



Office of Court Administration

Collection Improvement Program

**Independent Auditor's Report
on Court Collections**

Johnson County

June 22, 2015

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EXECUTIVE SUMMARY

Audit Results

The Collection Improvement Program (CIP) Audit Department of the Office of Court Administration (OCA) has performed the procedures enumerated below, which were agreed to by the CIP Technical Support Department of the OCA and Johnson County (County). The procedures were performed to assist you in evaluating whether the collection programs of the County have complied with Article 103.0033 of the Code of Criminal Procedure and Title 1, §175.3 of the Texas Administrative Code (TAC).

Our testing indicates the collection programs for the County are compliant with the requirements of Article 103.0033 of the Code of Criminal Procedure and 1 TAC §175.3. In testing the required components, no findings were noted.

We were not engaged to, and did not, conduct an examination of the County, the objective of which would be the expression of an opinion on the County's financial records. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters may have come to our attention that would have been reported to you.

Johnson County's management is responsible for operating the collection program in compliance with the requirements of Article 103.0033 of the Code of Criminal Procedure and 1 TAC §175.3.

The sufficiency of these procedures is solely the responsibility of the CIP Technical Support Department of the OCA, and we make no representation regarding the sufficiency of the procedures for the purpose for which this report has been requested or for any other purpose.

The compliance engagement was conducted in accordance with standards for an agreed-upon procedures attestation engagement as defined in the attestation standards established by the American Institute of Certified Public Accountants.

Objective

The objective of the engagement was to determine if the County complied with Article 103.0033 of the Code of Criminal Procedure and 1 TAC §175.3.

Summary of Scope and Methodology

This compliance engagement covers cases for which court costs, fees, and fines were assessed during the period of April 1, 2014 through May 31, 2014, but were not paid at the time of assessment. Cases were tested beyond the audit period to determine compliance with all components of the collection program. The procedures performed are enumerated in the Detailed Procedures and Findings section of this report.

Reporting of Sampling Risk

In performing the procedures, the auditor did not include a detailed inspection of every transaction. A random sample of cases was tested as required by 1 TAC §175.5(b). In consideration of the sampling error inherent in testing a sample of a population, a specific error rate cannot be reported; however, we can report the range within which we have calculated the error rate to fall.

DETAILED PROCEDURES AND FINDINGS

1. *Obtain a population of all adjudicated cases in which the defendant does not pay in full within one (1) month of the date court costs, fees, and fines are assessed.*

Johnson County provided a list of defendants who accepted a payment plan for the court costs, fees, and fines during the period of April 1, 2014 through May 31, 2014.

2. *Select a randomly-generated, statistically-valid sample of cases to be tested.*

After obtaining a population of all adjudicated cases, the cases were separated into three separate populations, and a randomly-generated statistically valid sample was selected from cases that had no missed payments and cases that missed a payment(s). All cases that were issued a *capias pro fine* were tested due to the low number of cases.

The number of samples tested for each population are listed below:

- Payment Plans with no missed payments - 34 cases were tested for procedures 8 - 11 listed below.
- Payment Plans with missed payments - 35 cases were tested for procedures 12 - 13 listed below.
- Cases where a *capias pro fine* was issued – all 17 cases from the three courts that issue *capias pro fines* were tested for procedure 14 listed below.

3. *Obtain a completed survey, in a form prescribed by CIP Audit, from the jurisdiction.*

A completed survey was obtained and reviewed from each court for pertinent information to the engagement. The responses were used to determine compliance with procedures 4 - 6 below.

4. *Evaluate the survey to determine if each local collection program has designated at least one (1) employee whose job description contains an essential job function of collection activities. Answers received will be verified during field work.*

Johnson County has two (2) county courts-at-law, three (3) district courts, and four (4) justice courts. The county courts and district courts each have their own collection programs, and each justice court performs their own collections. Each program/court has at least one (1) staff dedicated to the collection program who works to establish and monitor payment plans.

5. *Evaluate the survey to determine if program staff members are monitoring defendants' compliance with the terms of their payment plans or extensions. Answers will be verified through testing of Defendant Communication components.*

Per the surveys, the county and district courts monitor payment plans using an electronic collection software. The software monitors accounts for missed payments, schedules delinquent accounts for a phone call, and generates a list of delinquent accounts needing letters mailed. The justice courts each use a manual system specific to their court to monitor payment agreements (i.e. manual tickler files, MS Outlook, or spreadsheets).

6. *Evaluate the survey to determine if the program has a component designed to improve collection of balances more than 60 days past due. Answers will be verified through testing of Defendant Communication components.*

Per the surveys, the county seeks to collect balances greater than 60 days past due by using a third-party collection agency. The county courts-at-law and two (2) justice courts also issue capias pro fines on seriously delinquent accounts.

7. *Verify with CIP Technical Support and/or CIP Audit Financial Analyst(s) that the program is compliant with reporting requirements described in 1 TAC §175.4.*

Per the online reporting system, Johnson County is current with the CIP reporting requirements.

8. *Test samples generated in Procedure 2 (above) to determine if an application or contact information was obtained within one (1) month of the assessment date, and contains both contact and ability-to-pay information for the defendant.*

Of the 34 cases tested, four (4) errors were noted. Taking into consideration the inherent sampling error, we are 90% confident that the error rate is between 4.00% and 19.61%.

The County is compliant with this component.

9. *Test samples generated in Procedure 2 (above) to determine if contact information obtained within the application was verified within five (5) days of obtaining the data.*

Of the 34 cases tested, seven (7) errors were noted. Taking into consideration the inherent sampling error, we are 90% confident that the error rate is between 11.84% and 29.72%.

The County is compliant with this component.

10. *Test samples generated in Procedure 2 (above) to determine if local program or court staff conducted an interview with the defendant within 14 days of receiving the application.*

Of the 34 cases tested, no errors were noted. Taking into consideration the inherent sampling error, we are 90% confident that the error rate is below 7.85%.

The County is compliant with this component.

11. *Test samples generated in Procedure 2 (above) to determine if the payment plans meet the Documentation, Payment Guidelines, and Time Requirements standards defined in TAC §175.3(c)(4).*

Of the 34 cases tested, no errors were noted. Taking into consideration the inherent sampling error, we are 90% confident that the error rate is below 7.85%.

The County is compliant with this component.

12. *Test samples generated in Procedure 2 (above) to determine if telephone contact with the defendant within one (1) month of a missed payment was documented.*

Of the 35 cases tested, three (3) errors were noted. Taking into consideration the inherent sampling error, we are 90 % confident that the error rate is less than 17.45%.

The County is compliant with this component.

13. *Test samples generated in Procedure 2 (above) to determine if a written delinquency notice was sent to the defendant within one (1) month of a missed payment.*

Of the 35 cases tested, five (5) errors were noted. Taking into consideration the inherent sampling error, we are 90 % confident that the error rate is between 5.53% and 22.54%.

The County is compliant with this component.

14. *Test samples generated in Procedure 2 (above) to determine if another attempt of contact, either by phone or by mail, was made within one (1) month of the telephone contact or written delinquency notice, whichever is later, on any defendant in which a capias pro fine was sought.*

A total of 17 cases were tested from the courts that issued capias pro fines. Of the 17 cases tested, three (3) errors were noted. While this calculates as a 17.65% error rate, the small population is not sufficient to statistically validate the component. Therefore, the County passes this component without testing.

15. *Make a determination, based on results of the testing in Procedures 5 – 14 (above), as to whether the jurisdiction is compliant with Article 103.0033 of the Code of Criminal Procedure and 1 TAC §175.3 based on the criteria defined in 1 TAC §175.5(c).*

Johnson County is compliant with Article 103.0033 of the Code of Criminal Procedure and 1 TAC §175.3 based on the criteria defined in 1 TAC §175.5(c). The County is compliant with the four (4) Operational Components, and maintained a compliance rate greater than 80% for the seven (7) Defendant Communication Components.

APPENDICES

OBJECTIVE, SCOPE, AND METHODOLOGY

Objective

The CIP Audit Department of the Office of Court Administration applied procedures, which the CIP Technical Support Department (client) and Johnson County (responsible party) have agreed-upon, to determine if the County's collection programs are compliant with Article 103.0033 of the Code of Criminal Procedure and 1 TAC §175.3.

Scope

This compliance engagement covers cases for which court costs, fees, and fines were assessed during the period of April 1, 2014 through May 31, 2014, but were not paid at the time of assessment. Cases were tested beyond the audit period to determine compliance with all components of the collection program. All cases that included court costs, fees, and fines that totaled \$10.00 or less were removed from testing.

Methodology

Performed the procedures outlined in the Detailed Procedures and Findings section of this report to test records to enable us to issue a report of findings as to whether the County has complied, in all material respects, with the compliance criteria described in Article 103.0033 of the Code of Criminal Procedure and 1 TAC §175.3.

In performing the procedures, the 'tests' the auditor performed included tracing source documentation provided by the County to ensure the collection process met the terms of the criteria listed. Source documents include, but are not limited to, court dockets, applications for a payment plan, communication records, capias pro fine records, and payment records.

Criteria Used

Code of Criminal Procedure, Article 103.0033
Texas Administrative Code, Title 1, §175.3

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