

OFFICE OF THE CITY AUDITOR

PERFORMANCE AUDIT OF THE JUDICIAL ORDER PROCESS OF THE MUNICIPAL COURT



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August 6, 2004

Memorandum



CITY OF DALLAS

August 6, 2004

Honorable Mayor and Members of the City Council
City of Dallas

We have conducted a performance audit of the Judicial Order Process of the Municipal Court, City of Dallas.

The Judicial Order Process normally takes an average of three to four months. During the course of our review, we found that the issued orders benefited Judicial Operations and did not inhibit the effective delivery of services expected by stakeholders. However, we noted that written procedures need to be developed to document the procedures involved in processing judicial orders. This concern is discussed in the Opportunities for Improvement section of this report.

We appreciate the cooperation of City staff during our examination.

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c: Mary K. Suhm, Interim City Manager

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MUNICIPAL COURT**

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INTRODUCTION

Authorization

We have conducted a performance audit of the Judicial Order Process of the Municipal Court, City of Dallas. This audit was conducted under the authority of Chapter IX, Section 2 of the Dallas City Charter and in accordance with the Annual Audit Plan approved by the City Council.

Scope and Methodology

Our examination was made in accordance with generally accepted government auditing standards and, accordingly, included tests of the accounting records and other audit procedures that we considered necessary in the circumstances.

The objective of our audit was to determine whether the current process of issuing and gaining approval of procedural orders is beneficial to operations and overall jurisprudence. Our audit covered a review of the judicial orders issued during the period October 1, 2002, through December 31, 2003. We also reviewed certain related policies, procedures and practices occurring before and after that period.

To develop an understanding of the process, policies and procedures, we:

- Conducted interviews with the Municipal Administrative Judge;
- Conducted site visits to the Municipal Court;
- Requested and reviewed specific information related to the audit; and
- Examined the City Charter and State Code.

Overall Conclusion

The Judicial Order Process normally takes an average of three to four months. During the course of our review, we found that the issued orders benefited Judicial Operations and did not inhibit the effective delivery of services expected by stakeholders. However, we noted that written procedures need to be developed to document the procedures involved in processing judicial orders. This concern is discussed in the Opportunities for Improvement section of this report.

Background

Through the operation of nine municipal courts and an ancillary docket program, the Judiciary is responsible for the adjudication of all cases filed in the municipal court system alleging violations of State statutes and City ordinances.

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Municipal judges also issue search and arrest warrants, administer juvenile magistrate warnings up through capital felony, set and approve appearance and appeal bonds, and approve deferred adjudication, part-pay and work release agreements.

Chapter VIII, Section 4, of the City Charter states: “The administrative judge designated by the City Council shall be the administrative head of the Judiciary of the city. As such he shall promulgate work rules concerning the administration of the court dockets, the times and places for holding court, equalizing of the case assignments, the vacation schedules and other administrative details concerned with the judicial performance of the municipal courts, which rules shall be submitted to the city manager and the city attorney for comment prior to adoption by the City Council.”

The City’s FY 2003-2004 operating budget appropriated \$1.9 million to Judicial Operations which employs:

- Twenty-seven judges; one Municipal Administrative Judge (MAJ), eight full-time municipal judges, and eighteen part-time associate judges;
- Thirteen City Marshals (licensed peace officers) serve as Bailiffs and are supervised by the Chief Bailiff. The bailiffs provide general security to the courts and are directed by the MAJ and courtroom judges; and
- Four administrative personnel; one management assistant, one secretary, and two clerical assistants.

The Judicial Nominating Commission (JNC) is a 16-member advisory body to the City Council. The JNC:

- Recommends nominees to serve as full-time and associate municipal judges;
- Makes reports and recommendations to the City Council Governmental and Minority Affairs Committee on the status of the selection process for municipal judges;
- Reviews and makes recommendations to the City Council Governmental and Minority Affairs Committee on the salary structure for municipal judges, including evaluating the feasibility of a merit pay plan;
- Makes recommendations to the City Council concerning the selection, removal and pay of administrative law judges in accordance with Article XXVII, Chapter 2 of the Dallas City Code; and
- Performs other duties assigned by the City Council.

Court and Detention Services (CDS) and the City Prosecutor’s Offices are separate, but closely associated, entities that derive the majority of their parameters of operation directly from judicial administration. These two offices follow the Judiciary’s guidance for courtroom scheduling and court procedures.

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The court clerks that serve the Municipal Courts are CDS employees who perform their duties in offices located next to the actual courtrooms.

A Judicial Order can generally be classified into the following administrative areas:

- Conducting the court
- Juvenile traffic offenders
- Court action reports
- Failure to appear in court
- Fines and court costs
- Docket book
- Financial transactions of the court
- Traffic citations and the audit process

Generally, judicial orders are initiated by the Administrative Judge and delivered to the City Attorney, the City Manager and the Governmental and Minority Affairs Committee. Once the orders are approved by the Governmental Minority Affairs Committee, they are scheduled for City Council approval.

The current Administrative Judge took office in October 2002. For our audit, we selected the 10 procedural orders issued during his tenure for review.

OPPORTUNITIES FOR IMPROVEMENT

We identified certain policies, procedures and practices that could improve the Judicial Order Process. Our audit was not designed or intended to be a detailed study of every relevant system, procedure and transaction. Accordingly, the opportunity for improvement presented in this report may not be comprehensive of the areas where improvements may be needed.

1. Management has not developed written procedures to ensure systematic processing of procedural orders.

The department does not have an operating procedures manual. In the absence of a current operating manual, we relied on information and explanations obtained from the Administrative Judge relating to current procedural order process.

Management did not require that current practices and procedures be documented and no attempt was made to have a written manual. The current practices relating to the process of developing, issuing and obtaining approval of procedural orders have evolved over time and have not been committed in writing.

In the absence of an operating manual, the department has relied on past practices and precedents to process procedural orders. This can result in the application of procedures which are not uniform and an over reliance on knowledgeable individuals.

As per City Charter, Chapter VIII, Section 4, the Administrative Judge is authorized to promulgate work rules concerning the administration of the court dockets, the times and places for holding court, equalizing the case assignments, the vacation schedules and other administrative details related to judicial performance of the municipal courts.

We recommend the Municipal Administrative Judge develop policies and procedures for all Judiciary functions, including processing of procedural orders and codify them in an operating manual.

Management's Response:

We concur. We are incorporating our procedural orders and directives in an operating manual.