




DALLAS COUNTY
COUNTY AUDITOR

Memorandum

To: Honorable Thomas G. Jones
Justice of Peace, Precinct 1, Place 1

From: Virginia A. Porter 
County Auditor

Subject: Review Performed for Fiscal Year 2012 and FY 2013

Date: Issued November 3, 2014
Released December 16, 2014

Scope

A review was performed in accordance with statutory guidelines on the records and reports of Justice of the Peace, Precinct 1, Place 1 for fiscal years 2012 and 2013.

Review Procedures

Standard review procedures were followed to test the internal controls for cash, revenue, and other county assets. A random sampling of the total activity was selected for certain review steps based on risk, the dollar value of transactions, the volume of transactions, and noted internal control weaknesses. Testing involved a review of the JP Accounting System (JPAS) as well as case jackets.

A partial list of the review tests include:

- Accounted for numerical sequence of manual and computer generated receipts
- Traced amounts recorded on the receipts to the bank deposits
- Performed unannounced cash counts
- Examined special fund disbursements and associated fee dockets to determine if sufficient funds were collected, proper payees paid, and if posting to the JPAS had occurred
- Reviewed assessed fees for compliance with applicable state laws and Commissioners Court orders
- Reviewed unpaid criminal cases for outstanding warrants of arrest
- Reviewed outstanding warrant/capias reports for appropriateness
- Traced issuance of bad check actions to the criminal fee dockets to confirm the filing of the cases, collections of assessed fines and costs, or the issuance of arrest warrants
- Reviewed time and attendance records for proper posting and compliance with County policies and procedures
- Compared activity reports to actual new cases on the JPAS
- Reviewed 'Justice Fee Exception List' to determine reason for uncollected fees
- Reviewed credit card transactions and processes

Statistical

During fiscal year 2012, the justice court processed

- 38,649 computer receipts totaling \$5,605,521
- 43,346 class C misdemeanors (includes 16,324 automated traffic filings)
- 2,292 civil/small claims
- 8,478 eviction cases

During fiscal year 2013, the justice court processed

- 32,670 computer receipts totaling \$4,774,120
- 30,409 class C misdemeanors (includes 9,935 automated traffic filings)
- 2,194 civil/small claims
- 8,639 eviction cases

FINDINGS

CASH MANAGEMENT

Receipts – A complete review of 220 (less than 1% of population) voided computer receipts and a sample review of 71,319 computer receipts and corresponding daily receipt transaction logs revealed: thirteen (13) receipts (including one cash receipt replaced for \$100 less cash) not properly voided without retention of the original receipt and without an explanation for the void; unresolved \$100 cash shortage; and, a \$60 cash shortage identified during balancing, reportedly, related to a marriage license receipt issued for \$71 rather than \$11 with the Judge requesting IT Services intervention to change the receipt amount.

Responses to the Internal Control Questionnaire revealed: six court clerks with receipting rights in the JPAS; separate cash drawers not maintained; and, monies not separately balanced prior to combining with the funds controlled by the bookkeeper due to a lack of separate tills within the JPAS.

Court Costs and Fine Assessment – A review of 66 cases and corresponding computer receipts (approximately 506 fee code entries) for compliance with statutorily required court costs and fines revealed instances of collection, assessment, and/or posting errors including partial payments not accurately prorated in accordance with Attorney General Opinion No. GA-0147. Responses to the ICQ indicate Court Costs and Fine fields on the Docket screen are not updated on dismissed cases including administrative dismissals and Fine fields are not updated on reductions granted by the Judge.

Disbursement/Special Fund Reconciliation – A review of special fund activity revealed material compliance except: old case balances over three years old totaling approximately \$523,467 remain in the special fund account as of November 9, 2013 without research for disbursement to the applicable party and/or escheatment to the State Comptroller or Dallas County Treasurer; and, approximately \$278,000 in criminal cash bonds over four years old not eligible for forfeiture.

PROCESSING/REPORTING

Credit Card Transactions – A review of 50 credit/debit card transactions and the associated JPAS postings, related procedures, and an ongoing desk review revealed: twenty-five credit card transactions posted to the JPAS with the Sequence ID number versus the last 5 digits of the Transaction ID number; and one-hundred thirty-nine (139) credit/debit card refunds by the Treasurer's office for credit/debit card overpayments due to fine reductions granted by the Judge are not updated to the Fine field on case Docket screens.

Time Payment Plans – A review of 40 time payment plans revealed: five instances of the Costs Due date field advised on delinquent time payment plans without receipt of payments or extension request by the defendant; fine reductions granted by the Judge are not updated to the Fine field on case Docket screens; and partial payments not allocated to delinquent collection fees.

Delinquent Collection Referral – A review of 36 cases referred to a delinquent collection law firm revealed: partial payments not properly allocated/prorated to include delinquent collection fees; six cases without full collection of delinquent collection fees and without a reason noted for non-collection; and, three cases with delinquent collection fees waived without court determination of defendant's claim of indigence.

Failure to Appear (FTA) Driver License (DL) Renewal Block Program – A review of fifty-five (55) cases from the Year to Date FTA Payment History Report revealed: one DL renewal hold was released without payment of the \$30 FTA fee; and, one delinquent collection fee was waived without a reason noted.

Criminal Fee Docket – A review of IT Services JP Warrant Error Report dated March 31, 2014 revealed: ten active warrants or capias on the Constable's or Sheriff's warrant systems for cases without balances due, with time served, dismissed, and/or inactive/marked disposed on the JPAS Docket screen (*Status: ten noted warrants or capias were recalled*); thirteen cases with no warrant or capias return dated entered by the court; eight warrant disposition codes not updated by the Constable's or Sheriff's office. All court clerks are authorized to issue and recall warrants.

Civil Fee Docket – A review of twenty-seven (27) civil/small claims/eviction cases on the Justice Fee Exception report revealed two (2) cases filed without advance collection of filing and service fees. *Status: Both cases were subsequently dismissed for failure to pay filing fees.*

Activity Reports – Comparison of activity reports filed by the court with the Office of Court Administration (OCA), the Office of Budget and Evaluation (OBE), and Auditor's Office to the mainframe JPAS case records revealed material compliance.

OTHER/MISCELLANEOUS

Marriage License – A review of marriage license files and corresponding JPAS receipts revealed: the court retains copies of marriage license applications and copies of the applicants' identifications; current and previous years marriage license applications and applicant's identification is stored in boxes in the supervisor's office and older files are stored in the court's file storage room indefinitely.

Time and Attendance – Observation of time, attendance, and office hours during fieldwork revealed: the court closes to the public at 4:00 pm even though court personnel work until 4:30 pm; and, employees take 60 minutes for lunch with no breaks (lunch is recorded as 30 minutes on the KRONOS time and attendance system).

RECOMMENDATIONS

CASH MANAGEMENT

Receipts – Reemphasize retention of all copies of a voided receipt, clearly marking "void", and affixing a reason for the void. Employees receipting money should verify that money tendered is accurately receipted prior to providing receipts to the customers. Cash handling duties should be properly segregated. Separate

cash drawers should be maintained with collections balanced prior to combining with other receipted funds.

Court Costs and Fine Assessment – Continue monitoring assessment, collection, and prorating of court costs, fines, and fees in compliance with applicable state laws, Commissioners Court orders, Attorney General (AG) Opinion No. GA-0147, and applicable fee schedules based on the offense date. JPAS Docket screen Court Costs and Fine fields should be updated as: new court costs are assessed; as fine amounts are reduced by the Judge; and, as cases are dismissed including for administrative dismissals. Warrant fees should be assessed in accordance with Vernon's Ann., CCrP., § 102.011(a)(2) and bonds set by the judge in accordance with Vernon's Ann., CCrP., § 45.016. Separation of duties limiting (through security access) staff assigned to add, delete, or modify information on Docket screens.

Disbursement/Special Fund Reconciliation – A management plan (including reconciling the County's General Ledger and the court's special fund bank account) should be developed and implemented to periodically review and research items on the detailed special fund report in order to clear old items on disposed cases in accordance with unclaimed property statutes, V.T.C.A., Property Code, § 72 and 76, and/or disburse to the applicable party. Cash bonds should be forfeited in accordance with Code of Criminal Procedure, § 22.18.

PROCESSING/REPORTING

Credit Card Transactions – Continue review of reports for credit card activity and post payments in compliance with Dallas County General Policy for Use of Credit Card Transactions including reference to the last five digits of the transaction ID number. The misdemeanor Docket screen should accurately reflect the court costs and fine amounts due to reduce payment errors and staff time to initiate refunds due.

Time Payment Plans – Payment plans should be established and monitored in accordance with Code of Criminal Procedure, Art. 103.0033, and guidelines established by OCA.

Delinquent Collection Referral – The 30% add-on delinquent collection fee should be assessed and collected in accordance with Commissioners Court orders and Code of Criminal Procedure, § 103.0031 including proportionally prorating partial payments.

Failure to Appear (FTA) Driver License (DL) Renewal Block Program – The \$30 failure to appear fee should be assessed and collected and DL renewal blocks released in accordance with Commissioners Court Order No. 2003-2085, dated November 11, 2003, and Transportation Code § 706.

Criminal Fee Docket – Outstanding warrants or capiases should be recalled timely when cases are dismissed or otherwise disposed, payments made in full, time is served, etc. Separation of duties should be established limiting (through system security access) staff assigned to recall warrants.

Civil Fee Docket – Continue monitoring timing/collection of filing fees and service fees in compliance with applicable state laws and Commissioner Court orders for all eviction, civil and small claim cases filed by non-governmental entities and individuals except for those individuals with approved affidavits of indigence on file. Reason for not collecting filing or service fees should be documented on the JPAS and case jacket. Record the file date of a pauper's affidavit in predefined fields on the Docket screen.

Activity Reports – Monthly activity reports should be completed in an accurate and timely manner with copies (or electronically filed as directed) provided to OCA, OBE, and the County Auditor.

OTHER/MISCELLANEOUS

Marriage License – Develop and maintain a comprehensive marriage license issuance log instead of retaining copies of marriage licenses and applicants' identifications. Contact Records Management to coordinate the destruction of MC case files containing marriage license applications and applicant DL numbers.

Time and Attendance – Actual time worked and meal periods should be properly and timely posted to the KRONOS time and attendance system in accordance with Dallas County Code.

CURRENT FINDINGS/OBSERVATION AND RECOMMENDATIONS

Finding templates numbered 13-JP1.1-01-01 through 13-JP1.1-01-11 are attached with responses incorporated.

Summary

The report is intended for the information and use of the department. While we have reviewed internal controls and financial reports, this review will not necessarily disclose all matters of a material weakness. It is the responsibility of the department to establish and maintain effective internal control over compliance with the requirements of laws, regulations, and contracts applicable to the department.

Highest areas of risk which need to be addressed include: clearing of old Special Fund balances totaling approximately \$523,467 not timely remitted and/or escheated; ongoing monitoring of the warrant exception report for inappropriate active warrants; and, prorating of partial payments including allocation to delinquent collection fees.

Consideration of all issues and weaknesses should be incorporated by the court as a self-assessment tool in testing processing functionality of a new justice court system. Adherence to and follow-through with the recommendations should strengthen internal control and compliance with Dallas County policies and procedures.

cc: Darryl Martin, Commissioners Court Administrator
Ryan Brown, OBE



Finding Number: 13-JP1.1-01-01 **Computer Receipts**
Date: April 21, 2014
Audit: Justice of the Peace 1-1 Audit FY 2012 – FY 2013
Auditor(s) Assigned: RL, PA

<p>Finding:</p>	<p>A sample review of 71,319 computer generated receipts including a complete review of 220 (less than 1% of the population) voided computer receipts, receipt continuity, testing of voiding procedures for proper accounting and internal controls, a sample review of Daily Receipts Log revealed:</p> <ul style="list-style-type: none"> • Ten voided computer receipts were not marked void, did not contain an explanation for void, and did not have the original receipt copy attached. <ul style="list-style-type: none"> ○ One receipt was replaced for \$100 less cash ○ One receipt was replaced for \$90 less check ○ One receipt for \$9 check was not replaced ○ Seven receipts were replaced for the same or a higher amount • Two voided receipts were missing the original and duplicate receipt copy. Status: Per bookkeeping notes, one of the missing receipts did not print. Both receipts were replaced for the same or a higher amount. • One voided computer receipt did not contain an explanation for void and did not have the original copy attached. • One check receipted for \$50 less than amount received. Status: Resolved. IT Services was contacted to adjust the deposit and receipt files allowing the court to reprint the deposit form 98. • \$100 cash shortage identified during daily receipting/balancing. Status: IT Services was contacted to include the shortage on the deposit form 98. • \$60 cash receipt shortage identified during daily receipting/balancing. Status: Court stated shortage was the result of a marriage license receipted for \$71 rather than \$11. Judge requested that IT Services revise the receipt and deposit files 98 for lesser amount, though the customer left with a receipt reflecting payment of \$71 cash. <p>Responses to the Internal Control Questionnaire (ICQ) indicate:</p> <ul style="list-style-type: none"> • Six court clerks (the bookkeeper, back-up bookkeeper, the two supervisors, and two court clerks) have receipting rights in JPAS. Separate cash drawers are not maintained. Monies are not separately balanced prior to combining with the funds controlled by the bookkeeper due to a lack of separate tills within the Justice of the Peace Accounting System. (As a mitigating control, the court does balance twice daily). • A former employee knows the combination to the safe (former employee does not have keys to the building or office).
<p>Work Paper Reference: (or other method by which finding was identified)</p>	<p>Work papers 5B.2, 5C.1, 5D.1 Responses to Internal Control Questionnaire</p>
<p>Condition: (Describe the current condition)</p>	<p>Cash payments received by the counter clerks are counted in the presence of the payer. Payments made over the counter and supporting documentation is provided by the counter clerks to the bookkeeper or back-up bookkeeper for receipting. Cash is recounted by the bookkeeper or back-up bookkeeper prior to the generation of the computer receipt with change noted. Check/money order payments are consistently reviewed for correctness by comparing the numeric and written/legal amounts on the check and payer name to the case number, case style, and amount due on the case prior to the generation of the computer receipt. The JPAS is accessed for generating a computer receipt to the appropriate case number and the payment information is entered by the bookkeeper or back-up bookkeeper. The computer receipt is printed and reviewed by the bookkeeper or back-up bookkeeper for accuracy prior to submitting to the customer. If errors are identified, the original</p>



	<p>computer receipt and copy is voided with an explanation consistently noted. Computer receipts and any change due from cash payments are provided to the customers by the bookkeeper. During the afternoon each business day prior to closeout, the computer receipts are totaled compared to the funds on hand and system control totals by the bookkeeper with a second count completed by the back-up bookkeeper. Corrections are made when the payment type is incorrectly recorded, the check amount is not correctly receipted, or other errors are identified. Computer receipts issued after the cut-off are included with the next business day's deposit.</p> <p>On July 17, 2013, Justice of the Peace 1-1 began accepting credit card payments over the counter. The clerks inform the payer the convenience fee to be assessed for the payment. The clerk will swipe the credit card on the POS device. The clerk will have the customer enter their PIN (for debit card transactions) or sign the POS slip. The clerk will take the signed slip and any supporting documentation to the bookkeeper or back-up bookkeeper for receipting. The bookkeeper staples the signed POS slip to the office computer receipt copy. At the end of the day, the bookkeeper will run a Detail Report for each POS device. The bookkeeper will receive a batch settlement report, which lists all the POS credit/debit card transactions performed by the court staff for the business day, via email to include with the daily deposit.</p> <p>The court closes to the public at 4:00 in preparation for closeout. The cash, credit card payments, and checks/money orders on hand are totaled and compared to the system control totals. Adjustments are processed to the JPAS when the payment type is incorrectly recorded, the check amount is not correctly receipted, or other errors are identified. Customers will not receive a copy of "closeout" voids / corrections. New computer receipts may be generated that do not match the receipt the customer received.</p> <p>The ending computer receipt number to include in the overnight closeout process is entered into the JPAS. Cash, checks, and other supporting documentation will be placed in the safe overnight. The following business day the safe is opened and the bookkeeper will confirm cash and checks are still in balance with JPAS control totals. Cash, coin and check totals are entered to the JPAS deposit file. If entered amounts match system control totals, the JK98 process will allow the court to print the deposit form 98's by cash and check payment types. The funds and deposit totals are verified by a second court employee (chief clerk or back-up bookkeeper). Dual sign-off will be indicated on both deposit forms. The cash and check (including closed out / computer receipted credit card payments) deposits will be placed in separate clear plastic deposit envelope bags. Relevant information will be written on the clear plastic bags. Bag control numbers, payment type, and amount will be notated in the courier receipt book and signed by court staff. The deposits will be locked in the safe pending the arrival of the courier. The courier will sign for the deposits and deliver to the County Treasurer.</p> <p>Document Direct reports are reviewed by the bookkeeper each morning for automated computer receipt postings created overnight from credit/debit card payments processed over the Internet. Intent of the review is to validate accuracy of fee type breakdown and for complete posting of Internet payments. In the event of an identified fee code distribution error, the computer receipt is voided in the JPAS by the bookkeeper. However, no hard copy of a receipt exists for receipts generated through the automated process. The bookkeeper will enter the correct fee code breakdown and generate a new computer receipt with the total amount matching the confirmation received by the customer.</p>
<p>Criteria: (Describe the optimal condition)</p>	<p>Management judgment in designing, implementing and conducting internal control, and in assessing its effectiveness is emphasized in the Committee of Sponsoring Organizations of the Treadway Commission (COSO) framework. Internal control requires that five core components be present: Control Environment; Risk Assessment; Control Activities, Information and Communication; and Monitoring Activities. Specific controls related to receipt control procedures</p>



	<p>require that:</p> <ul style="list-style-type: none"> • All computer receipts should be accounted for and properly used in order to affix responsibility, enhance cash control and prevent potential assertion that monies were paid and refund due. • All monies received should be promptly receipted and deposited consistent with state law, V.T.C.A., L.G.C. § 113.022 and Vernon’s Ann., C.C.P., § 103.004 and procedures recommended by the County Auditor. • Receipts should not be altered, but properly voided and affixed with a reason for the void with retention of all voided copies. • The chief clerk should periodically review the exception reports and transaction logs (especially with respect to receipt deletions, lowered amounts, and payment type changes) to ensure that the explanation for the deletions is documented and reasonable. • Corrections are reviewed and approved by the chief clerk. • The number of individuals authorized to receipt payments and handle cash is properly segregated and limited. <p>Standard accounting and system control procedures require daily reconciliation and balancing of collected funds with receipts promptly issued for the amount of funds tendered. Separate cash drawers should be maintained by all clerks receipting payments and funds should be balanced prior to combining with other receipted funds.</p> <p>The combination to the safe should be changed when employees with knowledge of the combination leave employment with the court.</p>
<p>Cause: (Describe the cause of the condition if possible)</p>	<p>Lack of separate tills within the mainframe Justice of the Peace Accounting System (JPAS). Minor processing errors.</p>
<p>Effect: (Describe or quantify any adverse effects)</p>	<p>JPAS computer receipt records do not accurately reflect payments submitted by customers. Inability to affix responsibility in the event shortages occur.</p>
<p>Recommendation: (Describe corrective action)</p>	<p>Cash handling and receipt control procedures should include:</p> <ul style="list-style-type: none"> • Separate cash drawers provided for the bookkeeper, back-up bookkeeper, and others assisting in the receipting process. Balance each drawer separately prior to combining with other receipted funds. A proper segregation of duties reduces the risk of misappropriated funds and establishes a clear line of liability in the event losses occur. • Limit individuals authorized to receipt payments and handle cash. • All copies of a voided receipt retained, clearly marked “void” and affixed with reason for void in order to affix responsibility, enhance cash control and prevent potential assertion that monies were paid and refund due. • Receipts verified for accuracy of amount, payment type, case number, and payer before issuing a receipted to a customer. • Compensating processes such as dual sign-off on voids, receipt corrections, supervisory review, testing, and validation. • At the end of the business day: the receipts totaled and compared to the funds on hand and system control totals. Corrections made such that both good internal control and audit trails are maintained. Receipt and deposit totals verified by the back-up bookkeeper or chief clerk. <p>The combination to the safe should be changed when employees with knowledge of the combination leave the justice court or otherwise reassigned.</p>
<p>Responsible Department or Organization:</p>	<p>Justice of the Peace 1-1</p>



Management's Response:	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	Respondent:	Honorable Judge Thomas G. Jones	Date:	12/12/14
Comments:	The court has addressed in whole or in part many of the County Auditor's findings and implemented the recommendations of the auditor.					
Disposition:	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration			



Finding Number: 13-JP1.1-01-02 Court Cost and Fine Assessments
Date: April 21, 2014
Audit: Justice of the Peace 1-1 Audit FY 2012 & FY 2013
Auditor(s) Assigned: RL, PA

<p>Finding:</p>	<p>Review of 66 cases and corresponding computer receipts (approximately 506 fee code entries) for appropriate collection of court costs, fines, and fees, and accurate posting to the Justice of the Peace Accounting System revealed:</p> <ul style="list-style-type: none"> • Seven (including one overnight batch processed credit card payment) partial payments were not properly prorated and allocated. • Three cases without assessment/collection of the \$25 Time Payment Fee for payments made 30 days after the judgment date. • Three cases without assessment/collection of the \$0.10 Civil Justice Fee for moving violations. • One case filed by Texas Parks & Wildlife (TPW) without allocation of 85% of the fine to the credit of TPW. • One Parent Contributing to Non-Attendance (school) case without allocation of 50% of the fine to the credit of the ISD. • One delinquent collection fee waived without reason in compliance with statute noted. • One case with assessment/receipt breakdown using the wrong schedule (offense date range). Status: Corrected. • One case without assessment/collection of the \$20 Child Safety Fee on a failure to attend school case. Status: County fine portion reduced and funds transferred to Child Safety Fee. • One \$50 warrant fee entered as fee type 01 (Sheriff's Fees) instead of fee type 02 (Constable's Fees). Status: Resolved. Court transferred funds to correct the receipting error. • Five partial payments without assessment/collection of the optional \$2 Transaction Fee (authorized by statute to be assessed for each criminal receipt issued). Response: The court will assess the \$2 transaction fee on every criminal case payment. <p>Ongoing desk review revealed instances where defendants were required to pay a \$50 warrant fee prior to conviction/deferred disposition pending subsequent court appear appearances.</p> <p>Responses to the Internal Control Questionnaire (ICQ) indicate:</p> <ul style="list-style-type: none"> • All court clerks are authorized to update Court Cost and Fine fields on the Docket screen. • Court Cost and Fine fields are not updated on the Docket screen to reflect zero or appropriate costs for District Attorney (DA) dismissals, administrative dismissals, and/or reductions granted by Judge.
<p>Work Paper Reference: (or other method by which finding was identified)</p>	<p>Work paper 5E review of fines and fees assessed Responses to ICQ Ongoing desk review</p>
<p>Condition: (Describe the current condition)</p>	<p>The Justice of Peace Accounting System lacks automated assessment and partial payment distribution functions. Pre-assessed court costs and fine amounts are posted to the JPAS Docket screen by justice court staff (or populated via automated traffic case filings) based on state statutes in effect at the time of the offense. Payments are allocated to court costs, fees, and then fine amounts; however, payments are subject to proration errors.</p> <p>Time payment fees (for cases not paid in full by the 31st day after the judgment), transaction fees, and warrant fees (for each warrant and/or capiases issued) are additional court costs must be manually updated and assessed by the court clerks and the bookkeeper in the JPAS Court Costs field on the Docket screen. The Courts Costs field are not consistently being updated with the appropriate</p>



	<p>administrative fee for dismissal when defendants present proof of registration, inspection, or a valid driver's license. Proof of insurance will result in dismissal of "no insurance" cases without payment of an administrative fee. The Fine field is not consistently updated with a zero fine amount on administrative and DA dismissals.</p> <p>The court does not charge the \$2 transaction fee for every payment made in a criminal case, including payments made for OMNI fees. The transaction fee is only assessed on the first payment made to a case and not on any subsequent partial payments.</p> <p>Defendants appearing before the court may receive a reduced fine (usually a 30% reduction) from the Judge with the judgment reflecting a fine less than the pre-assessed amount, requiring the court clerks or bookkeeper to update the JPAS Fine field on the Docket screen. The court clerks do not update the Fine field to reflect fine reductions granted by the Judge.</p> <p>Other defendants may request and be approved for a driving safety course (defensive driving) with court clerks or the bookkeeper updating the JPAS Court Costs field on the Docket screen by adding an additional \$10 administrative fee to the standard moving violation court costs amount and requiring payment at the time of request. Some defendants may request and receive deferred adjudication from the court which requires full payment of the court costs for the offense and payment of a "special expense" set by the Judge. The "special expense" in lieu of the fine may not exceed the maximum amount of the fine for the offense. Adjustments are required to the JPAS Docket screen fields by court clerks or the bookkeeper to reflect deferred adjudication including noting a date in the Deferred Adjudication judgment date field.</p> <p>Prior to receipting payments, the bookkeeper, backup bookkeeper or chief clerk reviews the JPAS payment history screen for prior payments and the case jacket and JPAS Docket screen for accuracy of amounts due including Court Costs, Fine/Special Expense, FTA Fee, and/or Delinquent Collection Fee. During the receipting process, the bookkeeper, backup bookkeeper, or chief clerk must perform a modified manual cost allocation process to record payments to each fee type due to limited system functionality. Court costs grids are used by the bookkeeping staff at the point of receipting to provide a guide for the Fee Type breakdown in the JPAS.</p>
<p>Criteria: (Describe the optimal condition)</p>	<p>Management judgment in designing, implementing and conducting internal control, and in assessing its effectiveness is emphasized in the Committee of Sponsoring Organizations of the Treadway Commission (COSO) framework. Internal control requires that five core components be present: Control Environment; Risk Assessment; Control Activities, Information and Communication; and Monitoring Activities. Specific cash controls related to internal control, segregation of duties, and other require that:</p> <ul style="list-style-type: none"> • Court costs, fines, and fees should be assessed/collected/prorated in compliance with applicable state laws including Code of Criminal Procedure Chapters 45 and 102 and Local Government Code Chapter 133, Commissioners Court orders, and Attorney General Opinion No. GA-0147. • Court costs should be assessed based on offense date and offense type. • Court costs and court cost tables should be updated each time a legislative change or a Commissioners Court change is made affecting court costs. • The fee assessment process should be automated as much as possible with manual overrides restricted in use. • Assigned duties for payment processing and assessment reductions are adequately separate. <p>Once collected, each fee should be posted to the proper JPAS fee type and paper type to assure subsequent distribution to proper governmental entity. Paper types for designated traffic programs should be used when recording payments on traffic cases.</p> <p>JPAS Docket screens should be updated as cases are filed and additional case activity occurs including, but not limited to, the assessment of additional court costs and/or changes in fines or special expense</p>



	amounts as ordered by the judge in accordance with Vernon's Ann., CCrP., § 45.017.			
Cause: (Describe the cause of the condition if possible)	Clerical error Inadequate JPAS system functionality			
Effect: (Describe or quantify any adverse effects)	Incorrect distribution/disbursement of funds to the State of Texas and/or Dallas County requiring additional time to correct posting.			
Recommendation: (Describe corrective action)	<p>Payment posting and assessment procedures should include:</p> <ul style="list-style-type: none"> Assessment, collection, and prorating of court costs fines, and fees in compliance with applicable state laws including Code of Criminal Procedure Chapter 102 and Local Government Code Chapter 133 or Commissioners court orders and applicable fee schedules based on the offense date and offense type for criminal offenses and file date for civil type cases. Code partial payments to the correct fee types prorating to each state and local court cost/fee before recording amounts to fine or only one court cost. Warrant fees assessed/collected in accordance with Vernon's Ann., CCrP., § 102.011(a)(2). Bail set by the judge in accordance with Vernon's Ann., CCrP., § 45.016. Fines on TPW cases distributed 85% to TPW and 15% County in accordance with Texas Parks and Wildlife Code, § 12.107. Fines on Parent Contributing to Non-Attendance cases distributed 50% to school and 50% to County in accordance with Education Code, § 25.093(d). <p>Adjustments to assessments should be made reflecting internal control and audit trails including compensating processes such as dual sign-off on adjustments, supervisory review and pre-approval, testing, and validation.</p> <p>JPAS Docket screen posting procedures should include:</p> <ul style="list-style-type: none"> Updating Docket screens as: cases are filed; warrants or capiases are issued; pleas are entered; court dates are set; cases are dismissed, judgments or deferred adjudications are ordered; defensive driving is authorized; time payment plans are authorized; cases are disposed; etc. Completing electronic Dockets in compliance with Vernon's Ann., CCrP., § 45.017. Separation of duties limiting (through system security access) staff assigned to add, delete, or modify information on Docket screens. <p>Pursue new Justice of the Peace system with improved features.</p>			
Responsible Department or Organization:	Justice of the Peace 1-1			
Management's Response:	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	Respondent:	Honorable Thomas G. Jones
			Date:	12/12/2014
Comments:	<p>The court has addressed in whole or in part many of the County Auditor's findings and implemented the recommendations of the auditor.</p> <p>The auditor noted and we agree that; the current JP Case Management System does not provide the technology and software, necessary to perform the function that would assist the court clerks in applying the financial functions of accounting for monies collected, distributing monies to proper fee types, nor does the system automatically update, court cost and fine fields on the docket screen.</p> <p>The Court concurs with the audit report where it states the County should pursue a new Justice of the Peace System with improved features.</p>			
Disposition:	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration	



Finding Number: 13-JP1.1-01-03 **Credit Card Activity**
Date: April 21, 2014
Audit: Justice of the Peace 1-1 Audit FY 2012 & FY 2013
Auditor(s) Assigned: RL, PA

<p>Finding:</p>	<p>Review of financial activity associated with fifty (50) credit/debit card transactions via internet payment channels and the associated JPAS postings revealed:</p> <ul style="list-style-type: none"> • Twenty-five (25) credit card payments were posted using the last 5 digits of the Sequence ID number instead of the last 5 digits of the Transaction ID number. <i>Status:</i> Court began receipting credit card payments using the last 5 digits of the Transaction ID number since May 2013. • Treasurer’s office performed seventy-three (73) credit card refunds totaling \$5,553.88 during FY2012 and sixty-six (66) credit card refunds totaling \$4,932.58 during FY2013 for overpayments due to Docket screen Fine fields not updated to reflect fine reductions granted by the Judge. <p>Limited integration of automated JPAS payment posting functionality requiring additional staff time to review, reconcile, and research/post exceptions.</p> <ul style="list-style-type: none"> • Two daily settlement reports and one daily POS Batch Settlement report. • One automated receipt posting report for payments submitted through the automated ticket payment channel with activity limited to amounts that match predefined court costs tables. • One automated payment rejection report for payment amounts not matching the predefined court costs tables.
<p>Work Paper Reference: (or other method by which finding was identified)</p>	<p>Work paper 6 Desk Review JPAS and Settlement reports</p>
<p>Condition: (Describe the current condition)</p>	<p>On July 17, 2013, Justice of the Peace 1-1 resumed accepting credit/debit card payments over the counter. There are two web portals that can be used: an ‘auto citation’ payment channel and a ‘JP Court’ precinct payment channel. A payment kiosk is also located in the courthouse lobby.</p> <p>Defendants paying with a credit or debit card in person are required to provide a government issued photo ID. The counter clerks inform the payer the convenience fee to be assessed for the payment. The counter clerk will swipe the credit/debit card on the Point of Sale (POS) device. The clerk generates two POS sales slips (customer and office copy) and obtains the customer’s signature on the court’s copy for non-PIN transactions only. For debit card transactions, the customer is required to enter a PIN on the numeric pad. The counter clerk will have the customer enter their PIN for debit card transactions on the numeric pad facing the customer. The counter clerk will take the signed POS slip or office copy of PIN POS sales slip and any supporting documentation to the bookkeeper or back-up bookkeeper for receipting. The bookkeeper staples the office copy of the POS slip to the office computer receipt copy. At the end of the business day (not prior to 4 PM), the clerks will generate a Device Detail Report for each POS device and give it to the bookkeeper for reconciling and balancing the daily JPAS transactions. The next business day, the bookkeeper and chief clerk receive, by email from the court’s proxy email account, a Batch Settlement Report, listing all the POS credit/debit card transactions completed by the court staff for that period. The bookkeeper will compare the Batch Settlement Report to the prior day Device Detail Report to verify the reports match. The Batch Settlement amount is noted on the check deposit Form 98 and a copy of the Batch Settlement Report will be attached to the deposit form.</p> <p>Defendants paying with credit card via mail are required to provide cardholders name and address, credit card number and expiration date, check the case(s) to be paid, record the amount to be paid, sign and date, and enter a plea on the citation provided at the time of offense. Mailed in credit card payment data are submitted to the bookkeeper for processing through the County’s Intranet portal. A confirmation number is generated by the system for successful transactions and the confirmation will be printed by the bookkeeper. Credit/debit card payments processed through the ‘automated traffic</p>



citation' payment channel by 6:59:59 PM are not consistently included in the next day business closeout (processing is dependent on IT parameters not JP court clerk). Credit card number and other information are not stored on Dallas County servers or systems.

Defendants paying with credit card over the Internet for tickets issued via automated traffic citations must have their citation number and JP court ID from the citation in order to remit payment online. If the defendant does not have the citation, the defendant can contact the Justice of the Peace court for the information. Defendants are required to click box and agree to "By paying this violation, I hereby voluntarily, intelligently, and knowingly waive my right to a trial by jury". The defendant will be redirected to the JPMorgan Chase PayConnexion site. A valid credit or debit card must be entered at this point. A convenience fee (charged and collected by JPMorgan Chase) will display on the payment verification screen where the defendant will have the opportunity to terminate the transaction or pay the full payment. Once the defendant accepts the final amount, a confirmation number s generated by the system for successful transactions and the confirmation can be printed by the defendant. Credit/debit card payments processed through the 'automated traffic citation' payment channel by 6:59:59 PM are not consistently included in the next day business closeout (processing is dependent on IT parameters not JP court clerk). Credit card number and other information are not stored on Dallas County servers or systems.

Defendants paying with credit card over the Internet for traffic, IBC, truancy, parks and wildlife, etc. cases must have their case number and JP court id in order to remit payment online. If the defendant does not have the case number or JP court id, the defendant can contact the Justice of the Peace court for the information. The defendant has the option to pay the full amount or a partial amount. After going through two additional screens, the defendant will be redirected to the JPMorgan Chase PayConnexion site after clicking on the 'continue' button. A valid credit or debit card must be entered at this point. A convenience fee (charged and collected by JPMorgan Chase) will display on the payment verification screen where the defendant will have the opportunity to terminate the transaction or make payment. Once the defendant accepts the final amount, a confirmation number s generated by the system for successful transactions and the confirmation can be printed by the defendant. Credit/debit card payments processed through the 'JP courts online payment center' channel by 6:59:59 PM are not consistently included in the next day business closeout (processing is dependent on IT parameters not JP court clerk). Credit card number and other information are not stored on Dallas County servers or systems.

Each business morning, the bookkeeper prints the credit card transaction reports from both credit/debit card payment channels and the mainframe automated posting/reject reports. Accepted transactions (completed prior to 7 PM) processed through the 'auto citation' payment channel create a computer receipt in the overnight batch process without data entry required except for amounts that do not match the limited allocation table. A receipt does not print for these transactions. The bookkeeper reviews the 'automated traffic citation' payment channel accepted (titled Settlement Report) report and compares to the JPAS for accuracy in fee code distribution. There are limited court costs tables available for the automated posting of credit/debit card payments so some items appear on a mainframe reject (amounts do not match table) report and require research and manual posting for generation of a computer receipt.

Valid transactions from the 'JP Court' precinct payment channel accepted (titled Settlement Report) report and the rejected 'auto citation' transaction mainframe report will be receipted by the cashier, bookkeeper or chief clerk to the JPAS as payment type 'check' due to JPAS limitations. Daily balancing of receipt activity will include credit/debit card payments that appear on the accepted/settlement (previous day's activity prior to 7 PM) reports generated by court staff from the County's Intranet site.

A copy of the POS settlement report and the two accepted/settlement ('auto citation' and 'JP Court') reports will be sent to the County Treasurer with the check deposit.

Criteria:

Management judgment in designing, implementing and conducting internal control, and in assessing



<p>(Describe the optimal condition)</p>	<p>its effectiveness is emphasized in the Committee of Sponsoring Organizations of the Treadway Commission (COSO) framework. Internal control requires that five core components be present: Control Environment; Risk Assessment; Control Activities, Information and Communication; and Monitoring Activities. Specific cash controls related to internal controls, system security, and statutes regarding e-file control procedures require that:</p> <ul style="list-style-type: none"> • All monies received should be promptly receipted and deposited properly, and timely in accordance with V.T.C.A., L.G.C. § 113.022 and Vernon’s Ann., C.C.P., § 103.004. • Accounting and system control procedures require daily reconciliation and balancing of collected funds, including supervisory review. • E-Commerce requires information processing controls to test that transactions completed through computerized applications are valid and properly authorized, completely, accurately, and timely processed, and reported. <p>Per Dallas County General Policy for Use of Credit Card Transactions Policy, any customer credit card numbers or security numbers from the back of the credit card received through the mail by the justice courts and used to process credit card transactions must be securely retained for 24 months after the transaction is processed through web access in a locked file cabinet with limited access. After 24 months, the credit card information should be destroyed or redacted. At no time should credit card information be left on desks or other work areas nor be filed in case jackets.</p> <p>According to V.T.C.A., L.G.C., § Sec. 130.003. PAYMENT CONDITIONAL. (a) The acceptance of a check or credit card invoice for the payment of a fee or tax does not constitute payment of the fee or tax. The fee or tax is not considered paid until the check is honored by the bank on which the check is drawn or the credit card invoice is honored by the issuer.</p>				
<p>Cause: (Describe the cause of the condition if possible)</p>	<p>Non-integrated financial systems for e-commerce requiring manual intervention. Multiple credit card reports and payment channels. Incomplete Docket screen Fine field updates.</p>				
<p>Effect: (Describe or quantify any adverse effects)</p>	<p>Incorrect payment amount collected from defendants. Additional Treasurer staff time to refund overpayments.</p>				
<p>Recommendation: (Describe corrective action)</p>	<p>Payment posting procedures should include:</p> <ul style="list-style-type: none"> • Continue review of reports for credit card acceptance and rejection postings to properly and timely account for payments. Valid payments not auto-posted should be receipted to the JPAS when appearing on the settlement report. • Post payments in compliance with <i>Dallas County General Policy for Use of Credit Card Transactions Policy</i> including reference to the last five digits of the transaction id number. <p>The misdemeanor Docket screen should accurately reflect the court costs and fine amount due on any given case. If the court costs and/or fine change (issuance of warrants, time payment fee assessed, fines is reduced by the judge), the fields should be updated so that accurate receivable information is maintained.</p> <p>Document proposed modifications to the automated posting process and incorporate in <u>technology assessments</u>.</p>				
<p>Responsible Department or Organization:</p>	<p>Justice of the Peace 1-1</p>				
<p>Management’s Response:</p>	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<p>Respondent:</p>	<p>Honorable Judge Thomas G. Jones</p>	<p>Date: 12/12 /14</p>
<p>Comments:</p>	<p>The court has addressed in whole or in part many of the County Auditor’s findings and implemented the recommendations of the auditor.</p>				
<p>Disposition:</p>	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration		



Finding Number: 13-JP1.1-01-04 Time Payment Plans
Date: April 21, 2014
Audit: Justice of the Peace 1-1 FY 2012 & FY 2013
Auditor(s) Assigned: RL, PA

<p>Finding:</p>	<p>Review of forty (40) cases on time payment plans:</p> <ul style="list-style-type: none"> • JPAS court Docket screen is not updated to reflect reduced fine amounts granted by the Judge. • Three partial payments without allocation to fees (partial amount applied to fine amount) • Five cases in which the Costs Due date on delinquent time payment plans was advanced without receipt of payment or extension request by the defendant. <p>Response: Collection clerk procedures require that payment made or payment date extension is requested by defendant in order to advance due date.</p>
<p>Work Paper Reference: (or other method by which finding was identified)</p>	<p>Work papers 7A</p>
<p>Condition: (Describe the current condition)</p>	<p>In response to the OCA and Senate Bill 1863 (enacted by the 79th Legislature in 2005), the court established procedures for defendants requesting time payment plans. These procedures include but are not limited to: defendant completing a personal data form when requesting time to pay, defendant signing a payment agreement, defendant's phone numbers and references verified by the court collection clerk, phone calls and delinquent collection notices sent by the court collection clerk for missed payments based on non-system logs maintained by the court collection clerk, and a pre-warrant notice sent by the court collection clerk when a defendant defaults on a payment plan. No controls exist to prevent the Costs Due date advanced on delinquent cases without receipt of payment or an extension request by the defendant. When the collection clerks sends a delinquent letter and makes the first delinquent call, the due date is advanced 10 days. If the defendant does not pay, a pre-warrant notice and call is made and the date advanced another 5 days.</p>
<p>Criteria: (Describe the optimal condition)</p>	<p>Management judgment in designing, implementing and conducting internal control, and in assessing its effectiveness is emphasized in the Committee of Sponsoring Organizations of the Treadway Commission (COSO) framework. Internal control requires that five core components be present: Control Environment; Risk Assessment; Control Activities, Information and Communication; and Monitoring Activities. Specific controls related to billing procedures, collection efforts, and accounting controls include:</p> <ul style="list-style-type: none"> • Monitoring the age of receivables (run an aged receivable report on a weekly or monthly basis), and systemically follow-up on any accounts that are past due more than a predetermined number of days <ul style="list-style-type: none"> ○ Accounts receivable sub-ledger is reconciled monthly. Reconciliation is reviewed by management and evidence of review is maintained. ○ Referral of uncollected receivables for delinquent collection assistance in a timely manner • Invoices include an accurate breakdown of fees assessed. <ul style="list-style-type: none"> ○ Invoices are mailed timely (emailed if email address is available) • Collection efforts initiated on all cases with balances pending <ul style="list-style-type: none"> ○ Automated phone calls (or live call scripts) and delinquent notice mailings (standard collection letters) ○ Use skip tracing or available address search engines <p>In accordance with state statutes and at judge's discretion, warrants/capias should be issued within a reasonable time frame to further enhance the court's collections process. All warrants should be recalled when a defendant makes proper disposition of court costs & fines by payments made, jail time served, community service or other disposition such as appeal of the case.</p>

	<p>Docket screen procedures recommended by the County Auditor in document titled 'Standard Procedures for Recording Misdemeanor Information to the Docket Screen' should be followed when recording entries to the court's official electronic docket which is governed by Code of Criminal Procedure, § 45.017. JPAS Docket screens should be updated as additional case activity occurs including but not limited to warrant/capias issuance/recall/return, jail time served, dismissed dates, deferred adjudication dates, judgment dates, assessment of additional court costs and/or changes in fine/special expense amounts as ordered by the judge. The disposed flag field should be marked with an "X" when the case has reached final disposition, including dismissals, appeals to the County Court of Criminal Appeals, jail time served for satisfaction of fine and court costs, payment in full for satisfaction of fine and court costs.</p> <p>In accordance with Code of Criminal Procedures §45.041, the judgment and sentence, in case of conviction in a criminal action before a justice of the peace or municipal court judge, shall be that the defendant pays the amount of the fine and costs to the state. The justice or Judge may direct the defendant to pay: (A) the entire fine and cost when sentence is pronounced; (B) the entire fine and cost at some later date; or (C) a specified portion of the fine and costs at designated intervals.</p> <p>In accordance with Code of Criminal Procedure, Art. 103.0033 (c) Unless granted a waiver under Subsection (h), each county and municipality shall develop and implement a program that complies with the prioritized implementation schedule under Subsection (h). A county program must include district, county, and justice courts.</p> <p>(d) The program must consist of:</p> <ol style="list-style-type: none"> (1) a component that conforms with a model developed by the office and designed to improve in-house collections through application of best practices; and (2) a component designed to improve collection of balances more than 60 days past due, which may be implemented by entering into a contract with a private attorney or public or private vendor in accordance with Article 103.0031. 				
Cause: (Describe the cause of the condition if possible)	Inconsistent controls over the billing and collection process Inadequate system exception reporting Defendants not held accountable for delinquent payment plans.				
Effect: (Describe or quantify any adverse effects)	Sanctions from the State Comptroller and the Office of Court Administration including the loss of the County's quarterly administrative fee on State collections.				
Recommendation: (Describe corrective action)	<p>Written policy and procedures manual should be developed (consistent with OCA guidelines) for billing responsibilities with training reinforced. Continue established payment plan procedures and monitor in accordance with Code of Criminal Procedure, Art. 103.0033.</p> <p>Collection efforts should be initiated on all cases with a balance due. Flag cases (including adding due dates) in JPAS with unpaid balances and generate bills on a predetermined basis taking into consideration court orders reducing fine amounts.</p> <p>Criminal case Docket procedures should include:</p> <ul style="list-style-type: none"> • Ensure all JPAS system updates for payments, time served, community service, days served in jail, appeals, appeal bonds, dismissals, dismissed by DA, acquittals, pleas, judgment dates, deferred adjudication dates, costs due dates, disposed cases, fines assessed, court costs assessed, warrants issued/returned, capias issued/returned, credit card collections, NSF returned checks received from the County Treasurer, chargebacks and credit-backs are updated accurately and timely to allow systematic referral to the appropriate agencies. • Periodic verification of workflow and entry accuracy. <p>Pursue new system with improved features.</p>				
Responsible Department or Organization:	Justice of the Peace I-1				
Management's Response:	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	Respondent:	Honorable Judge Thomas G. Jones	Date: 12/12/14
Comments:	The court has addressed in whole or in part many of the County Auditor's findings and implemented the recommendations of the auditor.				

	The Court concurs with the audit report where it states the County should pursue a new Justice of the Peace System with improved features.		
Disposition:	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration



Finding Number: 13-JP1.1-01-05 Delinquent Collection Service & FTA Program
Date: May 16, 2013 & April 21, 2014
Audit: Justice of the Peace 1-1 FY 2012 & FY 2013
Auditor(s) Assigned: RL, PA

<p>Finding:</p>	<p>Review of thirty-six (36) cases from the Justice of the Peace Collection by Law Firm Monthly Report for adequate collection procedures on cases referred to delinquent collection law firm revealed:</p> <ul style="list-style-type: none"> • Six cases without full collection of delinquent fees and without a reason noted for non-collection/waiver or <i>Affidavit of Inability to Pay Costs</i> on file. • Three cases in which the collection fees, totaling \$169.08, were waived. Response: The court will begin determining the defendant's claim of indigence through the completion of <i>Affidavit of Inability to Pay Costs</i>. • Two cases in which collection fee was over-collected by a total of \$40.25. Status: Bookkeeper refunded \$33.03 to one defendant on notice by audit. • Four cases without assessment/collection the \$25 Time Payment Fee for payments made 30 days after the judgment date. • Two cases in which the \$25 Time Payment fee was receipted twice. Status: One of the two receipted payments corrected. • Partial payments not properly allocated/prorated to include delinquent collection fees. <p>Review of fifty-five (55) cases from the Year to Date FTA Payment History Report for properly processed OMNI fees and ongoing desk review revealed:</p> <ul style="list-style-type: none"> • One OMNI hold was waived without meeting the criteria of Transportation Code 706. • One delinquent collection fee waived without a reason noted for non-collection/waiver. • One collection fee was over-collected by \$33 Status: Bookkeeper refunded \$33 to the defendant on notice by audit. • Limited instances of Driver License (DL) renewal block released without payment of the \$30 FTA fee.
<p>Work Paper Reference: (or other method by which finding was identified)</p>	<p>Work papers 7B, 7C and Inquiry Delinquent collection monthly payment reports Omni monthly payment reports Desk review</p>
<p>Condition: (Describe the current condition)</p>	<p>Dallas County Commissioners Court entered into a contract with the Law Firm of Linebarger, Goggan, Blair & Sampson for the purpose of providing collection services for delinquent justice court traffic cases (JT case type) that are more than 60 days past due. The contract indicates the 30% is due when the case "has been referred to Contractor for collection". Once the case is referred to Linebarger for collection, the defendant should be charged the collection fee for any unpaid court costs and fine amounts. Linebarger only gets paid when payments are recorded by the Dallas County justice courts on referred cases. Partial payments are not prorated to court costs and the collection fee (fee type 26) before applying any payment to the fine amount. The court routinely waives or reduces the collection fee without the completion and verification of an Affidavit of Inability to Pay. Per Judge, collection fees are generally waived for disabled individuals and/or those with no or limited resources to make payments. Explanations for waivers are noted on the case jacket but not docketed.</p> <p>Cases that meet delinquent collection referral criteria (including at least 61 days delinquent) are systemically analyzed daily using programs developed by IT Services. Previously un-referred cases with balances due equal to or greater than \$5 are included on a daily 'future' report by JP court which lists all cases that are eligible for referral in the next 15 days based on the defined selection criteria. These cases are initially flagged with a future status code. During the 15 day period, the court has the opportunity to review the cases and change the status code to prevent the cases from being referred.</p>



	<p>On a weekly basis, all cases previously flagged for future referral that have reached the end of the 15 day period, are updated with a 30% delinquent collection fee systemically extracted by IT Services and sent to the delinquent collection law firm. The status code is changed to reflect the date sent. Due to JPAS limitations, only the last two status codes are viewable on the Docket screen. The delinquent collection law firm sends letters and makes phone calls to the defendant notifying of the delinquent collection referral and balances due on the cases. All payments are directed to be sent to the Dallas County JP courts.</p> <p>Daily updates are provided to the delinquent collection law firm for previously referred cases with changes to assessment, payment, and disposition information. Changes to the assessments (Court Costs field) result in the 30% delinquent fees to be systemically updated. When defendants remit payment in full, the COLL referral status is not systemically updated by the JPAS programs. Court staff can also update the COLL referral status code to remove 'R' the delinquent collection referral which results in the 30% delinquent fee to be systemically removed. The delinquent collection firm is systemically notified resulting in collection efforts to be discontinued.</p> <p>Cases that meet FTA referral criteria are systemically analyzed daily using programs developed by IT Services. Previously un-referred cases with balances due equal to or greater than \$5 are included on a daily 'future' report by JP court which lists all cases that are eligible for referral in the next 15 days based on the defined selection criteria. These cases are initially flagged with a future status code. During the 15 day period, the court has the opportunity to review the cases and change the status code to prevent the cases from being referred.</p> <p>On a daily basis, all cases previously flagged for future referral that have reached the end of the 15 day period, are systemically extracted by IT Services and sent to OmniBase. The status code is changed to reflect the date sent. Upon acceptance or rejection of the referral by DPS through OmniBase, an electronic file is sent back to the County to systemically update the referral status code and date. Due to JPAS limitations, only the last two status codes are viewable on the Docket screen. For cases accepted for DL renewal block by DPS, a one-time letter is sent by OmniBase to the defendant notifying of the block with case and court contact information.</p> <p>When defendants remit payment in full, the FTA referral status is systemically updated by the JPAS programs during the daily FTA extraction process and updates are submitted to OmniBase. Upon acceptance of the updates by DPS through OmniBase, an electronic file is sent back to the County to systemically update the FTA referral status code and date to reflect payment in full and DL hold block released. Court staff can also update the FTA referral status code to force clear the renewal block and waive the \$30 FTA fee, force clear the renewal block and keep the \$30 FTA fee, or reprocess the renewal block. All manual updates by the court staff follow the same process as the automated updates which are systemically captured daily and sent to OmniBase for processing. Defendants infrequently report instances where the DL block fails to clear through the systemic process. Chief clerks complete a 'clearance' form and send to the designated County representative within the Office of Budget and Evaluation for faxing to OmniBase in order to manually clear the hold.</p> <p>Court staff will release DL renewal holds prior to full satisfaction of court costs, collection fees, and fines. The defendant is required to pay court costs, \$30 FTA fee, \$25 partial fine payment, and establish of a payment plan for the remainder amount due. If the defendant has multiple cases, the \$30 OMNI fee is collected for each case. If the defendant fails to comply with agreement, the OMNI hold on the case or cases is reinstated.</p>
<p>Criteria: (Describe the optimal condition)</p>	<p>According to Code of Criminal Procedure, Art. 103.0031. COLLECTION CONTRACTS. (b) A commissioners court or governing body of a municipality that enters into a contract with a private attorney or private vendor under this article may authorize the addition of a collection fee</p>

in the amount of 30 percent on each item described in Subsection (a) that is more than 60 days past due and has been referred to the attorney or vendor for collection. The collection fee does not apply to a case that has been dismissed by a court of competent jurisdiction or to any amount that has been satisfied through time-served credit or community service. The collection fee may be applied to any balance remaining after a partial credit for time served or community service if the balance is more than 60 days past due. Unless the contract provides otherwise, the court shall calculate the amount of any collection fee due to the governmental entity or to the private attorney or private vendor performing the collection services and shall receive all fees, including the collection fee. With respect to cases described by Subsection (a)(2), the amount to which the 30 percent collection fee applies is:

- (1) the amount to be paid that is communicated to the accused as acceptable to the court under its standard policy for resolution of the case, if the accused voluntarily agrees to pay that amount; or
- (2) The amount ordered paid by the court after plea or trial.
- (d) A defendant is not liable for the collection fees authorized under Subsection (b) if the court of original jurisdiction has determined the defendant is indigent, or has insufficient resources or income, or is otherwise unable to pay all or part of the underlying fine or costs.

According to Transportation Code, Sec. 706.005. CLEARANCE NOTICE TO DEPARTMENT.

(a) A political subdivision shall immediately notify the department that there is no cause to continue to deny renewal of a person's driver's license based on the person's previous failure to appear or failure to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court in a matter involving an offense described by Section 706.002(a), on payment of a fee as provided by Section 706.006 and:

- (1) the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;
- (2) the dismissal of the charge for which the warrant of arrest was issued or judgment arose;
- (3) the posting of bond or the giving of other security to reinstate the charge for which the warrant was issued;
- (4) the payment or discharge of the fine and cost owed on an outstanding judgment of the court; or
- (5) other suitable arrangement to pay the fine and cost within the court's discretion.

(b) The department may not continue to deny the renewal of the person's driver's license under this chapter after the department receives notice:

- (1) under Subsection (a);
- (2) that the person was acquitted of the charge on which the person failed to appear; or
- (3) from the political subdivision that the failure to appear report or court order to pay a fine or cost relating to the person:
 - (A) was sent to the department in error; or
 - (B) has been destroyed in accordance with the political subdivision's records retention policy.

According to Transportation Code, Sec. 706.006. PAYMENT OF ADMINISTRATIVE FEE.

(a) A person who fails to appear for a complaint or citation for an offense described by Section 706.002 (a) shall be required to pay an administrative fee of \$30 for each complaint or citation reported to the department under this chapter, **unless the person is acquitted** of the charges for which the person failed to appear. The person shall pay the fee when:

- (1) the court enters judgment on the underlying offense reported to the department;
- (2) **the underlying offense is dismissed**; or
- (3) bond or other security is posted to reinstate the charge for which the warrant was issued.

(b) A person who fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner the court orders shall be required to pay an administrative fee of \$30.

(c) The department may deny renewal of the driver's license of a person who does not pay a fee due under this section until the fee is paid. The fee required by this section is in addition to any other fee required by law.

<p>Cause: (Describe the cause of the condition if possible)</p>	<p>Waiver of 30% add-on fee without verification of a defendant's resources/income. Incomplete application of the Transportation Code § 706.005 and § 706.006 and Dallas County policies regarding the clearance of the Omni holds.</p>
<p>Effect: (Describe or quantify any)</p>	<p>Loss of revenue for Dallas County, the State of Texas, OmniBase and collections law firm.</p>

adverse effects)	
Recommendation: (Describe corrective action)	<p>30% add-on delinquent collection fee should be assessed and collected in accordance with Commissioners Court Order No. 2013-1709 and Code of Criminal Procedure, § 103.0031 including proportionally prorating partial payments.</p> <ul style="list-style-type: none"> • A defendant's claim of indigence should be determined prior to the waiver of the 30% add-on fee and properly docketed. <p>\$30 failure to appear fee should be assessed and collected in accordance with Commissioners Court Order No. 2003-2085, dated November 11, 2003, and Transportation Code § 706.</p>
Responsible Department or Organization:	Justice of the Peace 1-1
Management's Response:	<input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree Respondent: Honorable Judge Thomas G. Jones Date: 12/12/14
Comments:	The court has addressed in whole or in part many of the County Auditor's findings and implemented the recommendations of the auditor.
Disposition:	<input checked="" type="checkbox"/> Audit Report <input type="checkbox"/> Oral Comment <input type="checkbox"/> Deleted From Consideration



Finding Number: 13-JP1.1-01-06 Criminal Fee Dockets
Date: April 21, 2014
Audit: Justice of the Peace 1-1 FY 2012 & FY 2013
Auditor(s) Assigned: RL, PA

<p>Finding:</p>	<p>Review of IT Services JP Warrant Error Report dated March 31,2014 for validity of warrant issuances, recalls, and served/returned/active/regional statuses revealed (approximately 84,141 active warrants or capias as of 10/19/2013) revealed <u>material compliance with statutory guidelines</u>:</p> <ul style="list-style-type: none"> • Ten active warrants or capias on WX50 or WRWI for cases without balances due, with time served, dismissed, and/or inactive (marked with disposed flag 'X') as of March 31, 2014. Status: Resolved. All warrants or capias recalled and removed as active on WX50 or WRWI. • Thirteen cases with no warrant or capias return date entered by the court. • Three warrant regional disposition codes not updated by the Constable's office. • Five warrant disposition codes not updated by the Sheriff's office. • All court clerks are authorized to issue and recall warrants. • Four instances of case number errors on WRWI.
<p>Work Paper Reference: (or other method by which finding was identified)</p>	<p>Work papers 8A.1-4, 8A.6 IT Services Active Warrants on Disposed Cases Report and responses to ICQ</p>
<p>Condition: (Describe the current condition)</p>	<p>Warrants including alias warrants are issued by the court and signed by the Judge when defendants do not appear or do not comply with the terms of release. The issuance date is recorded to the JPAS Docket screen by the court staff. A notice of show cause hearing is issued by court staff when defendants do not satisfy the terms of the judgment including payment of fine and court costs. Criminal process is sent to the constable's office for service.</p> <p>Court clerks transmit (prompting recall notices to print at the law enforcement agency) recall notices to the appropriate law enforcement agency but without notice of confirmation recall received. Recalled dates are noted in the Docket notes but returned dates not consistently entered in the designated fields as warrants and/or capias are returned from law enforcement agencies by court clerk. Process verification is problematic since systems are not linked and lack warnings when payments are made in full, defendants appear, or defendants comply with orders of the court, etc. A supervisor reviews the warrant error report to ensure any active warrants that need to be recalled are processed by court staff.</p> <p>No separation of duty procedure is established for issue/recall of warrants</p>
<p>Criteria: (Describe the optimal condition)</p>	<p>In accordance with state statutes and at judge's discretion, warrants/capias should be issued within a reasonable time frame to further enhance the court's collections process. All warrants should be recalled when a defendant makes proper disposition of court costs & fines by payments made, jail time served, community service or other disposition such as appeal of the case.</p> <p>Best practices for internal control require separation of assigned duties for personnel authorized to issue and/or recall warrants.</p> <p>Docket screen procedures recommended by the County Auditor in document titled 'Standard Procedures for Recording Misdemeanor Information to the Docket Screen' should be followed when recording entries to the court's official electronic docket which is governed by Code of Criminal Procedure, § 45.017. JPAS Docket screens should be updated as additional case activity occurs including but not limited to warrant/capias issuance/recall/return, jail time served, dismissed dates, deferred adjudication dates, judgment dates, assessment of additional court costs and/or changes in fine/special expense amounts as ordered by the judge. The disposed flag field should be marked with an "X" when the case has reached final disposition, including dismissals, appeals to the County Court of Criminal Appeals, jail time served for satisfaction of fine and court costs, payment in full for</p>

	satisfaction of fine and court costs.			
	In accordance with Code of Criminal Procedures §45.041, the judgment and sentence, in case of conviction in a criminal action before a justice of the peace or municipal court judge, shall be that the defendant pays the amount of the fine and costs to the state. The justice or Judge may direct the defendant to pay: (A) the entire fine and cost when sentence is pronounced; (B) the entire fine and cost at some later date; or (C) a specified portion of the fine and costs at designated intervals.			
Cause: (Describe the cause of the condition if possible)	Warrant /capias not returned from Constable/ Sheriff offices Inadequate system exception reporting for recall of warrants and follow-up. Clerical error			
Effect: (Describe or quantify any adverse effects)	Liability to County for persons arrested in error.			
Recommendation: (Describe corrective action)	<p>Update and monitor warrant and capias procedures which should include:</p> <ul style="list-style-type: none"> • Warrants or capiases issued timely when defendants do not appear, do not comply with conditions of release, or default on payment terms. Show cause hearings should be set when defendants default on payment plans. • Separation of duties limiting (through system security access) staff assigned to recall warrants. • Outstanding warrants or capiases recalled same business day when cases are dismissed or otherwise disposed, payments are made in full, time is served, community service is performed, time payment plans are implemented/followed, or official notification/verification of a defendant's death is received. • A tracking list of recalled, but unreturned warrants or capiases should be maintained with weekly follow-up communications to the constable or sheriff until returned. • Outstanding warrant reports periodically reviewed for accuracy. <p>JPAS Docket screen posting procedures should include:</p> <ul style="list-style-type: none"> • Updating Docket screens as warrants or capiases are issued/recalled/returned. • Completion of electronic dockets in compliance with Vernon's Ann., CCrP, § 45.017 and § 45.041. • Periodic verification of workflow and entry accuracy. <p>Pursue new system with improved features.</p>			
Responsible Department or Organization:	Justice of the Peace 1-1			
Management's Response:	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	Respondent:	Honorable Thomas G. Jones
			Date:	12/12/14
Comments:	<p>The court has addressed in whole or in part many of the County Auditor's findings and implemented the recommendations of the auditor.</p> <p>The Court concurs with the audit report where it states the County should pursue a new Justice of the Peace System with improved features. Regarding the criminal fee audit, the findings state that warrants/capias should be issued within a reasonable timeframe to further enhance the court's collection process. The court agrees with the auditor's assessment. However, it should be noted that this collection process has been hampered by the lack of action from the Constable and the Sheriff Departments.</p> <p>It is my understanding that warrants (class C misdemeanor) are not executed because it might negatively impact the population of our Dallas County Jails. I believe the execution of the warrants (class C misdemeanor) would generate additional revenue for our court(s) Dallas County.</p>			
Disposition:	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration	



Finding Number: 13-JP1.1-01-07 Civil Fee Dockets & Justice Fee Exceptions
Date: April 22, 2014
Audit: Justice of the Peace 1-1, FY2012 & FY2013
Auditor(s) Assigned: RL, PA

<p>Finding:</p>	<p>Review 27 cases from the Justice Fee Exception report and 6 cases with writs of execution issued revealed:</p> <p>Filing Fees</p> <ul style="list-style-type: none"> Two cases (including one transferred from another county) without payment of filing fees. Status: Cases were dismissed for failure to pay filing fees. One case where an <i>Affidavit of Inability to Pay Costs</i> was filed but not properly docketed. Two payments posted to the wrong cases. Status: Corrected. Bookkeeper dragged/transferred payments to the correct cases. <p>Writs of Execution</p> <p>Writs of execution on civil judgments indicate "SUM OF ____ COSTS OF SUIT" amount awarded to the prevailing party which includes the writ of execution service fee while the writ also states "AND THE COSTS OF EXECUTING THIS WRIT".</p> <ul style="list-style-type: none"> Writ officers receiving writs may rely on writ wording to calculate total amount due and add the writ service fee amount as directed to initiate collection which may result in two writ fees being assessed and potentially collect. (A Justice & Clerks Civil Fee Docket may be attached to the execution sent to the Constable's office which should alert the writ officer that the writ of execution service fee is already included in the amount awarded.)
<p>Workpaper Reference: (or other method by which finding was identified)</p>	<p>9B, 9C Justice Fee Exception list Writs of Execution, JPAS, and judgments</p>
<p>Condition: (Describe the current condition)</p>	<p>Court costs and service fees are required to be paid at the time of filing. Parties to a suit that do not have adequate resources may request to file a case without payment. Indigent plaintiffs complete an affidavit of inability to pay (pauper's affidavit) filing/service fees in accordance with Rule of Civil Procedure 145. The affidavit is reviewed by the court and if approved, filed in the case jacket. JPAS Docket screen has been updated with predefined fields for recording the filing of a pauper's affidavit. Civil, eviction, or small claims court clerks do not consistently record the filing of pauper affidavits in the 'Paupers AFFID FILED' date field on the Docket screen. JPAS receipt functionality does not include assessments for charges so credits are not systemically recorded for pauper's affidavits. Paper service is stamped with "pauper oath filed" in accordance with Rule of Civil Procedure 126 and 145.</p>
<p>Criteria: (Describe the optimal condition)</p>	<p>In accordance with statutes (Local Government Code (LGC) § 118.121, 118.122, 118.123, 118.131, and Chapter 133) and Commissioners Court orders, filing fees should be collected at the time of filing and service fees should be collected at the time of service request for all evictions, civil and small claim cases filed by non-governmental entities and individuals except for those individuals with approved affidavits of indigence on file or those entities listed under Civil Practices and Remedies § 6.001, 6.002, and 6.003.</p> <p>Texas Rules of Civil Procedure, RULE 145. AFFIDAVIT ON INDIGENCY</p> <p>(a) Affidavit. In lieu of paying or giving security for costs of an original action, a party who is unable to afford costs must file an affidavit as herein described. A "party who is unable to afford costs" is defined as a person who is presently receiving a governmental entitlement based on indigency or any other person who has no ability to pay costs. Upon the filing of the affidavit, the clerk must docket the action, issue citation and provide such other customary services as are provided any party.</p>



	<p>Filing fees should be collected on cases transferred from courts outside of Dallas county under Rule of Civil Procedure, No. 89. http://www.supreme.courts.state.tx.us/rules/trephome.asp.</p> <p>Texas Rules of Civil Court Procedures Rule 143. A party seeking affirmative relief may be ruled to give security for costs at any time before final judgment, upon motion of any party, or any officer of the court interested in the costs accruing in such suit, or by the court upon its own motion. If such rule be entered against any party and he failed to comply therewith on or before twenty (20) days after notice that such rule has been entered, the claim for affirmative relief of such party shall be dismissed.</p> <p>Texas Rules of Civil Procedure, Rule 629 Requisites of Execution. The style of the execution shall be "The State of Texas." It shall be directed to any sheriff or any constable within the State of Texas. It shall be signed by the clerk or justice officially, and bear the seal of the court, if issued out of the district or county court, and shall require the officer to execute it according to its terms, and to make the costs which have been adjudged against the defendant in execution and the further costs of executing the writ. It shall describe the judgment, stating the court in which, and the time when, rendered, and the names of the parties in whose favor and against whom the judgment was rendered. A correct copy of the bill of costs taxed against the defendant in execution shall be attached to the writ. It shall require the officer to return it within thirty, sixty, or ninety days, as directed by the plaintiff or his attorney.</p> <p>Texas Rules of Civil Procedure, Rule 630, Execution on Judgment for Money. When an execution is issued upon a judgment for a sum of money, or directing the payment simply of a sum of money, it must specify in the body thereof the sum recovered or directed to be paid and the sum actually due when it is issued and the rate of interest upon the sum due. It must require the officer to satisfy the judgment and costs out of the property of the judgment debtor subject to execution by law.</p> <p>Texas Rules of Civil Procedure, RULE 656. EXECUTION DOCKET. The clerk of each court shall keep an execution docket in which he shall enter a statement of all executions as they are issued by him, specifying the names of the parties, the amount of the judgment, the amount due thereon, the rate of interest when it exceeds six per cent, the costs, the date of issuing the execution, to whom delivered, and the return of the officer thereon, with the date of such return. Such docket entries shall be taken and deemed to be a record. The clerk shall keep an index and cross-index to the execution docket. When execution is in favor or against several persons, it shall be indexed in the name of each person. Any clerk who shall fail to keep said execution docket and index thereto, or shall neglect to make the entries therein, shall be liable upon his official bond to any person injured for the amount of damages sustained by such neglect.</p>
<p>Cause: (Describe the cause of the condition if possible)</p>	<p>Clerical error Weak system functionality</p>
<p>Effect: (Describe or quantify any adverse effects)</p>	<p>Potential loss of revenue for Dallas County and State of Texas. Inability to determine if billings have occurred from the Docket screen entries. System extracts do not include indigent status. Inhibits cost recovery if the plaintiff's claim is upheld. Potential for duplicate collection of writ service fees.</p>
<p>Recommendation: (Describe corrective action)</p>	<p>Filing fees should be collected at the time of filing on all non-misdemeanor cases except the following whereas a reason for collecting the filing fees should be documented on the JPAS and the case jacket:</p> <ul style="list-style-type: none"> • Transferred from other Dallas County JP courts • Involving tax suits • Involving mental illness warrants • Filed by governmental entities which are exempted from security of filing and service fees under Civil Practices and Remedies § 6.001, 6.002, and 6.003, but are ultimately responsible for court costs if it cannot be recovered from the losing party. See Attorney General Opinion No. DM-459 and District Attorney's opinion dated September 4, 2003. • Ordered as indigent under Texas Rules of Civil Procedure, Rule 145.



	<p>Record the file date of a pauper's affidavit on predefined fields on the Docket screen.</p> <p>Filing fees should be collected on cases transferred from courts outside of Dallas county under Rule of Civil Procedure, No. 89.</p> <p>Wording on writs of execution should be revised clarifying whether the "COSTS OF SUITS" includes the service fee for writ of execution while at the same time continuing to allow additional costs of executing the writ such as: deed fees, posting notice fees, commissions, etc.</p>						
Responsible Department or Organization:	Justice of the Peace 1-1						
Management's Response:	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<table border="1"> <tr> <td data-bbox="760 640 950 703">Respondent:</td> <td data-bbox="950 640 1323 703">Honorable Judge Thomas G. Jones</td> <td data-bbox="1323 640 1429 703">Date:</td> <td data-bbox="1429 640 1559 703">12/12/14</td> </tr> </table>	Respondent:	Honorable Judge Thomas G. Jones	Date:	12/12/14
Respondent:	Honorable Judge Thomas G. Jones	Date:	12/12/14				
Comments:	The court has addressed in whole or in part many of the County Auditor's findings and implemented the recommendations of the auditor.						
Disposition:	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration				



Finding Number: 13-JP1.1-01-08 **Marriage License**
Date: April 24, 2014
Audit: Justice of the Peace 1-1 FY2012 & FY2013
Auditor(s) Assigned: PA

<p>Finding:</p>	<p>Review of marriage license case files, log, and corresponding JPAS receipts revealed:</p> <ul style="list-style-type: none"> • The marriage log book contains MC case numbers only. • Court retains copies of marriage license applications with copies of the applicants' identifications (including DL numbers). • Current and previous year MC case files are stored in boxes in the supervisor's office and older files are stored in the court's file storage room indefinitely.
<p>Workpaper Reference: (or other method by which finding was identified)</p>	<p>Work paper 10C</p>
<p>Condition: (Describe the current condition)</p>	<p>When applicants come to the court for <u>marriage licenses</u>, they are directed to apply for the license at the Kiosk located in the court's hallway. Using the County Clerk's AiLIS system, applicants complete an online application and receive a reference number which is given to the deputized clerk. The clerk searches the marriage license application system for the reference number, verifies the applicants have valid forms of identification, and prints the application for the applicants to verify and sign affirming the correctness of the information. The marriage license is printed (from AiLIS) on special paper and a gold embossed County seal is affixed. The clerk makes a copy of the signed application and both applicants' identifications. The license and required fee (payment tender type should be cash or money order) accepted by the clerk are taken to the bookkeeper for receipting. The bookkeeper verifies the fee corresponds to the type of marriage license. The JPAS is accessed by the bookkeeper and the payment for the license is receipted to specially assigned case numbers under the MC case type. The issuing clerk creates a case jacket for the assigned MC case number and stores the copies of the applicants' application and the identifications. Marriage license case files for the current and previous fiscal year are stored in boxes in the supervisor's office. Older case files are stored indefinitely in the court's locked storage room.</p> <p>When a Together in Texas pre-marriage certificate is presented, the certificate is verified in the Together in Texas system as valid and the required box checked to apply the \$60 discount. Together license fees are \$21 rather than the standard \$81 fee.</p>
<p>Criteria: (Describe the optimal condition)</p>	<p>According to Texas Administrative Code, RULE §181.25:</p> <ol style="list-style-type: none"> a) The bureau shall furnish application forms for a marriage license to each county clerk in the format as prescribed by the State Registrar. (b) The application form shall contain at a minimum the items and information prescribed in the Texas Family Code, §2.004.



	<p>(c) When reproduced locally by the county clerk, the form shall be identical in content, format, and size as prescribed by the bureau.</p> <p>Documents including confidential information should be retained in a secure location to prevent improper usage including identify theft.</p> <p>According to the Texas State Library and Archives Commission, Local Schedule CC, (Third Editions), Retention Schedule for Records of County Clerks, the retention period for CC1325-23 Marriage License Applications is as long as administratively valuable. County clerks are not required to retain copies of marriage licenses applications after forwarding the applications to the Texas Vital Statistics Office of the Texas Department of State Health Services</p>			
<p>Cause: (Describe the cause of the condition if possible)</p>	<p>Indefinite retention of marriage license applications with applicants' confidential information</p>			
<p>Effect: (Describe or quantify any adverse effects)</p>	<p>Potential misuse of official documents Logs with incomplete information</p>			
<p>Recommendation: (Describe corrective action)</p>	<p>Marriage license application procedures should be updated to include:</p> <ul style="list-style-type: none"> • Written procedures, periodic review by the chief clerk for compliance, and staff training. • Maintain a marriage license issuance log instead of retaining copies of marriage licenses and applicants' identifications. • Marriage license log should contain the following information: date, groom, bride, application ID number, certificate number, JPAS case number, receipt number, and Twogether certificate number. <p>Records Management should be contacted to coordinate the destruction of MC case files containing copies of marriage license applications and applicant DL numbers.</p>			
<p>Responsible Department or Organization:</p>	<p>Justice of the Peace 1-1</p>			
<p>Management's Response:</p>	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<p>Respondent: Honorable Judge Thomas G. Jones</p>	<p>Date: 12/12/14</p>
<p>Comments:</p>	<p>The court has addressed in whole or in part many of the County Auditor's findings and implemented the recommendations of the auditor.</p>			
<p>Disposition:</p>	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration	



Finding Number: 13-JP1.1-01-09 **Monthly Activity Reports**
Date: May 16, 2013
Audit: Justice of the Peace 1-1 Audit FY 2012 & FY 2013
Auditor(s) Assigned: RL,PA

<p>Finding:</p>	<p>Comparison of activity reports filed by the court with the Office of Court Administration (OCA), the Office of Budget and Evaluation (OBE), and the Auditor’s Office to the mainframe JPAS case records from October 1, 2011 through September 30, 2013 revealed:</p> <p><u>FY2012</u> JPAS compared to OCA</p> <ul style="list-style-type: none"> • Non-Traffic misdemeanor cases were over reported by 19.03% (98 cases). • JM case sequences were used for Property Hearings. • Instances of gaps in case sequences on the JPAS. <p><u>FY2013</u></p> <ul style="list-style-type: none"> • Consistent reporting between JPAS, OBE and OCA • Instances of gaps in case sequences on the JPAS. <p>Fifteen (15) out of 192 (7.81%) unposted traffic tickets were not file and date stamped.</p>
<p>Work Paper Reference: (or other method by which finding was identified)</p>	<p>Work paper 11A.2 OCA website, comparison of cases filed per JPAS and activity reported by the court</p>
<p>Condition: (Describe the current condition)</p>	<p>Court clerk assignments include processing traffic, IBC, other class C misdemeanor, evictions, civil, or small claims cases. In addition, the court clerks and bookkeeper manually capture case activity, disposition and payment information on a daily basis. Monthly data logs are manually prepared by the court clerks and bookkeeper for the chief clerk. The chief clerk manually compiles a monthly summary of case activity, disposition, and payment information based on data provided and submits to OCA, OBE, and Audit without complete cross reference to the JPAS or validation of totals.</p> <p>Automated traffic case filing numbers are retrieved daily by court personnel accessing Document Direct.</p>
<p>Criteria: (Describe the optimal condition)</p>	<p>Government Code Section 71.035(b) and Texas Administrative Code Sections 171.1 and 171.2 requires all activity reports to be accurately and timely completed and mailed (or updated via the Internet) to the council (Texas Judicial Council/OCA) no later than 20 days following the end of the month reported.</p> <p>Local Government Code 114.002 authorizes the County Auditor to determine the time and manner for making reports to the auditor. The County Auditor has determined that activity reports should be provided to the Internal Audit section no later than 20 days following the end of the month reported.</p> <p>Internal control for reporting requires that all case numbers are accounted for, issued consecutively by case type, and properly and timely indexed to the JPAS.</p>
<p>Cause: (Describe the cause of the condition if possible)</p>	<p>Lack of an automated tracking system</p>



Effect: (Describe or quantify any adverse effects)	Inaccurate statewide court analysis by OCA.						
Recommendation: (Describe corrective action)	<p>In accordance with statutory guidelines, monthly activity reports should be completed in an accurate and timely manner with copies provided to OCA, OBE, and the County Auditor.</p> <p>Activity reports should be corrected if errors are later identified, as the accuracy of activity reports may affect staffing levels or statewide analysis.</p> <p>Pursue system automation and reporting.</p>						
Responsible Department or Organization:	Justice of the Peace 1-1						
Management's Response:	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<table border="1"> <tr> <td data-bbox="781 699 954 751">Respondent:</td> <td data-bbox="954 699 1289 751">Honorable Judge Thomas G. Jones</td> <td data-bbox="1289 699 1393 751">Date:</td> <td data-bbox="1393 699 1515 751">12/12/14</td> </tr> </table>	Respondent:	Honorable Judge Thomas G. Jones	Date:	12/12/14
Respondent:	Honorable Judge Thomas G. Jones	Date:	12/12/14				
Comments:	<p>The court has addressed in whole or in part many of the County Auditor's findings and implemented the recommendations of the auditor.</p> <p>The Court concurs with the audit report where it states the County should pursue a new Justice of the Peace System with improved features.</p>						
Disposition:	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration				



Finding Number: 13-JP1.1-01-10 **Special Fund Reconciliation**
Date: April 22, 2014
Audit: Justice of the Peace 1-1 Audit FY 2012 & FY 2013
Auditor(s) Assigned: RL, PA

<p>Finding:</p>	<p>Reconciliation and sample review of special fund activity including a complete review of 40 disbursements, postings to the JPAS, general ledger, and internal control procedures for separation of duties, authorization, funds available for disbursement and proper payees revealed:</p> <ul style="list-style-type: none"> • Old case balances (approximately \$523,467 of \$621,052 system balance as of November 9, 2013 is over three years old) in the special fund have not been researched for disbursing to the applicable party and/or escheating to the State Comptroller or Dallas County Treasurer. • Forfeiture proceedings were not initiated against defendants to forfeit cash bonds when defendants failed to appear (approximately \$278,000 in cash bonds are over four years old). • One disbursement issued for \$5 more than the amount available in the special fund. • One disbursement posted with the incorrect check number. • One case in which the warrant fee was waived and refunded. • One case in which the collection fee was waived. • One cancellation posted to the wrong case. <p>Status: Corrected.</p> <ul style="list-style-type: none"> • Two special fund checks cancelled in the general ledger but not cancelled in the JPAS. <p>Status: Cancellations posted to the JPAS by the bookkeeper.</p>
<p>Work paper Reference: (or other method by which finding was identified)</p>	<p>Work paper No. 12A - 12C Review of special fund activity including disbursements</p>
<p>Condition: (Describe the current condition)</p>	<p>Data source for disbursement activity include case jackets given to the bookkeeper by the other clerks, daily special fund deposit reports, and JPAS (when date cards are updated by the bookkeeper) detailed monthly special fund balance reports. Balances available to disburse consist of case overpayments, judgments paid into the registry of the court, cash bonds, fines for other jurisdictions, and service fees for law enforcement agencies without designated fee codes for automated disbursements.</p> <p>Current special fund activity on the Document Direct reports is occasionally reviewed by the bookkeeper for identification of eligible disbursements. Case jackets are pulled and postings to the JPAS are reviewed to determine the proper payee and amount. To generate disbursements, the bookkeeper prepares and saves a special fund disbursement file to a designated computer drive on an ongoing basis, based on a review of new daily special fund activity by case/receipt. The electronic file is submitted to the County Auditor/County Treasurer for processing, check printing, and mailing. The electronic file reflects details of disbursement. Subsequently, the bookkeeper updates the disbursement information to the JPAS, posting the check number, check amount, and date, but does not reconcile to the general ledger or to the bank. The JP office relies on the County Auditor for reconciliation to the general ledger and on the County Treasurer for bank reconciliations.</p> <p>The bookkeeper posts cancellations and stale dated checks to the JPAS based on notices received from the County Treasurer.</p> <p>Limited research of old case balances (approximately \$523,467 of \$621,052 system balance as of 11/9/2013 is over three years old) is performed on the funds remaining in the special fund account for disbursement or escheatment.</p>
<p>Criteria: (Describe the optimal condition)</p>	<p>Management judgment in designing, implementing and conducting internal control, and in assessing its effectiveness is emphasized in the Committee of Sponsoring Organizations of the Treadway Commission (COSO) framework. Internal control requires that five core components be present: Control Environment; Risk Assessment; Control Activities, Information and Communication; and Monitoring Activities. Specific controls related to disbursement procedures require that:</p> <ul style="list-style-type: none"> • All special fund disbursements and cancellations should be timely and accurately posted to the JPAS. Fund balances must be reconciled against control records (GL and bank statement).



	<ul style="list-style-type: none"> Special fund reports should be reviewed on a periodic basis and disbursements should be made to the appropriate parties and entities in a timely manner. <p>Inactive case balances should be reviewed in accordance with unclaimed property statutes, V.T.C.A., Property Code, § 72 and § 76, and escheated either to the County Treasurer (if \$100 or under) or the State of Texas (if over \$100).</p> <p>Bond forfeiture proceedings should be initiated in accordance with Code of Criminal Procedure Chapter 22 when defendants, who post a cash bond, fail to comply with promise to appear before the court. An action by the state to forfeit a bail bond under Code of Criminal Procedure, § 22.18 must be brought no later than the fourth anniversary of the date the principal fails to appear in court.</p>						
<p>Cause: (Describe the cause of the condition if possible)</p>	<p>Limited staff time to research old items and weak system functionality.</p>						
<p>Effect: (Describe or quantify any adverse effects)</p>	<p>Deferred research:</p> <ul style="list-style-type: none"> Delayed disbursements to entities/individuals entitled to funds. Penalties from the State for not following escheat statutes may be assessed if not corrected. <p>Limited reconciliation:</p> <ul style="list-style-type: none"> Undetected posting errors resulting in potential for overpayment and unrecoverable losses. Additional staff time to research and correct posting errors. <p>Cash bonds no longer eligible for forfeiture.</p>						
<p>Recommendation: (Describe corrective action)</p>	<p>Special fund procedures should include:</p> <ul style="list-style-type: none"> All checks issued, canceled, or stale dated posted accurately and timely to the JPAS and verified/reviewed by the chief clerk. The availability of special fund case balance verified before initiating a special fund check. <p>A management plan including reconciling GL and bank account should be developed and implemented to periodically review the detailed special fund report in order to clear old items on disposed cases.</p> <p>Escheat analysis and stale dating should be managed in accordance with unclaimed property statutes, V.T.C.A., Property Code, § 72 and § 76. (see website: http://www.window.state.tx.us/up/forms.html)</p> <p>Cash bonds should be forfeited in accordance with Code of Criminal Procedure § 22.</p> <p>We recommend concerted effort be made to correct outstanding issues. Court action will improve the accuracy of current data and future migrated data.</p>						
<p>Responsible Department or Organization:</p>	<p>Justice of the Peace 1-1</p>						
<p>Management's Response:</p>	<table border="1"> <tr> <td><input checked="" type="checkbox"/> Agree</td> <td><input type="checkbox"/> Disagree</td> <td>Respondent:</td> <td>Honorable Judge Thomas G. Jones</td> <td>Date:</td> <td>12/12/2014</td> </tr> </table>	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	Respondent:	Honorable Judge Thomas G. Jones	Date:	12/12/2014
<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	Respondent:	Honorable Judge Thomas G. Jones	Date:	12/12/2014		
<p>Comments:</p>	<p>The court has addressed in whole or in part many of the County Auditor's findings and implemented the recommendations of the auditor.</p>						
<p>Disposition:</p>	<table border="1"> <tr> <td><input checked="" type="checkbox"/> Audit Report</td> <td><input type="checkbox"/> Oral Comment</td> <td><input type="checkbox"/> Deleted From Consideration</td> </tr> </table>	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration			
<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration					



Finding Number: 13-JP1.1-01-11 - **Time & Attendance**
Date: May 16, 2014 & April 22, 2014
Audit: Justice of the Peace 1-1 Audit FY 2012 & FY 2013
Auditor(s) Assigned: RL, PA

<p>Finding:</p>	<p>Office Hours Observation of office schedules, review of response to the Internal Control Questionnaire (ICQ), and review of manual time and attendance records and Kronos time and attendance system postings revealed:</p> <ul style="list-style-type: none"> • Office hours: <ul style="list-style-type: none"> ○ The court remains open to the public from 8:00 a.m. – 4:00 p.m. Employees continue to work until 4:30 pm but do not accept customer payments after the close time of 4:00 pm. • Breaks and lunch periods: <ul style="list-style-type: none"> ○ Full-time regular employees take 60 minutes for lunch with no breaks. Lunch is recorded as 30 minutes on KRONOS time and attendance system. • One employee requested one (1) hour of sick time but vacation time was entered in Kronos. • One employee requested partial day of sick time but regular time was entered in Kronos by the supervisor. Response: Employee did not take time off and worked. Visual Observation: Auditor confirmed through visual observation that the employee was not at office at 8 am. • Employee clocked in at 9:10 am but Kronos in-punch was later edited by the supervisor to reflect 8:10 am. Response: Employee had trouble clocking in and supervisor changed time. • Instances of non-exempt employees with available accrual balances not paid for a full 40 hour work week. • Manual records are kept in a locked file cabinet by supervisor. The forms are not organized by employee or date. Records for only four (4) out of the eight (8) months requested were provided during the field work.
<p>Work paper Reference: (or other method by which finding was identified)</p>	<p>Work papers 13A,13b,13C.1-13C.4 Observation Kronos and manual attendance records ICQ</p>
<p>Condition: (Describe the current condition)</p>	<p>Employees combine two authorized 10-minute breaks with 30 minute lunch and take an additional unauthorized paid 10 minutes at lunch.</p> <p>Web-timestamp functionality is used by non-exempt staff to record start and end times. Annual leave, sick leave, holidays, etc. taken are recorded to the Kronos system based on information available to the supervisor. Request for leave forms are completed by the clerks and given to the supervisor for approval on the form. The supervisor maintains the request forms in a locked file cabinet with retention not consistent. Oracle DC Employee Self-Service is available for court staff to review hours paid and accrual balances taken / earned / available. Kronos time is 'approved' bi-weekly with a 'sign off' by the supervisor.</p>
<p>Criteria: (Describe the optimal condition)</p>	<p>According to Dallas County Code, Section 82.32, Work hours scheduling:</p> <p>(a) <i>Work Schedule.</i> Each supervisor must approve and establish an authorized work schedule for each employee within the time-keeping system. All employees' work hours, exempt and non-exempt, will reflect their established work schedule.</p> <p>(b) <i>Office hours.</i> An elected official/department head, with the approval of the commissioners court, has the right to establish and schedule reasonable work hours, rules and working conditions in a manner most advantageous to the county in accomplishing its service and work requirements. Compensatory time and overtime are also scheduled by the elected official/department head according to appropriate county policies. County offices, excluding 24-hour operations, are expected to remain open between the hours of 8:00 a.m.-4:30 p.m. and remain open during the noon hour. Employees</p>



	<p>should verify office hours and work hours with their supervisor.</p> <p>(c) <i>Breaks and lunch periods.</i> An elected official/department head may also establish breaks and lunch periods for their employees. Employees may be granted one break of ten minutes for each four hours worked. Employees are paid while on break. A lunch period may be 30 minutes or an hour depending on the work schedule approved by the elected/appointed official/department head. Lunch periods are in addition to the regular eight-hour work period. Employees are not paid during their lunch period; therefore, they should be completely relieved of all duties and be free to leave their post of duty.</p> <p>(f) <i>Hours worked less than</i> Any nonexempt employee who does not work a full 40 hour workweek will have his compensation reduced by the value of the hours not worked or will charge such time not worked to accrued leave or compensatory time, holiday pay, vacation or sick leave, or any combination of such leave. Employees not eligible for approved leave and unable to consistently work 40 hours per week are subject to loss of full-time status and benefits.</p> <p>(g) <i>Other.</i> Each elected official/department head is responsible for ensuring that all reporting of time worked, accrual and use of leave, complies with county policies. Employees are not permitted to remain on the county's payroll if they are not on an approved leave of absence (with or without pay). Supervisors are responsible for accurate time reporting. The law requires that what is reported must be paid. Not reporting time accurately is considered falsifying an official document. Disciplinary action, up to and including termination, may be taken against employees and supervisors who falsify county documents related to work hours.</p> <p>According to Dallas County Code Sec. 82-175, Supervisory responsibilities:</p> <p>(a) Supervisory responsibilities fall to the elected official, department head or their designee.</p> <p>(b) Supervisors are responsible for informing their employees about which time entry method (time clocks, on-line entry or time sheets) they shall use to record their time and attendance. Supervisors shall educate their employees about how to use the time entry method they are assigned and about the time and attendance policies for their department.</p> <p>(c) Supervisors are responsible for ensuring employee time records are accurate and that no abuses occur. Only supervisors have the authority to correct employee time record errors or omissions.</p> <p>(d) Supervisors are responsible for recording employee vacation and sick time and for entering time for employees who are working outside their department work area.</p> <p>(e) Supervisors are responsible for checking daily start times, meal periods, end times, vacation time, sick time, compensatory time and overtime to ensure employees are in compliance with their shift work schedule and the county's overtime policies. Supervisors are responsible for promptly documenting actions warranting discipline and for promptly reporting possible fraud to the county auditor.</p>
<p>Cause: (Describe the cause of the condition if possible)</p>	<p>Inaccurate application of time and attendance policies.</p>
<p>Effect: (Describe or quantify any adverse effects)</p>	<p>Official time and attendance records do not accurately reflect time worked and taken.</p>
<p>Recommendation: (Describe corrective action)</p>	<p>Actual hours worked, vacation time, sick time, holiday time, jury duty, compensatory time, overtime, ATO, lunch time, etc. should be properly and timely posted to the Kronos time and attendance system in accordance with the Dallas County Code and Commissioners Court orders.</p> <p>All leave requests, authorizations, and supporting documentation should be retained in accordance with State Records Retention Schedule GR1050-54b which requires retention for current fiscal year end plus three years. Email requests and authorizations should be moved to the four (4) year Archive folder or other electronic storage.</p>
<p>Responsible Department or Organization:</p>	<p>Justice of the Peace 1-1</p>



Management's Response:	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	Respondent:	Honorable Judge Thomas G. Jones	Date:	Dec 12, 2014
Comments:	The court has addressed in whole or in part many of the County Auditor's findings and implemented the recommendations of the auditor.					
Disposition:	<input checked="" type="checkbox"/> Audit Report		<input type="checkbox"/> Oral Comment		<input type="checkbox"/> Deleted From Consideration	