



Claire McCaskill

Missouri State Auditor

August 2005

Sixth Judicial Circuit

Platte County,
Missouri



Office Of
Missouri State Auditor
Claire McCaskill

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The following findings were noted as a result of an audit conducted by our office of the Sixth Judicial Circuit, Platte County, Missouri.

When transferring to the Justice Information System (JIS), some of the information did not properly convert from the old system to the JIS. As a result, the open items (liabilities) listing at December 31, 2004, had \$25,216 which could not be associated with specific cases. In addition, although monthly bank reconciliations are prepared, the reconciled bank balance at December 31, 2004, was approximately \$1,800 less than the JIS balance. Also included in the audit were recommendations related to the law library and traffic tickets.

All recommendations from our prior audit reports on the Sixth Judicial Circuit and the Associate Division V, Traffic Violation Bureau have been implemented.

All reports are available on our website: www.auditor.mo.gov

YELLOW SHEET

SIXTH JUDICIAL CIRCUIT
PLATTE COUNTY, MISSOURI

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STATE AUDITOR'S REPORT



CLAIRE C. McCASKILL
Missouri State Auditor

Presiding Judge and Court en banc
and
Circuit Clerk of the
Sixth Judicial Circuit
Platte County, Missouri

We have audited certain operations of the Sixth Judicial Circuit, Platte County, Missouri. The scope of this audit included, but was not necessarily limited to, the two years ended December 31, 2004. The objectives of this audit were to:

1. Review internal controls over significant financial functions.
2. Review compliance with certain legal provisions.
3. Evaluate the economy and efficiency of certain management practices and operations.

Our methodology to accomplish these objectives included reviewing written policies, financial records, and other pertinent documents; interviewing various personnel of the judicial circuit, as well as certain external parties; and testing selected transactions.

In addition, we obtained an understanding of internal controls significant to the audit objectives and considered whether specific controls have been properly designed and placed in operation. However, providing an opinion on internal controls was not an objective of our audit and accordingly, we do not express such an opinion.

We also obtained an understanding of legal provisions significant to the audit objectives, and we assessed the risk that illegal acts, including fraud, and violations of contract, grant agreement, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting significant instances of noncompliance with the provisions. However, providing an opinion on compliance with those provisions was not an objective of our audit and accordingly, we do not express such an opinion.

Our audit was conducted in accordance with applicable standards contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and included such procedures as we considered necessary in the circumstances.

The accompanying History, Organization, and Statistical Information is presented for informational purposes. This information was obtained from the judicial circuit's management, the Office of State Courts Administrator, and Platte County and was not subjected to the procedures applied in the audit of the judicial circuit.

The accompanying Management Advisory Report presents our findings arising from our audit of the Sixth Judicial Circuit, Platte County, Missouri.



Claire McCaskill
State Auditor

April 28, 2005 (fieldwork completion date)

The following auditors participated in the preparation of this report:

Director of Audits:	Kenneth W. Kuster, CPA
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	Alvin L. Cochren, Jr.

MANAGEMENT ADVISORY REPORT -
STATE AUDITOR'S FINDINGS

SIXTH JUDICIAL CIRCUIT
PLATTE COUNTY, MISSOURI
MANAGEMENT ADVISORY REPORT -
STATE AUDITOR'S FINDINGS

1. Accounting Controls and Procedures

The court implemented the Justice Information System (JIS), a statewide computerized case management system, in November 1999. When transferring to the JIS, some of the information did not properly convert from the old system to the JIS. As a result, the open items (liabilities) listing at December 31, 2004, had \$25,216 which could not be associated with specific cases. In addition, although the Circuit Clerk prepares monthly bank reconciliations, the clerk has not been able to resolve the differences between the reconciled bank balance and the JIS balance. The reconciled bank balance at December 31, 2004, was approximately \$1,800 less than the JIS balance.

Accurate and complete bank reconciliations are necessary to ensure that all monies are properly deposited, and accounting records are in agreement with the bank. This allows for the timely correction of errors, and provides the basis for a monthly comparison of reconciled cash balances to open items listings. The Circuit Clerk should also attempt to determine the reason for any unidentified liabilities that are determined to exist, and if proper disposition cannot be determined, dispose of them in accordance with state law.

WE RECOMMEND the Circuit Clerk ensure the differences between the reconciled bank balance and the JIS balance are properly investigated and resolved. In addition, the Circuit Clerk should conduct a case by case review to determine the reason for any unidentified liabilities and any monies remaining unidentified should be disposed of in accordance with state law.

AUDITEE'S RESPONSE

The Circuit Clerk provided the following response:

Since the year 2000, the Circuit Clerk's office is and has been conducting a case by case review to "match" any monies in open items to the appropriate case files that were not converted by JIS. This process will continue.

2. Law Library

Perpetual inventory records of law library materials are not maintained and annual physical inventories are not performed. A physical inventory should be performed annually and compared to perpetual inventory records. Proper inventory procedures reduce the risk of loss, misuse, or theft of law library assets.

WE RECOMMEND the Circuit Clerk require the law library custodian to maintain perpetual inventory records and perform an annual physical inventory of all law library materials.

AUDITEE'S RESPONSE

The Circuit Clerk indicated the law library custodian has physically inventoried the law library materials.

3.

Traffic Tickets

Adequate records are not maintained to account for the individual traffic tickets issued and their ultimate disposition. The Sheriff's department maintains a log of tickets written by each deputy. However, the numerical sequence of tickets is not accounted for by sorting the log by ticket number. As a result, at least 400 tickets were not included on the log.

Without proper accounting for the numerical sequence and ultimate disposition of traffic tickets, the Sheriff's department, Prosecuting Attorney's office, and Circuit Clerk's office cannot be assured that all tickets issued by the Sheriff's department are properly submitted to the court for processing. A log listing the ticket book, each ticket number, the date issued, offense, and the violator's name would enable the Sheriff's department, Prosecuting Attorney, and Circuit Clerk's office to ensure all tickets issued have been submitted to the court for processing, properly voided, or not prosecuted. In addition, a record should be maintained of the ultimate disposition of each ticket to ensure all documents have been accounted for properly.

WE RECOMMEND the Circuit Clerk's office work with the Sheriff's department and the Prosecuting Attorney's office to ensure records are maintained to account for the numerical sequence of all traffic tickets issued, as well as the ultimate disposition of tickets.

AUDITEE'S RESPONSE

The Circuit Clerk provided the following response:

The Circuit Clerk's office has absolutely no statutory authority that would allow it to meaningfully address the concerns expressed in this recommendation. The Circuit Clerk's office has always worked with the Sheriff's department and the Prosecuting Attorney's office in accordance with Missouri Statutes and as a matter of comity.

FOLLOW-UP ON PRIOR AUDIT FINDINGS

SIXTH JUDICIAL CIRCUIT
PLATTE COUNTY, MISSOURI
FOLLOW-UP ON PRIOR AUDIT FINDINGS

In accordance with *Government Auditing Standards*, this section reports the auditor's follow-up on action taken by the Sixth Judicial Circuit, Platte County, Missouri, on findings in the Management Advisory Report (MAR) of our prior audit report issued for the three years ended December 31, 1998, and our prior audit report on Associate Division V, Traffic Violations Bureau for July 1, 1999 through May 31, 2000.

SIXTH JUDICIAL CIRCUIT
PLATTE COUNTY, MISSOURI

1. Criminal Cost Billings

- A. The Circuit Clerk did not submit criminal cost billings to the state for incarceration costs related to defendants where the court retained the option of granting probation to the defendant after 120 days.
- B. Although it appeared the Circuit Clerk's office generally ensured that other applicable cases (non-120 day cases) were properly billed, we noted one such case in 1996, involving billable costs of \$4,012, which was not billed to the state.

Recommendation:

The Circuit Clerk take timely action to ensure any unbilled costs pertaining to past 120 day cases are billed to the state before the two-year time limit expires. In addition, in the future, the Circuit Clerk should ensure all billable criminal costs are billed to the state on a timely basis.

Status:

Implemented. Billings are now submitted to the state for criminal costs where the court retained the option of granting probation after 120 days.

SIXTH JUDICIAL CIRCUIT
ASSOCIATE DIVISION V
TRAFFIC VIOLATIONS BUREAU

1. Misappropriated Funds

Payments on at least nine traffic tickets, totaling \$925, were not recorded or deposited. It appeared these monies were misappropriated. Payments on twenty-three additional traffic tickets, totaling \$2,225, also appeared to have been misappropriated. In addition, payments on a number of other traffic tickets did not appear to have been properly handled. It is likely that additional monies related to at least some of these tickets were also misappropriated.

Recommendation:

The Associate Division V Judge and Circuit Clerk work with the various law enforcement authorities regarding any criminal prosecution of this matter and to obtain restitution.

Status:

Implemented. This was resolved in court and the individual has been sent to prison.

2. Accounting Controls and Procedures

- A. Manual receipt slips were issued to walk-in payers when payments could not be recorded directly into the computer system. These manual receipt slips were single copy receipts given to the payer, and were not prenumbered. No copy or other record of the manual receipt slips which were issued were maintained by the court.
- B. Improvements were needed in the segregation of duties in the Traffic Violations Bureau. Except for collections received on court dates, one clerk was responsible for collecting and maintaining physical custody of receipts, recording payments into the court's computer system and filing the cases as closed. The clerk had access to the manual case files, the court's computer system, and she had the ability to change or delete court dates and record case dispositions. In addition, this clerk had the capability of having warrants withdrawn.

Recommendation:

The Circuit Clerk:

- A. Continue to ensure any manual receipt slips issued are prenumbered, duplicate receipt slips are maintained, and that these receipt slips are accounted for properly.
- B. Ensure the duties surrounding the handling of traffic tickets and the related payments are segregated to the extent practical. At a minimum, procedures should be established to periodically identify any traffic cases that have had no recorded activity or have not been otherwise resolved for an extended period of time.

Status:

Implemented.

HISTORY, ORGANIZATION, AND
STATISTICAL INFORMATION

SIXTH JUDICIAL CIRCUIT
 PLATTE COUNTY, MISSOURI
 HISTORY, ORGANIZATION, AND
 STATISTICAL INFORMATION

Organization

The Sixth Judicial Circuit consists of only Platte County.

The Sixth Judicial Circuit consists of two circuit judges and three associate circuit judges. The Division II judge serves as the presiding judge and is responsible for administration of the circuit. Two of the associate circuit judges preside over the associate circuit court, and one of the associate circuit judges presides over the probate division and associate circuit court.

In addition to the judges, the personnel of the Sixth Judicial Circuit, Platte County, Missouri, include a circuit clerk, a chief deputy clerk, two probate division clerks, two court reporters, a chief juvenile officer, and approximately twenty-seven other employees. Since the circuit court in Platte County has a centralized court system, the circuit clerk has additional responsibilities in addition to her statutory duties as circuit clerk. The Circuit Clerk is also responsible for the collection and disbursement of associate and probate division fees and the maintenance of associate division case files.

Operating Costs

The operating expenses of the various courts and the Juvenile Justice Center are paid by Platte County. The operating expenses for the circuit judges, court reporter, and juvenile office are also paid by Platte County.

The salaries of the court personnel and the chief juvenile officer are paid by the state of Missouri. The salaries of the remaining juvenile office personnel and court services are paid by Platte County.

Receipts

Receipts of the Sixth Judicial Circuit, Platte County, were as follows:

		Year Ended December 31,		
		2004	2003	2002
Court deposits, fees, bonds, and other	\$	3,005,844	3,955,228	8,334,718
Interest income		13,630	43,892	71,353
Total	\$	3,019,474	3,999,227	8,406,071

Caseload and Time Standards Statistics

From the Office of State Courts Administrator Missouri Judicial Reports, caseload statistics of the filings and dispositions of the Sixth Judicial Circuit, Platte County, were as follows:

	2004		Year Ended June 30, 2003		2002	
	Filings	Dispositions	Filings	Dispositions	Filings	Dispositions
Civil	4,043	3,938	3,684	3,666	3,474	3,374
Criminal	14,495	15,007	16,127	16,112	16,719	16,172
Juvenile	165	115	132	116	132	155
Probate	154	118	124	118	110	113
Total	18,857	19,178	20,067	20,012	20,435	19,814

From the Office of State Courts Administrator Missouri Judicial Report for fiscal year 2004, statistics on the compliance of the Sixth Judicial Circuit, Platte County, with time standards for disposition of certain types of cases were as follows:

Type of Case	Time Standard	Sixth Judicial Circuit Platte County, Missouri	State Total
Circuit Civil	90% in 18 months	79 %	78 %
	98% in 24 months	85	87
Domestic Relations	90% in 8 months	81	85
	98% in 12 months	88	91
Associate Civil	90% in 6 months	96	86
	98% in 12 months	99	97
Circuit Felony	90% in 8 months	90	82
	98% in 12 months	93	91
Associate Criminal	90% in 4 months	71	73
	98% in 6 months	87	85

Personnel

At December 31, 2004, the judges, Circuit Clerk, and Chief Juvenile Officer of the Sixth Judicial Circuit, Platte County, were as follows:

- Owens Lee Hull Jr., Circuit Judge, Division II (Presiding Judge)
 - Abe Shafer, Circuit Judge, Division I
 - Daniel M. Czamanske, Associate Circuit Judge, Division III
 - James W. Van Amburg, Associate Circuit Judge, Division IV
 - Gary D. Witt, Associate Circuit Judge, Division V
 - Sandra L. Dowd, Circuit Clerk
 - Janet Warner, Chief Juvenile Officer
- An organization chart follows:

SIXTH JUDICIAL CIRCUIT
 PLATTE COUNTY, MISSOURI
 ORGANIZATION CHART
 DECEMBER 31, 2004

