



COUNTY OF EL PASO  
OFFICE OF THE COUNTY AUDITOR

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03-01

March 4, 2019

The Honorable Javier Garcia  
Constable Precinct 6  
190 N. San Elizario Rd.  
P.O. Box 661  
Clint, Texas 79836

Dear Constable Garcia:

The County Auditor's Internal Audit division performed an audit of the El Paso County Constable Precinct 6 office to determine if internal controls are adequate to ensure preparation of Constable Precinct 6 financial reports. Policies, procedures, and regulations were also reviewed to ensure processes are documented, operating and efficient.

The audit report is attached. We tested one operational and six financial controls with a total of 247 samples. There were five findings noted as a result of the audit procedures, all were repeat findings. We wish to thank the management and staff of the Constable Precinct 6 office for their assistance and courtesies extended during this audit.

Because of certain statutory duties required of the County Auditor, this office is not independent in regard to your office, as defined by AICPA professional standards. However, our audit was performed with objectivity and due professional care.

Respectfully,

Edward A. Dion  
County Auditor

EAD:PT:RG:ya

cc: Ms. Betsy C. Keller, County Chief Administrator



## EI PASO COUNTY CONSTABLE PRECINCT 6 AUDIT EXECUTIVE SUMMARY

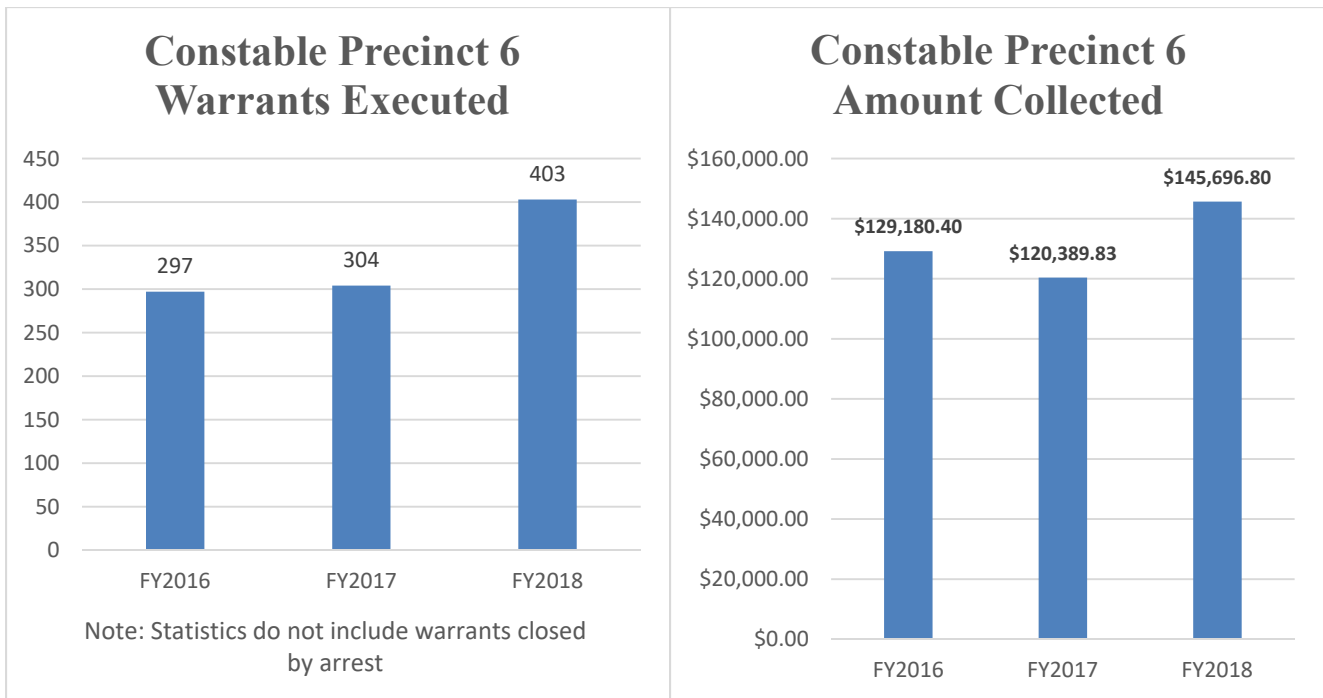


### BACKGROUND

Constables are elected officials and serve four year terms within each justice precinct. Constables have the same duties and powers as do police officers and sheriffs, and have the duty to serve warrants, precepts, and civil process lawfully directed to them. Constables are also required by law to be present, or ensure one of their Deputy Constables is present, during hearings held by the Justice of the Peace. The current Constable has been in office since September 2012. Staff consists of one supervisor and four deputy constables. The audit was performed by James O’Neal, internal auditor manager – senior. The most recent prior audit report was issued on October 26, 2016. The prior audit had six findings; in which only one of the six has been resolved.

### FINANCIAL REPORTING

Financial and statistical reports are generated from the Odyssey Courts and Justice System (Odyssey) and internal reporting from the County Auditor’s Office. The following charts represent statistical and financial data for Constable Precinct 6 office.



Source: Odyssey Judicial Reporting System

### OBJECTIVES

The audit evaluated the adequacy of controls and processes used to achieve key business objectives related to the Constable Precinct 6 office. Following are the business objectives and related control assessment.

Business Objective	Control Assessment
1. Establish and document policies and procedures	Needs Improvement
2. Functioning appropriate cash controls	Needs Improvement
3. Completeness and posting of manual receipts in Odyssey	Needs Improvement
4. Manual receipt book log documentation and controls	Needs Improvement
5. Compliance with timely deposit law Local Government Code §113.022	Unsatisfactory
6. Compliance with continuing education requirements Occupations Code §1701.351	Satisfactory
7. Compliance with weapons proficiency requirements Occupations Code §1701.355	Satisfactory

### SCOPE

The scope of the audit is January 2018 through September 2018.



**EI PASO COUNTY  
CONSTABLE PRECINCT 6 AUDIT  
EXECUTIVE SUMMARY**



**METHODOLOGY**

To achieve the audit objectives we:

- Reviewed applicable policies, procedures and regulations.
- Tested a sample of manual receipts for appropriate documentation and timely posting in Odyssey.
- Requested office manual receipt book log
- Tested collections for timely deposit compliance in accordance with *Local Government Code § 113.022*.
- Reviewed training records for compliance with *Occupations Code §1701.351*.
- Reviewed weapons proficiency records for compliance with *Occupations Code §1701.355*.
- Reviewed status of prior audit action plans.

**RESULTS**

Listed below are control and finding summaries, with findings listed from highest to lowest risk. Please see the *Detail Findings and Action Plans* section of this report for related details and management action plans.

<b>Control Summary</b>	
<b>Good Controls</b>	<b>Weak Controls</b>
<ul style="list-style-type: none"> <li>• Compliance with education requirements (Obj. 6)</li> <li>• Compliance with weapons proficiency requirements (Obj. 7)</li> </ul>	<ul style="list-style-type: none"> <li>• Established and documented policies and procedures (Obj. 1)</li> <li>• Cash handling procedures (Obj. 2)</li> <li>• Timely posting of manual receipts in Odyssey (Obj. 3)</li> <li>• Manual receipt book log controls (Obj. 4)</li> <li>• Timely deposit compliance (Obj. 5)</li> </ul>
<b>Finding Summary</b>	
<ol style="list-style-type: none"> <li>1. 22% of manual receipts tested were not deposited in compliance with <i>Local Government Code § 113.022</i> (repeat finding)</li> <li>2. 9% of the manual receipts sampled were not posted into Odyssey in a timely manner (repeat finding).</li> <li>3. There is no manual receipt book log indicating which books are with which deputy and which have been turned in. (repeat finding)</li> <li>4. The office has no safety deposit box to hold funds overnight. (repeat finding)</li> <li>5. The office has only partially updated the policies and procedures as previously recommended. (repeat finding)</li> </ol>	

**INHERENT LIMITATIONS**

This financial review was designed to provide reasonable assurance that the internal control structure is adequate to safeguard the County’s assets from loss, theft, or misuse. The County’s internal control structure is designed to provide reasonable, but not absolute assurance that these objectives are met. The concept of reasonable assurance recognizes that: (1) the cost of implementing the controls should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires the use of estimates and judgment by management. Because of the inherent limitations in any system of internal controls, errors or irregularities may occur and not be detected.

**CONCLUSION**

The El Paso County Constable Precinct 6 office met two of the seven objectives of this audit and had five repeat findings still outstanding. Implementation of recommendations provided in this report should assist the Constable’s office in improving the internal control structure of its operations.



FINDINGS AND ACTION PLANS

Prior Audit Findings Summarized with Current Status

- Open** H 1. **Finding:** 17% pf receipts did not comply with *Local Government Code § 113.022* (Time for Making Deposits).  
**Recommendation:** Constable Precinct 6 should implement procedures to comply with *Local Government Code § 113.022* and ensure appropriate safekeeping of funds to decrease the risk of misappropriation of County funds.  
**Action Plan:** A new office procedures manual will be created to address compliance with Local Government Code § 113.022. **Unresolved**

See current Finding # 1
- Closed** H 2. **Finding:** On 8/31/16 and 9/13/16 the auditor requested documentation to verify compliance with Occupations Code § 1701.355 (Demonstration of Weapons Proficiency). The requested documentation was not provided to the Auditor’s office for review.  
**Recommendation:** Constable Precinct 6 should ensure all Constable Precinct 6 employees weapons proficiency compliance is documented and provide the County Auditor’s office such documentation upon request.  
**Action Plan:** During the audit exit conference Constable Precinct 6 provided weapons proficiency documentation on four out of seven precinct employees. The missing documentation for the three employees was not provided as of the issuance of this memorandum. **Resolved**
- Open** H 3. **Finding:** Two manual receipt books issued to Constable Precinct 6 office on 1/26/2010 and 12/15/2011 were not located and the office does not have a manual receipt book log implemented. It was explained by Constable Precinct 6 that an effort to locate the missing receipt books was done, and the manual receipt books were issued before he came into office.  
**Recommendation:** We recommend a manual receipt book log be implemented by the Constable’s office to provide better internal controls.  
**Action Plan:** Constable Precinct 6 office will implement the manual receipt book log effective immediately. **Unresolved**

See current Finding # 3
- Open** M 4. **Finding:** In a sample of 152 manual receipts, it was noted that one constable collection was not posted in Odyssey; furthermore, the funds were refunded to the defendant 13 days after the collection date by the Constables office because the funds were not deposited before the case was dismissed by the justice court.  
**Recommendation:** Constable Precinct 6 should ensure all collections are entered in Odyssey upon receipt and funds are deposited in accordance with Local Government Code § 113.022. All refunds should be referred to the County Auditor’s office as required by current procedures.  
**Action Plan:** The new office procedures manual will address timely deposit compliance to ensure all funds are deposited before a disposition is entered by the justice courts. All refunds will be referred to the County Auditor’s office. **Unresolved**

See current Finding # 2
- Open** M 5. **Finding:** Upon inquiry it was noted the Constable’s office does not have a safe located in its office. This creates a risk for funds that are held overnight, due to the fact that the closest county depository is located 17 miles away on Lee Trevino Ave.  
**Recommendation:** Constable Precinct 6 office should purchase a safe to properly safeguard County funds pending to be deposited.  
**Action Plan:** Constable Precinct 6 office will inquire with the Purchasing Department about obtaining a safe from the surplus inventory if available. If no safe is available in the surplus inventory then it will be purchased with the department’s operating budget. **Unresolved**

See current Finding # 4
- Open** M 6. **Finding:** Key operating functions were not addressed in the policies and procedures manual.  
**Recommendation:** The policies and procedures manual should be updated to address key operating functions of the Constable’s office.  
**Action Plan:** Constable Precinct 6 office will create an office procedures manual to expand on the current manual which address the missing key operating functions. **Partially Resolved**

See current Finding # 5

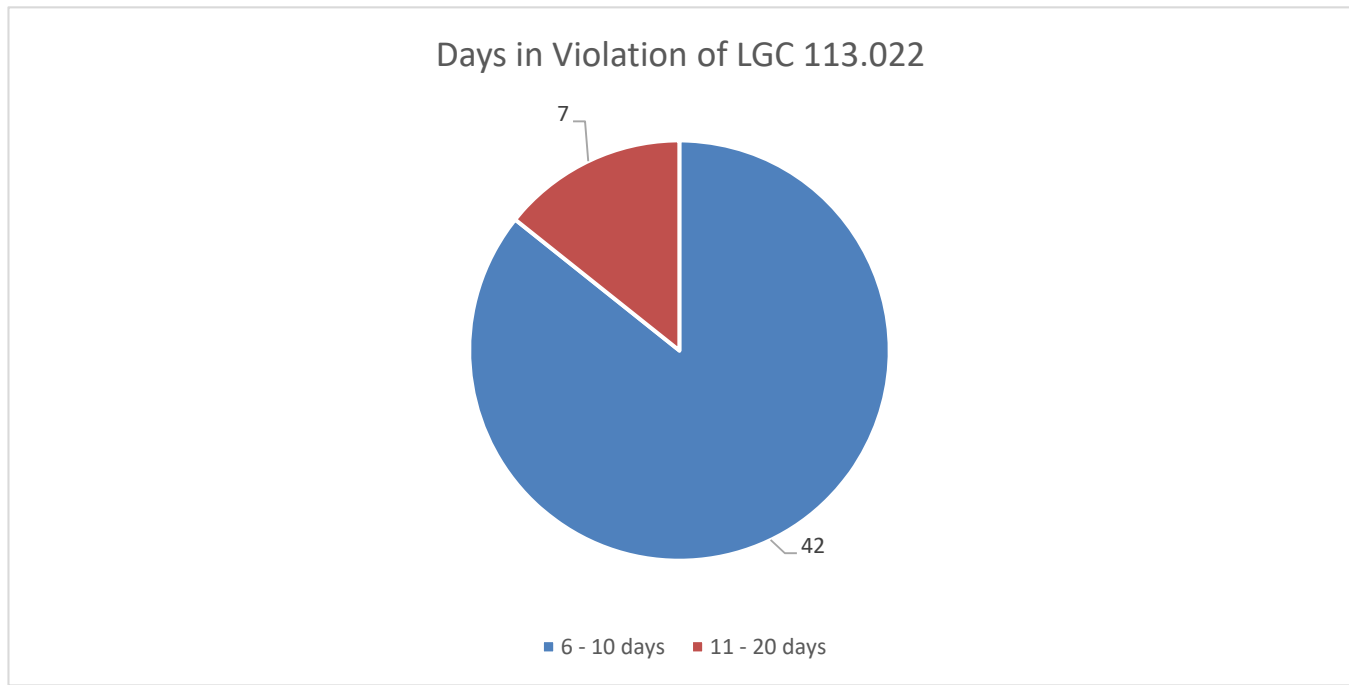


FINDINGS AND ACTION PLANS

Current Audit Findings & Action Plans

Finding #1 Risk Level H

Deposits not timely – Due to continuous issues with making timely deposits, 100% of the 225 manual receipt transactions for the period under review were tested for compliance with Local Government Code § 113.022 (Time for Making Deposits). Out of 225 manual receipt collections, 49 or 22% of receipts failed to comply with the statute. The discrepancies ranged from six days to 20 days, as indicated in the pie chart below. Failure to comply with this statute can lead to theft or misappropriation of funds. This is a repeat finding.



Recommendation

Constable Precinct 6 should enforce the office policies and procedures to comply with Local Government Code § 113.022 to reduce the risk of misappropriation of County funds. The Constable should further reiterate to his deputies, through additional training if necessary, the importance of depositing funds within the five business day time frame to ensure compliance.

Action Plan

Person Responsible	Constable, Precinct 6	Estimated Completion Date	Immediately
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Constable agrees with recommendation. Constable to hold an immediate meeting to discuss and enforce the policy and procedure regarding depositing of funds in a timely manner to ensure compliance. Further, Constable plans to perform a monthly review of all deposits to ensure compliance. Deputies who are in constant violation may face disciplinary action.



# EI PASO COUNTY CONSTABLE PRECINCT 6



## FINDINGS AND ACTION PLANS

<b>Finding #2</b>		<b>Risk Level</b> <span style="color: red; font-weight: bold;">H</span>	
<p><u>Timely posting of manual receipts</u> – 22 of 225 manual receipts were reviewed and tested to ensure timely posting of payment information into Odyssey. Two of the 22 receipts (9% of receipts sampled) were not posted in a timely manner into the Odyssey system. One receipt wasn't posted until 10 days after payment was received and the other wasn't posted until 20 days after receipt of payment. This untimely updating of case information can lead to possible litigation against the County, risk of theft, misuse of funds and lost revenue to the County. This is a repeat finding.</p>			
<b>Recommendation</b>			
<p>Constable Precinct 6 should ensure all collections are entered in Odyssey upon receipt. This reduces the risk of theft and misuse of County funds.</p>			
<b>Action Plan</b>			
<b>Person Responsible</b>	<b>Constable, Precinct 6</b>	<b>Estimated Completion Date</b>	<b>Immediately</b>
<p>Constable agrees with recommendation. As part of the immediate discussion and meeting associated with finding number one, the Constable agrees to discuss the issue of timely recording payments into the Odyssey system.</p>			

<b>Finding #3</b>		<b>Risk Level</b> <span style="color: red; font-weight: bold;">H</span>	
<p><u>Manual receipt books</u> - The Constable's office still does not have a manual receipt book log implemented. This log will reduce the risk of receipt misuse and possible theft of County funds. This is a repeat finding.</p>			
<b>Recommendation</b>			
<p>We recommend a manual receipt book log be implemented by the Constable's office to provide better internal controls. The receipt log should contain the receipt book number, date of issuance, name and signature of deputy acceptance, date of return and date of submission to this office for review and disposal.</p>			
<b>Action Plan</b>			
<b>Person Responsible</b>	<b>Constable, Precinct 6</b>	<b>Estimated Completion Date</b>	<b>Immediately</b>
<p>Constable agrees with recommendation. During exit conference, Constable presented a draft receipt book log. The log was reviewed and recommendations were given and agreed upon. Constable to revise log with recommendations and begin usage once completed.</p>			



# EI PASO COUNTY CONSTABLE PRECINCT 6



## FINDINGS AND ACTION PLANS

Finding #4		Risk Level <span style="color: red;">H</span>									
<p><u>Safekeeping of funds</u> - Upon inquiry it was noted the Constable's office still does not have a safe located in its office. Collections needing to be stored overnight are kept in a file cabinet. However, the cabinet is not locked and does not have limited access. It was further noted that the deputies at times will hold collections in their constable vehicles and not in the Constable office. This creates a risk for County funds to be stolen, lost or misappropriated. This is a repeat finding.</p>											
<p><b>Recommendation</b></p> <p>Constable Precinct 6 office should purchase a safe to properly safeguard County collections pending bank deposit. The Constable should further reiterate the importance of depositing collections on a daily basis and if need be securing funds in the Constable office and not in the constable vehicles.</p>											
<p><b>Action Plan</b></p> <table border="1"> <thead> <tr> <th>Person Responsible</th> <th>Constable, Precinct 6</th> <th>Estimated Completion Date</th> <th>March 26, 2019</th> </tr> </thead> <tbody> <tr> <td colspan="4"> <p>Constable agrees with recommendation. Constable to contact the County Purchasing Department's Inventory Division to determine if a used safe could be located and transferred to the Constable's office inventory. If a used safe cannot be located, Constable is to contact the Purchasing Department and request pricing information for a safe to meet office requirements.</p> </td> </tr> </tbody> </table>				Person Responsible	Constable, Precinct 6	Estimated Completion Date	March 26, 2019	<p>Constable agrees with recommendation. Constable to contact the County Purchasing Department's Inventory Division to determine if a used safe could be located and transferred to the Constable's office inventory. If a used safe cannot be located, Constable is to contact the Purchasing Department and request pricing information for a safe to meet office requirements.</p>			
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Finding #5		Risk Level <span style="color: yellow;">M</span>									
<p><u>Documented policies and procedures</u> - The following key operating functions were still not addressed in the policies and procedures manual:</p> <ul style="list-style-type: none"> <li>• Receipting of collections in Odyssey</li> <li>• Procedures to forward bond paper work to the justice courts</li> </ul> <p>The only policy addressed from previous recommendations and added to the current policies and procedures was the timely deposit law compliance. However, this policy is still not enforced and is currently addressed above in finding number one. The lack of strong policies and procedures weakens the office internal controls and fails to offer guidance to the deputies. This is a repeat finding.</p>											
<p><b>Recommendation</b></p> <p>The policies and procedures manual should be updated to address the key operating functions mentioned above. Further, the Constable should be constantly reviewing and updating the office policies and procedures as necessary.</p>											
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