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An Audit Report on

# **The Collection Improvement Program at the Office of Court Administration**

November 2013  
Report No. 14-011

## *The Collection Improvement Program at the Office of Court Administration*

### **Overall Conclusion**

The Office of Court Administration's (Office) Collection Improvement Program (Program) provides training and consultation to counties and cities to improve the collection of court costs, fees, and fines imposed in criminal cases, as required by statute<sup>1</sup>, rules, and the Office's own policies. The Office should strengthen the assistance it provides by:

- Ensuring that it provides sufficient opportunities for training to all counties and cities that are required to participate in the Program.
- Surveying counties and cities more frequently about the effectiveness of the Office's assistance.
- Identifying counties and cities with model collection programs to serve as resources for other counties and cities.

Additionally, the Office should strengthen its processes and related controls to help ensure the accuracy and completeness of Program information that counties and cities submit to the Office. While the Office conducts collection rate reviews and audits of counties' and cities' compliance with Program requirements, it should conduct audits to verify the Program information that counties and cities submit to the Office, as required by Article 103.0033 of the Texas Code of Criminal Procedure. Verifying that information could increase the value of the Office's analysis and reporting about the Program and enhance its ability to ensure that counties and cities comply with Program requirements.

#### **Background Information**

The Office of Court Administration's (Office) Collection Improvement Program (Program) is a set of principles and processes designed to assist counties and cities in collecting court costs, fees, and fines assessed against persons convicted of (or placed on deferred adjudication or deferred disposition for) misdemeanor or felony charges when they are not prepared to pay all court costs, fees, and fines at the time of assessment and when additional time to pay is requested.

According to the Office, it had 203.3 total full-time equivalent positions as of August 31, 2013. That total included 7 Program staff. The Program staff assist counties and cities in implementing the Program.

The Office's Audit Department has 7 staff and performs audits of mandatory collection programs to determine counties' and cities' compliance with the Program requirements in Title 1, Texas Administrative Code, Section 175.3. The Audit Department also conducts collection rate reviews, pursuant to Texas Code of Criminal Procedure, Article 103.0033(f).

The Office reports that its most recent summary collections data for the Program is for fiscal year 2011, when it estimated that the Program generated an additional \$84,057,633 in revenues, \$21 million of which went to the State.

Source: The Office.

<sup>1</sup> Article 103.0033 of the Texas Code of Criminal Procedure lists the responsibilities of the Office and requires counties with populations exceeding 50,000 and cities with populations exceeding 100,000 to participate in the Program.

The Office also should improve its process for selecting the counties and cities at which it will conduct compliance audits, and it should better ensure that the counties and cities have provided information on all relevant cases for the time period that it audits.

Auditors communicated other, less significant issues to the Office separately in writing.

## ***Summary of Management's Response***

The Office agreed with the recommendations in this report.

## ***Summary of Objectives, Scope, and Methodology***

The objectives of this audit were to:

- Determine whether the Office complies with state law, administrative rules, and Office policies and procedures governing the Program, as those requirements apply to the Office's:
  - Calculation of collection rates for court costs, fees, and fines.
  - Technical assistance provided to counties and municipalities.
  - Audit function.
- Determine whether the Office has designed and implemented effective processes and related controls to help ensure the accuracy and completeness of Program data that counties and municipalities submit to the Office.

The scope of this audit covered the Office's Program activities from June 1, 2011, through May 31, 2013, and its audit activities from September 1, 2011, through August 31, 2013.

The audit methodology included collecting information and documentation from the Office and analyzing and evaluating training and technical assistance information and Office audit documentation and reports. Auditors evaluated collection rate calculation information from the Office's collection rate reviews. In addition, auditors interviewed Office staff and observed assistance that Office staff provided to county and city staff. This audit did not include a review of information technology.

Auditors reviewed all completed audits from the Office's fiscal year 2013 audit plan for the Program and all completed collection rate reviews. Auditors reviewed available technical assistance records without sampling.

Auditors determined that the data that counties and cities submitted to the Office was not reliable for the purposes of this audit. The Office did not conduct audits to verify that data submitted was complete and accurate, nor did it test controls over the automated systems that counties and cities used to manage that data. As a result, the Auditors did not attempt to verify the accuracy and completeness of that data. This report contains conclusions that do not rely on that data, and it presents recommendations to address the reliability of that data.

# Contents

## *Detailed Results*

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Chapter 1	
The Office Provides Required Assistance to Counties and Cities, But It Should Strengthen That Assistance in Certain Areas.....	1
Chapter 2	
The Office Should Strengthen Its Processes for Ensuring That the Program Information Counties and Cities Submit Is Complete and Accurate.....	5
Chapter 3	
The Office Should Improve Its Process to Ensure That Counties and Cities Comply with Program Requirements .....	8

## *Appendices*

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Appendix 1	
Objectives, Scope, and Methodology .....	13
Appendix 2	
Map of Program Regions .....	17
Appendix 3	
Program Components .....	18
Appendix 4	
Program Implementation and Compliance Audit Dates .....	20

# Detailed Results

Chapter 1

## ***The Office Provides Required Assistance to Counties and Cities, But It Should Strengthen That Assistance in Certain Areas***

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The Office of Court Administration (Office) provides training and consultation in compliance with statute, rules, and its own policies to counties and cities that implement the Collection Improvement Program (Program).<sup>2</sup> The Office provides that assistance to counties and cities across five Program regions (see Appendix 2 for additional details), each with its own Office regional collections specialist. Office regional collections specialists work directly with county and city collections staff to implement the Program's components (see Appendix 3 for additional details). Between June 1, 2011, and May 31, 2013, the Office provided onsite consultations to all counties and cities that were required to implement the Program, and it provided at least one training session in each Program region.

To strengthen the assistance it provides to counties and cities, the Office should ensure that it provides sufficient opportunities for county and city staff to attend training within their region of the state. Routinely surveying counties and cities also could facilitate Program improvement and staff accountability. Additionally, the Office should better recognize "model" counties and cities that have successfully implemented all aspects of the Program, and it should identify those model counties and cities as resources for other counties and cities that implement the Program.

The Office should provide all counties and cities with sufficient opportunities to attend training within their regions. The Office provided 30 Program training sessions between June 1, 2011, and May 31, 2013, across all five regions. However, during that two-year period, counties and cities in one region had few opportunities to attend training within that region.

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<sup>2</sup> Article 103.0033 of the Texas Code of Criminal Procedure requires counties with populations that exceed 50,000 and cities with populations the exceed 100,000 to implement the Program.

As Table 1 shows, four regions received at least five training sessions between June 1, 2011, and May 31, 2013; however, the East Texas region received only one training session.

Table 1

Program Training Sessions the Office Provided June 1, 2011, through May 31, 2013	
Region	Number of Training Sessions
Houston Region	8
North Region	8
South Region	8
Central Region	5
East Region	1
<b>Total</b>	<b>30</b>

Source: The Office.

The Office asks its regional collections specialists to provide each region with at least two training sessions each year. While county and city collections staff can attend sessions in any region, it may be more difficult for them to take time away from their collections duties to travel to other regions for training. Available attendance records for training sessions indicated that it was not common for collections staff from the East Texas region to travel to other regions to attend training. It is important for the Office to provide opportunities for county and city collections staff to learn the Program's components and to gain an understanding of the Program's collections and expenditure reporting requirements (see Chapter 2 for additional details).

The Office should survey counties and cities more frequently. In 2009, the Office surveyed the counties and cities that implemented the Program. From that survey, it learned that the counties and cities wanted additional training on collections reporting requirements. The Office responded by developing and providing reporting training. However, the Office has not surveyed the counties and cities since 2009. Conducting surveys more frequently could help the Office better identify problems that counties and cities face when they implement the Program, and it could help the Office develop training and policies to address those problems. Additionally, conducting surveys could help the Office better understand the effectiveness of its regional collections specialists.

The Office should better recognize counties and cities that have model collections programs. The Office indicates on its Web site that it is aware of counties and cities that have model collections program, and that it can refer other counties and cities to those model programs for assistance. Listing the specific counties and cities that have model collections programs and providing their contact information could help the Office achieve its mission of providing guidance

on implementing the Program. Listing the specific counties and cities also could create an incentive for collections staff in counties and cities to fully implement Program requirements and potentially be recognized as having model collections program.

The Office has a system of rating counties and cities based on their adherence to Program requirements, and Program staff provide the rating information to the Office's auditors for the purposes of risk assessment (see Chapter 3 for additional details). That rating system could serve as the basis for establishing a set of model county and city collections programs.

## Recommendations

The Office should:

- Provide at least two training sessions in each Program region each year.
- Survey counties and cities at least biennially to better ensure that it understands the problems that counties and cities face and to better assess the effectiveness of the Program.
- Identify counties and cities with model collections programs to serve as resources for other counties and cities.

## Management's Response

*We agree with the recommendations. As shown in Table 1 on page 2 of the SAO report, we do provide training sessions in each Program region. We will ensure we conduct at least two training sessions in the East Texas region. We will survey counties and cities biennially as part of the Office's strategic planning process, which includes a customer service survey of other customer groups.*

*We will also explore how best to provide information about "model" collection programs. One of the challenges with this issue is defining "model" programs. Local jurisdictions (particularly counties) have a great deal of flexibility in how they implement the Program. They can operate a single, central program for all levels of court (district, county and justice courts); they can operate a program for district and county level courts with a separate program for justice courts; each, individual court can operate its own, independent program within the county; or they can develop numerous, other structures in between the extremes. If two jurisdictions have the same structure, they may use different case management software, or they may capture collections data differently. This flexibility allows jurisdictions to maintain local control of their collection processes. At the same time, it results in program size and structure variances that make across-the-board comparisons impractical. When working on implementation or program*



*maintenance issues with local jurisdictions, we do identify other jurisdictions that operate “model” programs that are similar in structure to the jurisdiction with which we are working. Identifying or publishing a list of “the model” collection programs may prove to be somewhat problematic due to the differences outlined above. One avenue we may explore is to publicize “best practices” adopted by programs that would be beneficial to many, if not all, programs. For example, mailing out past due notices on bright yellow postcards yields lots of response.*

## ***The Office Should Strengthen Its Processes for Ensuring That the Program Information Counties and Cities Submit Is Complete and Accurate***

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The Office receives information on court collections and collections-related expenditures from counties and cities that implement the Program. Those counties and cities use many different types of systems to track that information internally; many of those systems are decentralized, which adds complexity to submitting information to the Office.

The collections information that counties and cities submit is important because the Office uses it to track performance trends in collections statewide and at the individual county and city. While the Office reviews that information to ensure that reporting is consistent and conducts audits to assess compliance with Program requirements at counties and cities, it does not conduct audits to verify the accuracy and completeness of the information that counties and cities submit, as required by Article 103.0033(j) of the Texas Code of Criminal Procedure. Verifying that information would help the Office:

- Accurately assess and report the effects of the Program on collections.
- Better determine whether counties and cities comply with Program requirements.

Auditing collections-related expenditure information that counties and cities submit is important because the Office uses that information to calculate a return on expenditures for each county and city to demonstrate the value of a collections program.

The Office should conduct audits to verify information that counties and cities submit. While the Office conducts audits to determine whether counties and cities

### **Program Audit Requirements**

“The office shall periodically audit counties and municipalities to verify information reported...and confirm that the county or municipality is conforming with requirements relating to the program.”

Source: Article 103.0033(j), Texas Code of Criminal Procedure.

comply with Program requirements (see text box and Chapter 3 for additional details), it does not conduct audits to verify that the collections information counties and cities submit to the Office is accurate and complete. Verifying that information would increase the Office’s confidence that it is assessing collections programs based on accurate and complete information. The Office also would benefit from verifying information when it reviews and reports on the Program’s effect on collections across the state. In addition, verifying counties’ and cities’ collections information would enable the Office to better identify model collections programs (see Chapter 1 for additional details).

The Office calculates a return on expenditures for each county and city that implements the Program, and it uses the calculation results to show counties and cities the value of implementing the Program. However, Office staff hesitate to compare return on expenditures calculations across different counties and cities because they do not believe that counties and cities consistently report collections-related expenditures in accordance with the guidance the Office provides. For that same reason, the Office also is hesitant to report a statewide return on expenditures. Auditing collections-related expenditures would enable the Office to:

- Better demonstrate the value of the Program statewide and to individual counties and cities.
- Compare counties' and cities' returns on expenditures.
- Better identify and learn from counties and cities that have model collections programs.

### Recommendation

The Office should comply with requirements to conduct audits to verify the collections and collections-related expenditure information that counties and cities submit.

### Management's Response

*We agree with the recommendation and appreciate the audit staff's review of this issue and the resulting dialogue concerning data integrity audits. At the time the Collection Improvement Program (CIP) became mandatory (in FY2006), the statute directed the Texas Comptroller of Public Accounts (CPA) to audit local jurisdictions for compliance with the provisions of the Collection Improvement Program. The audit activities included conducting pre-implementation and post-implementation rate reviews, as well as audits for compliance with the mandatory program requirements. At the same time, the Office began design and construction of the Court Collections Reporting System (CCRS) so that local jurisdictions could report their collection data to the Office. Since no data collection system was in place prior to the CIP becoming mandatory, significant lead time was required to build, test and launch the system.*

*When the audit function was transferred to the Office in FY2012, we left intact the Comptroller's original approach to the audit function, continuing to conduct pre-implementation and post-implementation rate reviews, as well as program compliance audits. We also hired a financial analyst to review and verify the data submitted via the CCRS and to evaluate and make recommendations for enhancing the system. As this process has matured over*

*the last two years, we are now in a position to begin planning periodic data integrity audits. The Audit Department has allocated hours in FY2014 to develop an audit program for testing data integrity, and plans are being made to perform a pilot data integrity audit during the summer of 2014.*

## ***The Office Should Improve Its Process to Ensure That Counties and Cities Comply with Program Requirements***

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The Office complies with requirements to conduct collection rate reviews, and it audits to confirm that counties and cities comply with Program requirements. The Office was given responsibility for the Program's audit function in September 2011, and it had completed 12 compliance audits as of June 30, 2013 (8 at cities and 4 at counties).

To better ensure that counties and cities comply with Program requirements, the Office should strengthen its process for selecting cities and counties to audit. Specifically, the risk assessment process that the Office used to select cities and counties to audit did not:

- Include all counties and cities that were required to have implemented the Program.
- Consider factors such as counties' and cities' collected amounts and collection rates.
- Select for audit counties and cities that the Office assessed as having a relatively high risk for noncompliance with Program requirements.

In addition, when the Office's auditors conducted audits at counties and cities, they did not consistently document the steps they took to ensure that the counties and cities provided complete information on relevant cases for the time period they audited.

**The Office should improve its process for selecting counties and cities for compliance audits.**

The Office did not consider all counties and cities when it selected counties and cities for audit. The Office's audit staff conducts an annual risk assessment of counties and cities that were required to implement the Program. However, that risk assessment did not include counties and cities that Office Program staff had not "released" to the auditors as ready to be audited. At the time of the Office's risk assessment for fiscal year 2013 audits, Program staff determined that 25 of the 91 counties and cities required to implement the Program were not ready to be audited. As a result, the subset of counties and cities that the Office considered for audit were the counties and cities that were most likely to be in compliance with Program requirements.

The issues discussed above could partially explain why many counties and cities take years to implement the Program. Specifically, counties and cities may have reduced incentive to fully implement the Program if full implementation makes them subject to audit and the possibility of financial

penalty.<sup>3</sup> For the 66 counties and cities that the Office released for audit at the time of its fiscal year 2013 risk assessment, the average time between those counties' and cities' implementation of the Program and their potential selection for audit was 3.5 years. (See Appendix 4 for information on all counties and cities that are required to implement the Program.)

The Office's risk assessment process should consider other risks related to improving collections. The risk assessment the Office used to select counties and cities for audit did not consider the counties' and cities' total collections or collections rates. Because those factors directly relate to the purpose of the Program, the Office could better address risks to collections by considering those factors when it selects the counties and cities it will audit.

In fiscal year 2013, the Office selected for audit only counties and cities with low risk for noncompliance with Program requirements. As part of its risk assessment, the Office assigned risk scores to counties and cities that its Program staff had released for audit. In fiscal year 2013, the Office selected for audit only counties and cities that had low risk scores and, therefore, had the lowest risk of noncompliance with Program requirements. Auditing only low-risk counties and cities reduces the Office's opportunity to identify and correct noncompliance with Program requirements and could result in reduced revenues to the counties and cities and to the State.

The Office did not consistently document the steps it took to ensure that it receives complete information from counties and cities for the purposes of calculating collection rates and determining compliance with Program requirements. As discussed in Chapter 2, the Office has difficulty ensuring that the information it receives from counties and cities is complete and accurate. That issue also affects the Office's collection rate reviews and its audits of counties' and cities' compliance with Program requirements. The Office's audit procedures require its auditors to compare the number of cases that counties and cities provide to Office auditors with the number of cases those counties and cities reported to Program staff for the same time period.

For 9 (75 percent) of the 12 Office audits that the State Auditor's Office tested, the Office did not have documentation showing that it ensured that the counties and cities audited provided all cases for the time period audited. For two of the three cases for which the Office had that documentation, its auditors used the information the counties and cities provided even though Office auditors determined that the case populations were not complete. Ensuring that Office auditors test the complete population of cases is essential for determining compliance with Program requirements

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<sup>3</sup> Sections 133.058 and 133.103 of the Texas Local Government Code specify financial penalties for instances in which counties and cities that are required to implement the Program do not comply with Program requirements and remain out of compliance for 180 days.

## Recommendations

The Office should:

- Include all counties and cities that are required to implement the Program in its annual risk assessment.
- Consider counties' and cities' total collections and collection rate in its risk assessment.
- Select for audit at least some counties and cities with relatively high assessed risk for noncompliance with Program requirements.
- Strengthen procedures for its compliance audits to help ensure that its auditors have a complete population of cases from each county and city that they audit.

## Management's Response

*We agree with the recommendations.*

- *Include all counties and cities that are required to implement the Program in its annual risk assessment.*

*In developing the Collection Improvement Program, the Office aspired to create a system that compelled mandatory jurisdictions to develop a program without imposing penalties. While Legislation provides a financial penalty placed upon the jurisdictions found non-compliant, the State and jurisdictions benefit more when the jurisdictions have a collection program operating as intended, collecting the maximum amount of court costs, fees and fines. Extensive work was done to train the jurisdictions on the basic components of a collection program. (Implementing a collection system takes time, especially in the larger jurisdictions.) In an effort to reduce the chance of failure, the Office and the Comptroller of Public Accounts (CPA) developed a system by which the Office provided technical assistance until such point as all components of the jurisdictions' program were working as intended. The Office then released the jurisdiction to the CPA for audit.*

*As mentioned above, when the audit function was transferred to the Office in FY2012, we left intact the Comptroller's original approach to the audit function; therefore, the risk assessment for the FY2013 and FY2014 audit plans did not include jurisdictions that had yet to be released for audit. During the 83rd Legislature, Regular Session, legislation passed allowing a 180-day grace period for all mandatory jurisdictions that failed an audit to re-establish compliance before financial penalties are assessed, and the case for excluding jurisdictions from the risk assessment was significantly*

*diminished. Therefore, all jurisdictions will be included in the risk assessment for the FY2015 Audit Plan.*

- *Consider counties' and cities' total collections and collection rate in its risk assessment.*

*In developing its risk assessment, the Office audit staff discussed various risk factors by which to assess the jurisdictions, including both total collections and collection rates. However, neither total collections nor collection rate has a direct relationship to compliance with the components of the Program. Taking into consideration the recommendations of the SAO, we added Total Dollars Assessed to the risk factors used during the FY2014 risk assessment for the FY2014 Audit Plan.*

- *Select for audit at least some counties and cities with relatively high assessed risk for noncompliance with Program requirements.*

*As noted previously, the audit function was transferred to the Office in September 2011. By January 2012, the audit department was staffed, and work began to learn the requirements of the collection program and how collection rates are calculated. In determining the jurisdictions to audit for FY2013, an intentional management decision was made to audit jurisdictions that rated lower in risk. This was done to allow the new auditors to better learn the rules of the program, and how the local jurisdictions operate. As documented in the FY2013 risk assessment, this was a one-time decision. It should be noted that of the sixteen (16) audits performed on the jurisdictions selected using this methodology, three (3) jurisdictions failed the compliance audit. As planned, when the FY2014 risk assessment was developed, the jurisdictions with the highest risk were selected for audit in the FY2014 Audit Plan.*

- *Strengthen procedures for its compliance audits to help ensure that its auditors have a complete population of cases from each county and city that they audit.*

*The Office agrees with this recommendation. As a result of status meetings with the SAO, the CIP auditors are now required to document the steps taken to determine whether they have complete information prior to performing the sampling phase of the audit/rate review. The CIP audit department relies on local jurisdictions to provide complete information for the purposes of the compliance audits and rate reviews. When the information is obtained, the CIP auditors work to determine if the information is complete. However, there is no absolute number to compare the information to for completeness. Auditors perform reasonableness tests against the information reported to the Court Collections Reporting System (CCRS) as well as the Judicial Data System maintained by the Office's Judicial Information department. In instances where the CIP auditors feel they have not received all cases that should be included, they request a listing of all adjudications for the audit*



*period, and, during their fieldwork testing, eliminate cases not meeting the audit criteria. This method is not preferred, as experience shows that auditors must review many more cases that do not meet the criteria before finding those cases that can be tested. We feel this issue will be improved as audits for data integrity are performed (see Chapter 2).*

# Appendices

Appendix 1

## **Objectives, Scope, and Methodology**

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### **Objectives**

The objectives of this audit were to:

- Determine whether the Office of Court Administration (Office) complies with state law, administrative rules, and Office policies and procedures governing the Collection Improvement Program (Program), as those requirements apply to the Office's:
  - ♦ Calculation of collection rates for court costs, fees, and fines.
  - ♦ Technical assistance provided to counties and municipalities.
  - ♦ Audit function.
- Determine whether the Office has designed and implemented effective processes and related controls to help ensure the accuracy and completeness of Program data that counties and municipalities submit to the Office.

### **Scope**

The scope of this audit covered the Office's Program activities from June 1, 2011, through May 31, 2013, and its audit activities from September 1, 2011, through August 31, 2013.

### **Methodology**

The audit methodology included collecting information and documentation from the Office and analyzing and evaluating training and technical assistance information and Office audit documentation and reports. Auditors evaluated collection rate calculation information from the Office's collection rate reviews. In addition, auditors interviewed Office staff and observed assistance that Office staff provided to county and city staff. This audit did not include a review of information technology.

Auditors reviewed all completed audits from the Office's fiscal year 2013 audit plan for the Program and all completed collection rate reviews. Auditors reviewed available technical assistance records without sampling.

Auditors determined that the data that counties and cities submitted to the Office was not reliable for the purposes of this audit. The Office did not conduct audits to verify that data submitted was complete and accurate, nor

did it test controls over the automated systems that counties and cities used to manage that data. As a result, the Auditors did not attempt to verify the accuracy and completeness of that data. This report contains conclusions that do not rely on that data, and it presents recommendations to address the reliability of that data.

Information collected and reviewed included the following:

- Office collection rate review reports and documentation of rate review calculations.
- Records related to the Office's provision of assistance to counties and cities, including:
  - ♦ Training records.
  - ♦ Tracking documents for the Office's provision of assistance to counties and cities.
  - ♦ Documentation related to the Program's release of counties and cities for audit.
- The Office's methodology for assessing the effectiveness of counties' and cities' collections efforts.
- Office compliance audits of counties and cities.
- Audit documentation related to the Office's:
  - ♦ Methodology for ensuring that it samples from complete case populations when it audits counties and cities.
  - ♦ Sampling methodology.
  - ♦ Risk assessment for counties and cities.
  - ♦ Process for selecting counties and cities for audit.
- The Office's methodology for identifying all counties and cities that are required to implement the Program.
- The Office's methodology and related records for granting waivers to mandatory implementation of the Program.
- Documentation and information from interviews related to the Office's efforts to ensure that the information it collects from counties and cities is reliable.

Procedures and tests conducted included the following:

- Interviewed Office management and staff.
- Reviewed Office collection rate calculations for consistency and accuracy.
- Assessed the extent of assistance and training the Office provided to counties and cities.
- Reviewed Office procedures to assess collections programs at counties and cities.
- Assessed the frequency of training and consultation the Office provided to counties and cities.
- Reviewed the Office's auditing procedures for consistency with the Texas Code of Criminal Procedure.
- Reviewed the Office's evaluation of and selection process for audits of counties and cities.
- Assessed Office procedures related to data integrity and completeness.

Criteria used included the following:

- Article 103.033, Texas Code of Criminal Procedure.
- Texas Local Government Code, Sections 133.058(e), 133.103(b), 133.103(c) and 133.103(c-1).
- Title 1, Texas Administrative Code, Chapter 175.
- Program policies and procedures.
- Office audit procedures.

## **Project Information**

Audit fieldwork was conducted from June 2013 through September 2013. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

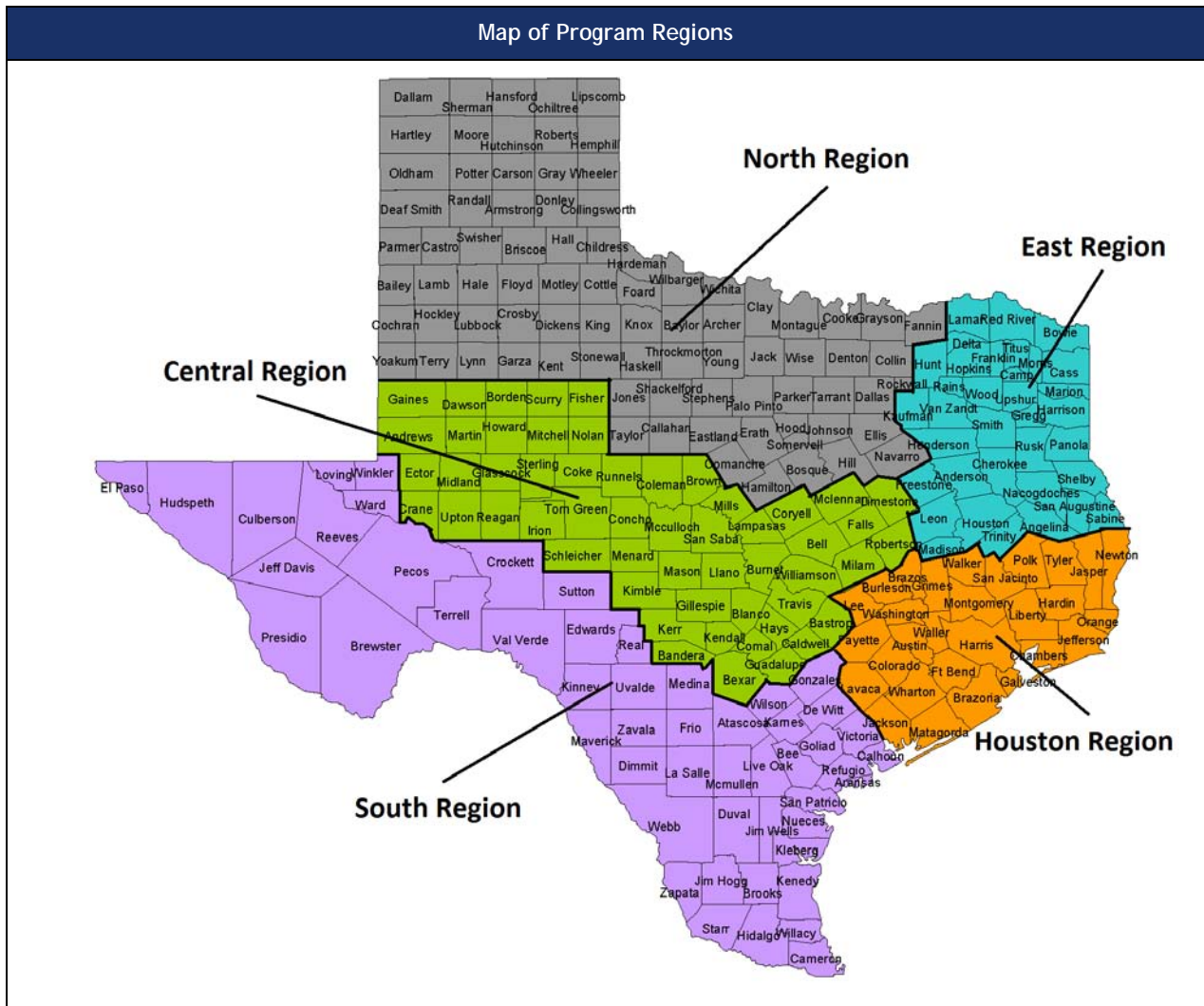
The following members of the State Auditor's staff performed the audit:

- Scott Boston, MPAff (Project Manager)
- Carl Ela, CFE, CGAP, CIDA (Assistant Project Manager)
- Johann Hajek, MAcc
- Nicole McClusky-Erskine
- J. Scott Killingsworth, CIA, CGAP, CGFM (Quality Control Reviewer)
- Angelica M. Ramirez, CPA (Audit Manager)

## Map of Program Regions

Figure 1 shows the Office of Court Administration’s (Office) five Collection Improvement Program (Program) regions in the state. The Office has a regional collections specialist position in each Program region to provide assistance to counties and cities that implement the Program.

Figure 1



Source: The Office.

## Program Components

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The Office of Court Administration's (Office) Collection Improvement Program (Program) is a set of principles and processes designed to assist counties and cities in collecting court costs, fees, and fines assessed against persons convicted of (or placed on deferred adjudication or deferred disposition for) misdemeanor or felony charges when they are not prepared to pay all court costs, fees, and fines at the time of assessment and when additional time to pay is requested.

The key elements of the Program are:

- Staff or staff time is dedicated to collections activities.
- There is an expectation that all court costs, fees, and fines are generally due at the time of assessment (the sentencing or judgment imposed date).
- Defendants who are unable to pay in full on the day of assessment are required to complete an application for extension of time to pay.
- Application information is verified and evaluated to establish an appropriate payment plan for the defendant.
- Payment terms are usually strict.
- Alternative enforcement options (for example, community service) are available for individuals who do not qualify for a payment plan.
- Defendants are closely monitored for compliance, and action is taken promptly for non-compliance:
  - ♦ Telephone contact and letter notification are required when a payment is missed.
  - ♦ It is possible to issue a warrant for continued noncompliance.
  - ♦ It is possible to apply statutorily permitted collection remedies, such as programs for nonrenewal of a driver's license or vehicle registration.
- A county or city may contract with a private attorney or a public or private vendor for the provision of collections services on delinquent cases (61 or more days) after in-house collections efforts are exhausted.

The Program began more than 10 years ago as a voluntary model. In 2005, the 79th Legislature expanded the collection of court-ordered payments by adding Article 103.0033 to the Texas Code of Criminal Procedure. That statute required cities with a population of 100,000 or more and counties with a population of 50,000 or more to implement a collection improvement program

based on the Office's model. Population is based on the most recent federal decennial census. Prior to the 2010 federal census, 78 counties and cities were required to implement the Program. Based on the 2010 federal census, an additional 8 counties and 5 cities were required to implement the Program, resulting in a total of 91 counties and cities (62 counties and 29 cities).



## Program Implementation and Compliance Audit Dates

Table 2 shows the 91 counties and cities that meet the population criteria in Article 103.0033 of the Texas Code of Criminal Procedure for mandatory implementation of the Office of Court Administration's (Office) Collection Improvement Program (Program). For each county and city, Table 2 provides information on the type of court, the region, dates for implementation and readiness for audit, months required to achieve that readiness, and whether the county or city received a compliance audit.

Table 2

Office Compliance Audits at Counties and Cities						
Location	City or County <sup>a</sup>	Office Region	Collection Program Implementation Date <sup>b</sup>	Date on Which the Office Deemed the Collection Program Ready for Audit	Number of Months Between Implementation and Ready for Audit	Has the City or County Received a Compliance Audit?
Abilene	City	North	April 2007	August 2008	16	Yes <sup>c</sup>
Amarillo	City	North	April 2006	August 2008	28	Yes <sup>c</sup>
Anderson	County	East	Program requirements waived	Program requirements waived	Not applicable	No
Angelina	County	East	August 2007	March 2010	30	No
Arlington	City	North	August 2007	April 2011	44	Yes
Austin	City	Central	March 2006	June 2008	27	Yes <sup>c</sup>
Bastrop	County	Central	April 2007	October 2011	54	No
Beaumont	City	Houston	August 2007	April 2009	20	Yes <sup>c</sup>
Bell	County	Central	February 2007	August 2010	42	No
Bexar	County	Central	March 2006	Not yet deemed ready	Not applicable	No
Bowie	County	East	August 2006	June 2009	33	No
Brazoria	County	Houston	October 2007	December 2010	38	No
Brazos	County	Houston	March 2006	June 2008	27	Yes <sup>c</sup>
Brownsville	City	South	December 2006	November 2010	47	No
Cameron	County	South	June 2006	August 2010	50	No
Carrollton	City	North	November 2005	April 2011	65	No
Cherokee	County	East	Program requirements waived	Program requirements waived	Not applicable	No
Collin	County	North	April 2007	January 2013	69	No
Comal	County	Central	March 2006	October 2011	67	No
Corpus Christi	City	South	June 2006	October 2008	28	Yes <sup>c</sup>
Coryell	County	Central	February 2007	December 2010	46	No
Dallas	County	North	January 2006	Not yet deemed ready	Not applicable	No
Dallas	City	North	January 2006	December 2011	70	No

**Office Compliance Audits at Counties and Cities**

Location	City or County <sup>a</sup>	Office Region	Collection Program Implementation Date <sup>b</sup>	Date on Which the Office Deemed the Collection Program Ready for Audit	Number of Months Between Implementation and Ready for Audit	Has the City or County Received a Compliance Audit?
Denton	County	North	May 2007	May 2011	48	No
Denton	City	North	April 2012	Not yet deemed ready	Not applicable	No
Ector	County	Central	February 2007	November 2010	45	Yes
El Paso	County	South	June 2006	June 2008	24	No
El Paso	City	South	June 2006	July 2008	24	Yes <sup>c</sup>
Ellis	County	North	May 2007	Not yet deemed ready	Not applicable	No
Fort Worth	City	North	January 2006	November 2010	58	No
Frisco	City	North	April 2012	Not yet deemed ready	Not applicable	No
Ft. Bend	County	Houston	July 2008	July 2012	47	No
Galveston	County	Houston	June 2007	July 2010	37	No
Garland	City	North	January 2006	November 2010	58	Yes
Grand Prairie	City	North	April 2007	April 2011	48	Yes
Grayson	County	North	May 2006	January 2013	80	No
Gregg	County	East	April 2007	June 2010	38	Yes
Guadalupe	County	Central	May 2007	October 2011	53	No
Hardin	County	Houston	August 2012	Not yet deemed ready	Not applicable	No
Harris	County	Houston	Program requirements waived	Program requirements waived	Not applicable	No
Harrison	County	East	April 2006	October 2008	30	Yes
Hays	County	Central	August 2007	October 2011	49	No
Henderson	County	East	April 2007	December 2010	44	No
Hidalgo	County	South	June 2006	July 2010	49	No
Hood	County	North	April 2012	Not yet deemed ready	Not applicable	No
Houston	City	Houston	August 2006	December 2008	28	Yes <sup>c</sup>
Hunt	County	East	April 2007	October 2011	54	No
Irving	City	North	January 2006	December 2010	59	Yes
Jefferson	County	Houston	September 2007	Not yet deemed ready	Not applicable	No
Johnson	County	North	April 2007	Not yet deemed ready	Not applicable	No
Kaufman	County	East	March 2007	August 2010	41	No
Killeen	City	Central	April 2012	Not yet deemed ready	Not applicable	No
Laredo	City	South	March 2007	December 2009	33	Yes
Liberty	County	Houston	February 2006	April 2009	38	Yes <sup>c</sup>
Lubbock	County	North	April 2006	April 2008	24	Yes <sup>c</sup>
Lubbock	City	North	May 2009	August 2009	2	Yes <sup>c</sup>
Maverick	County	South	April 2012	Not yet deemed ready	Not applicable	No

**Office Compliance Audits at Counties and Cities**

Location	City or County <sup>a</sup>	Office Region	Collection Program Implementation Date <sup>b</sup>	Date on Which the Office Deemed the Collection Program Ready for Audit	Number of Months Between Implementation and Ready for Audit	Has the City or County Received a Compliance Audit?
McAllen	City	South	October 2006	August 2010	46	Yes
McKinney	City	North	April 2012	Not yet deemed ready	Not applicable	No
McLennan	County	Central	April 2007	December 2011	56	No
Mesquite	City	North	April 2007	January 2012	57	Yes
Midland	County	Central	April 2006	October 2011	66	No
Midland	City	Central	April 2012	Not yet deemed ready	Not applicable	No
Montgomery	County	Houston	June 2007	December 2009	30	No
Nacogdoches	County	East	April 2007	April 2009	24	Yes <sup>c</sup>
Nueces	County	South	August 2006	February 2010	41	No
Orange	County	Houston	August 2007	January 2011	41	No
Parker	County	North	March 2008	March 2013	60	No
Pasadena	City	Houston	February 2004	October 2009	68	Yes <sup>c</sup>
Plano	City	North	January 2006	November 2010	58	Yes
Potter	County	North	August 2006	April 2009	32	Yes <sup>c</sup>
Randall	County	North	April 2006	October 2008	30	Yes <sup>c</sup>
Rockwall	County	North	April 2012	Not yet deemed ready	Not applicable	No
Rusk	County	East	Program requirements waived	Program requirements waived	Not applicable	No
San Antonio	City	Central	July 2006	December 2010	53	No
San Patricio	County	South	June 2006	November 2010	52	No
Smith	County	East	March 2010	January 2011	9	No
Starr	County	South	January 2007	August 2010	43	No
Tarrant	County	North	May 2007	Not yet deemed ready	Not applicable	No
Taylor	County	North	April 2006	December 2008	32	Yes <sup>c</sup>
Tom Green	County	Central	April 2006	December 2008	32	Yes <sup>c</sup>
Travis	County	Central	March 2006	December 2008	33	Yes <sup>c</sup>
Van Zandt	County	East	April 2012	Not yet deemed ready	Not applicable	No
Victoria	County	South	January 2005	December 2009	58	No
Waco	City	Central	November 2004	October 2008	47	Yes <sup>c</sup>
Walker	County	Houston	August 2006	November 2010	51	No
Webb	County	South	April 2007	December 2010	44	No
Wichita	County	North	April 2006	April 2011	60	Yes
Wichita Falls	City	North	May 2007	May 2011	48	No
Williamson	County	Central	March 2006	Not yet deemed ready	Not applicable	No

**Office Compliance Audits at Counties and Cities**

Location	City or County <sup>a</sup>	Office Region	Collection Program Implementation Date <sup>b</sup>	Date on Which the Office Deemed the Collection Program Ready for Audit	Number of Months Between Implementation and Ready for Audit	Has the City or County Received a Compliance Audit?
Wise	County	North	Pending	Not yet deemed ready	Not applicable	No

<sup>a</sup> A single county can have multiple courts.

<sup>b</sup> The collection program implementation date is the actual implementation date according to Program staff and not the statutory implementation date.

<sup>c</sup> The Office of the Comptroller of Public Accounts audited this city or county before the Office of Court Administration was given responsibility for the Program's audit function in September 2011.

Source: Compiled from Office of Court Administration information.

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The Honorable Rick Perry, Governor

### **Office of Court Administration**

The Honorable Nathan Hecht, Chief Justice, Supreme Court of Texas

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