



Commonwealth of Massachusetts
Office of the State Auditor
Suzanne M. Bump

Making government work better

Official Audit Report – Issued August 19, 2016

Office of Jury Commissioner

For the period July 1, 2013 through June 30, 2015





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Making government work better

August 19, 2016

Ms. Pamela J. Wood, Jury Commissioner for the Commonwealth
Office of Jury Commissioner for the Commonwealth
560 Harrison Avenue, Suite 600
Boston, MA 02118-2447

Dear Commissioner Wood:

I am pleased to provide this performance audit of the Office of Jury Commissioner. This report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, July 1, 2013 through June 30, 2015. My audit staff discussed the contents of this report with management of the agency, whose comments are reflected in this report.

I would also like to express my appreciation to the Office of Jury Commissioner for the cooperation and assistance provided to my staff during the audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "SMB", written in a cursive style.

Suzanne M. Bump
Auditor of the Commonwealth

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LIST OF ABBREVIATIONS

JPI	Juror Payment Interface
MMARS	Massachusetts Management Accounting and Reporting System
NIS	Network and Infrastructure Services
OJC	Office of Jury Commissioner
OSA	Office of the State Auditor
OSD	Operational Services Division

EXECUTIVE SUMMARY

The Office of Jury Commissioner (OJC) is authorized by Chapter 234A of the Massachusetts General Laws to manage selection and service of jurors on trial juries and grand juries for the Trial Court. In accordance with Section 12 of Chapter 11 of the General Laws, the Office of the State Auditor has conducted an audit of certain activities of OJC for the period July 1, 2013 through June 30, 2015. In some cases, it was necessary to expand our audit period to perform what we determined to be necessary testing.

The audit was undertaken to determine whether OJC properly administered its process for developing, maintaining, and disseminating accurate juror information. We also followed up on the issues identified in our previous audit of OJC (No. 2012-1216-4T).

Below is a summary of our findings and recommendations, with links to each page listed.

Finding 1 Page 7	OJC had implemented some recommendations from our previous audit, but still needed to enhance its monitoring of the services provided by one of its consultants and did not receive sufficiently detailed invoices for this purpose.
Recommendation Page 8	OJC should ensure that the monthly invoices submitted by the consultant detail the tasks performed so they can be cross-referenced to the scope of services in the contract.
Finding 2 Page 9	OJC had addressed one issue related to access privileges in its mission-critical software for employees who left the agency or changed responsibilities, but had not enhanced its password security controls to allow it to set and monitor password rules and allow longer passwords.
Recommendation Page 10	OJC should continue to work on establishing enhanced password security controls in this software. The controls should include detailed requirements regarding password administration, such as length and complexity of passwords and frequency and monitoring of required password changes.

OVERVIEW OF AUDITED ENTITY

The Office of Jury Commissioner (OJC) is authorized by Chapter 234A of the Massachusetts General Laws to manage the selection and participation of prospective qualified jurors in serving the needs of the divisions of the Commonwealth's Trial Court. OJC is the judicial-branch agency responsible for the random selection of potential jurors and the management and summoning of all trial and grand jurors in the Commonwealth. OJC directs the daily operation of the statewide "One Day or One Trial" jury system, under which jurors complete their service in one day or, if chosen, serve on one trial.

OJC is responsible for furnishing each of the 67 jury trial courts¹ with a sufficient number of prospective jurors. Additionally, OJC provides potential juror source lists to the Clerk of the US District Court, First Circuit, for use in the three Massachusetts federal judicial districts. To obtain jurors for the court system, OJC summoned 664,634 potential jurors during calendar year 2014. That year, a total of 174,748 jurors served and 88,748 potential jurors postponed their service. In addition, 153,083 potential jurors were disqualified from service for a variety of reasons (e.g., age, medical issues, language barriers, and citizenship status). The remaining 248,055 jurors summoned fell into such categories as "summons returned as undeliverable," "no response from summons," "summons canceled," and "absent jurors."

The Jury Commissioner, pursuant to Chapter 234A of the General Laws, is responsible for administering the jury system for the Commonwealth and is the executive head of OJC. With the supervision and guidance of the Jury Management Advisory Committee, which is a standing committee of six judges appointed by the Chief Justice of the Supreme Judicial Court, the Jury Commissioner establishes and implements policies and procedures for the selection and management of jurors in Massachusetts. The Jury Commissioner serves for one or more five-year terms; the current Jury Commissioner was initially appointed in October 2003.

For fiscal years 2014 and 2015, OJC received state appropriations totaling \$2,946,059 and \$2,740,023, respectively, to fund its administrative operations, including the five major departments: Operations, Legal, Administration, Data Processing, and Network and Infrastructure Services (NIS). Other expenses, related primarily to postage and a computer consultant, are charged to accounts under the control of the Administrative Office of the Trial Court.

1. Jury pools serve a number of different court departments (e.g., the Worcester Courthouse, which serves the Worcester Superior, District, Housing, and Juvenile Courts) or locations (e.g., the Fitchburg District Court, which also conducts jury trials for the Clinton, Gardner, Leominster, and Winchendon District Courts).

OJC's NIS Department is responsible for managing all OJC's technology requirements and provides support services for the 19 file servers, 109 desktop computers, and 10 laptop computers located at OJC's main office in Boston and the 67 jury trial court locations throughout the Commonwealth.

OJC's mission-critical application, Jury+ NextGen, was developed by Jury Systems Incorporated. Jury+ NextGen provides access to comprehensive juror and case management information for jury locations across the Commonwealth. In addition, OJC maintains an interactive website that allows jurors to perform all the necessary functions, and gives them the necessary information, to perform their service. This website allows prospective jurors to confirm or postpone their service, request a hardship transfer or disqualification, complete a demographic survey, update their contact information, and complete and print confidential juror questionnaires.

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Office of Jury Commissioner (OJC) for the period July 1, 2013 through June 30, 2015. We extended our audit period through December 31, 2015 to accommodate our audit test of authorized users in the Jury+ NextGen application database.

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.

Below is a list of our audit objectives, indicating each question we intended our audit to answer; the conclusion we reached regarding each objective; and, if applicable, where each objective is discussed in the audit findings.

Objective	Conclusion
1. Does OJC have a process to provide the trial courts with a sufficient number of prospective jurors to conduct court business as required by Section 13 of Chapter 234A of the General Laws? Does OJC have a process for using this information to adjust the number of jurors summoned by each judicial district each year?	Yes
2. Does OJC have a process for reviewing the annual census lists supplied by cities and towns to the Secretary of the Commonwealth in order to maintain a master juror list in accordance with Section 16 of Chapter 234A of the General Laws?	Yes
3. Did OJC implement corrective actions related to the findings of our previous audit (No. 2012-1216-4T) regarding the following?	
a. system access controls over the Jury+ NextGen application:	
i. deactivation of user accounts	Yes
ii. password strength	No; see Finding <u>2</u>
b. controls over various areas:	
i. procurement	Yes
ii. contract management	Yes
iii. monitoring of the jury system's software contractor	No; see Finding <u>1</u>

To achieve our objectives, we gained an understanding of the internal controls we deemed significant to our audit objectives and evaluated the design and effectiveness of those controls. In addition, we performed the following procedures.

- We obtained and reviewed copies of applicable statutes, OJC policies and procedures, accounting records, and other source documents.
- We interviewed the Jury Commissioner and other staff members.
- In order to review OJC software contracts, we reviewed various Massachusetts Management Accounting and Reporting System (MMARS) reports and compared payments made to the scope of the contract.
- We reviewed OJC's procedures for creating and updating its master juror list.
- We reviewed OJC's procedures for collecting and using data regarding jurors summoned to determine its utilization rate.
- To follow up on the recommendations from our previous audit (No. 2012-1216-4T), which covered the period July 1, 2010 through June 30, 2011, we performed the following procedures.
 - We tested all 24 payments made to one of OJC's software contractors during the audit period. We confirmed the mathematical accuracy of the payments, traced the amounts paid to MMARS reports, and reviewed the invoices to determine whether work performed was detailed and was in agreement with the scope of services in the contract.
 - We compared all of the users on OJC's November 18, 2015 Jury+ NextGen active user list to a current employee list in the Commonwealth's Human Resources Case Management System to determine whether any terminated, transferred, or inactive employees remained on the list.
 - We reviewed OJC's software system governing password security policies to determine whether new program updates had been implemented and whether password controls were in place and in effect.
 - We reviewed OSD's regulations and requirements for the solicitation of statewide contracts to determine whether OJC complied with all procurement regulations in selecting information-technology contractors. We verified that the selected vendor's business was properly registered with the Secretary of the Commonwealth and was an approved OSD vendor.

To assess the reliability of the data used by OJC to create the master juror list, we examined the document "Procedures Followed by the Data Processing Department in the Processing of the Numbered Resident Lists" and observed OJC performing repeat integrity checks consisting of the following:

- confirming that each required city and town had submitted its Numbered Resident List²
- eliminating any resident record that contains an incorrect ZIP code (i.e., a ZIP code that does not correspond to the judicial district from which the Numbered Resident List was submitted)
- eliminating duplicated resident records
- eliminating the names of individuals with missing mailing addresses
- eliminating records where a last or first name is missing

Based on OSA's most recent data-reliability assessment of MMARS and our current comparison of source documentation with MMARS information, we determined that the information obtained from MMARS for our audit period was sufficiently reliable for the purposes of our audit work.

2. According to Section 10 of Chapter 234A of the General Laws, "On or before the first day of June of each year, each city and town shall make a sequentially numbered list of the names, addresses, and dates of birth of all persons who were seventeen years of age or older as of the first day of January of the current year and who resided as of the first day of January of the current year in such city or town."

DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

1. The Office of Jury Commissioner is still not properly administering its contract with a software company.

The Office of Jury Commissioner (OJC) has implemented some of the recommendations from our previous audit report (No. 2012-1216-4T) regarding the procurement and management of a computer consulting contract with one of its consultants, Verity Consulting Company, Inc. However, OJC still needs to enhance its monitoring of the services provided by Verity and does not receive sufficiently detailed invoices for this purpose. As a result, OJC cannot be certain that important projects remain on schedule (an issue that could negatively affect agency operations) or that all of the payments made to Verity, which totaled \$291,654 during our audit period, were for necessary services related to established project plans.

During our current audit, OJC did solicit formal bids to select the consultant by sending out requests for quotations to potential vendors in accordance with Operational Services Division (OSD) requirements. In addition, the current contract defines the scope of services and project plans that the contractor must complete to qualify for payment.

However, in our review of Verity's monthly invoices for the audit period, we found that they did not contain sufficient information about the services provided to make it possible to cross-reference them to the scope of services in Verity's contract. For example, the contract's scope of services includes integration testing of payment files, system and user testing, production rollout of the Juror Payment Interface (JPI) software project, and operational support services. However, Verity's \$12,960 invoice for July 1, 2014 through August 2, 2014 showed 113.75 hours billed for "support and maintenance (quality assurance and system analysis)," 14.5 for "JPI Project (Web Development and Systems Analysis)," 3.25 for "support and maintenance (project maintenance)," and 0.75 for "JPI Project (Project Management)."

Verity was initially hired in 2004 to provide project-management services during the installation of a new jury software system. However, the scope of its work changed over time, through a series of annually issued contracts, to include other items such as the development of new software used in conjunction with the main jury system.

Authoritative Guidance

A best practice for the processing of invoices is articulated in OSD's 2015 "Procurement Overview," which recommends identifying the deliverable or task and cross-referencing the payment to the deliverable or task received or completed.

Reasons for Noncompliance

According to OJC management, the information provided by the software contractor on the invoices was adequate for the purposes of monitoring work performed. An audit report of OJC issued by the Trial Court on January 29, 2014 stated that Verity did submit invoices with appropriate detail.

Recommendation

OJC should ensure that the monthly invoices submitted by Verity detail the tasks performed so they can be cross-referenced to the scope of services in the contract.

Auditee's Response

With respect to the administration of the contract with Verity Consulting, Inc., the OJC and Verity have taken a number of steps to attempt to satisfy SAO's requirements regarding documentary support of work performed. Verity provides the OJC with invoices detailing the resources billed, the rate at which they are billed, and the hours worked during the invoice period. Those invoices are supported by additional documentation provided to the OJC by Verity, including timesheets for all resources, a detailed weekly tracking report from the primary resource, monthly status reports, detailed project plans, and regular meetings to review and update the project plans.

In addition, in response to the previous audit report (No. 2012-1216-4T), the OJC convened meetings with relevant administrators from the Supreme Judicial Court and the then Administrative Office of the Trial Court (AOTC) to describe and review its procedures. The OJC also requested an internal audit of its procedures by the AOTC's Fiscal Department. That audit, issued by the Trial Court on January 29, 2014, stated that the OJC was in compliance with all requirements and that Verity does submit invoices with appropriate levels of detail.

Auditor's Reply

The documentation requirements OJC mentions in its response are not those of the Office of the State Auditor (OSA) but rather requirements that are established by OSD for state agencies and that OSA believes represent best practices. Further, despite OJC's assertion that invoices submitted by Verity contained an appropriate level of detail, our review of Verity's monthly invoices for the audit period showed that they did not contain sufficient information about the services provided to make it possible

to cross-reference them to the scope of services outlined in Verity's contract. Not only does this affect OJC's ability to ensure that important projects remain on schedule, it also does not provide adequate assurance that all of the payments made to Verity during our audit period were for necessary services related to established project plans.

2. OJC still needs to implement better access security controls over its database.

OJC has taken measures to address an issue raised in our previous audit related to ensuring that when employees end their employment or change job responsibilities, their access privileges are either terminated or modified as necessary. However, it had not implemented our recommendation to enhance its password security controls over its Jury+ NextGen application, which did not allow it to set password rules (including minimum length, complexity, and expiration dates), only allowed users to enter passwords of a maximum of six characters, and did not allow administrators to monitor password rules established by OJC management. Insufficient control practices for password administration and composition procedures place OJC at increased risk for unauthorized access to sensitive data on its mission-critical applications.

Authoritative Guidance

Section 2 of the Massachusetts Office of Information Technology's Enterprise Access Control Policy states,

The objective of implementing user access management is to ensure that authorized users are able to access information and resources while unauthorized users are prevented from access to the same. . . .

The password policy, to the greatest extent technically feasible, should comply with [National Institute of Standards and Technology] and [Federal Information Security Management Act] standards, which specifically call for a password being comprised of at a minimum of eight characters, including capital and non-capital letters, numerical and special characters.

Section 4.1 of OJC's Password Policy states,

All user-level passwords (e.g., email, web, desktop computer, etc.) must be changed at least every six months. OJC user domain passwords shall be a minimum of 6 characters long and must include one uppercase character and one number.

Reasons for Noncompliance

OJC management stated that it is in the process of implementing updates to Jury+ NextGen that will include enhanced password security controls, but that these enhancements have been delayed because testing of the newer version of Jury+ NextGen has not been completed. OJC managers told us they were confident that when it is implemented, the newer version of Jury+ NextGen will have the necessary password controls to ensure that all data will be protected from unauthorized access.

Recommendation

OJC should continue to work on establishing enhanced password security controls in Jury+ NextGen. The controls should include detailed requirements regarding password administration, such as length and complexity of passwords and frequency and monitoring of required password changes.

Auditee's Response

The jury management system vendor, Jury Systems Inc., has recently made available a new version of the Jury+ NextGen software that includes the enhanced password security controls recommended by the SAO. The OJC has upgraded to the new version and completed its quality assurance testing. We are in the process of preparing to deploy the new version to the 67 jury trial courts, which is a considerable undertaking involving training jury pool officers and others and on-site visits to each of the 67 jury trial courts, among other requirements. We anticipate the deployment will be completed statewide later this year.

Auditor's Reply

Based on its response, OJC is taking measures to address our concerns in this area.