

YOUNGSTOWN MUNICIPAL COURT
YOUNGSTOWN REGION, MAHONING COUNTY
PERFORMANCE AUDIT
OCTOBER 1998 THROUGH JANUARY 1999

**YOUNGSTOWN MUNICIPAL COURT
MAHONING COUNTY**

TABLE OF CONTENTS

TITLE	PAGE
Executive Summary	
Summary of Recommendations	
Organizational Structure and Communication	2-3
Increased Productivity of Employees and Services	3-4
Enhance Revenue and Reduce Expenditures	4-5
Improve Utilization of Technology	5-6
Conclusion	6
Introduction	
Project History	7
Objectives and Scope	8
Court Overview	8-10
Methodology	10-11
Peer Court Information	12-17
Governance and Management	18-21
Chief Bailiff/Court Administrator	22-24
Inside Bailiffs	25-26
Outside Bailiffs	27-28
Judges' Secretaries (Bailiffs)	29-30
Probation Department Bailiffs	31-34
Parking Ticket Office Bailiffs	35-36
Uncollected Fines	37-38
Magistrates	39-41
Court Computerization	42-45
Facilities	46-47

Executive Summary

The Auditor of State's Office was requested by the three Youngstown Municipal Court judges to perform a performance audit of certain Court operations. The objectives of the audit were to review operations of the Bailiff's department, as well as the implementation of a computer accounting system for the Clerk of Court.

The Youngstown Municipal Court has recognized the need to improve the operations of the Court. The Court is in the process of installing a computer system in the Court and Clerk of Courts offices. It has identified a need to increase communications with employees, improve training and job satisfaction, more efficiently utilize the facilities, and better serve the individuals that deal with the Court.

Based on our analysis of the Court's operations and implementation of its computer systems, we identified four areas of opportunity for increasing the economy and efficiency of its operations.

- **Organizational structure and communication**
- **Increased productivity of employees and improved services provided to individuals who deal with the court**
- **Enhance revenues and reduce expenditures**
- **Improve utilization of technology**

Summary of Recommendations

The results of the performance audit indicate there are a number of areas where efficiencies in operations are available to the Court. Many of these recommendations will have an economic benefit to the Court. The performance audit should be used as a management tool by the Court to improve operations within certain areas and assist the Court in providing services to individuals dealing with the Court. A summary of the major recommendations is contained within this Executive Summary. However, the following sections of this report contain the thorough analysis of eleven areas of Court operations. All interested parties are encouraged to read the entire report.

It is important to note this performance audit is not a financial audit. Therefore, it was not within the scope of this work to conduct a comprehensive and detailed examination of the Court's fiscal records and past financial transactions.

The following is a summary of the major recommendations found in some of the individual sections of this report.

Organizational Structure and Communication

- **The Court should continue in its efforts to develop and implement a strategic plan including a mission statement that clearly identifies the overall objectives of the Court.** These areas will provide the framework necessary for the Court employees to perform their required duties. The strategic plan needs to address court resources, facility improvements, court staffing and technology.
- **A specific chain of command should be developed for employees to follow. The court should adopt formal job descriptions.** Employees should know who their immediate supervisors are and report to them accordingly. The employees should be classified based on their formal job descriptions.
- **A detailed Policies and Procedures Manual should be adopted by the Judges.** This manual should be prepared and implemented by the Court Administrator. This would provide a reference source for employees to better understand job responsibilities. It would also indicate requirements for employment and the rules and conditions of employment. All employees should receive a copy of the manual for their reference. Employees should be responsible for reviewing and understanding the manual. The manual should be periodically updated for changes in policy and procedure. These changes should be communicated to employees.
- **The Judges should review the authorized staff levels and have City Council enact the necessary ordinances to reflect current Court requirements.** Ordinances have been passed through the years creating and amending authorized staffing level for the Court. Several positions remain unfilled or are not needed. These unnecessary positions should be abolished. There were 35 positions authorized and 20 positions filled. The total annual salary at authorized strength would be \$1,088,716. The total annual salary cost during our review was \$626,549.
- **In order to effectively perform the duties of supervision and administration, the Chief Bailiff and Court Administrator should be two separate positions based on the size and complexity of the Youngstown Municipal Court.** The Chief Bailiff's duties should include handling of executions, overseeing jury notification, and filling in for inside and outside bailiffs. The Court Administrator's duties should include overseeing the operations of the Court including the Chief Bailiff's Office and preparing and monitoring the Court's budget. The Administrator should review and analyze the current court systems and make

recommendations for improvement to the Judges. The Administrator should be responsible for preparing a Policies and Procedures manual for the Judges to approve for the Court.

Increased Productivity of Employees and Improved Services Provided to Individuals Who Deal with the Court

- **A training needs assessment should be performed by the Court.** Appropriate training would give employees the skills they need to perform their duties more efficiently.
- **The Court should provide funds for employees to belong to professional organizations.** This would enable Court employees to keep current on issues that affect their jobs.
- **Immediate supervisors should regularly review and sign off on the time cards of Court employees and the Court should institute a formal policy regarding work hours for employees to follow.** This would provide assurance that employees are accurately recording time worked and eliminate the confusion amongst employees over what constitutes a full work day.
- **The Judges should consider adopting the policy of having most complaints filed by the police department to speed up the arraignment process.** All complaints were filed by the Prosecutor's Office. The process caused delays in arraignments and waiting for case files due to duplication of work performed by several offices. The police officers and prisoners spent significant amounts of time waiting in the courtroom during these delays.
- **The Judges should develop a policy to assign cases by random lot in accordance with the Ohio Supreme Court Rules of Superintendence Rule 36.** The assignment of cases should be performed by a court employee other than an inside bailiff. This would eliminate the possibility of inside bailiff's scheduling cases to favor their court.

- **The Outside Bailiffs should mail garnishments instead of serving them personally. The Outside Bailiffs should serve the criminal subpoenas.** This would free up Police Officers, who are currently serving the criminal subpoenas inside the City of Youngstown, to concentrate on law enforcement.
- **Software and training should be provided to the Judge's Secretaries to assist them in case tracking and reporting.** There are several software options available to assist in case tracking and reporting. The Supreme Court of Ohio offers a training seminar on completing the required Supreme Court reports.
- **The Judges should appoint counsel to represent indigent criminal defendants.** This is an important duty of the Judges and should not be delegated to the Judges' secretaries.
- **The Probation Officers should meet with the probationers each month to increase the effectiveness of the probation program.** This may require additional staff or an effort by the Judges to reduce the Probation Officers' caseload by considering alternatives to probation. Probation Officers should not be used to fill in for absent court employees and should not be in court for substantial periods of time. The current caseload per Probation Officer greatly exceeds the caseloads handled by the Probation Officers at the peer courts. A workload model should be developed to help the Probation department better manage their caseload.
- **The Judges and Clerk of Court need to make a decision regarding who will oversee the Parking Ticket Office.** There is a disagreement between the Judges and the Clerk of Court as to who should be responsible for this department.
- **Monday arraignments should be held in Courtroom #1 until video arraignments are implemented.** There is a high volume of arraignments on Mondays and Courtroom #1 is larger and would provide more security than the other two courtrooms currently being used.

Enhance Revenue and Reduce Expenditures

- **The Court Administrator should contact the Ohio Public Defender's Office to obtain proper procedures for receiving reimbursements for fees paid to attorneys representing indigent defendants.** The Court paid \$226,965 to attorneys from 1995 through 1998. Of this amount, the Court may have been eligible to receive approximately \$90,786 from the Ohio Public Defender's Office. The Court Administrator should check into possible reimbursements for fees paid in prior years.

- **The Court should require landlords to obtain movers for evictions and limit bailiffs involvement to supervising the eviction.** This would reduce the City's exposure to liability. It would eliminate the City's need to hire the subcontractors and therefore eliminate the accounting for the receipt and expenditure of funds involved in this transaction.
- **The Court could increase revenue by increasing its efforts to collect \$896,000 in unpaid fines and court costs.** A formal policy for collecting unpaid fines and costs should be adopted by the Court. This policy should address methods of payment, delinquency notification, and all necessary follow up procedures. They should also look into obtaining a grant to provide funds for a collection officer.
- **We identified potential future savings for the Court and potential cost recovery for the Court in the amount of \$145,357.** The Magistrates should receive a portion of their salary from Mahoning County. The Court should contact County Officials to inform them of the amount payable to the Magistrates as provided by state statute. The amount spent by the Court for Magistrates' salaries from 1995 through 1998 was \$363,392. Of that amount approximately \$145,357 should have been paid by the County. The Court should negotiate with the County to recover payment for past eligible expenses.
- **The Judges should evaluate and formally adopt rules governing the duties, working hours and benefits of the Magistrates.** The Judges must decide if they are classified as full or part time, and if classified as part time, they should address prior accrued sick leave. The resolution of this issue may result in prospective savings in future severance payments of up to \$1,957 annually based on the current magistrate salary.
- **The Court should verify that all user needs were met by the computer vendor, GBS, before they make their final acceptance of the system.** We identified user needs that were not met in the contract with the computer vendor.

Improve Utilization of Technology

- **A detailed implementation schedule should be established for all software functions that have not yet been installed.** This schedule should include all aspects of implementation including; software installation date, testing date, training dates, court personnel deadline for data entry and conversion, and sign-off date of acceptance by the Court.

- **A cost table should be maintained, in the computer program, for the court costs associated with the various types of standard Civil Division cases.** The program should input these costs based on the case type. This would reduce time needed for data entry and increase accuracy.
- **The bonds should be entered into the computer system. If the Clerk of Court's office is unhappy with the software for bonds they should meet with the software vendor and have them modify the software to better meet their needs.** The Clerk of Court's office accounted for, tracked, and reconciled bonds manually. They used the bond subsystem for approximately a month and a half and decided it was easier to handle the bonds manually.
- **The judgement entries made by the Judges should be entered into the computer and approved by the Judge in the courtroom at the time the decision is made. The docket should be updated at the time of the Judge's approval.** Entering information as close to its point of origin as possible eliminates some of the data entry errors that may occur later and reduces the amount of data entry time.

Conclusion

A high turnover of Judges, poor facilities, and a poorly defined organizational structure has a negative effect on the efficiency and effectiveness of court operations. However, the Youngstown Municipal Court's management is taking positive steps to enhance its operations, in that, they are in the process of implementing a computer system, instituting a drug court, and exploring video arraignment. The Court is also in the process of hiring a Court Administrator. The Court further has established a facilities committee to address the possibility of new construction or leasing a facility that would provide adequate space and security for the administering of justice.

With the implementation of these new processes and in conjunction with the results of this report, the Court will be taking positive strides to improve the efficiency and effectiveness of its operations.

Introduction

Project History

The Auditor of State's Office was requested by the three Judges of the Youngstown Municipal Court to complete a performance audit of the Youngstown Municipal Court's operations. The Auditor of State's Office conducted the performance audit to identify areas for operational improvement. The results of the Performance Audit were reviewed on August 25, 1999 by:

- Judge Robert A. Douglas, Jr.
- Judge Robert P. Milich
- Rosemary Durkin, Clerk of Court
- Douglas Stephens, Associate Director Supreme Court of Ohio
- Elsa Russo, Systems Administrator
- Lisa M. Stanar, Court Administrator

The goal of this report is to provide recommendations to improve the efficiency and effectiveness of the Bailiff's department and to provide the Clerk of Court's office with recommendations to ensure a successful implementation of a computerized accounting system and make suggestions to improve efficiencies in the Clerk's operations as a result of an enhanced use of technology.

The project included conducting meetings with various key individuals responsible for the oversight of the Court's operations, including Judges, Court Administrator/Chief Bailiff, and Chief Probation Officer. Interviews were also conducted with key employees of the Court. Departmental operations were reviewed and evaluated and a preliminary understanding of the Court's operations was gained. These procedures established the framework for completing the performance audit. The remaining procedures followed in the performance audit are contained under subheadings of Objectives and Scope, and Methodology contained in this Introductory Section.

The performance audit focuses on certain operations performed by the Court. The decision for this focus was based on the Judges' request for a performance audit of the court operation which would include some aspects of the Clerk of Court Office.

The performance audit covered the following areas of the Court's operations:

- Governance/Management
- Chief Bailiff/Court Administrator
- Inside Bailiffs
- Outside Bailiffs
- Judges' Secretaries (Bailiffs)
- Probation Department Bailiffs
- Parking Ticket Office Bailiffs
- Uncollected Fines
- Magistrates
- Court Computerization
- Facilities

Objectives and Scope

The objectives of the performance audit were to provide the Court with recommendations and suggestions to:

- Improve the organizational structure of court system and communication among court employees
- Increase the productivity of employees
- Improve accuracy and accountability of court records and processes
- Increase and improve overall service provided to individuals who have dealings with the Court
- Suggestion to enhance revenue and reduce expenditures

The scope of the audit was to apply the above objectives to certain aspects of the Bailiff's department and the implementation of a new computer system at the Clerk of Court Office. In doing so, we reviewed the following:

- The Court's policies and procedures
- The duties and responsibilities of the Bailiff department staff
- The functions performed by the Magistrates
- The process by which the Clerk of Court computer system was being implemented
- The physical condition of the Court facilities

Court Overview

The Court consists of three full time elected Judges, two appointed Magistrates, an elected Clerk of Court and their respective staff. The Court's jurisdiction encompasses the City of Youngstown. The population of the City of Youngstown is 95,000.

The following statistics were contained in The Ohio Courts Summary 1997, compiled by The Supreme Court of the State of Ohio.

OVERALL CASELOADS

Population		New filing, transfers, reactivations	
Judges	3	Total	22,185
Total	95,000	Per Judge	7,395
Per Judge	31,667	Per 1,000 population	234
		Terminations	
		Total	22,389
		Per Judge	7,463
		Per 1,000 population	236

INDIVIDUAL CASE TYPE CASELOADS

Felony

Cases Pending 1/1/97	307
New filings, transfers, reactivations	1,361
New filings, transfers, reactivations per judge	454
Terminations	1,642
Terminations per judge	547
Cases Pending 12/31/97	26

Misdemeanor

Cases Pending 1/1/97	239
New filings, transfers, reactivations	4,376
New filings, transfers, reactivations per judge	1,459
Terminations	4,334
Terminations per judge	1,445
Cases Pending 12/31/97	281

Operating a Motor Vehicle While Under the Influence

Cases Pending 1/1/97	104
New filings, transfers, reactivations	882
New filings, transfers, reactivations per judge	294
Terminations	823
Terminations per judge	274
Cases Pending 12/31/97	163

Other Traffic

Cases Pending 1/1/97	523
New filings, transfers, reactivations	8,844
New filings, transfers, reactivations per judge	2,948
Terminations	9,201
Terminations per judge	3,067
Cases Pending 12/31/97	166

Personal Injury

Cases Pending 1/1/97	99
New filings, transfers, reactivations	194
New filings, transfers, reactivations per judge	65
Terminations	239
Terminations per judge	80
Cases Pending 12/31/97	54

Contracts

Cases Pending 1/1/97	577
New filings, transfers, reactivations	4,419
New filings, transfers, reactivations per judge	1,473
Terminations	3,458
Terminations per judge	1,153
Cases Pending 12/31/97	1,538

Forcible Entry Detainers

Cases Pending 1/1/97	220
New filings, transfers, reactivations	1,201
New filings, transfers, reactivations per judge	400
Terminations	1,111
Terminations per judge	370
Cases Pending 12/31/97	310

Other Civil

Cases Pending 1/1/97	610
New filings, transfers, reactivations	14
New filings, transfers, reactivations per judge	5
Terminations	888
Terminations per judge	296
Cases Pending 12/31/97	17

Small Claims

Cases Pending 1/1/97	173
New filings, transfers, reactivations	894
New filings, transfers, reactivations per judge	298
Terminations	977
Terminations per judge	326
Cases Pending 12/31/97	90

Source: The Ohio Courts Summary 1997
 Provided by: The Ohio Supreme Court

Financial Information for the Youngstown Municipal Court**Receipts and Distributions**

Total Fines, Fees, and Court Cost Received by the Court in 1998	\$1,510,475
Total Distributed to the City of Youngstown in 1998	\$1,006,060
Total Distributed to Other Government Subdivisions in 1998	\$504,415

Expenditures

<i>Judges' Office and Bailiffs' Office</i>	
Number of employees	23
Total 1998 Operating Expenditures	\$978,892

<i>Clerk of Court</i>	
Number of employees	24
Total 1998 Operating Expenditures	\$814,044

<i>Jury Commission</i>	
Total 1998 Operating Expenditures	\$500

Fringe Benefits Paid on behalf of Court Employees in 1998	\$638,355
Capital Expenditures of the Court in 1998	\$259,750

Methodology

To complete the performance audit, we gathered and analyzed a significant amount of data pertaining to the operation of the Court. We conducted interviews with Judges and other Court employees. For comparison purposes we conducted interviews and information from the Judges and employees of three peer Municipal Courts.

In assessing the various court functions, the Judges were interviewed along with other key Court employees to determine areas of concern and possible suggestions to increase the effectiveness and efficiency in the operations of the Court. In addition to assessing this initial information, the State Auditors spent significant amount of time gathering and reviewing other pertinent documents and information.

Examples of reports and other data sources which were reviewed include:

- The Rules of Practice of the Court
- The Ohio Courts Summary 1997 prepared by The Supreme Court of the State of Ohio
- Preliminary Assessment of the Operations of the Youngstown Municipal Court by the Supreme Court of Ohio, dated June 1998
- Individual Judges' reports prepared by the Judges' Secretary submitted monthly to The Supreme Court of the State of Ohio
- The Court's budget for the past 3 years prepared by the City's Finance Department
- A listing of amounts paid to attorneys for handling indigent cases as prepared by the City's Finance Department
- The Youngstown Municipal Court 1997 annual report

Numerous interviews and discussions were held with many levels and groups of individuals involved internally and externally with the Court. These interviews were invaluable in developing the overall understanding of the Court operations and, in some cases, were useful sources in identifying concerns with the Court's operations and in providing recommendations to address those concerns. Examples of the organizations and individuals which were interviewed include:

- Judges of the Court
- Clerk of Court
- Chief Probation Officer
- Bailiffs
- Prosecutors
- Defense Attorneys
- The Mahoning County Bar Association
- Police Officials
- Various officials and key employees at the Courts of Elyria, Canton, and Cuyahoga Falls, respectively

The Elyria, Canton and Cuyahoga Falls Municipal Courts were selected as peer courts for the purpose of providing benchmark comparisons with the Youngstown Municipal Court. Canton and Elyria were chosen based on population, caseload, and case types. Cuyahoga Falls was chosen primarily because their computer system is the system that is being installed at the Youngstown Municipal Court.

The following information is provided for comparative purposes:

Comparison of Case Loads				
	Youngstown	Elyria	Cuyahoga Falls	Canton
OVERALL CASELOAD				
Population	95,000	94,873	160,124	192,569
Judges	3	2	2	4
Per Judge	31,667	47,437	80,062	48,142
New filing, transfers, reactivations	22,185	22,041	31,026	30,442
Per Judge	7,395	11,021	15,513	7,611
Per 1,000 population	234	232	194	158
Terminations	22,389	22,180	32,144	31,321
Per Judge	7,463	11,090	16,072	7,830
Per 1,000 population	236	234	201	163
INDIVIDUAL CASE TYPE CASELOADS				
<i>Felony</i>				
New filings, transfers, reactivations	1,361	695	739	1,392
New filings per judge	454	348	370	348
<i>Misdemeanor</i>				
New filings, transfers, reactivations	4,376	3,401	3,083	4,569
New filings per judge	1,459	1,701	1,542	1,142
<i>Operating Motor Vehicles While Under the Influence</i>				
New filings, transfers, reactivations	882	1,565	1,153	1,148
New filings per judge	294	783	577	287
<i>Other Traffic</i>				
New filings, transfers, reactivations	8,844	12,228	22,836	15,970
New filings per judge	2,948	6,114	11,418	3,993
<i>Personal Injury</i>				
New filings, transfers, reactivations	194	225	165	303
New filings per judge	65	113	83	76
<i>Contracts</i>				
New filings, transfers, reactivations	4,419	1,775	1,469	4,152
New filings per judge	1,473	888	735	1,038
<i>Forcible Entry Detainers</i>				
New filings, transfers, reactivations	1,201	846	605	1,624
New filings per judge	400	423	303	406
<i>Other Civil</i>				
New filings, transfers, reactivations	14	87	106	142
New filings per judge	5	44	53	36
<i>Small Claims</i>				
New filings, transfers, reactivations	894	1,219	870	1,145
New filings per judge	298	610	435	286

Source: The Ohio Courts Summary 1997

Provided by: The Ohio Supreme Court

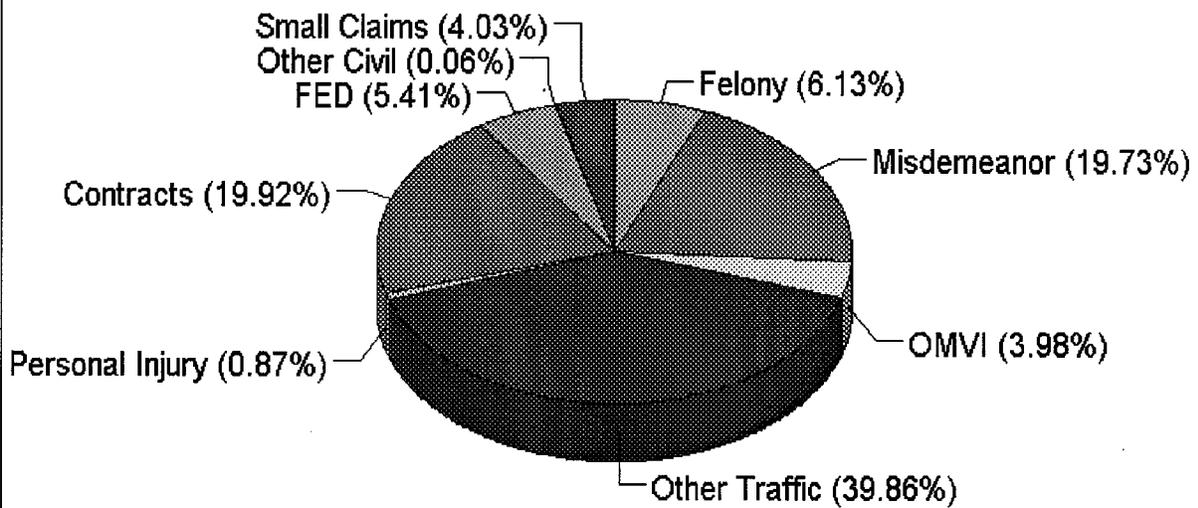
Note: The totals do not agree to the sum of the individual case types. However, this was taken directly from the Ohio Courts

Further comparative analysis of average caseload per Judge as taken from the Supreme Court data presented on the previous page:

	<i>Youngstown</i>	<i>Elyria</i>	<i>Cuyahoga Falls</i>	<i>Canton</i>
New filings, transfers and reactivations	22,185	22,041	31,026	30,442
Less Other Traffic (Judges have little or no involvement with these cases, most are handled by the Magistrates or violation bureau)	<u>(8,844)</u>	<u>(12,228)</u>	<u>(22,836)</u>	<u>(15,970)</u>
Cases Remaining	13,341	9,813	8,190	14,472
# of Judges	<u>3</u>	<u>2</u>	<u>2</u>	<u>4</u>
Average Caseload per Judge, excluding Other Traffic	<u>4,447</u>	<u>4,907</u>	<u>4,095</u>	<u>3,618</u>

Youngstown

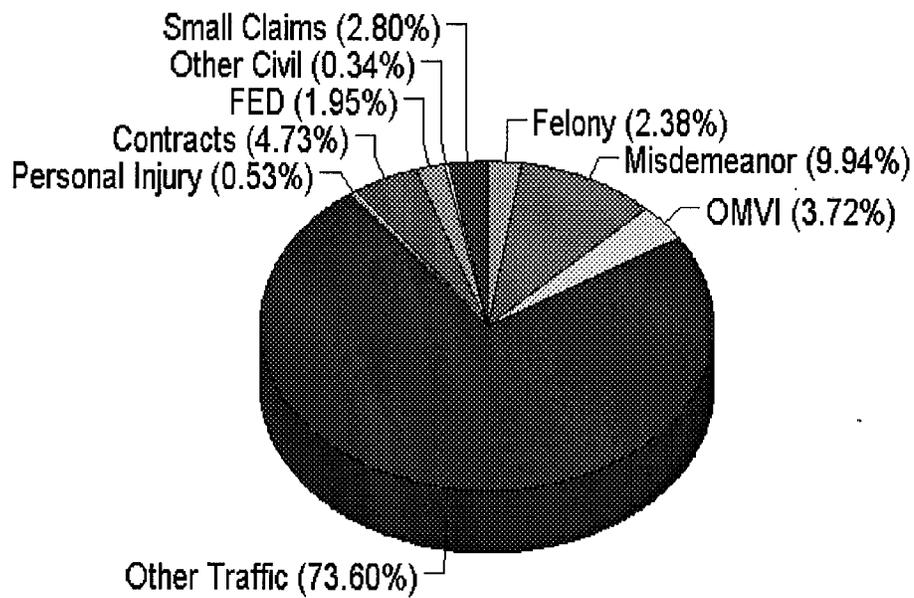
New Case Filings



Source: The Ohio Courts Summary 1997
Provided by: The Supreme Court of Ohio

Cuyahoga Falls

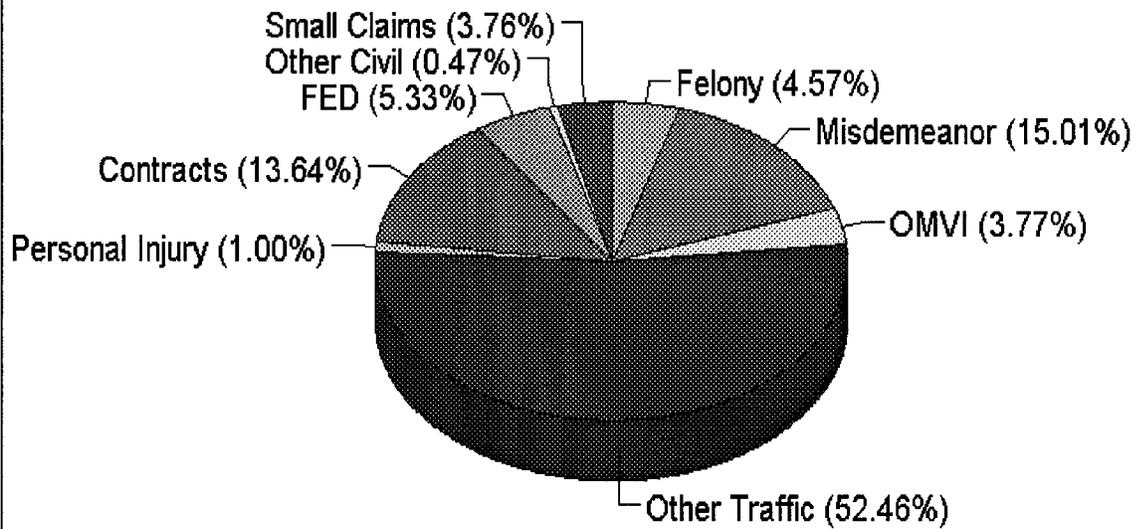
New Case Filings



Source: The Ohio Courts Summary 1997
Provided by: The Supreme Court of Ohio

Canton

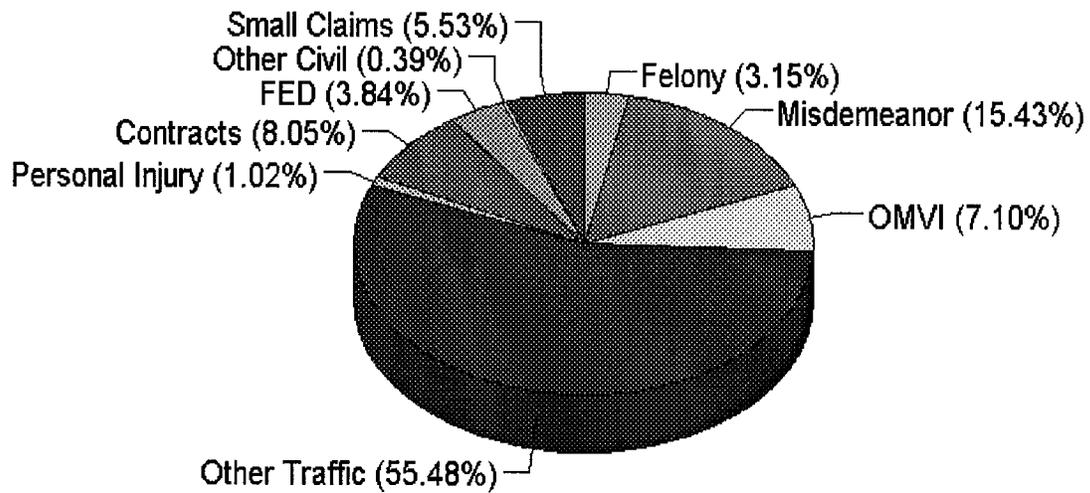
New Case Filings



Source: The Ohio Courts Summary 1997
Provided by: The Supreme Court of Ohio

Elyria

New Case Filings



Source: The Ohio Courts Summary 1997
Provided by: The Supreme Court of Ohio

Governance/Management

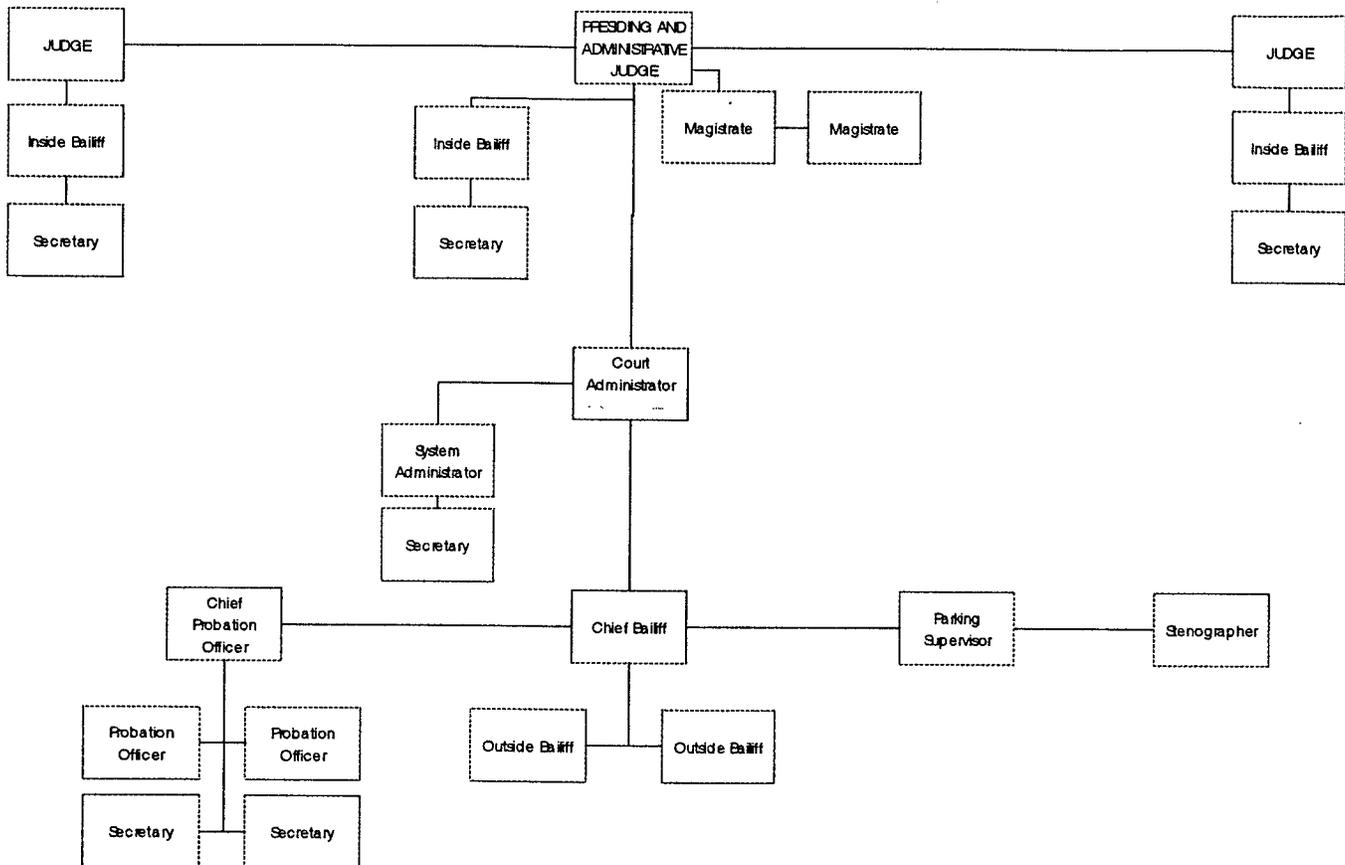
Background

The Court was set up under section 1901.01 of the Ohio Revised Code and was overseen by three Judges as established by section 1901.08 of the Ohio Revised Code. The Clerk of Court for the Court was also elected pursuant to Ohio Revised Code Section 1901.31. According to Ohio Revised Code Section 1901.09, the presiding judge was selected by the Judges of the Court.

Organization Chart

The following chart shows the current organization of the Court. This chart was not available at the start of our engagement and was prepared by the Auditor of State's Office based on information obtained during the audit. This chart was reviewed for accuracy by the Judges.

Current Organization Chart (based on data provided by court)



Note: The Court Administrator and the Chief Bailiff was the same individual at the time of our review.

Finding/Recommendation

F.1 We reviewed the overall organization of the Court and found the Court did not have a formal strategic plan to meet its goals and objectives. The chain of command for court employees was not clearly defined and formal job descriptions were not available at the start of our performance audit. Job descriptions were developed by management upon request. During interviews with Court employees, management developed job descriptions were discussed. Several employees indicated that they had not seen the job description prior to our interviews. The Chief Bailiff/Court Administrator indicated that he oversaw all court employees. However, when interviewed, Probation department employees (Bailiffs) indicated they answered directly to the Judges. All court employees were sworn in and classified as bailiffs, although most employees performed specific duties that are not considered bailiff functions. Judges’ Secretaries, Probation department employees, Parking Ticket office employees and Chief Bailiff/Court Administrator’s Secretaries were all included in this classification as bailiffs. The Inside Bailiffs, Outside Bailiffs, and Chief Bailiff/Court Administrator were the only court employees who performed the specific duties of a bailiff pursuant to the Ohio Revised Code.

The following table shows the authorized strength of the Court and the Court’s strength, at the time of our review. The table is based on positions that were established over the years through City ordinances.

Title	Strength	Filled	Open
Deputy Bailiff	4	2	2
Chief Deputy Bailiff	1	0	1
Dep. Bailiff/Chf Prob Offr	1	0	1
Dep. Bailiff/Assignment Offr	1	0	1
Dep. Bailiff/Asst Prob I	2	1	1
Dep. Bailiff/Asst Prob II	1	0	1
Court Referee	2	2	0
Deputy Bailiff	1	0	1
Chief Bailiff/Court Administrator	1	1	0
Court Stenographer	2	1	1
Deputy Bailiff	8	3	5
Deputy Bailiff	3	3	0
Dep. Bailiff/PTO Supervisor	1	1	0
Dep. Bailiff/Chf Bail Secy	1	1	0
Comm Service Director	1	0	1
Dep. Bailiff/Judges Secretary	3	3	0
Chief Probation Offr of Women	2	2	0
Totals	35	20	15

Annual salary cost at full strength would be \$1,088,716. Annual salary cost at current staffing level, during our review, was \$626,549.

Source: Chief Bailiff/Court Administrator

- R.1 The Court should consider making the following changes to improve the overall organization of the Court:

The Court should continue in its efforts to develop and implement a strategic plan including a mission statement that clearly identifies the overall objectives of the Court. It is important that this plan be developed so that the employees of the Court can work on achieving the Court's desired objectives. The strategic plan should address court resources, facility improvements, court staffing and technology. Included in a strategic plan is a mission statement. A mission statement will clearly identify the overall desired objectives of the Court. The Judges are in the process of preparing a strategic plan and mission statement at this time.

A clearly defined chain of command should be developed for employees to follow. Supervisors should communicate effectively with their respective staff and communication between employees and supervisors should be encouraged. A clearly defined chain of command will enable employees to communicate with the supervisors responsible for the performance of their job duties. It will also enable supervisors to communicate effectively with their staff to assure that their instructions are complied with. Clear lines of supervision should improve the effectiveness of Court operations.

The Court should adopt formal job descriptions. These job descriptions should be made available to all Court employees. The adoption of formal job descriptions will inform employees of what they should focus on accomplishing. To further enhance the employees' focus on these job duties the Court should re-classify positions based on the duties performed, instead of classifying all employees as bailiffs.

The Court employs 20 individuals and the authorized strength of the Court is 35. Annual salary cost at the time of our review was \$626,549, the salary cost at authorized strength would have been \$1,088,716. Several of the authorized positions are no longer needed and new positions have been established. The positions that are authorized by City ordinance should be evaluated based on the Court's current needs. The positions that are not needed should be abolished by City ordinance. By doing so this would streamline the Court's structure to reflect its current staffing needs.

- F.2 We reviewed the Court's practices for providing training and supporting professional development. Employees of the Court indicated that the only training they received from the Court was "on the job" training. The Court did not budget funds for employees to belong to professional organizations. We obtained the Court's 1998 Budget Report from the City of Youngstown's finance department. The actual amounts spent on training and professional organizations for Court employees was \$328, \$0, and \$428 in 1995, 1996, and 1997 respectively.

- R.2 A training needs assessment should be performed by the Court. The Court should analyze and review the needs of employees to determine appropriate training that would enhance and improve the employees' performance. Appropriate training would give employees the information they need to perform their duties efficiently.

It has not been the practice of the Court to encourage employees to belong to professional organizations. The Court should provide funds for employees to belong to professional organizations. Professional organizations provide valuable information to members through a variety of seminars and training opportunities at reduced cost for its members. This would enable Court employees to keep up to date on current issues that effect their jobs. Some examples of professional organizations for Court employees are: Ohio Bailiffs and Court Officers Association, National Association for Court Management, Ohio Association of Court Administrators, the American Correctional Association, International Community Corrections Association, and the American Probation and Parole Association.

- F.3 We identified opportunities to improve the arraignment process. The flow of administrative tasks included a duplication of work performed by several departments. This caused delays getting the case files to the courtroom in time for arraignments. These delays resulted in prisoners and police officers waiting in the courtrooms for lengthy periods of time. We reviewed this process at the peer courts and most complaints were prepared by the police department and sent directly to the Clerk of Court's office where a case file was prepared and sent to the courtroom. In Elyria, monthly meetings were held with the Judges, Police Chief, Prosecutor and Clerk of Court to address issues such as this, that affect the various departments. The meetings were chaired by the Presiding Judge.
- R.3 The Judges should consider adopting the policy of having most complaints filed by the police department to speed up this process. A meeting should be held between the various departments involved to address the problem of getting case files to the courtroom in time for arraignments. The Court should also consider holding monthly meetings with the Judges, Police Chief, Prosecutor, and Clerk of Court to discuss any other issues and concerns that affect these departments.

Chief Bailiff/Court Administrator

Overview

The Chief Bailiff/Court Administrator performed the following functions as a Court Administrator; he oversaw the daily operations of the Youngstown Municipal Court and supervised budgeting, purchasing, and payroll processing. As a Chief Bailiff he coordinated all jury trials and executions of subpoenas, garnishments, all other court ordered services and he filled in for Outside Bailiffs in their absence.

Finding /Recommendation

- F.1 On days when the Chief Bailiff/Court Administrator acted as a Chief Bailiff and was filling in for an absent Outside Bailiff, there was a lack of supervision. This caused the Court to be without a supervisor to deal with daily problems and the Court employees to be without a chief administrator. At the time of our review, both jobs were being done by the same individual. We recommended to the Judges that the Court employ a Court Administrator and that the Chief Bailiff's duties be limited to Bailiff functions. The Court has hired a Court Administrator who began employment with the Court on May 17, 1999.
- R.1 In order to effectively perform the duties of supervision and administration, the Chief Bailiff and Court Administrator should be two separate positions based on the size and complexity of the Youngstown Municipal Court.

The Chief Bailiff's duties should include:

- The handling of executions
- Overseeing jury notification
- Filling in for inside and Outside Bailiffs in their absence
- Any other specific tasks requested by the Judges

The Court Administrators duties should include:

- Overseeing the operations of the Court including the Chief Bailiff's Office
- Preparing and monitoring the Court's budget
- Analyzing and reviewing systems that are currently in place and making recommendations for improvement to the Judges, for their approval
- Preparing a Policies and Procedures manual for the Court to be approved by the Judges
- Implementing new policies adopted by the Judges
- Any other specific tasks requested by the Judges

- F.2 We reviewed the process by which administrative changes were communicated to Court employees. We found that past practice has been to communicate new policies and policy changes verbally to employees. This can lead to confusion amongst employees as to their responsibilities.
- R.2 A detailed Policies and Procedures Manual should be adopted by the Judges. This manual should be developed and maintained by the Court Administrator. All employees should receive a Policies and Procedures manual for their reference. Employees should also receive training on policies and procedures. All new policies and policy changes should be formally adopted and provided to the employees in a timely manner.
- F.3 The review of the payroll system revealed inadequacies in the administrative controls over payroll records. The prescribed manner for accounting for employees time was that time cards were to be prepared by each employee to specify their time in, lunch, and time out. Each department of the Court was to prepare time cards and submit them to the Chief Bailiff/Court Administrator who then was to submit the time cards to the Administrative Judge for final approval.

Administrative control over work schedules was weak during the period of our review. We performed a surprise observation of the time card approval process in each department. It was noted that many of these cards were incomplete and some cards had no information for the two days prior to the date of our observation. The department supervisors were not required to approve time cards.

During our interviews some employees stated that because they worked through lunch, they would leave early. Other employees indicated that they worked through lunch regularly but never left early. There was no formal policy that defined working hours or allowed flex hours for employees. Flex hours means that employees could work varying hours as long as they worked a full eight-hour day. The lack of policy could lead to public perception that Court employees do not work entire eight hour days.

- R.3 To ensure the accuracy and accountability of time worked, immediate supervisors should regularly review and sign off on the time cards before the cards are sent to the Chief Bailiff/Court Administrator. This would provide assurance that employees are accurately recording time worked and improve the control environment in the payroll area.

The Court should institute a formal policy regarding work hours for employees to follow. The Court should effectively communicate this policy to all Court employees. This would eliminate the confusion amongst employees regarding this issue.

F.4 We reviewed the purchasing process and found that the Court hired and paid for the services of court appointed attorneys for indigent defendants. Payment for these services were made out of the Youngstown City’s general fund. Virtually all of the services provided by the appointed attorneys are for Ohio Revised Code violations. Pursuant to Ohio Revised Code Section 120.33 and a representative of the Ohio Public Defender’s Office, the City was entitled to partial reimbursement (currently 40%) from the State of Ohio for these fees. We identified potential cost recovery in the amount of \$90,786 and possible future savings for the Court.

There was no evidence that the Court had requested reimbursement from the State for these fees.

<i>Year</i>	<i>Fees Paid to Court Appointed Attorneys</i>	<i>Estimated Amount Entitled to have been Reimbursed (if submitted)</i>
1998	\$36,700	\$14,680
1997	\$53,880	\$21,552
1996	\$60,400	\$24,160
1995	<u>\$75,985</u>	<u>\$30,394</u>
Total	\$226,965	\$90,786

*Source: Youngstown City Finance Department and Municipal Court
Estimated amount of reimbursement based on current rate of 40% per Ohio Public Defender’s Office*

R.4 The Judges should instruct the Court Administrator, in conjunction with the City of Youngstown’s Finance Director, to contact the Ohio Public Defender’s Office. The Court Administrator should obtain from the Ohio Public Defender’s Office the proper procedures for requesting eligible reimbursements from the State. Furthermore, the Court Administrator should check into possible reimbursements for fees paid in prior years.

Inside Bailiffs

Overview

The Inside Bailiff retrieves the court files from the Clerk of Court's office daily for the purpose of scheduling the court docket. This includes setting pretrials, preliminary hearings, jury trials and any other hearings the court deems appropriate within the time limits prescribed by law. The Bailiff is responsible for notifying witnesses, defendants, and counsel of the date and time of their hearing through notices and subpoenas. Subpoenas are sent to the Police Department to be served. The Bailiff works closely with the Probation Department to ensure the defendant is in compliance with the terms of probation and follows through on any court orders. The Bailiff is responsible for returning the court files to the Clerk of Court's office after the cases are completed for that day.

We reviewed the process in which the hearings are scheduled and found the following;

Finding/Recommendation

- F.1 The system for assigning cases contributed to a perception that cases were not allocated fairly or evenly. We observed arraignments on November 23, 1998. The assignments were made at the discretion of the Inside Bailiff. It did not appear that a random system was employed. Judges rotated hearing arraignments on a weekly basis. During arraignment, accused individuals entered their plea. If the individual entered a plea of "not guilty" the case was set for hearing. It was the responsibility of the arraignment Judge's Inside Bailiff to schedule the hearing date and assign the case to one of the Judges. There was a risk the Inside Bailiffs would assign what they felt were difficult cases to one of the other two Judges. This could also have led to assigning one Judge more cases than the others causing an imbalance in case load.
- R.1 In order to eliminate the perception of unfair case schedules to benefit individual judges, a case scheduling system should be set up that is random by lot in accordance with the Ohio Supreme Court Rules of Superintendence Rule 36. We reviewed the method of case assignment at the peer courts and we found that the peer courts utilized the following methods:

In the Canton Municipal Court, case assignment of not guilty pleas was done at the time of arraignment by the Prosecutor. The prosecutor used randomly prepared tabs that were bound on three sides. There was no knowledge of which Judge would get a case ahead of time.

In the Cuyahoga Falls Municipal Court, the defendant, after pleading not guilty, was walked to the case management office. At this point, court services personnel assigned the case in the same method as Canton Municipal Court. There was no knowledge of which Judge would get a case ahead of time.

In the Elyria Municipal Court, an assignment commissioner sat next to the Judge at arraignment and case assignment of not guilty pleas was done by a computer lottery. There was no knowledge of which Judge would get a case ahead of time.

The Court should consider, to ensure that cases are assigned random, by lot, employing a Case Assigner under the Court Administrator. Another method that the Court may wish to consider is to have cases assigned randomly by lot by the computer. The Court is in the process of obtaining computer software that will assist in scheduling cases.

Outside Bailiffs

Overview

There were two Outside Bailiffs employed at the Court and one position was open due to a recent retirement. A review was performed of the duties of the Outside Bailiffs. The Outside Bailiff delivers and serves; garnishments, subpoenas, writs of restitution, forcible entry and detainers, mandatory orders, and debtor exams. Each Outside Bailiff has his own territory.

Finding/Recommendation

F.1 We obtained a breakdown of the amount of service performed by the Outside Bailiffs for the first nine months of 1998 from the Court Administrator/Chief Bailiff's Office.

<i>Type of Service</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sept</i>	<i>Total</i>
Garnishments	267	200	221	198	207	626	195	247	198	2359
Debtor Exams	60	37	134	141	8	123	10	19	70	602
3-Day Notice	19	22	18	23	0	23	24	32	37	198
Repossessions	1	0	0	0	30	1	0	0	1	33
Writs	51	43	55	34	57	65	54	54	74	487
Forcible Entry	91	74	96	87	138	99	111	97	97	890
Subpoenas	0	0	0	1	0	4	1	2	0	8
Totals	489	376	524	484	440	941	395	451	477	4577

Source: Court Administrator/Chief Bailiff's Office

The above were served personally by the Outside Bailiffs of the Youngstown Municipal Court. The process was labor intensive and time consuming. Peer courts used regular or certified mail to serve 30 to 100 percent of garnishments.

All three of the peer courts served criminal subpoenas. The Youngstown Municipal Court's Outside Bailiffs did not serve criminal subpoenas inside the City. All criminal subpoenas were served by the Youngstown Police Department. The Youngstown Police Department provided us with the amount of service performed for criminal subpoenas. Approximately 420 criminal subpoenas were served monthly by police officers.

- R.1 The Outside Bailiffs should serve the criminal subpoenas inside the City. Having the Outside Bailiffs serve the criminal subpoenas would free up police officers to concentrate on law enforcement.

Currently the Outside Bailiffs do not have time to serve criminal subpoenas because of the amount of garnishments served. The Youngstown Municipal Court should mail all garnishments giving the existing Outside Bailiffs time to serve criminal subpoenas so additional staff would not be needed.

- F.2 The City could be exposed to potential liability that could result from accident or injury to citizens hired to assist bailiffs in executing evictions.

Bailiffs hired citizens off the street to remove the property of evicted tenants from landlord premises for \$20.00 per eviction. The landlord paid the Court for the movers fees and the Court paid the movers.

- R.2 We recommend the Court require landlords to obtain movers for evictions and limit the bailiffs involvement to supervising the eviction. This would reduce the City's exposure to liability. In addition, it would eliminate the need to account for the receipt and expenditure of funds.

Judges' Secretaries (Bailiffs)

Overview

A review was performed of the duties of the Judges' Secretaries. The Secretaries keep the Judges' schedules, open mail, keep track of cases and case status, type *capias*, assign attorneys for indigent defendants, prepare monthly reports for the Supreme Court, file, keep phone messages, and provide miscellaneous typing of correspondence, inter-office memoranda, jail releases, occupational driving privileges cards, and any other requests made by the Judge.

Finding/Recommendation

F.1 Case tracking was inefficient and could be improved through the use of technology. The Secretaries had computers but they were not equipped with software that could track these cases. The Secretaries kept track of all cases manually. This involved recording the same information by hand into several different notebooks. Using the information that they kept track of manually, the Secretaries prepared reports that were submitted monthly to the Ohio Supreme Court. Each Secretary completed an Individual Judge Report, which can take up to three hours a month, and the Administrative Judge's Secretary completed an Administrative Judge Report, which can take up to five hours a month. The Secretaries learned to complete these reports during their on the job training. The Ohio Supreme Court offers an annual seminar on completing these reports.

In Elyria and Cuyahoga Fall the cases were tracked electronically and technology was used in completing the Supreme Court Reports. Elyria utilized a spreadsheet application that linked sophisticated spreadsheets together along with a computer program that was developed in house to track cases.

R.1 The Court should provide software for the Secretaries that would track the cases electronically and assist in completing the Supreme Court Reports. This would increase the accuracy of the reporting and decrease the amount of time needed to complete these reports. The time that would be freed up could be utilized to better respond to inquiries and requests made by the public. The increased accuracy will provide the Judges of the Court a statistical report that they could rely on to make management decisions. In order to provide the best software to the Secretaries, the Court should contact Elyria, Cuyahoga Falls, and the Supreme Court and ask to review their software. This would enable the Court to choose the software that is best suitable for the Secretaries in the Youngstown Municipal Court. The Supreme Court has offered their software free of charge. The software package used by Elyria costs approximately \$150.

The Court should send the Secretaries to the Ohio Supreme Court seminar so that the Secretaries are up to date on all changes in reporting. The Supreme Court has offered this training to the Youngstown Municipal Court secretaries free of charge.

- F.2 The system used to assign attorneys for indigent defendants had weaknesses that may lead to inexperienced attorneys being assigned to complicated cases and clients may not receive adequate representation. The Judges' Secretaries appointed attorneys for indigent defendants. The Secretaries had a list that was provided by the Mahoning County Bar Association. Attorneys could also sign up with the individual Judges. The Secretaries appointed the attorneys using a rotation method, however, the controls over this method were weak.

The Preliminary Assessment of the Operations of the Youngstown Municipal Court by the Supreme Court of Ohio in June of 1998 stated that appointment of counsel to represent indigent criminal defendants is a judicial responsibility of each Judge and should not be assigned to a member of the Judge's staff.

We interviewed the Judges of the Canton Municipal Court and Cuyahoga Falls Municipal Court and they did the appointments of counsel to represent indigent criminal defendants.

- R.2 The Judges at the Youngstown Municipal Court should appoint counsel to represent indigent criminal defendants to ensure they receive adequate legal representation. The Judges, based on their knowledge and experience, are best qualified to make this decision.

Probation Department Bailiffs

Overview

There are three Probation Officers and two Secretaries in the Probation Department. These five employees are classified as bailiffs.

The Probation Officers are responsible for registering new cases, and placing new probationers in appropriate counseling facilities where applicable. Probation Officers check daily arrest records to see if any of their probationers are arrested on a new charge that would be a violation of their probation. The Probation Officers also conduct pre-sentence investigations which involve compiling information on a defendant such as the social, criminal, physical, and mental history of the defendant.

The Probation Department Secretaries answer all incoming calls. They sign probationers up for various programs such as the D.E.A.P.(Driver Education Alternative Program). They also sign-in the probationers who have to report periodically to the probation office. The Secretaries assist the Probation Officers with pre-sentence investigations. They are responsible for all typing, filing, and scheduling of various programs as directed by the Probation Officers, maintaining probation sign-in records, scheduling House Arrest assignments, and assisting the Court as needed.

Commendation/Finding/Recommendation

- F.1 The Probation Officers were not able to adequately monitor probationers. The probation officers were required, by the Judges, to spend a significant amount of time in the courtroom which left insufficient time to monitor probationers. The large caseload handled by probation officers also made it difficult to adequately monitor the probationers. The probation department handled an approximate annual caseload of 3,759. There were approximately 3,060 probationers that were required to report each month and the remaining 699 were not required to report to the probation department. The probationers that reported monthly signed in with the Secretaries. On some occasions there was consultation between the Probation Officer and the probationer, however, this was an exception. The probationers did not report their monthly activities to the Probation Officers when they signed in each month.

Probation Officers at the peer courts were meeting with probationers monthly and discussing employment, drug treatment, psychological treatment, and any other information that was significant to the case. Canton used a monthly report, that was completed by the probationer and detailed their activities during the month. Each month the report was discussed with the Probation Officer at the monthly reporting.

The approximate number of monthly reporting probationers per Probation Officer for Youngstown and the peer courts was as follows:

Youngstown	Canton	Cuyahoga Falls	Elyria
1,020	437	56	150

Interviews with the Judges and Probation Officers in Canton and Elyria indicated that many defendants received a suspended sentence on the condition of “good behavior” on some offenses. This was entered into the case file and if violated the Judge reimposed the original sentence. The Judge received a printout of past offenses when the individuals appeared before him again, in order to detect violations of good behavior. “Good behavior” was similar to the non reporting probation that is maintained in Youngstown, however, it was not tracked by the probation department.

- R.1 The Youngstown Municipal Court Probation Officers should meet with the probationers each month to increase the effectiveness of the program. In order to meet with probationers monthly, additional staff may be needed. The Youngstown Municipal Court Probation Officers should review the reports used by Canton and develop a similar process. These reports help facilitate the meeting between the Probation Officers and probationers by allowing the Probation Officer to get valuable information at a glance.

An American Probation and Parole Association Issue paper of Caseload Standards encourages probation departments to adopt a workload model for case assignment and accounting. An example would be as follows:

<u>Supervision Caseload</u>		
Case Priority	Hours Per Month	Total Caseload
High	4 hours	30 cases
Medium	2 hours	60 cases
Low	1 hour	120 cases

One caseload officer = 120 hours per month

If the maximum number of hours available to the caseload officer is 120 per month, the caseload can be made up of 30 high priority cases, 60 medium priority cases, or 120 low priority cases. In all three instances, the officer would have a full workload, i.e., one where the number of hours need to fulfill the minimum requirements on all the cases (demand) is equal to the amount of hours available to the officer (supply).

A workload model such as the one above should be developed by the probation department and adopted by the Judges of the Youngstown Municipal Court to aid in effectively monitoring the probation caseload.

The Court should consider the “Good Behavior” system listed above as one method to alleviate the high case load for the probation department.

C.1 The Court in conjunction with the Mahoning County Court of Common Pleas was in the process of initiating a drug court that would be funded by a federal grant, Treatment Alternatives to Street Crime TASC Programs. This grant would provide funds for the Court to provide treatment for substance abuse cases. Individuals placed in this program would not be monitored by the Youngstown Municipal Court probation office, alleviating some of the caseload for the current Probation Officers.

F.2 We found that Probation Officers were in court during almost all criminal sessions. The Probation Officers spent substantial time in court. We interviewed the Probation Officers at the peer courts and found they spent very little time in court. Canton and Cuyahoga Falls held meetings between the Probation Officers and Judges prior to court time to discuss any probation related matters. Defendants that needed to be signed up for probation were escorted to the probation department by the Inside Bailiff. Elyria used the Probation Secretary in court for all criminal proceedings.

Probation officers were sworn in as bailiffs and filled in for Inside Bailiffs when one was absent. We interviewed Probation Officers in the peer courts and none of them performed inside bailiff functions.

R.2 The Court should not use Probation Officers to fill in for absent court employees because of the large probation caseload and it reduces the time available to meet with probationers. The Court should look into reducing the amount of time spent in court by the Probation Officers. This would allow the Probation Officers more time to provide efficient and effective consultation, monitor probation cases and complete necessary follow up on probation cases.

The Court should consider hiring a part time employee to fill in for absent court employees. The Court should also consider cross training other court employees to fill in for absent employees.

F.3 The only training the Probation Officers received from the Youngstown Municipal Court was on the job training. No formal training was provided by the Court. Probation Officers did not belong to any professional organizations.

- R.3 Probation Officers should receive training that would give them the basic tools to perform their job duties adequately. The Probation Officers should also receive continuing training from professional organizations such as the American Probation and Parole Association that would keep them up to date and enhance their expertise. The Court should encourage Probation Officers to attend training seminars and belong to professional organizations.

Parking Ticket Office Bailiffs

Overview

The Parking Ticket Supervisor is in charge of all aspects of collecting parking ticket fees. She had one full time assistant and the Probation Secretary and Chief Bailiff's Secretary helped out when needed. The full time assistant position recently became vacant. The supervisor deposits her daily collection with the Clerk of Court Office and reports to the Chief Bailiff/Court Administrator and Judges. Based on prior audits by the Auditor of State's Office and our observations, the record keeping system had adequate accounting controls in place when both positions were filled. This was due in part to the fact that the Parking Ticket Supervisor had many years experience and was adequately staffed when these audits were performed.

Finding/Recommendation

- F.1 Adequately designed written policies and procedures for the collection and recording of parking ticket fees would improve accountability over revenue.
- R.1 The Parking Ticket Office should develop a policies and procedures manual. This manual should be reviewed and approved by court management. This manual should include step by step instructions for the collecting and recording of parking ticket fees. It should also include information on how to pursue uncollected fees and anything else that management feels is important. A manual would help provide for a smooth transition if the Parking Ticket Supervisor leaves her position.
- F.2 Section 1901.31 (E) of the Ohio Rev. Code states that the clerk shall do all of the following: file and safely keep all journals, records, books, and papers belonging or pertaining to the court; record the proceedings of the court; perform all other duties that the judges of the court may prescribe; and keep a book showing all receipts and disbursements, which book shall be open for public inspection at all times. The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the Court. Section 1901.31 (F) of the Ohio Rev. Code states that the clerk of a municipal court shall receive, collect, and issue receipts for all costs, fees, fines, bail, and other moneys payable to the office or to any officer of the court. Section 1901.32 (A)(6) of the Ohio Rev. Code states in part that the bailiff and deputy bailiffs shall perform any other duties that are requested by rule of the Court.

The Clerk of Court received all parking ticket receipts daily from the Parking Ticket Supervisor, a deputy bailiff, to be deposited into the bank. However, the Clerk did not supervise personnel involved in the collections nor were parking ticket records under her control. We interviewed the Clerk of Court and the Judges, there was a disagreement regarding who should be responsible for this department.

We visited three peer courts and obtained information regarding the location of parking ticket collection.

In Elyria and Cuyahoga Falls the parking tickets were collected in the Clerk of Court office by a Clerk of Court employee.

In Canton the parking tickets were collected by the City Auditor by the authority of a City Ordinance.

- R.2 The Judges and Clerk of Court should address this issue to determine what would be best for the efficiency of the Parking Ticket Office and for the public. They should direct all questions regarding the legality as to who should be responsible for this department to the City Law Department.
- F.3 In the past the Parking Ticket Office was staffed with a supervisor and one full time assistant. At the time of our review the Office was staffed with a supervisor only. This may lead to a lack of accounting control. The inadequate staffing of this department created a problem in sending out notices to individuals who were delinquent in paying their parking ticket fines. During our review, most delinquent notices were never sent out and follow up on delinquent accounts was not being done. A result of the lack of follow up on delinquent accounts led to a 36% decrease in parking ticket revenue for the first seven months of 1999. The system for sending out notices was still manual, however, this function is part of the court computerization project and is to be computerized.
- R.3 The Parking Ticket Office should be staffed with a supervisor and one full time assistant in order to function properly. The computerization of sending out delinquent notices should be completed as soon as possible. This would improve control over parking ticket fee collection and allow notices to be sent out in a timely manner, increasing revenue for the Court.

Uncollected Fines

Overview

The Court assessed fines and costs on most criminal and traffic cases. In many instances defendants were permitted to make installment payments. The Court contracted with a law firm to assist in collecting unpaid fines and costs and had also offered an amnesty program to improve the collection of these fines and costs. The Court has not sent any cases to the law firm for collection since the end of 1997.

Commendation/Finding/Recommendation

F.1 The Court could increase revenue by increasing its efforts to collect \$896,000 in unpaid fines and court costs. There was no formal policy for the collection of unpaid fines and cost, nor was there a policy for writing off fines and costs that were determined to be uncollectible. As of January 7, 1999, there were sixteen drawers of case files, in which all of the fines and costs had not been collected, maintained in the Clerk of Court's office. Some of these cases were dated as far back as 1991. There were six and a half drawers, approximately 3,190 cases, in which the fines and costs had been turned over to Millstone and Kannensohn, Attorneys-At-Law, for collection. Millstone and Kannensohn provided data that the amount of unpaid fines and costs for these cases was approximately \$364,000. The remaining nine and a half drawers contained approximately 4,660 cases, that had not been turned over to Millstone and Kannensohn. The estimated amount of these unpaid fines and costs was approximately \$532,000, for an approximate total of \$896,000 worth of unpaid fines and costs on file in the Court.

We reviewed the peer courts for their methods of collection. Canton recently obtained a state grant that provided the salary for a Collection Officer. This Officer set up payment plans for defendants and followed up on past due collections and attempted to contact individuals who were delinquent in their payment. In Elyria, they had a collection department with two Collection Officers who perform functions similar to those performed by Canton's Collection Officer. In Cuyahoga Falls, the Bailiffs printed reports listing delinquent fines and costs and the Judge issued a bench warrant. The Outside Bailiffs in Cuyahoga Falls were placing notices of the warrants on the doors of these individuals who were delinquent in paying their fines and costs.

- R.1 In order to increase revenue for the Court, a formal policy for collecting unpaid fines and costs should be adopted by the Court. This policy should address methods of payment, delinquency notification, and all necessary follow up procedures. This policy should also include criteria and procedures for writing off unpaid fines and costs that have been determined to be uncollectible after all options for collection have been exhausted. Each case that is deemed uncollectible should be written off individually with cause. The Youngstown Municipal Court should look into obtaining a state grant such as the one in Canton to provide a collection officer.
- C.1 The Court is taking steps to begin this process of collecting these fines and costs. The Court has hired students from Youngstown State University to go through the drawers of unpaid fines and costs. They will be entering these cases into a computer spreadsheet program for the Judges to review. This spreadsheet will be beneficial in determining the actual amount of unpaid fines and costs and will also aid in determining uncollectible amounts. The Court is also in the process of implementing software that will generate delinquent notice letters and follow up letters.

Magistrates

Overview

Pursuant to Criminal Rule 19, Civil Rule 53 and Traffic Rule 14 of the Ohio Supreme Court Rules of Superintendence, the Youngstown Municipal Court employed two Magistrates. The Court by journal entries appointed Andrew Bresko on March 19, 1980 and Lynn Sfara Bruno on March 25, 1988. The Court did not journalize or formally adopt the duties of the Magistrates, but it was implied that the duties were provided in the above mentioned rules. Magistrate Bruno's job specific duties were formally adopted by a Court journal entry dated July 2, 1998. Prior to this date no official action was taken. We interviewed the Judges, Magistrates and observed court operations and it was determined that they perform the following:

Magistrate Bresko was appointed to perform duties normally associated to this position. He handles all civil motions, including debtor exams, garnishment hearings, trusteeships and small claims. His court regularly convenes Monday, Tuesday and Wednesday. He hears motions on other days if required. In addition, Magistrate Bresko performs research on legal issues upon request of a Judge and substitutes for the Judges in the traffic and criminal courts as provided by the Ohio Supreme Court Rules of Superintendence.

Magistrate Sfara Bruno was initially appointed to perform the duties of a housing referee. She handles housing violations, forcible entry and detainer actions, escrowed rent hearings, security deposit matters, health and fire code violations. Magistrate Sfara Bruno performs research on legal issues upon request of a Judge and substitutes for the Judges in the traffic and criminal courts as provided by the Ohio Supreme Court Rules of Superintendence. Effective July 6, 1998, as well as above, she handles all minor misdemeanors and minor traffic offenses. Her court convenes every Monday and Wednesday with night court every other Wednesday.

Finding/Recommendation

- F.1 The Magistrates were not officially designated as full time or part time employees. They did not have clearly defined duties, working hours, and benefits. This has led to public perception that the Magistrates were part time and were compensated as full time. We could not find any journal entry or ordinance that strictly defined if they were full or part time. The Magistrates were considered part time in order to maintain private law practices. Canon 4 and 7 of the Code of Judicial Conduct adopted by the Ohio Supreme Court does not allow for full time Magistrates to maintain a private law practice. It was noted that the Magistrates did accrue sick leave and vacation hours. In a memo, dated April 4, 1996, the City of Youngstown's Law Director issued an opinion to the Court stating that only full time employees of the City were entitled to earn sick leave. Based on this opinion the Magistrates would be ineligible to accrue

sick leave if they were classified as part time employees. As of February 19, 1999, Magistrates Bresko and Sfara Bruno had accrued sick leave balances of 2,262 and 1,103 hours respectively.

We interviewed Magistrates at the peer courts for comparison purposes of duties and salaries. The following job descriptions of the peer court Magistrates were based solely on these interviews:

	1999 Canton	1999 Cuyahoga Falls	1998 Elyria	1998 Youngstown
Magistrates Salary	\$16,715 Part Time	\$58,939 Full Time	\$50,366 Full Time \$179/per day Part Time	\$46,606 Part Time
Number	2	2	1 full time, 1 part time	2
Job Duties	Traffic minor misdemeanors, garnishments, small claims.	Traffic, minor misdemeanor criminal offenses relating to traffic, minor trials, garnishments, small claims, all civil cases	Full Time: Garnishments, small claims, evictions, research for Judges, all civil cases. Part Time: Traffic minor misdemeanors. Substitutes for Judges on arraignments.	Traffic minor misdemeanors, garnishments, small claims, evictions, all civil cases, housing court, research for Judges and substitute for Judges on arraignments.

As shown in the chart each court used Magistrates in a different manner. The most distinct difference between the duties of Youngstown’s Magistrates and the peer courts was that Youngstown had a housing court and that the Magistrate’s substitute for the Judges on arraignment, when needed. Magistrates substituting on arraignments alleviated the need to pay for a visiting judge. The City’s cost of a visiting judge was \$142 per day.

The salaries of the Magistrates were comparable to the peer courts, with the exception of Canton, whose Magistrate’s duties were substantially less than the other courts. The positions were classified as full time in Cuyahoga Falls and Elyria. Youngstown Magistrates were perceived to be part time.

- R.1 The Municipal Court Judges should evaluate and formally adopt and clarify the Magistrate position. This should include duties, working hours and benefits. The Judges must decide if they are classified full or part time, and if classified as part time, they should address prior accrued sick leave in order to address potential liability to the City for the payment these benefits. The resolution of this issue may result in prospective savings in future severance payments of up to \$1,957 annually based on the current magistrate salary.

- F.2 We identified potential future savings for the Court and potential cost recovery for the Court in the amount of \$145,357. The Magistrates' salaries were paid entirely from the treasury of the City of Youngstown. Ohio Rev. Code Section 1925.01(B) provides that a municipal court Magistrate shall be compensated from the same sources and in the same manner as provided in Ohio Rev. Code Section 1901.11. Section 1901.11 provides that their salary shall be paid three-fifths from the city treasury and two-fifths from the county in which the municipal corporation is situated. Our review of the peer courts indicated that the Magistrates were paid as prescribed by state statute.

Magistrate salary amounts eligible for reimbursement from 1995 through 1998:

Source: Youngstown Municipal Court Budget

<i>Year</i>	<i>Total Magistrate Compensation</i>	<i>County Portion (two-fifths)</i>
1998	\$93,212	\$37,285
1997	90,060	36,024
1996	90,060	36,024
1995	90,060	36,024
Total	\$363,392	\$145,357

- R.2 The Court should negotiate with the Mahoning County Commissioners to recover payment for past eligible expenses. The Court should contact County Officials to inform them on the amount payable to the Magistrates as provided by state statute.

Court Computerization

Overview

The Youngstown Municipal Court had always processed records manually. On March 12, 1998 the Youngstown Municipal Court contracted with GBS Computer and Communication System (GBS) to provide and install hardware and software to automate the Youngstown Municipal Court departments' procedures. The new computer system would automate the Court's bookkeeping, traffic records, civil and criminal cases, small claim filings, trusteeship cases, probation monitoring and parking ticket records. The original contract was for \$233,408, and there has been one contract modification to provide additional hardware and software in the amount of \$13,800.

We have reviewed the implementation progress of the Court computer system. Our concerns were centered around the implementation process and how to modify current court procedures to efficiently utilize the automated system.

Finding/Recommendation

F.1 The Court and GBS should agree on a detailed implementation plan that lists a final date for all deliverable items. We reviewed the implementation schedule provided by GBS, that was on file in the Court. This schedule was open ended with no dates and indicated throughout the schedule that the completion date would be affected by how fast court personnel built the required files. The schedule was very vague and the categories that were listed in the schedule were different than the categories listed in the contract which made it difficult to determine the actual implementation time line for all the court subsystems. The following software functions, as listed in the contract, have not yet been implemented:

- "The system shall automatically track the information required by the Ohio Rules of Superintendence for Municipal Courts and must generate the monthly Administrative Judges Report, the Individual Judges Report, and other such reports required by Rule or Law. Further, the system shall retain for reports as required all information necessary to audit any and all information used for administrative reports or accounts." ;
- A calender to schedule the proceedings;
- Reports listing supervised community service work hours, where accomplished, the dollar equivalent for the value of services rendered, the government agencies and nonprofit agencies served by community work service personnel;

- Warrant tracking;
 - A personnel record system which maintains an employee data base, recording sick leave, vacation time, and other such information pertinent to the administration of the office;
 - A report to audit each individual against whom a motor vehicles seizure order has been issued;
 - The automatic generation of checks issued from each Court account;
 - Various forms that are used by the Court employees.
- R.1 A detailed implementation schedule should be established for the installation of the above software functions and any other functions not yet installed. This plan should include all aspects of implementation including; software install date, testing date, training dates (for each staff member and number of hours), court personnel deadline for data entry and conversion, and sign-off date of acceptance by the courts.
- F.2 GBS did not identify all of the user needs when the user needs analysis was performed. We interviewed the systems administrator and she indicated that the computer system could not generate the Court Annual Report that is required by Section 1901.14 (A)(4) of the Ohio Rev. Code. This is a complete report of the Court operations during the preceding calendar year. The report shows the work performed by the court including a statement of receipts and expenditures of the civil and criminal branches, the number of cases heard, decided and settled. It took the bookkeeper approximately 30 hours to complete the report for 1998. This is a critical task and should have been addressed in the user needs analysis.
- R.2 Before final acceptance of the contract as completed, the Court should verify that all of the user needs were met. The computer should maintain all of the information needed for the year end Court Annual Report and generate this report in a format that is consistent with the past reports that were generated manually.
- F.3 We interviewed the system administrator to determine what the Case Management system will consist of because it has not yet been implemented. This system is to assign cases to the various Judges at arraignment. The case assignment is to be made systematically. This means that the first case entered will be assigned to courtroom 1, the second case to courtroom 2, the third to courtroom 3, the fourth to courtroom 1. The bailiffs will have the ability to override the date and courtroom assigned by the computer.

- R.3 The above system will be better than the one that is currently used, however, we feel that case assignment should be random by lot to ensure that case distribution will be fair and to minimize the possibility of preferential assigning of cases. Random by lot means that the cases should be assigned to a random courtroom with the same number of cases assigned to all courtrooms over a period of time. The bailiffs should not have the ability to override the date and courtroom assigned by the computer to minimize the possibility of preferential assignment. Only the Court Administrator or his designate should be given the option to override the case assignment made by the computer system. This person should not be an inside bailiff or Judge's Secretary.
- F.4 We reviewed the record keeping systems that were currently in place in the Clerk of Court Criminal and Civil divisions. The record keeping system for the Clerk of Court required that a case file be set up in the computer. A civil case file required information regarding the attorneys involved in the case. The computer system included a directory of all Mahoning County attorneys. The data entry clerk only needed to enter the attorney's name and the attorney information was pulled from the directory. If the attorney was not in the directory, then the data entry clerk would enter all the information for that attorney into the case file. However, in order to update the directory the data entry clerk would have to go to a separate menu and update the directory with the same attorney information just entered.
- R.4 For maximum efficiency regarding the above process, when the data entry clerk enters a new attorney into a case file the program should ask if the data entry clerk wants to update the attorney directory with the information entered, eliminating the duplication of data entry.
- F.5 When the Clerk of Courts office set up a civil case file they entered the type of case by entering a letter that represented a certain case type. The clerk also entered all of the costs associated with the case. The costs for certain case types are always the same. The Criminal Division did not have to enter the costs because a cost table had been set up for each type of case.
- R.5 A cost table should be maintained for the costs associated with the various types of standard Civil Division cases. This way when the data entry clerk enters the type of case the computer can list the costs and the clerk can verify that the costs are correct. This would reduce the amount of data entry.
- F.6 We observed that the Clerk of Court's office was accounting for, tracking, and reconciling bonds manually and not utilizing the GBS software. They used the bond subsystem for approximately a month and a half and decided that it was easier to handle the bonds manually.

- R.6 The bonds should be entered into the computer system. The Clerk of Court Office should determine if the problem is due to inadequate training or poor system design and work with the vendor to fix the problem.
- F.7 We also observed that for older cases not yet converted onto the new computer system, manual receipts were given instead of computer generated receipts. In these cases, the cashiers were changing the receipt number that was assigned by the computer to the receipt number that was on the manual receipt.
- R.7 The cashiers should use the receipt number generated by the computer when they issue manual receipts. In order to provide a proper audit trail they should write the manual receipt number on the computer generated receipt and the computer generated receipt number on the copy of the manual receipt. They should also make a memo in the computer receipting screen.
- F.8 We reviewed the process by which judgement entries were recorded in an effort to make the process more effective and efficient using computer technology. Judgement entries made by the Judges of the Youngstown Municipal Court were hand written on the case files by the Judges at the time of the decision. This included court costs, fines, bond amounts, jail sentences, etc. This information was then sent to the Clerk's office where it was entered into the automated case docket near the end of the day.

Some of the peer courts entered this information into the computer in the courtrooms by a Judge's employee or a Clerk's employee. The entry was then printed on the Judge's bench, signed by the Judge, and placed in the case file. This information was then available to the Clerk of Court's office at the time the defendant paid their fines.

- R.8 The judgement entries made by the Judges of the Youngstown Municipal Court should be entered into the computer in the courtroom, signed by the Judge, and placed into the case file. Information should be entered on line with the Clerk of Court's office so that the docket maintained by the Clerk of Court is updated at the time the entry is made. Entering the information as close to its point of origination as possible eliminates some of the data entry errors that may occur later and reduces the amount of data entry time.

Facilities

Overview

The Youngstown Municipal Court conducts daily arraignments with traffic scheduled to start at 9:00 A.M. and criminal at 10:30 A.M. The three Judges hear arraignments on a rotating basis. Each judge will hear traffic and criminal arraignments on the same day in their own assigned courtroom.

Finding/Recommendation

F.1 The physical layout and conditions of the facilities did not lend to efficient and organized operations of the Court. The facilities lacked cleanliness, orderliness, and security. We observed the arraignment process on Monday, November 23, 1998, in Courtroom number 3. Mondays are generally the busiest day for arraignments because it follows a weekend. We noted that there were fifty-nine traffic arraignments which were completed at 12:00 Noon. There were twenty three criminal arraignments which started at 12:10 P.M. and finished at 2:20 P.M. The courtroom was overcrowded, with people waiting for arraignment standing in the aisles, out the door and sitting on the floor, trying to hear their name called for arraignment. People waiting for criminal and traffic arraignments were in the courtroom at the same time. People dressed in orange prison suits, charged with serious offenses, were brought to the court from the county jail and seated in the jury box. The date of our observation, some prisoners were sitting on the floor because there was not enough room in the jury box. In fact, a defendant charged with a serious offense was sitting on the floor next to the court reporter. The whole process of commingling those charged with traffic and criminal offenses could result in a serious security problem. Victims were within arms length of the criminal prisoners. Further observation revealed this to be a common occurrence, especially on Mondays.

Courtrooms number 2 and number 3 are one half the size of Courtroom number 1. Courtroom number 1 is large enough to separate plaintiffs from defendants and those there for traffic arraignments. There were times when arraignments were held in an overcrowded Courtroom number 2 or number 3, while Courtroom number 1 was not being used to its full capacity.

R.1 The Judges of the Youngstown Municipal Court have created a Youngstown Municipal Court Facilities Committee. This committee is comprised of community leaders of varied backgrounds including business, architectural, community service, and judicial experience. This committee is designed to explore the options of acquisition or construction of a new facility or the renovation of the existing facility.

In order to alleviate overcrowding and potential security risk the Court is currently in the process of working with Mahoning County to institute a video arraignment process. This system will allow prisoners to be arraigned at the county jail instead of the Municipal Court. This would reduce the costs of arraignments, including freeing up police officers, who will no longer have to transport prisoners. Video arraignments will greatly reduce the security and safety risk at the Youngstown Municipal Court.

Consideration should be given to having Monday arraignments held in Courtroom number 1 until video arraignment and new facilities are implemented and available. As stated earlier this courtroom is much larger and securer than the other courtrooms. Furthermore, the Judges should consider hearing criminal and traffic arraignments in separate courtrooms. This would help alleviate overcrowding in the courtrooms and separate the more serious offenders from the traffic thus reducing the security and safety risks.

