



AUDIT REPORT

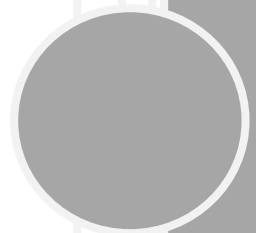
DALLAS COUNTY

FY2021 & FY2020 Justice of the Peace Precinct 3, Place 1 Audit

Darryl D. Thomas
Dallas County Auditor

ISSUED: 9/14/2022

RELEASED: JANUARY 6, 2023



FY2021 & FY2020 Justice of the Peace Precinct 3, Place 1 Audit

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This report is intended for the information and use of the agency/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



DALLAS COUNTY
COUNTY AUDITOR

MANAGEMENT LETTER

Honorable Judge Al Cercone
Justice of Peace, Precinct 3, Place 1
Dallas, Texas

Attached is the County Auditor's final report entitled "FY2021 & FY2020 Justice of the Peace Precinct 3, Place 1 Audit" Report. In order to reduce paper usage, a hard copy will not be sent through in house mail except to the auditee.

In you prefer that released reports be emailed to a different (or additional) recipient, please inform me of the name and the change will be made.

Respectfully,

Darryl D. Thomas

Darryl D. Thomas
County Auditor

EXECUTIVE SUMMARY

A review was performed in accordance with statutory guidelines on the records and reports of Justice of the Peace, Precinct 3, Place 1 for fiscal year end 2020 and fiscal year end 2021. Internal Control weaknesses which need consideration by management are:

Summary of Significant Observations

- **Case Deletions:** 88 cases were deleted without management review, including two cases deleted outside of normal business hours. In responses to the Internal Control Questionnaire, dated 04/8/2022, it was identified that the bookkeeper is responsible for adding, deleting, and reviewing case deletions without supervisor review and segregation of duties.
- **Special Fund Reconciliation and Activity:** The court did not complete the FY20 and FY21 Special Fund reconciliation by the start of the audit (4/26/2022). **Status: The court completed the FY20 and FY21 Special Fund reconciliation on 05/17/2022.** In addition, the \$16,721.33 balance per JPAS is \$6,939 less than the \$23,660.33 general ledger balance per Oracle, because of incomplete JPAS records.
- **Dismissed Cases:** 25 out of 60 (41%) cases were dismissed and docketed in JPAS with a dismissal date, rather than a DA dismissal date. Six case files could not be located in the court or the County's Archives to corroborate the judgment of the court. Two cases were dismissed in JPAS, but the dismissal order was not in the case file and Two cases were dismissed by the judge "Upon motion of the District Attorney", but the DA's motion was not in the case file.

Repeat observations from Previous Audits:

- **Special Fund Reconciliation:** The court does not reconcile the Special Fund to timely detect posting errors.
- **Dismissed Cases:** The court does not review to ensure a case is appropriately docketed, all requested has been received, and that sufficient approval is documented on disposed cases.
- **Case Deletion:** The court does not deter cases deletions and does not review D/P Reports to detect the appropriateness of case deletions. There is limited system functionality for assigning security roles and rights in JPAS, which allow court staff to delete cases.
- **Fee and Fine Assessment and Collections:** The court does not have a review process to ensure court costs were accurately assessed and collected, and cases activities are completely logged in JPAS prior to case disposition.
- **Computer Receipts:** Receipts and void were not reviewed by court management for accuracy and completeness.
- **No Judgement/no plea Cases:** Management relies on staff to complete JPAS date fields but does not review cases, records, and system reports for accuracy and completeness before disposing cases.

- **Appealed Cases:** Court staff erroneously updated the Appeal Bond Date field in JPAS and management did not ensure the updates complied with CCP 27 and 45.
- **Warrants:** Management has not monitored Warrant Error Report to recall active warrants on disposed cases and those paid in full.

Only those weaknesses which have come to our attention as a result of the audit have been reported. It is the responsibility of the department management to establish and maintain effective internal control over compliance with the requirement of laws, regulations, and contracts applicable to the department.

INTRODUCTION

Dallas County Auditor's Office mission is to provide responsible, progressive leadership by accomplishing the following:

- Comply with applicable laws and regulations
- Safeguard and monitor the assets of the County utilizing sound fiscal policies
- Assess risk and establish and administer adequate internal controls
- Accurately record and report financial transactions of the County
- Ensure accurate and timely processing of amounts due to County employees and vendors
- Set an example of honesty, fairness and professionalism for Dallas County government
- Provide services with integrity
- Work in partnership with all departments to resolve all issues of the County
- Strive to utilize the latest efficient and effective technology in the performance of tasks
- Provide technical support and training in the development, implementation, and maintenance of information systems
- Hold ourselves accountable to the citizens of the County at all times
- Be responsive to the elected officials and department heads of Dallas County

The objectives of this audit are to: 1. Ensure compliance with statutory requirements2. Evaluate internal controls3. Verification of accuracy and completeness of reporting4. Review controls over safeguarding of assets

This audit covered the period of October 1, 2019 through September 30, 2021.

The audit procedures will include interviews with key process owners, observation of transactions processing, data analysis and sample testing of transactions. The main system used will also be reviewed and incorporated as part of the testing of transactions.



DETAILS

CASE DELETIONS

Defendant/Plaintiff (D/P) Log Reports were reviewed during the audit period and it was identified that 88 cases were deleted without management review, including two cases deleted outside of normal business hours. In responses to the Internal Control Questionnaire, dated 04/8/2022, it was identified that the bookkeeper is responsible for adding, deleting, and reviewing case deletions without supervisor review and segregation of duties.

There are no means to determine if financial activity was recorded to the deleted cases. As a best practice, management should not permit the deletion of cases and should periodically review D/P Log Reports to ensure that case deletions do not occur. There is limited system functionality for assigning security roles and rights in JPAS, which allows court staff to delete cases. Management allows staff to add, delete and review their case deletions without segregation of duties and does not monitor D/P Log Reports to detect and review case deletions. Deleting cases in JPAS increases the risk that assets may be misappropriated and not detected by management. Deleting cases can result in the loss of receipt records, case notes, docketing information, and other actions posted by the court without an audit trail.

Recommendation

CASE DELETIONS

Management should make the following corrective actions:

- Not permit staff to delete cases.
- Write a comment in JPAS explaining errors that occur on cases rather than deleting cases to keep a complete audit trail of cases.
- Ensure management, rather than staff, routinely monitor Defendant/Plaintiff Log Reports for case deletions and communicating with staff when they occur.
- Review circumstances surrounding each case deletion to understand the effect, impact, and reduce likelihood of reoccurrence.
- Work with Dallas County IT to limit system rights and roles based on the user's core job duties.

Management Action Plan

A Clerk does not have access to delete JPAs financial records (payment history). Therefore, any case type that had financial records and a case is deleted, the financial records will show when the deleted number is re-entered. The Court's new case management system is designed so that only the Chief Clerk has the authority to delete cases.

Auditors Response

None



NO JUDGEMENT_NO PLEA CASES

56 cases were disposed without a judgement, appeal, dismissal, or deferred adjudication date in JPAS from a report of cases filed and disposed during the period under review. Nine of these cases were disposed without a plea in JPAS.

The JPAS docket screen should be updated with a plea of nolo contendere (when the defendant has not entered a prior plea) and judgment when web or mail payments are accepted by the court as full payment in accordance with Code of Criminal Procedure (CCP) Article 27.14 (c). Per CCP Article 45.017 (a) the judge of each court shall keep a docket containing the judgment and sentence of the court, and the date each was given. This occurred because management relies on staff to complete JPAS date fields but does not review cases, records, and system reports for accuracy and completeness before disposing cases. As a result, the court's docket records may be incomplete and inaccurate.

Recommendation

NO JUDGEMENT_NO PLEA CASES

Management should make the following corrective actions:

- Correct the 56 plea and judgment omissions in JPAS.
- Docket cases consistent with CCP 45 as events occur, such as pleas offered by the defendant, judgment and sentence of the court, dismissals and appeals, and the date each was taken.
- Ensure the JPAS docket screen is updated with a plea of nolo contendere and judgment when web or mail payments are accepted by the court as full payment in accordance with CCP Article 27.14 (c).
- Review case records and dockets for accuracy and completeness before disposing the case.
- Review Document Direct Reports to detect errors and omissions on disposed cases in JPAS.

Management Action Plan

Identified errors have been corrected.

Auditors Response

None

WARRANTS

The JP Warrant Error Report, dated 04/21/2022, was reviewed; it was identified that one case without a balance due or marked inactive (disposed) has an active warrant.

Per the Code of Criminal Procedure (CCP) Article 45, "A justice or judge shall recall an arrest warrant for the defendant's failure to appear if the defendant voluntarily appears to resolve the amount owed and the amount owed is resolved." The court shall recall a capias pro fine under the same conditions.



This occurred because the court did not adhere to CCP Article 45 by recalling warrants on disposed cases. As a result, this poses a potential liability to the County for persons arrested in error.

Recommendation

WARRANTS

Management should make the following corrective actions:

- Recall warrants and capias on disposed cases consistent with CCP Article 45.
- Consistently review the Warrant Error Report to recall active warrants on disposed cases and those paid in full.
- Communicate active warrant discrepancies with the Constable's office.

Management Action Plan

Identified error has been corrected. The JP Warrant Error Report is reviewed monthly by the chief Clerk. The case in question was disposed on 4/1/2022 and the warrant was recalled on 4/28/2022.

Auditors Response

None

SPECIAL FUNDS

Special Fund check disbursements, reconciliations, and postings to JPAS were reviewed during the audit period (ending September 30, 2021) and the following was identified:

- The Special Fund balance per JPAS is \$16,721.33, of which \$3,569.00 is for cases older than three years.
 - The \$16,721.33 balance per JPAS is \$6,939 less than the \$23,660.33 general ledger balance per Oracle, because of incomplete JPAS records.
 - \$2,519.00 in case balances under \$100 can be escheated to the county.
- The court did not complete the FY20 and FY21 Special Fund reconciliation by the start of the audit (4/26/2022). **Status: The court completed the FY20 and FY21 Special Fund reconciliation on 05/17/2022.**
- Eight check cancellations totaling \$3,397.60 were not posted to JPAS.
- Five disbursement checks totaling \$422.00 were not posted to JPAS.
- Two stale dated checks were posted to JPAS prior to the Stale Dated Checks motioned by the Commissioners Court Orders.

One case was improperly disposed without payment being received when the defendant's deferral was processed.



One check disbursement should have been \$31.90 instead of \$25.00. The court did not include the refund amount of \$6.90 from an overpayment paid to a collection fee.

In accordance with Local Government Code Section 113.008, an official with Special Funds shall reconcile all balances and transactions in the statement of activity against the balances of the official's records (JPAS, case jackets, and bank statement) each month and ensure all financial adjustments resulting from the reconciliation are reported for entry in the general set of records and reflected in the case receipts and disbursement registers of the County Treasurer. Management should escheat funds per Property Code, § 72 and § 76 and cash bonds should be forfeited per Code of Criminal Procedure § 22. The Civil Practice and Remedies Section 64.072 states, a court may not administer a corporation in receivership for more than three years after the date the receiver is appointed. Management did not comply with LGC 113 and Civil Practice and Remedies Section 64.072. Management relies on staff to complete the special fund reconciliation and post entries to JPAS without oversight. As a result, the Special Fund account was not timely reconciled, check disbursements and check cancellation errors and omissions were not detected, there is \$6,939 difference between JPAS and Oracle, and a case was disposed without payment.

Recommendation

SPECIAL FUNDS

Management should make the following corrective actions:

- Post the eight JP canceled checks totaling \$3,397.60; and the five disbursement checks totaling \$422.
- Reconcile Special Fund balances and transactions from the General Ledger against JPAS each month per Local Government Code Section 113.008.
- Ensure checks and cancelations are accurately, completely, and timely posted to JPAS once they are first recorded to the Oracle general ledger.
- Comply with the Civil Practice and Remedies Section 64.072 for receiverships.
- Review Special Fund reports and routinely escheat Special Funds in accordance with unclaimed property statutes, Property Code, § 72 and § 76.
- Forfeit cash bonds in accordance with Code of Criminal Procedure § 22.
- Ensure all money is appropriately collected before disposing the cases in JPAS. Determine whether the case that was disposed without payment should be re-activated.

Management Action Plan

The eight JP canceled checks and the five disbursement checks have been posted.

Auditors Response

None



MANUAL RECEIPTS

All 36 manual receipts issued in FY2020 and FY2021 were reviewed and the following exceptions were identified:

- Seven manual receipts in which the case number is different than the case number on the computer receipts. **Status: Payment was posted in JPAS to the defendant's case.**
- One manual receipt was issued out of date sequence.
- One manual receipt issued was deposited after five business days.
- One manual receipt issued in which the payment type did not agree to the payment type on the JPAS computer receipt. **Status: The payment type was corrected in JPAS to agree with the manual receipt.**

In its responses to the Internal Control Questionnaire, dated 04/8/2022, court management does not review manual receipts for errors, ensure receipts are present (not removed), ensure voids are authorized, and that payments have been posted to JPAS.

Manual receipts should be issued in sequential order with the correct case number referenced, payment amount, tender type, payee name, payment date, and receiver's name. Receipts skipped in sequence should be marked "Void" with an explanation written on the receipt. Manual receipts should be reviewed by court management for accuracy and completeness, ensure voided receipts are authorized, and to ensure receipts are timely posted to the correct cases and in compliance with Local Government Code (LGC), § 113.022. These errors occurred because there is no management oversight and segregation of duties over the manual receipting process. The court does not have written manual receipting procedures. A lack of segregation of duties and management oversight may result in potential revenue losses, misappropriation of assets, and risk that manual receipt errors may not be detected.

Recommendation

MANUAL RECEIPTS

Management should implement the following corrective actions:

- Write the correct and full case number on each manual receipt so that it mirrors the case number as posted in JPAS.
- Issue manual receipts in sequential order so that each receipt is issued in date sequence.
 - Write "Void" on manual receipts that are skipped in sequence along with an explanation written on the receipt.
- Ensure the preparation and review of manual and voided receipts are appropriately segregated.



- Document the reviewing manager's initials on each voided manual receipt.
- Formally document the court's manual receipt procedures.
- Post receipts to JPAS by the next business day to comply with LGC, § 113.022.
- Ensure management reviews manual receipt books to ensure unused receipts are present and not removed.
- Ensure management reviews for accuracy including the total amount, tender/payment type, case number, transaction date, and payer name fields on the receipt.
 - Compare the details written on manual receipts to computer receipts stapled to the manual receipt book.

Management Action Plan

Updated court procedure is for Chief Clerk to review manual receipt books monthly.

Auditors Response

None

COMPUTER RECEIPTS

Deposits made by the court during the audit period and 101 voided computer receipts were reviewed and the following were identified:

- Eight computer receipts were either not marked void, did not have an explanation for voiding, the court did not retain both computer receipt copies, or the voids were not approved by the reviewer.
- Two checks for deposit totaling \$210 were rejected by the Treasurer's Office, but the Auditor's office was not notified. **STATUS: The checks were removed from the deposit and a corrected 98 was submitted to the Treasurer's Office.**
- One deposit was short \$146 because the court lost the check. **STATUS: The check was removed from the deposit. The court deposited the replacement check on 1/5/2021.**

The court's voiding procedure is to mark receipts "Void", document a reason for voiding, ensure all receipt copies are retained by the court, void the full amount of the receipt, and segregate the duties of void preparer and reviewer. As a best practice, management should review and approve all voided receipts. JPAS reporting through Document Direct provides the JP courts with the capability to review exception reports, voided transactions and transaction logs (especially with respect to receipt deletions, lowered amounts, payment type changes, and agreeing the daily closeout), and to ensure that errors and omissions are detected. End of day receipt and deposit totals should be verified by management for accuracy and completeness, as evidenced by a date deposit recors. Per Dallas County Code Sec 74-692, the County Auditor's Office will be notified immediately (within one day) of any out of balance conditions for purposes of identifying and substantiating any shortages which may subsequently require indemnification. This occurred the court's receipting procedures and Dallas County Policy 74-692 were



not followed. Additionally, computer receipt voids and deposits are completed without management review. A lack of management oversight and segregation of duties may result in inaccuracies, an incomplete audit trail, and present opportunities for misappropriation. Errors and omissions not detected by management may result in deposit delays and losses.

Recommendation

COMPUTER RECEIPTS

Management should make the following corrective actions:

- Comply with Dallas County Code 74-692 by reporting deposit issues to the County Auditor, including requests sent to IT to delete or update receipt records in JPAS.
- Ensure check dates, numeric amounts, and written (legal) amounts are reviewed by clerks and the Bookkeeper before receipting checks to JPAS.
 - During the daily closeout create separate calculator tapes totaling the written (legal) amount and then totaling the numeric amount of checks to detect check errors .
 - Then review the check dates to detect stale dated checks.
- Document the review of void transactions by management in writing and ensure void duties are appropriately segregated.
- Mark computer receipts "VOID" and write an explanation for receipts that voided.
- Retain all copies of voided receipts.
- Periodically review Exception Reports from JPAS to monitor voided computer receipts and ensure the timely detection of errors and omissions.

Management Action Plan

Void was stapled to the wrong receipt. Also, for the missing copy it did not have void on the computer receipt, but did not have explanation. Other errors did not have void, but did have explanation.

Auditors Response

None

DISMISSED CASES

60 dismissed cases were reviewed during the audit period and the following were identified:

- 25 cases were dismissed and docketed in JPAS with a dismissal date, rather than a DA dismissal date.
- Six case files requested for audit review were not provided; therefore, internal audit could not verify whether the District Attorney's motion was obtained, and the dismissal was approved by the Judge.
- Two cases were dismissed in JPAS, but the dismissal order was not in the case file.



- Two cases were dismissed by the judge "Upon motion of the District Attorney", but the DA's motion was not in the case file.

Per Code of Criminal Procedure (CCP) Article 32.02, the attorney representing the State may, by permission of the court, dismiss a criminal action at any time upon filing a written statement with the papers in the case setting out his reasons for such dismissal, which shall be incorporated in the judgment of dismissal. No case shall be dismissed without the consent of the presiding judge. According to the Texas Court of Criminal Appeals, "A trial court has no "general authority" to dismiss a criminal case without the prosecution's consent except as provided by statute, common law, or constitutional provision (See State v. Johnson, 821 S.W.2d 609, 613; Tex.Crim.App.1991)." Per C.C.P. Art 45.017 (a) the judge of each court shall keep a docket containing the date the examination or trial was held, judgment and sentence of the court, and the date each was given. Local Government Code (LGC) 115.901 states the county auditor shall examine the accounts, dockets, and records of each justice of the peace to determine if any money belonging to the county and in the possession of the officer has not been accounted for and paid over according to law. Court management did not adhere to CCP 32, 45, and LGC 115, did not detect record omissions in the case files, and did not prevent staff from dismissing cases without a DA's motion or judicial approval. As a result, assets may be misappropriated when waivers and dismissals are granted without supporting authorization and when disposed cases are not reviewed by the court for completeness of supporting documentation. Missing case jackets increase the risk that assets may be misappropriated and not detected through examination of the case jacket and its contents.

Recommendation

DISMISSED CASES

Management should make the following corrective actions:

- Locate the six missing case files for examination by the County Auditor per LGC 115.
- Document the 25 case dismissals on motion of the DA, granted by the judge, by docketing the DA dismissal date in JPAS.
- Require that judicial decisions, including DA (prosecution) motions for dismissal, are authorized by the Judge with the DA's and Judge's signature in compliance with CCP Chapter 32 and Chapter 45.
- Ensure signed dismissal orders and motions are present in the case file and that case records are reviewed for accuracy and completeness before disposing the case.
- Docket cases as events occur in JPAS, such as dismissal, DA motions for dismissal, appeal bond file dates, and judgments rendered by the court.

Management Action Plan

Identified errors have been corrected.

Auditors Response



None

APPEALED CASES

20 appealed cases processed during audit period were reviewed and the following were identified:

Nine cases in which the Perfected Appeal Bond was not received, but the court posted an appeal bond date in JPAS.

One case in which the posted appeal date is incorrect in JPAS.

One case file requested for audit's review was not provided by the court.

The defendant shall pay any fine or costs assessed or give an appeal bond in the amount stated in the notice before the 31st day after receiving the notice, per C.C.P. Art 27.14. The date the appeal bond is received should be posted to the JPAS Appeal Bond field, on the misdemeanor docket, consistent with the Code of Criminal Procedure § 45.017. Appeals from a justice court shall be heard by the county court in accordance with CCP Article 45.042(a). Consistent with CCP 45.0426(b), "If an appeal bond is not timely filed, the appellate court does not have jurisdiction over the case and shall remand the case to the justice court for execution of the sentence." According to 115.901 (a) the county auditor shall examine the accounts, dockets, and records of each justice of the peace to determine if any money belonging to the county and in the possession of the officer has not been accounted for and paid over according to law. These occurred because court staff erroneously updated the Appeal Bond Date field in JPAS and management did not ensure the updates complied with CCP 27 and 45. As a result, errors and omissions may not be detected when court records are updated without management review. Missing case files increase the risk that assets may be misappropriated and not detected through examination of the case jacket and its contents.

Recommendation

APPEALED CASES

Management should make the following corrective actions:

- Correct the appeal date for the nine cases without a perfected appeal and the case with the incorrect appeal date.
- Locate the missing case file for examination by the County Auditor per LGC 115.
- Review a report of cases with an Appeal bond to determine cases were not appealed in error.



Management Action Plan

Identified errors have been corrected.

Auditors Response

None

INTERNAL CONTROL QUESTIONNAIRE

Responses from the Internal Control Questionnaire, dated 04/8/2022, were reviewed and the following were noted:

- Management does not monitor JPAS entries from Document Direct reports, the court's case management system, and acknowledges it has no controls to restrict users from inappropriately modifying electronic court records.
- The court does not ensure access privileges are changed when job responsibilities change.

Management should periodically monitor court activities by reviewing JPAS court management entries from Document Direct reports to ensure that errors and omissions are timely detected and reviewed. This includes a review of Transaction Logs, JPAS Case Index Reports, Defendant/ Plaintiff Log reports and Exception Reports (especially with respect to receipt deletions, lowered amounts, payment type changes, and agreeing the daily closeout) and other reports of case activities. System access privileges should align with employee job duties, change as responsibilities change, and removed when employees terminate employment. Court management has access to Document Direct, but does not utilize reports to monitor void transactions, civil filing fees, the Special Fund balance, case deletions, and other JPAS activities. A lack of segregation of duties, no review of security roles and rights, and lack of management review increase of the risk that errors may not be prevented or detected and that assets may be misappropriated.

Recommendation

INTERNAL CONTROL QUESTIONNAIRE

Management should implement procedures that include:

- Periodically monitoring Exception Reports from JPAS to detect and review void transactions not reported by staff.
- Monitoring court activities through Document Direct reports to ensure that errors and omissions are detected.
- Routinely monitoring D/P Reports for case deletions and communicating with staff when they occur.
- Reviewing all assignable system rights and roles to ensure users have only the rights necessary to perform their core job functions.
- Removing system access when employees terminate employment.



Management Action Plan

Relevant issues have been addressed with the Court's new case management system.

Auditors Response

None

FEE AND FINE ASSESSMENT AND COLLECTION

30 cases were reviewed for the assessment and collection of court costs, fines, and fees and accuracy of postings to the Justice of the Peace Accounting System (JPAS) and it was identified that one case in which partial payments were not properly allocated to all applicable court costs and fees in JPAS.

30 Collection Fee Removals processed during the audit period were reviewed and the following identified:

12 cases in which the court removed collection fees totaling \$1,031.10 which is inconsistent with the County's contract.

Eight cases in which collection fees were removed because the court did not update the docketing date in JPAS.

Court costs, fines, and fees should be assessed and collected in compliance with applicable state laws including Code of Criminal Procedure (CCP) Chapter 45, CCP 102, CCP 103, Local Government Code Chapter (LGC) 133 and 134, Transportation Code (TC) 542 and 706, Commissioners Court orders, and Attorney General Opinion GA-0147. Payments must be allocated to costs and fees before satisfying the fine according to the cost-first allocation rule. Per Dallas County Commissioners Court Order 2004-1147, the Commissioners Court authorized the addition of the Collection Fee in the amount of thirty percent (30%) on outstanding debt or accounts receivable that is more than sixty (60) days past due and has been referred to Contractor for collection. The collection amount will not be waived in any way but continue to be outstanding until the collection amount is paid in full; except for a case dismissed by a court, any amount satisfied through time-served or community service, or if the court has determined that a defendant is indigent. This occurred due to non-compliance with Dallas County Commissioners Court Order 2004-1147, clerical errors and omissions from manual case entries, and inadequate JPAS system functionality that requires the manual entry of assessments and payments. Collection fees are removed by court staff without management review or a reason supported by Commissioner's Court Order 2004-1147. This may result in the inadequate collection of costs and fees and an incorrect distribution and disbursement of funds contractually and statutorily owed to other parties.

Recommendation

FEE AND FINE ASSESSMENT AND COLLECTION

Management should make the following corrective actions:



- Ensure appearance, trial, and court dates are timely recorded in JPAS before referral to the collection contractor.
 - Leave referrals to the collections contractor intact when a defendant does not appear for court.
 - Remove the referral when the defendant is subsequently found not guilty by the judge or jury.
- Remove collection fees for cases dismissed by the court, amounts satisfied through time-served or community service, perfected appeals, or if the court has determined that a Defendant is indigent per Dallas County Commissioners Court Order 2004-1147.
- Ensure payments are allocated to costs and fees before satisfying the fine in accordance to the cost-first allocation rule described in AG Opinion GA-0147.
- Review case records, dockets, and payments for accuracy and completeness before disposing the case.
- Review Collection Reports from Document Direct to ensure cases are appropriately docketed (including hearing reset dates) before the case is referred to collections.
- Review JPAS collection and docketing reports from Document Direct to detect errors and omissions.
- Ensure all court personnel consistently follow court guidelines and Texas Statutes (CCP Ch.45, 102, 103; LGC Ch.133 and 134; and TC Ch.542 and 706).

Management Action Plan

In some cases, defendant's plea was entered, but was not updated in JPAS. Also, fees assessed in error were removed. Other issues occurred during COVID or after a natural disaster when the Court was closed. In other cases, the defendant should not be responsible for paying collection fees due to DSO's delay in filing with the Court.

Auditors Response

None

CREDIT CARDS

The court's online credit card transactions and postings to JPAS during the audit period were reviewed and the following were identified:

- 20 online credit cards payments were receipted between nine and ten business days after the payment was made.
- Three online credit card payments were not receipted to the correct case in JPAS. **Status: The court receipted one payment to the correct case on 9/18/20.**
- One online credit card payment made on 3/17/2020 for \$336 was not posted to JPAS.



The entire amount of each online credit card payment should be receipted to the defendant's case in JPAS by the following business day, but no later than the fifth day after the day money was received per Local Government Code (LGC) 113.022. This occurred because management relies on staff to post online credit card payment transactions, but does not ensure they are posted timely and accurately to the defendant's case in JPAS. The court did not comply with LGC 113.022. As a result, payment errors were not detected and some defendants did not receive timely credit for payments made to their cases.

Recommendation

CREDIT CARDS

Management should make the following corrective actions:

- Post the three online credit card payments for \$215, \$262 and \$336 to the correct cases in JPAS. Refund any overpayments and inappropriately charged fees resulting from untimely posting of the original payment.
- Post complete and accurate payments for online credit card payments to JPAS in compliance with LGC 113.022.
- Provide oversight by reviewing JP Credit Card and Settlement Reports against payments posted to JPAS to ensure all payments are accurately and completely posted.

Management Action Plan

Identified errors have been corrected.

Auditors Response

None

cc: Darryl Martin, Commissioners Court Administrator