



GARLAND

INTERNAL AUDIT

Court Citation and Warrant Processing

March 30, 2016

Report 201603

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Overall Conclusion

During the course of our audit, Internal Audit (IA) did not encounter any concerns related to the safeguarding of cash collections; however, there are areas for improvement related to:

- The interface of warrants between City of Garland's Municipal Court system and the Dallas Regional Database ("Region")
- The City's collection agency's contract and invoicing process
- Policies and procedures related to warrant processing and clearance

Authorization

We have conducted an audit of Court Citation and Warrant Processing. This audit was conducted under the authority of Article VII, Section 5 of the Garland City Charter and in accordance with the FY2016 Annual Audit Plan approved by the Garland City Council.

Objective(s)

The objectives of the audit include the following:

1. Determine whether internal controls are sufficient to ensure safeguarding of cash collections.
2. Ensure warrants are processed, updated and cleared in a timely and accurate manner, and are supported by applicable documentation (as required by City policies and/or applicable laws). Confirm that this information is passed along to Region in a timely, accurate and efficient manner.
3. Determine whether the collection process results in timely collections, accurate payments to the collection agency and maximization of revenue for the City.

Scope and Methodology

IA 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 scope of the audit is October 1, 2013 – January 31, 2016. We did have a scope limitation related to bench warrants. In the system, alias and bench warrants are classified jointly, and due to system reporting limitations, we were unable to distinguish between the two.

To adequately address the audit objectives and to describe the scope of our work on internal controls, IA performed the following:

- Review adjustment/cancellation reports for appropriateness (Obj. 1)
- Perform surprise cash count(s) (Obj. 1)
- Conduct walk-throughs and develop process flow charts (Obj. 2)
- Review applicable state laws and City policies and procedures (Obj. 2)
- Interview involved parties (City Judges, City Attorneys, Municipal Court management, City Marshals, Information Technology staff, etc.) regarding the process of issuing and clearing warrants (Obj. 2)
- Run various reports from the Municipal Court system and Region in order to review outstanding warrants and citations (Obj. 2)
- Review the collection agency contract for a possible RFP (Obj. 3)
- Review collection agency invoices for appropriateness of fees assessed based on warrant resolution (Obj. 3)
- Conduct surveys with other municipal agencies (Obj. 2 & 3)

To assess the reliability of reports produced by the Court System and Crystal Server, IA consulted with a Crystal Report writer, interviewed multiple individuals at the Marshal's office and Municipal Courts regarding their processes and reviewed source documents (citations, payment information, judgments, etc.). As a result of our testing, IA determined that all of the above data was sufficiently reliable for the purposes of this report.

Based on the audit work performed, any deficiencies in internal control that are significant within the context of the audit objectives are stated in the Opportunities for Improvement section on page 6.

Background

"The Municipal Court is the City of Garland's judicial forum for individuals charged with violations of State law and/or City ordinances where legal matters can be heard in a fair, efficient, and timely manner. As an impartial servant in the administration of justice, its fundamental purpose is to process/retain Court documents and collect and track all fines, fees, and restitutions of the Court." ¹

Citations:

Citations are written by a variety of City departments. These include, but are not limited to, Animal Services, Code Compliance, Health Department, Fire Department, and the Police Department. The traffic officers have electronic ticket writers; however, the remaining citations are manual. All citations are input into the Court system either through an electronic interface at the Police Department or manually, by court clerks.

Warrant Process:

There are three types of warrants that can be issued for the arrest of an individual. Individuals have 30 days to respond to the initial ticket. If there is no response, an alias warrant is issued. If a court date is set, but then subsequently missed, a bench warrant is issued. These cases remain adjudicated (no judgment made). If a judgment is made, but

not resolved, a *capias* warrant is issued. All warrants must be signed by a judge and audited by the Marshal's office. Once warrants are audited, they are uploaded to the Dallas Regional Database, or "Region".

Region enables officers from different agencies to verify if there are valid warrants for individuals that are stopped for various violations. Officers will call the "issuing agency" to ensure that the warrants are valid and then arrest individuals based on this confirmation.

The City of Garland employs a Warrant Marshal. The primary responsibility of the Marshal as it relates to this audit is to collect on active warrants. All new warrants 0-60 days are solely in the hands of the Warrant Marshal.

A warrant can be cleared in a variety of ways. The most common is payment of the fine; however, there can also be credit given for time served in jail. A warrant is cleared by the Marshals, jail staff, Municipal Court staff, Garland police dispatch or NCIC (National Crime Information Center).

Capias warrants (or adjudicated cases) have reached a judgment in court, therefore, the City will pursue these cases as long as the City Attorney's office sees fit. The current City Ordinance (Sec. 24.07 (B)) states that the City will pursue Alias/Bench warrants that are less than 3 years old. There is no Ordinance related to how long a *Capias* warrant will be pursued.

As of 1/8/2016², the warrants outstanding are:

All Warrants	Population	Total Fees
Alias/Bench (older than 3 years)	75,417	See Footnote 1
Alias/Bench (less than 3 years)	19,156	See Footnote 2
Capias	15,831	\$5,504,109

Footnote 1: The "window fine" value of outstanding citations older than three years is \$20,776,579. The City Attorney's office has informed us that a person charged with a crime is presumed innocent until convicted by a court. As such, a person issued a citation does not owe the City of Garland any money until a conviction or other disposition results in the obligation to pay a fine. So technically, the amount "owing" under these citations is presently presumed to be \$0. As a result of plea bargains and other dispositions, the municipal prosecutor reports that the fines agreed to by the prosecutor and defendant are often lower than the "window fine." The municipal prosecutor believes that the percentage of cases that

could be successfully prosecuted after three years is likely less than 5%, maybe as low as 2-3%.

Currently, pursuant to Section 24.07 of the Garland Code of Ordinances, the municipal court is prohibited from setting a hearing on such cases, and, as a result they may not be prosecuted. In actuality, therefore, the current value of these cases is substantially less than the expected value above, as we can only expect recovery from the limited number of individuals who voluntarily plead guilty and pay those citations.

Footnote 2: The “window fine” value of outstanding citations less than three years is \$7,726,382. The City Attorney’s office has informed us that a person charged with a crime is presumed innocent until convicted by a court. As such, a person issued a citation does not owe the City of Garland any money until a conviction or other disposition results in the obligation to pay a fine. So technically, the amount “owing” under these citations is presently presumed to be \$0. Disregarding this presumption, in calculating a hypothetical value of outstanding fines, several factors must be taken into consideration. As a result of plea bargains and other dispositions, the municipal prosecutor reports that the fines agreed to by the prosecutor and defendant are often lower than the “window fine.” The municipal prosecutor believes that the percentage of cases that can be successfully prosecuted diminishes with time following the date of the citation. While those percentages are difficult to calculate, it is fair to say that as the age of the citation approaches three years the likelihood of successful prosecution diminishes to 5% or less.

Collection Agency:

The collection agency in use by the City of Garland Municipal Courts sends letters and makes phone calls to defendants with active Garland warrants.

A 30% fee is added to the cost of the citation/warrant. Monthly, Municipal Court staff sends a list of newly-issued warrants that are older than 60 days to the collection agency. This fee is paid by the defendant. Daily, a clearance report is sent to the collection agency. Using both of these items, the collection agency prepares the City’s monthly bill.

Source:

¹ City of Garland 2015-16 Annual Operating Budget

² City of Garland Court System Active Warrants (as of 1/8/2016), reports run by Active/Bench Warrants and Capias Warrants

Management Accomplishments*

FY 2014-2015

- Implemented electronic ticket writers
- Automated office files into Share point, eliminated all hardcopy office files
- Reduced payment plan defaults by 9 %
- Successfully passed OCA audit of Collections Program with an 85% Compliance Rate
- Developed Onbase records destruction process with IT
- Successfully conducted Amnesty Day

FY 2013-2014

- Upgraded Court servers and Operating systems
- Completed Electronic Version of Court policy and procedures manual
- Implemented job enrichment for lead positions
- Eliminated all temp positions
- Successfully conducted Amnesty Day

FY 2012-2013

- Implemented Govpay for online payments saved the City \$33K in fees
- Passed OCA State Audit phase 1 & 2
- Conducted Emergency Response Drills with staff evacuations
- Produced a Court Video (Spanish & English) to better connect with Public
- Successfully conducted Amnesty Day

FY 2011-2012

- Onbase upgrade completed
- Implemented Electronic signatures for Judges
- Upgraded Court software to Courts Plus

*Please note that "Management Accomplishments" are written by the audited entity and that Internal Audit did not audit or verify its accuracy.

Opportunities for Improvement

During our audit we identified certain areas for improvement. Our audit was not designed or intended to be a detailed study of every relevant system, procedure, and transaction. Accordingly, the Opportunities for Improvement section presented in this report may not be all-inclusive of areas where improvement might be needed.

FINDING # 1 (OBJ. 2)	
CONDITION (THE WAY IT IS)	<p>The interface between the City of Garland and the Dallas Regional Database (“Region”) is not functioning correctly.</p> <p>As of 1/8/2016, Region has 18,601 warrant records (based on name) while Garland’s Court System has 23,694 warrant records that are less than 3 years old. This means, that there are, at a minimum, 5,093 active warrants that do not appear in Region. More specifically:</p> <ol style="list-style-type: none"> <u>New warrants</u> <p>Out of 63 warrants we sampled from the City Marshal’s report (Exhibit A), 14 (or 22%) were not in Region.</p> <p>During the period that we conducted our audit (approximately 2 months), we received additional support from dispatch and the Marshal’s office of issues that they encountered during the course of their normal duties. They provided support for 95 additional active warrants that were not in Region.</p> <u>Cleared warrants</u> <p>Out of 63 warrants we sampled from the City Marshal’s report (Exhibit A), one warrant had been cleared, yet still appeared in Region.</p> <p>During the period that we conducted our audit (approximately 2 months), we received additional support from dispatch and the Marshal’s office of issues that they encountered during the course of their normal duties. They provided support for 25 additional warrants that had been cleared, yet still appeared in Region.</p>
CRITERIA	<ol style="list-style-type: none"> All newly-issued Garland warrants should be added to the Dallas Regional Database in a timely manner.

<p>(THE WAY IT SHOULD BE)</p>	<p>2. All cleared Garland warrants should be removed from the Dallas Regional Database in a timely manner.</p>
<p>CAUSE (DIFFERENCE BETWEEN CONDITION & CRITERIA)</p>	<p>1. The interface between our Court System and Region is not capturing all changes to warrants.</p> <p>2. In addition, there is a concern with warrants not always routing to the Marshal's queue (after a warrant is reinstated, etc.) to be audited. Due to the way the system is set up, warrants not audited by a Marshal will not be updated in the Region database.</p> <p>3. There are also communication and training issues related to the clearance of warrants across departments (Police Dispatch, Marshal's Office, Municipal Courts and the Jail.).</p>
<p>EFFECT (SO WHAT?)</p>	<p><u>Active Warrants Not in Region:</u></p> <p>1. These warrants were never uploaded into Region. If this information is not submitted to Region, neither Garland Police Department nor other police departments will be able to see active warrants. A person with an active warrant who is stopped by a law enforcement officer will likely not be arrested on the warrant if it is not in Region.</p> <p>2. A defendant may be arrested by another agency, but not charged with Garland's warrants. This will result in this defendant having to post bond or go to jail a second time to resolve their Garland warrants.</p> <p><u>Cleared Warrant Still in Region:</u></p> <p>1. Citizens can be stopped in error. This can be a humiliating experience for citizens to be stopped and then told have warrants outstanding, especially when they have already resolved their warrant. Per discussion with City of Garland judges, even one instance of a citizen being stopped for a cleared warrant is not acceptable. Additionally, citizens may file a lawsuit against the City due to this mistake.</p>

	<p>2. Police Officers put themselves in danger by making unnecessary traffic stops for resolved warrants.</p> <p>3. Many employers may use the Region database to conduct background checks. A false record on Region could have negative effects for a potential job applicant.</p> <p>Note: Please see the “Additional Consideration” section for other potential effects.</p>
<p>RECOMMENDATION</p>	<p>The IT Department, in conjunction with Municipal Court management, should:</p> <ol style="list-style-type: none"> 1. Purge all active Garland warrants within Region. All active warrants within the City of Garland’s court system should then be re-uploaded. 2. Working with Region, develop an interface to confirm the completeness and accuracy of new and cleared warrant uploads. <p>Municipal Court management should:</p> <ol style="list-style-type: none"> 1. Implement a secondary review process to ensure that this interface is functioning appropriately. All issues discovered during this review should be communicated to IT in order to resolve. 2. Develop policies and procedures related to the processing and clearing of warrants and distribute to all parties involved. 3. Conduct periodic trainings on these policies and procedures for all departments involved in these processes.
<p>MANAGEMENT RESPONSE</p>	<p>Concur</p>
<p>ACTION PLAN</p>	<p>The Court and IT are aware of the issue and are working to correct the issue as quickly as possible. The Court acknowledges we need to work toward making the Regional interface better.</p> <p>The Court, IT, Marshals and Police dispatch are aware of the problems with the interface between Court software and the Regional database. The departments have met on several occasions and plan to:</p>

	<ol style="list-style-type: none"> 1. Perform a complete removal and reload of all eligible warrants in the Regional database. This action will remove all Garland warrants (many of which were impacted by the regional numbering change that occurred Sept 2015) and re-load all eligible warrants back into Region under the criteria of < 3 years from the offense date. 2. Implement a manual process of warrant clearances performed daily by the Marshals of all payments made at Municipal Court. This will ensure every case is cleared from Region as soon as payment is received. The Marshals are in the process of obtaining a terminal to connect to Region. 3. The Court and IT have identified the programming issue with a small number of cases not routing to the Marshal queue. (12/2015) In these instances, the case had a previous AUDIT from the Marshals (which puts the case into Region); upon warrant re-activation the system wasn't looking for a new AUDIT, but noted the old AUDIT and didn't move the case to the Marshals for a new AUDIT. The Court understands from IT that once the On base upgrade is finished this software glitch can be fixed. In the meantime, the Court has implemented a workaround process to ensure all re-activated warrants go into Region. 4. The Court policies and procedures already exist and the necessary stakeholders have these policy/procedures applicable to their access/function within the Court system. 5. The Court is open to conducting training on auditing/clearing warrants. The other stakeholders do not have access to process warrants; thus any training would be limited to the functions applicable to their access. The Court has done training in the past, however as turnover in staff occurs, it's important that procedures are re-emphasized with new staff. Requests have been sent to Dispatch and The Marshals for training 03/2016.
IMPLEMENTATION DATE	September 2016

FINDING # 2 (OBJ. 2)

<p align="center">CONDITION (THE WAY IT IS)</p>	<p>13 out of 50 (or 26%) active capias warrants reviewed by IA were not placed into the Marshal's queue in order to perform a Marshal's audit after issuance of a warrant for previously existing cases (Exhibit A). Due to the way the system is set up, warrants that are not audited by a Marshal will not be uploaded/updated in the Region.</p> <p>A breakdown of testing:</p> <table border="1" data-bbox="610 577 1421 884"> <thead> <tr> <th data-bbox="610 577 878 615">Number</th> <th data-bbox="878 577 1421 615">Issue</th> </tr> </thead> <tbody> <tr> <td data-bbox="610 615 878 695">3</td> <td data-bbox="878 615 1421 695">Never placed into warrant queue/Region</td> </tr> <tr> <td data-bbox="610 695 878 806">10</td> <td data-bbox="878 695 1421 806">Never placed into warrant queue/Region after a new warrant was issued for an existing case</td> </tr> <tr> <td data-bbox="610 806 878 884">37</td> <td data-bbox="878 806 1421 884">Audited by a marshal and placed in Region</td> </tr> </tbody> </table>	Number	Issue	3	Never placed into warrant queue/Region	10	Never placed into warrant queue/Region after a new warrant was issued for an existing case	37	Audited by a marshal and placed in Region
Number	Issue								
3	Never placed into warrant queue/Region								
10	Never placed into warrant queue/Region after a new warrant was issued for an existing case								
37	Audited by a marshal and placed in Region								
<p align="center">CRITERIA (THE WAY IT SHOULD BE)</p>	<p>All warrants are uploaded into the Marshal's queue in order for the Marshals to conduct an audit in a timely and accurate manner.</p>								
<p align="center">CAUSE (DIFFERENCE BETWEEN CONDITION & CRITERIA)</p>	<p>There is a system issue that is impacting the processing of warrants issued.</p>								
<p align="center">EFFECT (SO WHAT?)</p>	<p>These warrants were never placed into the queue to be audited, and thus never uploaded into Region. If this information is not submitted to Region, neither Garland Police Department nor other police departments will be able to see active warrants. Justice cannot be served for warrants missing from Region.</p>								
<p align="center">RECOMMENDATION</p>	<p>The IT Department, in conjunction with Municipal Court management, should:</p> <ol style="list-style-type: none"> Review the system configuration and ensure that all warrants appear in the Marshal's queue for auditing. <p>Municipal Court management should:</p> <ol style="list-style-type: none"> Implement a secondary review process to ensure that this upload to the Marshal's queue is functioning appropriately. 								

	2. All issues discovered during this review should be communicated to IT in order to resolve.
MANAGEMENT RESPONSE	Concur
ACTION PLAN	The Court and IT have identified the programming issue with cases not routing to the Marshal queue. (12/2015) In these few instances, the case had a previous AUDIT status (which puts the case into Region); however upon warrant reactivation the system wasn't looking for a new AUDIT, but noted the old AUDIT and didn't move the case to the Marshals for a new AUDIT. A resolution will be developed soon as the On base upgrade is completed. The Court has implemented an alternative method to ensure reactivated warrants route to the Marshals queue.
IMPLEMENTATION DATE	June 2016

FINDING # 3 (OBJ. 2)	
CONDITION (THE WAY IT IS)	Currently, alias, bench and capias warrants are dropping out of Region after 3 years once it is uploaded.
CRITERIA (THE WAY IT SHOULD BE)	<p>City of Garland’s City Ordinance Sec. 24.07 (B) states, “all unadjudicated cases [i.e. alias and bench] which have been on file in the Municipal Court system for more than three years without having been finally dismissed shall be designated as “inactive” without the necessity of a written motion or approval by the prosecutor, judge, or court clerk.”</p> <p>“The City Manager...shall adopt policies and procedures concerning the disposition of adjudicated cases [capias], which, due to unpaid fines or other circumstances, remain unresolved for more than three years after the case was filed.”</p> <p>Warrants remain in Region in a manner that is consistent with City of Garland policies.</p>
CAUSE (DIFFERENCE BETWEEN CONDITION & CRITERIA)	<p>There are currently no documented policies related to the disposition of Capias Warrants.</p> <p>The setup of Region related to warrant type was not considered.</p>
EFFECT (SO WHAT?)	<p>If warrants do not stay in Region, this would prevent both Garland Police Department, as well as other agencies, from determining if an individual has valid Garland warrants. The City may be unable to serve justice and/or collect fees (or otherwise resolve) these warrants.</p> <p><i>Note: Please see the “Additional Consideration” section for other potential effects.</i></p>
RECOMMENDATION	<p>City management should:</p> <ol style="list-style-type: none"> 1. Update the Ordinance and related policies regarding the disposition of capias warrants. 2. Consider maintaining adjudicated (capias) warrants in the Region database as dictated by the policy developed above.

	<p>3. Communicate these polices to all parties (Marshal's office, dispatch, municipal court, police, etc.) for proper enforcement.</p> <p>IT management should:</p> <p>1. Develop a plan to periodically re-upload capias warrants since Region is unable to distinguish between warrant types.</p>
MANAGEMENT RESPONSE	Concur
ACTION PLAN	The Court Director has met with the Chief Judge and Asst. City Attorney. (2/2016) We have developed an updated ordinance to replace 24.07 and a purge policy to take before Council for consideration. The court is currently working with the Vendor and IT to develop a method to purge old cases based on the ordinance, if approved.
IMPLEMENTATION DATE	Late 2016

FINDING # 4 (OBJ. 3)

**CONDITION
(THE WAY IT IS)**

There are many areas of concern noted with the City's current collection agency's contract and invoicing process:

1. During the scope of our audit, the collection rate for our current collection agency is 11.85% per the collection agency's "History Analysis Report". Due to the fact that the City Marshal also actively works on Garland warrants, it is difficult to confirm how much of the reported collections are based solely on collection agency efforts.
2. Per our current contract, "efforts shall include mailing not less than three notifications letters to the last known address of the Defendant. If a fine, fee or cost has not been cleared by payment or other means within ten business days...[the agency] will attempt to contact the Defendant by telephone."
3. The current contract states "In all cases where the addition of a collection fee has been authorized, the City shall pay [the collection agency] a 30% collection fee on all accounts referred by the City to [the collection agency] for which the City receives payment" In the case of accounts referred to [the collection agency] which are ineligible for the 30% collection fee, the City shall pay...23.07%."

Since this is not broken down, it is open to interpretation whether the 30% fee applies to everything collected on the City's behalf, or 30% of allowed components. Additionally, there is nothing noted in the contract as to what is considered "ineligible" per the contract.

4. Bills require a time-consuming process in order to reconcile. Due to system reporting and interface limitations, many adjustments have to be made manually by the Court Administrator each month. There is not currently a report that notes not only when warrants are resolved, but how they were resolved (final payment, disposition, etc.).
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<p>CRITERIA (THE WAY IT SHOULD BE)</p>	<ol style="list-style-type: none"> 1. The City should receive the most services/value from its collection agency in order to maximize collection revenue. 2. Contract terms are clearly defined. 3. Report necessary to the normal invoicing of collection efforts should be as automated as possible.
<p>CAUSE (DIFFERENCE BETWEEN CONDITION & CRITERIA)</p>	<ol style="list-style-type: none"> 1. Our current collection agency contract has been in place for many years and it has not been greatly altered during this time. 2. Reporting requirements were not taken into consideration prior to the selection of a collection agency.
<p>EFFECT (SO WHAT?)</p>	<ol style="list-style-type: none"> 1. Potential loss in revenue based on our current collection efforts. 2. We may not be receiving all of the services (such as personalized postcards, cross-referencing of a wide variety of databases to locate defendants, projection of the likelihood of defendants to pay their citations/warrants, etc.). 3. The time that the Municipal Court Administrator spends reviewing the invoice each month could be better spent on her other duties.
<p>RECOMMENDATION</p>	<p>Upon the expiration of the City's current collection agency contract, Municipal Court management should:</p> <ol style="list-style-type: none"> 1. Begin the Request for Proposal (RFP) process for a collection agency. This RFP should include certain selection criteria related to the services the City would receive from various collection agencies, such as personalized postcards, collection calls, etc. This process should done in conjunction with the City Marshal's office and the IT Department. 2. Ensure that the next contract for our collection agency include which fees (and what percentage) are allowed

	<p>to be collected on by the agency and any ineligible fees are clearly defined.</p> <p>Prior to a new contract being initiated, the IT Department should:</p> <ol style="list-style-type: none"> 1. Ensure that the reports necessary for the normal invoicing of collection efforts are developed and are compatible with the collection agency.
MANAGEMENT RESPONSE	Concur
ACTION PLAN	Court staff already planned to re-bid the collection contract in 2016. Historically, the Court rebids the Collection contract every 3 years. The Court staff is well versed in court collection requirements, the City bidding process and vendor techniques; thus it's routine to confer with Purchasing, IT and the City attorney's office; this contract will not be an exception.
IMPLEMENTATION DATE	July 2016

Exhibit A – Sampling Methodology

Capias Warrants

IA used a Crystal Report to run a population of all capias warrants issued during our scope. Out of 3773 Capias Warrants that were issued, we used Active Data to select a random sample of 50. Random sampling was selected as we wanted objectivity in order to obtain an accurate picture of the entire population. The results of our sample can be projected to the intended population.

Newly-Issued Warrants

IA met with Deputy Marshal Frazier on 11/23/2015 and 12/7/2015. We selected from a population of current and new Garland warrants (dates in December) and current warrants from a new warrant report from October 2015. We judgmentally selected our sample from the Warrant Marshal's reports from these days. The results of our sample can be projected to the intended population.

Exhibit B - Additional Consideration

When the City's Ordinance regarding warrant clearance is updated, City management should consider applying the updated policies to other areas that are similarly affected, such as the Scofflaw program. Scofflaw uses citation information in order to block vehicle registration for those who owe a city and/or county money for a fine that is past due. If the retention of this information is not updated in accordance with the updated City Ordinance, there is the potential that a dismissed citation will appear, preventing vehicle owners from registering their vehicles.