



Office of Court Administration

Collection Improvement Program

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

Fort Bend County

August 11, 2014

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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 the Fort Bend County (County). The procedures were performed to assist you in evaluating whether the collection program of the County has 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 program for the County is 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.

The management of Fort Bend County 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 July 1, 2013 through August 31, 2013, 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.*

The County provided a list of defendants who accepted an extension and/or a payment plan during the period of July 1, 2013 through August 31, 2013. The population received was from three (3) County collection programs: District Collection Program (CSCD), County Court at Law Program (CCL Courts), and the Centralized Program (All JP Courts). Each program population was scrubbed to remove cases defined as exclusionary cases delineated by the restrictions in the Request for Information form, and to segregate the population into three (3) separate and distinct populations. For this discussion the populations are referred to as (Main, Delinquent, and Capias) populations.

- The Main population is those defendants who requested and received an extension and/or a payment plan, and were current with the terms of the payment agreement. A total of 574 cases were identified for all programs.
- The Delinquent population consists of defendants who missed at least one scheduled payment and/ or failed to report by the extension due date. A total of 466 cases were identified for all programs.
- The Capias population includes the cases where a Capias Pro-Fine was sought for defendants that did not meet the terms of the pay plan or extension. A total of 250 cases were identified.
- A total of 1,290 cases formed the three (3) distinct populations.

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

A randomly-generated, statistically-valid sample was taken from the Main, Delinquent, and Capias populations. The categories and number of samples tested are listed below:

- The Main population – 40 cases were tested as detailed in Procedures 8 through 11 listed below.
- The Delinquent population – 40 cases were tested, as detailed in Procedures 12 and 13 below.
- The Capias population – 36 cases were tested as detailed in Procedure 14

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

A completed survey was obtained and reviewed for information pertinent to the engagement. Survey responses were used to determine compliance in Procedures 4 through 6 listed below.

4. *Evaluate the survey to determine if the 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.*

Each collection program had at least one staff employee whose job description contains essential job functions of the collection activities as a priority job function. During the field audit process the auditor met, observed, and discussed the County's collection staff job duties relating to the County's collection activities.

The County is compliant with this component.

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.*

The County monitors defendant compliance with the terms of the extension or payment plan agreement as follows:

CSCD Program:

The CSCD staff monitors all collection compliance activities via an electronic case management system (Odyssey), and the CSCD-Corrections Software Solutions system. Probation Officers meet with defendants every two to four weeks where collection balances and scheduled payments are discussed. Probation Officers enter meeting notes into the Corrections Software Solutions system to create a record of events.

County Court at Law (CCL) Courts:

County Clerk staff monitors all collection compliance activities via Odyssey. Staff records case events and scan documentation images into Odyssey. Staff also notifies the court of non-compliance so a Capias Pro-Fine can be issued by the Judge. All delinquent notices and warrant notifications are generated electronically by the CCL Courts collection staff.

Central Program (JP) Courts:

County Treasurer staff monitors all collection compliance activities via Odyssey and a collection software (iPlow). Staff records case events into iPlow. They also verify the information in iPlow against information contained in Odyssey to ensure consistency as the information in Odyssey is entered by JP court personnel. All delinquent notices and warrant notifications are generated electronically by the JP Courts collection staff.

While on-site, the auditor met, observed, and discussed the dedicated staff's monitoring program responsibilities.

The County is compliant with this component.

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

The processes to improve collection of seriously delinquent cases are as follow:

CSCD Program:

Probation Officers meet with defendants every two to four weeks where collection balances and scheduled payments are discussed. The officer notifies the Court of non-compliance so the Court can consider a motion to revoke probation if the defendant does not comply with the terms of the payment plan agreement.

County Court at Law (CCL) Courts:

Collection program personnel notify the Court of non-compliance so a Capias Pro-Fine warrant can be issued by the Judge.

Central Program (JP) Courts:

Court collection staff sends out Capias Pro-Fine warrant notices. The Justice Courts participate in the TDPS-FTA program (Ominbase), and use a law firm for the collection of balances more than 60 days past due.

While on-site, the auditor verified that the process was described correctly.

The County is compliant with this component.

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.*

The jurisdiction is current with reporting requirements based on the reporting activity documented in the OCA's CIP Court Collection Report software. All monthly reports were submitted for Calendar Year 2013, which include the audit period July and August of 2013.

The County is compliant with this component.

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

Of the 40 cases tested, one (1) error was noted. Taking into consideration the inherent sampling error, we are 90% confident that the error rate is less than 8.68%.

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 40 cases tested, two (2) errors were noted. Taking into consideration the inherent sampling error, we are 90% confident that the error rate is less than 11.58%.

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 40 cases tested, one (1) error was noted. Taking into consideration the inherent sampling error, we are 90% confident that the error rate is less than 7.71%.

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 40 cases tested, no errors were noted. Taking into consideration the inherent sampling error, we are 90% confident that the error rate is less than 5.01%.

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 40 cases tested, no errors were noted. Taking into consideration the inherent sampling error, we are 90% confident that the error rate is less than 4.59%.

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 40 cases tested, no errors were noted. Taking into consideration the inherent sampling error, we are 90% confident that the error rate is less than 4.59%.

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.*

Of the 36 cases tested, no errors were noted. Taking into consideration the inherent sampling error, we are 90% confident that the error rate is less than 3.65%.

The County is compliant with this component.

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).*

Fort Bend County is compliant with Article 103.003 of the Code of Criminal Procedure and 1 TAC §175.3. The County was compliant with all four (4) of the Critical Components for Local Program Operations, and maintained a compliance rate greater than 80% for each of the seven (7) Critical Components for Defendant Communication.

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 Fort Bend County (responsible party) have agreed-upon, to determine if the County's collection program is 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 July 1, 2013 through August 31, 2013, 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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