 04 Actual</i>
Traffic Fines	-	-	-	-	-	-	-	-
Cash Over/Short	-	-	-	-	-	-	-	-
Parking Fines	2,708,846	2,654,595	2,503,208	3,093,486	2,905,490	2,652,189	2,614,242	2,372,300
Traffic Fines	7,290,923	7,085,711	7,709,234	7,663,886	7,083,136	7,168,582	7,192,881	6,966,578
Misdemeanor Fines	1,664,209	1,520,132	1,628,743	1,744,545	1,624,180	1,903,039	1,899,373	1,496,482
Warrant Fees	537,574	579,827	929,062	534,762	531,552	536,757	510,768	598,477
10% Collection Fees	567,019	643,934	587,897	657,023	657,023	655,680	655,680	740,310
Driving Safety Fees	440,332	425,768	451,364	467,462	444,945	431,092	428,457	352,329
Court Bond Forfeitures	85,703	103,279	88,656	36,841	36,841	39,374	39,374	17,434
Special Expense Fees	2,223,602	2,385,204	2,522,695	2,961,895	2,725,621	3,013,382	2,989,964	3,513,085
Over Size/Weight Truck Fine	100,269	116,785	109,297	104,827	98,590	134,589	128,250	130,314
Contra CT Special Expense Fees	-	-	-	-	-	(130,000)	(130,000)	-
Returned Check Fees	8,339	8,373	9,056	9,333	8,753	8,340	8,220	8,207
Cash Over/Short	1,985	(2)	(3,977)	(547)	(1,186)	(364)	31	(1,041)
Non-Recurring Revenue	-	-	-	-	-	-	-	-
Special Expense Fees	40,174	49,402	67,652	-	-	-	-	-
Parking Fines	-	-	-	-	-	-	-	-
Misdemeanor Fines	-	-	-	-	-	-	-	-
Warrant Fees	-	-	-	-	-	-	-	-
Special Expense Fees	-	-	-	-	-	-	-	-
	15,668,975	15,573,008	16,602,887	17,273,513	16,114,945	16,412,660	16,337,240	16,194,475
Child Safety Revenue - City	659,176	753,120	702,221	747,067	747,067	697,370	697,370	640,170
Court - Driving Fees	-	-	-	-	-	-	-	-
Court - Special Expense Fees	415,379	426,477	459,541	437,325	437,325	467,796	467,796	438,142
Municipal Court Technology	11,141	458,138	560,460	565,214	565,214	608,749	608,749	577,740
	1,085,696	1,637,735	1,722,222	1,749,606	1,749,606	1,773,915	1,773,915	1,656,052

APPENDIX E
RISK ASSESSMENT CRITERIA

Risk and Vulnerability Rating Criteria

Criteria for Inherent Risk Ratings

HIGH	MEDIUM	LOW
Potential for relatively rapid large financial loss, or smaller financial loss repeated frequently	Potential for midrange rapid financial loss or smaller financial loss repeated with moderate frequency	Potential for small rapid financial loss
No or little progress made in achieving mission, goals, and objectives	Some progress made towards achieving mission, goals, and objectives	Measurable progress made toward achieving mission, goals, and objectives.
Serious consequences other than financial (loss of life or limb)	Moderate consequences other than financial (inconvenience to citizens, other departments)	Mild or no consequences (inconvenience to one department or not at all)
Major loss of credibility and/or public support	Minor loss of credibility and/or public support	No loss of credibility and/or public support
Noncompliance with laws (where there is an identified effect)	Noncompliance with regulations/administrative bulletins	Equity issue, but not required by law

Criteria for Vulnerability Ratings

HIGH	MEDIUM	LOW
A significant weakness exists that management is not taking corrective action or corrective action in place is not sufficient to adequately address identified weaknesses	A significant weakness exists which management is aware of, and planning for correction is underway. OR Not tested by audit	Management is in the process of taking action to correct a significant control weakness

APPENDIX F
Trial Court Performance Standards

Performance Area 1: Access to Justice

Trial courts should be open and accessible. Location, physical structure, procedures, and the responsiveness of personnel affect accessibility. Accordingly, the five standards grouped under Access to Justice require a trial court to eliminate unnecessary barriers to its services. Such barriers can be geographic, economic, and procedural. They can be caused by deficiencies in both language and knowledge of individuals participating in court proceedings. Additionally, psychological barriers can be created by mysterious, remote, unduly complicated, and intimidating court procedures.

Performance Area 2: Expedition and Timeliness

Courts are entrusted with many duties and responsibilities that affect individuals and organizations involved with the judicial system, including litigants, jurors, attorneys, witnesses, criminal justice agencies, social service agencies, and members of the public. The repercussions from untimely court actions in any of these involvements can have serious consequences for the persons directly concerned, the court, allied agencies, and the community at large.

A trial court should meet its responsibilities to everyone affected by its actions and activities in a timely and expeditious manner—one that does not cause delay. Unnecessary delay causes injustice and hardship. It is a primary cause of diminished public trust and confidence in the court.

Defining delay requires distinguishing between the amount of time that is and is not acceptable for case processing. National and statewide authorities have articulated time standards for case disposition. These standards call for case processing time to be measured beginning with arrest or issuance of a summons in a criminal case, or from the date of filing in a civil case.

Performance Area 3: Equality, Fairness, and Integrity

Trial courts should provide due process and equal protection of the law to all who have business before them, as guaranteed by the Federal and State constitutions. Equality and fairness demand equal justice under law. These fundamental constitutional principles have particular significance for groups who may have suffered bias or prejudice based on race, religion, ethnicity, gender, sexual orientation, color, age, handicap, or political affiliation.

Integrity should characterize the nature and substance of trial court procedures and decisions, and the consequences of those decisions. The decisions and actions of a trial court should adhere to the duties and obligations imposed on the court by relevant law as well as administrative rules, policies, and ethical and professional standards. What the trial court does and how it does it should be governed by a court's legal and administrative obligations; similarly, what occurs as a result of the court's decisions should be consistent with those decisions.

Integrity refers not only to the lawfulness of court actions (e.g., compliance with constitutional rights to bail, legal representation, a jury trial, and a record of legal proceeding) but also to the results or consequences of its orders. A trial court's performance is diminished when, for example, its mechanisms and procedures for enforcing its child support orders are ineffective or nonexistent. Performance also is diminished when summonses and orders for payment of fines or restitution are routinely ignored. The court authority and its orders should guide the actions of those under its jurisdiction both before and after a case is resolved.

Performance Area 4: Independence and Accountability

The judiciary must assert and maintain its distinctiveness as a separate branch of government. Within the organizational structure of the judicial branch of government, trial courts must establish their legal and organizational boundaries, monitor and control their operations, and account publicly for their performance. Independence and accountability permit government by law, access to justice, and the timely resolution of disputes with equality, fairness, and integrity; and they engender public trust and confidence. Courts must both control their proper functions and demonstrate respect for their coequal partners in government.

Because judicial independence protects individuals from the arbitrary use of government power and ensures the rule of law, it defines court management and legitimates its claim for respect. A trial court possessing institutional independence and accountability protects judges from unwarranted pressures. It operates in accordance with its assigned responsibilities and jurisdiction within the State judicial system. Independence is not likely to be achieved if the trial court is unwilling or unable to manage itself. Accordingly, the trial court must establish and support effective leadership, operate effectively within the State court system, develop plans of action, obtain resources necessary to implement those plans, measure its performance accurately, and account publicly for its performance.

Performance Area 5: Public Trust and Confidence

Compliance with law depends, to some degree, on public respect for the court. Ideally, public trust and confidence in trial courts should stem from the direct experience of citizens with the courts. The maxim "Justice should not only be done, but should be seen to be done!" is as true today as in the past. Unfortunately, there is no guarantee that public perceptions reflect actual court performance.

Several constituencies are served by trial courts, and all should have trust and confidence in the courts. These constituencies vary by the type and extent of their contact with the courts. At the most general level is the local community, or the "general public"—the vast majority of citizens and taxpayers who seldom experience the courts directly. A second constituency served by trial courts is a community's opinion leaders (e.g., the local newspaper editor, reporters assigned to cover the court, the police chief, local and State executives and legislators, representatives of government organizations with power or influence over the courts, researchers, and members of court watch committees). A third constituency includes citizens who appear before the court as attorneys, litigants, jurors, or witnesses, or who attend proceedings as a representative, a family friend, or a victim of someone before the court. This group has direct knowledge of the routine activities of a court. The last constituency consists of judicial officers, other employees of the court system, and lawyers—both within and outside the jurisdiction of the trial court—who may have an "inside" perspective on how well the court is performing. The trust and confidence of all these constituencies are essential to trial courts.

SOURCE: National Center for State Courts, http://www.ncsconline.org/D_Research/TCPS/

APPENDIX G
RISK AND VULNERABILITY ASSESSMENT RESULTS

Risk and Vulnerability Assessment Results

	INHERENT RISK	INHERENT RISK	VULNERABILITY	Discussed in Chapter 3
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INDEPENDENCE AND ACCOUNTABILITY

1	Compromised judicial independence - The Court's judiciary should maintain its distinctiveness as a separate branch of government.	HIGH	LOW	
2	Compromised independence of Court administration - The Court should report to the legislative branch of City government (City Council).	MED	LOW	
3	Not sharing accountability for results - Court administration should ensure that Court employees have meaningful information, and training in its use, so that they can make informed decisions and be accountable for performance.	MED	HIGH	√
4	Contracts not cost-effective – The Court should ensure that contracted services are received as specified in agreements.	MED	LOW-MED	√
5	Accountability for resource allocation - Court services should be provided as efficiently as possible.	MED-HIGH	LOW	
6	Inadequate staffing - Staffing levels should be sufficient to provide required court services.	MED-HIGH	MED (not tested)	√
7	Scheduling not effective - Personnel resources should be scheduled to match fluctuations in demand.	MED	HIGH	√
8	Fraud, waste, or abuse – The Court should protect against fraud, waste, and abuse.	HIGH	LOW	√
9	Unethical employee behavior – The Court should establish the highest standards of personal integrity among its employees.	HIGH	LOW	
10	Performance reporting not representative - Court performance should be accurately represented in performance reporting.	MED-HIGH	MED-HIGH	√
11	Inequitable personnel practices – The Court should exhibit fairness in the recruitment, compensation, supervision, and development of court personnel.	MED	MED-HIGH	√

12	Court employees not trained - Court staff should have the training needed to perform their job responsibilities.	MED-HIGH	LOW
13	Public not educated about Court – The Court should inform the community about its programs.	LOW-MED	LOW

EXPEDITION AND TIMELINESS

14	Delayed justice - Court actions and activities should be timely and expeditious.	HIGH	MED	√
15	Delays in case disposition – The Court should strive to dispose cases within expected times.	HIGH	MED-HIGH	√
16	Caseload backlogs - The Court should dispose as many cases as are filed to prevent backlogs.	HIGH	MED	√
17	Untimely disbursement – The Court should promptly disburse money, including that held in trust and due in payment for services rendered.	MED	LOW	
18	Does not meet reporting requirements – The Court must comply with reporting requirements to other agencies.	MED	LOW	
19	Delayed implementation of legislative changes – The Court should promptly implement changes in law and procedure.	HIGH	LOW	

EQUALITY, FAIRNESS, AND INTEGRITY

20	Differential justice - Persons similarly situated should receive similar treatment.	HIGH	LOW	
21	Undue process – The Court must extend due process, including notice and a fair opportunity to be informed and heard at all stages of the judicial process.	HIGH	LOW	
22	Illegal fines or fees - Fees and fines charged by the Court should comply with legal mandates.	HIGH	MED (not tested)	
23	Defendants denied trial by jury - Trials by jury must be made available to defendants.	HIGH	LOW	
24	Unwarranted enforcement activities – The Court should avoid wrongful arrests, improper towing, etc.	MED-HIGH	LOW-MED	√

25	Ineffective or inconsistent collections – The Court should collect all fees and fines due.	HIGH	LOW-MED	√
26	Non-adherence to established laws and policies - Adherence to established law and procedures contributes to the court’s ability to achieve predictability, reliability, and integrity, and to satisfy all parties.	HIGH	MED (not tested)	
27	Poor file control - File control system should permit timely retrieval of individual case files.	MED-HIGH	LOW	
28	Inadequate on-site file storage - Space should ensure effective and efficient records storage and retrieval.	LOW-MED	MED	
29	Non-compliance with retention standards – The Court should comply with State records retention standards.	MED	LOW	
30	Citations issued but not filed with the Court - The Court's case management system must include all citations issued by enforcement agencies.	HIGH	MED	√
31	Errors and omission in case information - The Court should guard against errors and omissions in case information.	MED-HIGH	MED	√
32	Case files incomplete or missing - All documents must be in the case file at scheduled court dates or other decision points.	MED-HIGH	LOW-MED	√
33	Delays in case history updates - Case management system and case files should be updated in timely manner.	MED	LOW-MED	√
ACCESS TO JUSTICE				
34	Inconvenient hours and locations – The Court should be open and accessible to users.	MED	LOW	√
35	Inefficient processes across multiple locations – The Court should take advantage of process efficiencies at all locations.	LOW-MED	LOW	
36	Unaffordable access – The Court should provide affordable access to all citizens.	MED	LOW	√
37	Over-extended affordability programs - Affordability options should only be extended to customers in need.	LOW-MED	LOW	√

38	Unsafe facilities - Court facilities should be safe for users and employees.	MED-HIGH	LOW	
39	Unsafe arrest procedures - Citizens should not be harmed in the course of an arrest.	MED-HIGH	LOW	
40	Inaccessible facilities and services - Court facilities and services should meet routine and exceptional needs of customers (language difficulties, mental impairments, physical handicaps, etc.).	HIGH	LOW	
41	Insufficient space - Facilities should provide adequate space for court activities.	MED	MED	√
42	Courtroom interpreters not provided - When warranted, court must provide an interpreter in the courtroom.	HIGH	LOW	
43	Unreasonable wait times - Customers should be served in a timely manner.	MED	LOW-MED	√
44	Inaccessible judges – The Court should comply with defendants' right to provide timely access to a judge.	HIGH	LOW	
45	Poor information availability – The Court and case information should be made available to court users through common, modern routes of communication.	MED-HIGH	MED	√
46	Users don't know how the Court works - Court employees should provide assistance to those unfamiliar with the court and its procedures.	MED-HIGH	LOW	
47	Unresponsive court staff - Judicial and other Court employees should be responsive and courteous to customers.	MED	LOW	
48	Unsafe facilities – The Court should take precautions to reduce or eliminate threats to the public's safety in the courthouse.	HIGH	LOW	
49	Undignified proceedings – The Court should maintain decorum in courtrooms.	LOW-MED	LOW	

PUBLIC TRUST AND CONFIDENCE

50	Negative public perception of justice - The public should perceive justice rendered by the Court as fair, timely, and equitable.	MED-HIGH	MED (not tested)	
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51	Negative public perception of Court performance - The general public should have a positive perception of Court performance.	MED	LOW-MED	√
52	Negative employee perception of Court performance - Employees should perceive the court as accessible, accountable, equitable, and expeditious.	MED	MED (not tested)	
53	Negative perception of court performance by law enforcement - Law enforcement personnel should have trust and confidence in the judicial system.	MED	MED (not tested)	

**APPENDIX H
SURVEY OF OTHER TEXAS CITIES
REGARDING JUDICIAL EVALUATIONS**

Summary of Survey of Other Texas Cities Regarding Judicial Evaluations

Judge Evaluations include:	Austin	Houston	San Antonio	Dallas	Fort Worth
Formal performance evaluations	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	In development
Surveys of:					
▪ Police	<input checked="" type="checkbox"/>				
▪ Prosecutors	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
▪ Defense attorneys	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
▪ Court employees					<input checked="" type="checkbox"/>
Quantitative information (performance measure results)			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Municipal Court Judge Reappointment Process in Five Texas Cities

Austin

Austin's Presiding Judge shares her performance evaluation for each judge with the City Council Judicial Committee annually, and the committee makes judicial appointment and reappointment recommendations every two years. These recommendations are then approved by the full Council. For the appointment process in 2004, the Travis County Bar Association interviewed new candidates and conducted a survey of defense attorneys regarding judicial performance and the Human Resources Department conducted a survey of police officers and City prosecutors. The Judicial Subcommittee then used the performance evaluations, interview results, and survey results to make appointment and reappointment recommendations.

Houston

Houston is in the process of developing an evaluation program for new applicants and reappointments that uses both quantitative and qualitative performance information. At this time, the Presiding Judge provides informal input about potential appointees to the Mayor. This input is used by the Mayor to make appointment and reappointment decisions that are formally approved by the City Council. These decisions are made every two years. Per the Houston staff member we spoke with, a judge is typically reappointed as long as they have not been arrested or convicted of a crime and have not otherwise brought disgrace to the Court.

San Antonio

In San Antonio, the Presiding Judge is responsible for compiling and maintaining quantitative information related to each judge. This includes caseload levels broken down by ongoing and completed cases and information on how cases were resolved. This is provided monthly to the Council's Municipal Court Subcommittee. This information is used in combination with information on citizen complaints filed with the state Judicial Conduct Commission to evaluate judicial performance. Judges are appointed for two-year terms and have a four-year term limit.

Dallas

The Administrative (or Presiding) Judge in Dallas provides input via an evaluation form to the Judicial Nominating Committee, a subcommittee of the City Council. This form captures input regarding judicial demeanor, rulings, and the number of motions written and filed for each judge. The local defense bar and City Attorney's office also complete their own evaluations, using standard forms. Input from these three sources is used by the Judicial Nominating Committee to make reappointment and appointment decisions every two years.

Fort Worth

In Fort Worth, the Presiding Judge provides quantitative information to the Court Committee of the City Council. The Presiding Judge evaluates judicial performance weekly against established goals and a summarized version of this information is presented to the Council once or twice a year. The Presiding Judge also randomly sends out a questionnaire to 25 attorneys, warrant clerks, docket clerks, and others involved with the process to get feedback on judicial performance. Fort Worth is currently developing a performance evaluation form to provide additional input on judicial performance.

