

**Performance Audit
of the Allegheny County
Clerk of Courts Office**

March 23, 2005

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January 7, 2005

Honorable George F. Matta II
Clerk of Courts
114 Courthouse
436 Grant Street
Pittsburgh, PA 15219-2495

SUBJECT: PERFORMANCE AUDIT
OF THE ALLEGHENY COUNTY
CLERK OF COURTS OFFICE

Dear Clerk of Courts Matta:

We completed a performance audit of the Allegheny County Clerk of Courts Office. Our objective was to provide an independent assessment as to whether or not the Clerk of Courts Office is efficiently and economically executing its functions.

The results of our audit revealed that the Clerk of Courts Office could increase efficiencies by automating certain workflows, completing the conversion of certain data from prior systems into the CIMS system, and centralizing certain Constable and Notary services. Additionally, procedures to safeguard cash deposits could be improved.

Clerk of Courts Matta
January 7, 2005

We believe consideration of the recommendations in this report could improve the efficiency of the operations of the Clerk of Courts Office.

Very truly yours,

Michael Wassil
Assistant Deputy, Auditing

MARK PATRICK FLAHERTY
Controller

cc: President and Members of the Allegheny County Council
Honorable Dan Onorato, Allegheny County Executive
Mr. James M. Flynn, Jr., Allegheny County Manager
Mr. Joseph Catanese, Council's Chief of Staff, Allegheny County
Ms. Amy Griser, Director of Budget and Finance
Mr. Phil Martel, Deputy Director, Clerk of Courts

EXECUTIVE SUMMARY

Background:

The elected Clerk of Courts acts as the chief clerk and record keeper of the Criminal Division of the Court of Common Pleas. The office is responsible for maintaining records for all criminal cases, posting bail, docketing all criminal records filed, assessing costs and fines for criminal cases, and collecting monies for criminal and summary appeal cases.

The services provided by the Clerk of Courts Office include filing criminal court pleadings, motions and summary appeals, maintaining dockets and case records, scheduling hearings for appeals, processing bail bonds and forfeitures, collecting court ordered fines and costs, and submitting court ordered restitution to victims. Other services include case intake, constable services, driver license reinstatement, and processing of fingerprint background checks. The Clerk of Courts Office also provides passports, registers and certifies notaries, and processes private detective licenses. These daily activities are an integral component of the criminal justice system in Allegheny County.

Prior to 1985, the Clerk of Courts Office used a software package known as “Paradox” and a Titan server (Titan) to record criminal information. In 1988, the Clerk of Courts Office implemented a new software system know as “ICIS”, Intelligent Criminal Information System. This system was used to record criminal information and process the collection of fines, costs and restitution throughout 2002. In 2003, the Clerk of Courts Office converted the data that was in ICIS to a new software package known as the Criminal Information Management Systems (CIMS).

The Clerk of Courts Office had 56 employees throughout 2004 and 63 employees throughout 2003. The revenue collected by the Clerk of Courts Office and their expenditures were as follows:

	Projected 2004	2003
Revenues	\$2,345,049	\$2,439,733
Expenditures:		
Salaries and Fringe Benefits	\$2,263,892	\$2,135,827
Other	235,277	336,840
Total Expenditures	\$2,499,169	\$2,472,667

EXECUTIVE SUMMARY

Results in Brief:

The following results are based on our documented understanding of the work flows of the Clerk of Courts Office. This documentation was provided to the Clerk of Court's for his review and approval in December 2004, prior to the finalization of this report to ensure the accuracy of our understanding. During our audit, we found that the Clerk of Courts Office could increase the efficiencies of its operations. Specifically, we found:

- The filing and processing of certain summary appeal data is accomplished through manual procedures.
- The tracking of the location of case files is a manual process.
- A report detailing the case files in the AOPC system, but not in the CIMS system, is not generated to detect potentially missing case files.
- The processing of expungements involves manual procedures such as entering tracking information into spreadsheets.
- Not all of the data was converted and transferred from the Titan system and the Intelligent Criminal Information Systems (ICIS) to the Criminal Information Management System (CIMS). Data not available within the CIMS system must be retrieved from either the Titan or ICIS systems. Additionally, because of these various systems, the Clerk of Courts Office was not able to provide an accurate accounts receivable total due to Allegheny County net of allowances for uncollectible amounts as required by Governmental Accounting Standards Board (GASB) Statement No. 34. This comment has been included in Maher Duessel's management comment letter since 2002.
- A majority of the bond and other collections consists of cash and many of the deposits are substantial in amount. An employee from the Clerk of Courts Office transports deposits to a bank unaccompanied.

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- The Constable payment process involves the review and recording of expenses by the Sheriff's Office and the Clerk of Courts Office. These processes, which involve two separate row offices, can lead to inefficiencies and increased opportunities for errors. In February 2005, the Clerk of Courts submitted a constable payment file to the Controller's Office for processing that contained duplicate payments to at least five constables. A memorandum from the Clerk of Courts was received noting the services were cleared for payment.
- The process to certify notaries involves the recording and filing of documents at the Recorder of Deed's Office, the Prothonotary's Office and the Clerk of Courts Office.
- The Clerk of Courts Office does not track the input and output measures such as number of documents processed per employee. Because management does not track this information, it cannot be used to make adjustments to resource allocations, operational policies and practices, and organizational structure.

Recommendations:

We recommend the Clerk of Courts Office consider the costs and benefits of the following recommendations. It is our understanding that certain of our recommendations will be addressed by the implementation of a new system by the AOPC in 2006.

- Investigate eliminating the manual processing of certain summary appeal case data through the use of technology. Options to automating the processing of summary appeals could include:
 1. Modification of the Criminal Information Management Systems (CIMS).
 2. Implementing a packaged solution from a reputable software vendor.
- Develop a plan to further automate the general docket and expungement workflow processes to enhance productivity and efficiency. Specifically:

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1. Consideration should be given to eliminating the need to manually input case file locations into CIMS every time the file is transferred by affixing bar codes to files and utilizing bar code reader applications. Personnel who input case file locations may be able to be reallocated to other functions, including filing backlogged documents in case files and case files in the record room.
 2. CIMS should be enhanced to include an operational control to identify and investigate potentially missing case files.
 3. Investigate the feasibility of utilizing the CIMS system to process and track expungements to eliminate the need to manually maintain certain data in spreadsheets and the CIMS system.
 4. The Clerk of Courts Office should obtain approval from the AOPC and the County Records Committee to store documents electronically or on microfilm to eliminate the storage of case files in multiple forms upon passage of legislation, if necessary.
 5. In addition, the Clerk of Courts Office should investigate the possibilities to allow electronic filings with the Courts and the District Attorney's Office upon passage of the necessary legislation.
- Contact the vendor of the CIMS system to correct the data conversion problems. The complete conversion of the information stored in the Titan and ICIS systems into the CIMS system will make the Clerk of Courts Office personnel more efficient by eliminating the need to search the Titan and ICIS systems for the missing information. In addition, the consolidation of this data and any necessary enhanced functionality should enable the Clerk of Courts Office to establish an accounts receivable record by year assessed and paid. Upon successful completion of the data conversion and creation of back-up copies of the Titan and ICIS systems, consideration should be given to ceasing the operations of these systems and redeploying the computer equipment dedicated to these systems.

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- Properly safeguard all assets. To adequately protect bond monies:
 1. A secure means of transporting large sums of money should be provided from the Courthouse to the bank. Any such means should provide adequate safeguards for the deposits and for the safety of those who transport the deposits. The Clerk of Courts Office should investigate the possibility that their monies be deposited through an armor truck service already used by the Treasurer's Office.
 2. Employees who are responsible for processing large sums of monies should be bonded.
 3. Consideration should be given to using video cameras to monitor the handling of cash at all collection counters in the Courthouse.

- The Clerk of Courts Office, in conjunction with the Sheriff's Office should centralize the payment process for constables to improve efficiency and reduce the potential for errors. For example, consideration should be given to combining the functions of reviewing, approving and entering submitted expenses into the CIMS system. In addition, all constable payments should be reconciled to the county's accounting system by the Constable Manager.

- The Clerk of Courts Office, in conjunction with the Prothonotary and Recorder of Deeds offices, should centralize the Notary commission process to improve efficiency and provide better service to Notaries. To achieve this would require new state legislation.

- Standardize and promulgate to staff performance measures used to assess the efficiency and effectiveness of its services. The Clerk of Courts Office should implement a systematic process to manage for results. This process should include:
 1. Developing goals and objectives and operational plans to achieve the goals and objectives,

EXECUTIVE SUMMARY

2. Monitoring and evaluating operating results to determine if progress is being made toward achieving the goals and objectives,
3. Adjusting resource allocations, operational policies and practices, and organization structures to achieve the goals and objectives, and identifying ways to improve the economy, efficiency and effectiveness of operations.

I. Introduction

Purpose:

We completed a performance audit of the Allegheny County Clerk of Courts Office. Our objective was to provide an independent assessment as to whether or not the Clerk of Courts Office is efficiently and economically executing its functions.

Background:

The elected Clerk of Courts acts as the chief clerk and record keeper of the Criminal Division of the Court of Common Pleas. The office is responsible for maintaining records for all criminal cases, posting bail, docketing all criminal records filed, assessing costs and fines for criminal cases, and collecting monies for criminal and summary appeal cases.

The Clerk of Courts Office services many different customers including the staff of the District Attorney's Office, private attorneys, public defenders, judges, tipstiffs, defendants, notaries, constables, private investigators, bail bond agents, and the public at large.

The services provided by the Clerk of Courts Office include filing criminal court pleadings, motions and summary appeals, maintaining dockets and case records, scheduling hearings for appeals, processing bail bonds and forfeitures, collecting court ordered fines and costs, and submitting court ordered restitution to victims. Other services include case intake, constable services, driver license reinstatement, and processing of fingerprint background checks. The Clerk of Courts Office also provides passports, registers and certifies notaries, and processes private detective licenses. These daily activities are an integral component of the criminal justice system in Allegheny County.

Prior to 1985, the Clerk of Courts Office used a software package known as "Paradox" and a Titan server (Titan) to record criminal information. In 1988, the Clerk of Courts Office implemented a new software system known as "ICIS", Intelligent Criminal Information System. This system was used to record criminal information and process the collection of fines, costs and restitution throughout 2002. In 2003, the Clerk of Courts Office converted the data that was in ICIS to a new software package known as the Criminal Information Management Systems (CIMS). The Clerk of Courts Office also uses a software package known as "My Mosaic" which processes fines and costs

I. Introduction

relating to summary appeals, notaries and fingerprinting background checks.

The Clerk of Courts Office had 56 employees throughout 2004 and 63 employees throughout 2003. The revenue collected by the Clerk of Courts Office and their expenditures were as follows:

	Projected 2004	2003
Revenues	\$2,345,049	\$2,439,733
Expenditures:		
Salaries and Fringe Benefits	\$2,263,892	\$2,135,827
Other	235,277	336,840
Total Expenditures	\$2,499,169	\$2,472,667

The following schedules on pages 11 and 12 detail the final budgets. However, the adopted budgets for the Clerk of Courts Office's general fund expenditures for years 2004 and 2003 were \$2,087,045 and \$2,152,099, respectively.

ALLEGHENY COUNTY CLERK OF COURTS OFFICE
SCHEDULE OF PROJECTED REVENUES AND EXPENDITURES
JANUARY 1, 2004 THROUGH DECEMBER 31, 2004

GENERAL FUND

	Final <u>Budget</u>	<u>Actual</u>	Favorable (Unfavorable) <u>Difference</u>
2004 Revenue			
Court Cost	\$ 1,610,000	\$ 1,293,484	\$ (316,516)
Recording & Filing	265,000	333,825	68,825
Cash Bond Service	250,000	219,023	(30,977)
Passport Service	110,000	79,565	(30,435)
Bond Forfeitures	-	2,362	2,362
Interest	20,000	43,275	23,275
Total	2,255,000	1,971,534	(283,466)
2004 Expenditures			
Personnel	1,552,450	1,552,440	10
Fringe Benefits	418,240	418,232	8
Office Supplies	37,591	37,723	(132)
Miscellaneous Supplies	1,069	538	531
Minor Equipment	9,775	11,267	(1,492)
Services	102,060	102,052	8
Total	2,121,185	2,122,252	(1,067)
Revenue Over/(Under) Expenditures	\$ 133,815	\$ (150,718)	\$ (284,533)

SPECIAL REVENUE FUND – COMPUTER FUND

	Final <u>Budget</u>	<u>Actual</u>	Favorable (Unfavorable) <u>Difference</u>
2004 Revenue			
Other General Revenue	\$ 400,000	\$ 373,515	\$ (26,485)
Total	400,000	373,515	(26,485)
2004 Expenditures			
Personnel	201,500	225,953	(24,453)
Fringe Benefits	65,500	67,267	(1,767)
Office Supplies	812	-	812
Miscellaneous Supplies	1,188	2,006	(818)
Maintenance	6,000	1,016	4,984
Fixed Assets	35,000	3,094	31,906
Services	90,000	77,581	12,419
Total	400,000	376,917	23,083
Revenue Over/(Under) Expenditures	\$ -	\$ (3,402)	\$ (3,402)

ALLEGHENY COUNTY CLERK OF COURTS OFFICE
SCHEDULE OF REVENUES AND EXPENDITURES
JANUARY 1, 2003 THROUGH DECEMBER 31, 2003

GENERAL FUND

	Final <u>Budget</u>	<u>Actual</u>	Favorable (Unfavorable) <u>Difference</u>
2003 Revenue			
Court Cost	\$ 1,600,000	\$ 1,628,664	\$ 28,664
Recording & Filing	265,000	165,076	(99,924)
Cash Bond Service	230,000	208,011	(21,989)
Passport Service	115,000	126,563	11,563
Bond Forfeitures	-	2,024	2,024
Interest	40,000	14,051	(25,949)
Total	2,250,000	2,144,389	(105,611)
2003 Expenditures			
Personnel	1,482,360	1,482,360	-
Fringe Benefits	448,340	448,231	109
Office Supplies	34,452	33,213	1,239
Miscellaneous Supplies	1,000	688	312
Maintenance	1,200	968	232
Minor Equipment	2,947	2,751	196
Services	186,160	186,150	10
Total	2,156,459	2,154,361	2,098
Revenue Over/(Under) Expenditures	\$ 93,541	\$ (9,972)	\$ (103,513)

SPECIAL REVENUE FUND – COMPUTER FUND

	Final <u>Budget</u>	<u>Actual</u>	Favorable (Unfavorable) <u>Difference</u>
2003 Revenue			
Other General Revenue	\$ 319,993	\$ 295,344	\$ (24,649)
Total	319,993	295,344	(24,649)
2003 Expenditures			
Personnel	200,000	173,423	26,577
Fringe Benefits	45,000	31,813	13,187
Office Supplies	(3,637)	174	(3,811)
Miscellaneous Supplies	2,137	979	1,158
Maintenance	-	2,306	(2,306)
Fixed Assets	30,000	31,807	(1,807)
Services	46,500	77,804	(31,304)
Total	320,000	318,306	1,694
Revenue Over/(Under) Expenditures	\$ (7)	\$ (22,962)	\$ (22,955)

II. Scope and Methodology

We completed a performance audit of the Allegheny County Clerk of Courts Office. Our objective was to provide an independent assessment as to whether or not the Clerk of Courts Office is efficiently and economically executing its functions. Specifically, we:

- Interviewed management and personnel to gain an understanding of their duties.
- Flowcharted significant office processes to assess efficiency.
- Performed walk-through tests of significant processes.
- Inquired about IT platforms, applications, and the functions or services that are dependent upon the applications.
- Reviewed key performance indicators used for measuring, reporting and monitoring program performance.

We conducted this audit from November through December 2004. We provided a draft copy of this report to the Clerk of Courts for comment. The Clerk of Courts response is found on (page 33).

III. Observations and Recommendations

Observation # 1

The Clerk of Courts Office Should Automate The Summary Appeals Process Through The Use Of Technology

A summary appeal is the act of asking a higher court to reverse a lower court's decision or to seek a review from a higher court. These cases generally involve issues such as traffic violations, minor criminal matters, violations of summary ordinances, and summary crime code violations such as harassment, underage drinking, disorderly conduct, issuing of bad checks, and retail theft. The non-refundable filing fee for a summary appeal is \$50 which must be paid by cash, money order, or certified check.

The filing and processing of certain summary appeal data at the Clerk of Courts Office is accomplished through manual procedures. Upon completion and distribution of the summary appeals form, the District Justice sends the transcript of the proceedings, the citation, and any payment made by the defendant to the Clerk of Courts Office. At this time, a trial is scheduled and manually recorded in the summary appeals trial book. The fee is paid, or if the appellant cannot afford the fee, a petition for leave to proceed In Forma Pauperis is completed. Certain case data is then entered into an Excel spreadsheet. Each day the clerk types a summary appeals court log which is a form that lists each case scheduled for trial on that particular day. After receipt of an order of court, a refund form or an invoice for additional costs and fines may be manually prepared and input into an Excel spreadsheet. If the fee is paid in full, the clerk will note the payment in the Excel spreadsheet. If the fines and costs are not paid in full, an installment agreement is manually prepared and is recorded in another Excel spreadsheet. In addition, a third spreadsheet is maintained for all fees owed.

Overall, these functions involve the manual processing of certain case data to prepare the summary appeals:

- trial book,
- daily court log,
- refund forms,

III. Observations and Recommendations

- costs and fines invoices,
- installment agreements, and
- three Excel spreadsheets to track costs and fines paid and owed.

RECOMMENDATIONS

We recommend that the Clerk of Courts Office investigate eliminating the manual processing of certain summary appeal case data through the use of technology. Options to automating the processing of summary appeals could include:

- Modification of the Criminal Information Management Systems (CIMS).
- Implementing a packaged solution from a reputable software vendor.

MANAGEMENT RESPONSE

This office would agree that the summary appeals component of CIMS can be further refined, but this observation does not account for the transition in Summary Appeals that has occurred during the past 1-2 years.

CIMS is currently being programmed to handle summary appeals. This measure was not feasible prior to 2004 because responsibility for the summary appeals process had been fragmented among the Clerk of Courts, the Prothonotary and the minor judiciary. Beginning in 2004, the Clerk of Courts assumed sole responsibility for summary appeals. The Clerk of Courts has undertaken the Summary Appeals caseload without any additional funding or staff.

Effective 2004, the Clerk of Courts enters new appeals information into CIMS and is continuing to develop CIMS to provide a comprehensive application to summary appeals. The Clerk of Courts incorporated docketing, collections, distributions, financial information and case tracking into the CIMS system.

All identified issues have been rectified, except installment agreements and hearing lists, which are prepared manually.

III. Observations and Recommendations

The Clerk of Courts is pursuing development of CIMS to address these two issues.

Simultaneously AOPC is developing a statewide Clerk of Courts system. The Allegheny County Clerk of Courts has been an active participant in the AOPC and CIMS development projects and continues to make recommendations for Summary Appeals automation. Furthermore, the Clerk of Courts is under contract with IMR to develop a paperless process for Summary Appeals, with implementation due in July 2005 pending court approval.

The goal of the Criminal Division has been to develop a unified system. The Offices of the President Judge, the District Attorney, Clerk of Courts and Court Administration strongly endorse the CIMS software that was chosen, developed and implemented.

III. Observations and Recommendations

Observation #2

The General Docket Process Should Be Enhanced Through Technological Advances

A docket is an official court record which lists all the cases before the court and which may also note the status or action required for each case. The Clerk of Courts schedules all criminal hearings for the courts and maintains all documents related to the case file.

We noted several functions throughout this process that could be enhanced through improved technological automations. Specifically,

- To track the location of court files, the location must be manually inputted into the CIMS system each time the file is transferred to another location. The volume of court files transferred was not available to us.
- When a case is being transferred from the District Justice's Office to the Clerk of Courts Office, the District Justice's staff enters case data into the AOPC (Administration Office of the Pennsylvania Courts) system. A report detailing case files in the AOPC system, but not in the CIMS system, is not generated to detect potentially missing case files.

Another area that was noted throughout our audit that could be improved through technological enhancements includes the expungement process. This process involves many manual procedures which include:

- Manually documenting the person's name requesting the expungement, the date and the offensive tracking number which is issued by the State Police on an excel spreadsheet. This information already exists in the CIMS system.
- There is a backlog of completed expungements that need to be destroyed.

In addition, the Clerk of Courts Office stores case files in hardcopy form and by digital image and does not offer electronic filings to the users of their office. According to

III. Observations and Recommendations

the Clerk of Courts, the Supreme Court would need to change the Rules of Criminal Procedure to allow this process. The technological advances of electronic filings would help to decrease the number of customers who wait in line to submit documents and the efforts of the Clerk of Courts Office to manually process filings.

RECOMMENDATIONS

We recommend that the Clerk of Courts Office develop a plan to further automate the aforementioned workflow processes to enhance productivity and efficiency. Specifically:

- Consideration should be given to eliminating the need to manually input case file locations into CIMS every time the file is transferred by affixing bar codes to files and utilizing bar code reader applications. Personnel who input case file locations may be able to be reallocated to perform other functions, including filing backlogged documents in case files and case files in the record room.
- CIMS should be enhanced to include an operational control to identify and investigate potentially missing case files.
- Investigate the feasibility of utilizing the CIMS system to process and track expungements to eliminate the need to manually maintain certain data in spreadsheets and the CIMS system.
- The Clerk of Courts Office should obtain approval from the AOPC and the County Records Committee to store documents electronically or on microfilm to eliminate the storage of case files in multiple forms upon passage of legislation, if necessary.
- In addition, the Clerk of Courts Office should investigate the possibilities to allow electronic filings with the Courts and the District Attorney's Office upon passage of the necessary legislation.

MANAGEMENT RESPONSE

CIMS lacks the capability to read bar codes. By the time that this administration assumed the Office of the

III. Observations and Recommendations

Clerk of Courts in 2000, the CIMS software had already been selected. The Clerk of Courts will revisit the CIMS limitations with the Criminal Justice Policy Board to address the bar code reading recommendation.

Upon assuming office, this administration determined that missing files was a frequent problem and that there were no established procedures to track files. At the insistence of this administration, CIMS was programmed to include the ability to track file location. The current practice of keying file locations was the best available alternative in the absence of bar code reading capability.

Because it is the practice of the Court of Common Pleas to permit courthouse personnel to retain possession of court files in courtrooms and offices in the courthouse, files can only be tracked if courtroom personnel make timely entries in CIMS to record transfer of files. Many courtroom employees have grown accustomed to the long-standing practice of transferring court files without recording the transfer in CIMS. Until this old practice is eliminated, lost files will occur more frequently than necessary. However, through training and reinforcement of established procedures, this problem is being curbed.

The Clerk of Courts believes that safeguards exist to discover missing files. First, all AOPC cases transferred to the Court of Common Pleas are downloaded into CIMS. Next, within the CIMS software, case numbers are assigned automatically in consecutive numerical order by the system, so a case number cannot be skipped. The final case number assigned by CIMS in a calendar year has corresponded exactly to the number of new cases reported by the Administrative Office of Pennsylvania Courts.

The auditors' recommendation for a report comparing OTN (Offense Tracking Numbers) and CC (Criminal Case) file numbers is impractical. Some OTNs do not enter the Criminal Division. For example, cases that are dismissed or withdrawn at the preliminary hearing do not transfer to Common Pleas. Therefore, cases with these dispositions do not receive a CC number. Consequently, a report comparing OTN and CC

III. Observations and Recommendations

numbers should not match and would not identify missing case numbers.

CIMS is, in fact, used for docketing and managing expungement petitions, orders and related procedures. Clerk of Courts staff do maintain some spreadsheets that contain relevant information pertaining to agencies involved in expungements, such as addresses and phone numbers, but this information is kept as a reference resource. These spreadsheets are not used for docketing or record-keeping.

Statewide legislation and administrative rules have already been considered and evaluated regarding the retention and storage of court documents. The Clerk of Courts has imaged documents for three of the past five years, with funding from grant sources. The last two years are under contract. For this system to reach its full potential, the county must provide additional funding. The Clerk of Courts has not overlooked or ignored on-line access as an improvement to benefit judicial administration and the public. This office has repeatedly recommended that on-line access be funded by the county.

On the issue of record retention, the current practice represents the minimum requirements of state law. Paper copies of permanent records must be kept, even if there are electronic, optical or microfilmed copies of the records. The Clerk of Courts must also keep hard copies of “vitaly important long-term records.”

Digital imaging and hard copies are not unnecessarily redundant. The Clerk of Courts has arrived at the current practice after review, consideration and analysis of relevant legal requirements and cost-benefit to taxpayers and clients of the Criminal Division.

The Clerk of Courts will continue to periodically review this policy, including the recommendations made by the auditors. However, the Clerk of Courts is of the opinion that any change in this practice must satisfy several important policy considerations.

Criminal records must be maintained for long periods of time because new evidence may come to light after a

III. Observations and Recommendations

defendant has been convicted. Furthermore, some defendants may seek clemency from the governor or may seek relief from denial of a handgun permit for a non-violent and/or old conviction. There are legitimate reasons why citizens may have need of their old criminal records.

In addition, changes in technology, obsolescence and failure of hardware and software, and similar factors impose inherent limitations on electronic forms of storage over the long-term. Therefore, reasonable assurances should exist that criminal records are retained and available at a later time in a “human readable form” as that term is used by PHMC regulations.

This office does not wish to keep one more page of criminal records than is necessary. For example, this office has discontinued microfilming since digital imaging has begun.

The recommendation for electronic filing was addressed at length with the auditors in a memorandum explaining that state court rules promulgated by the Supreme Court of Pennsylvania do not permit electronic filing. It was also explained that this is not a decision for the Clerk of Courts to make unilaterally and that the unique standards of criminal cases present greater difficulty in adopting electronic filings.

Until a statewide rule authorizing electronic filing has been approved by the Supreme Court of Pennsylvania, this recommendation is not open to consideration. This office welcomes and advocates all technological advances consistent with appropriate safeguards and protections for defendants, victims and the public.

III. Observations and Recommendations

Observation #3

The Clerk Of Courts Office Should Ensure That All Data Was Properly Transferred To The CIMS System

Prior to 1985 the Clerk of Courts Office used a software package known as “Paradox” and a Titan server (Titan) to record criminal information. This system was not capable of handling financial information and preparing invoices. In 1988 the Clerk of Courts Office implemented a new software system know as “ICIS”, Intelligent Criminal Information System. This system was used to record criminal information and process the collection of fines, costs and restitution throughout 2002. In 2003, the Clerk of Courts Office converted the data that was in ICIS to the CIMS system. However, the conversion was not completely successful and some criminal and financial information was not correctly transferred to the CIMS system. Additionally, because of these various systems, the Clerk of Courts Office was not able to provide an accurate accounts receivable total due to Allegheny County net of allowances for uncollectible amounts as required by Governmental Accounting Standards Board (GASB) Statement No. 34. This comment has been included in Maher Duessel’s management comment letter since 2002.

According to personnel in the Collection Division of the Clerk of Courts Office, all information needed to collect fines, costs and restitution is not available in CIMS. This is the result of the inability to convert certain information from the Titan and ICIS systems. If the case involved is missing information within the CIMS system such as the amounts collected or paid, or the name and address of the victim, then the Titan or ICIS system must be searched for the necessary information. According to Clerk of Courts personnel, this process requires a significant amount of time.

RECOMMENDATIONS

We recommend the Clerk of Courts Office contact the vendor of the CIMS system to correct the data conversion problems. The complete conversion of the information stored in the Titan and ICIS systems into the CIMS system

III. Observations and Recommendations

will make the Clerk of Courts Office personnel more efficient by eliminating the need to search the Titan and ICIS systems for the missing information. In addition, the consolidation of this data and any enhanced functionality should enable the Clerk of Courts Office to establish an accounts receivable record by year assessed and paid.

Upon successful completion of the data conversion and creation of back-up copies of the Titan and ICIS systems, consideration should be given to ceasing the operations of these systems and redeploying the computer equipment dedicated to these systems.

MANAGEMENT RESPONSE

In the development of CIMS systems the Criminal Justice Policy Board, which consists of the District Attorney, Court Administration and Clerk of Courts, made a decision that the data transfer date would be the cases after 1987. This was based upon the finding that data contained in the prior ICIS or Paradox system could be corrupted or not complete.

This office does not dispute that Maher Duessel's comment letter has noted the issue of reporting accounts receivable. This office contends that it is inherently difficult to collect and establish a precise accounts receivable for criminal costs. The likelihood of collection diminishes substantially as the account ages. Accordingly, this office has, for the first time in the history of the county, and perhaps in the history of the state, systematically requested court orders to cancel or discharge criminal accounts deemed to be non-collectible, such as when the defendant is known to be deceased and the heirs have not opened an estate, or the defendant is receiving public assistance, has been incarcerated or the address is unknown due to the age of the account.

In further response to this Observation, the Clerk of Courts will review its internal accounting procedures for the purpose of satisfying the Maher Duessel comment relating to GASB Statement 34, while assuring that any financial statements provide an accurate representation of revenues expected to be received.

III. Observations and Recommendations

Observation #4

The Clerk Of Courts Office Should Ensure That All Deposits Are Properly Safeguarded

The Clerk of Courts Office is responsible for the processing and collecting of bond monies. Bond money is collected at the bond counter in the Municipal Courts building which is deposited into the safe. The bond money, original bonds and a daily log book are placed in a bag each morning and delivered by armored truck to the Clerk of Courts Office in the County Courthouse. The monies collected at the Municipal Courts building and Courthouse and the bank deposit slip are then walked by the employee and deposited in a PNC bank account. According to Clerk of Courts Office personnel, a majority of the collection is cash and many of the deposits are substantial in amount. Our review of a sample of 24 deposits throughout 2004 revealed that 44% of the total deposits, or an average of \$26,000 in cash is deposited daily.

In addition, we noted there are no security cameras to monitor the processing and collecting of bond money in the Courthouse. We were informed that the Clerk of Courts and his Chief of Staff are bonded. In addition, all monies collected for fines, costs and restitution, miscellaneous services and summary appeals are deposited with the bond funds.

RECOMMENDATIONS

We recommend that the Clerk of Courts Office properly safeguard all assets. To adequately protect bond monies:

- A secure means of transporting large sums of money should be provided from the Courthouse to the bank. Any such means should provide adequate safeguards for the deposits and for the safety of those who transport the deposits. The Clerk of Courts Office should investigate the possibility that their monies be deposited through an armor truck service already used by the Treasurer's Office.
- Employees who are responsible for processing large sums of monies should be bonded.

III. Observations and Recommendations

- Consideration should be given to using video cameras to monitor the handling of cash at all collection counters in the Courthouse.

MANAGEMENT RESPONSE

The Clerk of Courts approves of the recommendation to use appropriate armored car transport of bond moneys and has implemented this recommendation.

The Clerk of Courts has previously recommended the installation of cameras at this location, but this measure has not been implemented due to the failure of the county to fund this measure.

This office has also recommended that the Bond Counter be physically secured and separated from the adjacent City Court counter, and has submitted an alternative proposal to move the Bond Counter to the Courthouse.

Upon entering office in 2000, this office consulted with multiple insurance brokers to obtain bonding for all employees who handled money and was advised that the cost would be prohibitively expensive. Also, this office was informed that the county already carries insurance coverage for stolen money, and that loss due to negligence is not insurable. Finally, any coverage issued would carry a substantial deductible that would be likely to exceed any losses. Accordingly, the likelihood of recovery from the insurer was minimal and the payment of premiums would be difficult to justify. Funding must be provided to implement this recommendation.

In summary, the Clerk of Courts has already implemented the recommendation for secure transport of funds.

III. Observations and Recommendations

Observation #5

The Constable Payment Process Should Be Centralized

A constable is an elected officer, who is responsible for minor judicial duties, such as serving warrants and writs. There are approximately 500 constables in Allegheny County. Constables are paid for their services by submitting their expenses for travel and fees for services to the Constable Manager who resides within the Sheriff's Office. The Constable Manager reviews all expense vouchers for proper supporting documentation and reasonableness. The vouchers are then forwarded to the Clerk of Courts Office where the Constable Analyst reviews and processes the paperwork for payment by entering the information into the CIMS system. Vouchers are generated and forwarded to the Sheriff's Office for the Constable Manager and the Sheriff to approve for processing and payment. Constable fees totaled \$1,345,369 for 2004 and \$1,363,453 for 2003.

These processes, which involve two separate row offices can lead to inefficiencies and increased opportunity for errors. In February 2005, the Clerk of Courts submitted a constable payment file to the Controller's Office for processing that contained duplicate payments to at least five constables. A memorandum from the Clerk of Courts was received noting the services were cleared for payment. In addition, the Constable Manager does not reconcile the total of payments submitted to the Clerk of Courts Office to the County's JD Edwards accounting system to verify that the amount processed reconciles to the amount of the actual payments.

RECOMMENDATIONS

We recommend that the Clerk of Courts Office, in conjunction with the Sheriff's Office centralize the payment process for constables to improve efficiency and reduce the potential for errors. For example, consideration should be given to combining the functions of reviewing, approving for payment and entering submitted expenses into the CIMS system. In addition, all constable payments

III. Observations and Recommendations

should be reconciled to the county's accounting system by the Constable Manager.

MANAGEMENT RESPONSE

The Clerk of Courts has continuously and repeatedly recommended reassignment of the Constable Manager position to the Clerk of Courts and has argued that the process should be consolidated in one office and that accountability would be better served by consolidating the position in one department. Because these two positions involve the processing of court documents and court costs, the Constable Analyst and Constable Manager positions should be assigned to the Office of the Clerk of Courts.

This office has met with current and prior county executives and county managers who have rejected this proposal.

III. Observations and Recommendations

Observation #6

The Notary Process Should Be Centralized

“The Notary Public Law” empowers the Secretary of the Commonwealth to appoint and commission Notaries. The Notary process begins at the Recorder of Deeds Office where the Notary is sworn in and a fee is paid. The Notary’s paperwork is then taken to the Prothonotary’s Office where it is signed by the Prothonotary. The Notary also signs a signature card which is filed at the Prothonotary and pays a fee. The Notary must then take the signed paperwork to the Clerk of Courts Office where it is signed by the Clerk of Courts. The Notary once again signs a signature card which is filed at the Clerk of Courts Office and pays a fee. Notaries have to go to three different buildings until the paperwork is complete and they can receive their commissions. The signature cards are then filed at both the Prothonotary’s Office and the Clerk of Courts Office to be used to verify Notaries’ signatures on various court documents. Management of the Clerk of Courts Office estimates that there are approximately 5,000 notary filings annually, or 20 filings per day.

This process needs to be streamlined so that all paperwork, seals, and signatures can be completed at one office. Currently, this process is very cumbersome, time consuming, and confusing to the customer.

RECOMMENDATIONS

The Clerk of Courts Office, in conjunction with the Prothonotary and Recorder of Deeds offices, should centralize the Notary commission process to improve efficiency and provide better service to Notaries. To achieve this would require new state legislation.

MANAGEMENT RESPONSE

This recommendation is contrary to existing state law.

Simplification of the notary registration process is a policy determination for the General Assembly and the Governor

III. Observations and Recommendations

of Pennsylvania and is a matter of state law. If state law were amended, the Clerk of Courts would implement the new requirements.

III. Observations and Recommendations

Observation #7

The Clerk Of Courts Office Should Be Managing For Results

Performance measures can be utilized to assess costs and activities of government in relation to the results they are trying to achieve. Governments that periodically evaluate operational performance against desired outcomes are better able to manage for results through timely adjustments to resource allocations, operational policies and practices, and organization structures.

Specifically, performance measures are useful for:

- Setting goals and objectives
- Planning operations to accomplish the goals and objectives
- Allocating resources to operations
- Monitoring and evaluating results to determine if progress is being made toward achieving the goals and objectives, and
- Assessing the economy, efficiency and effectiveness of operation

Our review of the Clerk of Courts Office revealed that management does not track input and output measures such as number of dockets processed per employee. Because management does not track this information, it cannot be used to make adjustments to resource allocations, operational policies and practices, and organization structures. Additionally, the Clerk of Courts Office did not have a strategic plan that sets forth goals and objectives for the office.

RECOMMENDATIONS

We recommend that the Clerk of Courts Office standardize and promulgate to staff performance measures used to assess the efficiency and effectiveness of its services. The Clerk of Courts Office should implement a systematic process to manage for results. This process should include:

III. Observations and Recommendations

- Developing goals and objectives and operational plans to achieve the goals and objectives,
- Monitoring and evaluating operating results to determine if progress is being made toward achieving the goals and objectives,
- Adjusting resource allocations, operational policies and practices, and organization structures to achieve the goals and objectives, and identifying ways to improve the economy, efficiency and effectiveness of operations.

MANAGEMENT RESPONSE

Although this office does not maintain “per employee” statistics relating to number of pages of documents processed, this office did supply the auditors with other measures for various departments.

The Clerk of Courts has provided performance measures. Evaluation of individual employee performance is measured by attendance, observation of work performance by supervisors and similar measures. Departmental performance is measured by money collected or disbursed, collection activities, cases initialized and processed, and measurement of timeliness in completing caseload functions such as taxing. The Office of the Clerk of Courts also maintains comparative measures of fiscal and budgetary efficiency between this county and other Pennsylvania counties. In all of these categories, the performance measures for this office are superior to all but one other county in Pennsylvania.

This office agrees with the principle that performance should be measured and that management decisions should be directed towards obtaining favorable results.

The most critical measurements of performance are the amount of money collected, the number of cases processed through the system, and the amount of money expended in proportion to the caseload. On those critical measures of performance, the Allegheny County Clerk of Courts ranks first in the state for collections and caseload. On the measure of expenditures per case, this office surveyed

III. Observations and Recommendations

every county known to publish its Clerk of Courts budget on the Internet. Those counties include an interesting cross-section of county governments in Pennsylvania, including Philadelphia, Northampton, Berks, Bucks, Montgomery, Erie, Washington, Westmoreland, Butler and Beaver. Among these counties, the Allegheny County Clerk of Courts ranks second lowest in expenditures per case, behind Luzerne County.

Due to this office's commitment to staffing and fiscal efficiencies, each employee has been assigned multiple functions within each job description. Furthermore, many employees have been cross-trained to perform the responsibilities of more than one job description. This approach permits greater flexibility and allows this office to respond to fluctuations in activity within and among its departments. Therefore, "per employee" statistics will not accurately capture or measure the productivity of an individual.