



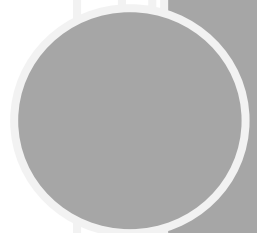
# AUDIT REPORT

DALLAS COUNTY

FY2021 JUSTICE OF THE PEACE PRECINCT 4, PLACE 1 AUDIT

Darryl D. Thomas  
Dallas County Auditor

ISSUED: 3/23/2023  
RELEASED: JUNE 13, 2023



# FY2021 Justice of the Peace Precinct 4, Place 1 Audit

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This report is intended for the information and use of the agency/department. While we have reviewed internal controls and financial reports, this review will not necessarily disclose all matters of a material weakness. It is the responsibility of the department to establish and maintain effective internal control over compliance with the requirements of laws, regulations, and contracts applicable to the department



**DALLAS COUNTY**  
COUNTY AUDITOR

**MANAGEMENT LETTER**

Honorable Judge Michael Jones Jr.  
Justice of Peace, Precinct 4, Place 1  
Dallas, Texas

Attached is the County Auditor's final report entitled "**FY2021 Justice of the Peace Precinct 4, Place 1 Audit**" Report. In order to reduce paper usage, a hard copy will not be sent through in house mail except to the auditee.

In you prefer that released reports be emailed to a different (or additional) recipient, please inform me of the name and the change will be made.

Respectfully,

*Darryl D. Thomas*

Darryl D. Thomas  
County Auditor

## EXECUTIVE SUMMARY

A review was performed in accordance with statutory guidelines on the records and reports of Justice of the Peace, Precinct 4, Place 1 for the fiscal year 2021. Priority areas of internal control weakness that need consideration by management are:

### **Summary of Significant Observations:**

1. **CASES IN E-FILE QUEUE:** 2,333 civil cases, submitted by petitioners between from 8/25/2021 until 1/24/2022 have not been accepted or rejected in the court's E-file Queue as of 1/24/2022. Of this amount 1,894 civil cases have not been accepted or rejected between 8/25/2021 until 12/31/2021. **STATUS: Verified on 8/16/2022 that all civil cases in the E-File Queue were accepted or rejected.**
2. **CASH COUNT:** 113 mailed check payments (dated 2/24/2022 to 8/31/2022) totaling \$6,233.25 were not receipted to JPAS as of 9/1/2022 including one check payment that is dated 6/16/22, but the court was unable to provide the date the check was received. **Status: As of 9/16/22 and 8/16/2022, 102 checks were receipted to the Justice of the Peace Accounting System (JPAS)**
3. **Dismissed Cases:** 35 of 40 (87.5%) cases were dismissed with several incomplete court processes or incorrectly dismissed by the court staff such as, missing Clerk's initial when the Judge's stamp was used, filing, or returning date was not entered to JPAS docket, cases were dismissed with date error or omission and of those seven files were not provided for audit review.
4. **Computer Receipts:** 38 of 43 (88%) voided computer receipts either were not reviewed by the supervisor, not marked void, did not contain an explanation for voiding, and/or the court did not retain both receipt copies. 14 of 38 (36.8%) computer receipts were improperly adjusted/deleted for a portion of the original amount posted, rather than voiding the receipt in full and re-receipting to the correct amount.
5. **Special Fund:** The Special Fund balance is \$49,913.31 of which \$20,703.48 is from cases older than 3 years that were not escheated to parties and 27 checks totaling \$12,142.71 were not posted to JPAS as a disbursement nor as a cancelation. As a result, the balance per the general ledger is \$3,510.33 less than the balance in JPAS. The court did not complete the FY2021 Special Fund Reconciliation by the start of the audit (08/10/2022).
6. **Credit Card:** 19 online credit card payments totaling \$4,074.53 were receipted to JPAS after five business days (including three posted after 16 business days)

**Repeat observations from Previous Audits:**

1. **Dismissed Cases:** Cases were dismissed without documented judicial approval.
2. **Computer Receipts:** The court continues to void receipts without management approval and does not adhere to the court's procedures for voiding receipts.
3. **Special Fund:** Case balances over 3 years were not escheated or returned to parties. The court's failure to post issued checks and check cancellations to JPAS resulted in a Special Fund balance difference between JPAS and the Bank balance.

**Only those weaknesses which have come to our attention as a result of the audit have been reported. It is the responsibility of the department management to establish and maintain effective internal control over compliance with the requirement of laws, regulations, and contracts applicable to the department.**

## INTRODUCTION

**Dallas County Auditor's Office mission is to provide responsible, progressive leadership by accomplishing the following:**

- Comply with applicable laws and regulations
- Safeguard and monitor the assets of the County utilizing sound fiscal policies
- Assess risk and establish and administer adequate internal controls
- Accurately record and report financial transactions of the County
- Ensure accurate and timely processing of amounts due to County employees and vendors
- Set an example of honesty, fairness and professionalism for Dallas County government
- Provide services with integrity
- Work in partnership with all departments to resolve all issues of the County
- Strive to utilize the latest efficient and effective technology in the performance of tasks
- Provide technical support and training in the development, implementation, and maintenance of information systems
- Hold ourselves accountable to the citizens of the County at all times
- Be responsive to the elected officials and department heads of Dallas County

The objectives of this audit are to: 1. Ensure compliance with statutory requirements2. Evaluate internal controls3. Verification of accuracy and completeness of reporting4. Review controls over safeguarding of assets

This audit covered the period of October 1, 2020 through September 30,2021.

The audit procedures will include interviews with key process owners, observation of transactions processing, data analysis and sample testing of transactions. The main system used will also be reviewed and incorporated as part of the testing of transactions.



## DETAILS

### CASH COUNT

A cash count was performed on August 16, 2022 and the following were identified:

- 113 mailed check payments (dated 2/24/2022 to 8/31/2022) totaling \$6,233.25 were not receipted to JPAS as of 9/1/2022. **Status: As of 9/16/22, 102 checks were posted to JPAS.**
- One check payment is dated 6/16/22, but the court was unable to provide the date the check was received. **Status: As of 8/16/22, the check was receipted to the Justice of the Peace Accounting System (JPAS).**

Local Government Code (LGC) § 113.022: A county officer or other person who receives money shall deposit the money with the county treasurer on or before the next regular business day after the date on which the money is received. If this deadline cannot be met, the officer must deposit the money, without exception, on or before the fifth business day after the day on which the money is received. As a best accounting practice, one person should open all the mail, record the check information received, restrictively endorse the checks, while another person posts the payment. The court does not record checks received through the mail on a check log and management does not ensure payments are posted in compliance with LGC 113.022. As a result, parties may not receive timely credit for payments made to their cases, which increase the potential risk that erroneous court fees are added. Additionally, the court delays the recognition of revenue.

### Recommendation

#### CASH COUNT

Management should implement the following procedures:

- Process and receipt payments to JPAS in accordance with LGC 113.022.
- Log checks and money orders received through the mail on a Check Log before providing to the Bookkeeper to post in JPAS.
- Designate one person to open the mail, restrictively endorse checks, and record mailed payments on the Check Log while a separate person posts payments to JPAS.

### Management Action Plan

- Office has implemented a check log to record checks and money orders received through the mail.
- One clerk is designated to open mail, endorse, and record any mailed payments on the check log.



- The 113 checks were reviewed for deposit dates. Of the 113, 10 checks were returned to sender, and 21 checks were identified as timely receipted. The remaining 82 checks were not timely receipted. 13 checks were pending at time of first audit visit, then on and after 8/16/2023, 100 checks were received in bulk. Many new petitions mailed in large boxes at once.
- New bookkeeper will ensure all checks will be receipted or returned to sender within 24 hours.

### **Auditors Response**

- None

### **MANUAL RECEIPTS**

All 10 manual receipts issued during the audit period were reviewed; it was identified that nine manual receipts were voided by the same individual, without documented management approval.

The court's voiding procedure requires the requesting clerk to complete an "Authorization to Void Transaction" form. Before voiding a transaction, the clerk must submit the form to the chief clerk for approval, document a reason for voiding, ensure all receipt copies are retained by the court, void the full amount of the receipt, and document the requesting clerk and chief clerk's initials. The chief clerk reviews manual receipt books for errors and ensure payments are accurately posted to JPAS. This occurred because management does not periodically review the manual receipt books to ensure the receipt the court's voiding procedure was not followed and relies on staff to self report voided transactions. A lack of management oversight and segregation of duties may result in inaccuracies, an incomplete audit trail, deposit delays, and present opportunities for misappropriation.

### **Recommendation**

#### **MANUAL RECEIPTS**

Management should make the following corrective actions:

- Follow the court's voiding procedure in which the requesting clerk completes and the chief clerk approves an "Authorization to Void Transaction" form. This process documents the review of void transactions by management in writing and ensure void duties are appropriately segregated.
- Ensure the chief clerk periodically reviews the manual receipt books to ensure staff are following the court's procedures.
- Mark computer receipts "Void", with a written reason for voiding, and retain all voided receipt copies at the court.





## Management Action Plan

- New bookkeeper is trained to create an "Authorization Form" and obtain approval from the Chief Clerk prior to completing the process.
- The new system Odyssey allows payments to be voided/adjusted in the system and stores all clerical notes as to the reason for the change.
- The court follows the QRGs implemented by the JP team, a practice and process that all JP courts follow.

## Auditors Response

- None

## COMPUTER RECEIPTS

All forty-three voided computer receipts issued in FY2021 were reviewed and the following were identified:

- 38 voided computer receipts either were not marked void, did not contain an explanation for voiding, the court did not retain both receipt copies, and the voids were not reviewed by the supervisor
- 14 of 38 computer receipts were improperly adjusted/deleted for a portion of the original amount posted, rather than voiding the receipt in full and re-receipting to the correct amount

All FY2021 deposits were reviewed for continuity and delays and the following were identified:

- One check payment from the 6/7/2021 deposit batch was posted to JPAS for \$30 in error, but the court did not notify the County Auditor's Office within 24 hours. **Status: IT removed the check from JPAS at the request of the department.**
- One check receipt batch from 05/12/21 was deposited on 05/24/2021, exceeding the five-day deposit requirement. The court submitted a check that did not include the micr line that contains the check number and accounting information. **Status: IT removed the checks from JPAS at the request of the department.**

The court's voiding procedure requires the requesting clerk to complete an "Authorization to Void Transaction" form. Before voiding a transaction, the clerk must submit the form to the chief clerk for approval, document a reason for voiding, ensure all receipt copies are retained by the court, void the full amount of the receipt, and document the requesting clerk and chief clerk's initials. A county officer or other person who receives money shall deposit the money without exception on or before the fifth business day after the day on which the money is received per the Code of Criminal Procedure (CCP) 103.004 and Local Government Code (LGC) § 113.022. Consistent with Dallas County Policy Section 74-692, the County Auditor's Office will be notified immediately (within one day) of any out of balance



conditions for purposes of identifying and substantiating any shortages which may subsequently require indemnification. These instances occurred because the court's voiding procedure, Dallas County Code 74.692, CCP 103.004 and LGC 113.022 were not followed and exception reports from Document Direct were not reviewed. Management also relies on staff to self-report voided transactions. A lack of management oversight and segregation of duties may result in inaccuracies, an incomplete audit trail, deposit delays, and present opportunities for misappropriation. Additionally, when receipts are voided after the customer leaves the court that customer is unknowingly in possession of a receipt that has been voided.

### **Recommendation**

#### COMPUTER RECEIPTS

Management should make the following corrective actions:

- Follow the court's voiding procedure in which the requesting clerk completes, and the chief clerk approves an "Authorization to Void Transaction" form.
- This process documents the review of void transactions by management in writing and ensure void duties are appropriately segregated.
- Ensure receipts are completely voided for the entire amount, rather than voiding for partial amounts of the original.
- Mark computer receipts "Void", with a written reason for voiding, and retain all voided receipt copies at the court.
- Periodically review Exception Reports from JPAS to monitor voided computer receipts and ensure the timely detection of errors and omissions.
- Ensure check dates, numeric amounts, and written (legal) amounts are reviewed before accepting the check for receipt and reviewed again by the chief clerk during the daily closeout to detect stale dated check and amount errors.
- Prepare and transfer deposit batches consistent with LGC 113.022 and CCP 103.004.
- Notify the Auditor's Office within 24 hours of any out of balance conditions per Dallas County Policy 74-692.

### **Management Action Plan**

- New bookkeeper is trained to generate the "Authorization Form" and obtain approval from the Chief Clerk prior to completing the process.
- The new system Odyssey allows payments to be voided/adjusted in the system and record all clerical notes as to the reason for the change.
- The court follows the QRGs regarding bookkeeping procedures and financial processes established by the JP team, a practice and process that all JP courts follow.
- The clerk verifies the check is correct to receipt, and the bookkeeper and chief clerk verify the checks prior to submitting the deposit.



## **Auditors Response**

- None

## **SPECIAL FUNDS**

Twelve monthly reconciliations were reviewed during the audit period (ending September 30, 2021) and the following were identified:

- The Special Fund balance per JPAS is \$49,913.31, of which \$20,703.48 is for cases older than three years.
- The \$49,913.31 balance per JPAS is \$3,510.33 less than the \$46,402.98 general ledger balance per Oracle.
- \$4,598.31 in case balances under \$100 can be escheated to the county.
- The court did not complete the FY21 Special Fund reconciliation by the start of the audit (8/10/2022).
- 24 disbursement checks totaling \$9,795.63 were not posted to JPAS.
- 13 check cancellations totaling \$2,347.08 were not posted to JPAS.

Twenty Special Fund check disbursements and postings to JPAS were reviewed during the audit period; it was identified that one disbursement did not reference the correct case number.

In accordance with Local Government Code Section 113.008, an official with Special Funds shall reconcile all balances and transactions in the statement of activity against the balances of the official's records (JPAS, case jackets, and bank statement) each month and ensure all financial adjustments resulting from the reconciliation are reported for entry in the general set of records and reflected in the case receipts and disbursement registers of the County Treasurer. Management should escheat funds per Property Code, § 72 and § 76 and cash bonds should be forfeited per Code of Criminal Procedure § 22. As a best accounting practice, the court should document the case number associated with each line item of a disbursement check for presentation and accuracy. Management did not comply with LGC 113.008 to ensure the Special Fund accounts were reconciled and that check disbursements and cancellations were timely posted to JPAS. The Special Fund is intended to be a temporary escrow account and balances in excess of three years were not escheated. As a result, parties entitled to funds did not receive them and may not realize they are held in escrow by the court. This also increases the risk that financial records in JPAS may be inaccurate, incomplete and that the difference between the JPAS and general ledger Special Fund balances may increase.

### **Recommendation**

#### SPECIAL FUNDS

Management should make the following corrective actions:



- Post the 24 disbursement checks totaling \$9,795.63 and 13 cancelled checks totaling \$2,347.08 to JPAS.
- Escheat \$4,598.31 in case balances under \$100 to the county and \$20,703.48 to the state.
- Complete the Special Fund reconciliation for FY2021 per LGC 113.008(f).
- Ensure checks and cancelations are accurately, completely, and timely posted to JPAS once they are first recorded to the Oracle general ledger.
- Reconcile Special Fund balances and transactions from the General Ledger against JPAS each month
- Review Special Fund reports and routinely escheat Special Funds in accordance with unclaimed property statutes, Property Code, § 72 and § 76.

### **Management Action Plan**

- The court cannot process disbursement checks at this time as the accounts in Odyssey have not been established per JP Implementation Team.
- The court will follow up with the Auditor's office again to receive training on Special Funds as requested at the time of the audit.

### **Auditors Response**

- None

## **CREDIT CARDS**

All the court's online credit card transactions and postings to JPAS during the audit period were reviewed; it was identified that 19 online credit card payments totaling \$4,074.53 were receipted to JPAS after five business days (including three posted after 16 business days).

The entire amount of each online credit card payment should be receipted to the defendant's case in JPAS by the following business day, but no later than the fifth day after the day money was received per Local Government Code (LGC) 113.022. Management relies on staff to post online credit card payment transactions, but does not ensure they are posted timely and accurately to the defendant's case in JPAS. The court did not comply with LGC 113.022. As a result, defendants may not receive timely credit for payments made to their cases.

### **Recommendation**

#### **CREDIT CARDS**

Management should make the following corrective actions:



- Post complete and accurate payments for online credit card payments to JPAS in compliance with LGC 113.022.
- Provide oversight by reviewing JP Credit Card and Settlement Reports against payments posted to JPAS to ensure all payments are accurately and completely posted.

### **Management Action Plan**

- With the implementation of the new system, Odyssey, online payments are now automatically applied to the case at the time of payment.

### **Auditors Response**

- None

## **FINE AND COURT FEE ASSESSMENT**

Twenty cases were reviewed for the assessment and collection of court costs, fines, and fees and accuracy of postings to the Justice of the Peace Accounting System (JPAS) and the following were identified:

- Two cases in which the fees and fines were not posted according to the fee schedule. In one case the administrative fee was not collected for completion of the driver safety course.
- One case in which the court collected \$362.80 for an expired/no inspection offense that was issued after the March 1, 2015, repeal date. The court should refund the entire payment.
- One case in which the time payment fee was not assessed and collected.
- One disposed case in which the return date field for an issued warrant/capias was not entered on the JPAS docket screen.

Court costs, fines, and fees should be assessed and collected in compliance with applicable state laws including Code of Criminal Procedure (CCP) Chapter 45, CCP 102, CCP 103, Local Government Code Chapter (LGC) 133 and 134, Transportation Code 542 and 706, Commissioners Court orders, and Attorney General Opinion GA-0147. Texas Transportation Code 548.602 "Failure to Display Inspection Certificate" was repealed and it is no longer a violation to operate a motor vehicle without a valid inspection certificate on or after March 1, 2015. Court costs should be assessed based on offense date and offense type. Consistent with CCP Chapter 45.017 the JPAS Docket screens should be updated as cases are filed, additional court costs are added, the date judgment is rendered, the date warrants are issued and returned, and as changes in fines or amounts are ordered by the Judge. These instances occurred due to non-compliance with state statutes, clerical errors and omissions from manual case entries, and inadequate JPAS system functionality that requires the manual entry of assessments and payments. These errors and omissions may result in the inadequate or over-collection of court costs and fine amounts and an incorrect distribution and disbursement of funds contractually and statutorily owed to other parties.

### **Recommendation**

#### **FINE AND COURT FEE ASSESSMENT**



Management should make the following corrective actions:

- Refund \$382.80 to the defendant for the expired/no inspection offense that was repealed March 1, 2015.
- Assess the court costs, fees, and fines in effect based on the offense date, per the OCA.
- Docket the assessment of additional court costs (including administrative fees, time payment fees, warrant or capias fees, etc.), fine amounts reduced by the Judge, collection fees owed, dates warrants are issued and returned to the court, and judgments rendered by the court.
- Review case records, dockets, and payments for accuracy and completeness before disposing the case.
- Review JPAS collection and docketing reports in order to detect errors and omissions.
- Ensure all court personnel consistently follow court guidelines, Commissioners Court Orders (2004-1147), Texas Statutes (CCP Ch.45, 102, 103; LGC Ch.133, 134; and TC Ch.542, and 706), and Attorney General Opinion GA-0147.

### **Management Action Plan**

- This court cannot currently refund the \$382.80 as the accounts are not established in the financial tab of Odyssey to allow a check disbursement to be requested and issued. The new case management system allows the clerk to auto assess court costs, fines, and fees according to the type of charge.
- The new system allows for recurring reports to auto assess fees as necessary.

### **Auditors Response**

- None

## **DISMISSED CASES**

Forty dismissed cases were reviewed during the audit period and the following were identified:

Eight dismissed cases in which the judge's stamp was used to grant the DA's motion to dismiss; however, we could not verify who used the stamp because the clerk's initials were not documented. Including four cases filed with the incorrect file date.

- Seven files requested for audit review were not provided; therefore, internal audit could not verify whether the District Attorney's motion was obtained, dismissal was approved by the Judge, or supporting documentation obtained.
- Seven FTA or VPTA cases were improperly dismissed by the Judge after the clerk of the court filed the complaint.
- Seven cases were docketed in JPAS with the incorrect file date.
- Three dismissed cases in which the return date field for an issued warrant or capias was not entered on the JPAS docket screen.

Three cases were docketed in JPAS with a dismissal/DA dismissal date error or omission. This includes one incorrectly docketed with a dismissal date, rather than a DA dismissal date.



Per Code of Criminal Procedure (CCP) Article 32 no case shall be dismissed without the consent of the presiding judge. Per Texas AG Opinion JH-386, "A justice of the peace may not delegate to any other person the exercise of judicial powers and duties devolved upon him by the Constitution or statutes of the state." Consistent with CCP Article 45.012 and 45.017 the JPAS court management system should be updated as cases are filed, the date judgment is rendered, and the date warrants are issued and returned as ordered by the Judge. Local government retention schedule LC states that criminal case papers, dockets, and docket sheets will be retained for a minimum of five years. A local government record may not be destroyed if any audit, public information request, administrative review, or other action involving the record is initiated. Local Government Code (LGC) 115.901 states the county auditor shall examine the accounts, dockets, and records of each justice of the peace to determine if any money belonging to the county and in the possession of the officer has not been accounted for and paid over according to law. Per the Texas Justice Court Training Center; the best practice is for either law enforcement or a prosecutor to file the complaint for VPTA or FTA. If the clerk of the court files the complaint, best practice is for the judge to either recuse or exchange benches on any matters regarding the VPTA or FTA. These instances occurred due to non-compliance with state statutes, original signatures were not obtained, and clerical errors and omissions. As a result, it is possible assets may be misappropriated when waivers and dismissals are granted without obtaining supporting authorization and when disposed cases are not reviewed by the court for completeness of supporting documentation. Missing case jackets increase the risk that assets may be misappropriated and not detected through examination of the case jacket and its contents. It is best for the court to avoid filing criminal charges against the defendant and then hearing the charges, as this raises at least the appearance of impropriety per the Texas Justice Court Training Center.

**Recommendation**

**DISMISSED CASES**

Management should make the following corrective actions:

- Locate the seven missing case files for examination by the County Auditor per LGC 115.
- Record the correct file date for the seven cases from the timestamped date in which the court received the citation, ticket and/or offense.
- Correct the three dismissal/DA dismissal date errors and omissions.
- Recall the three warrants on dismissed cases consistent with CCP Article 45.
- Require that judicial decisions, including DA (prosecution) motions for dismissal, are authorized by the Judge with the Judge's signature in compliance with CCP Chapter 32, Chapter 45, and AG Opinion JH-386.
- Request either law enforcement or a prosecutor to file the complaint for VPTA or FTA, or for the judge to either recuse or exchange benches when the clerk of the court files the complaint.
- Ensure signed dismissal orders and motions are present in the case file and that case records are reviewed for accuracy and completeness before disposing the case.
- Docket cases with accurate dates in JPAS for case filings, dismissals, DA motions for dismissal, warrants returned, judgments rendered by the court, and other relevant events.



## **Management Action Plan**

- The court acknowledges the current findings. Case files are now electronically scanned and stored in Odyssey.
- Upon case entry and any documents uploaded to Odyssey, the system automatically adds the date.
- The court no longer files FTA cases. All other dismissals as authorized by Judge but signed by the clerk shall be recorded in Odyssey by initials and as recorded by Odyssey.

## **Auditors Response**

- None

## **DISPOSED CASES**

Twenty disposed cases were reviewed and the following were identified:

Five disposed case files were requested, but were not provided to corroborate the judgment entered by the court.

- Four cases were docketed in JPAS with the incorrect file date. The date should be the timestamped file date in which the court received the citation, ticket and/or offense.
- One disposed case in which the return date field for an issued warrant/capias was not entered on the JPAS docket screen.

Local government retention schedule LC states that criminal case papers, dockets, and docket sheets will be retained for a minimum of five years. A local government record may not be destroyed if any audit, public information request, administrative review, or other action involving the record is initiated and the resolution of all issues that arise from it or until the expiration of the retention period of the record, whichever is later. Local Government Code (LGC) 115.901 states the county auditor shall examine the accounts, dockets, and records of each justice of the peace. Consistent with Code of Criminal Procedure (CCP) Article 45.012 and 45.017 the JPAS court management system should be updated as cases are filed, additional court costs are added, the date judgment is rendered, the date warrants are issued and returned, and as changes in fines or amounts are ordered by the Judge. Per Dallas County Code Sec. 98-6 (a) elected officials who designate themselves as the records management officer for their office will cooperate with the Commissioners Court and the county records management officer on records management issues. Management did not adhere to Texas retention schedule LC, CCP 45.017, and LGC 115.901. Management also does not review cases for docketing errors. Missing case files increase the risk that assets may be misappropriated and not detected through examination of the case file and its contents or that parties requesting timely access to information may not obtain it. Additionally, inaccurate docket information presented on the docket may affect reporting of cases to internal and external parties relying on accurate records.





## **Recommendation**

### DISPOSED CASES

Management should make the following corrective actions:

- Locate the five missing case files for examination by the County Auditor per LGC 115.
- Record the correct file date for the four cases from the timestamped date in which the court received the citation, ticket and/or offense.
- Return the warrant and update JPAS with the date the warrant was returned.
- Review case records and dockets for accuracy and completeness before disposing the case.
- Ensure the preservation and five year retention of criminal case records per local government retention schedule LC.
- Utilize Odyssey court management system to scan and electronically store case records when it goes live 10/31/2022.
- Ensure that case files are appropriately labeled and classified prior to transport to county archives.
- Communicate records management issues to the Records Management Officer per Dallas County Code Section 98-6 (a).

## **Management Action Plan**

- Four files could not be located in the office, after search in the file room and a request from archive. JT1902949G was received from archive and provided to the auditor. Case was returned to us to refile.
- Upon case entry and any documents uploaded to Odyssey, the system automatically adds the date.
- Warrants have been recalled and the return dates have been added.
- Case files are now electronically scanned and stored in Odyssey.

## **Auditors Response**

- None

## **WARRANTS**

The JP Warrant Error report dated 08/11/2022 was reviewed; it was identified that one case marked inactive (disposed) has an active warrant. Per the Code of Criminal Procedure (CCP) Art. 45, "A justice or judge shall recall an arrest warrant for the defendant's failure to appear if the defendant voluntarily appears to resolve the amount owed and the amount owed is resolved." The court shall recall a capias pro fine under the same conditions. This occurred because the court did not adhere to CCP Article 45. As a result, this poses a potential liability to the County for persons arrested in error.

## **Recommendation**

### WARRANTS

Management should make the following corrective actions:



- Recall warrants and capias on disposed cases consistent with CCP Article 45.
- Consistently review the Warrant Error Report to recall active warrants on disposed cases and those paid in full.
- Communicate active warrant discrepancies with the Constable's office.

### **Management Action Plan**

- Warrants have been recalled.
- Provide for training and follow QRG to follow proper steps to dispose cases and recall warrants.

### **Auditors Response**

- None

## **CIVIL CASES**

Twenty civil cases (brought by a non-government entity from the Justice Fee Exception List) in which filing fees were not paid at the time of filing were reviewed and the following identified:

- Six cases were initially set up in JPAS with an incorrect case number/type, but a reason was not provided in the JPAS comments to reference the correct case.
- Two case files requested for audit review were not provided. In one case, the plaintiff's payment was posted to the incorrect case.
- One civil case was dismissed for want of prosecution, but the order was not signed by the judge.

Each clerk shall keep a file docket which shall show in convenient form the number of the suit, the names of the attorneys, the names of the parties to the suit, and the nature thereof, and, in brief form, the officer's return on the process, and all subsequent proceedings had in the case with the dates thereof, consistent with Rule 25, 165a and 306a of the Texas Rules of Civil Procedure. Filing fees should be collected and applied to the initiating party's case in compliance with Local Government Code (LGC) 118.121, 118.122, and 118.123 and 118.131. Local government retention schedule LC states that criminal case papers, dockets, and docket sheets will be retained for a minimum of five years. A local government record may not be destroyed if any audit, public information request, administrative review, or other action involving the record is initiated. Local Government Code (LGC) 115.901 states the county auditor shall examine the accounts, dockets, and records of each justice of the peace. Per Dallas County Code Section 98-6 (a) Elected officials who designate themselves as the records management officer for their office will cooperate with the Commissioners Court and the county records management officer on records management issues. This occurred due to clerical errors made in the manual process of setting up new civil cases and updating JPAS, non-compliance with state statutes, and were not detected through review of the Justice Fee Exception List. As a result, JPAS docketing errors and incomplete records may occur when civil cases are not reviewed by the court for



completeness and accuracy. Missing case files increase the risk that assets may be misappropriated and not detected through examination of the case file and its contents or that parties requesting timely access to information may not obtain it.

### **Recommendation**

#### **CIVIL CASES**

Management should make the following correct actions:

- Locate the two missing case files for examination by the County Auditor, per LGC 115.
- Update JPAS comments for the six cases indicating each was set up in error and reference the correct case number/type.
- Obtain the judge's signature for dismissals per the Rules of Civil Procedure 165a.
- Review the Justice Fee Exception List from Document Direct for civil cases filed without a payment and for posting errors or omissions.
- Ensure case records are accurate and reflect a complete account of case activities, including reasons for not collecting filing fees.
- Ensure the preservation and five year retention of criminal case records per local government retention schedule LC.
- Utilize Odyssey court management system to scan and electronically store case records when it goes live 10/31/2022.
- Ensure that case files are appropriately labeled and classified prior to transport to county archives.
- Communicate records management issues to the Records Management Officer per Dallas County Code Section 98-6 (a).

### **Management Action Plan**

- Cases are now electronically scanned and stored in Odyssey.
- Reports will be generated to identify cases filed without payment or include payment errors.
- Cases generated in error are now referred to the chief clerk to record the error and dispose the case.

### **Auditors Response**

- None

## **CASE DELETIONS**

Defendant/Plaintiff (D/P) Log reports were reviewed during the audit period; it was identified that one case was deleted without management review.



There are no means to determine if financial activity was recorded to the deleted cases. As a best practice, management should not permit the deletion of cases and periodically review D/P Log Reports to ensure that case deletions do not occur. There is limited system functionality for assigning security roles and rights in JPAS, which allows court staff to delete cases. Management relies on staff to self-report case deletions, but does not monitor D/P Log Reports to detect and review unreported case deletions. Deleting cases in JPAS increases the risk that assets may be misappropriated and not detected by management. Deleting cases can result in the loss of receipt records, case notes, docketing information, and other actions posted by the court without an audit trail.

### **Recommendation**

#### CASE DELETIONS

Management should make the following corrective actions:

- Not permit staff to delete cases.
- Write a comment in JPAS explaining errors that occur on cases rather than deleting cases to keep a complete audit trail of cases.
- Ensure management, rather than staff, routinely monitor D/P Log Reports for case deletions and communicating with staff when they occur.
- Review circumstances surrounding each case deletion to understand the effect, impact, and reduce likelihood of reoccurrence.
- Work with Dallas County IT to limit system rights and roles based on the user's core job duties.

### **Management Action Plan**

- Clerks are not provided rights or roles to delete a case. If a case is generated in error, the clerk notifies the chief clerk to dispose the case.

### **Auditors Response**

- None

## **CASES IN E-FILE QUEUE**

2,333 civil cases, submitted by petitioners between from 8/25/2021 until 1/24/2022 have not been accepted or rejected in the court's E-file Queue as of 1/24/2022. Of this amount 1,894 civil cases have not been accepted or rejected between 8/25/2021 until 12/31/2021. **STATUS: Verified on 8/16/2022 that all civil cases in the E-File Queue were accepted or rejected.**

Rule 20(f)(5) of the Texas Rules Of Civil Procedures states "Unless a document must be filed by a certain time of day, a document is considered timely filed if it is electronically filed at any time before midnight (in the court's time zone) on the filing deadline. An electronically filed document is deemed filed when transmitted to the filing party's electronic filing service provider. Additionally, Rule 20(f)(6) for



a Technical Failure states "If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from the court. If the missed deadline is one imposed by these rules, the filing party must be given a reasonable extension of time to complete the filing." Management has not retained the personnel to manage the cases submitted to the E-File Queue. A back log in case filings increases the risk that justice is delayed for petitioners filing suit with the court. As petitioners continue to E-file cases with the court the number of cases in the E-file Queue may increase.

### **Recommendation**

Cases in E-File Queue

Management should make the following corrective actions:

- Hire personnel in open clerk positions.
- Assign multiple staff to process the back log of cases submitted to the E-File Queue, prioritizing the oldest cases first.
- Ensure personnel process cases during non peak hours and times of low traffic at the courts.
- Troubleshoot E-Filing issues with Tyler Technology's E-File and IT contact.

### **Management Action Plan**

- The court has submitted for additional personnel to address the increasing number of e-filings.
- E-files are assigned by case type and type of filing to specific clerks.
- The court encountered numerous e-file and technical issues that created a delay in Aug 2021-Dec 2021. Still troubleshooting e-file issues with Tyler Technology and IT.
- Work with Odyssey team to establish batch processes to more efficiently process e-filed cases and motions due to the large volume and time it takes to process.

### **Auditors Response**

- None

cc: Darryl Martin, Commissioners Court Administrator