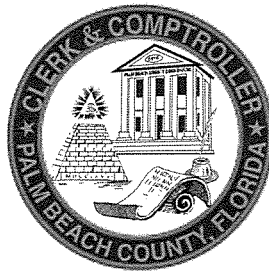


**CLERK & COMPTROLLER
PALM BEACH COUNTY
JURY MANAGEMENT OPERATIONS &
PAYMENTS REVIEW**



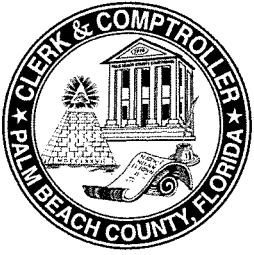
SHARON R. BOCK

Clerk & Comptroller
Palm Beach County

Division of Inspector General

Audit Services Unit

September 27, 2012



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Clerk & Comptroller
Palm Beach County

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

We conducted a review of the Jury Management Operations and Payments processes.

Our objectives were to evaluate the overall effectiveness and efficiency of Jury Management operations and payment processes and related internal controls as well as verify compliance with pertinent laws, regulations and policies.

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 identified various control weaknesses and opportunities to strengthen the Jury Management operations and payment processes. For example, practices in certain areas required changes to ensure compliance with Florida Statutes. In addition, opportunities exist to improve logical security over system access to sensitive information, automate various manual processes, strengthen reporting capabilities, enhance communication with the judiciary, secure sensitive information shared with a vendor, enhance physical security and controls over jury payroll checks, and update policies and procedures.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roger Trca".

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Introduction

Background

The Clerk's Criminal Court Services Jury Management Operations is responsible for meeting judicial needs by summoning and utilizing jurors and calculating juror payments. Also, state mandated activity reports are prepared and provided to the Florida Office of State Courts Administration (OSCA) and the Florida Clerks of Court Corporation (CCOC).

The ACS Juror Management System supports the operations, which is a proprietary application developed and supported by Affiliated Computer Services, Inc. (ACS). Also, an interactive voice response system allows jurors to contact a central phone number for information on whether or not to report for jury duty.

The Clerk's Accounting Unit is responsible for processing and disbursing juror payments by extracting data from the ACS Juror Management System. Juror checks are generated weekly through the Banner Finance System.

According to OSCA and CCOC reports filed for the fiscal year ending June 30, 2011, key metrics including the following:

Juror Summons Issued	158,252
Jurors Available to Serve	52,443
Summoning Yield	33%
Jurors Reporting	41,906
Juror Payments – Number	21,336
Juror Payments - Dollars	\$480,510
% of Payments Issued Timely	100%

Jury Management Operations is led by Beatrice Lovelace – Manager, with one direct report and three support positions. The Jury Management Operations budget for FY 2011-2012 is \$945,490, with \$500,000 (53%) allocated to jury payroll and 31% allocated to departmental employee compensation and benefits.

Scope and Methodology

The Clerk's Audit Services Unit of the Division of Inspector General conducted a review of the jury management operations and payment processes, including compliance with key statutory and regulatory requirements.

The objectives of this audit were to obtain an understanding of the Jury Management operations and juror payments processes, evaluate the overall effectiveness and efficiency of processes and related internal controls, and verify compliance with pertinent laws and regulations as well as established policies.

More specifically, the scope included Jury Management Operations processes including such areas as summoning jurors for regular as well as high profile cases, utilizing jurors, reviewing state-mandated and internal reports, calculating juror payments, and issuing checks to jurors. We also evaluated the logical security and physical safekeeping controls over juror information.

In order to meet these objectives, we conducted interviews, reviewed departmental processes, performed a risk assessment of the areas under review, evaluated the internal control environment, and conducted sample testing of internal controls and transactions. Testing performed covered the period from July 1, 2010 through September 30, 2011. We performed other procedures that were deemed necessary under the circumstances.

Conclusion

The review by the Clerk's Audit Services Unit identified various control weaknesses and opportunities to strengthen the Jury Management operations and payments processes.

Specifically, current Jury Management practices in certain areas required changes or enhancements to ensure compliance with Florida Statutes. Logical security over access to sensitive information stored within the ACS Juror Management System and department servers required improvement. Opportunities exist to automate various manual processes and strengthen reporting capabilities within Jury

Management as well as Clerk's Accounting jury payroll to enhance efficiencies and minimize the risk of errors.

In addition, communication between the Judiciary and Jury Management required strengthening. The contract with ACS to merge driver's license updates with jury list records did not adequately restrict the vendor and its subcontractors from improperly using sensitive information. Written policies and procedures required development or update. Physical security and safeguard controls over jury payroll checks and related information required improvement.

Review Team:

Alan Bray, Deputy Inspector General & Audit Manager

Charles Mansen, Audit Project Administrator

Observations & Recommendations

The review identified certain policies, procedures and practices that could be improved. The review 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. Jury practices require changes to ensure compliance with Florida Statutes.

Various areas within Jury Management Operations are directed and guided by specific Florida Statutes. Consistent compliance is critical. The review identified areas in which current practices required changes or enhancements to ensure compliance.

- a. Excusals are entered by Jury Management for active military service though this reason is not specifically authorized by Florida Statutes (section 40.013) or the Fifteenth Judicial Circuit Administrative Order (AO 2.402-8/11).
- b. The Clerk's Office is required to purge the jury list of individuals who are under prosecution for any crime or have been convicted of a felony unless their civil rights have been restored and an affidavit has been executed under oath at the office of the Clerk (Sections 40.022 and 40.13 F.S.). Jury Management has not developed and implemented a procedure and process to perform this monthly purge.
 - Jury Management currently purges the jury list of any individual who responds on their juror summons that they have a felony conviction and submits proof of felony record obtained from the Clerk's Criminal Court office. However, these records would only include felony convictions within Palm Beach County and not elsewhere as required by statute. As a best practice, the Florida Department of Law Enforcement (FDLE) provides an information sharing service by matching potential juror names to their comprehensive felony conviction records.

Recommendations:

- A. Revise procedures so that persons in active military service are not excused without first being subject to the normal excusal protocol.
- B. Implement an information exchange process with FDLE for matching jury list names to FDLE felony conviction records. Perform a monthly purge of individuals with felony convictions who have not had their civil rights restored.

Management Responses:

- A. The statute does not specifically delineate that requests for excusal due to active military service must be granted by the Chief Judge. Rule of Judicial Administration 2.215 confers upon the Chief Judge of the Circuit "administrative supervision over all courts within the judicial circuit in the exercise of judicial powers and over the judges and officers of the courts." In this case, Chief Judge Blanc has directed via an e-mail dated June 29, 2012 that it is policy of this Circuit that the Clerk is to excuse those potential jurors who are active in the military pursuant to Florida Statute 40.013(6).

Target Completion Date: N/A

- B. According to FDLE representative, Renee Strickland, the data exchange process to remove defendants convicted of a felony has been implemented only in a limited number of Clerk's Offices in the state (in her e-mail response she listed Marion, Nassau and Monroe counties). The primary reason for lack of movement on this project is the lengthy and cumbersome manual process that Clerk's Office staff would need to implement in order to vet the data received from the FDLE. Ms. Strickland also stated via her e-mail (dated November 4, 2011) that this process would be labor intensive for Clerk's Offices statewide since the report would have all criminal history records, not just the felony records that must be reviewed. Individuals with the same name and any alias name would need to be reviewed against the jury list that contains over 861,000 names as well causing a greater burden on resources and making it difficult to determine whether the potential juror should have been placed on the jury list. Additionally, the FDLE file does not provide whether the potential juror has had their civil rights restored. In order to correctly determine if one's civil rights have been restored, jury management has requested that the Office of Executive Clemency (OEC) provide the Clerk's Office with a monthly file that would contain those persons whose civil rights have been restored. The OEC has stated

that it will require supervisory approval in order to fulfill our request. At the time of this response, we have not received approval from the OEC. In contacting the counties mentioned above in reference to their use of this process, Nassau confirmed they are no longer using this process through FDLE, Monroe did minimal testing using this process, and Marion has not confirmed if they have continued this process. There are significant challenges (staffing, resources) that hinder the Jury Office's ability to fully comply with FS40.22. It is management's intent to implement a future data exchange through technological advances in this area.

The jury office does have the following process in place to eliminate individuals with felony convictions who did not restore their civil rights:

1. The PBC Juror Summons has the following questions for the potential juror to respond and provide proof if they are seeking excusal from jury service:
 - a) Convicted of a felony and civil rights have not been restored, and
 - b) Currently under criminal prosecution.
2. Felony convictions in Palm Beach County are verified in the case management system to disqualify jurors that indicate that they have a felony conviction in PBC. The Jury Office disqualifies jurors that submit proof for any felony conviction in PBC, the State of Florida and/or any other state.
3. All jurors take a Juror Oath which is administered by the jury staff prior to the jury orientation. The felony section of the oath is as follows:

“...Are you presently under prosecution for a crime or have you ever been convicted of bribery, forgery, perjury, larceny or any other offense that is a felony in this state, or if it had been committed in this state would be a felony? If yes, have your civil rights been restored? ...”

Target Completion Date: 11/1/12

2. Logical security over access to jury information requires improvement.

Logical security over access to information stored within the jury list, jury pools, and the ACS Juror Management System requires improvement. Florida Statutes (sections 40.02 and 40.221) require the Clerk's Office to maintain security over jury lists and jury pools.

The review identified the following observations.

- a. User identifications (IDs) with full access rights to insert, edit and delete information in the ACS Juror Management System ("JURY_ALL" access) were assigned to employees with no or limited jury management duties. For example,
 - 31 active User IDs were assigned to employees who did not appear in the active MS Outlook address list and were believed to be terminated.
 - 11 employees in various Clerk's departments (Accounting, Budget & Financial Analysis, Information Technology (IT), Recording and Evidence) had full system access to information such as jury lists, summonses, attendance records, deferrals and disqualifications.
 - 18 employees in Clerk's Customer Service had full system access though their responsibilities appeared to only require inquiry or limited edit access.
 - 3 County employees had full system access but had no apparent jury management or IT support responsibilities.
- b. User ID security profiles did not adequately provide for proper segregation of duties based on functional responsibilities. For example, Accounting and IT staff had system access to Jury Management functions. Best practices indicate that system access should be set so that individuals do not have authority for more than one function related to: authorization (e.g., juror attendance and payroll records), custody of assets (e.g., jury payroll checks), recordkeeping (e.g., juror attendance and payroll checks issued), and reconciliation (e.g., juror payroll checks).

- c. User IDs were not reviewed on a periodic basis to confirm access privileges had been cancelled for terminated employees and revised for employees whose responsibilities had changed.
- d. Access to the Jury Management J:\ drive was provided to employees who are not responsible for jury management duties. All users with access to the J:\ drive have full modify access, allowing them to read, write and delete any files. For example, Clerk's IT and County ISS employees had full modify access to the database production file, jury summons database, jury payroll check files and DHSMV records.
- e. Jury pool text files and quarterly DHSMV update files are stored on the J:\ drive in non-encrypted text format without password protection, which enables unrestricted access to confidential personal information (e.g., social security numbers, drivers' license numbers and birth dates). Juror summonses do not require this confidential information.
- f. County ISS copies and electronically transmits the ACS Juror Management System production database and quarterly DHSMV files to and from the ACS secure FTP server. However, Clerk's IT could not confirm whether the database and files were encrypted and password protected during transmission as recommended by ACS.
- g. Menu Level Security has not been implemented on the ACS Juror Management System as recommended by the vendor. This would allow system access to be more effectively segregated and aligned with employee job responsibilities.

Recommendations:

- A. Perform a complete review of all individuals with User IDs to the ACS Juror Management System. Verify access is limited to employees with jury management or jury payroll responsibilities, segregating the access authority to the extent feasible so that employees only have access to the information required to perform their duties. Eliminate access for all other individuals.
- B. Implement periodic reviews to ensure that ACS Juror Management System access is cancelled for terminated employees.

- C. Perform a complete review of all individuals with access to the Jury Management J:\ drive. Verify access is required by the employees in performing their duties and terminate all other access privileges.
- D. Enhance security further by encrypting files stored on the J:\ drive to prevent unauthorized access to confidential information. The Florida Legislature passed legislation (HB 7095), which requires that the Clerk preserve the security of the source information obtained from the DHSMV and affidavits to add individuals to the Jury List.
- E. Ensure ISS is transmitting jury management information to ACS and external partners using secure encrypted files that are password protected.
- F. Consider implementing the Menu Level Security functionality on the ACS Juror Management System to so that access capabilities can be segregated and aligned with the employees' specific duties.

Management Responses:

- A. Operations management concurs with this recommendation. The Juror for Windows system access has been reviewed, updated and segregated based on user's individual duties.

Target Completion Date: Completed

IT Response: IT reviewed the list and Jury Management eliminated access to those individuals that no longer needed access to Jury for Windows system. ISS removed terminated employees and employees no longer needing access to the JURP database. Due to the way the Juror for Windows authenticate, rights to the database cannot be changed. The database access JURY ALL requires code changes by ACS; a cost estimate was requested from ACS and is pending at this time.

Target Completion Data: Completed

- B. IT Response: IT will send a quarterly list for review of all users with access to the Juror for Windows system, Jury Active Directory/Network Groups and access to the JURP database to the Jury Management team. The reports will be sent to Jury Management for review. Any changes identified by Jury Management will be reported to the Clerk's IT Help Desk. The first quarterly list was delivered to

Jury Management on July 3, 2012.
Target Completion Date: Completed

- C. Clerk's Accounting management concurs with the recommendation as it relates to Accounting employees having access to files on the J: drive. Accounting coordinated efforts with IT to create a process that allows the file used for printing checks to pass directly from the Jury Management System into PeopleSoft. Accounting staff no longer has access to the J:\ drive.
Target Completion Date: Completed

IT Response: Access to the J:\ drive is only available to Jury Management staff and IT personnel specifically for support.
Target Completion Date: Completed

- D. IT Response: IT will create new directory for DHSMV and Summon files away from the Common drive and update setting in Jury for Windows application for the Summons file.
Target Completion Date: 12/31/12

- E. IT Response: ISS is transmitting jury management information with ACS via their encrypted website.
Target Completion Date: Completed

- F. Operations management concurs with this recommendation. Recommendation to align Juror Management System access to employee's specific duties has been implemented.
Target Completion Date: Completed

3. Opportunities exist to automate manual processes to improve efficiencies.

Opportunities exist to upgrade the ACS Juror Management System or consider a replacement system to automate manual processes that are inefficient and error prone.

The vendor's support for the current system, implemented in 1998, has deteriorated since launching its newer system (ACS AgileJury). Annual maintenance (\$4,885) and quarterly updates to merge with DHSMV records (\$3,800 per quarter) result in annual costs of approximately \$20,000.

The review identified the following observations.

Jury Management Operations:

- a. The weekly calculation of jurors needed is prepared manually. Electronic transfer of judges' jury needs, calendars and automatic calculation of jurors needed has not been developed in the current system.
- b. Automated report generation has not been developed for required monthly OSCA Jury Management reports and quarterly CCOC Jurors Report forms. The sources of these two reports are different (ACS data extract and Trial Book, respectively) and the data reported is not consistent between the two sources.
- c. Juror attendance is verified and juror payroll is authorized using a complex manual process.
- d. Individuals are manually deleted from the jury list for undeliverable juror summonses.
- e. Requests for disqualifications, exemptions, excusals, postponements and other updates to the ACS Juror Management System are executed using a labor-intensive process. Such actions could be largely handled by jurors through an on-line, self service module.

Clerk's Accounting:

- f. Clerk's Accounting retrieves and prints juror attendance reports, checks lists and jury payroll checks using manual processes. A direct interface between the ACS Juror Management System and PeopleSoft has not been implemented, which would enable automated transfer of attendance and jury payroll information to PeopleSoft and assignment of check numbers in PeopleSoft. One consequence is that during our review of bank statements from July through September of 2011, we found 12 jury payroll checks could not be cleared by Clerk's Accounting in ACS JMS that was later determined, with Financial Business Analysis support, to be caused by a unique constraint match error in the ACS JMS. Accounting staff changed the first digit of rejected check numbers to an arbitrary future number outside the range of issued checks (e.g., 443298 revised to 543298) to allow the bank file to continue to match paid check data in ACS. Rejected check numbers must then be manually cleared in the ACS JMS. This manual work-around poses the risk that any unauthorized or altered check may not be detected until monthly reconciliation of the Jury Payroll bank account. We also noted that the bank Paid Check file was stored on the Clerk's Accounting S:\ drive in unsecured text file format.
- g. Clerk's Accounting processes jury payroll voided checks, returned checks, reissued checks and unclaimed funds using manual processes.
- h. Positive Pay functionality has not been implemented on the jury payroll and witness fee bank account as Wells Fargo requires a single check file. Jury payroll is generated using the Banner Financial System while witness fees are paid using PeopleSoft. ACS does not interface with PeopleSoft. IT is currently working on a solution.
- i. Scanning of cleared jury payroll and witness fee checks results in check number errors, which must be reviewed by Clerk's Accounting staff during monthly reconciliation. Our review of bank statements over three months in 2011 identified the following number of instances in which the bank misread juror check numbers during MICR line scanning: July (5), August (16) and September (20). Follow up should be performed with the bank to identify solutions.

Recommendations:

Jury Management should:

- A. Consider upgrading or replacing the current ACS Juror Management System to minimize manual processing of judicial jury requests, juror summoning, juror attendance, jury payroll, and internal and external jury list maintenance. The Florida Legislature passed legislation (HB 7095), which places administrative responsibility on the Clerk's office for developing the automated jury selection system and obtaining Chief Judge and Supreme Court Chief Justice approval of the jury selection plan as well as changes to the jury selection hardware, software and processes.
- B. Create and include an insert in juror summonses to provide information on required documentation to support requests for disqualifications, exemptions, excusals and postponements.

Clerk's Accounting should:

- C. Coordinate efforts with Clerk's IT to create a single check file that will enable Positive Pay functionality. Alternatively, in the interim, consider disbursing jury payroll and witness fees from two separate bank accounts.
- D. Develop a process to update cleared checks in the ACS JMS that does not require editing the check numbers in the bank Paid Check file. Ensure the Paid Check text files are secured and access is limited to employees requiring it.
- E. Contact the bank to determine if improvements can be made in either check printing or MICR scanning to reduce bank processing errors related to cleared checks.

Management Responses:

- A. Operations' management concurs with the recommendation. A replacement jury system will be discussed with executive management. For clarification, HB 7095 only codifies that the Chief Judge must approve of any replacement juror system. This information is also noted in AO 2.401.
Target Completion Date: 11/1/12
- B. Operations management has reviewed the recommendation to include an additional insert into the juror summons. According to Angel Alvarez, ISS Supervisor of Enterprise Operations, the machine utilized to print juror

summonses cannot produce multiple inserts. Additionally, per Chief Judge Blanc's directive regarding providing proof for excusal, this information is no longer required.

Target Completion Date: N/A

- C. Clerk's Accounting management concurs. Accounting, Finance Business Analysis and IT have completed the work necessary to move the check issuance process to PeopleSoft and a positive pay file is created and is provided to the bank. The Clerk's Office established an additional bank account to be used for Jury Payroll. The name of the current account was changed to "Witness Payroll Account".

Target Completion Date: Completed

- D. Clerk's Accounting management concurs. The text file is maintained in the folder "Reconciliation Secured" that has security permissions and only those employees who have a need to use the information have access.

Target Completion Date: Completed

- E. Clerk's Accounting management concurs. The Jury Payroll checks are printed on the same check printer as all other checks. The number of MICR scanning errors for juror checks now has an occurrence rate within the range of errors for other disbursement accounts.

Target Completion Date: Completed

4. Communication between the Judiciary and Jury Management requires improvement.

Communication between Jury Management and the Judiciary requires strengthening to improve operational effectiveness.

OSCA recommends ongoing planning and communication between the judiciary (judges and judicial assistants) and Clerk's jury managers. The judiciary is responsible for providing timely and reasonable estimates of jury panel needs. This enables Clerk's jury managers to efficiently summon and utilize jurors and establish jury pools to cover judicial needs.

We noted the following observations during the review.

- a. Administrative Order 2.402-8/11 requires judges and judicial assistants to provide advance notice of jury needs by 3:00 PM on the day prior to trial jury panels. However, the review indicated that such notice is not always timely and has been provided on the trial date.
- b. Jurors who fail to appear are not resummoned by Jury Management. Resummoning jurors is not required by Florida Statutes, but it is a best practice recommended by the OSCA as a way to increase summoning yields without imposing fines or other penalties.
- c. Jurors who fail to appear (FTA) without sufficient excuse are not tracked and reported by Jury Management to the Chief Judge. Florida Statute (Section 40.23(3)) allows for the judiciary to initiate enforcement action, including showing of just cause hearings, fines and consideration of contempt of court.
- d. An opportunity exists to reduce the number of jurors called in each day by recycling or reassigning jurors not picked for an initial trial for subsequent jury panels on the same day. Reducing jurors required may have a positive impact on jury payroll and operating efficiencies. The OSCA Jury Manual (Page 1-6) states that the approach of using "fresh jurors", who have not attended a previous jury selection panel (i.e., voir dire) on the same day, is not practical for courts operating a jury pool.

Our review of the OSCA Jury Management Indices Report for the Fifteenth Judicial Circuit (Palm Beach County) for the quarter ending September 30, 2011 indicated the following:

- The juror summoning yield of 32.5% was below the state standard of 40% and the Florida circuit court median of 41.1%.
- The percentage of jurors sent to jury panel selection (voir dire) of 55.7% was below the state standard of 100% and the Florida circuit court median of 60.8%.

Recommendations:

- A. Consider resummoning jurors who fail to appear to improve juror summoning yields.

- B. Report all jurors who fail to appear without sufficient excuse to the Chief Judge to facilitate judicial enforcement of juror summonses.
- C. Enhance communication and coordination with the judiciary to receive juror needs timely and improve juror utilization by considering same day recycling of jurors.

Management Responses:

- A. Re-summoning of jurors who fail to appear for jury service is at the discretion of the Chief Judge.
Target Completion Date: N/A
- B. At the direction of the Chief Judge (per e-mail dated July 17, 2009), Jury Management is to forward a list of jurors that fail to appear to the Chief Judge weekly for review and action. A recent Failure to Appear (FTA) report was provided to the audit team.
Target Completion Date: N/A
- C. Operations management does not concur with this recommendation. Administrative Order 2.402-8/11 provides direction to the Court, Judicial Assistants, bailiffs, etc. regarding the timeliness of ordering jurors. Additionally, management has reemphasized with the judiciary the need for timely request of jurors. Further, management recycles jurors as needed based upon the requests received by the Court and pursuant to the aforementioned AO. Jury management is in frequent contact with the judiciary regarding their juror needs.

It should also be noted that the juror yield percentage noted in this report compares Palm Beach County to the state median. In order to formulate a more accurate comparison, we suggest that the auditors compare our jury yield percentage to Palm Beach County's peer group identified for budgetary purposes as Orange, Hillsborough, Pinellas, Duval, Dade and Broward counties. The average juror yield for this group is 34%. Further, local nuances such as Broward County's ordinance that requires employers to pay employees who perform jury service are not accounted for in the OSCA yield report. Further, the number of jurors sent to Voir Dire is controlled by the Judiciary. If cases are reset, plead out, went non-jury, etc., this would cause Palm Beach County to have a lower number of jurors sent to Voir Dire.

Target Completion Date: N/A

5. Opportunities exist to improve jury management reporting and performance measures.

Opportunities exist to enhance the reporting and performance information available from the ACS Juror Management System. Management does not rely upon current system generated reports due to data inaccuracies.

The following observations were noted.

- a. Various ACS Juror Management System statistical reports (e.g., Daily Yield Report, Daily Disqualified/Excused Report, Panel Utilization Report and Current FTA Report) were printed on a daily basis though the reports were not used by management due to recognized inaccuracies and unreliability.
- b. Performance standards, measures and benchmarks, including those established by the Clerk of Court Operations Corporation (CCOC) and Office of State Court Administration (OSCA), have not been developed and implemented for internal use. Key functions have not been benchmarked against other organizations. Without established performance measurement goals, it is difficult for management to assess whether accomplishments have met organizational goals as a result of the department's efforts.
- c. The monthly OSCA and quarterly CCOC reports are not utilized to monitor performance.

Recommendations:

- A. Develop automated external and internal management reports from the ACS Juror Management System to ensure accurate, reliable and useful information.
- B. Establish key performance measures to enable comparison of actual results with organizational objectives, desired results and comparative benchmarks of other organizations.

Management Responses:

A. Operations management concurs with this recommendation. The Juror for Windows' system limitations, however, have rendered most reports unreliable. For example, as a work around, the FTA report to the Chief Judge and OSCA report to the state are manually produced by the jury team. Management is actively working with IT for potential resolutions to this issue. However, it is not known at this time if reports can be developed internally or whether system change requests are required.

Target Completion Date: 12/31/12

IT Response: IT will try to develop automated external and internal management reports from ACS Jury Management System to ensure accurate, reliable and useful information.

Target Completion Date: 12/31/12

B. Management does not concur with this statement "without established performance measurement goals, it is difficult for management to assess whether accomplishments have met organizational goals as a result of the department's efforts". The goal of the Jury Management Department is to provide a sufficient number of jurors to cover all jury trials scheduled on a daily basis. For example during the month of May 2012, the following statistical data was yielded:

Number of Jurors Summoned for service*	12,775
(*based on requests made by judiciary and best practice from OSCA's Jury Manager Manual)	
Number of Jurors Available to Serve	4,147
Number of Jurors Reporting	3,760
Number of Jurors Sent to Voir Dire	1,786**
(**based on judiciary needs)	

Administrative Orders 2.401, 2.402 and 2.403 outline administrative procedures regarding the jury office. Absent specific statewide jury management performance measures, and the fact that juries are provided to the Court in a timely, effective and efficient manner, it is Operations' management's perspective that the jury office is meeting the needs of the judiciary as outlined in the aforementioned AO's as well as organizational standards as a leader in world class customer service.

The CCOC has established limited jury performance measures regarding juror payments. The jury management team routinely meets these performance measures for jury operations as set forth by the performance measures business

rules. The Jurors Report Form for CCOC is more reflective of statistical data than standards. Management suggests that the comparison between other organizations would be relevant if compared against Palm Beach County's peer group rather than non-peer group counties.

Further, Operations' management currently utilizes the following resources to measure performance, decisions concerning workload, productivity, timeliness, accuracy, and staffing requirements.

- a) Department Resource Workload
- b) Staff Daily Activity Reports (documents work performed by each employee on a daily basis)
- c) Weekly Backlog Reports (report contains weekly volumes for mail, faxes and filing received and processed).

Target Completion Date: N/A

6. The ACS contract requires revision to restrict use of jury list information.

Florida Statute (section 40.011) requires DHSMV to deliver quarterly updates of drivers' license and ID information to the Clerk's office to enable update of jury list data. In addition, Florida Statute (section 40.02) requires the clerk of court to preserve the security of the jury lists. Jury Management has a contract with ACS to merge quarterly DHSMV updates with the Clerk's jury list records. The review identified opportunities to insert additional contract language to reduce the risk and liability of the vendor improperly using the personal information.

- a. The contract does not provide restrictions on the vendor's use, disclosure and dissemination of personal information contained in the jury list and quarterly DHSMV record updates.
- b. The contract allows ACS to utilize a national change of address (NCOA) service provider to match and update addresses contained in the jury list. However, the contract does not identify the third-party NCOA provider to be used or restrict usage of the personal information by the third-party provider.

- c. ACS service agreements are reviewed and executed on a quarterly basis. To improve efficiencies, consideration should be given to contracting with the vendor on an annual basis.

Recommendations:

- A. Revise future contracts by including provisions that require ACS to maintain the security of the jury list and require any third-party providers to maintain security of the personal information.
- B. Consider establishing an in-house capability to merge the jury list with DHSMV quarterly update records to eliminate the need to send copies of the database to third parties and reduce the risk of improper disclosure of personal information.
- C. Consider establishing annual contracts with ACS for quarterly data merges with preset dates for execution and completion of the quarterly merges.

Management Responses:

- A. Operations management concurs. The recommendation suggested in this report was implemented.
Target Completion Date: Completed
- B. IT Response: Since the ACS contract was modified (see A. above) to include a confidentiality clause for ACS and third-parties to reduce the risk for improper disclosure of personal information, there is no need for IT to explore this recommendation further.
Target Completion Date: Completed
- C. Operations management stated that the decision to switch to an annual contract versus a quarterly contract will be decided by Clerk's Office executive management. It is currently being reviewed by the vendor's legal department and has to be reviewed by the Executive Committee of the Clerk's Office.
Target Completion Date: 10/28/12

7. Written procedures require preparation and update.

Jury Management has various policies, procedures and forms to guide the Clerk's employees in performing their duties. The review disclosed that some procedures require development or update to ensure compliance with laws and regulations and adherence to internal Clerk policies. Best practices in internal controls indicate that written procedures help ensure accuracy and consistency in high-quality work.

The following observations were noted that require management attention.

- a. Procedures do not provide references to authority provided by Florida Statutes, Administrative Orders, or the Florida General Records Retention Schedule. Also, examples of documents and forms were not always provided as guidance.
- b. The Processing Mail and Phone Requests procedures and the current ACS quarterly data merge process provide for disqualification and removal from the jury list production file of qualified jurors who do not have a current DHSMV drivers' license or ID card. Such persons desiring to serve are required to execute an affidavit at the Clerk's office (Sections 40.01 and 40.011 F.S.). The affidavit was in place but the procedures and ACS quarterly merge process require update to ensure alignment with Florida Statutes. Jury Management should utilize the ACS "Required Data Merge Information" document to ensure the merge process is complete and accurate, coordinating with IT as needed.
- c. Procedures are not in place for staff or partners (Clerk's IT and County ISS) to address the following areas: quarterly merge process, creation of extra jury pools for the two to three week merge period, placement of system into data merge mode and prevention of entry of permanent data changes, secure physical storage and encryption of database and jury summons files, secure receipt and transmission of Jury Management System production database and DHSMV record files, and requirements for protection of personal information contained in the Jury Management database and jury summonses files.
- d. Jury Management provides County ISS with a file (on the J: drive) for printing juror summonses. County ISS prints the summonses in the Government Center and the mail room delivers the summonses to Jury Management in the Main

Courthouse. Existing procedures do not include a review or reconciliation of the summonses requested, printed and received prior to mailing, creating a risk of loss or improper removal.

Recommendations:

- A. Update written procedures to satisfy the gaps noted above by including:
 - 1) references to the authority of all applicable laws and regulations, Administrative Orders, and the Florida General Records Retention Schedule,
 - 2) examples of documents and forms to guide staff in their usage,
 - 3) addition of qualified persons to the jury list and ACS quarterly merge process after executing the required affidavit,
 - 4) requirements to secure file receipt and transmissions of database and jury files,
 - 5) personal information contained in the Jury Management database and Jury Summons files (linked to Recommendation #2.d),
 - 6) confirmation of receipt of juror summonses from County ISS, and
 - 7) relevant requirements from the ACS document titled "Required Data Merge Information".

Management Responses:

- A. Management concurs with this recommendation.
 - 1) All applicable procedures to include: references to the authority of all applicable laws and regulations, Administrative Orders, and the Florida General Records Retention Schedule.
Target Completion Date: Completed
 - 2) Examples of documents and forms to guide staff in their usage were existence at the time of the audit.
Target Completion Date: Completed
 - 3) Addition of qualified persons to the jury list and ACS quarterly merge process after executing the required affidavit. IT created the documentation.
Target Completion Date: Completed
 - 4) Requirements to secure file receipt and transmissions of database and jury files. IT will create documentation.

Target Completion Date: Completed

- 5) Personal information contained in the Jury Management database and Jury Summons files. IT will create documentation

Target Completion Date: 12/31/12

- 6) Upon receipt of the summons from ISS, we follow the procedure for "Preparing Summons for Delivery to the United States Post Office", which includes example of the "Summons Order Verification Form". We also confirm the number of summons received against the report validation from the Post Office regarding the number of records (summons) submitted.

Target Completion Date: N/A

- 7) Relevant requirements from the ACS document titled "Required Data Merge Information". IT will create documentation.

Target Completion Date: 12/31/12

8. Physical security and safeguard controls over jury information require strengthening.

Facilities and controls over safeguarding personnel, jury payroll checks and confidential information require strengthening.

The following observations were noted.

- Signed jury payroll checks were left out overnight in a Clerk's Accounting workstation to allow for cooling prior to sealing. Also, signed payroll checks were unsecured in the mail bin near the exit door while awaiting pickup by mailroom staff.
- The Jury Management front counter is not secured by windows or other protection.

Recommendations:

- A. Clerk's Accounting should ensure signed juror payroll checks are secured in a

safe or locked cabinet and revise procedures accordingly.

- B. Jury Management should consider improving front counter security to prevent unauthorized access.

Management Responses:

- A. Clerk's Accounting management concurs. Juror payroll checks are now secured in a locked cabinet and the procedures have been revised accordingly.

Target Completion Date: Completed

- B. Operations' management concurs with the recommendation. Jury Management has met with Facilities management to modify the opening of the door leading into the office in an effort to improve front counter to prevent unauthorized access. A request for service was submitted to Palm Beach County's Facilities to make this modification.

Target Completion Date: 10/12/12