

# STATE OF CONNECTICUT



***AUDITORS' REPORT  
JUDICIAL BRANCH  
FISCAL YEARS ENDED JUNE 30, 2019 AND 2020***

**AUDITORS OF PUBLIC ACCOUNTS**  
JOHN C. GERAGOSIAN ❖ CLARK J. CHAPIN

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November 8, 2021

**EXECUTIVE SUMMARY**

In accordance with the provisions of Section 2-90 of the Connecticut General Statutes, we have audited certain operations of the Judicial Branch for the fiscal years ended June 30, 2019 and 2020. Our audit identified internal control deficiencies; instances of noncompliance with laws, regulations, and policies; and a need for improvement in practices and procedures that warrant the attention of management. The significant findings and recommendations are presented below:

<p><a href="#"><u>Page 10</u></a></p>	<p>The Judicial Branch disaster recovery plan does not contain sufficient detail. The Judicial Branch should ensure that the disaster recovery plan contains sufficient information to allow other information technology professionals to recover systems if key employees are not available. (Recommendation 1.)</p>
<p><a href="#"><u>Page 11</u></a></p>	<p>The Judicial Branch has several legacy data processing systems that need to be replaced. Moving legacy system functions to Core-CT may be the most efficient and cost-effective way to accomplish this. The Judicial Branch should perform a cost-benefit analysis to determine whether moving financial functions to Core-CT would be the most prudent method of replacing its legacy information technology systems. (Recommendation 2.)</p>
<p><a href="#"><u>Page 12</u></a></p>	<p>The Judicial Branch did not maintain documentation to justify extending employment for eight of nine reemployed retirees reviewed, two of whom had been reemployed since 2017. Three of the reemployed retirees performed tasks that should have been completed by current managers and administrators, and the branch could not document another's work product. The Judicial Branch should rehire retirees only as necessary to cope with temporary staffing shortages affecting the delivery of important programs or services. The branch should clearly document the justification for the reemployment and extension of retirees and their work product. (See Recommendation 3.)</p>
<p><a href="#"><u>Page 14</u></a></p>	<p>The Judicial Branch's preapproval and monitoring control procedures for overtime are not operating effectively. The overtime was not preapproved or supported by a properly approved overtime certificate. The Judicial Branch should monitor compliance with its overtime policy. (See Recommendation 4.)</p>
<p><a href="#"><u>Page 15</u></a></p>	<p>The Judicial Branch is not enforcing established controls over compensatory time and did not maintain supporting documentation or evidence of its preapproval of compensatory time. The Judicial Branch should enforce compliance with existing controls over the awarding of compensatory time. (See Recommendation 5.)</p>

# STATE OF CONNECTICUT



## AUDITORS OF PUBLIC ACCOUNTS

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JOHN C. GERAGOSIAN

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November 8, 2021

### **AUDITORS' REPORT JUDICIAL BRANCH FISCAL YEARS ENDED JUNE 30, 2019 AND 2020**

We have audited certain operations of the Judicial Branch in fulfillment of our duties under Section 2-90 of the Connecticut General Statutes. The scope of our audit included, but was not necessarily limited to, the fiscal years ended June 30, 2019 and 2020. The objectives of our audit were to:

1. Evaluate the branch's internal controls over significant management and financial functions;
2. Evaluate the branch's compliance with policies and procedures internal to the department or promulgated by other state agencies, as well as certain legal provisions; and
3. Evaluate the effectiveness, economy, and efficiency of certain management practices and operations, including certain financial transactions.

Our methodology included reviewing written policies and procedures, financial records, minutes of meetings, and other pertinent documents; interviewing various personnel of the department, as well as certain external parties; and testing selected transactions. Our testing was not designed to project to a population unless specifically stated. We obtained an understanding of internal controls that we deemed significant within the context of the audit objectives and assessed whether such controls have been properly designed and placed in operation. We tested certain of those controls to obtain evidence regarding the effectiveness of their design and operation. We also obtained an understanding of legal provisions that are significant within the context of the audit objectives, and we assessed the risk that illegal acts, including fraud, and violations of contracts, grant agreements, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting instances of noncompliance significant to those provisions.

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 accompanying Résumé of Operations is presented for informational purposes. This information was obtained from various available sources including, but not limited to, the department's management and the state's information systems, and was not subjected to the procedures applied in our audit of the department. For the areas audited, we:

1. Identified deficiencies in internal controls;
2. Identified apparent non-compliance with laws, regulations, contracts and grant agreements, policies, and procedures; and
3. Identified a need for improvement in management practices and procedures that we deemed to be reportable.

The State Auditors' Findings and Recommendations section of this report presents findings arising from our audit of the Judicial Branch.

## COMMENTS

### FOREWORD

The Judicial Branch operates under the provisions of Article Fifth of the Constitution of the State of Connecticut and Titles 6 and 51, Chapters 78 and 870, respectively, of the General Statutes. The Office of Victim Services, established within the Judicial Branch, operates under the provisions of Title 54, Chapter 968 of the General Statutes. The branch's mission is to serve the interests of justice and the public by resolving matters brought before it in a fair, timely, efficient, and open manner.

The Judicial Branch interprets and upholds laws. It is comprised of the Supreme Court, Appellate Court, and Superior Court. The Supreme Court is the state's highest court. It consists of the chief justice, six associate justices, and one senior justice. The Chief Justice of the Supreme Court heads the Judicial Branch and is responsible for its administration. Chief Justice Richard A. Robinson served during the audited period and continues to serve in that capacity.

The Supreme Court is the state's court of last resort. It reviews decisions made in the Superior Court to determine errors of law. It also reviews selected decisions of the Appellate Court.

The chief justice appoints the chief court administrator, who oversees the administration of the Judicial Branch. The duties and powers of the chief court administrator are outlined in Section 51-5a of the General Statutes. The chief court administrator is responsible for the efficient operation of the branch. The deputy chief court administrator assists the chief court administrator in fulfilling these responsibilities. In addition, the deputy chief court administrator represents the Judicial Branch on commissions and committees.

The Appellate Court is the intermediate court of appeals. It reviews Superior Court decisions to determine whether errors of law have occurred. There are nine appellate court judges, and one chief judge who is designated by the chief justice.

The Superior Court is the state trial court of general jurisdiction. It hears all matters (except those under the Probate Court’s original jurisdiction) and Probate Court appeals. The Superior Court has 13 judicial districts, each having at least one courthouse and one geographical area court. There are 20 geographical area courts in total. There are also 12 juvenile court districts across the state.

The Superior Court has four principal trial divisions: civil, criminal, family, and housing. In general, major criminal cases, civil matters, and non-juvenile family cases are heard at judicial district court locations. Other civil and criminal matters are heard at geographical area courts. Cases involving juvenile matters are heard at juvenile courts.

Most aspects of the Judicial Branch’s financial operations are covered in this report. The Office of the Probate Court Administrator is an agency within the Judicial Branch, which our office reports on separately. However, the local courts of probate are subject to audit by the Office of the Probate Court Administrator. Similarly, the Public Defender Services Commission is an autonomous body within the Judicial Branch for fiscal and budgetary purposes only, and our office reports on it separately.

The Judicial Branch has five administrative divisions – administrative services, court support services, external affairs, superior court operations, and information technology. The administrative services, court support services, external affairs, and superior court operations divisions report directly to the chief court administrator. The information technology division reports to the chief court administrator through the deputy chief court administrator.

The Administrative Services Division provides centralized services to assist judges and branch employees. It has four units – financial services, facilities, human resources management, and materials management.

The Court Support Services Division oversees pretrial and family services, probation supervision of adults and juveniles, and juvenile pretrial detention services. It also provides post-adjudicatory juvenile justice services and administers a network of statewide contracted community providers that deliver services to court ordered clients.

The External Affairs Division promotes public trust and confidence in the Judicial Branch by fostering relationships with the legislative and executive branches, media, and community at large. The division, through its Judicial Branch Experiential Learning Programs, also offers a variety of meaningful placement opportunities for high school through law school students to gain valuable experience and develop appropriate career path skills.

The Superior Court Operations Division assists the Judicial Branch in the administration of justice by providing quality services and information to the court, its users, and the community. It also provides judges and support staff with the resources to process cases in a timely and efficient manner.

The Information Technology Division provides data processing and publication services to the Judicial Branch, its customers in the legal community, outside agencies, and the public. The

network, computing, and printing infrastructure it maintains supports the branch's operations and administrative divisions.

### **Commission on Official Legal Publications**

Section 51-216a of the General Statutes governs the activities of the Commission on Official Legal Publications (COLP), which is an agency of the Judicial Branch and is composed of the Chief Justice of the Supreme Court (ex-officio); the chief court administrator (ex-officio); a judge or former judge of the Supreme Court and a state referee, both of whom are appointed by the chief justice. The commission also includes the Reporter of Judicial Decisions and another branch employee appointed by the chief justice.

The commission is required to acquire, publish, distribute, and maintain a sufficient supply of official legal publications for the benefit of the state, as indicated in Section 51-216a(b) of the General Statutes. Section 51-216b of the General Statutes provides for the sale and distribution of publications at prices determined by the commission.

### **Significant Legislation**

Noteworthy legislation that took effect during the audited period is presented below:

- **Public Act 19-64**, effective July 1, 2019 through January 1, 2020, made changes in various laws related to court operations and judicial employees. It eliminated a requirement that court reporters employ assistant court reporters, modified the circumstances in which the state's attorney automatically receives copies of transcripts, and requires court proceedings to be digitally recorded. It also made Judicial Branch victim services advocates mandated reporters of child abuse and neglect, and it required the Division of Public Defenders and the Judicial Branch to share the cost of counsel appointed in certain juvenile court proceedings.
- **Public Act 19-117 (Sections 11 and 12)**, effective July 1, 2019, authorized the Secretary of the Office of Policy and Management to make \$5 million allotment reductions for the Judicial Branch in each of the fiscal years ending June 30, 2020 and June 30, 2021 to achieve budget savings in the General Fund. However, this authorization excluded the Youth Violence Initiative, Youth Services Prevention, and Juvenile Justice Outreach Services programs.
- **Public Act 19-145**, effective July 1, 2019, extended the Foreclosure Mediation Program through June 30, 2023 and changed its name to the Ezequiel Santiago Foreclosure Mediation Program.

**RÉSUMÉ OF OPERATIONS****General Fund**

<b>General Fund Receipts</b>			
<b>Receipt Description</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>
Court Fees	\$ 45,323,642	\$ 43,186,335	\$ 35,206,910
Additional Fee – Police Training	1,620,162	1,493,058	1,176,221
Refunds of Expenditures – Prior Years	1,203,376	2,017,091	2,163,307
Investment Interest	519,397	1,023,398	592,344
All Others	258,886	457,288	353,828
<b>Total Receipts</b>	<b>\$ 48,925,463</b>	<b>\$ 48,177,170</b>	<b>\$ 39,492,610</b>

General Fund receipts, which primarily consisted of court fees, decreased by \$748,293 (1.5%) in the 2018-2019 fiscal year and \$8,684,560 (18%) in the 2019-2020 fiscal year. These changes reflected decreases in the level of court activity and court closures in response to the COVID 19 pandemic during the 2019-2020 fiscal year.

<b>General Fund Expenditures</b>			
<b>Expenditure Description</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>
Personal Services	\$ 303,312,619	\$ 318,319,383	\$ 325,713,823
Other Expenses	60,267,988	60,602,873	59,251,446
Alternative Incarceration Program	49,347,704	49,315,399	49,477,959
Juvenile Alternative Incarceration	19,472,679	19,176,112	18,495,141
Youthful Offender Status	9,506,822	9,639,960	8,993,512
Workers Compensation Claims	6,109,611	7,700,030	7,129,758
Youth Services Prevention	1,839,372	3,019,971	3,027,189
Probate Court	1,900,000	4,350,000	7,200,000
Youth Violence Initiative	1,203,323	1,906,800	1,903,500
Juvenile Justice Outreach Service	5,100,908	8,569,251	17,646,372
Legal Aid	1,397,144	1,397,144	1,397,144
Forensic Sex Evidence Exams	1,347,970	1,248,010	1,239,723
Board and Care for Children	3,003,175	4,649,727	5,672,062
All Others	1,105,476	1,262,677	1,485,971
<b>Total Expenditures</b>	<b>\$ 464,914,791</b>	<b>\$ 491,157,337</b>	<b>\$ 508,633,600</b>

General Fund expenditures were primarily for personal services. General Fund expenditures increased by \$26,242,546 (6%) in the 2018-2019 fiscal year and \$17,476,262 (4%) in the 2019-2020 fiscal year.



The 2018-2019 fiscal year increase was primarily attributable to the hiring of additional employees. Judicial Branch General Fund payrolls included 3,865, 4,075 and 4,037 employees as of the end of the 2017-2018, 2018-2019, and 2019-2020 fiscal years, respectively. The 2019-2020 fiscal year increase was primarily attributable to the transfer of the responsibility for various juvenile functions from the Department of Children and Families to the Judicial Branch, as discussed below. An increase in the General Fund subsidy for Probate Court operations also had a significant effect which we discuss below.

In accordance with Public Act 17-2 of the June Special Session, the General Assembly transferred Juvenile Justice Outreach Service funding from the Department of Children and Families (DCF) to the Judicial Branch in the 2017-2018 fiscal year, which reflected the transfer of various juvenile functions from DCF to the branch. Public Act 17-2 of the June Special Session appropriated \$5,574,763 and \$11,149,525 for these services during the 2017-2018 and 2018-2019 fiscal years, respectively. Juvenile Justice Outreach Service expenditures increased \$3,468,343 in the 2018-2019 fiscal year and \$9,077,121 in the 2019-2020 fiscal year.

Probate Court expenditures increased \$2,450,000 in the 2018-2019 fiscal year and \$2,850,000 in the 2019-2020 fiscal year. The General Fund support for the Probate Court Administration Fund was reduced starting in the 2015-2016 fiscal year to address state budget deficits. The Probate Courts were forced to fund constitutionally mandated state services for the poor, formerly offset by General Fund appropriations, from available resources in the Probate Court Administration Fund. The amount of General Fund support was adjusted each year as necessary to prevent the Probate Court Administration Fund from becoming insolvent.

Youth Service Prevention expenditures increased \$1,180,599 in the 2018-2019 fiscal year due to additional funding. Although \$3,187,174 was appropriated for the 2017-2018 and 2018-2019 fiscal years, the Office of Policy and Management reduced the 2017-2018 appropriation by \$1,195,190 per Public Act 17-2 of the June Special Session. There were no reductions for the 2018-2019 or 2019-2020 fiscal years.

## Special Revenue Funds

Special Revenue Funds Receipts			
Receipt Description	2017-2018	2018-2019	2019-2020
Transportation Fund:			
Court Fees	\$ 17,560,192	\$ 17,139,459	\$ 14,360,980
Other Refunds	(36,302)	(29,199)	(12,096)
Criminal Injuries Compensation Fund:			
Court-Ordered Donations	1,719,860	1,575,593	1,322,868
Court Fees	859,980	810,337	624,718
All Others	344,691	329,779	806,376
Federal and Other Restricted Accounts – Federal Programs:			
Crime Victim Assistance	15,501,390	17,247,549	23,988,230
Antiterrorism Emergency Reserve	46,874		
Crime Victim Compensation	1,143,640	454,165	1,250,162
National Criminal History Improvement Program	1,535,367	1,335,639	834,300
All Others	831,452	841,488	826,211
Federal and Restricted Accounts – Other Restricted Contributions:			
Probation Transition Program and Technical Violation Units	5,863,664	4,991,039	5,003,270
Client Security Fund	2,603,472	2,678,698	532,849
Board of Parole Residential/Non-Residential Services	1,075,425	1,267,382	1,272,320
Judicial Data Processing Operating Revolving Account	507,327	514,151	476,865
Advanced Supervision and Intervention Support Team (ASIST) Program	500,185	413,141	500,185
Relief from Abuse (RFA) Legal Counsel	200,000	200,000	
All Others	325,476	216,811	146,257
<b>Total Receipts</b>	<b>\$ 50,582,693</b>	<b>\$ 49,986,032</b>	<b>\$ 51,933,495</b>

Special revenue funds receipts decreased by \$596,661 (1%) in the 2018-2019 fiscal year. They increased by \$1,947,463 (4%) in the 2019-2020 fiscal year. The 2019-2020 increase was primarily attributable to additional funding under the federal Crime Victim Assistance program. It was partially offset by a decrease in Client Security Fund program funding.

Crime Victim Assistance program receipts increased by \$1,746,159 (11%) and \$6,740,681 (39%) in the 2018-2019 and 2019-2020 fiscal years, respectively. Client Security Fund receipts increased by \$75,225 (3%) and decreased by \$2,145,849 (80%) in the 2018-2019 and 2019-2020

fiscal years, respectively. The 2019-2020 decrease was due to a delay in the collection of fees attributable to the pandemic. Normally fees are collected in May and June, but were collected in September through November in 2020.

<b>Special Revenue Funds Expenditures</b>			
<b>Expenditure Description</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>
<b>Criminal Injuries Compensation Fund:</b>			
Criminal Injuries Compensation	\$ 2,274,722	\$ 3,075,497	\$ 1,995,697
<b>Federal and Other Restricted Accounts – Federal Programs:</b>			
Crime Victim Assistance	15,415,078	17,252,434	24,901,614
National Criminal History Improvement Program	1,385,149	1,579,965	700,493
Crime Victim Compensation	1,096,018	587,194	1,162,705
Coronavirus Relief Fund			557,898
All Others	796,844	984,217	741,796
<b>Federal and Other Restricted Accounts – Other Restricted Contributions:</b>			
Client Security Fund	4,064,229	4,436,721	4,139,967
Probation Transition-Technical Violation Unit	2,974,743	3,061,945	3,187,105
Board of Parole Residential/Non-Residential Service	1,070,294	1,266,479	1,272,320
All Others	1,205,019	976,996	668,458
<b>Banking Fund:</b>			
Foreclosure Mediation Program	2,924,366	2,705,112	1,840,330
<b>Capital Equipment Purchase Fund</b>	489,235	606,524	18,785
<b>Total Expenditures</b>	<b>\$ 33,695,697</b>	<b>\$ 36,533,084</b>	<b>\$ 41,187,168</b>

Special revenue funds expenditures increased by \$2,837,387 (8%) in the 2018-2019 fiscal year. They increased again by \$4,654,084 (13%) in the 2019-2020 fiscal year. These changes were primarily attributable to increases in spending under the federal Crime Victim Assistance program.

Crime Victim Assistance program expenditures increased by \$1,837,356 (12%) and \$7,649,180 (44%) in the 2018-2019 and 2019-2020 fiscal years, respectively. These increases were attributable to additional program funding.

These increases were partially offset by decreases in expenditures under the state Foreclosure Mediation Program.

Foreclosure Mediation Program expenditures decreased by \$219,255 (7%) and \$864,782 (32%) in the 2018-2019 and 2019-2020 fiscal years, respectively. Expenditures under this program are primarily for foreclosure mediators' personal services and fringe benefits. There were 51 foreclosure mediators and high case activity during the 2014-2015 and 2015-2016 fiscal years. However, positions and case activity have continuously decreased since then, and ten positions remained as of the 2019-2020 fiscal year.

### **Capital Improvements and Other Purpose Funds**

<b>Capital Improvements and Other Purpose Funds Expenditures</b>			
<b>Expenditure Description</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>
Alterations, Renovations, and Improvements	\$ 3,218,497	\$ 5,972,269	\$ 5,077,881
Technology Strategic Plan	716,832	1,956,150	2,703,029
Security Improvements	369,716	366,427	604,181
<b>Total Expenditures</b>	<b>\$ 4,305,045</b>	<b>\$ 8,294,846</b>	<b>\$ 8,385,091</b>

Capital improvements and other purpose funds expenditures increased by \$3,989,800 (93%) in the 2018-2019 fiscal year. They increased again by \$90,245 (1%) in the 2019-2020 fiscal year. The 2018-2019 fiscal year increase was primarily due to additional expenditures for repairs and maintenance.

Technology strategic plan expenditures increased by \$1,239,318 (173%) and \$746,879 (38%) during the 2018-2019 and 2019-2020 fiscal years, respectively. These expenditures were primarily for information technology hardware purchases and installations.

### **Other Financial Activity**

The Judicial Branch maintained a number of cash accounts that were not reflected in Core-CT, the state's accounting system. They are described below.

- Court trust accounts are maintained by each judicial and geographical area court. As of June 30, 2020, the Judicial Branch had 41 court trust accounts.
- The Bar Examining Committee Operating Account is funded through various fees collected by the Bar Examining Committee.
- The Judicial Marshal Services Escrow account is used for monies other than prisoners' property left at court and unclaimed cash left in prisoners' personal effects.
- The Support Enforcement Trust Account is used for child support payments.
- The Judicial Escheat Account holds unclaimed funds prior to their transfer to the State Treasurer.

## STATE AUDITORS' FINDINGS AND RECOMMENDATIONS

Our examination of the records of the Judicial Branch disclosed the following 12 recommendations, of which ten have been repeated from the previous audit:

### **Disaster Recovery Plan**

- Criteria:* Organizations need an information technology disaster recovery plan to ensure the continuation of vital business processes if a disaster occurs. A disaster recovery plan focuses on defining the recovery objectives and the necessary steps to promptly resume normal operations. The written plan identifies relevant assets, document backup processes, and provides a detailed description that prioritizes the process, timing, and personnel to restore the information technology systems. It contains sufficient information to allow other information technology professionals to recover the systems if key employees are not available.
- Condition:* The Judicial Branch developed a high-level disaster recovery plan. However, the plan did not contain sufficient information to allow other information technology professionals to recover systems if key employees are not available.
- Context:* The Judicial Branch's information technology infrastructure provides essential support for branch operations.
- Effect:* The Judicial Branch's efforts to recover from events affecting its information technology systems could be hampered because the disaster recovery plan does not contain sufficient information.
- Cause:* We could not readily determine why the disaster recovery plan did not contain sufficient information.
- Prior Audit Finding:* This finding has been previously reported in the last audit report covering the fiscal years ended June 30, 2017 through June 30, 2018.
- Recommendation:* The Judicial Branch should ensure that the disaster recovery plan contains sufficient information to allow other information technology professionals to recover systems if key employees are not available. (See Recommendation 1.)
- Agency Response:* "The Judicial Branch has two stand-alone data centers that protect and maintain the integrity of the entire Judicial Branch information system. This model provides the most comprehensive disaster recovery plan possible as it provides the Branch with real-time, 24/7, redundancy of all Judicial Branch IT functions. This disaster recovery model has been tested by unforeseen IT emergencies several times during the audited period and has performed flawlessly and seamlessly during those

emergencies. The Disaster Recovery Plan identifies information technology staff who respond to emergencies. The Judicial Branch will increase the number of trained staff who perform this work.”

*Auditors’ Concluding  
Comment:*

The Judicial Branch’s response does not address our finding and recommendation. Furthermore, the branch did not provide any evidence to support its assertion that the systems performed flawlessly and seamlessly when tested. Preparing a disaster recovery plan with sufficient detail to allow other information technology professionals to recover systems if key employees are not available is a vital measure to minimize the effects of a disaster on information technology operations.

**Cost-Effectiveness Analysis Needed for Legacy Systems Replacement**

*Background:*

In 2003, Core-CT became the state’s human resources management, financial, and accounting system. Core-CT replaced many older legacy systems, bringing with it the promise of standardization, increased ad hoc reporting capabilities, simplified reconciliation, and interactivity with its users. Most state agencies use full scope Core-CT, which processes all of their financial and personnel transactions in the system. A few, including the Judicial Branch, use only limited scope Core-CT. They maintain separate systems that perform functions that would otherwise be carried out in Core-CT.

*Criteria:*

An older, outdated legacy system that is still being used to perform critical business processes can be a significant source of risk and inefficiency. Many of the Judicial Branch’s current information technology staff are eligible for retirement in 2022 and current members of the information technology workforce are unlikely to be familiar with older operating systems, programming languages, and hardware. Additionally, legacy systems may not be capable of sustaining current business needs, which could negatively impact employee productivity.

A cost-effectiveness analysis assumes that a certain benefit or outcome is desired, and that there is more than one way to achieve it. It can help identify the lowest cost alternative that will yield the desired result.

*Condition:*

The Judicial Branch has several legacy systems that need to be replaced. The branch started taking steps to replace these systems.

Moving legacy system functions to Core-CT may be the most efficient and cost-effective way to accomplish this. In our last two reports, we recommended that the Judicial Branch perform a business case study and examine the possibility of using full scope Core-CT as a replacement for some of its legacy fiscal information systems. However, the Judicial Branch has declined to perform such a study.

<i>Context:</i>	The Judicial Branch’s information technology infrastructure provides essential support for its operations.
<i>Effect:</i>	The state may incur unnecessary costs if the Judicial Branch does not perform a cost-effectiveness analysis.
<i>Cause:</i>	The Judicial Branch appears to feel that utilizing Core-CT would imperil its status as a separate branch of government. However, the Judicial Branch’s status as a separate branch of government is constitutional and sharing fiscal information systems with another branch of government to achieve cost savings would not affect that.
<i>Prior Audit Finding:</i>	This finding has been previously reported in the last two audit reports covering the fiscal years ended June 30, 2015 through June 30, 2018.
<i>Recommendation:</i>	The Judicial Branch should perform a cost-analysis to determine whether moving financial functions to Core-CT would be the most cost-effective method of replacing its legacy information technology systems. (See Recommendation 2.)
<i>Agency Response:</i>	<p>“The Judicial Branch benefits from having a knowledgeable and nimble information technology workforce that is capable of promptly making system modifications to address issues that arise from new legislation, changes in labor agreements or other matters. These in-house system changes cost less to maintain and can be performed quickly and without vendor fees or delays.</p> <p>The Branch is a limited-scope Core-CT partner. In order to mitigate any negative impact regarding support for Core-CT, the Branch prioritized replacement of its attendance and payroll feed application (Core interface) by April 2022. These are the most complicated Core-CT related systems. The attendance system has already been converted and the payroll interface is expected to be complete by April 2022. The Branch will continue to incrementally update legacy systems in order to provide optimum service and protect the overall information technology system.”</p>

### **Temporary Worker Retirees**

<i>Background:</i>	The state’s temporary worker retiree program provides short-term employment of state retirees for cases in which such employment is cost-effective and facilitates the maintenance of important programs or services. The program, which allows state agencies to access a pool of experienced workers, is intended as a temporary measure to alleviate brief staffing shortfalls.
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The program can be a valuable tool to help state agencies maintain their core functions. However, it can be subject to abuse by higher paid employees whose work product is not readily evaluated using a quantifiable measurement process.

*Criteria:* Temporary worker retirees should be rehired only as necessary to cope with temporary staffing shortages affecting the maintenance of important programs or services. The Judicial Branch should clearly document the justification for the employment of retirees and any subsequent extensions of their employment.

*Condition:* We reviewed the reemployment of nine Judicial Branch retirees, two of whom have been reemployed since 2017. The branch had no documented justification on file for extending the reemployment for eight of the nine retirees.

It appeared that three of the retirees performed tasks that should have been completed by current Judicial Branch managers and administrators. Additionally, the branch could not document another's work product.

*Context:* Judicial Branch payments to 33 reemployed retirees totaled \$810,132 during fiscal years 2018-2019 through 2019-2020. Payments to the nine reviewed reemployed retirees accounted for \$479,176.

*Effect:* The lack of proper justification reduced accountability. The Judicial Branch may have incurred unnecessary costs.

*Cause:* We could not readily determine the reason for the condition.

*Prior Audit Finding:* This finding has been previously reported in the last audit report covering the fiscal years ended June 30, 2017 through June 30, 2018.

*Recommendation:* The Judicial Branch should rehire retirees only as necessary to cope with temporary staffing shortages affecting the delivery of important programs or services. The branch should clearly document the justification for the reemployment and extension of retirees and their work product. (See Recommendation 3.)

*Agency Response:* "The Judicial Branch utilizes rehired retirees on a limited basis to expedite the transfer of institutional knowledge, provide continuity of critical programs or services, and to provide historical information and subject matter expertise in order to avoid unforeseen obstacles as policy and operational changes are contemplated. Rehired retirees produce written plans, operational reviews, and program assessments; provide



advice on various budget, legal and policy matters; and facilitate the transfer of knowledge to employees assuming new positions.

The Judicial Branch has revised its procedures to require that all requests to extend approval for rehired retirees beyond the initial period be formally submitted at least every six months, on a new Authorization Request Form, and a narrative justification be included initially and at least every six months.”

## **Overtime**

*Criteria:* Overtime is a management tool that helps employers deal with emergencies and other situations that are best handled by requiring employees to work additional hours. However, since it results in employees receiving additional pay at higher rates, there is a potential for abuse. Employees have a financial incentive to work overtime even if it is not necessary. The standard control for the prevention of abuse requires that overtime be approved in advance at the appropriate management or supervisory level.

The Judicial Branch implemented a policy requiring the deputy superintendent or higher authority to preapprove juvenile residential services overtime. The policy does not specify what form this preapproval should take but incorporates a monitoring procedure requiring the deputy superintendent or higher authority to sign off on an overtime certificate after the employee works the overtime.

*Condition:* We reviewed \$77,714 in overtime payments to ten juvenile residential services staff. We found that 281 hours of overtime, totaling \$15,877, were not supported by properly approved overtime certificates. We also found that 372 hours of overtime, totaling \$19,247, were not preapproved.

*Context:* Judicial Branch overtime expenditures totaled \$2,627,348 and \$2,043,577 during the 2018-2019 and 2019-2020 fiscal years, respectively.

*Effect:* Preapproval and monitoring control procedures are not operating effectively. This may have unnecessarily increased labor costs.

*Cause:* We could not readily determine why the Judicial Branch did not enforce its control procedures intended to address juvenile residential services staff overtime.

*Prior Audit Finding:* This finding has been previously reported in the last audit report covering the fiscal years ended June 30, 2017 through June 30, 2018.

*Recommendation:* The Judicial Branch should monitor compliance with its overtime policy. (See Recommendation 4.)

*Agency Response:* “The Judicial Branch’s Juvenile Residential Services (JRS) Detention Unit has revised its written policy that requires advance approval of overtime.

Juvenile Residential Services (JRS) Detention policy (8.105: Staffing Requirements, Overtime and Holdovers) requires preapproval of overtime, which may only be approved if necessary for the safety and security of the clients, staff or facility, or the completion of necessary duties. Staff members who work overtime must complete a certification of overtime form, which a Deputy Superintendent, or higher authority, must review for accuracy and sign for approval. The previous method for approval has been discontinued and policy is being revised to indicate that the signature of the Deputy Superintendent, or higher authority, must be used to approve overtime.

JRS Management will audit Policy 8.105 on a quarterly basis to ensure that the certification of overtime forms are appropriately filled out.”

## **Compensatory Time**

*Criteria:* Judicial Branch Administrative Policy 502 for reporting attendance requires employees to submit a bi-weekly timesheet signed by each employee and approved by the supervisor or designee at the end of the pay period. This policy also states that employees eligible and approved for compensatory time must report the time on the appropriate timesheet.

Compensatory time allows employers to better manage human resources demands. It helps to match staff work periods to workloads when they are not static and cannot be addressed by flexible schedules. It also benefits employees by allowing them to accrue leave time for future use.

However, management should not allow employees to accrue compensatory time unless the demands of the job justify it. The accumulation of unnecessary compensatory time can create liabilities and restrict management’s options for future staffing needs.

An internal Judicial Branch review of adult probation compensatory time revealed patterns of abuse. In response, on March 23, 2017, administrators directed that adult probation management justify and preapprove compensatory time.

<i>Condition:</i>	We reviewed 692 hours of earned compensatory time, which included 216 hours of global positioning system (GPS) on call monitoring. Adequate supporting documentation was not provided for 75 of 216 hours (35%) of compensatory time reviewed. There was no evidence of preapproval for 41 of 692 hours (6%) of compensatory time reviewed.
<i>Context:</i>	Compensatory time earned increased significantly during the audited period. Employees earned 47,687 hours in compensatory time in the 2018-2019 fiscal year and 87,473 hours in the 2019-2020 fiscal year.
<i>Effect:</i>	The Judicial Branch increased the risk of abuse by not enforcing established controls over compensatory time.
<i>Cause:</i>	We could not readily determine why the Judicial Branch did not enforce its control procedures over compensatory time.
<i>Prior Audit Finding:</i>	This finding has been previously reported in the last audit report covering the fiscal years ended June 30, 2017 through June 30, 2018.
<i>Recommendation:</i>	The Judicial Branch should enforce compliance with existing controls over the awarding of compensatory time. (See Recommendation 5.)
<i>Agency Response:</i>	“The Judicial Branch will ensure compliance with existing controls over the awarding of compensatory time in both the Adult Probation and Juvenile Residential Services units.

Adult Probation Officers shall request, via e-mail, approval of compensatory time in advance from such employee’s supervisor, or in the absence of a supervisor, the regional manager. Documentation supporting the request will be retained by the supervisor for subsequent review. Employees will enter approved compensatory time requests in the Judicial Attendance Keeping System (JAKS). If the employee is claiming compensatory time for GPS monitoring, such employee shall submit the required supporting documentation for supervisory review. Compensatory time approval for GPS monitoring is not required in advance as the employee is automatically authorized to earn compensatory time for responding to monitoring alerts for such cases outside of such employee’s normal work schedule.

Juvenile Residential Services will include preapproval of compensatory time in CSSD Juvenile Residential Services Policy 8.105 so that the preapproval process and documentation is consistent in the detention centers. Documentation of the request and supervisory approval will be retained by the superintendent for subsequent review.

Utilization of JAKS in both the Adult Probation and Juvenile Residential Services units will further enhance controls over compensatory time requests and approvals. In both instances, supervisors will review supporting information prior to approving JAKS requests for compensatory time.

Supervisors will audit attendance records regularly to ensure advanced approval of compensatory time has been documented. In addition, the Judicial Branch will formalize its aggregate reporting and monitor compensatory time earned.”

### **The Internal Audit Unit Is Not Organizationally Independent**

*Criteria:*

Under International Standards for the Professional Practice of Internal Auditing promulgated by the Institute of Internal Auditors, an internal audit unit must be organizationally independent to effectively perform its responsibilities. It must be free from interference in determining the scope of internal auditing, performing work, and communicating results.

The internal audit unit cannot objectively assess the actions of management, to which it reports. Furthermore, the unit must report at a level that provides the authority it requires to function effectively. The Institute of Internal Auditors recommends that the internal audit unit report to the organization’s governing body so that it is organizationally independent and possesses the requisite authority.

*Condition:*

The Judicial Branch is governed by the Chief Justice of the Supreme Court. Under Section 51-1b of the General Statutes, the chief justice is the head of the branch and is responsible for its administration. The chief justice appoints a chief court administrator to act as administrative director for the branch.

The Judicial Branch’s internal audit unit reports to the branch’s Administrative Services Division. The division is one of five administrative divisions that report to the chief court administrator. The internal audit unit does not have adequate organizational independence under this reporting structure.

The internal audit unit does not assess risk or conduct audits of all aspects of branch operations. Instead, it follows an audit plan designed years ago with a narrower focus that does not address major aspects of Judicial Branch operations, including the Administrative Services and Information Technology divisions.

The Administrative Services Division is responsible for core financial operations of the Judicial Branch that should be subject to review by the

internal audit unit. Information technology is an area of significant risk, as the branch makes extensive use of proprietary legacy systems that are not subject to central state controls.

*Context:* A strong internal audit function adds value by helping an organization efficiently and effectively complete its mission. It provides assurance that the organization is addressing risks, complying with requirements, and taking advantage of opportunities. Internal auditors can detect emerging problems early, enabling management to address them before they create serious issues.

*Effect:* The reporting structure appears to have restricted the scope of internal audit operations.

*Cause:* The Judicial Branch recently refilled the Director of Internal Audit position. The branch is examining its approach to internal auditing to achieve the degree of independence and competence to perform the recommended scope of work. However, when we concluded our field work in August 2021, the internal audit unit was not organizationally independent, and its operations continued to be limited in scope.

*Prior Audit Finding:* This finding has been previously reported in the last audit report covering fiscal years ended June 30, 2017 through June 30, 2018.

*Recommendation:* The Judicial Branch’s internal audit unit should report directly to the chief court administrator. The internal audit should have the ability and authority to review all aspects of branch operations, including the Administrative Services and Information Technology divisions. (See Recommendation 6.)

*Agency Response:* “The Judicial Branch’s Internal Audit Unit has the ability and authority to review all aspects of Branch operations. The Judicial Branch has long had an Internal Audit unit under the leadership of the Chief Court Administrator in order to fulfill specific statutory responsibilities for audit (C.G.S. 51-9). For administrative purposes, the unit is sited within the Administrative Services Division in the organization chart. The unit’s position within the organizational structure does not preclude review of any area of the Judicial Branch, including the Administrative Services and Information Technology divisions. The Chief Court Administrator regularly receives reports on audit activities from the Executive Director for Administrative Services and the Director of Internal Audit.”

**Execution of Contracts**

- Criteria:* Contractors should not be authorized to begin work prior to the execution of a contract. Formal written agreements establishing rights and responsibilities are a safeguard for all parties involved.
- Condition:* We reviewed 20 contracts executed by the Judicial Branch. Nine were signed after the contractor began providing services. Delays ranged from eight to 133 days with a 39-day average.
- Context:* Judicial Branch expenditures, excluding personal services, totaled \$148,202,383 and \$163,517,667 in the 2018-2019 and 2019-2020 fiscal years, respectively.
- Effect:* Unforeseen liabilities may be incurred if work is started on a project before both parties agree on all of the key terms and sign the contract. This is critical when disagreements arise regarding the nature or quality of the contractor’s work.
- Cause:* Those responsible for initiating the process did not allow sufficient lead time.
- Prior Audit Finding:* This finding has not been previously reported.
- Recommendation:* The Judicial Branch should not authorize contractors to begin work prior to the execution of a contract. (See Recommendation 7.)
- Agency Response:* “The Judicial Branch will work to improve its contract management function to ensure contracts are signed before the start date. The Branch will assess the need for possible policy modifications when contract extensions are needed and, where feasible, change the procurement schedule to provide sufficient lead times in order to execute agreements before the contract start dates.”

**Sole Source Procurement:**

- Criteria:* Pursuant to Section 4e-12 of the Connecticut General Statutes, the chief court administrator established the Judicial Branch Procurement Code under the authority of section 51-9(5) of the General Statutes. Under this code, procurements of \$50,000 and above are to be subject to open public competition.
- If there is only one possible source of needed goods or services, soliciting proposals is unnecessary, as there can be only one possible outcome. Such transactions are commonly referred to as sole source procurements. However, sole source procurements do not include

instances in which alternatives exist, but a given vendor is believed to be superior or is preferred for other reasons.

*Condition:* In September 2011, the Judicial Branch awarded a contract to provide application development and support under a competitive bid process. As of September 2019, the vendor had been providing these services for over seven years, initially through the competitively awarded contract and subsequently through a sole source agreement.

In September 2019, the Judicial Branch executed a sole source agreement that extended this arrangement through June 2021. The branch justified this as a sole source procurement based on the vendor's familiarity with the branch's information technology system architecture gained over the seven-years it provided application development and support services.

Most long-term contractual relationships would become permanent using this rationale. Vendor familiarity with existing systems is not a sufficient reason to forgo a competitive procurement process. There are a number of vendors that are capable of providing application development and support.

*Context:* The two-year contract was budgeted for \$1,680,384 per year.

*Effect:* The Judicial Branch may not be obtaining application development and support services in the most cost-effective manner.

*Cause:* We could not readily determine why the Judicial Branch did not, as a matter of due diligence, use a competitive procurement process.

*Prior Audit Finding:* This finding has not been previously reported.

*Recommendation:* The Judicial Branch should use a competitive procurement process and should not conduct sole source purchases when alternatives exist. (See Recommendation 8.)

*Agency Response:* "In the cited instance, the Judicial Branch initially determined that keeping the same contractor best supported FY 2018 legislative changes aimed at transferring clients from Department of Children and Families to the Branch's Court Support Services Division. After the initial sole source accommodation, a new competitive procurement should have been completed. Moving forward, the Judicial Branch as a matter of due diligence will be more vigilant in designating a procurement as "sole source."

## **Payments to Grievance Counsel**

*Background:*

The Statewide Grievance Committee, established by Section 51-90 of the General Statutes, is responsible for reviewing, investigating, and adjudicating attorney misconduct complaints. Under Connecticut's attorney grievance procedures, complaints are submitted to the Statewide Bar Counsel, which is appointed by the judges of the Superior Court in accordance with Section 51-90c of the General Statutes. The Statewide Bar Counsel reviews the complaint and either forwards it to a grievance panel for an investigation or, if it meets certain criteria for dismissal, refers it to two members of the Statewide Grievance Committee for dismissal or advancement to a grievance panel.

A grievance panel is composed of one person who is not an attorney and two attorneys whose law offices are outside the panel's judicial district. In accordance with Section 51-90d of the General Statutes, the judges of the Superior Court appoint attorneys to serve as grievance counsel for the panels. The grievance counsel helps the panel investigate the complaint against the attorney and provides legal advice.

The grievance panel determines whether there is probable cause to believe that the attorney is guilty of misconduct. If there is, it forwards a copy of the record to the Office of the Chief Disciplinary Counsel, created by the judges of the Superior Court, which pursues the complaint before the Statewide Grievance Committee.

*Criteria:*

Under Section 51-90d of the General Statutes, the Judicial Branch may employ grievance counsel or pay them on a contractual basis. They are to be paid from appropriated branch funds.

The Office of the Chief Court Administrator is responsible for establishing controls that provide adequate accountability over payments to grievance counsel. Under Section 51-5a of the General Statutes, the chief court administrator is responsible for the efficient operation of the Judicial Branch and the proper administration of judicial business. Under Section 51-9 of the General Statutes, the staff of the Office of the Chief Court Administrator is required to supervise purchases of commodities and services, confirm the appropriateness of bills paid from state appropriations, and develop personnel standards, policies, and procedures.

Payments to grievance counsel should be subject to the standard controls applicable to their employment status. Whether they are paid as employees or contractors, grievance counsel should document their hours so the Judicial Branch can determine whether the amount requested is reasonable in relation to the work performed.



<i>Condition:</i>	The Judicial Branch informed us that grievance counsel do not have set work schedules and do not submit time and attendance reports. Furthermore, the branch does not verify how many hours they work. This practice does not provide sufficient accountability over grievance counsel payments.
<i>Context:</i>	There are 13 judicial districts in Connecticut, which all have a grievance panel. The Judicial Branch currently employs seven grievance counsel.
<i>Effect:</i>	The current system lacks accountability and does not provide a basis to determine whether the amount paid to counsel was reasonable relative to their work.
<i>Cause:</i>	The Judicial Branch stated that this has been the practice for many years.
<i>Prior Audit Finding:</i>	This finding has been previously reported in the last audit report covering fiscal years ended June 30, 2017 through June 30, 2018.
<i>Recommendation:</i>	The Judicial Branch should require grievance counsel to submit time and attendance records. The branch should pay grievance counsel for their actual hours to ensure that the amount is reasonable. (See Recommendation 9.)
<i>Agency Response:</i>	“The Judicial Branch will continue to review historical materials related to this matter and assess the processes currently in place and operational needs and capabilities in order to make an informed decision about possible improvements.”

### **Court Trust Account Policies and Procedures Never Finalized**

<i>Background:</i>	The Judicial Branch is responsible for collecting, maintaining, and distributing money held in trust by courts. Each court maintains a separate bank account for these funds and tracks them in an Access database.
<i>Criteria:</i>	Written policies and procedures help employees perform their work by providing them with an authoritative source of guidance and information. Without formal policies and procedures, employees must rely on their understanding of management’s objectives and procedural requirements. This makes it difficult to achieve organization-wide consistency, especially when employee turnover becomes a factor.
<i>Condition:</i>	In May 2000, the Judicial Branch created draft guidance addressing the administration of court trust funds, with the intention of incorporating it in the Clerk’s Financial Policy and Procedures Manual. However, the branch never finalized the draft guidance and did not incorporate it in the manual.

- Context:* Court trust account receipts totaled \$86,232,740 and \$56,144,027 in the 2018-2019 and 2019-2020 fiscal years, respectively.
- Effect:* Court clerks do not have authoritative written guidance for the administration of the court trust accounts.
- Cause:* The Judicial Branch informed us that it is in the process of finalizing the draft guidance and expects to incorporate it into the Clerk’s Financial Policy and Procedures Manual by December 1, 2021. However, we are repeating this finding and recommendation as it had not been incorporated into the manual when we concluded our field work in August 2021.
- Prior Audit Finding:* This finding has been previously reported in the last audit report covering the fiscal years ended June 30, 2017 through June 30, 2018.
- Recommendation:* The Judicial Branch should finalize its draft guidance addressing the administration of the court trust funds and incorporate it in the Clerk’s Financial Policy and Procedures Manual. (See Recommendation 10.)
- Agency Response:* “The Judicial Branch has a 17-page draft of the Trust Account policy and procedures to guide the clerk’s offices on the proper administration of the court trust accounts. Finalizing those procedures includes sending them to various clerks for comment. The policy and procedures will be completed and incorporated into the Clerk’s Financial Policy and Procedures Manual by December 1, 2021.”

## **Seized Property**

- Criteria:* Under Section 54-36a of the General Statutes, the Judicial Branch manages property seized by law enforcement agencies. The branch must maintain an inventory of such property, monitor its status, and notify concerned parties. The branch is responsible for ensuring that property is returned to its owner at the final disposition of the criminal action or otherwise disposed of as ordered by the court.
- Section 54-36a(i) requires law enforcement agencies to comply with court orders for the disposal of seized property within certain specified time limits. When property is ordered to be returned to its owner, the order specifies an alternate means of disposition if it is not claimed within six months. Unclaimed property must be disposed of using that method within 90 days of the expiration of the six-month period. If the court orders a means of disposition other than returning it to its owner, it must be disposed of using that method within 90 days of receipt of the order.

- Condition:* The Judicial Branch monitors seized property to ensure that it is disposed of using the method specified by the court. The branch does not regularly monitor outstanding items to ensure that they are disposed of within the timeframes set forth in Section 54-36a(i) of the General Statutes.
- In December 2002, the Examiner of Seized Property issued a directive requiring each court’s administrative staff to review pending items biweekly and take appropriate action on those outstanding for more than 90 days. However, this practice was discontinued shortly after due to staff reductions. The Judicial Branch does not appear to have a standard process for monitoring pending items.
- Context:* The seized property recordkeeping system was not designed to readily produce quantitative measures of system activity. We obtained copies of the Property Disposition Orders Awaiting Compliance report for 24 courts. These reports identified a total of 19,816 seized items – 18,422 non-cash items and 1,394 cash items totaling \$1,968,833. Values were not provided for the noncash items.
- Effect:* The Judicial Branch is not fulfilling its statutory responsibility to ensure that law enforcement agencies comply with court orders for disposal of seized property within the time limits specified in Section 54-36a(i) of the General Statutes.
- Cause:* The Judicial Branch indicated that significant turnover inhibited its ability to act on our finding and recommendation. However, it intends to implement a new process to ensure that law enforcement agencies comply with court orders for disposal pursuant to Section 54-36a(i) of the General Statutes.
- Prior Audit Finding:* This finding has been previously reported in the last audit report covering fiscal years ended June 30, 2017 through June 30, 2018.
- Recommendation:* The Judicial Branch should monitor seized property to ensure that law enforcement agencies comply with court orders for disposal within the time limits specified in Section 54-36a(i) of the General Statutes. (See Recommendation 11.)
- Agency Response:* “The Judicial Branch’s Seized Property Unit is a small unit consisting of three staff. Over the past 10 months the unit experienced significant turnover in its most experienced staff, including the program manager and assistant examiner, which inhibited action on this audit finding. The unit has been reconstituted and is now in a better position to address the audit finding. Seized Property will implement a new process to ensure

that law enforcement agencies comply with court orders for disposal pursuant to CGS 54-36a(i).”

### **Plan Needed for Commission on Official Legal Publications**

*Background:* The Commission on Official Legal Publications (COLP) is authorized by Chapter 883b of the General Statutes. Section 51-216b(a)(1) of the General Statutes allows the commission to sell legal publications at such prices as it deems appropriate.

These sales are a relatively minor incidental component of COLP operations. Most of the commission’s work serves other departments, and many of the publications it furnishes to external parties are provided free of charge in accordance with Section 51-216b(c) of the General Statutes.

Section 51-216b(c), in part, requires the commission to furnish official legal publications free of charge to courts of records, law libraries, public officers, departments, agencies, and state boards and commissions. It also requires the commission to furnish the Connecticut Law Journal free of charge to any member of the General Assembly making a request.

*Criteria:* The Government Finance Officers Association recommends strategic planning to provide a long-term perspective for service delivery and budgeting. Organizations should assess the current environment, anticipate future changes, and align organizational resources to bridge the gap between present conditions and the anticipated future requirements.

*Condition:* The Commission on Official Legal Publications is faced with a significant change in the way it provides information and the possible need to replace aging infrastructure. In our prior three audit reports, we recommended that the Judicial Branch develop a plan for the future operations of COLP.

Though a Judicial Branch July 6, 2018 memorandum outlined the steps it would take to determine the best course for COLP to efficiently meet its future printing needs, the branch did not take these steps. In its response to our prior report, the Judicial Branch agreed that a plan for the future operation of COLP is warranted but stated that it would not address the issue until normal operations resume post COVID-19.

*Context:* The Commission on Official Legal Publications’ expenditures increased by \$126,324 (4%) from \$2,860,941 for the 2017-2018 fiscal year to \$2,987,265 for the 2018-2019 fiscal year. It increased again by \$291,936 (10%) to \$3,279,201 for the 2019-2020 fiscal year. Revenues

increased by \$9,419 (10%) from \$93,349 for the 2017-2018 fiscal year to \$102,768 for the 2018-2019 fiscal year. They then decreased by \$38,816 (38%) to \$63,952 for the 2019-2020 fiscal year. The replacement of paper with electronic media is inevitable and accelerating. The Judicial Branch needs to proactively address this change.

*Effect:* Without a comprehensive plan for the future of COLP, the Judicial Branch may be forced into a reactive mode, forgoing cost-saving and efficiency opportunities.

*Cause:* We could not readily determine why the Judicial Branch did not take the actions outlined in its July 6, 2018 memorandum to develop a plan for the future of COLP.

*Prior Audit Finding:* This finding has been previously reported in the last three audit reports covering the fiscal years ended June 30, 2012 through June 30, 2018.

*Recommendation:* The Judicial Branch should develop a plan for the Commission on Official Legal Publications' future operations to address the migration to electronic media and the commission's outdated equipment and software. (See Recommendation 12.)

*Agency Response:* "The Judicial Branch concurs that a plan for the future operation of COLP is warranted and will begin by reviewing the 2016 plan on file when normal operations resume post COVID-19."

## RECOMMENDATIONS

### Status of Prior Audit Recommendations:

Our prior audit report on the Judicial Branch contained 17 recommendations. Seven have been implemented or otherwise resolved and ten have been repeated or restated with modifications during the current audit.

- The Judicial Branch should create information technology disaster recovery and incident response plans and test them regularly. **This recommendation is being restated and repeated. (See Recommendation 1.)**
- The Judicial Branch should perform a cost analysis to determine whether moving financial functions to Core-CT would be the most prudent method of replacing its legacy information technology system. **This recommendation is being repeated. (See Recommendation 2.)**
- The Judicial Branch should promote its employees using an open competitive process when possible. **This recommendation has been resolved.**
- The Judicial Branch should rehire retirees only as necessary to cope with temporary staffing shortages affecting the maintenance of important programs or services. The branch should clearly document its justification for reemployment and ensure that timesheets are certified by the employees' direct supervisors. **This recommendation is being restated and repeated. (See Recommendation 3.)**
- The Judicial Branch should develop a written policy that requires advance approval of overtime and addresses all employees entitled to overtime pay. The branch should monitor compliance with its overtime policy. **This recommendation is being restated and repeated. (See Recommendation 4.)**
- The Judicial Branch should enforce compliance with existing controls over the awarding of adult probation compensatory time. The branch should extend the requirement for justification and preapproval of compensatory time to all employees who earn compensatory time. **This recommendation is being restated and repeated. (See Recommendation 5.)**
- The Judicial Branch's internal audit unit should report directly to the chief court administrator. The internal audit unit should have the ability and authority to review all aspects of branch operations, including Administrative Services and Information Technology divisions. **This recommendation is being repeated. (See Recommendation 6.)**
- The Judicial Branch should require grievance counsel to submit time and attendance records. The branch should pay grievance counsel for their actual hours to ensure that the amount is reasonable. **This recommendation is being repeated. (See Recommendation 9.)**

- The Judicial Branch should adhere to its policy for salary increases. **This recommendation has been resolved.**
- The Judicial Branch should ensure that the chief court administrator or a designee approves all new hires as required by branch policy. The branch should verify new employees' credentials to ensure that it pays them at the appropriate rate. **This recommendation has been resolved.**
- The Judicial Branch should improve control over dual employment assignments by ensuring that all employees with multiple job assignments complete dual employment request forms. The branch should regularly review the state's dual employment report. **This recommendation has been resolved.**
- The Judicial Branch should ensure that it maintains all required employee work schedule forms on file. **This recommendation has been resolved.**
- The Judicial Branch should improve its monitoring of contract expiration dates to ensure they are in force when vendors provide services. **This recommendation has been resolved.**
- The Judicial Branch should finalize its draft guidance addressing the administration of the court trust funds and incorporate it in the Clerk's Financial Policy and Procedures Manual. **This recommendation is being repeated. (See Recommendation 10.)**
- The Judicial Branch should develop a plan for the Commission on Official Legal Publications' future operations to address the migration to electronic media and the commission's outdated equipment and software. **This recommendation is being repeated. (See Recommendation 12.)**
- The Judicial Branch should ensure that its mileage reimbursement policy is clearly defined and consistent with actual practice. The branch should base all reimbursements on actual miles traveled calculated using a standard methodology. **This recommendation has been resolved.**
- The Judicial Branch should monitor seized property to ensure that law enforcement agencies comply with court orders for disposal within the time limits specified in Section 54-36a(i) of the Connecticut General Statutes. **This recommendation is being repeated. (See Recommendation 11.)**

**Current Audit Recommendations:**

- 1. The Judicial Branch should ensure that the disaster recovery plan contains sufficient information to allow other information technology professionals to recover systems if key employees are not available.**

Comment:

The Judicial Branch disaster recovery plan does not contain sufficient information to allow other information technology individuals to recover systems in the absence of key employees.

- 2. The Judicial Branch should perform a cost-analysis to determine whether moving financial functions to Core-CT would be the most cost-effective method of replacing its legacy information technology systems.**

Comment:

The Judicial Branch has several legacy systems that need to be replaced. Moving legacy system functions to Core-CT may be the most efficient and cost-effective way to accomplish this.

- 3. The Judicial Branch should rehire retirees only as necessary to cope with temporary staffing shortages affecting the delivery of important programs or services. The branch should clearly document the justification for the reemployment and extension of retirees and their work product.**

Comment:

We reviewed the reemployment of nine Judicial Branch retirees, two of whom had been reemployed since 2017. The branch had no documented justification on file for the reemployment extensions for eight of the nine retirees.

It appeared that three of the retirees performed tasks that should have been completed by current Judicial Branch managers and administrators. Additionally, the branch could not document another's work product.

- 4. The Judicial Branch should monitor compliance with its overtime policy.**

Comment:

We reviewed \$77,714 in overtime payments to ten juvenile residential services staff. We found that 281 hours of overtime, totaling \$15,877, were not supported by properly approved overtime certificates. We also found that 372 hours of overtime, totaling \$19,247, were not preapproved.



- 5. The Judicial Branch should enforce compliance with existing controls over the awarding of compensatory time.**

Comment:

We reviewed 692 hours of earned compensatory time, which included 216 hours for global positioning system (GPS) on call monitoring. Adequate supporting documentation was not provided for 156 of the 216 hours reviewed. There was no evidence of preapproval for 41 of the 692 hours reviewed.

- 6. The Judicial Branch's internal audit unit should report directly to the chief court administrator. The internal audit unit should have the ability and authority to review all aspects of branch operations, including the Administrative Services and Information Technology divisions.**

Comment:

The Judicial Branch's internal audit unit reports to an administrator within the branch's Administrative Services Division. The unit does not have adequate organizational independence under this reporting structure. The internal audit unit does not assess risk or conduct audits of all aspects of branch operations. It follows a plan that does not address major aspects of branch operations, including the Administrative Services and Information Technology divisions.

- 7. The Judicial Branch should not authorize contractors to begin work prior to the execution of a contract.**

Comment:

We reviewed 20 contracts executed by the Judicial Branch. Nine were signed after the contractor began providing services. Delays ranged from eight to 133 days with a 39-day average.

- 8. The Judicial Branch should use a competitive procurement process and should not conduct sole source purchases when alternatives exist.**

Comment:

In September 2011, the Judicial Branch awarded a contract to provide application development and support under a competitive bid process. As of September 2019, the vendor had been providing these services for over seven years, initially through the competitively awarded contract and subsequently through a sole source agreement. In September 2019, the Judicial Branch executed a sole source agreement that extended this arrangement through June 2021.

- 9. The Judicial Branch should require grievance counsel to submit time and attendance records. The branch should pay grievance counsel for their actual hours to ensure that the amount is reasonable.**

Comment:

The Judicial Branch's grievance counsel do not have set work schedules and do not submit time and attendance reports. Furthermore, the branch does not verify how many hours they work. This practice does not provide sufficient accountability over grievance counsel payments.

- 10. The Judicial Branch should finalize its draft guidance addressing the administration of the court trust funds and incorporate it in the Clerk's Financial Policy and Procedures Manual.**

Comment:

In May 2000, the Judicial Branch created draft guidance addressing the administration of court trust funds, with the intention of incorporating it in the Clerk's Financial Policy and Procedures Manual. However, the branch never finalized the draft guidance and did not incorporate it in the manual.

- 11. The Judicial Branch should monitor seized property to ensure that law enforcement agencies comply with court orders for disposal within the time limits specified in Section 54-36a(i) of the General Statutes.**

Comment:

The Judicial Branch monitors seized property to ensure that it is disposed of using the method specified by the court. It does not regularly monitor outstanding items to ensure that they are disposed of within the timeframes set forth in Section 54-36a(i) of the General Statutes.

- 12. The Judicial Branch should develop a plan for the Commission on Official Legal Publications' future operations to address the migration to electronic media and the commission's outdated equipment and software.**

Comment:

The Commission on Official Legal Publications' expenditures continue to increase, and it relies on aging equipment and software. The Commission on Official Legal Publications is also faced with a significant change in the way it provides information. In our prior audit reports, we recommended that the Judicial Branch develop a plan for the commission's future operations. However, the branch has not implemented such a plan.

**ACKNOWLEDGMENTS**

The Auditors of Public Accounts wish to express our appreciation for the courtesies and cooperation extended to our representatives by the personnel of the Judicial Branch during the course of our examination.

The Auditors of Public Accounts also would like to acknowledge the auditors who contributed to this report:

Brian Grabel, Associate Auditor



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Approved:



John C. Geragosian  
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State Auditor