




## DALLAS COUNTY COUNTY AUDITOR

### Memorandum

To: Honorable Beth Villarreal  
Constable Precinct No. 5

From: Virginia A. Porter   
County Auditor

Subject: Review of Statutory Reporting and Compliance for July 1, 2010 through January 31, 2012

Date: Issued: June 22, 2012  
Released: August 3, 2012

### **Scope**

A review was performed on the records and reports of Constable Precinct No. 5 for July 1, 2010 through January 31, 2012.

### **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 also involved a review of the Constable civil system.

A partial list of the review tests include:

- Accounted for numerical sequence of manual receipts
- Traced amounts recorded on the receipts to the bank deposits
- Performed unannounced cash counts
- Examined special fund disbursements to determine if sufficient funds were collected, proper payees paid and if posting to the Constable civil system had occurred
- Reviewed assessed fees, commissions, executions and orders of sale for compliance with applicable state laws and Commissioners Court orders
- Reviewed time and attendance records for proper posting and compliance with County policies and procedures
- Reviewed Constable civil return lists for correct postings to the Constable civil system to determine if appropriate credit was given to the Constable by the District Clerk, County Clerk and Justices of the Peace
- Reviewed Texas Attorney General (AG) IV-D billings
- Examined the Evidence/Property Room procedures and log sheets
- Documented warrant processes
- Reviewed abandoned vehicle activity
- Reviewed Global Positioning Satellite (GPS) reports

## Statistical

### Fiscal Year 2010

- 17,865 civil papers served per Constable Civil System
- 1,534 writs and orders of sale served per Constable Civil System
- 22,439 criminal papers served per Constable Civil System
- \$1,110,681.47 constable fee revenue collected all sources
- \$5,242.62 constable commission collected

### Fiscal Year 2011

- 11,603 civil papers served per Constable Civil System
- 1,351 writs and orders of sale served per Constable Civil System
- 11,519 criminal papers served per Constable Civil System
- \$1,042,567.67 constable fee revenue collected all sources
- \$10,881.63 constable commission collected

### Fiscal Year 2012 (through January 31, 2012)

- 2,885 civil papers served per Constable Civil System
- 380 writs and orders of sale served per Constable Civil System
- 2,198 criminal papers served per Constable Civil System
- \$320,510.37 constable fee revenue collected all sources
- \$640.69 constable commission collected

## FINDINGS

### Cash Management

Office Receipts – A review of 3714 manual office receipts and County Wide Receipting (CWR) computer receipts including 75 voided receipts revealed material compliance except: one manual office receipt voided without retention of the duplicate pink copy; and balancing of funds on hand against CWR system control total occurs only once a week during the preparation of the departmental bank deposit.

Field Receipts – A review of form 44-A field receipts, written by the writ deputies in the field, revealed material compliance except: one form 44-A receipt was altered to a lower amount by \$100 cash; six form 44-A receipt books were partly used (contained unissued receipts); and receipt books were not tracked via an official receipt book issuance log.

Assessments – A review of 74 payments for compliance with service fees established by Commissioners Court orders revealed material compliance except: one capias (from a Family court) with fee assessed for \$60 rather than \$130.

Protective Orders – A review of protective order papers and procedures revealed the precinct does not assess a fee for protective orders and the officer's return reflects \$0 as the fee earned. While pre-payment is excluded by statute, the respondent may be ordered to pay court costs and service fees at after service.

Special Fund Activity – A review of special fund activity revealed: writ collections are disbursed timely from the Constable's special fund; eight checks exceeded available balances due to receipt/deposit errors on the split between commission and special fund collection; and old balances totaling \$66,895 over three years carried over from previous administrations remain undisbursed / uncorrected including two seizures for \$26,393 not eligible for forfeiture. Limited separation of duties noted over the bookkeeper's responsibility to prepare disbursement file and authorize the file for check printing.

Commission Calculations – A review of commission calculations on 30 writ collections revealed: two calculation errors resulting in over collections totaling \$916.39. **Status:** \$150 was refunded for one case. A separate \$20 fee is assessed for posting notices at each location for sales of personal and real property to satisfy a judgment.

Receivables/AG IV-D Billings – A review of AG IV-D billings and inquiry into the existence of receivables revealed the precinct maintains a listing of receivables with unpaid amounts dating to 2007. Billing notices are sent for out of county papers served without receipt of full payment when only a minimal amount remains due. Service fees for tax suits are exempt from prepayment by statute.

### **Processing**

Warrants/Civil Paper Service – Monetary credit for civil paper service is consistently reflected on the Justice of the Peace Accounting System and the Odyssey Civil Courts System with limited errors recorded by other offices.

Management analysis is limited by system summary reports lacking true aging and manual tracking of unsuccessful service attempts. Constable Civil System is not consistently updated for unsuccessful service attempts.

As of January 19, 2012, 37,095 active warrants were assigned to Precinct 5. Approximately 85% of the warrants have been outstanding for over one year. Warrants over 2 years old are returned to the court unexecuted instead of remaining active until served or recalled by the court.

Warrants are placed on regional and sent to the Sheriff when insufficient information is available to locate the defendant or out-of-county service is required. While there is no defined time frame, the precinct does try to make three good service attempts before warrants are placed on regional.

In October 2011, as result of the reduction in force affecting the constable offices, Precinct 5 returned civil/family/probate/juvenile papers and warrants 'unexecuted' with no documented attempts to courts including 60 that were received prior to October 1, 2011.

Eviction Paper Service – A review of service attempts during the months of November and December 2010 for 67 eviction citations, officer sworn statements, and officer Daily Activity Reports to GPS Tracking Network reports and Google maps revealed five instances of second attempts where the vehicle was not at the service address location at the time stated on the court papers (citations and/or sworn statements).

Time and Attendance – A review of employee time and attendance records/activity revealed: one employee received three personal holidays during 2010 when Commissioners Court had approved only 2 holidays; one Kronos posting as sick time for MLK holiday; two employees took vacation time during their probationary period; one Kronos posting as holiday pay for administrative leave; 16 hours of sick time posted to Kronos for reason on leave form as 'out of town; 16 hours of sick time posted to Kronos for time originally requested in advance as vacation leave for non-sick purpose with leave form manually changed the following month to sick leave, 4 hours recorded as regular time in Kronos for time the employee had submitted a sick leave request form for the same date as the date of the form; deputy's time recorded as full eight hours on Kronos (for December 23 and 30, 2011) when Daily Activity Reports and GPS data reveal the deputies did not work the full day; clerks' out times (for December 23 and 30, 2011) were recorded in advance to Kronos by the chief clerk; deputies' in and out times were recorded in Kronos without deducting the commute to and from the station; 38 of 53 reviewed instances of leave balances not deducted for extended deputy lunch breaks taken or early office departures; one deputy was authorized to leave the precinct in his County issued vehicle for lunch travel to and from his home without deduction of commute time and/or extended lunch; and, approved time off (ATO) used by chief deputy in December 2011 and January 2012 in excess of the available 40 hour floating 52 week average.

1028.90 hours of compensatory time or overtime recorded as earned in Kronos from January 1, 2011 through December 31, 2011, with one employee earning 275 hours and another 209.3 hours. The documented reasons for requiring compensatory time included special assignment (community patrols and events), training, process paper service, interface with jail nurses, supervisor administrative duties (opening and closing building), and securing

the tax office. Commissioners Court approval was not obtained for any of the community events in which the constable personnel participated.

### **Evidence Control**

Evidence/Property Room – Inventory control logs were not found and are not maintained in the property room. A complete self-inventory has not been completed nor have items from the prior audit been reviewed for proper disposition.

### **Recommendations**

#### **Cash Management**

Receipting/Depositing – Receipts should not be altered, but properly voided. All copies of a void receipt should be retained, clearly marked “void” and affixed with a reason for the void. The supervisor should, periodically, scan receipts for proper usage. All monies received should be promptly receipted, properly secured, and deposited consistent with state law, V.T.C.A., L.G.C., § 113.022 and procedures recommended by the County Auditor. At the end of each business day, receipts should be totaled and compared to funds on hand and CWR system control totals. Update recordkeeping procedures to include a tracking log or receipt books issued.

Assessments – Continue to assess service fees in accordance with state laws and Commissioners Court orders including Family Code, § 157.103 which states the fee for serving a writ is the same as the fee for service of a writ in civil cases.

Protective Orders – Assess and record the fee amount earned for protective orders in the event a court orders a party to pay the service fee in accordance with Family Code § 81.003.

Special Fund Activity – Continue to maintain a special fund control ledger accounting for all special fund receipts, disbursements and case balances. Verify the availability of money in the special fund for the pending case prior to the initiation of a special fund check. The special fund ledger should be periodically reviewed by supervisory personnel. Cash handling duties should be separated. Unclaimed property statutes in V.T.C.A., Property Code Chapter 72 and 76 should be followed.

Commission Calculations – Refund excess commission amounts collected. Calculations should be verified / reviewed by another person such as supervising chief deputy or clerk. One notice fee per posted sale/writ should be assessed unless parties to the sale request additional posting locations.

Receivables/AG IV-D Billings – Continue to maintain a ledger to track outstanding service fees with periodic follow-up, delinquent billing notification, and notification to the County Treasurer of debts due the County.

#### **Processing**

Warrants/Civil Paper Service - To extent feasible with current staffing levels, updates to the Constable Civil System should include recording unsuccessful service attempts. Conduct periodic inventories of papers on hand to report control totals. Develop standard procedures for staff to follow on timelines and number of unsuccessful service attempts before warrants are placed on regional.

Eviction Paper Service – Affidavits filed under Rules of Civil Procedure 742a must be accurately and properly completed. A minimum of two attempts should occur with the deputy making the two attempts signing the notarized affidavit. A management plan should be developed and implemented to periodically review random GPS tracking data to promote/improve deputy accountability.

Time and Attendance - Train and update staff on county leave policies and annual holiday schedules. Supervisors should enter the actual hours worked by employees and the type of leave and amount of hours taken daily. Modify employees' schedules to accommodate department responsibilities and assignments and minimize the amount of



compensatory or over time earned. Entries to Kronos for compensatory time earned should be documented with reason codes for assignments that are in accordance with county policies. Use of county-owned vehicles for lunch should be limited to a reasonable distance from the employee's most recent work location.

#### **Evidence Control**

Evidence/Property Room – Develop written Evidence/Property room procedures and monitoring plans. Conduct a complete physical inventory of all items in the storage room annually. Maintain log sheets in property room and routinely update disposition information. Eligible items should be scheduled for destruction as authorized by statute when departmental use is prohibited or not feasible.

#### **Current Findings/Observations/Recommendations**

Detailed finding templates numbered 12.C5.01.01 through 12.C5.01.11 are attached. Precinct responses are reflected on the templates.

#### **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 area of risk which needs to be addressed is: recording of time and attendance and ensuring the taxpayer's receive a full eight hours of work for each eight hours paid; and reduction of compensatory/overtime earned through modification of employee's schedules to accommodate departmental responsibilities and assignments.

Emphasis on outlined procedures should provide for improved departmental processes. Development of written internal procedures should be initiated to ensure compliance with recommended procedures, county policies, and state statutes. Consideration of all issues and weaknesses should be incorporated by the precinct as a self-assessment tool.

cc. Darryl Martin  
Ryan Brown, OBE



**Finding Number:** 12.C5.01.01a  
**Date:** 2/10/2012  
**Audit:** Constable Precinct 5 FY 10 – 12 (1/31/2012)  
**Auditor(s) Assigned:** PA

<b>Findings:</b>	<b>Office Receipts</b> Review of 974 manual office receipts including 33 manual voided receipts, 2,767 County Wide Receipting (CWR) computer generated receipts including 42 cancelled/voided receipts, testing of voiding and balancing procedures for proper accounting and internal controls revealed : <ul style="list-style-type: none"> <li>• One manual receipt voided without the retention of the duplicate pink copy.</li> <li>• One voided manual receipt did not have an explanation for void.</li> <li>• Twenty-two cancelled computer transactions did not contain a reason for cancellation.</li> <li>• The pink copies of used manual receipts 219141-219162 issued in November 2010 had not been forwarded to the Auditor's office.</li> <li>• Balancing of funds on hand against CWR system control total occurs only once a week during the preparation of the departmental bank deposit.</li> </ul>
<b>Work paper Reference: (or other method by which finding was identified)</b>	Work Paper No.3A, 3B, 3C CWR User Sales Report and DC7 Receipts- Cancelled Manual Receipts Form 44
<b>Condition: (Describe the current condition)</b>	<p>Payments made direct to the constable include service requests from outside Dallas County and papers stamped with "costs not complied with" by the court of issuance. Most payments are checks received via the U.S. Mail. Parties to a suit occasionally remit the wrong service fee amount.</p> <p>In October 2010, the constable's office started issuing computer receipts on the County Wide Receipting (CWR) system. The bookkeeper chooses the paper (the type of process requested to be served) type and then follows prompts to enter payer information, plaintiff name, defendant name, case number, and office number. In most cases, the fee for the paper type is already pre-set. Payment type of check or cash is chosen and the payment is receipted. Receipts are printed only when requested as transaction history is retained within the system. The receipts are single copies. When the bookkeeper initiates a void receipt on the CWR system, a prompt appears and the bookkeeper must enter the reason. If the bookkeeper exits out of the receipt transaction before entering any type of information, the reason prompt for cancellation may not appear. Manual receipts are used only when the CWR system is down. Once CWR functioning is restored, the manual receipts are entered into the CWR system. There is one county wide numeric receipt sequence.</p> <p>For internal control reconciliation, the bookkeeper posts a memo entry of payments received on the Constable Civil System, daily, to correspond to CWR activity. Due to mainframe limitations, data on served/disposed constable papers is periodically purged from the Constable Civil System.</p> <p>Once weekly, funds (cash, coins, checks, cashier's checks, and money orders) on hand are confirmed as balancing to the CWR system control totals by the bookkeeper. As part of the balancing process, the bookkeeper accesses the CWR Class Overview Spreadsheet and Drawer Balance report. The CWR DC98 report is generated to produce the deposit. The bookkeeper verifies and signs off on the deposit. The deposit is sealed and stored in the safe pending courier pickup. The deposit is submitted to the County Treasurer through the courier.</p>



	The bookkeeper maintains a separate spreadsheet for payments received for internal balancing and research.				
<b>Criteria:</b> (Describe the optimal condition)	<p>Best practices regarding receipt control procedures require that:</p> <ul style="list-style-type: none"> <li>• Statutorily required pre-payments which are received for less than the service fee due are returned not receipted. The requesting party should be contacted by the bookkeeper or chief clerk via phone, email, or fax to submit the balance due or the payment and corresponding process should be returned via the U.S. mail without service performed.</li> <li>• All receipts are accounted for and properly used in order to affix responsibility, enhance cash control, and prevent potential assertion that monies were paid in with refund due as well as to "separation of duties for opening mail and receipting".</li> <li>• Receipts should not be altered, but properly voided and affixed with a reason for the void with retention of all voided copies.</li> <li>• The chief clerk should periodically review the exception reports (especially with respect to receipt deletions, lowered amounts, and payment type changes) to ensure that the explanation for the deletions is documented and reasonable.</li> <li>• Receipts are printed from the CWR system when a self-addressed stamped envelope is sent by the payer.</li> </ul> <p>Accounting and system control procedures require daily reconciliation and balancing of collected funds to support documents and separation of duties to affix responsibility for processing. Staff should be properly trained on balancing processes and closeout procedures. As part of compensating controls a second person verifies and signs off on the deposit along with the bookkeeper.</p>				
<b>Cause:</b> (Describe the cause of the condition if possible)	Clerical error and oversight. Incomplete understanding of need to record reason for receipt cancellation in CWR.				
<b>Effect:</b> (Describe or quantify any adverse effects)	Decreased internal control over receipts and deposits. Prevents potential assertion that monies were paid and refunds due.				
<b>Recommendation:</b> (Describe corrective action)	<p>Receipt and deposit control procedures should include:</p> <ul style="list-style-type: none"> <li>• Monitoring and reporting anomalies including entry of reason codes for voided receipts in the CWR system.</li> <li>• All copies of a void receipt should be 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.</li> <li>• At the end of each business day, receipts should be totaled and compared to the funds on hand and CWR system control totals. Corrections should be made such that both good internal control and audit trails are maintained. Receipt and deposit totals should be verified by the back-up bookkeeper or chief clerk with compensating processes such as dual sign-off on balancing and deposit documents.</li> </ul>				
<b>Responsible Department or Organization:</b>	Constable Precinct 5				
<b>Management's Response:</b>	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<b>Respondent:</b>	Fred Collie, Chief Deputy	<b>Date:</b> August 1, 2012
<b>Comments:</b>	The bookkeeper will ensure a complete understanding of need to record reason for receipt cancellation in CWR and comply with recommendations. Precinct 5 will comply with and adopt all recommendations.				
<b>Disposition:</b>	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration		



**Finding Number:** 12.C5.01.01b  
**Date:** 2/23/2012  
**Audit:** Constable Precinct 5 FY2010-2012 (1/31/2012)  
**Auditor(s) Assigned:** PA

<b>Finding:</b>	<b>Form 44-A Field Receipts</b> Review of 87 manual Form 44-A field receipts, including 4 voided receipts, written by deputies in the field and associated office receipts revealed: <ul style="list-style-type: none"> <li>• Three voided receipts did not have an explanation for void.</li> <li>• One Form 44-A writ receipt amount was lowered by \$100 cash.</li> <li>• Two Form 44-A receipts did not have a method of payment (cash, check, money order) denoted.</li> <li>• Two of 36 Form 44-A receipts were not presented to the bookkeeper for two days during the February 2011 ice storm.</li> <li>• Six Form 44-A receipt books were partly used and contain unused receipts.</li> </ul> <p>An official receipt book issuance log is not used to track books issued to/returned by.</p>
<b>Work paper Reference:</b> <b>(or other method by which finding was identified)</b>	Work Paper No 3A, 3B, 3E, 3G.1, Observations Manual Receipts Form 44-A
<b>Condition: (Describe the current condition)</b>	<p>Writ deputies collect funds in the field using form 44-A receipts for writs of execution, orders of sale, and tax warrants. In some instances, the defendant will pay the judgment amount to avoid a sale of property by the writ deputy.</p> <p>When payments are received, the writ deputy will prepare a three-part manual receipt noting the payment method, certified/cashiers check/money order number or count the cash received as applicable, amount paid by judgment and commission including total paid, payer information, case style and number, and receipt date. If an error is made on the receipt, the writ deputy will write 'VOID' across the receipt and note the reason for the void. All copies of the voided receipt will be retained by the writ deputy for filing at the precinct office. For all valid receipts, the writ deputy will sign the receipt and issue the original receipt to the payer. The second receipt copy and funds received will be turned over to the bookkeeper when the deputy returns to the office. An original office receipt will be received from bookkeeper and attached to the third copy of the form 44-A (manual field) receipt which is retained in numerical order. The bookkeeper posts a memo entry of funds received to the Constable Civil System, and prepares weekly deposits and submits to the County Treasurer</p> <p>With the implementation of County-Wide Receipting (CWR), computer receipts are printed and attached to the form 44-A receipt. A second copy of the computer receipt is printed and attached to the pink copy of the form 44-A receipt and kept by the bookkeeper in a folder for pending special fund disbursements.</p> <p>Copies of the receipt book requisition forms are used by Precinct 5 to keep track of the 44-A receipt books issued to deputies.</p> <p>If funds are collected after normal business hours, deputies will secure monies off-site until the next business day.</p>
<b>Criteria:</b> <b>(Describe the optimal condition)</b>	<p>Best practices for accounting controls require that:</p> <ul style="list-style-type: none"> <li>• All monies received by Constable personnel should be promptly receipted for the amount of funds tendered, correct change given to customers, and all funds received properly secured, and deposited in accordance with V.T.C.A., Local Government Code § 113.022</li> </ul>





	<p>and procedures recommended by the County Auditor.</p> <ul style="list-style-type: none"> <li>All receipts should be accounted for (properly used and kept in numerical order) and be posted and deposited properly and timely. The original office receipt should be given to the deputy and attached to the receipt remaining in the form 44-A field receipt book. The second copy of the form 44-A field receipt should be attached to the second copy of the office receipt which is retained in numeric sequence.</li> <li>In accordance with V.T.C.A., Civil Practice and Remedies Code, § 34.047. DISTRIBUTION OF SALE PROCEEDS. (a) An officer shall deliver money collected on execution to the entitled party at the earliest opportunity.</li> <li>Receipts should not be altered, but properly voided and affixed with a reason for the void, with retention of all voided copies.</li> </ul>				
<b>Cause:</b> (Describe the cause of the condition if possible)	<p>Deputy oversight Instances of recommended accounting procedures for receipts not followed.</p>				
<b>Effect:</b> (Describe or quantify any adverse effects)	Decreased internal control over funds collected.				
<b>Recommendation:</b> (Describe corrective action)	<p>Proper receipt procedures for money received outside the office should include:</p> <ul style="list-style-type: none"> <li>The deputy constable should immediately write a form 44-A (manual field) receipt for all funds received.</li> <li>The form 44-A field receipt should clearly indicate the payment method, amount received, date, all relevant case information, and deputy name.</li> <li>The deputy constable should immediately on return to the office provide monies and the second copy of the form 44-A field receipt to the bookkeeper. At which time, the bookkeeper should immediately write an office receipt for the correct amount. All funds should be presented to the bookkeeper in the payment type received. If the bookkeeper is not present, money should be counted by a second deputy constable with affirmation noted on the receipt and properly secured.</li> <li>The original office CWR receipt should be given to the deputy and attached to the receipt remaining in the form 44-A (manual field) receipt book.</li> <li>The chief clerk should periodically scan the receipt books returned to verify adherence to the prescribed procedures with follow-up conducted for any anomalies.</li> <li>Receipts should not be altered, but properly voided and affixed with a reason for the void with retention of all voided copies.</li> <li>The receipt custodian should maintain a log of all form 44-A receipt books obtained from the supply room and issued to deputies. The log should include receipt numbers, the deputy's signature and dated issued and returned.</li> </ul> <p>Distribution and the return of completed receipt books should be controlled through recordkeeping procedures to include a tracking log of receipt books issued to and returned. A manual or electronic receipt log should be used and include the sequence number(s) of the receipt book(s) issued, to whom, signature of the receiver, and date. Additionally, columns should exist for date returned and by whom.</p>				
<b>Responsible Department or Organization:</b>	Constable Precinct 5				
<b>Management's Response:</b>	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<b>Respondent:</b>	Fred Collie, Chief Deputy	<b>Date:</b> August 1, 2012
<b>Comments:</b>	The Writ Deputy/s will immediately adopt all best practices for accounting controls outlined and Precinct 5 will comply with and adopt all recommendations.				
<b>Disposition:</b>	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration		



**Finding Number:** 12.C5.01.02  
**Date:** 2/10/2012  
**Audit:** Constable Precinct 5 FY 10 – 12 (1/31/2012)  
**Auditor(s) Assigned:** PA

<b>Findings:</b>	<b>Assessments</b> Review of 74 payment postings to the Constable Civil System (CCS) for compliance with service fees established by Commissioners Court orders revealed : <ul style="list-style-type: none"> <li>• One capias service fee amount was assessed / collected / receipted for \$60. (Fee amount should be \$130)</li> <li>• Two instances where the paper type receipted differed from the paper type entered in the CCS.</li> <li>• Three instances where the amount collected and payment information was not entered in the CCS.</li> <li>• One paper transferred to Precinct 3 for service without transfer of service fee credit.</li> </ul>
<b>Work paper Reference:</b> (or other method by which finding was identified)	Work Paper No. 3F FY 2011, 3F FY2012, R03423 List of Disposed Papers, Observations
<b>Condition: (Describe the current condition)</b>	<p>In accordance with Local Government Code, § 118.131, service fee rates are established and approved by Commissioners Court prior to October 1<sup>st</sup> of each year to be effective on January 1<sup>st</sup>.</p> <p>Parties wishing to secure service by the constable precinct may refer to the Commissioners Court order approved annually in September, contact the constable precinct by phone, or locate the listing published by the State Comptroller. Payments made direct to the constable include service requests from outside Dallas County and papers stamped with "costs not complied with" by the court of issuance. Most payments are received via the U.S. Mail. Parties to a suit occasionally remit the wrong service fee amount. Overpayments \$10 or less are not refunded unless specifically requested by the party seeking service of process. Service fees are assessed / collected by the bookkeeper referencing the case number, style of the case, paper type, payer and payer address, payment type, date paid, payment amount, and type of deposit. Fees remitted for service on tax suits may be less than approved schedules due to insufficient collection of funds at a tax sale.</p>
<b>Criteria:</b> (Describe the optimal condition)	<p>Best practices for accounting controls require that:</p> <ul style="list-style-type: none"> <li>• Procedures should be established with supervisory review of assessments and receipts.</li> <li>• Service fees should be assessed / collected in compliance with applicable state laws including V.T.C.A, Local Government Code, § 118.131 and Commissioners Court orders.</li> </ul> <p>Per Rules of Civil Procedure, <b>RULE 126. FEE FOR EXECUTION OF PROCESS, DEMAND.</b> No sheriff or constable shall be compelled to execute any process in civil cases coming from any county other than the one in which he is an officer, unless the fees allowed him by law for the service of such process shall be paid in advance; except when affidavit is filed, as provided by law or these rules. The clerk issuing the process shall endorse thereon the words "pauper oath filed," and sign his name officially below them; and the officer in whose hands such process is placed for service shall serve the same.</p> <p>Per Rules of Civil Procedure, <b>RULE 107. RETURN OF SERVICE</b> (a) The officer or authorized person executing the citation must complete a return of service. The return may,</p>



	<p>but need not, be endorsed on or attached to the citation.</p> <p>Per Rules of Civil Procedure, <b>RULE 129. HOW COSTS COLLECTED.</b> If any party responsible for costs fails or refuses to pay the same within ten days after demand for payment, the clerk or justice of peace may make certified copy of the bill of costs then due, and place the same in the hands of the sheriff or constable for collection.....</p> <p>Per Family Code, <b>Sec. 157.103. CAPIAS FEES.</b>          (a) The fee for issuing a capias as provided in this chapter is the same as the fee for issuance of a writ of attachment.          (b) The fee for serving a capias is the same as the fee for service of a writ in civil cases generally.</p> <p>A record of original entry should be posted for tracking/reporting and include all updates of all required data elements accurately and timely.</p>				
<b>Cause:</b> (Describe the cause of the condition if possible)	Clerical error and oversight.				
<b>Effect:</b> (Describe or quantify any adverse effects)	Under collection of revenue.				
<b>Recommendation:</b> (Describe corrective action)	<p>Proper fee assessment procedures should include:</p> <ul style="list-style-type: none"> <li>• Service fees should be properly assessed (based on the issuance date), collected and timely deposited based on state laws, Commissioner Court orders, etc.</li> <li>• The fee amount earned should be entered in the system and recorded on the return for all papers served including those exempt from prepayment of service fee (i.e. papers served by virtue of pauper's affidavit, protective orders, tax suits, etc.).</li> <li>• Revenue transfer forms/memos should be submitted to Financial Audit when payments are receipted by Precinct No. 5, but papers are transferred to other agencies for service.</li> </ul>				
<b>Responsible Department or Organization:</b>	Constable Precinct 5				
<b>Management's Response:</b>	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<b>Respondent:</b>	Fred Collie, Chief Deputy	<b>Date:</b> August 1, 2012
<b>Comments:</b>	Precinct 5 will comply with all recommendations.				
<b>Disposition:</b>	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration		



Finding Number: 12.C5.01.03  
 Date: 2/23/2012  
 Audit: Constable Precinct 5 FY10 – FY 12 (1/31/2012)  
 Auditor(s) Assigned: PA

<b>Finding:</b>	<b>Special Fund</b> Review of the special fund activity including twenty-one checks, general ledger and internal control procedures for separation of duties, authorization, funds available for disbursement and proper payees revealed: <ul style="list-style-type: none"> <li>• Eight checks were issued for amounts exceeding the specific available balances by case due to receipt/deposit errors on the split for commission and special fund collection.  <b>Status:</b> \$740.02 was disbursed from constable commissions to correct the special fund deposits.</li> <li>• Limited segregation of duties noted over the bookkeeper's responsibility to prepare disbursement file and authorize the file for check printing.</li> <li>• Old (prior to current incumbent's term in office) balances over three years old totaling \$66,895.28 in the special fund account have not been researched for disbursement to the applicable party, the recovery of excess disbursements, or escheatment to the County Treasurer or State Comptroller.             <ul style="list-style-type: none"> <li>○ \$26,393 of the \$66,895.28 consists of two seizures which are not eligible for forfeiture under Code of Criminal Procedure Chapter 59. According to the District Attorney's office, the sworn statement was not filed within the required timeframe for one of the seizures and no record exists for the other seizure.</li> </ul> </li> </ul>
<b>Work paper Reference:</b> (or other method by which finding was identified)	Work Paper No 4A FY2010 – FY2012, 4B FY2010 – FY2012, 4C FY2010 – FY2012, 5B and 6E
<b>Condition:</b> (Describe the current condition)	<p>The bookkeeper maintains ledger sheets of the special fund activity due to lack of accounting and reporting within the Constable Civil System. The bookkeeper records dates, case numbers, case parties, and amount deposited into the special fund bank account.</p> <p>Special fund checks are issued to disburse judgment funds and/or to refund overpayment of service fees. Seized/confiscated funds are also deposited in the special fund.</p> <p>After review of the special fund ledger, the bookkeeper will determine which amounts can be disbursed depending on when the funds were deposited (typically seven days after deposit). The bookkeeper prepares and saves a special fund disbursement file to a designated computer drive. The file is reviewed for General Ledger funds availability and approved for processing by the Auditor's office. The County Treasurer's office sends a confirmation file to the bookkeeper for approval or rejection prior to printing the special fund checks. If approved, the checks are printed in the County Treasurer's office via Document Express and mailed as addressed. The bookkeeper updates the disbursement information to the ledger sheets and records a memo entry on the Constable Civil System.</p> <p>The constable's office relies on the County Treasurer for bank reconciliations to Oracle and does not affirm transactions on the Oracle special fund general ledger to the ledger sheets maintained by the bookkeeper. No standard procedures established to conduct annual review of fund balances and resolve as appropriate.</p>
<b>Criteria:</b> (Describe the optimal condition)	According to recommended best practice: <ul style="list-style-type: none"> <li>• To provide oversight, supervisory verification of all cash transactions (receipts or disbursements) should be consistent and evidenced on subsidiary reconciliation.</li> <li>• To safeguard funds and improve reporting accuracy, departmental subsidiary ledgers should be periodically reconciled and compared to Oracle GL. Assigned cash handling duties are separated.</li> </ul>





	<ul style="list-style-type: none"> <li>To comply with statutes, stale dated checks and undisbursed funds should be reviewed in accordance with unclaimed property statutes, V.T.C.A., Property Code, § 72 and 76.</li> <li>To provide constituent service, funds should be disbursed in a timely manner to the appropriate parties.</li> </ul> <p>Per Code of Criminal Procedure, Art. 59.03. SEIZURE OF CONTRABAND</p> <p>(c) A peace officer who seizes property under this chapter has custody of the property, subject only to replevy under Article 59.02 of this code or an order of a court. A peace officer who has custody of property shall provide the attorney representing the state with a sworn statement that contains a schedule of the property seized, an acknowledgment that the officer has seized the property, and a list of the officer's reasons for the seizure. Not later than 72 hours after the seizure, the peace officer shall:</p> <ol style="list-style-type: none"> <li>(1) place the property under seal;</li> <li>(2) remove the property to a place ordered by the court; or</li> <li>(3) require a law enforcement agency of the state or a political subdivision to take custody of the property and move it to a proper location.</li> </ol> <p>Per Code of Criminal Procedure, Art. 59.04. NOTIFICATION OF FORFEITURE PROCEEDING.</p> <p>(a) If a peace officer seizes property under this chapter, the attorney representing the state shall commence proceedings under this section not later than the 30th day after the date of the seizure.</p> <p>(b) A forfeiture proceeding commences under this chapter when the attorney representing the state files a notice of the seizure and intended forfeiture in the name of the state with the clerk of the district court in the county in which the seizure is made. The attorney representing the state must attach to the notice the peace officer's sworn statement under Article 59.03 of this code or, if the property has been seized under Article 59.12(b), the statement of the terms and amount of the depository account or inventory of assets provided by the regulated financial institution to the peace officer executing the warrant in the manner described by Article 59.12(b). Except as provided by Subsection (c) of this article, the attorney representing the state shall cause certified copies of the notice to be served on the following persons in the same manner as provided for the service of process by citation in civil cases:</p>
<b>Cause:</b> (Describe the cause of the condition if possible)	<p>Clerical error</p> <p>Lack of supervisory verification</p> <p>Sworn statements not filed timely</p>
<b>Effect:</b> (Describe or quantify any adverse effects)	<p>Penalties from the State for not following escheat statutes may be assessed if not corrected.</p> <p>Seized funds cannot be forfeited for use by law enforcement agency.</p>
<b>Recommendation:</b> (Describe corrective action)	<p>Proper special fund procedures should include:</p> <ul style="list-style-type: none"> <li>Verification of the availability of money in the special fund for a particular individual or case prior to the initiation of a special fund check.</li> <li>Segregation of responsibilities to limit the same employee's authority to receipt payments, prepare deposits, prepare disbursements, and authorize special fund disbursements. The approval of preliminary check files should be limited to supervisory staff not responsible for preparing initial special fund disbursement file.</li> <li>The special fund control ledger should be periodically reviewed and reconciled to the Oracle general ledger by supervisory personnel to ensure that all special fund deposits and disbursements are properly posted.</li> <li>Unclaimed property statutes in V.T.C.A., Property Code Chapter 72 and 76 should be followed when special fund checks are stale dated by the County Treasurer or funds remain undisbursed in the special fund and cannot be disbursed to the court of jurisdiction.</li> </ul>



	Peace officers should file sworn statements, timely, for criminal seizures under Code of Criminal Procedure, Chapter 59 with the District Attorney's (DA) office allowing adequate lead time for the DA to subsequently file a case with the District Clerk no later than 30 days after the date of seizure. Seized funds not eligible for forfeiture and not considered evidence should be returned to the party seized from unless otherwise directed by a court of law.				
<b>Responsible Department or Organization:</b>	Constable Precinct 5				
<b>Management's Response:</b>	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<b>Respondent:</b>	Fred Collie, Chief Deputy	<b>Date:</b> August 1, 2012
<b>Comments:</b>	Precinct 5 will comply with and institute all recommendations				
<b>Disposition:</b>	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration		



**Finding Number:** 12.C5.01.04  
**Date:** 2/23/2012  
**Audit:** Constable Precinct 5 FY 10 – FY 12 (1/31/2012)  
**Auditor(s) Assigned:** PA

<b>Finding:</b>	<p><b>Civil Papers</b></p> <p>Comparison of 44 civil paper returns and the associated County Clerk and District Clerk Odyssey records and 30 civil paper returns and the various Justice of the Peace mainframe records for proper credit and review of R03423 for October 2011 revealed:</p> <ul style="list-style-type: none"> <li>• 13 county and district court civil process were returned to the courts unexecuted without attempted service by Precinct 5. Reason noted in Constable Civil System was Reduction in Force (RIF) per court order:               <ul style="list-style-type: none"> <li>○ Two civil papers require refund of payment to payer because no attempt made by constable per paper returned to the court without transfer to the Sheriff for service.</li> <li>○ Six civil papers with payments receipted by Precinct 5 and transferred to and worked by Sheriff require payment transfer from Constable to Sheriff.</li> <li>○ Five civil papers with monetary credit for Precinct 5 in Odyssey transferred to and worked by Sheriff require payment transfer from Precinct 5 to Sheriff.</li> </ul> </li> <li>• One civil paper transferred to another precinct but monetary credit given to Precinct 5 by county clerk.</li> <li>• One civil paper served with monetary credit recorded to another precinct by a justice of the peace court.</li> <li>• Two service fees without monetary credit recorded by the district clerk. Payment amounts remain in the pre-paid service fee escrow account.</li> <li>• One instance in which the incorrect Fee Amount Earned posted to Constable Civil System.</li> <li>• 60 civil/family/probate/juvenile papers and warrants received prior to October 1, 2011 were returned to the district, county, and truancy courts unexecuted citing Reduction in Force.</li> </ul>
<b>Work paper Reference: (or other method by which finding was identified)</b>	<p>Work Paper No. 6A&amp;B, R03423 List of Disposed Paper October 2011</p>
<b>Condition: (Describe the current condition)</b>	<p>The constable's office receives papers via court clerks where parties to a case request service through the court clerk. The court clerks require payment in advance or denote payment exception for civil papers to be served by the Dallas County sheriff or constable agencies with the papers routed to the appropriate agency for service. Exceptions to pre-payment for service include:</p> <ul style="list-style-type: none"> <li>• Parties that have been approved by the court as indigent. The clerk issuing the process would endorse thereon the words "pauper oath filed".</li> <li>• Papers (citations, notices, capiases, etc.) for IV-D cases requested by the Attorney General.</li> <li>• Cases involving tax suits filed by governmental entities.</li> <li>• Cases filed by governmental entities which are exempted from security of filing and service fees.</li> <li>• Protective orders and garnishments. Returns on garnishments are not sent to the court of original issuance by the precinct until payment is received.</li> <li>• Attorneys may request civil papers be issued directly to the attorney for handling and service. The court clerk issuing the process would endorse thereon the words "costs not complied with". The attorney will mail or have these civil papers delivered directly to either a law enforcement agency or private process server. When an attorney selects a constable precinct for service, payment will accompany the civil process or the paper will be held by the constable precinct without service pending payment. The attorney will be notified by the constable precinct of the amount due in order for service to be completed and paper returned to court.</li> </ul>



	<p>After paper service, constable staff returns papers to the issuing court (justice of the peace, truancy courts, county clerk or district clerk) thus enabling clerk to properly recognize prepaid revenue. Only papers issued by the Justice of the Peace courts are reviewed because constable staff does not have access to Odyssey to view financial tab and verify if proper credit has been given. The District Clerk moves funds from a prepaid service escrow account when a completed paper return is received.</p> <p>Effective November 2011, County Clerk, District Clerk, and Truancy courts discontinued submitting papers for service to the Constable precincts.</p>
<b>Criteria:</b> <b>(Describe the optimal condition)</b>	<p>County, District, and Justice of the Peace courts should properly assess and record credit for civil paper service including the collection of constable fees due.</p> <p><b>Per V.T.C.A., L.G.C., § 86.021. GENERAL POWERS AND DUTIES.</b> (a) A constable shall execute and return as provided by law each process, warrant, and precept that is directed to the constable and is delivered by a lawful officer. Notices required by Section 24.005, Property Code, relating to eviction actions are process for purposes of this section that may be executed by a constable.</p> <p>(b) A constable may execute any civil or criminal process throughout the county in which the constable's precinct is located and in other locations as provided by the Code of Criminal Procedure or by any other law.</p> <p>(c) A constable expressly authorized by statute to perform an act or service, including the service of civil or criminal process, citation, notice, warrant, subpoena, or writ, may perform the act or service anywhere in the county in which the constable's precinct is located.</p> <p>(d) Regardless of the Texas Rules of Civil Procedure, all civil process may be served by a constable in the constable's county or in a county contiguous to the constable's county, except that a constable who is a party to or interested in the outcome of a suit may not serve any process related to the suit. All civil process served by a constable at any time or place is presumed to be served in the constable's official capacity if under the law the constable may serve that process in the constable's official capacity. A constable may not under any circumstances retain a fee paid for serving civil process in the constable's official capacity other than the constable's regular salary or compensation. Any fee paid to a constable for serving civil process in the constable's official capacity shall be deposited with the county treasurer of the constable's county.</p> <p>(e) The constable shall attend each justice court held in the precinct.</p> <p><b>Rules of Civil Procedure, RULE 17. OFFICER TO EXECUTE PROCESS</b> - Except where otherwise expressly provided by law or these rules, the officer receiving any process to be executed shall not be entitled in any case to demand his fee for executing the same in advance of such execution, but his fee shall be taxed and collected as other costs in the case.</p> <p><b>Rules of Civil Procedure, RULE 126. FEE FOR EXECUTION OF PROCESS, DEMAND</b> - No sheriff or constable shall be compelled to execute any process in civil cases coming from any county other than the one in which he is an officer, unless the fees allowed him by law for the service of such process shall be paid in advance; except when affidavit is filed, as provided by law or these rules. The clerk issuing the process shall indorse thereon the words "pauper oath filed," and sign his name officially below them; and the officer in whose hands such process is placed for service shall serve the same.</p> <p><b>Per V.T.C.A., L.G.C., § 113.903. COLLECTION MADE BY ONE OFFICER ON BEHALF OF ANOTHER.</b> (a) With the prior consent of the commissioners court and the officer to whom funds are owed, a district, county, or precinct officer authorized by law to receive or collect money or other property that belongs to the county may receive or collect, on behalf of another district, county, or precinct officer, money or property owed to the county.</p>





	<p>(b) If the officer collects money under this section, the officer shall deposit the money in accordance with Section 113.022.</p> <p>(c) When the officer reports or deposits the collection, the officer shall file with the report or deposit a statement of:</p> <p>(1) the name of the party paying the money;</p> <p>(2) the amount received;</p> <p>(3) the purpose for which the amount was received; and</p> <p>(4) the officer on whose behalf the money was collected.</p> <p>(d) the county auditor, or county clerk if there is no county auditor, and the county treasurer shall attribute money or property received or collected under this section to the account of the officer on whose behalf it is received or collected.</p> <p>(e) A person who accepts a payment under the terms of this section shall issue a receipt for any money received to the payer of the debt.</p>				
<b>Cause:</b> (Describe the cause of the condition if possible)	RIF				
<b>Effect:</b> (Describe or quantify any adverse effects)	<p>Fees credited to the wrong law enforcement and or paper service not recognized as income offsetting constable expenditures.</p> <p>Delays in statutorily required paper service.</p>				
<b>Recommendation:</b> (Describe corrective action)	<p>The department should:</p> <ul style="list-style-type: none"> <li>• Notify appropriate departments to make any necessary corrections.</li> <li>• Submit revenue transfer forms/memos to Financial Audit when payments are receipted by Precinct No. 5, but papers are transferred to other agencies for service.</li> <li>• Examine computerized court records associated with papers served or attempted to verify that the fees are properly credited to Precinct No. 5.</li> <li>• Review paper returns for accuracy and completeness prior to returning to court. The return should contain the fee amount earned, the serving deputy's name, constable precinct number, and time (s) / date (s) served or attempted.</li> </ul>				
<b>Responsible Department or Organization:</b>	Constable Precinct 5				
<b>Management's Response:</b>	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<b>Respondent:</b>	Fred Collie, Chief Deputy	<b>Date:</b> August 1, 2012
<b>Comments:</b>	Precinct 5 will comply with all recommendations.				
<b>Disposition:</b>	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration		



**Finding Number:** 12.C5.01.05  
**Date:** 2/23/2012  
**Audit:** Constable Precinct 5 FY 10 – 12 (1/31/2012)  
**Auditor(s) Assigned:** PA

<b>Findings:</b>	<p><b>Receivables and AG IV-D Billings</b></p> <p>Inquiry of constable personnel about the existence of receivables, review of the Constable's civil system and office receipts, and review of one complete monthly billing to the Attorney General (AG) for IV-D papers revealed:</p> <ul style="list-style-type: none"> <li>• Papers for tax suits, IV-D, and license suspensions are served without collecting the service fee in advance in accordance with statute.</li> <li>• One notice was not included on the October 2011 Attorney General billing for IV-D cases.</li> </ul> <p><b>Status:</b> Bookkeeper sent supplemental billing in February 2012.</p> <ul style="list-style-type: none"> <li>• Out of county papers are served without receipt of full payment when only a minimal amount remains due. Billing notices are sent to the respective attorneys and notifications remain unpaid. As of January 31, 2012, the receivable balance is \$864.45 (includes tax suits that are exempt from prepayment) with unpaid amounts dating back to August 2007.</li> <li>• Constable Civil System does not contain functionality or provide reporting of unpaid service fees.</li> </ul>
<b>Work paper Reference:</b> <b>(or other method by which finding was identified)</b>	<p>Work Paper No. 6D, Precinct 5 Service Fee Receivables spreadsheet and Work Paper 6C, AG IV-D Billings.</p>
<b>Condition:</b> <b>(Describe the current condition)</b>	<p>For papers originating from other counties, service fees are collected prior to serving and returning papers. Dallas County court clerks require payment in advance or denote payment exception for civil papers to be served by the sheriff or constable agencies with the papers routed to the appropriate agency for service. Exceptions to pre-payment for service include:</p> <ul style="list-style-type: none"> <li>• Parties that have been approved by the court as indigent. The clerk issuing the process would endorse thereon the words "pauper oath filed".</li> <li>• Papers (citations, notices, capiases, etc.) for IV-D cases requested by the Attorney General.</li> <li>• Cases involving tax suits filed by governmental entities.</li> <li>• Cases filed by governmental entities which are exempted from security of filing and service fees.</li> <li>• Protective orders and garnishments. Returns on garnishments are not sent to the court of original issuance by the precinct until payment is received.</li> <li>• Attorneys that request civil papers be issued directly to the attorney for handling and service. The court clerk issuing the process would indorse thereon the words "costs not complied with". The attorney will mail or have these civil papers delivered directly to either a law enforcement agency or private process server. When an attorney selects a constable precinct for service, payment will accompany the civil process or the paper will be held by the constable precinct without service pending payment. The attorney will be notified by the constable precinct of the amount due in order for service to be completed and paper returned to court. Instances were noted where service occurred and papers returned without full payment of service fee.</li> </ul> <p>Other than "costs not complied with" papers, papers received by the constable with above exceptions will be served without payment.</p>



	<p>After the end of the month, the bookkeeper prepares a detailed Attorney General billing for the service of IV-D papers received and processed. A summary invoice is submitted requesting reimbursement at 66% of the approved service fee amount. A billing is not prepared for the other exception categories.</p> <p>Unpaid receivables are not reported to the County Treasurer.</p>				
<b>Criteria:</b> (Describe the optimal condition)	<p>According to <b>Rule 126 of the Texas Rules of Civil Procedure</b>, "No sheriff or constable shall be compelled to execute any process in civil cases coming from any county other than the one in which he is an officer, unless the fees allowed him by law for the service of such process shall be paid in advance; except when affidavit is filed, as provided by law or these rules. The clerk issuing the process shall indorse thereon the words "pauper oath filed," and sign his name officially below them; and the officer in whose hands such process is placed for service shall serve the same. "</p> <p>According to <b>Rule 129 of the Texas Rules of Civil Procedure</b>, "If any party responsible for costs fails or refuses to pay the same within ten days after demand for payment, the clerk or justice of the peace may make certified copy of the bill of costs then due, and place the same in the hands of the sheriff or constable for collection....."</p> <p>According to <b>Local Government Code § 118.131</b> and Commissioners Court orders, service fees should be collected at the time of service request for all cases filed by non-governmental entities and individuals except for those individuals with approved affidavits of indigence on file. Exceptions include only those entities listed under Civil Practices and Remedies § 6.001, 6.002, and 6.003.</p> <p>Service fees under <b>Tax Code § 34.02</b> are payable only to the extent sufficient proceeds are available after the proceeds are first applied to:</p> <ol style="list-style-type: none"> <li>(1) the costs of advertising the tax sale;</li> <li>(2) any fees ordered by the judgment to be paid to an appointed attorney ad litem; and</li> <li>(3) the original court costs payable to the clerk of the court.</li> <li>(4) the fees and commissions payable to the officer conducting the sale;</li> </ol> <p>According to standardized collection processes, collection efforts on delinquent service fees should include billing letters and phone calls with notations reflected on subsidiary ledgers.</p>				
<b>Cause:</b> (Describe the cause of the condition if possible)	<p>Lack of receivable functionality within the mainframe Constable Civil System.</p> <p>Service performed without full payment of service fees.</p>				
<b>Effect:</b> (Describe or quantify any adverse effects)	<p>Potential loss of revenue.</p>				
<b>Recommendation:</b> (Describe corrective action)	<p>Billing procedures should include:</p> <ul style="list-style-type: none"> <li>• Assess, bill, and collect service fees based on State laws, Commissioners Court orders, Rules of Civil Procedure, etc.</li> <li>• Bookkeeper should continue to maintain a ledger to track outstanding service fees with periodic follow-up and delinquent billing notifications.</li> <li>• County Treasurer should be advised of debts due the County in accordance with V.T.C.A., L.G.C., § 154.045.</li> </ul>				
<b>Responsible Department or Organization:</b>	Constable Precinct 5				
<b>Management's Response:</b>	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<b>Respondent:</b>	Fred Collie, Chief Deputy	<b>Date:</b> August 1, 2012
<b>Comments:</b>	Precinct 5 will comply with all recommendations.				
<b>Disposition:</b>	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration		



**Finding Number:** 12.C5.01.06  
**Date:** 2/23/2012  
**Audit:** Constable Precinct 5 FY 10 – 12 (1/31/2012)  
**Auditor(s) Assigned:** PA

<b>Finding:</b>	<b>Commission Calculations</b> Review of commission calculations on 30 writ collections for compliance with Commissioners Court approved rates revealed: <ul style="list-style-type: none"> <li>• Incorrect rate used to calculate commission on auction sale resulting in an over collection of \$150.  <b>Status:</b> Refunded via special fund check.</li> <li>• One instance in which the commission amount collected was \$2500 (the maximum amount allowed for a non-sale) causing in an over collection of \$766.39.</li> <li>• One instance in which commission was under collected by \$10.</li> <li>• Multiple fees are assessed for posting notices at each location for sales of personal property.</li> </ul>
<b>Work paper Reference:</b> (or other method by which finding was identified)	Work Paper No. 6E 2010, 6E 2011
<b>Condition:</b> (Describe the current condition)	<p>Writs of execution and orders of sale are routed by constable clerical staff to the writ officers for service. A commission calculation worksheet is prepared by the writ officer based on collection with or without a sale including the calculation of any post judgment interest. The defendant is served and advised of the amount required to be paid to satisfy the judgment and commission. If payment is received satisfying the judgment, a sale will not occur. If payment is not received, the officer identifies statutorily eligible real property and/or personal property that can be seized and sold. Notice of a sale for real property is published in the Daily Commercial Record newspaper and notices are posted in different locations, thereafter; a sale is conducted. The Daily Commercial Record is paid by either the plaintiff or its representative before the auction date. A \$20 fee is assessed for each location where a notice is posted and for every one sent through certified mail. Real property is sold at the George Allen Courts Building. Commissions on sales are calculated at twice the rate as without a sale.</p> <p>Writ deputies obtain services of insured (level of insurance that is equal to or exceeding minimum levels required by the State and acceptable to the Constable with the constable precinct named as an additional insured) wreckers and/or storage facilities/warehouseman (previously authorized by the Constable) to remove and store seized personal property until the sale takes place. Seized personal property is stored by a warehouseman who is eligible to receive compensation from the sale for hauling seized items and the corresponding storage fees. The deputy will sell property at the location listed in the notice. Storage facility fees are deducted from the successful bid and required to be paid directly to the storage facility by the successful bidder to obtain the property.</p> <p>The successful bidder is required to pay by cash, cashiers check, and/or money order. The writ officer issues a receipt of payment to the successful bidder for the full (except when storage fees are to be paid directly to the storage facility by the successful bidder) amount bid. The writ officer accepts valid bids from anyone present and records each bid by bidder on bid data sheets for each item being sold. The writ officer issues the required bill of sale to the successful bidder and completes other legally required documentation. The bid sheets, commission calculation sheet, copy of the writ, and copies of other documentation are maintained by the writ officer at the constable's office in individual folders.</p>





<b>Criteria:</b> (Describe the optimal condition)	<p>Constable commission calculation worksheet should indicate whether the collection is made with or without a sale and should list all variables including the judgment date, judgment amount, judgment credit, attorney fees, interest rate, court costs, applicable commission percentages, and deputy hours spent.</p> <p>According to Dallas County court orders 2009-1802, 2010-1626, and 2011-1662 "Commission calculations should include judgment, interest, and attorney fees collected while excluding any court costs."</p> <p>According to Rule of Civil Procedure, Rule 647, NOTICE OF SALE OF REAL ESTATE, the officer shall post such notice in writing in three public places in the county if no newspaper will publish the notice of sale for the compensation herein fixed.</p> <p>According to Rule of Civil Procedure, Rule 650, NOTICE OF SALE OF PERSONAL PROPERTY, the sale of any personal property levied on under execution shall be given by posting notice thereof for ten days successively immediately prior to the date of sale at the courthouse door of any county and at the place where the sale is to be made.</p> <p>According to Texas Tax Code Chapter 34.01. Sale of Property, (m)... As soon as practicable after a deed is executed by the officer, the officer shall either file the deed for recording with the county clerk or deliver the executed deed to the taxing unit that requested the order of sale which shall file the deed for recording with the county clerk. The county clerk shall file and record each deed filed under this subsection and after recording shall return the deed to the grantee.</p>				
<b>Cause:</b> (Describe the cause of the condition if possible)	Writ deputy calculation errors				
<b>Effect:</b> (Describe or quantify any adverse effects)	Potential liability to County if bidders are required to pay more than required by law.				
<b>Recommendation:</b> (Describe corrective action)	<ul style="list-style-type: none"> <li>The commission calculation should include the judgment, interest, and attorney fees and the approved commission percentages and hourly rates as authorized by Commissioners Court. Calculations should be verified / reviewed by another person (chief deputy or chief clerk).</li> <li>One notice fee per posted sale (per writ) should be assessed in accordance with Commissioner's court orders unless parties to the sale request additional locations not required by statute or the Rules of Civil Procedure.</li> <li>Excess commission should be refunded.</li> </ul>				
<b>Responsible Department or Organization:</b>	Constable Precinct 5				
<b>Management's Response:</b>	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<b>Respondent:</b>	Fred Collie, Chief Deputy	<b>Date:</b> August 1, 2012
<b>Comments:</b>	Precinct 5 will institute all recommendations.				
<b>Disposition:</b>	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration		



**Finding Number:** 12.C5.01.07  
**Date:** 2/23/2012  
**Audit:** Constable Precinct 5 FY 10 – 12 (1/31/12)  
**Auditor(s) Assigned:** PA

<b>Finding:</b>	<b>Criminal Process</b> Review of active warrant/capias procedures revealed: <ul style="list-style-type: none"> <li>• Warrants are entered on a daily basis as received.</li> <li>• Instances of warrants over 2 years old returned to the court(s) unexecuted instead of remaining active until served or recalled by issuing court.</li> <li>• Instances of recalls not processed after request for delay from the constable's office to justice courts due to office remodeling and basement fire.  <b>Status:</b> Justice court submitted second recall requests which were processed by the constable's office.</li> <li>• Constable Civil System lacks true aging.</li> <li>• Approximately 37,095 active warrants as of 1/19/2012. Hundreds not worked by deputies.             <ul style="list-style-type: none"> <li>◦ 31,465 (85%) outstanding over 365 days</li> </ul> </li> <li>• Unsuccessful service attempts are manually tracked on the warrant and not recorded to the Constable Civil System.</li> </ul>
<b>Work paper Reference:</b> <b>(or other method by which finding was identified)</b>	Work Paper No. 6G
<b>Condition:</b> <b>(Describe the current condition)</b>	<p>Warrants and capias are received from the Justice of the Peace courts and Truancy courts. Occasionally, mental illness warrants are received from the Justice courts or capiases from the Attorney General's Office. The papers are time stamped by the warrant clerk as soon as received in office. Subsequently, an internal office number is assigned to the warrant and the data is entered to the Constable Civil System.</p> <p>After the warrants have been entered into the system, the desk office deputy will verify that the warrant information is accurate and AIS jail information is also checked to determine if individual is in custody. If the individual is in jail, the warrant is served at the jail. The warrants are alphabetized by the defendant's name to be filed in the 'wall file' and eventually worked by deputies. On Tuesdays and Fridays the two assigned warrant deputies focus on working juvenile warrants. Class C, AG warrants, and other rush papers are worked on the remaining days. When serving a capias, the individual is brought to court.</p> <p>Phone calls are made by the warrant deputies and occasionally by the warrant clerk. Postcards are sent by the chief clerk and warrant clerk. Three good attempts are initiated to serve warrants before the warrants are placed on Regional (OMNIX) and routed to the Sheriff's office. Service attempts notations are made on the paper warrant but service attempts are not entered into the constable civil system.</p> <p>The 'Return' information (including date and deputy name) on served warrants or capiases will be completed by the deputy constables, service information entered by the clerical staff on CW50/WX50, returned to the court of issuance. Served and unserved warrants are returned to the court and taken off the constable civil system and Omnix. On Omnix if one warrant is taken off system programming automatically removes others for the same person, although the other warrants are still active. The clerk has to reenter the active warrant back to Omnix.</p> <p>Recall warrant sheets automatically print in the constable's office from the justice of the peace or truancy courts. Recalls are processed by the warrant clerk. Constable staff enters an 'R' (recalled) on constable civil system for the disposition type for most recalled warrants. The warrant returned to the</p>



	<p>court if not on Regional. A summary printout of all entered recalls is generated and clerks compare it to the recall printouts from court.</p> <p>Constable implemented policy to age purge warrants and capias after two years (mirrors Sheriff policy). Every six months, warrants (not placed on Regional) in the wall file are reviewed and warrants and/or capias <u>not</u> recalled by the court are cancelled by constable staff and returned to the court unexecuted.</p> <p>Due to the Reduction in Force, hundreds of warrants were returned unexecuted to the truancy courts in October 2011.</p>
<b>Criteria:</b> <b>(Describe the optimal condition)</b>	<p>According to Local Government Code § 86.021(a), a constable shall execute and return as provided by law each process, warrant, and precept that is directed to the constable and is delivered by a lawful officer.</p> <p>According to Local Government Code § 86.024(a), a constable that fails or refuses to execute and return according to law a process, warrant, or precept that is lawfully directed and delivered to the constable, the constable shall be fined for contempt before the court that issued the process, warrant, or precept on the motion of the person injured by the failure or refusal.</p> <p>According to Code of Criminal Procedure § 23.18, RETURN OF CAPIAS, the return of the capias shall be made to the court from which it is issued. If it has been executed, the return shall state what disposition has been made of the defendant. If it has not been executed, the cause of the failure to execute it shall be fully stated. If defendant has not been found, the return shall further show what efforts have been made by the officer to find him, and what information he has as to the defendant's whereabouts.</p> <p>According to Code of Criminal Procedure § 12.08, MISDEMEANOR, a complaint or information for any Class C misdemeanor may be presented within two years from the date of the commission of the offense, and not afterward. The justice court will not issue a warrant without the complaint on file. Therefore, expiration dates should not apply to active warrants.</p> <p>Constable civil system should accurately reflect the status of the warrant/capias, example recalled ("R"), regional ("O"), served ("S"), and unserved ("U").</p>
<b>Cause:</b> <b>(Describe the cause of the condition if possible)</b>	Inconsistent service procedures for the servicing of warrants/capias.
<b>Effect:</b> <b>(Describe or quantify any adverse effects)</b>	<p>Inability to systemically track service attempts.</p> <p>Potential for unresolved court cases if warrants not served.</p>
<b>Recommendation:</b> <b>(Describe corrective action)</b>	<p>A management plan should be developed and procedures documented for processing and returning warrants/capias properly and timely. Processes should include:</p> <ul style="list-style-type: none"> <li>• Clerical staff key required information into the Constable civil system, accurately and timely.</li> <li>• Warrants are appropriately assigned to deputy constables for working.</li> <li>• Valid successful and/or unsuccessful dates are recorded on the paper returns and Constable Civil System.</li> <li>• Warrants recalled by courts are properly and timely recalled through the Constable Civil System and Regional system.</li> <li>• Disposition codes are properly entered on the Constable civil system.</li> <li>• Warrants remain active until served or recalled by the court.</li> </ul>
<b>Responsible Department or Organization:</b>	Constable Precinct 5
<b>Management's Response:</b>	<input checked="" type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree <b>Respondent:</b> Fred Collie, Chief Deputy <b>Date:</b> August 1, 2012
<b>Comments:</b>	Precinct 5 has developed a management plan for processing and returning warrants/capias properly and in a timely manner. Codification of the plan is underway. Clerical staff key required information into the



	<p>Constable Civil System, accurately and timely. Warrants are appropriately assigned to deputy constables for working (when not short-staffed). Valid successful and/or unsuccessful dates are recorded on the paper returns and not the Constable Civil System since recording such information on the Constable Civil System would add little value and require additional administrative work for Warrant Deputies and one would not work the warrant absent the paper copy. Warrants recalled by courts are properly and timely recalled through the Constable Civil System and Regional system. Disposition codes are properly entered on the Constable civil system. Servable warrants (those with identifiers and addresses) remain active until served or recalled by the court. Currently warrants over two-years old are sent to the court and reissued (CCP 12.02). It should be noted that the Sheriff's Office will no longer accept Class C warrants for entry into the regional system thus making it less likely that those warrants will ever be served.</p>		
<b>Disposition:</b>	<input checked="checked" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration





**Finding Number:** 12.C5.01.08  
**Date:** 3/1/2012  
**Audit:** Constable Precinct 5 Audit FY 10 – 12 (1/31/2012)  
**Auditor(s) Assigned:** PA

<b>Finding:</b>	<p><b>Time and Attendance</b></p> <p>Observation of office schedules and review of manual attendance records and Kronos time and attendance system postings revealed:</p> <ul style="list-style-type: none"> <li>• One employee's holiday time was coded as sick time in Kronos.</li> <li>• One employee's request for personal day coded as vacation in Kronos.</li> <li>• One employee took three personal days in 2010. Only two personal days were approved by Commissioner's Court.</li> <li>• Two employees took vacation time during their probationary period.</li> <li>• One employee's paid administrative leave was incorrectly coded as holiday pay.</li> <li>• All employees received up to 18 hours of holiday pay for inclement weather in February 2011               <ul style="list-style-type: none"> <li>○ Commissioners Court approved eight (8) hours for official closing.</li> </ul> </li> <li>• 16 hours recorded as sick leave in Kronos for time listed as 'out of town' on leave request form.</li> <li>• 16 hours recorded as sick leave in Kronos for time the employee had requested in the prior month to use vacation. Leave form was subsequently revised to note 'became ill'.</li> <li>• 4 hours recorded as regular work time in Kronos for time the employee had submitted a sick leave request form to be off on the same date as the date of the form.</li> <li>• Chief Deputy received approved time off (ATO) while not averaging a 40 hour work week over a floating 12 month period in December 2011 and January 2012.</li> <li>• 48 historical edits performed to correct Kronos time and attendance postings in 2011.</li> <li>• 1028.90 hours of compensatory time or overtime earned from January 1, 2011 through December 31, 2011 recorded to Kronos for 28 employees (one employee earned 275 hours and another employee earned 209.3 hours). Principle reasons include:               <ul style="list-style-type: none"> <li>○ Securing/closing tax office</li> <li>○ Opening/closing building</li> <li>○ Community patrol and events</li> <li>○ Process paper service</li> <li>○ Interface with jail nurses</li> </ul> </li> <li>• Instances of regular hours coded for deputies when GPS data and their activity reports indicate they were off duty (less than an eight hour day for December 23, 2011 and December 30, 2011).</li> <li>• Instances of clerks' out times recorded in advance to Kronos by the chief clerk (December 23, 2011 and December 30, 2011).</li> <li>• In service, lunch breaks, and out service times noted by deputies on their daily activity reports were inconsistent with Kronos time entries. Time consistently recorded to Kronos as 8 AM to 4:30 PM.</li> <li>• 38 of 53 instances of leave balances not deducted for extended deputy lunch breaks taken or early office departures.</li> <li>• One deputy was authorized to leave the precinct in his County issued vehicle for lunch to travel to and from his home. Commute time from work location to and from home was considered work time. Approximately an hour was taken for lunch at the deputy's residence without adjustments to the Kronos time and attendance system.</li> <li>• Instances of deputies' time on the 10-8 logs varying from times recorded to Kronos.</li> <li>• Deputies' times were recorded in Kronos without deducting the commute to and from the</li> </ul>
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	station.
<b>Work paper Reference:</b> (or other method by which finding was identified)	Work Paper No. 8A – 8G , Kronos time and attendance reports for FY2010 – FY2012, Precinct 5 Daily Activity Reports for October and December 2011 GPS Tracking Network reports
<b>Condition:</b> (Describe the current condition)	<p>Clerks record their time through Kronos Web Time Stamp. Deputy constables time is recorded in advance to the Kronos time and attendance system as 8 AM to 4:30 PM. Time entered is based on scheduled hours and time is changed by the chief clerk to reflect benefits taken or extra hours worked as reported and approved by management. Deputies' times were recorded in Kronos without deducting the commute to and from the station (authorized start time to coincide with vehicles ignition on time) Supervisors approve and give employee leave requests to the chief clerk to modify time taken (earned) in Kronos. Time and attendance is entered and signed off by the chief clerk in Kronos.</p> <p>Precinct policy considers a deputy on duty as soon as they take control of the vehicle and off duty when they arrive back to the vehicle storage location.</p>
<b>Criteria:</b> (Describe the optimal condition)	<p>According to Dallas County Code <b>Section 82-741, Designated Holidays</b>. Each year during the budget process, the county commissioners court reviews and adopt holidays for the employees of the county. Employees of the county will observe the holidays designated by official action of the county commissioners court. Court orders with these holiday designations may be acquired from the clerk of the court. Generally, the holidays consist of the following and others that may be designated: New Year's Day, Martin Luther King, Jr. Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day After Thanksgiving, Christmas Day, Day After Christmas.</p> <p>According to Dallas County Code <b>Section 82-742. Observance</b>. Employees in regular, full-time positions are eligible to receive eight hours of pay for a holiday.</p> <p>According to Dallas County Code <b>Section 82-771, Granting conditions</b>. "In addition to the holidays listed in section 82-741, during the budget process each year, the commissioners court may grant an additional personal day (<b>eight hours</b>) with the following stipulations..."</p> <p>According to Dallas County Code <b>Section 82-381, Eligibility</b>, The county provides vacation leave for all regular, full-time employees. Vacation leave is accrued but cannot be used during the first six months of employment.</p> <p>According to Dallas County Code <b>Section 82-61 Emergency conditions</b>, (a) <i>Authority to close government operations</i>. The county commissioners court has the authority to close general government operations due to emergency conditions. Such action, unless specifically stated, does not close essential, emergency, residential and detention operations. The county fire marshal, under the direction of the county judge, is responsible for communicating with elected officials/department heads and media outlets if there are office closings or delayed openings due to inclement weather. Whenever possible, notification will be made before 6:00 a.m. to the designated radio and television stations.</p> <p>According to Dallas County Code Sec. 82-175, <b>Supervisory responsibilities</b>:          (a) Supervisory responsibilities fall to the elected official, department head or their designee.          (b) 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>



(c) Supervisors are responsible for ensuring employee time records are accurate and that no abuses occur.

(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.

(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.

According to Dallas County Code **Section 82-32, Work Hours Scheduling**, (c) *Breaks and lunch periods*. 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 and shall not be combined with breaks. 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.

(f) *Hours worked less than 40*. 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.

(g) *Other*. Each elected official/department head is responsible for ensuring that all reporting of time worked, accrual and use of leave, complies with county policies.

According to Dallas County Code, **Section 82-81, Policy Statement**, Overtime shall be assigned by the supervisor to meet the essential operating needs of the county. It should only be assigned for those situations where the supervisor is convinced the work is essential in order to meet established schedules, deadlines, special projects, emergencies, or there are unscheduled vacancies etc. Due to its cost and other factors, supervisors should be judicious in their utilization of overtime. However, if overtime is required, the supervisor must carefully follow the guidelines outlined in this article regarding the accrual, utilization and recording of overtime for county employees."

According to Dallas County Code, **Section 82-83, Supervisor's responsibility**, It is imperative that supervisors be aware of the workload of each of his employees, and in cases where extraordinary amounts of time worked over 40 hours is being spent on the job, determine whether or not job expectations, productivity, staffing or other resource problems exist. If so, the manager should take corrective actions.

Each elected official/department head is held accountable for the utilization and accrual of overtime and compensatory time in their department. This accountability includes ensuring that employees do not accrue excessive amounts of overtime/compensatory time and that if accrued, it is not carried forward year after year. The county's goal is to compensate employees for overtime or compensatory time at the same pay rate at which it is accrued. Therefore, *all accruals should be limited* and the scheduling or pay off for it should be within the same (1) pay period, (2) month, (3) quarter, or (4) fiscal year in which it is earned.

According to Dallas County Code, **Sec. 82-112. Accrual for overtime/compensatory time**. The county does not permit voluntary or unauthorized overtime work. Accrual of overtime for nonexempt employees: (2) Is compensated at the premium rate of time and one half for all approved hours worked in excess of the employee's regular 40 hour workweek. (3) Should be



flexed by the supervisor, if at all possible. This means the supervisor shall make an effort to schedule the employee to take off within the same workweek in which the overtime is earned to avoid the accrual of overtime.

According to Dallas County Code, **Section 82-132, Work schedules**, Exempt employees shall report all hours worked and adhere to an established work schedule approved by the elected official/department head. Exempt employees' work schedules shall average a minimum of 40 hours per week, including use of accrued leave time. All time worked shall be recorded in the official time and attendance system.

According to Dallas County Code, **Section 82-134, Scheduled time off**. Periodically, elected officials/department heads may grant administrative time off for exempt employees. Such time off must be approved by the elected official/department head. In order to approve such leave, the elected official/department head must ensure the exempt employee's most current 12-month average weekly work schedule exceeds 40 hours. For exempt employees whose tenure is less than 12 months, their average weekly hours worked shall be determined by the average hours worked over the number of weeks worked for the county. If this criterion is met, the elected official/department head may, at his/her discretion, approve the time off. **Under no circumstances will this time be granted on an hour-for-hour basis** and the total amount of time granted shall not exceed 15 work days in a 12-month period except by formal approval by the commissioners court.

Any exempt employee who is not approved for administrative time off by the elected official/department head shall have the appropriate accrued leave balances docked. If appropriate leave is unavailable, the employee's salary shall be docked.

Elected official/department heads should carefully monitor the amount of administrative leave time granted to each exempt employee to ensure against abuse and the leave is being granted fairly. The county auditor's office will periodically audit administrative time off usage and submit a report to county departments and/or commissioners court.

According to Dallas County Code, **Section 82-172, Nonexempt employee responsibilities**, (a) The county requires that every employee work 40 hours every week. Vacation leave, sick leave, authorized holidays, authorized time off, and accrued compensatory time count toward this 40-hour per week requirement. Except for the lunch period explained in subsection (c) of this section, *employees are expected to be working for the benefit of the county from the time the employee's shift begins until the employee's shift ends.*

(b) Nonexempt employees are strictly prohibited from working more than 40 hours per week, without prior approval from their supervisor. All of the time an employee works must be recorded on the county's time and attendance system. An employee is never to work without recording time. If an employee is ever asked to work without recording work time, the elected official or department head must be notified immediately. If the matter is not resolved by the department, the employee must immediately notify the county human resources department.

(c) Each elected official or department head will designate a 30-minute, 45-minute or one-hour lunch period for his nonexempt employees. *The elected official or department head may not set the lunch period within the two hours after the employee's regular shift begins or in the two hours before the employee's regular shift ends.* Whatever lunch period the elected official or department head designates for his employees will not be work time. The time and attendance system will automatically deduct the designated lunch period from the hours actually worked by the employee, and the employee will not be paid for this time.

According to **Dallas County Code, Section 82-174, General provisions, (a) Employees leaving the premises during working hours for reasons other than county business shall**



	<u>clock out when leaving and clock in when returning to work.</u>  <b>Sec. 90-129. - Personal use.</b> Except for <u>reasonable travel to and from lunch</u> , county-owned vehicles shall not be used for any personal use including, but not limited to, use for personal errands going to the store or dry cleaners, taking and/or picking up children at school or day care or any other non-county use), for travel to and from an after hours non-county job, etc. or for transporting other employees or individuals for non-county activities such as, but not limited to, travel to and from work.				
<b>Cause:</b> (Describe the cause of the condition if possible)	Inaccurate application of county time and attendance and vehicle usage policies. Lack of supervisory oversight. 10-8 logs not updated throughout the day.				
<b>Effect:</b> (Describe or quantify any adverse effects)	Actual times vary from scheduled hours. Official time and attendance records do not accurately reflect time worked and taken. Current employees may be over-compensated for leave time already taken. Additional fuel and maintenance costs.				
<b>Recommendation:</b> (Describe corrective action)	<ul style="list-style-type: none"> <li>• Actual deputy start times and end times (when greater than six minutes before the employee's scheduled shift start or scheduled shift end), meal periods (when in excess of thirty minutes), and vacation time, sick time, holiday time, jury time, compensatory time, overtime, 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.</li> <li>• Employees' schedules should be modified to accommodate department responsibilities and assignments and minimize the amount of compensatory or overtime earned.</li> <li>• Historical edits should be submitted to the Payroll Hotline to reflect correct leave types and time taken on Kronos.</li> <li>• Entries to Kronos for compensatory time earned should be documented with reason codes for assignments that are in accordance with county policies.</li> <li>• Consistent supervisory review of time and attendance Kronos postings should be emphasized.</li> <li>• Kronos time cards should be signed off by department management at the end of each bi-weekly pay period with Kronos time card updated to reflect 'approval' by supervisor or management.</li> <li>• Use of county-owned vehicles for lunch should be limited to a reasonable distance from the employee's most recent work location.</li> </ul>				
<b>Responsible Department or Organization:</b>	Constable Precinct 5				
<b>Management's Response:</b>	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<b>Respondent:</b>	Fred Collie, Chief Deputy	<b>Date:</b> August 1, 2012
<b>Comments:</b>	Precinct 5 will comply with and adopt all recommendations. Supervisory oversight has been increased and underlying conditions that facilitated noncompliance have been and continue to be addressed.				
<b>Disposition:</b>	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration		





**Finding Number:** 12.C5.01.09  
**Date:** 3/7/2012  
**Audit:** Constable Precinct 5 Audit FY 10 – 12 (1/31/12)  
**Auditor(s) Assigned:** PA

<b>Finding:</b>	<b>Evidence/Property Room</b> Review of the evidence/property room revealed: <ul style="list-style-type: none"> <li>Items noted in prior audit have not been reviewed or set-up for destruction. Some items date back as far as 1996.</li> </ul> <b>Response:</b> The department will compile a list of items to get a court order for destruction. <ul style="list-style-type: none"> <li>Inventory control logs were not found or maintained in the property room.</li> <li>Since the new administration took office in July 2010, no new items have been stored in the property room.</li> </ul>
<b>Work paper Reference:</b> (or other method by which finding was identified)	Work Paper No. 9A&B
<b>Condition:</b> (Describe the current condition)	<p>An incident and chain of custody report will be completed by the deputy when an item must be stored as evidence or found property. Three copies of the chain of custody form will be made. One will be placed with the evidence/found item, another will be filed in the property room inventory file, and the third copy will be placed in a master file. Two individuals must enter the storage room to store and secure the items. Drugs substances to be stored as evidence will be immediately taken to the lab for testing but drugs that are stored as found property will be destroyed. This process has not been put into practice because no items have been taken into custody since July 2010. All items stored in the property/evidence room were items that were seized or found prior to Constable Villareal's administration taking office in July 2010.</p> <p>Per the Constable staff, the property room was unorganized when the new administration took office. Items were thrown around and not labeled. Two deputies were assigned to organize the room and as a result most of the items were stored and organized into boxes that are labeled with a year and contents (example 2002 guns). No inventory log was found in the room. The chief deputy did not know where the log was stored. A list of items eligible for destruction will be compiled so that items can be destroyed.</p> <p>Chief Deputy has keys to the evidence/property room.</p>
<b>Criteria:</b> (Describe the optimal condition)	<p>Code of Criminal Procedure, Article 18.17, states in part that unclaimed or abandoned property that is not held as evidence and remains unclaimed for 30 days shall be delivered for disposition to a person designated by the purchasing agent. In addition, the law enforcement agency that originally seized the property may request from the purchasing agent to have the property, which is scheduled for disposition, converted to agency use.</p> <p>Code of Criminal Procedure, Article 18.18, describes procedures for the disposition of gambling paraphernalia, prohibited weapons, criminal instruments, and other contraband.</p> <ul style="list-style-type: none"> <li>Prohibited weapons as described in § 46.05 of the Texas Penal Code shall be destroyed or forfeited to the law enforcement agency that initiated the complaint not later than the 30<sup>th</sup> day after the final conviction.</li> <li>Contraband, if forfeited, shall be delivered to the state, any political subdivision of the state, or to any state institution or agency.</li> <li>If there is no prosecution or conviction following seizure, the magistrate on the motion of the law enforcement agency that seizes a prohibited weapon, shall order the weapon destroyed or forfeited within a timely manner of being informed that no prosecution will</li> </ul>



	<p>arise from the seizure.</p> <p>Code of Criminal Procedure, Article 18.183, states in part that money seized by a law enforcement agency in connection with a violation of Chapter 47 of the Texas Penal Code may be deposited in an interest-bearing bank account of the county in which it was seized until final judgment is rendered.</p> <p>Code of Criminal Procedure, Article 18.19, states "If there is no prosecution or conviction for an offense involving the weapon seized, the magistrate to whom the seizure was reported shall, before the 61st day after the date the magistrate determines that there will be no prosecution or conviction, notify in writing the person found in possession of the weapon that the person is entitled to the weapon upon written request to the magistrate. The magistrate shall order the weapon returned to the person found in possession before the 61st day after the date the magistrate receives a request from the person. If the weapon is not requested before the 61st day after the date of notification, the magistrate shall, before the 121st day after the date of notification, order the weapon destroyed or forfeited to the state for use by the law enforcement agency holding the weapon or by a county forensic laboratory designated by the magistrate. If the magistrate does not order the return, destruction, or forfeiture of the weapon within the applicable period prescribed by this subsection, the law enforcement agency holding the weapon may request an order of destruction or forfeiture of the weapon from the magistrate."</p> <p>Code of Criminal Procedure, Article 59.03 states in part:</p> <p>c) A peace officer who seizes property under this chapter has custody of the property, subject only to replevy under Article 59.02 of this code or an order of a court. A peace officer who has custody of property shall provide the attorney representing the state with a sworn statement that contains a schedule of the property seized, an acknowledgment that the officer has seized the property, and a list of the officer's reasons for the seizure. Not later than 72 hours after the seizure, the peace officer shall:</p> <ol style="list-style-type: none"> <li>(1) place the property under seal;</li> <li>(2) remove the property to a place ordered by the court; or</li> <li>(3) require a law enforcement agency of the state or a political subdivision to take custody of the property and move it to a proper location.</li> </ol> <p>(d) A person in the possession of property at the time a peace officer seizes the property under this chapter may at the time of seizure assert the person's interest in or right to the property. A peace officer who seizes property under this chapter may not at the time of seizure request, require, or in any manner induce any person, including a person who asserts an interest in or right to the property seized, to execute a document purporting to waive the person's interest in or rights to the property.</p> <p>Physical evidence control procedures include:</p> <ul style="list-style-type: none"> <li>• Departmental records of evidence should be properly maintained. Detail captured should be sufficient to identify evidence added to and/or removed from the evidence room and all persons handling the evidence and entering the evidence room.</li> <li>• Evidence should be properly secured and access to keys should be limited to supervisors.</li> <li>• Evidence/property should be tagged and chain of custody forms completed for all evidence/property stored and/or removed from the evidence/property room. Deputy releasing the evidence and the person receiving the evidence should sign and date the form acknowledging the transfer.</li> <li>• Annual physical inventory of evidence should be completed by two officers; one should be at the rank of captain or higher.</li> </ul>
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<b>Cause:</b> (Describe the cause of the condition if possible)	Lack of written procedures and inadequate control of evidence/property.				
<b>Effect:</b> (Describe or quantify any adverse effects)	Evidence may be misappropriated, tampered with, or misused. Unnecessary inventory of items eligible for destruction. Difficulty in distinguishing "found" property versus "seized" property.				
<b>Recommendation:</b> (Describe corrective action)	<p>Develop written Evidence/Property room procedures and monitoring plans to include:</p> <ul style="list-style-type: none"> <li>Detailed efficient logs should be utilized to tag/track each item clearly and accurately noting storing/removal dates and times, printed and signature name of each officer entering/leaving the evidence/property room, defendant (parties) name, case number (if applicable), serial numbers, clear description of items, quantities, and specific reasons for removal.</li> <li>Evidence Transmittal Sheet (chain of custody) forms should be completed when evidence is removed from the Evidence/Property Room</li> <li>Separate logs and storage areas should be maintained within the property room for each kind of property kept. ('found', evidence, county property)</li> <li>Eligible items should be scheduled for destruction as authorized by statute, timely, when departmental use is prohibited or not feasible.</li> <li>Unclaimed property should be considered for agency use or auction when feasible and allowed by statute.</li> </ul> <p>Physical inventory should be completed for <b>all</b> items in the storage room and should include but not limited to:</p> <ul style="list-style-type: none"> <li>All items identified and compared against the check-in log sheets.</li> <li>Old cases reviewed to determine status.</li> <li>Items not listed on the evidence log should be identified and separately listed on logs based on the item (evidence, 'found' property, or county property).</li> <li>Any missing items should be identified, researched, and reported to appropriate staff.</li> </ul>				
<b>Responsible Department or Organization:</b>	Constable Precinct 5				
<b>Management's Response:</b>	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<b>Respondent:</b>	Fred Collie, Chief Deputy	<b>Date:</b> August 1, 2012
<b>Comments:</b>	Precinct 5 will comply with and adopt all recommendations. Efforts are underway to dispose of all property/ evidence in accordance with law, policy and best industry practices. The property room should be in complete compliance no later than 31 August 2012.				
<b>Disposition:</b>	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration		



**Finding Number:** 12.C5.01.10  
**Date:** 5/16/2012  
**Audit:** Constable Precinct 5 FY 10 – 12 (1/31/2012)  
**Auditor(s) Assigned:** PA

<b>Findings:</b>	<b>Protective Orders</b> Review of procedures related to the processing of protective orders revealed: <ul style="list-style-type: none"> <li>• 16 of 18 protective order papers with the service fee amount earned not entered in the Constable Civil System. Limited sample review of officer returns reflect fee earned as \$0.</li> <li>• Fee listing maintained by the precinct denotes service fee amount for protective orders as \$0.</li> </ul> <b>Status:</b> The precinct was advised that prepayment of the fee is not required by statute. However, the service fee amount earned should be noted on the return and entered to the Constable Civil system as the judge may order the respondent to pay court costs and service fees.
<b>Work paper Reference:</b> (or other method by which finding was identified)	Work Paper No. Protective Orders, R03423 List of Disposed Papers, Observations, Inquiries
<b>Condition: (Describe the current condition)</b>	<p>The constable's office receives protective orders paper via court clerks. The papers are time stamped by the constable clerk as soon as received in office. Subsequently, an internal office number is assigned to the protective order and the data is entered to the Constable Civil System. The protective orders are assigned to deputies for service by district (defined service area). Once served, the deputy completes the officer's return with the date/time of service, address and party served, officer's signature, and fee amount earned as \$0.</p> <p>The court's copy of the protective order is provided to the constable clerks for updating the Constable Civil System including in most instances no fee amount earned for returns attempted or served by deputies. The protective order is returned to the court of issuance.</p> <p>Precinct 5 policy is not to charge service fee for protective orders. When out of county agencies inquire about the service fee for protective orders, Precinct 5 staff inform the requestor that there is no fee associated with service. Unspecified legal reasons were cited as the explanation as to why no service fee is designated for this service.</p>
<b>Criteria:</b> (Describe the optimal condition)	<p><b>V.T.C.A., L.G.C, Sec. 118.131. FEES SET BY COMMISSIONERS COURT.</b> (a) The commissioners court of a county may set reasonable fees to be charged for services by the offices of the sheriff and constables.</p> <p>(f) On or before October 15 of the year in which the fees are initially set, the commissioners court shall provide written notice of the amounts of the fees to the comptroller. If the commissioners court changes the amount of a fee set under this section, the commissioners court shall provide to the comptroller, on or before October 15 of the year in which the amount is changed, a written notice of the change in the amount of the fee. Before December 15 of each year, the comptroller shall compile the fee information provided by counties and send the compilation to:</p> <p>(g) A commissioners court that receives a notice under Subsection (f)(1) shall furnish the notice to its district clerk, county clerk, justices of the peace, sheriff, and constables.</p> <p>(i) The commissioners court may <u>not assess an applicant a fee</u> in connection with the filing, serving, or entering of a protective order. A fee may not be charged to an applicant to dismiss, modify, or withdraw a protective order.</p>



	<b>Family Code, Sec. 81.003. FEES AND COSTS PAID BY PARTY FOUND TO HAVE COMMITTED FAMILY VIOLENCE.</b> (a) Except on a showing of good cause or of the indigence of a party found to have committed family violence, the court shall require in a protective order that the party against whom the order is rendered pay the \$16 protective order fee, the standard fees charged by the clerk of the court in a general civil proceeding for the <u>cost of serving the order</u> , the costs of court, and all other fees, charges, or expenses incurred in connection with the protective order. (b) The court may order a party against whom an agreed protective order is rendered under Section 85.005 to pay the fees required in Subsection (a).				
<b>Cause:</b> (Describe the cause of the condition if possible)	Unaware that the court may order the respondent to pay the cost of serving the order.				
<b>Effect:</b> (Describe or quantify any adverse effects)	Loss of revenue				
<b>Recommendation:</b> (Describe corrective action)	Protective order procedures should include: <ul style="list-style-type: none"> <li>Assessing (without requiring prepayment) fee for protective orders in accordance with statutes.</li> <li>Recording fee amount earned to Constable Civil system and officer's return.</li> </ul>				
<b>Responsible Department or Organization:</b>	Constable Precinct 5				
<b>Management's Response:</b>	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<b>Respondent:</b>	Fred Collie, Chief Deputy	<b>Date:</b> August 1, 2012
<b>Comments:</b>	Precinct 5 will ensure the assessment of (without requiring prepayment) the fee for protective orders in accordance with statutes, and record the fee amount earned to Constable Civil system and officer's return. Precinct 5 will comply with and adopt all recommendations.				
<b>Disposition:</b>	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration		





**Finding Number:** 12.C5.01.11  
**Date:** 11/9/2011  
**Audit:** Constable Precinct 5 FY 10 – FY 12 (1/31/2012)  
**Auditor(s) Assigned:** JG/TM

<b>Finding:</b>	<b>Eviction Paper Service Under Rule 742a - Expanded Review Requested by Constable</b> Comparison of 201 service attempts during the months of November and December 2010 for two deputies whose names were noted on 67 citations and sworn statements to available Global Positioning System (GPS) data and officers' Daily Activity Reports (DAR) revealed: <ul style="list-style-type: none"> <li>• 5 (2.49%) second attempts where the vehicle was not at the service address location at the time stated on the court papers (742a affidavit and/or citation).</li> <li>• 64 (31.84%) attempts could not be verified as attempted or not attempted due to incomplete GPS data, loaner vehicle used, and/or inconclusive analysis</li> <li>• Numerous instances were noted where one officer drove out of the precinct for an approximate one hour lunch plus drive time at his residence resulting in less than an eight hour day worked. Response from the Precinct lieutenant indicated the officer had been approved to leave the precinct for lunch. No documentation (such as FMLA or ADA paperwork) provided to justify the personal use of a county vehicle to take a non-recorded extended lunch out of the precinct.</li> </ul>
<b>Work paper Reference: (or other method by which finding was identified)</b>	Eviction citations, 742a sworn statements, and Judge's orders from justice of the peace courts Officers' Daily Activity Reports GPS Tracking Network reports Google maps Precinct vehicle assignment listing
<b>Condition: (Describe the current condition)</b>	<p>The constable's office receives eviction citations papers via court clerks where parties to a case request service through the court clerk. The papers are time stamped by the constable clerk as soon as received in office. Subsequently, an internal office number is assigned to the eviction citation and the data is entered to the Constable Civil System.</p> <p>The eviction citations are assigned to deputies for service by district (defined service area). Eviction citations are considered a priority service due to statutory time constraints (at least six days before the return day thereof). Once served, the deputy completes the 'officer's return with the date/time of service, address and party served, officer's signature, and fee amount earned and returns the citation to the constable clerks for updating the Constable Civil System. The eviction citation is then returned to the court on or before the day assigned for trial.</p> <p>If the officer is unable to serve the citation, the officer no later than five days after receiving such citation executes a sworn statement that the officer has made <u>diligent efforts to serve such citation on at least two occasions</u> at all addresses of the defendant in the county where the premises are located as may be shown on the sworn complaint. If the judge grants alternate service, the officer will return to the defendant's address and place the citation inside the premises by placing it through a door mail chute or by slipping it under the front door; and if neither method is possible or practical, the officer will securely affix the citation to the front door or main entry to the premises. The deputy completes the 'officer's return with the date/time of service indicating service under Rule 742a, address and party served, officer's signature, and fee amount earned and returns the citation to the constable clerks for updating the Constable Civil System. The constable clerks will on the same day or the next day deposit in the mail a true copy of the citation with a copy of the sworn complaint attached, addressed to defendant at the premises in question and send by first class mail. The eviction citation is then returned to the court on or before the day assigned for trial.</p>



<p><b>Criteria:</b> (Describe the optimal condition)</p>	<p><b>RULE 742. SERVICE OF CITATION</b> The officer receiving such citation shall execute the same by delivering a copy of it to the defendant, or by leaving a copy thereof with some person over the age of sixteen years, at his usual place of abode, at least six days before the return day thereof; and on or before the day assigned for trial he must complete and file a return of service in accordance with Rule 536a with the court that issued the citation.</p> <p><b>RULE 742a. SERVICE BY DELIVERY TO PREMISES</b> If the sworn complaint lists all home and work addresses of the defendant which are known to the person filing the sworn complaint and if it states that such person knows of no other home or work addresses of the defendant in the county where the premises are located, service of citation may be by delivery to the premises in question as follows: If the officer receiving such citation is unsuccessful in serving such citation under Rule 742, the officer shall no later than five days after receiving such citation execute a sworn statement that the officer has made diligent efforts to serve such citation on at least two occasions at all addresses of the defendant in the county where the premises are located as may be shown on the sworn complaint, stating the times and places of attempted service. Such sworn statement shall be filed by the officer with the justice who shall promptly consider the sworn statement of the officer. The justice may then authorize service according to the following: (a) The officer shall place the citation inside the premises by placing it through a door mail chute or by slipping it under the front door; and if neither method is possible or practical, the officer shall securely affix the citation to the front door or main entry to the premises. (b) The officer shall that same day or the next day deposit in the mail a true copy of such citation with a copy of the sworn complaint attached thereto, addressed to defendant at the premises in question and sent by first class mail; (c) The officer shall note on the return of such citation the date of delivery under (a) above and the date of mailing under (b) above; and (d) Such delivery and mailing to the premises shall occur at least six days before the return day of the citation; and on or before the day assigned for trial he must complete and file a return of service in accordance with Rule 536a with the court that issued the citation. It shall not be necessary for the aggrieved party or his authorized agent to make request for or motion for alternative service pursuant to this rule.</p> <p>According to Dallas County Code Sec. 82-175, <b>Supervisory responsibilities:</b> (c) Supervisors are responsible for ensuring employee time records are accurate and that no abuses occur. (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>According to Dallas County Code <b>Section 82-32, Work Hours Scheduling</b>, (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 and shall not be combined with breaks. 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. (f) <i>Hours worked less than 40</i>. Any nonexempt employee who does not work a full 40 hour</p>
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	<p>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.</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.</p> <p>According to Dallas County Code, Section 82-174, General provisions, <b><u>(a) Employees leaving the premises during working hours for reasons other than county business shall clock out when leaving and clock in when returning to work.</u></b></p> <p><b>Sec. 90-129. - Personal use.</b>          Except for <b><u>reasonable travel to and from lunch</u></b>, county-owned vehicles shall not be used for any personal use including, but not limited to, use for personal errands going to the store or dry cleaners, taking and/or picking up children at school or day care or any other non-county use), for travel to and from an after hours non-county job, etc. or for transporting other employees or individuals for non-county activities such as, but not limited to, travel to and from work.</p>					
<b>Cause:</b> (Describe the cause of the condition if possible)	Lack of supervisory oversight. Improper notation of service attempts. Inaccurate application of county time and attendance and vehicle usage policies.					
<b>Effect: (Describe or quantify any adverse effects)</b>	Official time and attendance records do not accurately reflect time worked and taken. Additional fuel and maintenance costs. Non-compliance with Rules of Civil Procedure.					
<b>Recommendation:</b> (Describe corrective action)	<ul style="list-style-type: none"> <li>Care should be taken in recording paper service logs and returns. Papers must accurately capture service attempts including officer name, squad number, date, time, and results.</li> <li>Daily activity log should be utilized and reflect specific officer making each individual attempt/service for all paper types.</li> <li>Affidavits filed under Rule 742a must be accurately and properly completed. A minimum of two attempts should occur in accordance with Rule 742a with the deputy making the two attempts signing the notarized affidavit.</li> <li>Officer vehicle assignments should be retained and identify when changes occur due to use of a loaner vehicle.</li> <li>A management plan should be developed and implemented to periodically review random GPS tracking data to promote/improve deputy accountability; fulfillment of statutory duties, adherence to speed limits, and appropriateness of lunch breaks (including distance traveled in county vehicle to take lunch at home).</li> <li>Start and end times, and lunch time taken should be properly reflected on the Kronos time and attendance system.</li> </ul>					
<b>Responsible Department or Organization:</b>	Constable Precinct 5					
<b>Management's Response:</b>	<input checked="" type="checkbox"/> Agree	<input checked="" type="checkbox"/> Disagree	<b>Respondent:</b>	Fred Collie, Chief Deputy	<b>Date:</b>	August 1, 2012
<b>Comments:</b>	This office maintains that all papers were served and/or attempts made as noted by the respective deputies. Supervisor oversight has been increased to include frequent monitoring of the GPS system and review of Deputy's Daily Activity Reports. It should be noted that as of 1 August 2012, three of Precinct 5's vehicles do not have functional GPS systems; therefore, monitoring and tracking is not possible. All service attempts are now listed on a daily log sheet filled out by each deputy and all service attempts are recorded by the dispatcher. Deputies lunches are monitored and Deputies are now required to either be in their respective beats servings papers or at the station engaged in					



	administrative activities by 0800 and are not authorized to depart for their homes until 1630 (deputies no longer compensated for their commutes). Schedules are flexed as required by workload; especially for Warrant Deputies. Precinct 5 will comply with and adopt all recommendations.		
<b>Disposition:</b>	<input checked="" type="checkbox"/> Audit Report	<input type="checkbox"/> Oral Comment	<input type="checkbox"/> Deleted From Consideration

As of: 02/17/2012 14:00:12

**Command:** AGE ON Received\_Date CUTOFF 20120119 INTERVAL  
0,31,61,91,121,181,366,731,1096,1461,1826,,,10000 TO SCREEN

**Table:** R05870\_Warrant\_Report\_01192012

**Filter:** Pct\_No = "PRECINCT 50" (37095 records matched)

Minimum encountered was 6

Maximum encountered was 3,780

Days	Count	Percent of Count
<u>0 - 30</u>	268	0.72%
<u>31 - 60</u>	200	0.54%
<u>61 - 90</u>	756	2.04%
<u>91 - 120</u>	687	1.85%
<u>121 - 180</u>	1,210	3.26%
<u>181 - 365</u>	2,509	6.76%
<u>366 - 730</u>	16,166	43.58%
<u>731 - 1,095</u>	5,337	14.39%
<u>1,096 - 1,460</u>	5,000	13.48%
<u>1,461 - 1,825</u>	3,555	9.58%
<u>1,826 - 10,000</u>	1,407	3.79%
<b>Totals</b>	37,095	100%