

PORTSMOUTH MUNICIPAL COURT

SPECIAL AUDIT REPORT

JANUARY 1, 1997 through APRIL 30, 1999

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REPORT OF INDEPENDENT ACCOUNTANTS

Judge William T. Marshall,
Judge Richard T. Schisler
Ms. Suzanna Blevins, Clerk
Portsmouth Municipal Court
728 Second Street
Portsmouth, Ohio 45662

Pursuant to our Letter of Arrangement dated May 17, 1999, and subsequent amendments dated July 6, 1999, and August 2, 1999, we have conducted a "Special Audit" and performed the procedures summarized below, and detailed in our "Supplement to the Special Audit Report," which were agreed to by you, for the period January 1, 1997 through April 30, 1999, ("the Period") for procedures one through eight and for the period January 1, 1997 through June 30, 1999, for procedures nine and ten. These procedures were performed to obtain an understanding of the Court's operational policies and procedures; to determine through testing of receipts and Court entries if the activity is accurately recorded in the Court case files and computer system; to determine if the Court's bank accounts were reconciled; to determine if disbursements were made in accordance with Court entries; to determine if tickets issued by local law enforcement agencies were entered into the Court computer system; to determine if manual receipts were in existence and posted to the appropriate case file; to determine whether the proper fees were being charged and distributed properly; to determine whether the voids issued by the Court were for valid court related errors; to determine if leave usage exceeded available leave balances; and to determine whether allowable payroll expenditures were charged against the Electronic Monitoring Housing Assistance Fund and the Community Corrections Act Grant which included the Electronic Monitoring Housing Assistance Grant. This engagement was performed in accordance with standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the specified users of the report. Consequently, we make no representations regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose. The procedures we performed are summarized as follows:

1. We reviewed the operational policies, procedures and practices of the Court to obtain an understanding of the procedures followed for obtaining the tickets or complaints from law enforcement agencies, attorneys, or the City Prosecutor; recording cases into the Court computer system; processing Court entries, receipting monies due to the Court; and disbursing monies.
2. We obtained tickets issued by the Ohio State Highway Patrol, City of Portsmouth Police Department, Scioto County Sheriff's Department, and the New Boston Police Department and compared the tickets to the Court Computer System to determine if the tickets had been entered into the Court docket.
3. We compared the manual receipts issued by the Deputy Clerk to determine whether the receipt was entered into the computerized cashbook, whether the receipt was included in the case file and whether or not the money was deposited into the Court's bank account.

4. We reconciled the Court bank accounts and performed proofs of cash for the Period to determine whether the Court's records agree to the bank records.
5. We obtained a listing of agencies to which the Court remitted fine monies on a recurring basis as required by Ohio Revised Code. We then scanned all disbursements made by the Court during the Period and investigated payments issued to agencies not on the listing. In addition, we selected 45 disbursements and traced each disbursement to supporting documentation.
6. We obtained a listing of fees charged and distributions to be made. We compared the listing to the related sections of the Ohio Revised Code to determine whether the fees charged and the distributions made were in accordance with the Ohio Revised Code.
7. We reviewed the voids in the computer system to determine whether the void was substantiated by supporting documentation maintained by the Court.
8. We judgementally selected 40 transactions each from the docket, case file, ticket and duplicate receipt. We traced the transaction through the system to determine whether the transactions are included in all Court maintained documents or records.
9. Upon request of the Judge, we reviewed the City's policies on leave accrual and the amount of leave accrued by four Court employees to determine if the employees accrued their leave in accordance with City policies for the period of January 1, 1997 through June 30, 1999. In addition, we also reviewed the payroll journals to determine the amount of leave used by the four Court employees to verify the employees were not utilizing more leave than they had accrued.
- . Upon request of the Judge, we obtained the grant agreement and reviewed the Ohio Revised Code to determine what types of expenditures can be expended by the Electronic Monitoring Housing Assistance Grant and the Electronic Monitoring Housing Assistance Fund. We reviewed the expenditure reports during the period of January 1, 1997 through June 30, 1999 to determine if only allowable payroll expenditures were charged against the Grant.
11. On December 10, 1999, we held an exit conference with the following Officials and Administrative Personnel:

Judge William T. Marshall
Judge Richard T. Schisler
Ms. Suzanna Blevins, Clerk
Mr. Joe McKinnon, Acting Clerk

The attendees were given an opportunity to respond to this Special Audit. We received the following responses: a) a response from Judge Richard T. Schisler and Judge William T. Marshall dated December 20, 1999; b) a response from John R. Stevenson, attorney representing Suzanna Blevins dated December 21, 1999; and c) a response from Catherine Rohrbaugh dated December 28, 1999. These responses were reviewed and evaluated, and changes were made where we deemed appropriate.

The results of applying these procedures are contained in the attached "Supplement to the Special Audit Report." Because these procedures do not constitute an examination conducted in accordance with generally accepted auditing standards, we do not express an opinion or limited assurance on any of the accounts or items referred to above. Also, we express no opinion on the Court's internal control system over financial reporting or any part thereof. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you. This report is related only to transactions relating to the above procedures, and does not extend to any financial statements of the Court, taken as a whole.

This report is intended for the use of the specified users listed above and should not be used by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes. Reports by the Auditor of State are a matter of public record and use by other components of state government or local government officials is not limited.

JIM PETRO
Auditor of State of Ohio

September 2, 1999

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

STRUCTURE OF THE COURT

The Portsmouth Municipal Court was established under Ohio Revised Code Section 1901.01. Ohio Revised Code Section 1901.02 established the jurisdiction of the Court to encompass all of Scioto County. The jurisdiction includes the City of Portsmouth, Village of New Boston, Village of Lucasville, Village of Wheelersburg, and numerous other small Villages. The Village of New Boston has a Mayor's Court which hears minor traffic offenses and misdemeanors. All other offenses including Driving Under the Influence are referred to the Portsmouth Municipal Court. The Court is responsible for hearing all civil cases, traffic cases, and criminal cases filed with the Court.

The Court has two Judges of which one serves as the Administrative Judge. The Administrative Judge oversees the operations of the Court, hears various cases, and is responsible for overseeing the Clerk of the Municipal Court. The population in the County determines whether the Clerk of the Municipal Court is appointed by the Court or whether the Clerk of the Municipal Court is elected by the public. The last census in Scioto County indicated the population was approximately 85,000 individuals. As a result of the population being below the threshold of 100,000 which requires an election for the position of clerk, the Clerk of the Municipal Court is appointed by the Administrative Judge.

The Clerk of the Municipal Court responsibilities are set forth in Ohio Revised Code Section 1901.31. Ohio Revised Code Section 1901.31 (E) provides the Clerk's duties include: administering oaths, taking affidavits, and issuing executions upon any judgment rendered in the Court; issuing, signing, and attaching the seal of the Court to all writs, process, subpoenas, and papers issued out of the Court; and approve all bonds, sureties, recognizances, and undertakings fixed by any judge of the Court or by law. She is also required to "file and safely keep all journals, records, books, and papers belonging or appertaining to the Court; record the proceedings of the Court; perform all other duties that the judges of the Court may prescribe; and keep a book showing all receipts and disbursements, which book shall be open for public inspection at all times."

Ohio Revised Code Section 1901.31 (F) provides the clerk "shall receive, collect, and issue receipts for all costs, fees, fines, bail and other moneys payable to the office or to any officer of the Court. The clerk shall each month disburse to the proper persons or officers, and take receipts for, all costs, fees, fines, bail, and other moneys that the clerk collects."

The Clerk of the Municipal Court's office has three divisions: Civil Division, Criminal Division, and the Traffic Division. The Municipal Court also has a Fines Clerk who processes all payment plans for offenders unable to make full payment of fines to one of the three divisions of the Municipal Court. The Civil Division is responsible for accepting the filings of all civil, small claims, trusteeship, eviction, and garnishment suits. The Civil Division has three deputy clerks whose duties include: collection of filing fees, filing the cases in the computer, assigning the cases to a Judge, creating the docket for Court hearings, updating case files with Court actions, and filing the case files.

The Criminal Division currently has one full time clerk. The Deputy Clerk is responsible for updating the case files entered into the computer system by the Prosecutor for the actions of the Court, creating the hearing docket, and collecting fees related to Criminal cases heard by the Court. The jail collects various bonds for offenders wanting to be released from jail. These bonds are presented to the Criminal Division Deputy Clerk each business day morning. She enters the bond and case information into the computer system and receipts the moneys she received from the Sheriff's Deputy.

The Traffic Division currently has three deputy clerks. These clerks are responsible for the receiving of traffic tickets from various law enforcement agencies, entering the information into the computer system, creating traffic dockets for cases to be heard in Court, collecting traffic fines, and filing of the case files.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

The Clerk of the Municipal Court is responsible for ensuring the money collected each day agrees with the amounts posted to the computer system, preparing the deposits, making the deposits, and distributing fines and fees on a monthly basis. She also performs various administrative duties including reconciling bank accounts, approving Court related expenditures, preparing Ohio Supreme Court Reports, and preparing indigent offenders' attorney billings.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Certain Elected Officials and Relevant Individuals

Judge William T. Marshall serves as the Administrative Judge of the Portsmouth Municipal Court. As Administrative Judge, Judge Marshall oversees the Clerk of Municipal Court's Office.

Judge Richard T. Schisler serves as the Judge of the Portsmouth Municipal Court.

Ms. Suzanna Blevins serves as the Clerk of the Municipal Court and oversees all activities of the Clerk of the Municipal Court's office.

Mr. Lynn Grimshaw serves as the Scioto County Prosecutor and was responsible for prosecuting Ms. Sharon Crabtree for theft in office.

Ms. Sharon Crabtree served as the deputy traffic clerk at the traffic window until April 2, 1999. Her job duties included collecting monies for payments on traffic tickets and minor misdemeanors and also entering the traffic tickets into the computer system. She pled guilty to a theft of \$7,000 from the Court on April 7, 1999. On May 19, 1999, Ms. Crabtree was sentenced to five years of community control sanctions subject to the supervision of the probation department, a \$1,000 fine, and restitution of \$7,000 or whatever the State Auditor finds.

Ms. Tammy Flannery serves as the Traffic Division Deputy Clerk. Her job duties include entering the tickets into the computer system, creating the traffic docket, and submitting various reports to the Ohio Bureau of Motor Vehicles.

Ms. Dottie Wiley serves as the Criminal Division Deputy Clerk. Her job duties include receipting and entering bonds received by the jail from offenders into the computer system and entering in all actions of the Court on the criminal cases excluding the original complaint entered by the City Prosecutor's office. She also collects fines and fees related to Criminal cases heard by the Court.

Ms. Penny Gilliland serves as the Fines Division Deputy Clerk. Her job duties include the creation of payment plans for those who cannot pay their entire fine and administering the payment plans maintained by the Court.

Ms. Sonya Bridwell serves as a Civil Division Deputy Clerk. Her job duties include the processing of garnishment receipts, evictions, and various civil filings.

Ms. Jill McDonald serves as a Civil Division Deputy Clerk. Her job duties include the processing of small claims filings and other various civil filings.

Ms. Dee Charles serves as a Civil Division Deputy Clerk. Her job duties include the processing of small claims and assisting the other clerks when necessary including but not limited to the operation of the traffic window.

Ms. Sherry Wheelersburg serves as a Deputy Clerk. Her job duties include the processing of payments received at the traffic payment window and assisting the Traffic and Criminal Division clerks when needed.

Mr. Ken Days is an investigator with the private company of Civil and Criminal Investigations, Inc. He performed the investigation of the missing monies in the Clerk of the Municipal Court's Office.

Ms. Gail Dutz, Mr. Joe Steele, Ms. Kristi Gerlach, and Mr. Greg Powell are investigators with Civil and Criminal Investigations, Inc., who assisted Mr. Days in the investigation performed at the Court.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

BACKGROUND INFORMATION

On March 25, 1999, a citizen with a traffic violation came to the traffic window at the Portsmouth Municipal Court and voiced concerns regarding a driving under suspension citation he had received. He had a receipt to support that he had made payment on the previous ticket. The clerk at the window, Ms. Tammy Flannery, searched the Court computer system and noted that there was an outstanding case for a stop sign violation. When questioned, the offender showed Ms. Flannery a pink copy of a manual receipt with the proper case number which was signed by Ms. Sharon Crabtree. Ms. Flannery attempted to locate the case file but was unable to do so. She then made a copy of the receipt, informed the offender it would be investigated by the Clerk, and presented the copy to the Clerk of the Municipal Court, Suzanna Blevins.

Upon receipt of the copy of the manual receipt, Ms. Blevins performed her own search for the missing case and could not locate the case file. She also searched the Court computer system which indicated there had been no action on the case even though a Court date of January 13, 1999 had been set. She also reviewed the daily cash log and determined that there was no money for fines paid by the citizen turned in to her by Ms. Crabtree for the case for the year.

While searching for the file Ms. Blevins found another citation on Ms. Crabtree's desk which indicated a citation had been issued for Assured Cleared Distance on March 15, 1999. Attached to the citation was a manual receipt for \$70 signed by Ms. Crabtree indicating the fine had been paid early in the day on March 16, 1999. Ms. Blevins made a copy of the manual receipt and returned it to the desk of Ms. Crabtree. Manual receipts are generally issued when the system is down; however, the system had not been down during that day. She then reviewed the daily cash log and noted there was no record of the \$70 receipt in the system. When she returned to Ms. Crabtree's desk at the end of the day, the offender's file was missing and no cash was entered into the system.

Based on her findings, Ms. Blevins decided to review a recent history of traffic cases and found there were possibly seven additional cases in which no Court action had been taken or any record of a fine being paid. She was not able to locate those cases. Based on these irregularities, on March 29, 1999, Ms. Blevins hired, on her own accord, Ken Days of the private investigative firm, Criminal and Civil Investigations, Inc. to perform an investigation to determine if a theft was occurring in the Court.

On March 30, 1999, Ken Days contacted Lynn Grimshaw, Scioto County Prosecutor and discussed the issues of the case. Mr. Days was instructed to attempt to locate and interview additional witnesses who may have paid fines and received manual receipts. Mr. Days was able to contact the two offenders mentioned above who were able to provide a manual receipt indicating payment had been received and both were signed by Ms. Crabtree. On March 31, 1999, two of the investigators employed by Criminal and Civil Investigations, Inc. were able to contact two more offenders who had paid their fines and had received a manual receipt for which there was no record of the receipt in the Court's records.

On March 31, 1999, Mr. Days and the Prosecutor decided to perform a "sting" operation to determine if Ms. Crabtree was stealing fines she had collected. Mr. Days, through cooperation with the Scioto County Sheriff's Office, had four citations written up on Scioto County Sheriff Tickets utilizing his investigator's names. The Sheriff's Deputy received the completed citations from Mr. Days, ran a Law Enforcement Automated Data System (LEADS) report on each of the individuals, and delivered the citations to the Court the next morning.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

On April 1, 1999, Mr. Days met with Ms. Blevins to discuss the status of the investigation and to go over the "sting" operation. Ms. Blevins provided \$400 in cash to utilize in the operation. On April 2, 1999, Mr. Days presented the copy of the ticket to be turned in on a guilty waiver and cash to three investigators Ms. Cindy Cook, Ms. Kristi Gerlach, and Ms. Gail Dutz. Ms. Cook went to the Court, paid her fine with the exact amount, and received a computerized receipt. Ms. Gerlach went to the Court, paid her fine with the exact amount, and received a computerized receipt. Ms. Dutz went to the Court with a \$100 bill. Ms. Dutz made sure Ms. Crabtree saw the \$100 bill before entering the information into the computer. Upon seeing the cash, Ms. Crabtree moved away from the computer and provided a manual receipt for the monies paid.

Once this occurred, Ms. Dutz, a fourth investigator, Mr. Joe Steele, and Mr. Days returned to the Court and requested to speak with Ms. Blevins. Ms. Crabtree went and informed Ms. Blevins of the visitors. Mr. Days went to speak with Ms. Blevins while the two investigators watched Ms. Crabtree's work area. Mr. Days informed Ms. Blevins what occurred with Ms. Dutz's ticket. Ms. Blevins requested Ms. Crabtree to come to her office.

Ms. Dutz, Mr. Days, Ms. Blevins, and Ms. Crabtree met in Ms. Blevins office. Mr. Days informed Ms. Crabtree that he was a private investigator hired to investigate missing fine money from the Court as well as the missing case files from the Court. Mr. Days then presented documentation from the four cases the Clerk had previously made copies of in which manual receipts were issued for fines paid, the case file was missing, and the money was not receipted into the Court. Ms. Crabtree indicated she did not have any questions. She was then informed the results of the investigation would be presented to the County Prosecutor.

Ms. Crabtree indicated she did wish to cooperate. She then admitted she had been taking tickets and money beginning in approximately November 1998 through March of 1999. She was informed the investigation indicated a case file missing just before Christmas. Ms. Crabtree indicated that it was possible she had just started before Christmas.

Mr. Days asked Ms. Crabtree if she had any of the tickets she had taken from the Court. She stated she had the tickets at her house. Mr. Days, Ms. Dutz, and Ms. Crabtree went to her house and obtained the tickets. During this time, Ms. Blevins informed the two Municipal Court Judges, that a theft had occurred. Upon return to the Court, Ms. Crabtree was arrested for theft in office. Mr. Days then went to the Prosecutor, informed him of the results of the "sting" operation, his interview with Ms. Crabtree, and indicated he would provide the information obtained through due process of law.

The County Prosecutor then issued a Grand Jury subpoena to obtain the records from Mr. Days. Mr. Days then returned the remaining money previously provided by the Clerk of the Municipal Court for the "sting" operation in the amount of \$160. The items returned to the Clerk were \$30 in change Ms. Dutz received, the two computerized receipts and one manual receipt.

On April 6, 1999, Judge William T. Marshall and Judge Richard T. Schisler sent a letter to the Auditor of State's Office requesting a Special Audit of the Portsmouth Municipal Court as a result of the theft that occurred.

On April 7, 1999, Scioto County Prosecutor Lynn Grimshaw filed a bill of information with the Common Pleas Court indicating that Sharon Crabtree during 1998 and 1999 violated Ohio Rev. Code Section 2921.41(A)(2), theft in office when the value of property stolen was five hundred dollars or more and less than five thousand dollars that belonged to the Municipal Court. Ms. Crabtree pled guilty to theft in office.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

On April 13, 1999, the Special Audit Committee voted to initiate a Special Audit of the Portsmouth Municipal Court in accordance with the request made by the two Judges.

On May 19, 1999, Ms. Crabtree was sentenced to five years of community control sanctions subject to the supervision of the probation department, a \$1,000 fine, and restitution. The restitution amount was set at \$7,000 or whatever the State Auditor's Office finds is owed to the City of Portsmouth. Ms. Crabtree is to make monthly payments on the fine, costs and restitution. As of September 2, 1999, Ms. Crabtree has repaid \$6,396 and is on a payment plan to repay the remaining balance.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

STATEMENT OF LEGAL AUTHORITY

The jurisdiction and procedures of Municipal Courts in Ohio are generally set forth in Chapter 1901 of the Ohio Revised Code and related sections of the Ohio Revised Code incorporated by reference in that Chapter or contained within the general provisions of the Ohio Revised Code.

Ohio Rev. Code Section 9.38 provides, in pertinent part, that “a public official other than a state officer, employee, or agent shall deposit all public moneys received by him with the treasurer of the public office or properly designated depository once every twenty-four consecutive hours.”¹

Ohio Rev. Code Section 1901.21 states “in a criminal case or proceeding, the practice, procedure, and mode of bringing and conducting prosecutions for offenses shall be as provided in the Criminal Rules.”

Ohio Rev. Code Section 1901.31 (E) provides “The Clerk shall do all of the following: file and safely keep all journals, records, books, and papers belonging or appertaining to the Court; record the proceedings of the Court; perform all other duties that the judges of the Court may prescribe; and keep a book showing all receipts and disbursements, which book shall be open for public inspection at all times.”

Ohio Rev. Code Section 1901.31(F) provides “The clerk shall each month disburse to the proper persons or officers, and take receipts for, all costs, fees, fines, bail, and other moneys that the clerk collects.”

Ohio Rev. Code Section 1901.31 (G) states that the clerk of Courts is required on the first Monday of each January, to list all cases more than one year past for which money has been collected but unclaimed. The clerk must also transmit notice of unclaimed funds to the party or to the party’s attorney. Money still unclaimed each April 1 must be paid to the municipal treasury. It is further noted that these funds remain the property of the potential claimant.

Ohio Rev. Code Section 2743.70 provides the thirty dollars collected for a felony and the nine dollars collected for a misdemeanor for all cases “shall be transmitted on the first business day of each month by the clerk of the Court to the treasurer of the state and deposited by the treasurer in the reparations fund.”

Ohio Rev. Code Section 2949.091 provides the eleven dollars charged as costs for an offense “shall be transmitted on or before the first day of the following month by the clerk of the Court to the treasurer of state.” On July 22, 1998, this section was amended to be remitted on or before the twentieth day of the following month.

Ohio Rev. Code Section 3375.50 provides “all fines and penalties collected by, and moneys arising from forfeited bail, in a municipal Court . . . plus all costs collected monthly in such state cases, shall be retained by the clerk of such municipal Court, and be paid by him forthwith each month to the board of trustees of the law library association in the county in which such municipal corporation is located.” Ohio Rev. Code §3375.50 (E) provides this does not apply to fines collected for violations of Ohio Rev. Code §4513.263 (B).

Ohio Rev. Code Section 3715.73(B) provides “all fines or forfeited bonds assessed and collected under prosecution by the board of pharmacy or prosecution commended by the board in enforcement of sections 3715.01 tor 3715.72, inclusive, of the Revised Code, shall, within thirty days, be paid to the secretary of the board and by him paid into the state treasury.” This section was enacted on July 22, 1998 by Amended Substitute Senate Bill No. 66.

¹This section was amended effective November 2, 1999 by Substitute House Bill Number 220.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Ohio Rev. Code Section 3719.21 requires except as provided in this section, “ the clerk of the Court shall pay all fines or forfeited bail assessed and collected under prosecutions or prosecutions commended for violations of this chapter or Chapter 2925, of the Revised Code, within thirty days, to the executive director of the state board of pharmacy.”

Ohio Rev. Code Section 4507.021 (B) provides “if a person is convicted of or forfeits bail in relation to a violation of any section listed in division (A) of this section or a violation of any other law or ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways or streets, the county court judge, mayor of a mayor’s court or clerk, within ten days after the conviction or bail forfeiture, shall prepare and immediately forward to the bureau of motor vehicles an abstract, certified by the preparer to be true and correct, of the Court record covering the case in which the person was convicted or forfeited bail.”

Ohio Rev. Code Section 4507.168, provides the license reinstatement fee collected by the clerk of the municipal court shall be transmitted on a monthly basis along with all other processing fees required to be remitted to the registrar for the State bureau of motor vehicles fund. This section was amended on May 15, 1997 establishing the license reinstatement fee of \$15.

Ohio Rev. Code Section 4511.193 provides for violations of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse or similar offenses shall be deposited into the municipal or county indigent drivers alcohol treatment fund on a monthly basis.

Criminal Rule 46 (G) states, “the judge, magistrate, clerk, or officer who releases a person under this rule shall make an appropriate written order stating the conditions of release.” Criminal Rules provide guidance on the procedures to be followed for criminal cases.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

SUMMARY OF RESULTS

ISSUE 1

We reviewed the operational policies, procedures and practices of the Court to obtain an understanding of the procedures followed for obtaining the tickets or complaints from law enforcement agencies, attorneys, or the City Prosecutor; recording the case into the Court's computer system; processing Court entries; receipting monies due to the Court; and disbursing the monies.

PROCEDURES

In addition to the interviews we conducted we also requested supporting documentation to substantiate the information provided by Court personnel.

- . We interviewed Suzanna Blevins, Clerk of the Municipal Court to determine what duties she performs at the Court including making monthly disbursements, daily cash drawer reconciliations, bank reconciliations, and other duties.
2. We interviewed Tammy Flannery, Deputy Clerk, Traffic Division, to determine the process she follows upon receipt of the tickets from the law enforcement agency through the Court until the money is receipted into the Court.
3. We interviewed Dottie Wiley, Deputy Clerk, Criminal Division, to determine the process she follows when receipting in bonds received by the Jail and the process followed for actions of the Court on criminal cases and the receipting of money.
4. We interviewed Dee Charles, Deputy Clerk, Civil Division, to determine the process she follows when processing small claims cases that are filed either through the mail or at the Civil Division window including the creation of the case file, recording of Court actions, and the receipting of money.
- . We interviewed Penny Gilliland, Deputy Clerk, Fines Clerk, to determine how an individual is placed on a payment plan, how the payment plan operates, and what monitoring is performed to ensure the Court receives the monies due.
6. We interviewed Sonya Bridwell, Deputy Clerk, Civil Division, to determine the process followed for recording garnishments and evictions and the receipting of monies for these cases.
7. We interviewed Jill MacDonald, Deputy Clerk, Civil Division, to determine the process she follows when processing civil cases that are filed either through the mail or at the Civil Division window including the creation of the case file, recording of Court actions, and the receipting of money.
8. We interviewed Judge William T. Marshall and Judge Richard T. Schisler to determine their involvement with the daily and monthly activities of the Portsmouth Municipal Court and law enforcement agencies.
9. We interviewed Sharon Crabtree, former Deputy Clerk, Traffic Division, to determine the processes she utilized to misappropriate monies from the Court.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

RESULTS

1. We interviewed Suzanna Blevins, Clerk of the Municipal Court, on May 11th, 18th, and 24th, 1999, to obtain an understanding of the duties she performed. The following is a description of the various duties performed by the Clerk:

- **Daily Receipts:** At the end of each day, the Clerk prints a report showing each Deputy Clerk's name and their collections for the day. The Deputy Clerk is responsible for counting the money in her cash drawer and agreeing it to the report indicating her daily collections. If the Deputy Clerk cannot locate the error, she brings the cash drawer to the Clerk to determine if the Clerk can locate the error. The Clerk then counts the money, compares it to the receipts and determines if she can find the error. If the Clerk cannot, the Deputy Clerk has to pay in her own money the amount she is short. If the Deputy Clerk has more money than the report indicates, the same process is utilized to determine the error. If the error cannot be located, a post it note is placed on the money and the money is placed in the safe.

The Clerk then prints a daily cash receipts/disbursements report which shows all transactions by receipt number. She then compares the end of the day register totals to the totals listed on the daily cash report from the computer system. If it does not agree she then compares the register tape to the computer receipts to determine if a receipt was not entered into the cash register. Prior to 1999, she would write what the error was on the total portion of the tape and attach it to the carbon receipts. In 1999, the Clerk performed the following procedures when the error was located:

1. She tears off that portion of the register tape which shows the error.
2. She writes what the error was on the total portion of the register tape.
3. She then staples the error portion and the total portion of the register tape to the carbon copy of the receipts issued for that day.

The Clerk then reviews the cash drawer received from the Deputy Clerk, to determine if there were any voided receipts. If there were voided receipts, a white copy of the voided receipt would be included in the cash drawer. Upon locating the voided white copy of the receipt, the Clerk scans the computerized receipt/disbursement report for any voids and compares those found to the white copy. She then compares the voids in the ledger to the receipts to verify both copies of the receipt are in the stack of receipts with the word "void" written on both the white and yellow copy of the receipt. The Clerk then scans the remaining receipts to determine if there is a subsequent receipt issued to that individual. If there isn't another receipt issued to the individual, she will review the docket screen for the case to determine the reason for the void.

The Clerk will then review the Criminal Division Deputy Clerk's cash drawer to determine if the Court receives any bonds from the Sheriff's office. If the Court has received bonds, a white copy of the Sheriff's receipts will be attached to the carbon copy of the receipts presented with the Clerk's cash drawer. The white copy of the Sheriff's receipt is agreed to the bond cashbook to ensure all transactions are recorded in the cashbook.

Once the Clerk has verified the cash drawers agree with the computer system, all of the voided receipts are accounted for, and the bond receipts are agreed to the computer system, the Clerk prepares the deposit slip based on the money received for each account. She then will deposit the money in the bank utilizing the night drop if she does not make the deposit during normal banking hours. When she receives the deposit slip back, she compares it to the daily register to ensure all

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monies were deposited to the proper account. If it is a large deposit, the Bailiff may be asked to take it to the bank.

- **Bank Accounts** - The Clerk of the Municipal Court utilizes five bank accounts to account for the activity of the Court. The accounts are: Criminal/Traffic Bank Account; Civil Bank Account; Trusteeship Bank Account; Landlord/Tenant Bank Account; and the Bond Bank Account. At the end of each month, the Clerk obtains the bank statement and canceled checks from the bank. She then performs a reconciliation utilizing the computer for the Criminal/Traffic; Civil; Trusteeship and Bond bank accounts. Due to the small amount of activity in the Landlord/Tenant bank account, she does not utilize the computer to track the activity of this account. Once the bank accounts are reconciled, she instructs the computer to run the month end reports.
 - **Disbursements** - After completing the bank reconciliation, the Clerk will run various reports including a cashbook showing the receipts for the month, and costs reports showing money due to each agency the Court interacts with. Once these reports are generated, she instructs the computer to issue checks to make the disbursements indicated in the cost reports and cashbook. The computer system then generates the checks to be mailed for the Civil and Trusteeship bank accounts. The disbursements for the Bond and Criminal/Traffic bank accounts are written manually by the Clerk or her designee for the Bond account. The disbursements from the Landlord/Tenant account are also handwritten checks. Each disbursement made by the Court is to be supported by actions in the computerized case file, the actual case file maintained by the Court, or by requirements in the Ohio Revised Code.
 - **Computerized Fees** - The Court computer system is programmed with various court fees mandated by the Ohio Revised Code and Distributions required by the Ohio Revised Code. Periodically, the Clerk will receive notification of a change in a state mandated fee. She will enter into the fee charged screen and adjust the fee when needed. She also may receive changes in local Court costs as judgement entries signed by the Judges of the Court. Upon receipt of the entry, she will also go into the fee charged screen and make the necessary adjustments. Any changes to distributions of fees are changed in the computer program by the Court's software vendor, Hension and Associates.
 - **System Access** - The Clerk is responsible for assigning access to the various parts of the system the deputy clerks will utilize. She only allows the deputy clerks access to the areas needed to complete their duties.
 - The Clerk has other duties which are performed when necessary. These include receipting into the computer miscellaneous receipts for photocopies; writing a check to disburse the interest received in the Criminal/Traffic bank account to the City Auditor, verifying requests for reimbursement made by attorneys representing indigent offenders, and assisting the deputy clerks when needed.
2. We interviewed Tammy Flannery, Deputy Clerk, Traffic Division on May 19, 1999, to determine the process she follows when she receives tickets from a law enforcement agency until the case file is closed. Periodically, she receives traffic tickets from law enforcement agencies including the Ohio State Highway Patrol, City of Portsmouth Police Department, Scioto County Sheriff's Department, and the Village of New Boston Police Department.

Upon receipt of these tickets, Ms. Flannery reviews each ticket received and separates the tickets indicating the date the Court received the ticket is the Court hearing date. For those tickets which have scheduled Court appearances for that day, she enters the ticket information into the computer system. The computer assigns a case number to the ticket. Once all of the tickets for that day's Court have been entered, she utilizes the computer system to create a traffic Court docket. The Court does not verify the tickets entered into the computer system agree with those received from the law enforcement agencies.

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The docket lists a summary of all of the cases to be heard that day and is presented to the Judge hearing the cases. As the Judge hears each case and renders his decision, he writes his decision on the docket. After Court is over, the decisions made by the Judge are entered into the computer system by Ms. Flannery. During Court, the remaining tickets are then entered into the computer system by either Ms. Flannery or the deputy clerk at the traffic window.

Ms. Flannery monitors those who have not made payment on their tickets and utilizes the computer system to generate a report of points to be assessed on the offender's driving records and whose drivers licenses should be suspended for non payment of fines. Once the report is complete, it is saved on a computer diskette and sent to the Ohio Bureau of Motor Vehicles. In addition, Ms. Flannery monitors the docket to ensure all of the offenders required to appear in Court for that day did so. If the offender did not appear in Court, she then sends the case to the Criminal Division Clerk who processes a bench warrant for the individual's arrest for not appearing in Court.

We interviewed Ms. Dottie Wiley, Criminal Division Deputy Clerk, on May 19, 1999, and May 24, 1999, to determine the process she follows upon receipt of a criminal case or a bond from the Scioto County Jail. The processes are as follows:

- **Criminal Cases:** The case file on the computer system is created by the City Prosecutor's office which enters into the system the name of the offender, date of the offense, and the offense. Each day, she creates a hearing docket for the Judges for Criminal cases. At the end of Court for that day, she will receive the docket with the Judges' decisions to be entered into the computer system. She enters this information into the system and places the related case documents and judgement entries from the City Prosecutor's office in the case file. When a case is ordered closed by the Judge, she will review the case file to ensure all of the required documents are in the case file. Once her review is completed, the case file is filed in the filing room. In addition, She is also responsible for issuing Commitment to Jail entries, Release from Jail entries, or Bond Refund/Forfeiture entries. Each of these entries are entered into the computer system, the computer system generates a form which is signed by the Judge who heard the case, a copy is placed in the case file, and the original copy is sent to the Scioto County Jail for those being committed or released from jail.
 - **Bonds:** Each business day, a Scioto County Sheriff's Deputy comes to the Court to deliver bonds received the night before by the County Jail. Upon receipt of the bond, Ms. Wiley compares the amount she is receiving to the receipt, and signs the receipt prepared by the Jail. The white copy of the receipt and the money is given to Ms. Wiley by the Sheriff Deputy and he maintains the carbon copy of the receipt. Ms. Wiley then enters the receipt of the bond into the computer system for the case it relates to and provides a computerized receipt to the Sheriff Deputy or places it in the offender's case file.
4. We interviewed Ms. Dee Charles, Civil Division Deputy Clerk, on May 19, 1999, and May 24, 1999, to determine the process she follows upon receipt of a civil case or small claims case that is filed through the mail. Upon receipt of the case through the mail, Ms. Charles opens the mail and places those cases to be filed in a stack. She then enters the case information into the computer system and receipts the filing fee into the computer system. The white copy of the receipt is placed in a box for the attorney filing the fee to add to the case file. She then prepares the case file, assigns the case to a Judge, and sends a summons notice to the parties involved in the case. Once a hearing is set for the case, she enters the hearing date into the system and mails the hearing notices to the parties. The same process is utilized for Small Claims cases except a referee document is created for the hearing and is sent to the Magistrate who is going to hear the case. Once a decision is made by the Magistrate, an entry is prepared by Ms. Charles, sent to the parties involved, and placed in the case file.

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We interviewed Ms. Penny Gilliland, Fines Division Deputy Clerk, on May 19, 1999, and May 24, 1999, to determine the process she follows upon determining the offender cannot make full payment on the monies owed to the Court. When an individual arrives at the cashier's window to pay the fines, the deputy clerk at the window asks the individual if he/she is able to pay the fine in its entirety. If not, the individual is directed to speak with Ms. Gilliland. Ms. Gilliland upon verifying the individual cannot make full payment, asks the amount the individual can pay each month. Once this amount is determined, she enters into the computer system for the individual's case the individual will be making monthly payments of a certain amount. She then utilizes the system to generate a payment plan which indicates the offender's name, case number, amount of payment to be made each month, and the due date of the payment. The first payment is collected at that time and the offender is advised if payment is not made by the next due date a warrant for his or her arrest will be issued. The offender then signs the payment plan and is given a copy. Ms. Gilliland receipts the money received into the computer system and the cash register. She provides a copy of the computerized receipt to the offender. She then prepares a file folder for the individual's payment plan and files it with the other payment plans. The folder is not reviewed again until the offender makes the next payment or the case is reviewed by the Court. The Court computer system can generate a listing of all offenders which owe the Court fines; however, the report is only run at year end for use by the auditors performing the City of Portsmouth audit. Currently, the Court has approximately \$3,200,000 that is due to the Court in fines and fees which has not been received.

6. We interviewed Ms. Sonya Bridwell, Civil Division Deputy Clerk, on May 24, 1999, to determine the process she follows when receiving garnishment requests and eviction notices. The process for each is as follows:

- **Garnishments** - When an individual defaults on payment of the judgement from a civil suit, the plaintiff can attach a garnishment to the defendant's wages. A default judgement is issued indicating an individual has failed to make payment on the judgement. An entry is then signed by the Judge for the Court to garnish the wages of the individual. A garnishment authorization form is prepared and sent to the employer as notice to garnish the wages. A notice is sent to the attorney and the defendant that the wages are being garnished. The garnishment occurs each time the individual is paid and the employer remits the wages withheld to the Court each time the individual is paid. This money is usually received through the mail. Ms. Bridwell will enter the money received from the garnishment either from an individual in person or through the mail and the computer generates a receipt. If the payment is made in person, the individual is given the receipt. If the payment is received through the mail, the receipt is either mailed to the defendant or placed in the case file.
- **Evictions** - Periodically, Ms. Bridwell will receive a petition for eviction from a landlord. Upon filing of the petition, a filing fee of \$20 is collected. The petition information and amount of the fee received is entered into the computer system. A receipt is generated by the computer system and presented to the petitioner. Upon the filing of the petition, a hearing date is set by the deputy clerk, the parties are notified of the hearing and a case file is prepared. The bailiff is given five days to serve the notice to the tenant. A hearing is held before the magistrate and a decision is rendered. A copy of the decision is delivered to the parties. The Bailiff goes to the property on the day of the eviction to ensure the tenant has left the property.

7. We interviewed Ms. Jill McDonald, Civil Division Deputy Clerk, on May 24, 1999, to determine the process she follows for the Landlord/Tenant bank account. Ms. McDonald also processes Civil cases and small claims case filings in the same manner as Ms. Dee Charles. The Landlord/Tenant account is used to deposit rent from tenants who are in a dispute with their landlords. The tenant lodges a complaint with the Court to have the landlord fix a problem on the property that the landlord has previously refused to fix. The application is entered into the computer system and placed on the Court hearing docket. Once the Court has approved the application for assistance, the tenant pays the rent

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to the Court instead of the landlord and the monies are placed in this bank account. When monies are received, the money is entered into the computer system and a receipt is generated. If the payment is made in person, the individual is given the receipt. If the payment is received through the mail, the receipt is either mailed to the defendant or placed in their case file. Once the repairs are completed and verified by the Court, the rent received is forwarded to the landlord.

At the end of the day, one of the three deputy clerks from the Civil Division will enter the receipts issued for that day into the cash register for Civil cases, garnishments, evictions, and landlord/tenant dispute filings. All of the deputy clerks at the end of the day will count the money they received for the day and compare it to the daily cash report printed by the Clerk. If the deputy clerk is in agreement, she provides the drawer and the receipts to the Clerk. If the deputy clerk has an error and cannot locate the error, she provides the drawer to the Clerk who tries to locate the error. If the Clerk cannot locate the error and the deputy clerk is short, she is required to pay the shortage from her own personal money. If she is over and the overage cannot be located, the money is placed with a note in the safe until the Clerk determines where the error occurred.

8. We interviewed Ms. Sharon Crabtree, former Traffic Division Deputy Clerk, on August 27, 1999, to determine the reasons behind the theft, how the theft occurred, and how she determined the amount of money she pled guilty to.

Ms. Crabtree indicated she was a single parent with a high house payment and credit card debt. She described the process of the tickets coming to the Court and she would put the tickets in date order. She indicated that sometimes when the ticket had not been entered into the system, she would have the offender sign the blue ticket and give the individual a manual receipt. She stated the tickets she looked for were those which did not require Court appearances and would be for minor offenses. She stated that she took tickets issued by the Highway Patrol, the City of Portsmouth Police Department, and the Scioto County Sheriff's Office. Ms. Crabtree also stated that she was the only individual who worked at the traffic window unless she was on break or at lunch.

Once she had given the manual receipt to the offender, she would place the blue copy of the ticket signed by the offender, her copy of the receipt that the individual signed, and put it with the original tickets. She would then place these three documents in her purse with the money received. Later in the interview, she indicated that she may have entered some of the tickets into the system as if no payment had been received. For those tickets, she would either take the ticket or staple the wrong blue copy of the ticket to the original ticket.

When asked how she determined the amount to plead to, she indicated she found a fifth stack of tickets two days after providing four stacks of tickets to the investigator. She added the amount of the tickets up and determined a "ball park" figure of \$1,200. She indicated she figured this was a fourth of the tickets previously given and determined "if there is a thousand dollars here and there's probably at least four, maybe five over here in that big stack that I gave them."

On April 7, 1999, Ms. Sharon Crabtree pled guilty to theft in office of \$7,000.

FINDING FOR RECOVERY

On April 7, 1999, Ms. Crabtree was charged with theft in office. A judgement entry was filed on May 21, 1999 indicating Ms. Crabtree had pled guilty to theft in office. The judgment ordered her "to make restitution of \$7,000, or whatever the State Auditor's Office finds is owed to the City of Portsmouth."

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During an interview with Mr. Ken Days on April 2, 1999, Ms. Crabtree indicated she had both the blue and white copies of the ticket along with the related manual receipt of monies she had misappropriated at her home. At the end of the interview, Ms. Crabtree and Mr. Days went to her home and obtained the tickets and the manual receipts.

The following table reflects the documentation provided by Ms. Crabtree to the investigator and the total dollar amount on the tickets provided that she admitted to misappropriating.

| Law Enforcement Agency that Issued the Tickets | Number of Tickets Provided by Ms. Crabtree from her home | Total Dollar Amount of Tickets Provided Based on the Offense Cited |
|---|---|---|
| Ohio State Highway Patrol | 44 | \$3,133 |
| Portsmouth Police Dept. | 4 | 280 |
| Scioto Co. Sheriff's Dept. | 5 | 333 |
| Total | 53 | \$3,746 |

Based upon the foregoing information, a finding for recovery is hereby issued against Ms. Sharon Crabtree, and Western Surety Company, her bonding company, jointly and severally, for monies converted or misappropriated and in favor of the Portsmouth Municipal Court in the amount of \$3,746.

In addition to the \$3,746 discussed above, we also noted an additional \$5,372 (page 3-9) of fines which may have been misappropriated by Ms. Crabtree. However, due to missing records we could not conclusively determine that Ms. Crabtree misappropriated these funds. This Finding for Recovery of \$3,746 plus the \$2,499 discussed on page 3-3 plus \$2,873 discussed on 3-6 appear to support Ms. Crabtree's confession of \$7,000.

MANAGEMENT LETTER COMMENTS

A. Monitoring of the Court

Monitoring of Court Activities -

The Court had very few, if any, internal controls, record keeping was inaccurate and inconsistent, and there appeared to be little progress on the part of either the Administrative Judge or the Clerk of the Municipal Court to develop appropriate administrative functions. This causes significant concern that fraud may be occurring currently which may or may not be discovered in future audits and may create an environment which promotes future fraud. In addition to the lack of basic internal controls, the Court is consistently moving appropriations between line items to ensure expenditures can be made and are usually running close to the budgeted revenues towards the end of the year. This is a result of the Court not collecting all of the fees it is entitled to which results in less monies available to perform basic administrative functions necessary to operate the Court.

In order to make the Court a viable self-sustaining operation with internal controls and standardized operating procedures necessary to achieve this goal, we recommend the Court in conjunction with the City, hire a reputable consulting firm to take control of the operations of the Court and train the Court employees until such time as the operations can be handed back to Court Personnel.

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Review of Reconciliations

The Court maintains five bank accounts which are reconciled on a periodic basis by the Clerk who performs the depositing and disbursement duties. Currently, the Judges of the Court do not review these reconciliations to ensure the accounts are reconciled and to ensure there are no items other than daily court activity flowing through the bank accounts. By reviewing the reconciliations, the Judges can reduce the potential for irregularities or fraud occurring in the bank accounts.

We recommend the Judges are given a copy of each bank reconciliation for their review. The Judges should review the reconciliations and ask any questions of unusual items they notice.

Monthly Activity

Each month the Clerk of the Municipal Court receives a monthly activity report from the County Auditor and City Auditor for the receipts and disbursements in the funds maintained for the Court. Per discussion with Judge Marshall, he does not see this report. As a result, the Judge relies on the Clerk to inform him of potential budget problems. The Judge is unable to determine if there are unusual fluctuations in the funds which could be the result of irregularities or fraud.

Each month the Judges should be presented with the reports received from the County Auditor and City Auditor to allow them to be aware of the activity flowing through the Court and to adjust the Court fees when necessary to support the Court's budget. Upon receipt of these reports, the Judges should review the reports and ask any questions they have about the reports.

Operational Policies and Procedures

The Court does not have a procedures manual detailing acceptable practices for the administration of the accounts operated by the Court and the responsibilities of Court personnel. The lack of uniform procedures may have contributed to the errors in processing Court transactions.

The Court should develop written standardized procedures for the administration of the different departments within the Court and the bank accounts utilized by the Court.

Accounts Receivable/Monitoring Payment Plans (see General Comments)

Shortages and Overages

The Clerk of Municipal Court (the Clerk) should request the establishment of a "Prime Account" to track overages and shortages. A log should be maintained noting the cashier and the instances when the cashier had an overage or shortage. The net amount of the overages and shortages on the log should be added to or deducted from the City's share of fees collected. The shortages and overages incurred by each cashier should be reviewed by a supervisor and used as supporting documentation for employee performance evaluations. A "Prime Account" is an account within the Clerk's receipting and disbursing systems to track specific transactions (e.g., Clerk fees, Sheriff fees, Miscellaneous fees, etc...). The Clerk requires the cashiers in the Clerk's Office to make up shortages with their own funds if the steps taken do not eliminate the shortage. Currently, overages are documented and then the documentation and money is placed in the safe until the monies can be determined who it belongs to.

By requiring the cashiers to reimburse shortages in their cash drawers, the Clerk could have significant turnover of employees or theft of overages.

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We recommend the Clerk discontinue the practice of requiring the cashiers to pay for shortages. The Clerk should request the establishment of a "Prime Account" to track overages and shortages. A log should be maintained noting the cashier and the instances when the cashier had an overage or shortage. The net amount of the overages and shortages on the log should be added to or deducted from the City's share of fees collected. The shortages and overages incurred by each cashier should be reviewed by a supervisor and used as supporting documentation for employee performance evaluations or necessary corrective actions.

Organization of Court Records

The Portsmouth Municipal Court has three different divisions which process cases filed in the Court. Each of these Divisions has its own filing system and financial records, to allow for efficiency in the Court. An organized Court would include procedures for the receipting of monies, creation of case files, and the filing of cases in a timely manner. An organized operation would have a process in place to allow for efficient retrieval of information when needed in a timely manner and would allow the Court to determine which records can be destroyed in accordance with the Court's records retention schedule.

During the audit of the Clerk of the Municipal Court's office, we noted the following items:

- A. In the Clerk of the Municipal Court's office, there were piles of cases and various papers which should have been filed.
- B. In the employee break room, there were two stacks of documentation received through the mail with the check still attached which had not been filed in the Court computer system. Many of the checks were dated up to two months prior to the beginning of the audit. As a result, monies are not being deposited in accordance with Ohio Rev. Code Section 9.38.
- C. In the Clerk of the Municipal Court's office, we observed the Clerk counting monies for a deposit. On occasion, she would leave the room unattended and unsecured for up to an hour to assist another employee. As a result, monies were left in the open which increases the likelihood of theft.
- D. In the room where all of the case files are maintained, there were numerous stacks of tickets which needed to be filed in the traffic case files or criminal case files.
- E. We observed a box of tickets beside the traffic window which had been paid but no case files had been created. During a search for missing tickets it was determined there were one to two months of tickets assigned case files which had not been filed properly.
- F. As a result of the general disarray of records in the Court, we could not locate 13 case files, the cash journals for October 1996 through December 1996 for the Trusteeship Account, an original docket signed by Judge Marshall, or a bank reconciliation for February 1998 for the Civil Bank account.
- G. We noted stacks of boxes throughout the office of case files dated before 1997. It appears the Court is not disposing of records in accordance with its records retention schedule.

As of the date of this report, the Clerk of the Municipal Court's office currently has a backlog of cases that either need to be entered into the computer system and the money deposited or cases that need to be filed. As a result, this backlog is resulting in additional time being spent locating cases and monies not being deposited in the bank in a timely manner. It is also resulting in limited space for the Court employees to work. The general disarray of the records in the Court have impacted our report in many areas resulting in numerous recommendations, and some citations.

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We recommend the Judges and the Clerk of the Municipal Court evaluate the disorganization and determine the cause of the disorganization. The Court should then develop a corrective action plan to eliminate the disorganization and increase the efficiency of the Court. The corrective action plan should consider the training needs of the Court staff, an assessment of personnel needs, and assessment of the records needed to maintain the actions of the Court in accordance with Ohio Rev. Code Chapter 1901.

Personnel Policies

During an interview with Sharon Crabtree, she indicated she was not sure she completed a job application. Based on the interview, it does not appear the Judges perform reference checks or background checks on prospective employees but rely on the Clerk of the Municipal Court's recommendation. Reference checks and background checks should be performed especially those in sensitive positions and those responsible for financial transactions. This may prevent future potential liabilities caused by misappropriation and can reduce the chance of hiring someone who has been previously dismissed for suspected theft.

We recommend each time the Court interviews a prospective employee the Court contacts the references of that person, as well as, performing a criminal background check to reduce the chances of theft or fraud from occurring.

B. Clerk of the Municipal Court's Duties

Segregation of Duties

The Criminal, Civil, and Traffic Divisions (the Divisions) should have policies and procedures establishing the proper segregation of duties over the collecting, posting, disbursing and reconciling processes. The deputy clerks collect money and post the receipts to the computer system. The deputy clerks also have the ability to enter traffic tickets, civil complaints and criminal complaints into the system. In addition, the deputy clerks can collect, post, reconcile receipts, transfer and disburse monies.

The non-segregation of duties over the receipting, disbursing, and reconciling processes may result in the loss of accountability over receipts or fraud. As a result, during the Period, Deputy Clerk, Sharon Crabtree had the ability to collect traffic fines and enter traffic tickets into the system, which allowed her to have the ability to take fines without being detected. Ms. Crabtree was convicted for theft in the amount of \$7,000.

We recommend the Clerk implement policies and procedures to establish segregation of duties over the collecting, posting, disbursing and reconciling processes.

Cash Reconciliation Procedures

Cash in the cashier drawers should be counted and reconciled to the receipts issued. This should be completed by the Clerk in the presence of the deputy clerk. The deputy clerk in the Civil, Criminal, and Traffic Divisions reconciles their cash drawers to the receipts issued. If a deputy clerk's drawer agrees to the Daily Cash Log printout, the deputy clerk gives the money and the logs to the Clerk. The reconciliation process is then performed by the Clerk who is not in the presence of the deputy clerks.

By not allowing the deputy clerks to be present for the entire reconciliation of their cash drawers, there is a loss of internal controls over receipts. If there is a difference between the cash count of the Clerk and the deputy clerk, the source of the error or fraud may not be pinpointed.

We recommend the Clerk of the Municipal Court implement uniform reconciliation procedures which includes the cashiers being present during the reconciliation of their cash drawers.

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Securing of Assets

The Court maintains daily cash collections in a drawer which is accessible by many Court employees. It was noted there were also Civil complaints on shelves that had not been entered into the system which had several checks attached dated up to two or three months prior to entry. The drawers or the shelves are accessible by many of the employees of the Court. The Court also maintains unused checks in a safe which is accessible by several of the Court employees. Allowing several Court employees to have access to cash, undeposited checks, and unissued checks, may result in theft or other irregularities which may go undetected.

We recommend the unused checks and undeposited collections be maintained in a locked safe or cabinet with access limited to authorized individuals. In addition, all collections including any overages during the day should be deposited as required by Ohio Rev. Code Section 9.38.

C. All Divisions

Daily Balancing Procedures

A person independent of the cash receipts function should balance each cashier's drawer at the end of every day. The cashier and the individual balancing the drawer should be present during this procedure. The deputy clerk cashiers receipt monies into their cash drawers and balance their own cash drawers by themselves at the end of the day. Once counted the cashier gives the money to the Clerk, the Clerk recounts the money by herself. The non-segregation of duties of receipting and balancing cash receipts may lead to the loss of accountability over receipts and/or fraud.

We recommend a person independent of the cash receipts function balance each cashier's drawer at the end of every day. The cashier and the balancer should be present during this procedure. Once the money is counted and reconciled to the daily cash log, the balancer and cashier should sign on the daily cash log and or balancing form in agreement of the amount collected (counted). Any variances between the actual amount collected and the amount per the daily cash log should be indicated on either the balancing form or the daily cash log.

Arrest Warrants

If an offender fails to appear for Court when required, the Judge will issue a bench warrant. The Criminal Clerk prepares a bench warrant which is signed by the Judge and sent to the law enforcement agency based on the jurisdiction of the agency. If the law enforcement agency is unable to serve the warrant, the agency is to enter the warrant into the Law Enforcement Automated Data System (LEADS), a state arrest warrant tracking system. Per discussion with the Judge, the New Boston Police Department indicated it has not entered all of its warrants into the system. The Court is not able to determine if the agencies are entering the warrants received into LEADS which can result in a loss of revenue to the Court and agencies the monies are to be remitted to.

We recommend the Court create and implement a system to reconcile arrest warrants issued to those sent to the agencies and confirm with the agencies the number of warrants entered into the LEADS system.

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ISSUE 2

We obtained tickets issued by the Ohio State Highway Patrol, City of Portsmouth Police Department, Scioto County Sheriff's Department, and the New Boston Police Department and compared the tickets to the Court computer system to determine if the tickets had been entered into the Court docket.

A. OHIO STATE HIGHWAY PATROL

PROCEDURES:

1. We obtained a computerized file from the Ohio State Highway Patrol to determine the tickets issued by the Patrol during the Period.
2. We obtained a computerized file from the Municipal Court to determine the tickets entered into the system as being issued by the Ohio State Highway Patrol during the Period.
3. We utilized audit software to determine what tickets were issued by the Ohio State Highway Patrol which were not entered into the System.
4. We utilized audit software to determine what tickets were included in the Court system which were not recorded in the Patrol's computer system.
5. We investigated any tickets issued by the Highway Patrol that were not in the Court's System to determine the reason for the ticket not being recorded in the System.
6. We investigated any tickets recorded in the Court System as being issued by the Patrol which were not listed in the Patrol's computer system to determine the reason for the ticket not being recorded in the Patrol's computer system.
7. We compared any tickets not located from the above steps to the Juvenile Court system tickets received with the tickets received by the Pike County Court as the Highway Patrol post serves only Pike and Scioto Counties. We also searched the System by name, date of the violation, and the violation to determine if those tickets had been recorded in other Courts.
8. We submitted the tickets not located from the above steps to the Ohio Bureau of Motor Vehicles to determine if the tickets were received for the points associated with the offense to be assessed.

RESULTS

1. We utilized the Information Systems Audit Division of the Auditor of State's office to perform a comparison between the Court's computer file of tickets issued by the Ohio State Highway Patrol from Ms. Suzanna Blevins, Clerk of the Municipal Court and the computer file of the Ohio State Highway Patrol tickets issued by year from Ms. Paula Paulins, Bureau of Motor Vehicles. The comparison resulted in 799 tickets listed as being issued by the Highway Patrol for the Portsmouth Municipal Court which were not entered into the Court computer system. The comparison also resulted in 805 Ohio State Highway Patrol tickets in the Court computer system that were not included in the Bureau of Motor Vehicles computer system listing Ohio State Highway Patrol tickets.
2. An exception report was generated by the Information Systems Audit Division of the Auditor States Office. The report listed 805 tickets entered into the Court computer system but not the Bureau of Motor Vehicles computer system was generated. We reviewed each of the case files listed in the Court to

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determine why the ticket was not included in the Bureau of Motor Vehicles computer system. The following are the results of this review:

- There were 8 cases in which the case file could not be located by Court employees. We were able to observe case information on the Court computer system.
 - There were 76 tickets that were entered into the Court's computer system incorrectly. The keying errors included the transposition of numbers in the ticket number and the wrong letter in the ticket number. Once we determined the correct letter and number sequence of the ticket, we were able to match these tickets with those included in the Ohio State Highway Patrol computer.
 - There were 26 tickets entered into the Court computer system with the arresting agency as the Highway Patrol. Upon review of the tickets, the arresting agency was the City of Portsmouth Police Department. We then reviewed receipts on the computer system for each case to determine if monies were remitted to the State of Ohio instead of the City Auditor. As a result of this review, we determined there was \$695 remitted to the State of Ohio incorrectly. The Court needs to work with the State of Ohio to transfer the money improperly remitted to the Portsmouth City Auditor.
 - There were 2 tickets entered into the Court computer system with the arresting agency as the Highway Patrol. Upon review of the tickets, the arresting agency was the Ohio Department of Natural Resources. We then reviewed receipts on the computer system for each case to determine if monies were remitted to the State of Ohio instead of the Ohio Department of Natural Resources. As a result of this review, we determined there was \$140 remitted to the State of Ohio - State Highway Patrol Funds incorrectly.
 - There were 19 tickets entered into the Court computer system with the arresting agency as the Highway Patrol. Upon review of the tickets, the arresting agency was the Scioto County Sheriff's Department. We then reviewed receipts on the computer system for each case to determine if monies were remitted to the State of Ohio instead of the Scioto County Auditor. As a result of this review, we determined there was \$105 remitted to the State of Ohio incorrectly. The Court needs to work with the State of Ohio to transfer the money improperly remitted to the Scioto County Auditor.
 - The remaining 674 tickets per the Court computer system agreed to a hard copy of the State Highway Patrol tickets. These tickets have not been entered into the Ohio State Highway Patrol computer system.
3. An exception report listing the 799 tickets entered into Ohio Bureau of Motor Vehicle's computer system but not the Court's computer system was generated by the Information Systems Audit Division of the Auditor of State's office. We reviewed each of the case files listed in the Bureau of Motor Vehicles computer system to determine why the ticket was not included in the Court's computer system. The following are the results of this review:
- Of the 799 tickets, we were able to trace 657 tickets issued to the Highway Patrol Post's ticket issuance log by trooper. Of the remaining 142 tickets, 64 of the tickets were issued for arrests of individuals and not traffic offenses. The remaining 78 tickets were issued by State Troopers who had either moved to another post and taken their log with them, retired in which case the log was destroyed, or was promoted and moved to another post.
 - Of the 657 tickets, there were 47 tickets that were entered into the Court's computer system incorrectly. These errors included transposition of numbers in the ticket number or the wrong letter used in the ticket number.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

- Of the 657 tickets, there were 44 tickets totaling \$3,133 provided by Ms. Crabtree to the County Prosecutor. Ms. Crabtree confessed she had misappropriated the tickets and the related fines assessed and did not record any of the information in the Court records. A Finding for Recovery has been issued against Sharon Crabtree and her bonding company, jointly and severally, for monies converted or misappropriated in the amount of \$3,133 and in favor of the Portsmouth Municipal Court. (See page 2-6 for the Finding for Recovery.)
- Of the remaining 566 tickets, we compared the names of the offender, offense date, and the offense to the Court Computer system; to tickets the Scioto County Juvenile Court received from the Patrol; the Pike County Court, and verified with the Bureau of Motor Vehicles the offense to determine whether or not those remaining 566 tickets had been recorded by a Court other than the Portsmouth Municipal Court. This review resulted in 61 tickets being determined as being issued by the Ohio State Highway Patrol but not being received by any Court for processing.
- For the 61 missing State Highway Patrol tickets, we reviewed the offenses listed on the tickets to determine the amount of the fine due to the Court utilizing the fine schedule in effect when the offense occurred. For those offenses which indicated "various speed", we utilized the lowest fine for speeding. There were offenses in which the fines were set by the Judge; therefore, those tickets were not included in the calculation of the money collected by Ms. Crabtree but unaccounted for in the Portsmouth Municipal Court. Using this rationale, we determined of the 61 tickets, there were 16 tickets in which the fines were set by the Judge hearing the case, there were 3 cases in which the tickets were missing from the Court computer system which occurred after Ms. Crabtree pled guilty, and there were 42 tickets with fines totaling \$2,499 collected by Ms. Crabtree but not recorded by the Court. Due to missing records, we could not conclusively determine whether Ms. Crabtree misappropriated these tickets and related fine monies and therefore, have not issued a Finding for Recovery for these monies. However, as stated on page 2-6, Ms. Crabtree confessed when misappropriating fine money, she would take the ticket and the manual receipt. Therefore, it is possible that Ms. Crabtree did misappropriate these tickets and the related fine money. This \$2,499 plus the \$2,873 discussed on page 3-6 plus the Finding for Recovery of \$3,746 on page 2-7 appears to support Ms. Crabtree's confession that she misappropriated \$7,000.

The Court should contact each of the offenders listed on these tickets and obtain documentation supporting the payments made. For those individuals who have documentation indicating the fine had been paid, such as a receipt signed by Ms. Crabtree or another deputy clerk, the Court should then contact the City Solicitor to determine the procedures to be followed to obtain the money from Ms. Crabtree or the individual who issued the receipt.

4. We contacted Bob Lambracht, Ohio Bureau of Motor Vehicles to determine if the tickets not entered into the Court computer system were received by the Bureau of Motor Vehicles to assess the points on the licenses of those who violated a traffic law. Of the 61 tickets sent to Mr. Lambracht, 30 of the tickets were not received by the Bureau of Motor Vehicles, 16 of the ticket's offenders were not in the Bureau of Motor Vehicles computer system due to being out of state drivers, and he could not determine if the ticket had been received for 15 offenders due to a lack of available information. Upon further discussion with Mr. Lambracht, he indicated if the ticket was issued by the Ohio State Highway Patrol and the offender was an Ohio driver, the ticket was probably entered into the system if the local Patrol Post submitted the tickets. This is due to the Bureau of Motor Vehicles rekeys the tickets into its computer system to ensure the proper points are assessed on the offenders' license.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

B. PORTSMOUTH POLICE DEPARTMENT

Procedures:

1. We obtained copies of the Portsmouth Police Department's ticket logs to determine the tickets issued by the Police Department during the Period.
2. We compared the tickets issued per the logs to the Court's computer system ("the System") to determine if the tickets issued by the Police Department were recorded in the System.
3. We investigated any differences to determine if there were tickets missing.
4. We investigated any tickets recorded in the Court's computer system but not included on the Police Department's ticket logs to determine why the tickets were not included on the log for January 1, 1997 through December 31, 1997.
5. We compared any tickets not located from the above steps to the Juvenile Court system tickets received and with the tickets received by the Pike County Court to determine if those tickets had been recorded in other Courts.
6. We submitted the tickets not located from the above steps to the Ohio Bureau of Motor Vehicles to determine if the tickets were received for the points associated with the offense to be assessed.

RESULTS:

1. We obtained copies of the City of Portsmouth Police Department's logs which list all tickets issued during the Period. We then entered the ticket numbers into a spreadsheet and sorted the tickets into numerical order. We then obtained a computer generated report listing all tickets with the City of Portsmouth Police Department as the arresting agency from the Court computer system. We compared the tickets recorded in the Police Department log to those recorded in the Court computer system. This comparison resulted in 127 tickets in 1997, 208 tickets in 1998, and 42 tickets in 1999, that were issued by the City Police Department but not recorded in the Court Computer System.
2. For the 127 tickets issued in 1997 which were not entered into the Court computer system, we compared the offender's name, offense, and offense date to the Court computer system, the Scioto County Juvenile Court listing of tickets received during the Period, the Pike County Court records, and the Ohio Bureau of Motor Vehicles records. The results of this additional comparison were as follows:
 - There were 2 tickets issued outside of the Period.
 - There were data entry errors on 24 of the tickets including transposition of numbers or the ticket number was not entered into the computerized case file.
 - There were 3 tickets that had been dismissed by the Court but were not entered into the computer system.
 - There were 5 tickets that were processed by the Scioto County Juvenile Court.
 - There were 2 tickets with the offense of Driving Under the Influence which were processed as criminal cases.
 - There was 1 ticket which was voided by a City Police Department Policeman.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

- There were 19 tickets we determined were issued by the City Police Department but none of the Courts processed the ticket. These tickets were included within the 117 tickets which we reviewed in number 5.
 - The remaining 71 tickets were located in the Court computer system based on a search performed on the offender's name, offense, and offense date.
3. For the 208 tickets issued in 1998 which were not entered into the Court computer system, we compared the offender's name, offense, and offense date to the Court computer system, the Scioto County Juvenile Court listing of tickets received during the Period, the Pike County Court records, and the Ohio Bureau of Motor Vehicles records. The results of this additional comparison were as follows:
- There were data entry errors on 29 of the tickets including transposition of numbers or the ticket number was not entered into the computerized case file.
 - There were 8 tickets that were processed by the Scioto County Juvenile Court.
 - There were 2 tickets which were voided by a City Police Department Policeman.
 - There was 1 ticket recovered from Ms. Crabtree that she indicated she had stolen.
 - There were 77 tickets we determined were issued by the City Police Department but none of the Courts processed the ticket. These tickets were included within the 117 tickets which we reviewed in number 5.
 - The remaining 91 tickets were located in the Court computer system based on a search performed on the offender's name, offense, and offense date.
4. Of the 42 tickets issued in 1999 which were not entered into the Court computer system, we compared the offender's name, offense, and offense date to the Court computer system, the Scioto County Juvenile Court listing of tickets received during the Period, the Pike County Court records, and the Ohio Bureau of Motor Vehicles records.

The results of this additional comparison were as follows:

- There were data entry errors on 9 of the tickets including transposition of numbers or the ticket number was not entered into the computerized case file.
- There were 4 tickets that were processed by the Scioto County Juvenile Court.
- There were 2 tickets recovered from Ms. Crabtree that she indicated she had stolen.
- There were 21 tickets we determined were issued by the City Police Department but none of the Courts processed the ticket. These tickets were included within the 117 tickets which we reviewed in number 5.
- The remaining 6 tickets were located in the Court computer system based on a search performed on the offender's name, offense, and offense date.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

5. For the remaining 117 missing Portsmouth Police Department tickets, we reviewed the offense listed on the tickets to determine the amount of fine due to the Court utilizing the fine schedule in effect when the offense occurred. If the offense was listed on the traffic fine schedule, we determined that is the amount due to the Court. There were several traffic tickets with the notation "various speeds" or "speed". For these tickets, we determined the lowest fine for a speeding violation is the amount due to the Court. For the remaining offenses in which the fine is set by the Judge, we determined the fine due is undeterminable. We calculated the fines due on the 117 tickets and determined \$2,873 is due to the Court. Due to missing records, we could not conclusively determine whether Ms. Crabtree misappropriated these tickets and related fine monies and therefore, have not issued a Finding for Recovery for these monies. However, as stated on page 2-6, Ms. Crabtree confessed when misappropriating fine money, she would take the ticket and the manual receipt. Therefore, it is possible that Ms. Crabtree did misappropriate these tickets and the related fine money. This \$2,873 plus the \$2,499 discussed on page 3-3 plus the Finding for Recovery of \$3,746 on page 2-7 appears to support Ms. Crabtree's confession that she misappropriated \$7,000.

The Court should contact each of the offenders listed on these tickets and obtain documentation supporting the payments made. For those individuals who have documentation indicating the fine had been paid, such as a receipt signed by Ms. Crabtree or another deputy clerk, the Court should then contact the City Solicitor to determine the procedures to be followed to obtain the money from Ms. Crabtree or the individual who issued the receipt.

6. We reviewed the 1997 computerized report generated by the Court by arresting agency to determine if there were additional tickets in the Court computer system which were not listed on the City of Portsmouth Police Department's logs and if supporting documentation was maintained in the case file. We compared the tickets listed on the computerized report to the hard copy of the ticket in the case files to verify the ticket was issued by the Portsmouth Police Department. The following are the results of that review:
- There were 6 cases in which the ticket number was entered into the computer system incorrectly.
 - There were 21 cases in which we did not locate documentation in the case file indicating payment had been received for the ticket.
 - There were 19 cases in which we did not locate a dismissal sheet when the ticket indicated the case had been dismissed.
- S There were 21 cases in which the payment plans were not up to date and there were no arrest warrants issued to obtain the payment.
- There were 5 case files that could not be located by Court employees.
 - There were 15 cases we could not locate a receipt amount on the back of the ticket.
 - There were 3 cases in which the arraignment entry had a photocopy of the Judge's signature.
 - There were 5 cases dismissed with no explanation for the dismissal on the dismissal entry.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

- S The remaining tickets listed on the computerized report were agreed to a hard copy of the Portsmouth Police Department ticket. We determined the ticket logs maintained by the Portsmouth Police Department are incomplete and do not contain all of the tickets issued by the Department. If the Court would reconcile the tickets received from the City Police Department with those entered into the computer system, the Court and the Police Department would ensure that their records are complete.
7. We did not perform a review of those tickets in the Court computer system not listed on the City of Portsmouth police logs for years 1998 and 1999 as there were no additional exceptions other than those already noted above. The Court should review its listing of tickets issued in 1998 and 1999 with those at the Portsmouth Police Department to correct additional errors that may be in the Court computer system as a result of incorrect data entry.
 8. We contacted Bob Lambracht, Ohio Bureau of Motor Vehicles, to determine if the tickets not entered into the Court computer system were received by the Bureau of Motor Vehicles to assess the points on the licenses of those who violated a traffic law. Of the 124 tickets sent to Mr. Lambracht, 49 of the tickets were received by the Bureau of Motor Vehicles, 34 of the tickets were not received by the Bureau of Motor Vehicles, 35 of the ticket's offenders were not in the Bureau of Motor Vehicles computer system due to being out of state drivers, and he could not determine if the ticket had been received for 17 offenders due to a lack of available information. Upon further discussion with Mr. Lambracht, he indicated if the ticket was issued by the Portsmouth Police Department, the ticket would have to be submitted by either the Portsmouth Municipal Court or the Scioto County Juvenile Court by diskette for the points to be assessed on the offender's drivers license.

C. NEW BOSTON POLICE DEPARTMENT

PROCEDURES:

1. We obtained copies of the tickets issued by the New Boston Police Department to determine what tickets were issued during the Period.
2. We compared the tickets provided by the New Boston Police Department to the tickets recorded in the Municipal Court Computer System (the "System") to determine if the tickets issued by the Police Department were recorded in the System.
3. We investigated any differences to determine if there were tickets missing.
4. We compared any tickets not located from the above steps to the Juvenile Court system tickets received and with the tickets received by the Pike County Court to determine if those tickets had been recorded in other Courts.

RESULTS:

1. We obtained copies of the Village of New Boston Police Department tickets referred to the Portsmouth Municipal Court by the Village of New Boston's Mayor's Court. We then entered the ticket numbers into a spreadsheet and sorted the tickets into numerical order. We obtained a computer generated report listing all tickets with the Village of New Boston Police Department as the arresting agency from the Court computer system. We compared the copies of tickets referred by the Village of New Boston's Mayor's Court to those recorded in the Court computer system. This comparison resulted in 6 tickets in 1997, 11 tickets in 1998, and 3 tickets in 1999, that were issued by the Village Police Department but not recorded in the Court Computer System.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

2. For the 6 tickets issued in 1997 which were not entered into the Court computer system, we compared the offender's name, offense, and offense date to the Court computer system, the Scioto County Juvenile Court listing of tickets received during the Period, the Pike County Court records, and the Ohio Bureau of Motor Vehicles records. The results of this additional comparison were as follows:
 - There was 1 ticket that was processed by the Scioto County Juvenile Court.
 - There were 4 tickets with the offense of Driving Under the Influence which were processed as criminal cases.
 - There was 1 ticket which we were able to locate the hard copy case file which included the ticket.
3. For the 11 tickets issued in 1998 which were not entered into the Court computer system, we compared the offender's name, offense, and offense date to the Court computer system, the Scioto County Juvenile Court listing of tickets received during the Period, the Pike County Court records, and the Ohio Bureau of Motor Vehicles records. The results of this additional comparison were as follows:
 - There were 4 tickets which resulted in the issuance of an arrest warrant for failure to appear in Court.
 - There was 1 ticket which had a keying error in the ticket number entered into the computer system.
 - There were 2 tickets which were in process and located in the Judge's chambers.
 - There were 2 tickets which could not be located at the Municipal Court but appear to have been returned to the Village of New Boston's Mayor's Court.
 - There were 2 tickets which were traced to hard copies of the case file.
4. For the 3 tickets issued in 1999 which were not entered into the Court computer system, we compared the offender's name, offense, and offense date to the Court computer system, the Scioto County Juvenile Court listing of tickets received during the Period, the Pike County Court records, and the Ohio Bureau of Motor Vehicles records. The results of this additional comparison indicated the cases had been entered into the Court computer system incorrectly as a result of data entry errors.
5. We did not review the tickets listed on the computer generated report by law enforcement agency that were not included in the copies of the tickets provided by the Village of New Boston's Mayor's Court as the bulk of the activity processed at the Court is from the Ohio State Highway Patrol and the Portsmouth Police Department.

D. SCIOTO COUNTY SHERIFF'S DEPARTMENT

PROCEDURES:

1. We obtained copies of the tickets available from the Scioto County Sheriff's Department to determine what tickets were issued during the Period.
2. We compared the tickets provided by the Scioto County Sheriff's Department to the tickets recorded in the System to determine if the tickets issued by the Sheriff's Department were recorded in the system.
3. We investigated any differences to determine if there were tickets missing.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

4. We compared any tickets not located from the above steps to the Juvenile Court system tickets received and with the tickets received by the Pike County Court to determine if those tickets had been recorded in other Courts.
5. We submitted the tickets not located from the above steps to the Ohio Bureau of Motor Vehicles to determine if the tickets were received for the points associated with the offense to be assessed.

RESULTS:

1. We obtained copies of the Scioto County Sheriff's Department tickets that could be located by the Sheriff. We then entered the ticket numbers into a spreadsheet and sorted the tickets into numerical order. We obtained a computer generated report listing all tickets with the Scioto County Sheriff's Department as the arresting agency from the Court computer system. We compared the copies of tickets from the Scioto County Sheriff's Department to those recorded in the Court computer system. This comparison resulted in 8 tickets in 1997, 11 tickets in 1998, and 7 tickets in 1999, that were issued by the Sheriff's Department but not recorded in the Court computer system.
2. For the 8 tickets issued in 1997 which were not entered into the Court computer system, we compared the offender's name, offense, and offense date to the Court computer system, the Scioto County Juvenile Court listing of tickets received during the Period, the Pike County Court records, and the Ohio Bureau of Motor Vehicles records. The results of this additional comparison were as follows:
 - There were 3 tickets that were processed by the Scioto County Juvenile Court.
 - There were 5 tickets which we were able to locate the hard copy case files which included the ticket.
3. For the 11 tickets issued in 1998 which were not entered into the Court computer system, we compared the offender's name, offense, and offense date to the Court computer system, the Scioto County Juvenile Court listing of tickets received during the Period, the Pike County Court records, and the Ohio Bureau of Motor Vehicles records. The results of this additional comparison were as follows:
 - There were 2 tickets that were processed by the Scioto County Juvenile Court.
 - There were 2 tickets that were presented by Ms. Crabtree as being stolen by her and not entered into the Court computer system.
 - There were 7 tickets which were traced to hard copies of the case file.
4. For the 7 tickets issued in 1999 which were not entered into the Court computer system, we compared the offender's name, offense, and offense date to the Court computer system, the Scioto County Juvenile Court listing of tickets received during the Period, the Pike County Court records, and the Ohio Bureau of Motor Vehicles. The results of this additional comparison indicated the cases had been entered into the Court computer system incorrectly for 6 of the cases as a result of data entry errors and the remaining case could not be located as a result of lack of information.
5. We did not review the tickets listed on the computer generated report by law enforcement agency that were not included in the copies of the tickets provided by the Scioto County Sheriff's Department as the bulk of the activity processed at the Court is from the Ohio State Highway Patrol and the Portsmouth Police Department and the Sheriff could not locate most of the tickets the Department had issued.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

6. We contacted Bob Lambracht, Ohio Bureau of Motor Vehicles to determine if the tickets not entered into the Court computer system were received by the Bureau of Motor Vehicles to assess the points on the licenses of those who violated a traffic law. Of the 2 tickets sent to Mr. Lambracht, 1 of the tickets was received by the Bureau of Motor Vehicles, and he could not determine if the other ticket had been received due to a lack of available information. Upon further discussion with Mr. Lambracht, he indicated if the ticket was issued by the Scioto County Sheriff's Department, the ticket would have to be submitted by either the Portsmouth Municipal Court or the Scioto County Juvenile Court by diskette for the points to be assessed on the offender's drivers license.

NON-COMPLIANCE CITATION

Ohio Rev. Code 4507.021 (B) provides "if a person is convicted of or forfeits bail in relation to a violation of any section listed in division (A) of this section or a violation of any other law or ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways or streets, the county Court judge, mayor of a mayor's Court or clerk, within ten days after the conviction or bail forfeiture, shall prepare and immediately forward to the bureau of motor vehicles an abstract, certified by the preparer to be true and correct, of the Court record covering the case in which the person was convicted or forfeited bail." Ohio Rev. Code 4507.021 (E) provides the purposeful failure or refusal of the officer to comply with this section constitutes misconduct in office and is a ground for removal from office.

During a review of tickets issued by the New Boston Police Department, Portsmouth Police Department, Scioto County Sheriff's Department, and the Ohio Highway Patrol, it was determined there were 198 tickets which had not been entered into the Court's computer system. The Court utilizes the computer system to generate the reports to be sent to the Ohio Bureau of Motor Vehicles. Through verification with the Ohio Bureau of Motor Vehicles, we determined 64 of these tickets were never received by the Bureau of Motor Vehicles, 50 of the tickets were received by the Bureau of Motor Vehicles, 51 of the drivers receiving the tickets were not in the Bureau of Motor Vehicles Master File of Ohio Drivers, and 33 of the tickets could not be located in the Bureau of Motor Vehicles System due to a lack of information available.

We recommend the Court implement procedures to ensure all tickets received are entered into the computer system. This will allow the Court to ensure the abstract sent to the Ohio Bureau of Motor Vehicles includes the tickets that need to be reported to the Bureau of Motor Vehicles. The Court should review the cause of the above noted errors and determine actions that need to be taken to correct this problem to reduce the chances of it occurring in the future.

MANAGEMENT LETTER COMMENTS

Improper Remittances

We performed a review of the tickets entered into the Portsmouth Municipal Court computer system as issued by the Ohio State Highway Patrol but not entered into the Ohio State Highway Patrol's computer system. We noted there were 33 tickets recorded as being issued by the Ohio State Highway Patrol but were issued by the Portsmouth Police Department. There were also 16 tickets recorded as being issued by the Ohio State Highway Patrol but were issued by the Scioto County Sheriff's Department. When these tickets were entered into the computer system, the individual performing the data entry entered the wrong arresting agency. In addition, we noted tickets were entered into the system as Ohio Highway Patrol tickets which were actually issued by the Ohio Department of Natural Resources.

Of these 51 tickets entered incorrectly, there were 31 tickets in which the Court received payment from the offender. As a result, there was \$695 due to the Portsmouth Police Department, \$105 due to the Scioto County Sheriff's Department, and \$140 due to the Ohio Department of Natural Resources as arresting agencies that were remitted to the State of Ohio Treasury incorrectly.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

We recommend the Court contact the State of Ohio and determine what remedies are available to correct this error made by the Court. Once the remedies are determined, the Court needs to assess which of the remedies is to be utilized to correct this error. Once the remedy is determined, the Court should request from the State of Ohio their agreement with the remedy and maintain documentation of the agreement to the remedy. We also recommend the Court review previous cases entered into the Court computer system to determine if there are additional monies remitted to the incorrect arresting agency.

Ticket Accountability

On a daily basis, the Clerk receives tickets issued by a Law Enforcement Agency to enter into the Docket and/or cashbook. Once these tickets are entered, the case files are created and the tickets are filed. No reconciliation of the tickets received to those entered into the system is performed. By not doing so, there is the possibility of a ticket being issued but not recorded in the system which could ultimately lead to fines not being collected by the Court.

We recommend each time the deputy clerk is finished entering a batch of tickets into the system, an independent individual reconcile those entered per the system to those received from the Law Enforcement Agency to ensure all are recorded in the Docket. On a periodic basis, an individual independent of the individual entering the tickets should contact the various law enforcement agencies and compare the number of tickets the agency has recorded as being issued for the Court to those entered into the system to ensure all tickets are entered into the Court's system.

Civil and Criminal Complaints

On a periodic basis, the Clerk's Office receives civil and criminal complaints from either Law Enforcement agencies or attorneys to be entered into the Docket and/or cashbook. Once these complaints are entered, the case files are created and the cases are filed. No reconciliation of the complaints received to those entered into the system is performed. By not doing so, there is the possibility of a complaint being filed but not recorded in the system which could ultimately lead to fines not being collected by the Court or a potential theft of fines.

We recommend each time the Clerk is finished entering a batch of complaints into the system, she reconciles those entered per the system to those received from the Law Enforcement Agency or attorneys to ensure all are recorded in the Docket.

Ticket Entry

In a comparison of tickets issued by the Highway Patrol contained in the Court computer system and those documented by the Highway Patrol as being issued for the Court, we noted over six hundred tickets which were listed as being in the Court computer system and not in the Highway Patrol system. Of these approximate 600 tickets, the following errors were noted:

- There were 17 tickets entered into the system as being issued by the Highway Patrol when the tickets were issued by the Scioto County Sheriff's Department.
- There were 27 tickets entered into the system as being issued by the Highway Patrol when the tickets were issued by the City of Portsmouth Police Department.
- There were over 60 keying errors noted when the cases listed from the system were agreed to the actual tickets contained in the case file. These keying errors included the transposition of numbers, wrong letter being entered, or entering the wrong number into the system.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

- One case selected was actually from 1995 but the Court date filed in the computer system indicated 1998.

As a result of these keying errors, the potential for the wrong arresting agency receiving fines due to another agency arises. This also makes it difficult to determine whether the computerized docket includes the correct case information.

We recommend the Court work with the software vendor to create a screen which requires the deputy clerk to review the screen for accuracy before going to the next screen. It is also recommended the Court work with the vendor to modify the software to recognize when a letter is inputted into the ticket number field the arresting agency is automatically the Ohio State Highway Patrol. If a letter is not entered into the ticket field, the computer will not allow the Ohio State Highway Patrol to be the arresting agency for that ticket. We also recommend that an individual independent of the deputy clerk entering the tickets periodically selects cases to verify the accuracy of the data entry to reduce the number of keying errors in the system.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

ISSUE 3

We compared the manual receipts issued by the Deputy Clerk to determine whether the receipt was entered into the computerized cashbook, whether the receipt was included in the case file and whether or not the money was deposited into the bank account.

PROCEDURES

1. We obtained the packets of unused manual receipts utilized during the Period to determine the number of receipts that could have been issued manually by the Court during the Period.
2. We compared the series of receipts to be used during the period to those actually used and recorded in the computer system and those presented as stolen by Ms. Crabtree to determine if there were additional receipts missing from the Court computer system.
3. We selected 44 of the manual receipts issued and agreed the receipt to the case file in the Court computer system to ensure the receipts were entered into the case file.

RESULTS

1. We requested the Clerk provide all the unused manual receipts for our review to determine whether all manual receipts were accounted for by the Court. The manual receipts are packaged in packages of 250 receipts and are not used in numerical order. There were four packs of receipts open and used by the Municipal Court which resulted in a total population of 1,000 receipts. We reviewed all of the remaining unused manual receipts and those used by the Court during the Period and at the end of calendar year 1996. The following results were noted:
 - There were 92 manual receipts used by the Court in place of the computerized receipt due to the computer system being down at the time of the payment being made.
 - There were 412 unused manual receipts maintained by the Court to be used in case of a computer failure.
 - There were 496 manual receipts which could not be located by the Court.
2. We selected 44 of the 92 completed manual receipts and agreed the manual receipt to the computerized docket which showed the payment received on the manual receipt was entered into the computer system on the same day or the very next day.

MANAGEMENT COMMENT

Manual Receipts

We attempted to ensure the Court had copies of all of the manual receipts issued during the Period. Manual receipts are to be issued only when the Court computer system is down. There were 496 receipts that could not be located. There were 92 receipts located as being used and 412 that were located as unused. The Court does not maintain a log of when the computer is down and does not utilize the manual receipts in numerical order. Lack of control over manual receipts have resulted in missing receipts and related fine money. (See Finding for Recovery on page 2-7)

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

We recommend the Clerk maintain a log to document when the computer system is down to verify this is the only time manual receipts are being used. The Court should also have procedures in place to restrict the accessibility to the manual receipts and to ensure the manual receipts are utilized in numerical order to allow the Court to account for all that are used.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

ISSUE 4

We reconciled the Court bank accounts and performed proofs of cash for the Period to determine whether the Court's records agree to bank accounts.

PROCEDURES

1. We obtained all bank statements for all bank accounts held by the Court to determine the bank accounts utilized by the Court.
2. We performed a bank reconciliation for each month of the Period and agreed the reconciling items to supporting documentation to determine if the bank accounts of the Court were reconciled.
3. We performed a proof of cash on each account to determine whether the activity of the bank account was recorded in the receipts and disbursements of the cashbook. We investigated any adjustments made by the Clerk to the reconciliations and cashbooks of the Court.

Results

A. CRIMINAL/TRAFFIC BANK ACCOUNT

1. We interviewed Ms. Suzanna Blevins, the Clerk of the Municipal Court, on May 24, 1999 to determine the type of activity posted to this bank account. She indicated all moneys received for fines, fees, and costs for all traffic cases, minor misdemeanors, and criminal cases are deposited into this account. This account also receives the interest earned from the Court Sweep Investment Account.
2. We performed a bank reconciliation and a proof of cash for each month during the Period to determine if the bank account was reconciled to the books. The following are the results of the work performed:
 - There were 7 instances in which there were adjustments made by the Clerk with no documentation available to support the adjustment.
 - There were 8 instances in which the bank was requested to make an adjustment. The bank does not make the adjustments in a timely manner. In one instance, the Bank took over six months before making the adjustment.
 - S There were 7 instances where monies were either incorrectly deposited into this account instead of in another bank account or moneys were deposited into another bank account that should have been deposited into the Criminal/Traffic bank account.
 - In 1997, the computerized cashbook for February and March indicated there were disbursements made. The canceled check for these disbursements was dated in April of 1997. The computerized cashbook for April 1997 indicated there were disbursements but the canceled check indicated the disbursements were made in May of 1997.
 - There was 1 instance where the Court cashed the personnel check of a Court employee for \$10. This check was deposited in the Court's account and was returned by the bank for non-sufficient funds.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

- S Each month the bank account receives interest from the Sweep Investment Account. The Clerk does not receipt these monies into the Court Computer system and writes a check the next month to the City Auditor for the interest.
- The computer maintains an open items list for this account and ensures the bank account balance agrees with the open items list balance. Upon discussion with the Clerk, she indicated she did not review the open items list on a regular basis to ensure the items on the list are outstanding moneys waiting for an order from the Court to be disbursed.
 - The Court does not have a policy for reviewing the outstanding check register for old outstanding checks that are required to be remitted to Unclaimed Funds on April 1 of the next year if not claimed.
 - There was no evidence presented to indicate the Clerk paid old outstanding checks to the City of Portsmouth Unclaimed Funds on April 1 of 1997, 1998, or 1999.

B. CIVIL BANK ACCOUNT

1. We interviewed Ms. Suzanna Blevins, the Clerk of the Municipal Court, on May 24, 1999 to determine the type of activity posted to this bank account. She indicated all moneys received for filing fees, Court settlements, and other miscellaneous receipts are deposited into this account.
2. We performed a bank reconciliation and a proof of cash for each month during the Period to determine if the bank account was reconciled to the books. The following are the results of the work performed:
 - There was 1 instance in which there were adjustments made by the Clerk with no documentation available to support the adjustment.
 - In February 1997, the bank reconciliation performed utilizing the computer system was not maintained in the cashbook.
 - There were 2 instances where monies were either incorrectly deposited into this account instead of in another bank account or moneys were deposited into another bank account that should have been deposited into the Civil bank account.
 - There was no evidence presented to indicate the Clerk paid old outstanding checks to the City of Portsmouth Unclaimed Funds on April 1 of 1997, 1998, or 1999.

C. BOND BANK ACCOUNT

1. We interviewed Ms. Suzanna Blevins, the Clerk of the Municipal Court, on May 24, 1999 to determine the type of activity posted to this bank account. She indicated all bonds received from the Scioto County Sheriff's Jail are deposited into this bank account for those offenders who wish to remain out of jail until their Court date.
2. We performed a bank reconciliation and a proof of cash for each month during the Period to determine if the bank account was reconciled to the books. The following are the results of the work performed:
 - There were 8 instances in which there were adjustments made by the Clerk with no documentation available to support the adjustment.

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- There was 1 instance in which the bank did not make the requested adjustment in a reasonable amount of time.
- We noted during a scan of the canceled checks the Criminal Division's Deputy Clerk occasionally signed the checks instead of the Clerk of the Municipal Court.
- There were 3 instances where monies were either incorrectly deposited into this account instead of another bank account or moneys were deposited into another bank account that should have been deposited into the Bond bank account.
- There was no evidence presented to indicate the Clerk paid old outstanding checks to the City of Portsmouth Unclaimed Funds on April 1 of 1997, 1998, or 1999.

D. TRUSTEESHIP BANK ACCOUNT

1. We interviewed Ms. Suzanna Blevins, the Clerk of the Municipal Court, on May 24, 1999 to determine the type of activity posted to this bank account. She indicated this account is used for those individuals who have been approved for a trusteeship. The Trusteeship is an agreement between an individual and the Court where the individual sends a percentage of their monthly income to the Court. The Court then remits the receipts to the various creditors of the individual to reduce large debt balances on a periodic basis.
2. We performed a bank reconciliation and a proof of cash for each month during the Period to determine if the bank account was reconciled to the books. The following are the results of the work performed:
 - There were 5 instances in which there were bank adjustments which were not made by the bank in a timely manner.
 - There was 1 instance in which a disbursement was posted to the cashbook as being made but the canceled check indicated the check was written months later.
 - Each month the bank account receives interest from the bank. The Clerk does not receipt these monies into the Court Computer system and writes a check the next month to the City Auditor for the interest.

E. LANDLORD/TENANT BANK ACCOUNT

1. We interviewed Ms. Suzanna Blevins, the Clerk of the Municipal Court, on May 24, 1999 to determine the type of activity posted to this bank account. She indicated this account is used to deposit rent from tenants who have applied for Court intervention in their dispute with their Landlord. Upon resolution of the dispute, the rent monies are forwarded to the landlord.
2. We performed a bank reconciliation and a proof of cash for each month during the Period to determine if the bank account was reconciled to the books. Each month the bank and the books reconciled with no exceptions.

F. GENERAL COMMENTS FOR ALL BANK ACCOUNTS

1. Upon review of the bank accounts, it was noted there were instances where the bank accounts would not be reconciled for up to four months. As a result, the disbursements to be made from the accounts were delayed and errors in the accounts were not located in a timely manner. Each bank account maintained by the Court should be reconciled on a monthly basis.

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2. The computer maintains an open items list for the Criminal/Traffic, Civil, Bond, and Trusteeship accounts and ensures the bank account balance agrees with the open items list balance. Upon discussion with the Clerk, she indicated she did not review the open items list on a regular basis to ensure the items on the list are outstanding moneys waiting for an order from the Court to be disbursed. This review should be done on a periodic basis to ensure monies owed to various parties are remitted in a timely manner.
3. Upon discussion with the Clerk, we determined the Court does not have a policy for reviewing the outstanding check register for old outstanding checks that are required to be remitted to Unclaimed Funds on April 1 of the next year if not claimed. The Clerk should perform a periodic review and at the end of each year, and contact those parties with old outstanding checks to determine if the check needs to be reissued. If the individual cannot be contacted, the Clerk should remit the moneys unclaimed to the City of Portsmouth's Unclaimed Monies Fund on April 1 of each year.

NON-COMPLIANCE CITATIONS

1. Ohio Rev. Code Section 9.38 states that a public official other than a state officer, employee, or agent shall deposit all public monies received by him/her with the treasurer of the public office or properly designated depository as required in the section.

The Court receives various complaints in the mail with checks attached to pay the filing fee. During an observation of the Court offices, it was noted there were various Civil complaints not entered into the system for at least a week and the checks were not deposited until the complaints were entered into the system. Upon a scan of deposit slips, it was noted there was a significant delay between the date of the deposit slip and the date the monies were deposited in the bank.

We recommend the Court implement policies and procedures to ensure compliance with the above requirement.

2. Ohio Rev. Code Section 1901.31 (G) states that the clerk of Courts is required on the first Monday of each January, to list all cases more than one year past for which money has been collected but unclaimed. The clerk must also transmit notice of unclaimed funds to the party or to the party's attorney. Money still unclaimed each April 1 must be paid to the municipal treasury. It is further noted that these funds remain the property of the potential claimant.

The Court was not able to provide evidential matter to document the correspondence required to be sent for the unclaimed funds for the cases one year past but unclaimed as of January 1, 1997, 1998, and 1999 for the Criminal/Traffic Account, Civil Account, Landlord/Tenant Account and Bond Account. In addition, there was no evidential matter documenting the Court paid these funds to the municipal treasury as unclaimed funds.

We recommend the City prepare the required listing and correspondence as required by this section.

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MANAGEMENT COMMENTS

Reconciliations

The Clerk of the Municipal Court should perform a monthly reconciliation of the Civil, Criminal/Traffic Division, Trusteeship, Landlord/Tenant, and Bond Cashbook to the bank accounts on a monthly basis. During the Period, there were instances in which the Clerk would not reconcile the bank accounts to the cashbooks for up to four months. By not reconciling the cashbook to the bank balance, the Court may not identify posting errors in a timely manner. This resulted in various bank errors and book errors not being detected in a timely manner which resulted in numerous adjustments to the reconciliations and cashbooks.

We recommend the Court perform monthly reconciliation of the Court's cashbook to the bank balance to ensure the amounts collected and expended per the cashbook agrees to those that were posted to the bank account for each of the accounts maintained by the Court.

Signatures on Checks

When checks are issued by the Court, the only signature that is required per review of the check is the Clerk's. During the review of the disbursements, it was noted there was another individual signing the bond disbursement checks. It was determined the Criminal Deputy Clerk prepares the check for the Clerk's signature and signs the check in the Clerk's absence. Per discussion with the Clerk, she does not review the case file to verify the bond refund is necessary. An individual independent of preparation of the disbursements should review the disbursement, compare the disbursement to supporting documentation, and then sign the check for the disbursement to indicate the individual agrees the expenditure is for a proper public purpose of the Court.

We recommend the Court appoint an additional individual familiar with Court decisions to also sign the checks for disbursements. The dual signatures will increase the likelihood that all disbursements will be for a proper public purpose.

Cashbook Acknowledgment

Each month a cashbook is printed from the Court Computer system. At the end of the report, there is a statement regarding the accuracy of the cashbook. We noted for several of the months during the audit the Clerk did not sign this statement. As a result, the Clerk is not indicating the accuracy of the cashbook at the end of each month.

We recommend the Clerk review this statement at the end of the month on the cashbook and sign the statement indicating her agreement with the statement.

Adjustments

There were several adjustments made to the various cashbooks maintained by the Court. These adjustments included adding disbursements, voiding receipts or bonds, adjusting receipt amounts, or adjusting the totals on the reports. No supporting documentation was attached to support these changes. By not attaching supporting documentation or maintaining in a separate file, an independent reviewer may not be able to determine the reason for the adjustment or if the adjustment is necessary. If adjustments are unauthorized and unsupported, the adjustments could be due to poor accounting practices and could ultimately lead to theft of the Court's monies.

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We recommend any adjustments made by the Clerk be documented as to why the adjustment is being made with documentation to explain the adjustment. Periodically, these adjustments should be reviewed by an individual independent of the Clerk or the individual performing the reconciliation to ensure the adjustments are for valid reasons such as documented errors.

Voided Checks

Currently, the computer system utilized by the Court does not allow the Court to void checks on the system. As a result, the Clerk will issue another check to replace the one she manually voids. However, the original check will still be presented on the computerized outstanding check list. This overstates the outstanding checks and requires manual adjustments on the bank reconciliation which could potentially result in fraud.

We recommend the Court work with the Software Consultant to adjust the computer system to allow the voiding of checks.

Interest Receipts

Currently, when the Clerk receives interest she indicates it as a manual reconciling item on her cashbook. She receipts various other non-case related receipts as miscellaneous receipts in the computer system. By not receipting the interest earned into the system results in the system not portraying the actual receipts and disbursements of the Court. The receipts and disbursements are understated as a result of the interest received and the disbursement to the City Auditor.

We recommend the Clerk record the interest as a miscellaneous receipt in the computer system and include the disbursement with the other monthly disbursements she makes.

Bank Adjustments

There were various charges made by the Bank to the accounts maintained by the Court including charges for service charges and new checks. The Clerk would notify the bank of the error; however, the correction would not be made for up to six months later. By not ensuring the correction is made by the bank in a timely manner, the Court is allowing the bank to hold money which belongs to other agencies such as the arresting agency, City Auditor, County Auditor, or the State of Ohio.

The Clerk should monitor the bank's progress of removing the improper charges to ensure it is done in a timely manner and to allow the monies collected to be disbursed to the proper agencies.

Check Cashing

While performing proofs-of-cash for the bank accounts maintained by the Court, it was noted there was a \$10 error during one month. This error was the result of a deputy clerk cashing a check for a Court employee which later was returned to the Court as a non-sufficient funds check. During a review of the bond account, it was noted there were instances where the Court would accept the check from the bond account, receipt in the fines needed and return the remaining in cash. Per discussion with the Clerk, there were instances where the Court would cash a check due to the individual needing money. The Court is not a bank and should not be cashing checks for individuals. By doing so, results in monies that had been collected on that day not being distributed as the monies collected were no longer available to be disbursed. In addition, the deposit is not being made in tact.

We recommend the Clerk of the Municipal Court implements a policy prohibiting the cashing personal or business checks.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Co-Mingling Receipts

It was determined during the proofs-of-cash there were monies deposited into the wrong bank account. For example, bond monies were deposited in the criminal account as a result of insufficient controls over the preparation of the deposits. The Clerk needs to ensure her deposits agree with the monies collected for the day by cashier and by bank account before preparing deposits. This will reduce the occurrence of monies for the two accounts collected by the same cashier being deposited to the wrong account. As a result, the reliability of the book balances of the accounts are compromised when cash is deposited in this manner.

Due diligence should be utilized in the preparation and depositing of the receipts of the various Court accounts. Policies for receipting should be established and consistently applied to ensure Court account activities are not co-mingled.

Old Outstanding Checks

There were checks in the various Court accounts which had been outstanding for over a year since the issuance date due to there not being an existing policy concerning stale outstanding checks. These numerous checks could lead to errors in the attempts to reconcile cash.

The outstanding checks should be reviewed to determine the number of stale dated checks on the listing. These checks should be documented as to payee, check number and amount and turned over to the unclaimed funds account of the City. The Court could stipulate time limits for cashing the checks on the face of the check in order to aid in the elimination of cumbersome outstanding check listings and easing the reconciliation process.

Open Items List

The Court does not review the open items list on a regular basis in order to determine the status of the various stale accounts on the list. This is a result of insufficient monitoring controls in place to validate stale accounts on the list. This can lead to numerous errors occurring and not being detected in the compilation of the open items list.

The Court should review and update the open items list to determine the status of each open item. Once the status is determined, the proper steps should be taken by the law department to determine which items are legally capable of being placed in an unclaimed monies fund account established by the City. This should be completed once the Court has determined all monies due to the individual are received. Policies should be established in order to ease the compilation of the list and the list should be updated monthly.

Bond on Hand Report

A review of the bond on hand report for the bond bank account indicated there were bonds being held for over a year for various individuals. Upon discussion with the Clerk, she indicated the bonds may be still on hand due to the individual is in Jail and the Judge has not ordered it to be forfeited. By not performing a periodic review of the bond on hand report to determine what action needs to be taken on the bond, the Court is reducing the opportunity to collect fines owed.

We recommend the Court review each of the outstanding bonds on the bond on hand report on a periodic basis and dispose of those in which the individual cannot be located to Unclaimed Funds. For those remaining on the report, the Court needs to decide what action to take to either return the funds to the individual or collect the monies due which will assist in reducing the approximate \$3,200,000 due to the Court at December 31, 1998.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Computer Access

The Clerk has the ability to control when checks are actually issued. It was noted that checks were posted to the cashbook in January and February, however the checks were not written until April. The cashbook should not be able to post checks which were not actually issued.

We recommend that the computer system be changed to only allow checks which are actually written to be posted to the cashbook.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

ISSUE 5

We obtained a listing of agencies to which the Court remitted fine monies on a recurring basis as required by Ohio Revised Code. We then scanned all disbursements made by the Court during the Period and investigated payments issued to agencies not on the listing. In addition, we selected 45 disbursements and traced each disbursement to supporting documentation.

Procedures

1. We interviewed Ms. Suzanna Blevins, Clerk of the Municipal Court to determine the types of disbursements made from the various bank accounts during the Period.
2. We scanned the canceled checks to determine if there were expenditures made to unusual vendors or to potential relatives of the employees of the Court.
3. We investigated any unusual items to determine whether the expenditure was in accordance with a judgement entry or the Ohio Revised Code.
4. We reviewed the voided checks and the replacement of the voided check to determine whether the void was for a valid reason such as the wrong payee, wrong amount, or other exception and the check was reissued with the correct information.
5. We selected 15 cases each from the Civil Bank account, Criminal/Traffic Bank account, and the Bond Bank account to determine whether the disbursements made by the Court were supported by documentation maintained in either the case file or the Court computer system.

Results

A. CRIMINAL/TRAFFIC BANK ACCOUNT

1. We interviewed Ms. Suzanna Blevins, Clerk of the Municipal Court, on June 29, 1999, to determine the types of disbursements made on a regular basis from the Criminal/Traffic Bank Account. The following is a list of periodic distributions made from the account:
 - a. State Treasurer for various fees including the Victims of Crime Fund, Reparations, and Ohio State Highway Patrol Fines.
 - b. Treasurer of State, Ohio Department of Natural Resources for fines for violations of forestry statutes.
 - c. Treasurer of State, Ohio State Highway Patrol for various distributions of DUI and drug fines.
 - d. Ohio State Pharmacy Board for various drug fines.
 - e. Ohio Department of Natural Resources, Division of Wildlife for fines for violations of wildlife statutes.
 - f. Scioto County Auditor for distribution of various traffic, liquor, Board of Health, DUI and other fines required to be distributed to the County Auditor by the Ohio Revised Code.
 - g. Village of New Boston for all fine money received for cases referred to the Court by the Village that are violations of Village ordinances.

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- h. Scioto County Law Library for fees due once a year in accordance with the Ohio Revised Code.
 - i. Treasurer of State, Bureau of Motor Vehicles for drivers license reinstatement fees.
 - j. Portsmouth City Auditor for distribution of various fines on traffic cases, Clerks Fees on civil cases, City Board of Health Fees, fees for Electronic Monitoring Housing Arrest, probation fees, and Guardian Interlock program fees.
 - k. Portsmouth City Auditor for interest received on the various bank accounts.
 - l. Portsmouth City Auditor, Municipal Court Computerization Fund for fees charged for computers and special projects.
2. We scanned the canceled checks for the account during the Period to determine if there were checks written to vendors other than those listed in step number 1 or individuals that may be potentially related to employees of the Court. The reviewed checks did not result in any exceptions.
3. When comparing the date of the canceled check to the memo portion of the check which indicated which month the monies were related to, we noted the Court was not making disbursements on a monthly basis as required under the Ohio Revised Code for 1997, 1998, or 1999.
4. We were unable to review the canceled checks for the April 1997 bank statement. It was determined there were no disbursements during the month and no canceled checks were received from the bank.
5. While reviewing canceled checks we noted in the following months and years that there were checks being cashed with dates of up to six months prior to being cleared by the bank:
- 1997: January, February, March, July, August, October, and December
1998: January, February, June, July, October, November and December
6. We noted during the following months there was only one or two disbursements made of the 14 monthly disbursements listed in number 1. The funds were disbursed in a later month as a separate check. They are as follows:
- 1997: August
1998: May, June, September, and December

B. CIVIL BANK ACCOUNT

1. We interviewed Ms. Suzanna Blevins, Clerk of the Municipal Court, on June 29, 1999, to determine the types of disbursements made on a regular basis from the Civil Bank Account. The following is a list of periodic distributions made from the account:
- a. Treasurer of State for a percentage of the various filing fees for legal aid.
 - b. Portsmouth City Auditor for a percentage of the various filing fees for Clerk's fees.
 - c. Various plaintiffs for monies due as the result of a judgement from a Court case or a garnishment in which the case number is included on the computerized check.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

2. We scanned the canceled checks for the account during the Period to determine if there were checks written to vendors other than those listed in step number 1 or individuals that may be potentially related to employees of the Court. The reviewed checks did not result in any exceptions.
3. When comparing the date of the canceled check to the memo portion of the check which indicated which month the monies were related to, we noted the Court was making disbursements on a monthly basis as required under Ohio Revised Code with the exception of disbursements for fees collected for February through April 1997. In March no disbursements were made, in April the February disbursements were made, in May the March disbursements were made, and in June the April and May disbursements were made.
4. While scanning canceled checks, we noted 29 voided checks. Of the 29 checks, only 2 contained an explanation as to the reason for the void. Two of the voided checks indicated the replacement check number in which the replacement check agreed with the voided check. Four of the 29 voided checks were blank and were utilized for lining up the printer. One of the carbon copies of the checks was mistakenly written void when the actual check was cashed and another check was for a correction adjustment. We were able to verify the remaining checks to replacement checks issued by the Court.

C. BOND BANK ACCOUNT

1. We interviewed Ms. Suzanna Blevins, Clerk of the Municipal Court, on June 29, 1999, to determine the types of disbursements made on a regular basis from the Bond Bank Account. The Bond account is utilized to collect monies posted as a bond by an offender. The monies are either returned to the individual posting the bond or transferred to another bank account due to a forfeiture of the bond.
2. We scanned the canceled checks for the account during the Period and determined the forfeited bonds were transferred to the Criminal/Traffic account in a timely manner. There were two months during the Period in which disbursements were not made in a timely manner.
3. The review indicated during 26 of the 28 months of the Period the bonds that were returned to the individuals were often endorsed by the individual and deposited into the Criminal/Traffic bank account. This occurred when the individual wanted to utilize their bond money to pay their fines and fees. A receipt for the amount due was then entered into the computer system and a receipt was generated. If the bond exceeded the amount of monies due, the remaining balance of the bond was returned to the individual in cash. This occurred in 34 of the 70 cases we reviewed.
4. We noted the Court cashed the bond check for 25 cases and no monies were receipted into the computer system for the related case. The bond check was then deposited into the Criminal bank account.
5. We noted for 11 of the cases the entire bond was applied to the fines and fees in the computer system and no monies were returned to the individual.

D. TRUSTEESHIP BANK ACCOUNT

1. We interviewed Ms. Suzanna Blevins, Clerk of the Municipal Court, on June 29, 1999, to determine the types of disbursements made on a regular basis from the Trusteeship Bank Account. The following is a list of periodic distributions made from the account:
 - a. Portsmouth City Auditor receives 2% of the monies received as a garnishment fee.
 - b. Creditors of those individuals participating in the Trusteeship.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

2. We scanned the canceled checks for the account during the Period to determine if there were checks written to vendors other than those listed in step number 1 or individuals that may be potentially related to employees of the Court. The reviewed checks did not result in any exceptions.
We noted the disbursements made from the account to the Portsmouth City Auditor were the 2% fee. We noted the disbursements for the 2% fee were not made in a timely manner to the Portsmouth City Auditor and there were no records to support the calculation of the 2% garnishment fee check written in January 1997 for the October through December 1996 collections.

E. LANDLORD/TENANT BANK ACCOUNT

1. We interviewed Ms. Suzanna Blevins, Clerk of the Municipal Court, on June 29, 1999 to determine the types of disbursements made on a regular basis from the Landlord/Tenant Bank Account. Disbursements are only made when the complaint filed by the tenant against the landlord has been settled by the Court.
2. We reviewed the two disbursements made during the Period to determine if there were checks written to vendors other than those listed in step number 1 or individuals that may be potentially related to employees of the Court. The reviewed checks did not result in any exceptions. The checks agreed with the amount of rent that had been deposited by the tenant.

F. Comparison of Selected Disbursements to the Case File

1. We judgementally selected 15 disbursements from the Criminal/Traffic bank account and traced the disbursement to the case file for agreement to supporting documentation. Of the 15 disbursements, 12 disbursements agreed with the documentation in the case file, check stub, and fee schedule. For the remaining three cases, the information on the disbursement check conflicted with the information in the case file and the computerized case file. In these three cases the violation, payment and disposition screens in the computer system did not agree. Upon discussion with the Clerk, she indicated the differences were a result of keying errors made by the deputy clerk. For two of the cases, the Clerk walked the auditor through the case and its various documents to show justification of the disbursement. The disbursement made was correct based on this walkthrough; however, the Clerk needs to update the computer system for this case and ensure the system reflects the true activity for all cases. The remaining case was agreed to the activity in the bond cashbook and computer system which verified the disbursement was in accordance with Court actions.
2. We judgementally selected 15 disbursements from the Civil bank account and traced the disbursement to the case file for agreement of the disbursement to supporting documentation. We reviewed 13 of the 15 cases utilizing the hard copy case file and the computerized case file to determine if the disbursement was made in accordance with Court actions. No exceptions were noted. The remaining 2 cases could not be located for our review; however, we were able to verify through the computerized docket and payment screens the disbursements were made in accordance with Court actions.
3. We judgementally selected 15 disbursements from the Bond bank account. We traced 13 disbursements to the receipt prepared by the Sheriff's office showing the amount of the bond, the docket on the computer system which included an entry issuing the refund, and the bond information screen on the computer system. When reviewing the bond receipts issued by the Sheriff's office, we noted the date, name of the defendant, and the name of the person posting the bond and compared the information to the bond information screen to ensure the computer system was accurate. We noted no exceptions in the disbursements made. Of the 2 remaining cases, we were able to agree the bond information screen to the docket for one case and the remaining case we verified the sheriff's receipt to the bond cashbook showing the disbursement. No exceptions noted.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

NON-COMPLIANCE CITATIONS

1. Ohio Rev. Code Section 1901.31(F) provides "The clerk shall each month disburse to the proper persons or officers, and take receipts for, all costs, fees, fines, bail, and other moneys that the clerk collects."

During a review of disbursements made during the Period from the Criminal/Traffic bank account, there were instances where no disbursements occurred during the month (e.g. February, March and April of 1997) and where only one check was written during the month (e.g. August 1997). In 1997, the Clerk posted the disbursement to the books of the bank account but did not make the disbursement until up to two months later. In the Trusteeship bank account, we noted the monthly disbursements for October, November, and December 1996 were not made until January 1997.

We recommend the Clerk make all disbursements of funds collected each month in a timely manner.

2. Ohio Rev. Code §4511.193 provides for violations of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse or similar offenses shall be deposited into the municipal or county indigent drivers alcohol treatment fund on a monthly basis.

Ohio Rev. Code §3375.50 provides "all fines and penalties collected by, and moneys arising from forfeited bail, in a municipal Court . . . plus all costs collected monthly in such state cases, shall be retained by the clerk of such municipal Court, and be paid by him forthwith each month to the board of trustees of the law library association in the county in which such municipal corporation is located." Ohio Rev. Code §3375.50 (E) provides this does not apply to fines collected for violations of Ohio Rev. Code §4513.263(B).

Ohio Rev. Code §2743.70 provides the thirty dollars collected for a felony and the nine dollars collected for a misdemeanor for all cases "shall be transmitted on the first business day of each month by the clerk of the Court to the treasurer of the state and deposited by the treasurer in the reparations fund."

Ohio Rev. Code §2949.091 provides the eleven dollars charged as costs for an offense "shall be transmitted on or before the twentieth day of the following month by the clerk of the Court to the treasurer of state." Prior to July 22, 1998, the monies were to be remitted on or by the first day of the following month.

Ohio Rev. Code §4507.168 provides the license reinstatement fee collected by the clerk of the municipal Court shall be transmitted on a monthly basis along with all other processing fees required to be remitted to the registrar for the State bureau of motor vehicles fund. The fee to be remitted was established by an amendment to this section effective on May 15, 1997.

Ohio Rev. Code §3719.21 requires except as provided in this section, " the clerk of the Court shall pay all fines or forfeited bail assessed and collected under prosecutions or prosecutions commended for violations of this chapter or Chapter 2925, of the Revised Code, within thirty days, to the executive director of the state board of pharmacy."

Ohio Rev. Code 3715.73(B) provides "all fines or forfeited bonds assessed and collected under prosecution by the board of pharmacy or prosecution commended by the board in enforcement of sections 3715.01 to 3715.72, inclusive, of the Revised Code, shall, within thirty days, be paid to the secretary of the board and by him paid into the state treasury." This section was effective beginning July 22, 1998 by Amended Substitute Senate Bill 66.

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During a review of the disbursements made from the Criminal Traffic bank account, there were instances where no disbursements were made in the following months: August 1997, May 1998, June 1998, August through October 1998, and December 1998. It was noted the Clerk would record the writing of the check per the cash journal but the actual check was not written up to a couple of months later or was written but not mailed for a period of time.

We recommend the Clerk make all disbursements related to the above Ohio Rev. Code Sections in the timeframe required by law.

MANAGEMENT COMMENTS

Improper Depositing

In July of 1997, the Clerk incorrectly deposited \$100 into the Criminal/Traffic bank account instead of the bond account. Upon performing her reconciliation, the error was caught. To correct the error, the Clerk issued a check to Cash and deposited the check into the bond account. By writing the check to "Cash" instead of the bond account, the Clerk increases the susceptibility of the theft of \$100 as the Payee is unrestricted.

We recommend when preparing deposits that the Clerk ensures she keeps the money for the two different accounts separate as this occurred approximately five times during the Period. If the error does occur, the check should be written to the bond account and deposited with that day's deposits.

Cashing of Bond Refund Checks

When an individual receives a check returning his bond to him, it was noted there were instances where the individual would endorse the check and return it to the Criminal/Traffic Division. The Clerk in the Criminal/Traffic Division would stamp the check for deposit only, receipt in the amount needed to cover the fines and fees due, and return the remaining amount back to the individual in cash. As a result, the Clerk of the Court is not able to determine if the deposits being made by the deputy clerks to her are in tact due to the substitution of checks for cash. This also increases the likelihood of human error of giving too much change to the individual which causes the Court to be short that day.

We recommend that if the Court chooses to continue the above described process instead of issuing cash back to the individual for the remainder that a check be written from the Criminal/Traffic account to that individual which eliminates the Court acting as a bank.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

ISSUE 6

We obtained a listing of fees charged and distributions to be made. We compared the listing to the related sections of the Ohio Revised Code to determine whether the fees charged and the distributions made are in accordance with Ohio Revised Code.

Procedures

1. We obtained a listing of fees charged by the Court from the Judges and the Clerk of the Municipal Court to determine the fee and fines schedules followed by the Court.
2. We obtained the related Ohio Revised Code Sections for the offenses processed to determine the fee charged by the Court was in accordance with the applicable Ohio Revised Code Section in effect at that time.
3. We obtained from Hension & Associates, the Court's computer software vendor, a listing of distribution breakdowns made by the Court computer to determine how the computer system distributed fees and fines to be remitted to various agencies.
4. We compared the distribution breakdowns by Ohio Revised Code Section provided by the software vendor to the applicable Ohio Revised Code Section to determine whether the Court was making disbursements in accordance with the Ohio Revised Code.

Results

1. We obtained the traffic and criminal fine schedules in effect during the Period to determine the various fees charged by the Court for various offenses. We compared those fees established by the Ohio Revised Code to the related section of the Ohio Revised Code to determine if there were any discrepancies. No such discrepancies were noted.
2. We determined the Court established a Special Projects Fund with a \$3 fee charged for each traffic case and a \$5 fee for each criminal case filed with the Court. This new fee was effective October 6, 1997. We performed a scan of 40 cases in the October Traffic docket and 40 cases in the October Criminal docket to determine if the Special Projects Fund fee was being charged properly. Of the 80 cases, we noted three cases in which the fee was not charged properly. The Court should review the remaining cases to determine if there were additional cases which were not assessed this fee. Once the Court has determined the amount of fee not collected that is to be remitted to the City Auditor's Court Computerization Fund, the Court should meet with the City Council and the City Auditor to resolve the shortage. The decision made from this meeting should be documented in writing and a copy maintained by the Court, City Council, and the City Auditor to support the solution.
3. We determined in January 1, 1993 the Judges established the local Court costs of the Court to be \$20 for each traffic case and \$53 for each criminal case. In July 1993, the state legislature amended Ohio Revised Code Section 2743.70 increasing the Victims of Crime Fund fee from \$6 to \$9. An Auditor of State Legal Bulletin dated July 8, 1993 allowed for the deferral of the change to August 1, 1993. On August 1, 1993, per review of documentation provided by the Clerk, she changed the Victims of Crime Fund Fee to \$9 per case. However, we also noted for the traffic cases she decreased the local Court costs to \$17 and for the criminal cases she decreased the local Court costs to \$50. Upon request, the Clerk of the Municipal Court was not able to provide documentation the change in the local Court costs was approved by the Judges in office at that time. On July 18, 1994, the two Judges in office at that time filed an entry adjusting the traffic case fine schedule which reduced the local Court costs on a traffic case to \$17. There was no entry filed adjusting the Criminal case local Court costs. We then made a

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request to the current Judges in office to determine if they had documentation in their files that the change in local Court costs as of August 1, 1993 was approved by the Judges in office at that time. On July 30, 1999, Judge Marshall and Judge Schisler signed a statement indicating they did not authorize the change in local Court costs for traffic until July 18, 1994 and for criminal cases until October 6, 1997. The statement also indicated they did not have record of this authorization from their predecessors during the period of August 1, 1993 through October 6, 1997. As a result, the following table shows the estimate amount of additional monies the Court would have collected if this change had not been made:

| Type of case | Period Unauthorized Change Was in Effect | Number of Cases processed during the Period | Unauthorized Dollar Change in the Local Court Costs | Amount that would have been collected by the Court. |
|--------------|--|---|---|---|
| Traffic | 08/01/93 - 07/18/94 | 11,400 | \$3 | \$34,200 |
| Criminal | 08/01/93 - 10/06/97 | 24,640 | \$3 | 73,920 |
| | | | Total | \$108,120 |

We determined for the seatbelt offenses the Court did not charge the reduced local Court costs which would adjust the above estimate.

4. We obtained from Hension and Associates a listing of the distributions programmed into the computer software used by the Court and the related Ohio Revised Code Sections that provide for the distribution. We traced all of the distributions in effect during the Period except for the Liquor Report to the related Ohio Revised Code Section with no exceptions. The Liquor Report distribution referred to Ohio Revised Code Section 1501.3211 as the offense which would result in a breakdown of 50% of the fines to the County and the remaining 50% of the fines to the State. Upon review of the Ohio Revised Code, Section 1501.3211 does not exist in the current Code. Ohio Revised Code Section 1501.32 refers to offenses on Lake Erie in which the Court does not have jurisdiction. The Court should work with Hension and Associates to determine the proper Ohio Revised Code Section for this distribution. Once the section is determined, the Court should review all cases with offenses under that Ohio Revised Code Section to ensure fines collected were remitted to the proper agency.

MANAGEMENT COMMENTS

Fee Implementation

On September 23, 1997, a Judgement Entry signed by Judge Marshall was filed creating a Special Projects fund. On October 1, 1997, Judge Marshall and Judge Schisler signed an entry indicating effective October 6, 1997, a Special Projects fee of \$3 for Traffic cases and \$5 for Criminal cases would be collected as part of the local Court costs. This fee was effective for cases heard on or after October 6, 1997. Those cases already in process before this date were not effected. During a scan of 40 cases during the month of October, we determined there were two traffic and one criminal case that was not assessed this fee. By not collecting the fee, the Clerk of Court's office has reduced the amount of monies available to be utilized for special projects defined in the judgement entry filed September 23, 1997.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

This error was not indicated as being pervasive, however, we recommend that the Court review all cases during October 1997 through November 1997 to determine the number of cases the fees were not assessed. Once the amount of the fee is determined, the Court should work with City Council to resolve the shortage. Once a decision is reached, it should be documented in writing and signed by all parties involved . A copy of the decision should be maintained by each party and the original filed with the Court.

Court Costs

On December 30, 1992, a Judgement Entry signed by the Judges in office was filed indicating local Court costs were to be \$20 per traffic case and \$53 per criminal case. On July 1, 1993, the Victims of Crime Fund fee was increased from \$6 to \$9 by Amended Substitute House Bill 152 with an effective date of August 1, 1993. When the Clerk of the Courts adjusted the Victims of Crime Fund fee on August 1, 1993, she reduced the local Court costs from \$20 to \$17 for traffic cases (excluding seatbelt cases) and from \$53 to \$50 for criminal cases. No action was taken by the Judges at that time to approve or disapprove of this reduction in local court costs. If the Judges had addressed this issue and correspondingly increased court costs for the \$3 fee increase, the Court could have potentially collected an additional \$108,100 for the City of Portsmouth as detailed on pages 7-1 and 7-2. Without formal action taken by the Judges, it is unknown whether or not this reduction in Court costs was the intention of the Court.

We recommend that any changes to local court costs be made only after a formal Judgement Entry has been signed by the Judges.

Standing Data

Periodically, the Clerk receives an update of the fines to be charged by the computer system. She enters the new data into the system and continues processing the cases. No one reviews the data in the system to ensure the proper fines are being assessed for the various types of cases. By not reviewing the data when entered, the incorrect fines could be charged and not detected in a timely manner.

We recommend an individual, independent of the entering of the fines to be assessed, review the fines to ensure the proper fines are being assessed for the different violations.

Judgement Entries

The Judges signed a judgement entry to begin charging a special projects fee. However, no monetary amount was written in the judgement entry. By not indicating the amount on the judgement entry, confusion could result as to the exact amount to be charged.

We recommend that all judgement entries related to Court costs contain the monetary amount to be charged.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

ISSUE 7

We reviewed the voids in the computer system to determine whether the void was substantiated by supporting documentation maintained by the Court.

Procedures

1. We obtained a computerized listing of voided receipts from the Civil and Criminal/Traffic cashbooks to determine the number of items voided by the computer for January 1, 1997 through April 30, 1999 and interviewed Ms. Suzanna Blevins to determine what a valid action would be for a voided receipt.
2. We traced the voids on these computer listings to the hard copy of the receipt to determine whether there was supporting documentation to support the void and whether the void appeared to be a result of Court business.
3. We scanned the receipts issued by the Court to determine if there were additional voided receipts or other exceptions such as a missing receipt, handwritten changes on the receipt, or other unusual notations.
4. We investigated the unusual exceptions noted in step number 3 to determine the cause for the exception and whether the reason was a result of normal Court activity.

Results

1. We interviewed Ms. Suzanna Blevins, the Clerk of the Municipal Court, on May 24, 1999, to obtain an explanation of a "valid" void. A "valid" void is one in which the Court has both copies of the computerized receipt which indicate the word "void" and a reason has been entered into the docket screen of the computerized case file as to why the receipt was voided. She indicated common reasons for the voids as follows:
 - The wrong amount, date, case, offender, or payee was entered into the computer system.
 - The printer was turned off when the receipt was to be printing. This can occur at the beginning of the day, the end of the day, or when the printer had previously had paper jammed in it.
2. We obtained a computer printout of all of the voids listed in the computer system for the Period for the Criminal/Traffic cashbook and the Civil cashbook. We then reviewed all of the receipts issued by the Courts to determine if the hard copies of the receipts marked "void" were marked "void" in the Court computer system and a reason was provided for the void. The results of this review are as follows:
 - There were 153 instances where the receipt had been voided but there was no reason written on the void. These voids were voided in the computer system and were considered valid voids based on the description on the computer system or we located another receipt on the same case or a different case.
 - There were 11 instances where no reason was documented on the voided receipt but we found a new receipt for the same amount, defendant, and case.
 - There were 15 instances where the voided receipt indicated a wrong amount was entered; however, the new receipt was issued for the same amount.

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- There were 9 instances where the original receipt was voided and a new receipt was issued up to several months later. Upon discussion with the Clerk, she indicated this could be the result of an out of state offender trying to pay their fine with an out of state check which the Court does not accept. If this occurs, the check is returned along with request for submission of a money order to pay the fine.
 - There were 6 instances where the receipt was marked void, there was no reason documented on the receipt or in the computer system and no new receipt was issued. There were no monies collected per these receipts.
 - There was 1 instance where the receipt was marked void and no new receipt was issued; however, the computer system indicated a payment was received.
 - There were 11 instances where the receipt was marked void with no reason but it was not marked void in the computer system on that case.
 - All other voided receipts were agreed to the computer generated reports with no exception.
3. We reviewed all receipts issued by the Court in step number 2 to verify the voids listing in the system matched the voided receipts. During the review, we noted numerous exceptions including missing receipts, alterations of the receipts, and copies of the receipt missing. We presented these exceptions to the Clerk of the Municipal Court for explanation. The exceptions noted and explanation are as follows:
- The date on the actual receipt is different than the date on the receipt before and after the actual receipt. This is due to the deputy clerk entering the receipt must enter in that day's date into the computer system before processing the receipt. If the deputy clerk does not, the date that appears on the receipt is the same as the last date of the last receipt received for that case. This occurred 15 times during the Period.
 - There were various handwritten changes made on the receipt including the change in dollar amounts, defendant's, payee, or a change in case number. We requested the Clerk to show us documentation these changes were made in the Court's computer system. There were 4 instances where the changes were not made in the computer system.
 - There were 7 receipts that were marked as void on the receipt but were not void in the computer system. Upon review of the receipts, each of the receipts had the dollar amount of \$0.
 - There was 1 instance where a handwritten notation was made on the receipt that was not made in the computer system. All handwritten notations should be added to the computer system.
 - There were 37 instances where one copy of the voided receipt was missing with no explanation provided.
 - There were 19 instances where the white copy of the voided receipt was missing with no explanation provided.
 - There were 52 instances where the yellow copy of the receipt was missing and a screen from the computer was printed out. This usually occurred when the deputy clerk selected the print option but the printer was turned off.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

- There were 68 instances where the deputy clerk entered into the computer system the wrong type of tender (cash, check, or money order) and changed it on the receipt. The proper tender should be entered into the system when the moneys are collected.

Based upon the above explanations, the missing documents do not provide enough evidence to determine if there is fraud involved. However, the Court should ensure that all voids are supported with documentation and that someone other than the deputy clerk making the void review the reason for the void. The Clerk should also review all receipts for the day to ensure all hand written changes are made in the computer system.

MANAGEMENT COMMENTS

Voiding Capability

The computer system currently allows the Clerk to void transactions when needed. There was no evidence that the Judges or the Clerk reviews the voids in the system. Currently, the Clerk ensures if there is a void there are two copies of the void before she voids it out of the system. We noted several instances in which only one copy of the voided receipt was available or no copies of the receipt were available. We also noted several instances in which no reasons were noted on the hard copies of the receipt or in the docket entries. We also determined through discussion with the Clerk that she does not always review the reasons for the void before voiding the receipt in the cashbook. However, she indicated she usually checks to ensure another receipt has been issued to the same case as the voided receipt.

All voids should be reviewed to determine the reasonableness of the void, whether there is supporting documentation for the void, verify both copies of the voided receipt are marked as “void” and maintained, and verify the reason for the void is on both the hard copy of the receipt and in the docket. An individual independent of the voiding process should review the voids to determine if the voids are supported by documents showing the necessity of the voids to allow detection of errors and irregularities in a timely manner.

Receipt Dates

Each time the deputy clerk enters a collection of cash into the system, she enters into the receipt portion of the computer system. The system shows a blank receipt with a blank date field. If the clerk does not enter in a combination of keys, the date on the receipt could be different than the date the monies were actually received. We noted instances where the date of the receipt was up to two weeks before the receipt or even a couple of days after the actual receipt of the monies. By not entering the correct date into the receipt field on the computer system could result in potential fraud by allowing an individual to borrow the money and enter it into the system at a later date for that day.

We recommend the Court work with the software vendor to adjust the program to prevent the deputy clerks from changing the date of the receipt to any date but the current day’s date.

Tender Received

The computer system allows the deputy clerk receiving the money to enter in the type of tender received such as cash, money order, garnishment, or check. During a review of the receipts, it was noted there were 5 instances in 1997, 57 instances in 1998, and 6 instances in January through April 1999 where the computerized receipt indicated one type of tender and a manual notation was made that it was another type of tender. By not including the proper tender, the system does not report the true activity of the Division. It also does not enhance the reconciliation procedure by ensuring the amount of cash and checks entered into the system agrees to the cash and checks to be deposited.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

We recommend each time tender is received, the deputy clerk receiving the tender enter the correct tender into the system. This will allow the Clerk to reconcile cash and checks in the deposits to those listed on the daily cash log.

Receipt Review

The receipts are currently not reviewed at the end of the day. We noted several instances where changes were handwritten on receipts, but the changes were not in the computer. We also noted several instances where a void was made but the defendant's name was not changed to void. Therefore, the void would not appear on the void report. We also found instances where the receipt was not marked as void, but was marked as void in the computer system.

All receipts should be reviewed at the end of the day. By reviewing the receipts the Clerk will be able to ensure all information found on the receipts matches to the computer.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

ISSUE 8

We judgementally selected 40 transactions each from the docket, case file, ticket and duplicate receipt. We traced the transaction through the system to determine whether the transactions were included in all Court maintained documents or records.

Procedures

1. We selected 40 transactions from the docket and traced the transactions to the case file, duplicate receipt, ticket, and cashbook to determine whether the transactions were receipted, a case file created, agreed to the ticket issued, and the information on the docket agreed to the posting in the cashbook.
2. We selected 40 transactions from the case file and traced the transactions to the docket, duplicate receipt, ticket (if applicable), and cashbook to determine whether the transactions were receipted, recorded in the docket, the information in the case file agreed to the ticket issued, and the information in the case file agreed to the posting in the cashbook.
3. We selected 40 transactions from the duplicate receipts and traced the receipts to the case file, docket, ticket, and cashbook to determine whether the transactions were recorded in the docket, a case file created, agreed to receipt amount on the ticket issued, and the amount of the receipt agreed to the posting in the cashbook.
4. We selected 40 transactions from the tickets issued by law enforcement agencies and traced the tickets to the case file, duplicate receipt, docket, and cashbook to determine whether the transactions were receipted, a case file was created, and the information on the ticket agreed to the docket and to the posting in the cashbook.

Results

1. We obtained the dockets signed by each of the Judges for the Period. We then haphazardly selected 40 transactions and traced the transactions to documents in the case file; a receipt for the monies collected, if applicable, or a completed payment plan; to the hard copy of the ticket if it was a traffic related offense; and to the cashbook maintained by the Clerk. The testing of these 40 transactions resulted in the following:
 - There were 6 cases which did not include a judgement entry sheet indicating the Judge's decision in the case file.
 - There were 2 cases in which bonds were posted; however, no paperwork relating to the bond was included in the case file.
 - There was 1 case that was dismissed and no dismissal sheet was in the case file.
 - There were 8 cases in which payments on payment plans were behind and no arrest warrant for failure to make the payment was issued.
 - There was 1 case in which the bond set at the Scioto County Sheriff's Jail did not agree with the bond schedule utilized by the Judges or the bond schedule utilized by the Clerk. During the Period, the Jail, the Judges, and the Clerk each had a different bond schedule they utilized.
 - There was 1 case in the computer system that had no docket entries even though the case had been heard by the Judge.

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- There was 1 case in which the Judge's decision on the judgement entry did not agree with the information in the front of the case file.
 - There was 1 case in which the judgement entry was never prepared and the computerized case file did not have the judgement entry listed as well.
 - There was 1 case in which the judgement entry fines did not agree with the Commitment to Jail sheet fines.
 - The remaining transactions selected from the docket agreed with the information in the case file; agreed to the receipt issued for monies collected, if applicable, or payment plan; agreed to the traffic ticket documentation or judgement entry documentation; and agreed to the transactions recorded in the cashbook with no additional exceptions being noted.
2. We obtained the beginning and ending case number for each of the years in the Period. We then used a random number generator to select the case numbers for testing. If a duplicate case number was selected, we selected the next case number. We then traced the transactions to information in the Judge's docket; a receipt for the monies collected or a completed payment plan; to the hard copy of the ticket if it was a traffic related offense; and to the cashbook maintained by the Clerk. The testing of these 40 transactions resulted in the following:
- There was 1 case which did not include a judgement entry sheet indicating the Judge's decision in the case file.
 - There were 5 cases in which payments on payment plans were behind and no arrest warrant for failure to make the payment was issued.
 - There was 1 case in which the judgement entered on the back of the traffic ticket did not agree to the judgement entry in the case file.
 - There was 1 case in which the case file did not indicate the Judge had ordered a "stay" on fines and costs.
 - There was 1 case which had various witnesses and one of the witnesses did not return their witness fee sheet as they did not want to be paid. As a result, the money collected for the witness fee is still being held by the Court.
 - The remaining case files documentation agreed with the information in the computerized case file; agreed to the receipt issued for monies collected, if applicable; agreed to the traffic ticket documentation or judgement entry documentation; and agreed to the transactions recorded in the cashbook with no additional exceptions being noted.
3. We obtained the beginning and ending receipt number for each of the years in the Period. We then used a random number generator to select the case numbers for testing. If a duplicate receipt number was selected or the receipt was voided, we selected the next receipt number. We then traced the transactions to information in the Judge's docket; documentation in the case file; to the hard copy of the ticket if it was a traffic related offense; and to the cashbook maintained by the Clerk. The testing of these 40 transactions resulted in the following:
- There were 5 cases on payment plans in which payments were behind and no arrest warrant for failure to make the payment was issued.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

- There was 1 case in which the case file did not document the offender was making payments on a payment plan.
 - There was 1 case in which the information on the bond commitment sheet was typed incorrectly.
 - There were 2 cases in which the information on the docket did not match the information found in the front of the case file.
 - There was 1 case in which the Jail set the amount of the bond improperly.
 - The remaining receipts agreed with the information in the computerized case file; agreed to the hard copy case file; agreed to the traffic ticket documentation or judgement entry documentation; and agreed to the transactions recorded in the cashbook with no additional exceptions being noted.
4. We obtained the tickets provided by Law Enforcement Agencies for the Period. We then haphazardly selected 40 traffic tickets and traced the traffic tickets to documents in the case file; to a receipt for the monies collected, if applicable, or a completed payment plan; to the hard copy of the Judge's docket; and to the cashbook maintained by the Clerk. The testing of these 40 transactions resulted in the following:
- There were 2 cases in which there was no reason indicated on the dismissal sheet for the case.
 - There were 3 cases in which payments on payment plans were behind and no arrest warrant for failure to make the payment was issued.
 - There was 1 case we could not trace to the Judge's Docket due to the December 2, 1997 docket was missing from the Court.
 - There was 1 case in which the ticket did not have the amount of the fine due to Court written on it but the fine was in the computerized case file.
 - The remaining tickets agreed with the information in the computerized case file; agreed to the hard copy case file; agreed to the duplicate receipt or payment plan; and agreed to the transactions recorded in the cashbook with no additional exceptions being noted.
5. We compared the fees assessed for 120 of the 160 cases selected for testing in steps 1 through 4 to the fee listing approved by the Judges during the Period. The following results were noted:
- There were 7 cases in which the improper fee was assessed due to the incorrect local Court costs being charged by the Clerk. See further explanation in Issue 6.
 - There were 3 cases in which the improper fee was assessed due to the Court not assessing the Special projects fund on the case.
 - There was 1 case in which the Clerk of the Municipal Court charged a \$50 fine instead of the \$100 fine per the fee schedule.
 - For the remaining 109 cases tested, the fees were properly assessed for the offense.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

6. During the test of the above transactions, we determined the Scioto County Sheriff's Jail, the Clerk of the Municipal Court, and the Municipal Court Judges each had their own bond schedule with different amounts. On July 28, 1999, we interviewed Captain Robert Murphy of the Scioto County Sheriff's Office regarding the bond schedules. He indicated the bond schedule the Jail utilizes was sent to him by the Court. Periodically, he receives a phone call notifying him of a change and he makes that change to the schedule. He also receives periodic phone calls regarding acceptable bonding companies. We also inquired as to how those individuals who were charged with Driving Under the Influence (DUI) could be released on a recognizance bond. He indicated those charged with DUI are placed in a cell until they are sober. At that time, the offender is then released on his own recognizance.

On July 28, 1999, we interviewed Judge Marshall and Judge Schisler regarding the bond schedule presented by the Jail. Both of the Judges indicated they had not seen the bond schedule utilized by the Jail.

7. During the testing of the above transactions, we noted there were various individuals placed on a payment plan. Upon discussion with the Fines Division Deputy Clerk, it was determined there are no guidelines as to who can and cannot be placed on a payment plan and the payment plans are not reviewed or approved by the Judge on the case.

NON-COMPLIANCE CITATIONS

1. Ohio Rev. Code Section 1901.21 states "in a criminal case or proceeding, the practice, procedure, and mode of bringing and conducting prosecutions for offenses shall be as provided in the Criminal Rules."

Criminal Rule 46 (G) states, "the judge, magistrate, clerk, or officer who releases a person under this rule shall make an appropriate written order stating the conditions of release."

The Judges, Clerk, and Scioto County Sheriff's Jail each have a bond schedule they believe is supposed to be followed by the Jail. Upon review of the various schedules we noticed that the schedules utilized by these three departments were inconsistent. We also noted several instances where the bond collected at the Jail for various offenders were inconsistent with the bond schedule the Jail stated they utilize to set bonds.

We recommend the Judges implement a complete bond schedule, approve the use through judgement entry and send copies to the Clerk and the Jail. We also recommend a system be implemented for an individual independent of those collecting the bonds verify the proper bond was set based on the offense and the bond schedule.

2. Ohio Rev. Code Section 1901.31 (G) states that, "all moneys paid into a municipal Court shall be noted on the record of the case in which they are paid."

The Court receives either one lump sum payment or sets up a payment plan for every case where the defendant is found guilty. During our review of cases we noted two instances where the case file did not state the defendant had gone on a payment plan when the defendant had gone on a payment plan.

We recommend that the Court record on every case the method of payment.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

MANAGEMENT COMMENTS

Payment Plans

In review of various case files, it was noted there were defendants who were placed on a payment plan by a deputy clerk. Per review of the Court Docket, there was no authorization of a payment plan. The payment plan should be reviewed and approved by an individual appointed by the Judge to ensure all monies due to the Court will be collected within a reasonable amount of time.

We recommend each time a payment plan is created it should be presented to an individual appointed by the Judge for their approval to ensure monies owed to the Court will be collected in a reasonable amount of time. We also recommend clear guidelines for payment plans be established and approved by the Administrative Judge. These guidelines should include the qualifications to be eligible for payment plans and what terms are to be included in the payment plan.

Accounts Receivable/Monitoring of Payment Plans (See General Comments Section)

Court Case Files

The Court officials maintain individual case files for all offenses. However, during a review of the cases, it was noted there were various documents missing such as judgement entry sheets, dismissal sheets, and bond paperwork for both traffic and criminal cases. As a result, the case file does not indicate the true activity of the case which could arise in additional litigation procedures to be handled by the Court.

We recommend the Court develop a listing of required documents to be included in the case file as a checklist for those preparing the case files to ensure all documents are included. Information in the case file should include a copy of the traffic ticket or complaint, copies of all docket book entries, copies of all duplicate receipts issued, any notations made by the Judge, and any additional information the Court deems necessary to be in the case file.

Dismissal of Cases

In review of the cases selected for testing, there were case files indicating the case was dismissed by the Judge in the docket and case file. Upon further review, there were numerous instances where no explanation was given for the dismissal in either the docket or the case file but other case files included a dismissal sheet listing the reason for dismissal. All actions of the Court should be recorded in the Docket and the case file to ensure the Court records accurately reflect decisions of the Court.

We recommend all actions of the Court be recorded in the case file and in the Docket.

Bonding Companies

An interview with Captain Robert Murphy indicated he would receive telephone calls notifying him of changes in the bond schedule maintained by the Jail or of changes in acceptable bonding companies. He does not have documentation supporting these changes at the Jail nor does he have an effective date of the changes. By not having documentation to support the amounts he is setting for offender's bail, he may allow individuals to post bail which disagrees with the amount the Judge has set. As a result, offenders may be released incorrectly.

We recommend the Court notify the Jail in writing of any changes to the bond schedule and acceptable bonding companies. The written notification should also provide an effective date.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

DUI Defendants' Release From Jail

The jail currently keeps defendants charged with DUI at the jail for four hours (or until they are believed to be sober). After this the defendants are released. As a result no one is held responsible for ensuring the defendant is returned home safely.

We recommend a responsible party form be created to ensure that all defendants are returned home safely.

Witness Fees

The Court receives a budgeted amount of money from the county to pay witness and juror fees. Currently, all witnesses receive a summons sheet. If the witness testifies, the witness is to turn the summons sheet in to the Clerk's office to receive the fee. However, the defendant is charged a witness fee based on the judgement entry sent to the Clerk, regardless of whether the witness summons sheet is turned in. The Clerk is unaware of what fund the County Auditor records moneys received for witness and juror fees. This could lead to potential misappropriation of moneys.

We recommend that the Court determine what Fund at the County witness and juror fees collected are sent to and decide if this is an appropriate place. If the money is not sent to the appropriate place, we recommend the Court develop a more appropriate place for the money to be sent.

Documentation of Court Actions

All case files should contain the actions of the Court. There is a line on the back of the ticket for the amount of the fine that should be assessed. Currently, that line is used by the Prosecutor to state the actions of the Judges. We noted an instance where the amount of the fine was not stated on the back of the ticket. By not recording the amount on the back of the ticket discrepancies regarding the amount of fine ordered by the Judge could result. This especially could occur on minor misdemeanor cases where a judgement sheet is not completed. We also noted that the reason for the dismissal of cases is not always noted in the case file and/or on the dismissal sheet. As a result, the case file does not indicate the true activity of the case which could arise in additional litigation procedures to be handled by the Court.

We recommend that all tickets that go before the Judge state the actions of the Judge and that if a case is dismissed the reason is noted in the case file. In addition, we recommend the Judgement Entry sheets are completed on all cases that go before the Judge including minor misdemeanor cases.

Review of Information Found in the Case File

The Court officials maintain individual case files for all offenses. However, during a review of the cases, it was noted there was a case where the judgement entry sheet was significantly different in the amount of bond or fines due than the information written on the front of the case file. As a result, conflicting information is found in the case files.

We recommend an outside reviewer periodically review the information in the case files to ensure that the information found in the Court file is uniform throughout the file.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

ISSUE 9

Upon the Judge's request, we reviewed the City's policies on leave accrual, reviewed the amount of leave to be accrued and amount that was used per the payroll journals during the period of January 1, 1997 through June 30, 1999 for four Court employees to determine whether Court employees were being paid for leave they had not accrued.

Procedures

- 1 We obtained the City's policies regarding the accumulation of leave to determine the amount of leave to be accrued based on the years of service for vacation leave and the amount accrued per year for sick leave.
- 2 We selected four Court employees and performed the following steps for vacation leave to determine if the employees were utilizing leave they have not earned:
 - a. We reviewed the documentation submitted by the Clerk to the City Auditor to determine the Court employees' vacation leave balance at January 1, 1997.
 - b. reviewed their personnel files to determine each employees' years of service.
 - c. We compared the employees' years of service to the City's Policy to determine the amount of vacation leave to be accrued by each employee.
 - d. We reviewed the City Auditor's payroll registers and the Clerk's day planner to determine the amount of leave used each year by the employees.
 - e. We compared the amount of leave used versus the amount earned plus their balance at January 1, 1997 for the Period to determine if the employees were utilizing leave not earned.
- 3 We selected four Court employees and performed the following steps for sick leave to determine if the employees were utilizing leave they have not earned:
 - a. We reviewed the documentation submitted by the Clerk to the City Auditor to determine the Court employees' sick leave balance at January 1, 1997.
 - b. We reviewed their personnel files to determine the amount of sick leave to be accrued during the year.
 - c. We reviewed the authorization forms allowing the donation of leave to one of the selected employees to determine if the donation of leave was authorized by those donating the leave.
 - d. We reviewed the City Auditor's payroll registers and the Clerk's day planner to determine the amount of leave used each year by the employees.
 - e. We compared the amount of leave used versus the amount earned plus their balance plus any donated leave at January 1, 1997 for the Period to determine if the employees were utilizing leave not earned.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Results

1. We obtained the personnel policies and determined the vacation leave accrual is based on years of service with the Public Employees Retirement System. We determined the each employee of the Court receives 10 hours of sick leave at the end of each month.
2. We selected four employees from the Court employee listing provided by the Clerk of the Municipal Court. For each of these employees, we determined the vacation leave balance as of December 31, 1996, added the accrual for each year and subtracted the usage for each year and determined the year end balance. For two of the four employees, no exceptions were noted and their leave usage did not exceed their leave balances.

The third employee was Jill McDonald. At the end of 1998, the Clerk certified to the City Auditor Ms. McDonald had five hours to be carried over to the next year. Upon recalculation of her leave accrual and usage for 1997 through the end of 1998, it was determined her vacation leave balance was overstated by 4 hours as of June 30, 1999. However, her leave usage during the Period did not exceed the amount she had accrued, therefore, a finding for recovery was not issued. However, we issued a recommendation for the City Auditor to review this calculation of leave balance and adjust the leave balance on the City's records.

The fourth employee was Cathi Rohrbaugh. On January 1, 1997, she received an allocation of 160 hours plus an additional 80 hours of vacation for prior service. Upon review of her service record, she should have only received an allocation of 200 hours for the year. The City Auditor verified the additional 40 hours given to her in February for achieving ten years of service were already included in her allotment for January 1997. As a result, Ms. Rohrbaugh's vacation leave balance was overstated by 40 hours as of June 30, 1999. However, her leave usage during the Period did not exceed the amount she had accrued, therefore, a finding for recovery was not issued. However, we issued a recommendation for the City Auditor to review this calculation of leave balance and adjust the leave balance on the City's records..

We also determined the leave balances presented to the City Auditor by the Clerk of the Municipal Court did not agree with the actual balances maintained by the City Auditor. Some of these errors were the result of the Clerk not maintaining documentation when her staff was using leave as well as misunderstandings over the receipt of leave from prior years service at another entity.

3. We selected four employees from the Court employee listing provided by the Clerk of the Municipal Court. For each of these employees, we determined the sick leave balance as of December 31, 1996, added the accrual for each year and subtracted the usage for each year and determined the year end balance. The leave balances as of June 30, 1999 as noted in the City Auditor's records is in agreement with our recalculation.

We also determined the leave balances presented to the City Auditor for the year ended December 31, 1998 by the Clerk of the Municipal Court did not agree with the actual balances maintained by the City Auditor. As a result, the Judges also certified to the City Auditor the incorrect leave balances. Some of these errors were the result of the Clerk not maintaining documentation when her staff was using leave as well as misunderstandings over the receipt of leave from prior years service at another entity.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

MANAGEMENT COMMENTS

Establishment and Enforcement of Leave Forms for Leave Taken

During our review of the payroll disbursements, it was noted that the Court does not require the eligible employees to utilize leave request/usage forms.

The Court should establish a form to be completed by the employees when leave time is used or requested. The form should include any and all pertinent information necessary to properly distinguish the pay period the leave time pertains to, the type and amount of leave being taken, and require the signature of the employee and supervisor. Without such documentation, there is no way of knowing when employees are taking or have taken leave time. This could lead to the intentional or unintentional misuse of leave time.

We recommend that the Court establish a form for taking leave time and require that the form be on completed for all leave time taken, and be approved by the supervisor of the department or the Judge.

Leave Carryover Balances

We recalculated the ending leave balance of four employees of the Court and compared those balances to the balances certified by the Judge as allowable carry-overs for vacation leave. These balances were then presented to the City Auditor to update the City's records. We noted no errors for those certified January 1, 1997. Each of the balances of sick leave for the four employees and two of the employees for vacation leave did not agree with the recalculated balance based on documentation provided by the City Auditor. It was noted for Jill MacDonald that there were four hours carried over from FY 1997 to FY 1998 that should not have been carried over based on the accrual of leave and leave documented to the City Auditor as being used. It was also noted in 1997, Cathy Rohrbaugh was given her allocation of 40 hours for reaching ten years of service twice. By not providing the correct leave balances to the City Auditor, this inflates the leave the employees of the Court believe they have available based on their pay stub and can increase the liability of the City.

We recommend the Court review the usage and accrual of Ms. MacDonald's and Ms. Rohrbaugh's vacation leave and make the necessary adjustments to reflect the correct balance based on amount carried over and the amount used during the period. A periodic review of leave usage should be performed to ensure the employees of the Court are utilizing only the leave that they have accrued and not future allocations.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

ISSUE 10

We obtained the grant agreement and reviewed the Ohio Revised Code to determine what types of expenditures can be expended by the Electronic Monitoring Housing Assistance Grant and the Electronic Monitoring Housing Assistance Fund. We reviewed the expenditure reports during the period of January 1, 1997 through June 30, 1999 to determine if only allowable payroll expenditures were charged against the Grant.

Procedures

1. We obtained the grant agreement, which is a part of the Community Corrections Act Grant, from the EMHA Grant Coordinator to determine the types of allowable payroll grant expenditures.
2. We interviewed the grant coordinator to determine how the program operates and summarized the interview in a narrative.
3. We obtained from the City Auditor expenditure documentation from the Community Corrections Act Grant Fund which includes the EMHA Grant and reviewed the expenditures to determine if the expenditures were allowable under the grant agreement.
4. We obtained a copy of Ohio Revised Code Section 2929.23 to determine the types of expenditures allowable to be charged against the EMHA Fund.
5. We obtained from the City Auditor payroll expenditure documentation from the EMHA Fund and reviewed the expenditures to determine if the expenditures are allowable under the Ohio Revised Code.

Results

1. We reviewed the grant applications in effect during the Period and compared the names listed as payroll expenditures in the application to the payroll registers maintained by the City Auditor during the Period. No exceptions were noted.
2. We interviewed Joe McKinnon, Grant Coordinator on August 3, 1999 to determine the types of services provided by the Grant. He indicated he is responsible for coordinating alternatives to Jail for non-violent offenders including the Prisoner At Work groups and the Electronic Monitoring Housing Assistance Fund. Upon discussion with Judge Marshall on August 3, 1999, he indicated Mr. McKinnon also received monies from the Electronic Monitoring Housing Assistance Fund which receives fines for those individuals placed under House Arrest.
3. On November 7, 1997, Judge Marshall filed an entry which allowed Cathi Rohrbaugh to be compensated \$7,500 a year to act as the Comptroller of the Electronically Monitored House Arrest and Guardian Interlock Programs. On March 10, 1998, Judge Schisler ordered this entry be vacated and shall be for naught. During the period of November 7, 1997 through March 10, 1998, Ms. Rohrbaugh was compensated approximately \$300 per pay period. From March 10, 1998 through the end of the Period, no other payroll charges against this fund has been made per the City Auditor.
4. We reviewed Ohio Rev. Code Section 2929.23 and an Auditor of State Management Advisory Services Bulletin 93-10 dated July 23, 1993 which defines the allowable expenditures of the fund. On May 27, 1998, Judge Marshall received a response from Auditor of State Legal Counsel indicating if the Court chooses to assign payroll costs to the Electronic Monitoring Housing Assistance Fund and the individual is part-time, "the Court shall keep accurate records regarding the proportion of time each employee works administering the program." Upon discussion with the Judge, he indicated the employees do not

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

track how much time is spent on each program and that they determined what they felt was a reasonable rate to be charged back to the fund.

5. A discussion with Joe McKinnon, Grant Coordinator, indicated he does not receive the monthly City Auditor reports to allow him to monitor his grants in a timely manner. Instead, he has to contact the Municipal Court Clerk when he needs to review the information.

MANAGEMENT COMMENTS

Electronic Monitoring House Arrest

The Court has an Electronic Monitoring Housing Fund which receives fees from those offenders placed on Electronic House Arrest. The Court has assessed an additional fee to assist in covering the costs of operating the program. During the Period, the Judges determined to utilize excess funds to supplement various individuals salaries that worked with the program; however, they do not require documentation of the hours worked on the program. As a result, the program could be charged for hours that were spent on other activities instead of the Electronic Monitoring Housing Fund.

We recommend the Court utilize time sheets for those whose payroll is charged against more than one fund to document the amount of time spent on each fund. This will allow the funds to only reflect the true expense and not expenses for other activities.

Monthly Activity

Each month the Clerk of the Municipal Court receives a monthly activity report from the County Auditor and City Auditor for the receipts and disbursements in the funds maintained for the Court. Per discussion with Joe McKinnon, the Grant Coordinator, he does not see this report and has to request it from the Clerk when he is being audited. As a result, the Coordinator has to rely on the Clerk to inform him of potential budget problems or unusual expenditures charged to the grant. The Coordinator is unable to determine if there are unusual fluctuations in the funds which could be the result of irregularities or fraud.

Each month the Coordinator should be presented with the reports received from the County Auditor and City Auditor to allow him to be aware of the activity flowing through the Community Corrections Act Grant and to ensure only allowable expenditures are being charged against the grant.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

General Comments

Non-Compliance Citations

1. Ohio Rev. Code Section 1901.31(E) provides "The Clerk shall do all of the following: file and safely keep all journals, records, books, and papers belonging or appertaining to the Court; record the proceedings of the Court; perform all other duties that the judges of the Court may prescribe; and keep a book showing all receipts and disbursements, which book shall be open for public inspection at all times.

During a review of the Court records, we could not locate the following items:

1. 13 case files to verify there was a hard copy of the ticket. This could be the result of misfiling, the case being lost in the numerous piles of cases waiting to be filed, or could be missing.
2. October 1996 through December 1996 Trusteeship bank account records.
3. A bond receipt issued by the Sheriff to agree with the information entered into the Court Computer system.
4. The original hard copy of the docket signed by Judge Marshall for December 2, 1997.
5. The February 1997 bank reconciliation was not with the Civil Bank Account records.

We recommend the Clerk maintain all documentation which supports the financial and administrative actions of the Court.

MANAGEMENT COMMENTS

Keying Errors

In comparing the tickets maintained by the law enforcement agencies as being issued and sent to the Portsmouth Municipal Court, we noted numerous keying errors when these tickets were entered into the system. These errors included transposing of ticket numbers, entering a phrase instead of the Code Section the individual was cited under, incorrect names, or the incorrect law enforcement agency. We also noted cases where the commitment sheets did not match to the judgement entry sheets. We found case number TRD 9801446 where the Court costs had been typed in as \$18 instead of \$17 and a refund was not issued. This results in difficulty in locating tickets entered into the system and results in monies being sent to the State of Ohio that belonged to other law enforcement agencies. This also results in refunds not being given when needed. The computer system currently does not have a reminder for the data entry person to review the screen for accuracy before advancing to the next screen.

We recommend that the Court work with its software vendor to install in the program an accuracy check reminder for the date entry operator to eliminate the various keying errors. The Court should also work with the vendor to restrict the law enforcement agency to a certain agency based on the ticket number entered into the system. These two additional computer controls will assist to reduce the number of keying errors made into the system.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Accounts Receivable/Payment Plans

The Clerk of the Municipal Court (the Clerk) receives various fines and restitutions as a result of Court cases tried during the year. At the time the case is settled, the Judge will order fines or restitution to be paid. The individuals owing monies make payments at various times. Upon arriving at the Clerk's office, the offender requests to be placed on a payment schedule as the offender cannot pay all of their fines at one time. When this occurs, the offender pays the first installment of the fine and signs an agreement which indicates the date the next payment is due. The Fines Clerk creates a folder for this individual, and files it with the payment agreement with the other payment plans. Currently, no individual in the Court reviews the files to determine if the individuals are late on their payments. As a result, the Court does not know whether or not they are collecting the fines due to them in a timely manner.

Until these monies are received, they are considered a receivable of the Court and are due as a payable to various governmental agencies such as the Ohio Bureau of Motor Vehicles, the State of Ohio, Scioto County, and the City of Portsmouth. A receivable is monies due to the Court resulting from Court action on a case that has not been received by the Court. The Court should be able to at any time determine the amounts due to the Court and the individuals that owe the amounts. This would allow the Court to determine which method of collection should be undertaken to ensure all monies are collected and remitted to other agencies. As of December 31, 1998, the Court had a receivable of approximately \$3,200,000.

Currently, the Clerk's Office does not ensure payments are being made in a timely manner. Due to the volume of daily Court activities, the employees do not have the time to monitor the payment plans for those not on probation. The Court has received a grant which is being utilized to have probation officers follow up on the payment plans of individuals on probation. This has increased collections of outstanding fines.

By not monitoring all payment plans, the Clerk is not attempting to utilize various methods of collection to ensure all fines, Court costs, and restitution are collected as well as all amounts due to other governmental agencies are remitted. This also results in a loss of revenue to the City, County and other State agencies.

We recommend an individual independent of the creation of the payment plan periodically review the payment plans to ensure the defendants are making payments in accordance with the plan. This individual should recommend other actions to be taken if an individual is not complying with the plan to ensure all monies due are collected by the Court. In addition, we recommend the Clerk begin a process of attempting to collect delinquent fines and fees. If the Court is unable to collect the monies due or do not have the capability to do so, the Court should consider hiring an outside collection agency to assist the Court in collecting delinquent fines.



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PORTSMOUTH MUNICIPAL COURT

SCIOTO COUNTY

CLERK'S CERTIFICATION

This is a true and correct copy of the report which is required to be filed in the Office of the Auditor of State pursuant to Section 117.26, Revised Code, and which is filed in Columbus, Ohio.

Susan Babbitt

CLERK OF THE BUREAU

**CERTIFIED
JANUARY 6, 2000**