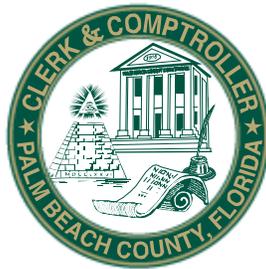


**CLERK & COMPTROLLER  
PALM BEACH COUNTY  
COURT OPERATIONS  
DISMISSED TRAFFIC CASES REVIEW**



**SHARON R. BOCK**  
Clerk & Comptroller  
Palm Beach County

**Division of Inspector General  
Audit Services Unit**

**March 16, 2010**



**SHARON R. BOCK**  
Clerk & Comptroller  
Palm Beach County

March 16, 2010

The Honorable Sharon R. Bock, Esq.  
Clerk & Comptroller

We conducted a review, in cooperation with Criminal Court Operations and Branch Court Operations, of dismissed traffic cases with outstanding balances of fines and/or fees.

Our objectives were to, 1) identify any instances in which Clerk & Comptroller staff dismissed cases inappropriately, 2) identify any anomalies and underlying root causes to explain why the dismissed cases had outstanding balances, and 3) identify opportunities to enhance Court Operations' monitoring of dismissed cases, particularly those with outstanding balances.

Our review was neither designed nor intended to be a detailed study of every process, procedure, transaction or system in each area. Accordingly, the observations and recommendations included in this report are not all-inclusive.

The review disclosed that Court Operations staff was properly justified in dismissing the traffic cases in our evaluation. However, we did identify control weaknesses and inconsistencies in handling cases that require management attention.

We appreciate the cooperation of management and staff during the course of this review.

Respectfully submitted,

Roger Trca  
Inspector General & Audit Director  
Clerk & Comptroller Office  
Palm Beach County

**Division of  
Inspector General  
Audit Services Unit**  
301 N. Olive Avenue  
9th Floor  
West Palm Beach, FL 33401

Phone: 561-355-2722  
Fax: 561-355-7050

[www.mypalmbeachclerk.com](http://www.mypalmbeachclerk.com)

# Table of Contents

---

Introduction.....	1
Background.....	1
Scope and Methodology .....	1
Conclusion .....	2
Observations & Recommendations.....	4
1. Case dismissals are not periodically reviewed to ensure proper actions are taken ....	4
2. Late fees on some dismissed traffic cases are not collected timely and driving privileges are not always suspended for non-payment .....	6
3. Justification for cases dismissed by clerks is not consistently documented.....	7
4. Payment plan monitoring requires strengthening.....	8

# Introduction

---

## Background

Clerk & Comptroller staff in the Violations Bureau at the Main Courthouse and in similar functions at the three Branch locations (North, South and West County) are responsible for processing traffic cases. Depending on the case status, actions that may be required include:

- initiating cases;
- scanning appropriate documents into Banner Courts case files;
- recording case-related actions of defendants, lawyers, hearing officers and judges;
- recording relevant assessments of fines and fees;
- recording collection of case-related payments;
- recording dispositions; and,
- adjusting fines and/or fees in accord with disposition instructions.

In certain circumstances, clerks are responsible for dismissing traffic cases. If defendants are given traffic citations for failing to provide required documents (e.g., license, registration, insurance), clerks have the authority to dismiss such cases if valid documents are presented and a dismissal fee is paid.

Clerks involved in the processes undergo formal training provided by the Operations Training team and/or on-the-job training provided at their locations. Court Operations has published procedures that detail the use of the Banner Courts system to process traffic cases.

## Scope and Methodology

The Clerk's Audit Services Unit conducted a review of dismissed traffic cases with outstanding balances of fines and/or fees as reported in the Banner Court system.

In an earlier inspection of an incident in South County, we identified instances in which a clerk had, without appropriate justification, dismissed traffic cases with

outstanding fines and fees still owed. These improper actions resulted in discontinuing any further action to collect amounts due or refer cases to the Department of Highway Safety and Motor Vehicles (DHSMV) to notify drivers that failure to act would result in suspension of their driving privileges. We conducted this review to determine whether similar instances had occurred at other court locations.

The objectives of the review were to:

- Identify any instances in which Clerk & Comptroller staff dismissed cases inappropriately,
- Identify any anomalies and underlying root causes to explain why the dismissed cases had outstanding balances; and,
- Identify opportunities to enhance Court Operations' monitoring of dismissed cases, particularly those with outstanding balances.

In order to meet these objectives, we conducted interviews, reviewed procedures, engaged the services of Court Operations staff to evaluate cases with balances, validated their findings, and evaluated the internal control environment. We performed other procedures that were deemed necessary under the circumstances.

We used data extraction software (TOAD) to identify all traffic (TR) cases in the Banner Courts system with disposition code D (signifying case dismissal) recorded as of August 31, 2009 YTD and which also had outstanding fines or fees. A total of 450 cases with outstanding balances of \$24,928 were identified. We segregated these cases by location and submitted them to the appropriate Court Operations management for their review and explanation as to why these dismissed cases continued to have outstanding balances.

## Conclusion

The review by the Clerk's Audit Services Unit, in cooperation with Criminal Court Operations and Branch Court Operations, determined that staff was properly justified in dismissing the traffic cases in our evaluation.

Control weaknesses and inconsistencies in handling cases were noted that require management attention. Court Operations does not routinely monitor whether the

traffic case dismissals are justified and any related unpaid assessments are resolved timely. Clerks are not collecting the unpaid late fees timely and initiating drivers' license suspensions in some cases when appropriate. Current procedures do not require clerks to obtain and scan valid documents from defendants (e.g., drivers' license, registration, insurance) when dismissing related traffic cases. Opportunities exist to improve payment plan monitoring to ensure appropriate actions are taken in cases of non-compliance.

**Review Team:**

Alan Bray, Deputy Inspector General & Audit Manager

Michael Bodle, Senior Auditor

# Observations & Recommendations

---

The review identified certain policies, procedures and practices that could be improved. The audit was neither designed nor intended to be a detailed study of every relevant system, procedure or transaction. Accordingly, the observations and recommendations presented in this report may not be all-inclusive of areas where improvement may be needed.

## 1. Case dismissals are not periodically reviewed to ensure proper actions are taken

Court Operations management does not routinely extract lists of dismissed traffic cases from the Banner Court system to monitor whether the dismissals were justified and proper actions were taken. While our review did not identify any inappropriately dismissed cases, we did find traffic cases with balances that should have been removed based on court decisions as well as cases with balances that require collection by staff and referral of cases to DHSMV, when appropriate, to initiate drivers' license suspensions.

We applied data extraction software within the Banner Court database tables, which identified 450 dismissed traffic cases that still had outstanding assessment balances totaling \$24,928 as of August 31, 2009. In general, case dismissal should include the settlement of any unpaid assessments, which may include:

- late fees that had not been paid;
- case dismissal fees that had not been paid;
- collection agency fee assessments that had not been paid;
- collection agency fee assessments that should have been removed when cases were recalled from the collection agencies;
- original fines and fees that should have been removed from cases that had been dismissed; and,
- assessments in error that should not have been reflected in the cases.

Of the 450 cases with outstanding balances, the review disclosed that 118 cases were handled by the Main Courthouse and 332 cases by Branch Court Services (North, South or West County). Responses provided by management disclosed that:

- Balances on 139 cases involved late fees and collection agency fees, which require manual collection efforts on a case by case basis by clerks and referral to DHSMV, when appropriate, to initiate suspension of drivers' licenses. Management stated that system deficiencies in the interface with DHSMV systems have continued to create errors requiring ongoing resolution.
- Assessments on 140 cases should have been removed at the time of dismissal. Efforts are required by clerks to clear these balances.
- The remaining 171 cases involved other types of balances due, which require further research in deciding the appropriate actions.

Monitoring dismissed cases on a periodic basis would help identify processing errors, allow prompt actions to correct errors, and identify training opportunities to reduce the error frequency.

**Recommendation:**

- A. Obtain and review, on a weekly basis, Banner Court system reports listing cases dismissed with unpaid balances and cases with due dates removed. Ensure the appropriate training or other corrective actions are taken to address the root causes.

**Management Response:**

- A. A report identifying cases that have been dismissed with unpaid balances and due dates removed has been created. Court Operations monitors the report on a weekly basis. Based on data provided in the report, the appropriate training and/or corrective actions have been taken. Should priorities shift in the future, including additional reduction in resources due to budget constraints, Operations will need to prioritize this task accordingly.  
Target Completion Date: Completed

## 2. Late fees on some dismissed traffic cases are not collected timely and driving privileges are not always suspended for non-payment

Court Operations training manuals indicate that assessed fees must be paid prior to arranging a hearing for a defendant. In practice, some defendants arrange hearings through other channels and do not appear at the Clerk's office to pay outstanding fees prior to the hearing. In instances where the hearing results in case dismissal by court order prior to the hearing, clerks remove the original assessments for fines and fees from the case but any late fees are still owed when not waived by the court. In these cases, Clerks are not collecting the unpaid late fees timely and referring cases to DHSMV to initiate suspension of drivers' licenses.

Our testing of 450 traffic cases with unpaid balances indicated that the balance remaining on 139 cases was equal to the late fees assessed. Late fees are charged when the defendant fails to: pay fines and fees timely, file a written plea of not guilty, or appear at a scheduled hearing. The unpaid balances ranged from \$12 to \$23 depending on whether compliance letter fees or collection agency fees were charged.

It was noted that when case dismissals are recorded, clerks remove the due date within the Banner Court system for any future action. Consequently, the system does not prompt clerks to collect the late fees for these dismissed cases nor refer cases to DHSMV, when appropriate, to initiate suspension of drivers' licenses.

### **Recommendation:**

- A. Identify cases with outstanding late fees, take action to collect the monies and, when appropriate, submit D6 notifications to the DHSMV to initiate drivers' license suspension actions against these defendants.

### **Management Response:**

- A. A Banner system deficiency prevents cases with a D-6 to be reported to DHSMV if there is a balance due in the D-6 DETC codes. Operations have addressed this issue with all affected staff by providing refresher training and/or corrective

actions. Additionally, the business process was changed so that collection cases that go to court are recalled from the agency; therefore, this scenario should not be an issue any longer. Should priorities shift in the future, including additional reduction in resources due to budget constraints, Operations will need to prioritize this task accordingly.

Target Completion Date: Completed

### **3. Justification for cases dismissed by clerks is not consistently documented**

Clerks may dismiss certain cases, including citations issued for failing to display required documentation (e.g., driver's license, registration, and proof of insurance) during a traffic stop. If the defendant brings the required documentation to the Clerk's office within 30 days of the offense and it was valid at the time of the traffic stop, the original assessment (generally \$101) can be removed and the defendant is charged a \$10 dismissal fee. However, current procedures do not require staff to retain a copy and scan the supporting document into the case file to justify the case dismissal.

Using data extraction software, we identified all 2,395 cases filed between July 1, 2009 and July 15, 2009 that included a \$10 case dismissal fee (DETC Code K102) recorded when the defendant presented the required documentation to the Clerk's office. We segregated the results by court location and selected a sample of 20 cases from each of the four locations (Main Courthouse and North, South and West County) for further review.

The analysis disclosed that:

- North County annotated details of the supporting documentation in 5 of 20 dismissed cases.
- For the three other locations and 60 dismissed cases reviewed, only two cases included annotations of the support documents displayed by the defendants.

Failure to retain copies of the evidence does not enable management to subsequently verify that Clerk staff received the required documentation and took the appropriate actions in dismissing the cases.

**Recommendation:**

- A. Require staff to copy and scan into related cases the proof of valid insurance, registration, school completion and/or driver's license presented by customers to justify citation dismissal.

**Management Response:**

- A. Procedures have been developed that provide for staff to scan all compliance documentation related to dismissals and enter it into the case management system.

Target Completion Date: Completed

## 4. Payment plan monitoring requires strengthening

The review disclosed instances in which defendants did not comply with agreed upon payment plans. In some cases, payments were not made in full by the end date of the payment plans and consequences were not imposed timely on the defendants. In such criminal traffic cases, clerks are required to manually process timely referral to DHSMV to initiate suspension of drivers' licenses.

To review payment plan monitoring, we extracted from the Banner Court system all cases dismissed by Main Courthouse staff between January 10, 2009 and August 31, 2009 with payment plan assessments (DETC Code K125). Of the 461 cases, nearly all represented criminal traffic violations (CT cases).

Of the 20 cases sampled (19 criminal traffic CT, 1 misdemeanor MM) for further review, 18 had payment plans with end dates that had expired.

- In thirteen cases, no adverse actions were taken by clerks, which may include suspension of driving privileges for unpaid financial obligations (UFO).
- In one case, three of six payments were not made and no adverse actions were taken.

- In four cases, no payments were received, but suspensions were documented. Three of the suspensions were not timely, ranging from five weeks to six months after the final due date of the payment plan.

Criminal Court Operations management stated that the monitoring of payment plans is done manually by Court Revenue staff as the functionality does not exist in Banner and their efforts are several months behind due to staffing reductions.

**Recommendation:**

- A. Review the impact of the delays in monitoring payment plans and either redirect resources to improve timeliness of these cases or reaffirm that resources and priorities do not allow improvement in this area. Continue management's ongoing efforts to implement payment monitoring functionality in the new case management system now in development.

**Management Response:**

- A. Due to Banner system limitations and severe budget constraints including the elimination of three full-time equivalents (FTEs) due to staff layoffs, it is not feasible to direct additional resources to improve timeliness in monitoring payment agreements. System functionality is not available that could provide monitoring of collection agreements. This functionality is expected in the new Showcase Case Management System, with implementation anticipated in October 2010.

Target Completion Date: 10/31/10