

GALVESTON COUNTY



Office of County Auditor

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August 8, 2022

Honorable Mark A. Henry, County Judge, and
Members of the Commissioners Court
722 Moody Ave, Suite 200
Galveston, TX 77550

Honorable Mark A. Henry and Members of the Court:

Attached to be received and filed is the internal audit report of Justice of the Peace, Precinct 4. The audit covered the period June 1, 2021 through May 31, 2022. Also attached is the response letter from Honorable Kathleen McCumber, dated July 18, 2022.

Sincerely,

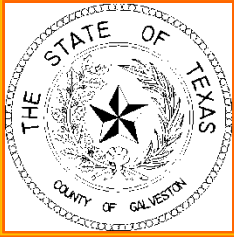
Randall Rice CPA

Digitally signed by Randall Rice CPA
Date: 2022.07.21 09:49:09 -05'00'

Randall Rice CPA
County Auditor

cc: Honorable Kathleen McCumber

Attachment: Justice of the Peace, Precinct 4 Audit Report
Response Letter, Judge Kathleen McCumber



Justice of the Peace, Precinct 4 Audit

June 28, 2022

Galveston County
Internal Audit
Division

Randall Rice CPA
CITP CISA CIO CBM DABFA CGMA
County Auditor

Executive Summary.....	1
Introduction	2
Details	3-10

Executive Summary

Reliability and Integrity of Information (pages 3)

- Compensating controls have been implemented in different areas of the court's operations to ensure a proper separation of duties.
- No discrepancies were noted in the testing of adjustments, reversals and voids.
- No material exceptions were noted in the recording of citations issued by the Galveston County Sheriff's Office in Odyssey.

Safeguarding of Assets (page 4)

- All collections were accounted for during the surprise cash count.
- Physical security over assets (collections) is adequate.
- The court deposits collections daily.
- Bond account bank reconciliations are reviewed quarterly by the Auditor's Office.

Compliance with Statutes, Policies and Procedures (pages 5-8)

- The office is in compliance with applicable statutes when assessing court costs, fines and fees.
- No material discrepancies were noted in the testing of Administrative Dismissals.
- No discrepancies were noted in the testing of No-Charge Dismissals.
- No discrepancies were noted in the court's compliance with the "Allocation Rule".
- No discrepancies were noted in the court's assessment of Time Payment fees.
- PC30 collection fee calculation must include the entire outstanding balance of any fines, fees and court costs.
- No discrepancies were noted in the testing of credits awarded for compliance with CCP §45.048, CCP §45.049(a), CCP §45.0491 and court policy.
- Upon approval of deferred disposition, the fine amount must be reversed in Odyssey, then the Deferred Disposition Fee must be assessed.

Statistical Analysis (pages 9-10)

- More than one-third (34.4%) of the cases filed were debt claims. Non-traffic misdemeanors made up 29.0% and traffic misdemeanors made up 21.5%.
- Bank deposits fluctuated from \$26,509 (November 2020) to \$68,852 (June 2021). Total collections for fiscal year 2021 were \$578,643.

Introduction

The Internal Audit Division conducted an internal audit of the Justice of the Peace, Precinct 4, in accordance with Local Government Code (LGC) §115. The internal audit covered the period June 1, 2021 through May 31, 2022. The audit was performed from June 2, 2022 through June 27, 2022.

The primary objectives of the internal audit are to provide reasonable assurance concerning:

- Reliability and integrity of the information.
- Safeguarding of assets.
- Compliance with laws, regulations, contracts, policies, plans and procedures.

The scope of the internal audit encompassed the financial records and administrative procedures related to the Justice of the Peace, Precinct 4. The internal audit included, but was not limited to, the books, accounts, reports, dockets and records of the Justice of the Peace, Precinct 4.

The internal audit included examining transactions on a test basis and required exercising judgment in the selection of such tests. As the internal audit was not a detailed examination of all transactions, there is a risk that errors or fraud were not detected during the internal audit. The official therefore retains the responsibility for the accuracy and completeness of the financial information.

Because of certain statutory duties required of the County Auditor, we are not independent with regard to the Galveston County Justice of the Peace, Precinct 4 as defined by the AICPA professional standards. However, our internal audit was performed with objectivity and due professional care.

Jessica Gaul, Internal Auditor, performed the audit.

Reliability and Integrity of Information

Reliable information is accurate, timely, complete and useful. In order to achieve this, controls over record keeping and reporting must be adequate and effective.

Separation of Duties

One of the most important internal controls is to have proper separation of duties. No one person should authorize a transaction, record a transaction and have custody of the assets. A proper separation of duties is sometimes difficult to establish due to the size of staff and budgetary constraints; however, compensating controls have been implemented in different areas of the court's operations.

Adjustments, Reversals and Voids

All clerks have the ability to process adjustments, reversals and voids in their own till in Odyssey. An explanation for the transaction is recorded in the 'comment' section of the case. Court policy limits the recording of reversals and voids in Odyssey to the Chief Deputy Court Clerk or the Senior Court Clerk. In the event one of those employees needs to reverse or void a transaction, the other must record the transaction. The County Cash Handling Policy (effective 9/1/2017) Section 3.0 Cash Handling "required procedures for cash collection points include approval of any voided receipts by the area supervisor". A sample of adjustments, reversals and voids was tested for compliance with court policy and the County Cash Handling Policy. No discrepancies were noted.

Completeness and Accuracy

Information from citations issued by the Galveston County Sheriff's Office is recorded in their Record Management System (RMS). The citations are turned into the related Justice Court and subsequently entered into Odyssey by the clerks. Internal Audit tested a sample of citations recorded in RMS to verify the information was completely and accurately recorded in Odyssey. No material discrepancies were noted.

Safeguarding of Assets

Safeguarding of assets has three basic components: 1) physical security of the collections 2) minimal exposure to loss and 3) proper management of the collections.

Physical Security

Physical security encompasses any method to physically secure the collections from loss. Monies collected should be kept in a locked drawer or safe until they are deposited in the bank.

As part of the audit, the auditor conducted a surprise cash count at the League City office on June 2, 2022. All collections were accounted for at the time of the surprise cash count. Controls are in place to ensure the staff uses a lockable safe to secure collections until ready to be deposited. The safe remains locked when not in use.

Minimizing Exposure to Loss

Daily depositing is one of the best methods of minimizing exposure of collections to loss as well as providing the county with maximum benefit of the collections. Justice of the Peace, Precinct 4 has a policy to deposit collections daily. Deposits are reviewed quarterly by the Auditor's Office.

Management of Collections

Properly prepared and adequately supported bank reconciliations are one of the best methods of cash management available to any official. The reconciliation process identifies any discrepancies in the bond account and assists in preventing the misuse of funds. Justice of the Peace, Precinct 4 performs a bond account bank reconciliation each month and submits a copy to the Auditor's Office. Bond account bank reconciliations are reviewed quarterly by the Auditor's Office.

Compliance with Statutes, Policies and Procedures

The following areas were tested to provide reasonable assurance the court is in compliance with statutes, policies and procedures.

Court Costs, Fines and Fees

The Texas Judicial Branch publishes a 'Justice Court Convictions Court Cost Chart' each year there is a legislative update. The chart shows the fees to be assessed for misdemeanor offenses, including specific costs not assessed upon conviction, but assessed under appropriate circumstances. The chart also provides the statute that supports the amount of court costs, fines and fees reflected on the chart. A sample of cases was tested for compliance with the applicable statutes regarding court costs, fines and fees collected by the office. No material discrepancies were noted.

Administrative Dismissals

Certain charges may be dismissed with an administrative fee, set by statute, when the defendant provides proof the underlying violation was resolved within the statutory time limit. When the proof is presented and the administrative fee has been paid, the clerk may dismiss the case without the consent of the Judge or the Assistant District Attorney. A sample of administrative dismissals was tested for compliance with applicable statutes. No material discrepancies were noted.

Dismissal By State's Attorney

Code of Criminal Procedures (CCP) §32.02 Dismissal By State's Attorney states "The attorney representing the State may, by permission of the court, dismiss a criminal action at any time upon filing a written statement with the papers in the case setting out his reasons for such dismissal, which shall be incorporated in the judgment of dismissal. No case shall be dismissed without the consent of the presiding judge." Court policy requires support documentation for no-charge dismissals, signed by the Judge or the Assistant District Attorney, to be scanned into Odyssey as proof of its validity. A sample of no-charge dismissals was tested for compliance with CCP §32.02 and court policy. No discrepancies were noted.

Compliance with Statutes, Policies and Procedures (cont.)

Allocation Rule

Attorney General Opinion GA-147 and the 'Justice Courts - Court Costs and Fees Handbook' define the "Allocation Rule" as the practice of allocating monies received from a defendant first to pay court costs and then to pay a fine. If the monies received do not cover all of the costs, then the monies must be allocated to court costs on a pro rata basis. Accordingly, any credit awarded (Jail Time Credit, Community Service, Waivers) must be applied to the fine amount first, then to court costs and fees. A sample of cases was tested for compliance with the "Allocation Rule". No discrepancies were noted.

Time Payment Fee

If a person is convicted of a felony or misdemeanor and pays any part of the court costs, fine or restitution on or after the 31st day after the judgment day, the court must assess an additional cost of a time payment fee. LGC §133.103 (effective through 12/31/2019) states "(a) A person convicted of an offense shall pay, in addition to all other costs, a fee of \$25 if the person: (1) has been convicted of a felony or misdemeanor; and (2) pays any part of a fine, court costs or restitution on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, or restitution." CCP §102.030 (effective on 1/1/2020) states "(a) A person convicted of an offense shall pay a reimbursement fee of \$15 if the person: (1) has been convicted of a felony or misdemeanor; and (2) pays any part of a fine, court costs, or restitution, or another reimbursement fee, on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, restitution, or other reimbursement fee." A sample of cases was tested for compliance with LGC §133.103 and CCP §102.030. No discrepancies were noted.

Collection Contracts

CCP §103.0031 states the commissioners court of a county may enter into a contract with a private attorney or a public or private vendor for the provision of collection services for debts and accounts receivable such as unpaid fines, fees, court costs, forfeited bonds, and restitution. A commissioners court that enters into a contract with a private attorney or private vendor under this article may authorize the addition of a collection fee (PC30 fee) in the amount of 30 percent of the outstanding balance that is more than 60 days past due and has been referred to the attorney or vendor for collection. A sample of cases was tested for compliance with CCP §103.0031.

Finding: PC30 fees are not consistently being assessed accurately in Odyssey. *(This is a prior audit finding.)*

Recommendation JP4-22-01: To ensure compliance with CCP §103.0031, PC30 collection fee calculation must include the entire outstanding balance of any fines, fees and court costs.

Compliance with Statutes, Policies and Procedures (cont.)

Credits

Jail Time Credit

CCP §45.048 Discharged From Jail states a defendant placed in jail shall be discharged by showing the defendant is too poor to pay the fine and costs or has remained in jail a sufficient length of time to satisfy the charges. Per court policy, the defendant must provide proof of time served.

Community Service Credit

CCP §45.049(a) Community Service in Satisfaction of Fine or Costs states a justice or judge may require a defendant who fails to pay a previously assessed fine or costs, or who is determined by the court to have insufficient resources or income to pay a fine or costs, to discharge all or part of the fine or costs by performing community service.

Indigent and Waiver Credits

CCP §45.0491 Waiver of Payment of Fines and Costs for Indigent Defendants and Children states a justice court may waive payment of all or part of a fine imposed on a defendant if the court determines that:

- (1) the defendant is indigent or does not have sufficient resources or income to pay all or part of the fine or was, at the time the offense was committed, a child as defined by Article 45.058(h); and
- (2) discharging the fine under Article 45.049 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

Court policy dictates all credit awarded must be approved by the Judge and adequate support documentation for credits must be scanned into Odyssey as proof of its validity.

A sample of cases was tested for compliance with CCP §45.048, CCP §45.049(a), CCP §45.0491 and court policy. No discrepancies were noted.

Compliance with Statutes, Policies and Procedures (cont.)

Deferred Disposition (Adjudication)

CCP §45.051 Suspension of Sentence and Deferral of Final disposition states on a plea of guilty or nolo contendere on a misdemeanor case the, judge may defer further proceedings without entering an adjudication of guilt and place the defendant on probation not to exceed 180 days. In issuing the order of deferral, the judge may impose a fine on the defendant in an amount not to exceed the amount of the fine that could be imposed on the defendant as punishment for the offense. The fine may be collected at any time before the probation ends. The judge may elect not to impose the fine for good cause shown by a defendant. If the judge orders the collection of a fine under this subsection, the judge shall require the amount of the fine be credited toward the payment of the amount of any fine imposed by the judge as punishment for the offense. Court policy dictates all support documentation to deferred cases, including the Order for Deferred Disposition (Adjudication) signed by the judge, are scanned into Odyssey and the physical copy is retained in the case jacket.

A sample of cases was tested for compliance with CCP §45.051 and court policy.

Finding: Deferred Disposition fees are not consistently being assessed accurately in Odyssey. There were several cases in which the fine was not reversed and the deferral fee was not assessed.

Recommendation JP4-22-02: To ensure compliance with CCP §45.051, upon approval of deferred disposition, the fine amount must be reversed in Odyssey, then the Deferred Disposition Fee must be assessed.

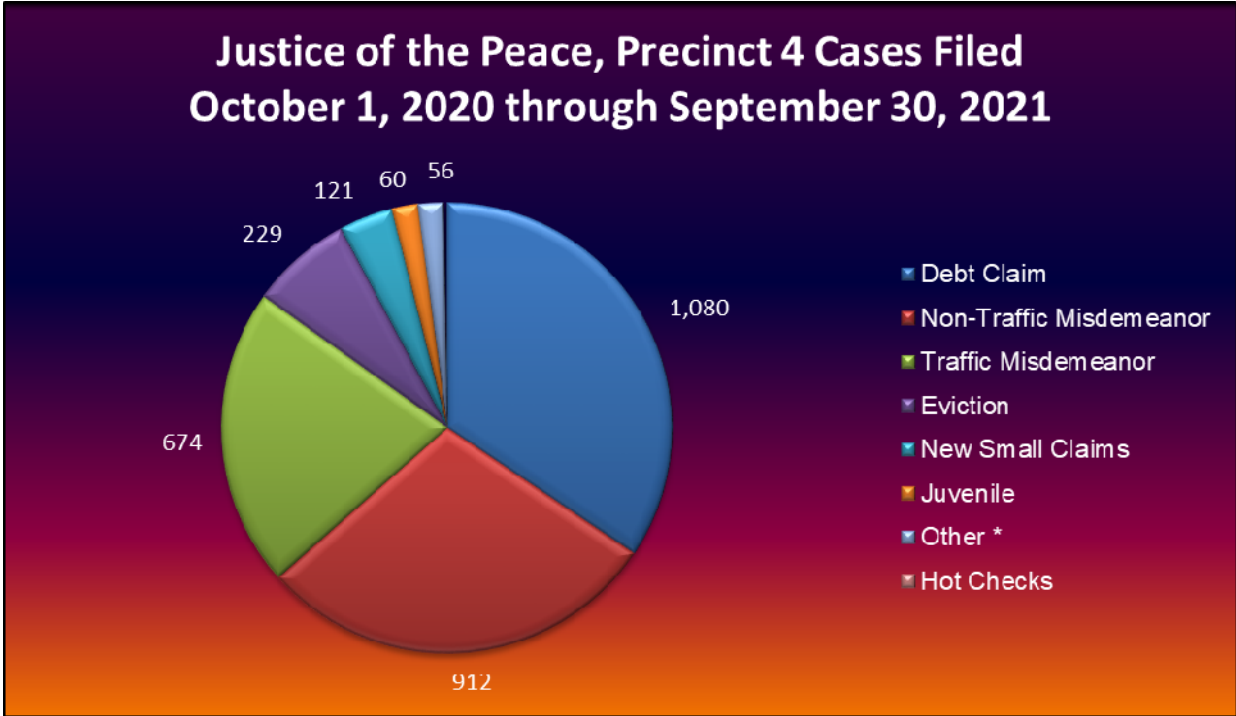
Statistical Analysis

A statistical analysis was performed on the cases filed through Justice of the Peace, Precinct 4 for fiscal year 2021. The data for the analysis was obtained from the Odyssey Case Filing Statistics report. The date range used for the report was October 1, 2020 through September 30, 2021. More than one-third (34.4%) of the cases filed were debt claims. Non-traffic misdemeanors made up 29.0% and traffic misdemeanors made up 21.5%.

The following reflects the number and types of cases filed during fiscal year 2021:

Debt Claim	1,080	34.4%
Non-Traffic Misdemeanor	912	29.0%
Traffic Misdemeanor	674	21.5%
Eviction	229	7.3%
New Small Claims	121	3.9%
Juvenile	60	1.9%
Other *	56	1.8%
Hot Checks	8	0.3%
Total Cases Filed	3,140	100.0%

Other*
Occupational License – 44
Magistrate Duty – 12



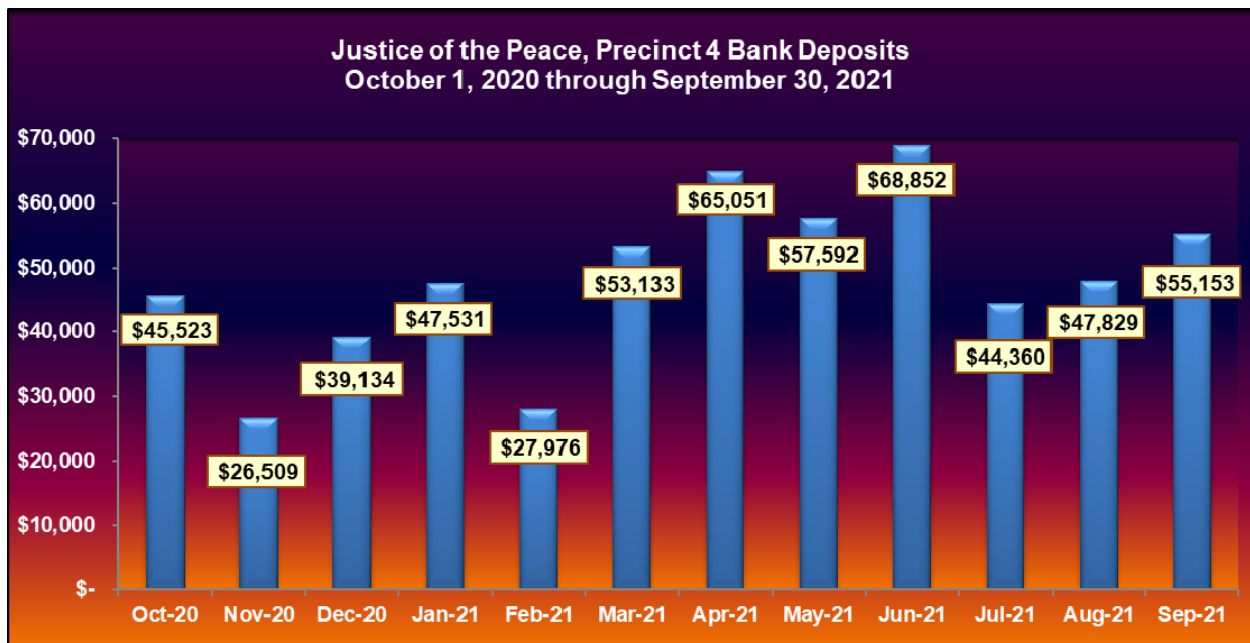
Statistical Analysis (cont.)

A statistical analysis was also performed on the bank deposits made by Justice of the Peace, Precinct 4 during fiscal year 2021. The data used in the analysis was obtained from ONESolution, the county's financial reporting system. The date range used for the report was October 1, 2020 through September 30, 2021. Bank deposits fluctuated from \$26,509 (November 2020) to \$68,852 (June 2021). Total collections for fiscal year 2021 were \$578,643.

The following reflects the bank deposits made by Justice of the Peace, Precinct 4 during fiscal year 2021:

Justice of the Peace, Precinct 4 - Bank Deposits

Oct-20	\$	45,523
Nov-20	\$	26,509
Dec-20	\$	39,134
Jan-21	\$	47,531
Feb-21	\$	27,976
Mar-21	\$	53,133
Apr-21	\$	65,051
May-21	\$	57,592
Jun-21	\$	68,852
Jul-21	\$	44,360
Aug-21	\$	47,829
Sep-21	\$	55,153
Total	\$	578,643





KATHLEEN M. MCCUMBER

JUSTICE OF THE PEACE
GALVESTON COUNTY, PRECINCT 4
174 Calder Road, Bldg 1
League City, Texas 77573
(281) 316-8716 or (281) 316-8718
Fax (281) 316-8704

July 18, 2022

Randall Rice, CPA
County Auditor
P.O. Box 1418
Galveston, Texas 77553

Mr. Rice:

I have received and reviewed the internal audit report for Justice of the Peace, Precinct 4 that covered the period of June 1, 2021 through May 31, 2022.

The court clerks have been instructed to verify the PC30 fee are included in the entire balance of any fines, fees and court cost. Further, they have been asked to verify the fine amount is reversed and the Deferred Disposition Fee is assessed before posting financials to Deferred Disposition cases.

I appreciate the information derived from this audit.

There is no need for an exit interview at this time.

Sincerely,

A handwritten signature in blue ink that reads "Kathleen M. McCumber".

Kathleen M. McCumber
Justice of the Peace
Precinct 4, Galveston County