



COUNTY OF EL PASO
OFFICE OF THE COUNTY AUDITOR

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12-17

December 22, 2020

The Honorable Hector J. Bernal
Constable Precinct 3
500 E. San Antonio
3rd Floor, Suite 306 B
El Paso, Texas 79901

Dear Constable Bernal:

The County Auditor's Internal Audit division performed an audit of the El Paso County Constable Precinct 3 office to determine if internal controls are adequate to ensure preparation of Constable 3 financial reports. Policies, procedures, and regulations were also reviewed to ensure processes are documented, operating and efficient.

The audit report is attached. We tested four operational and four financial controls with a total of 92 samples. There were two findings noted as a result of the audit procedures. We wish to thank the management and staff of the Constable Precinct 3 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,

Barbara Franco for Edward A. Dion

Edward A. Dion
County Auditor

EAD:PT:RG:ya

cc: Ms. Betsy C. Keller, Chief Administrator
Mr. Raymond Rocha, Constable Administrative Assistant, Precinct 3



**EI PASO COUNTY CONSTABLE PRECINCT 3
AUGUST 2019 – AUGUST 2020
FINDINGS AND ACTION PLANS**

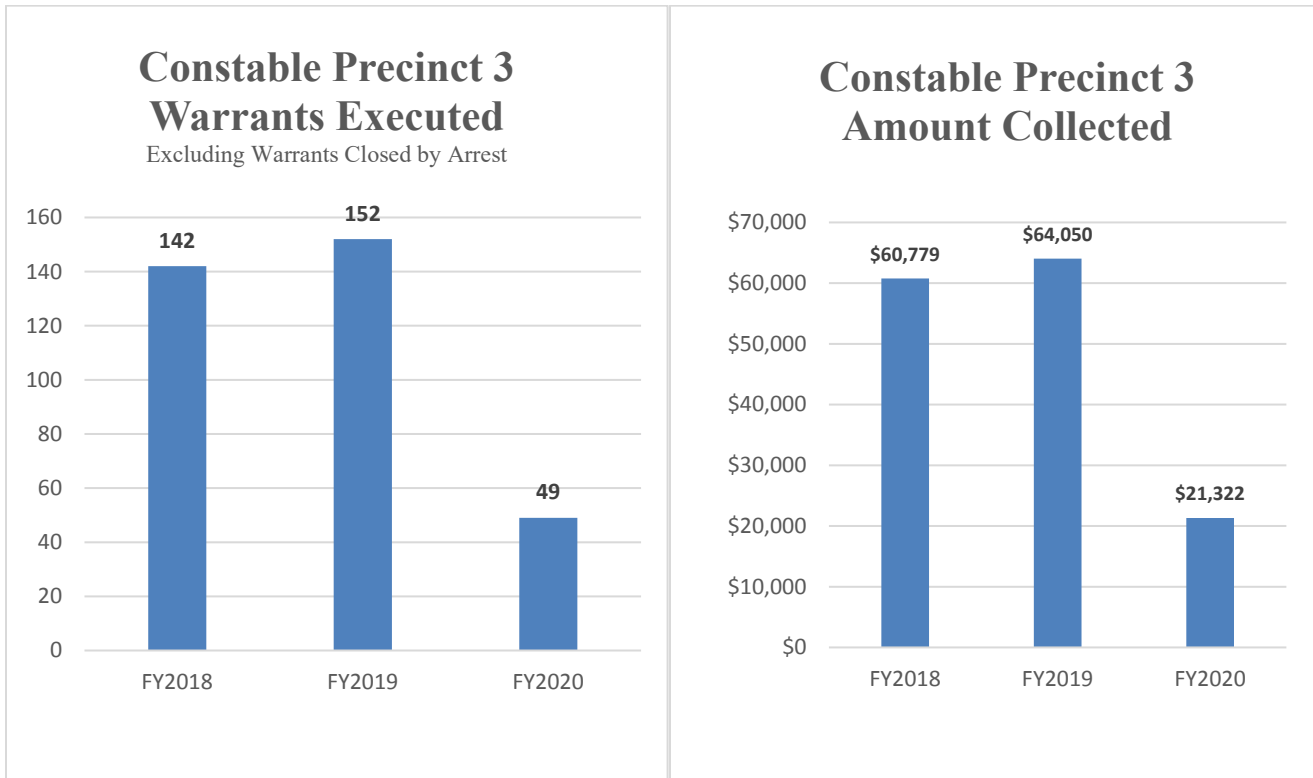


BACKGROUND

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 January 1999. Staff consists of one sergeant (currently vacant), two deputy constables and one administrative assistant. The audit was performed by James O’Neal, internal auditor manager – senior. The prior audit report was issued January 3, 2020 and had three findings.

FINANCIAL REPORTING

Financial and statistical reports are generated from the Odyssey Courts and Justice System (Odyssey). The following charts represent statistical and financial data for Constable Precinct 3 office. The over 65% drop between fiscal years 2019 and 2020 is due to the COVID-19 pandemic. An El Paso County mandated office closure and stay at home order restricted the number of warrants issued, served and collected by the Constable’s office.



Sources: Odyssey Judicial Reporting System and Funds and Fees of Office Reports



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AUGUST 2019 – AUGUST 2020
FINDINGS AND ACTION PLANS**



OBJECTIVES

The audit evaluated the adequacy of controls and processes used to achieve key business objectives related to the Constable Precinct 3 office. Following are the business objectives and related control assessment.

Business Objective	Control Assessment
1. Established and documented office and law enforcement policies and procedures	Satisfactory
2. Compliance with timely deposit law <i>Local Government Code (LGC) §113.022</i>	Satisfactory
3. Compliance with Commissioner’s Court approved civil collection fees; <i>LGC §118.131</i>	Satisfactory
4. Maintenance and review of mailed-in foreign civil service payment documentation and controls	Needs Improvement
5. Maintenance of manual receipt book log documentation and controls	Satisfactory
6. Maintenance and review of fuel card usage, documentation and controls	Satisfactory
7. Compliance with El Paso County Human Resources timekeeping and attendance policies and procedures	Needs Improvement
8. Compliance with weapons proficiency requirements <i>Occupations Code §1701.355</i>	Satisfactory

SCOPE

The scope of the audit is August 2019 through August 2020.

METHODOLOGY

To achieve the audit objectives we:

- Reviewed applicable policies, procedures and regulations for both clerical and in-field processes.
- Tested a sample of collections for timely deposit compliance in accordance with *LGC § 113.022*.
- Tested a sample of civil fee collections to ensure compliance with Commissioners Court and *LGC §118.131* fee approvals.
- Tested a sample of mailed-in foreign civil service payments to ensure proper controls, documentation and timely financial system (Odyssey) input.
- Requested office manual receipt book log for proper documentation and control review.
- Tested a sample of monthly fuel card statements to ensure proper usage, documentation and controls.
- Reviewed employee time cards to ensure proper compliance with El Paso County Human Resources compensatory, administrative and shift differential timekeeping policies and procedures.
- Reviewed weapons proficiency records for compliance with *Occupations Code §1701.355*.

RESULTS

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

Control Summary	
Good Controls	Weak Controls
<ul style="list-style-type: none"> • Documented policies and procedures (Obj. 1) • Timely deposit compliance (Obj. 2) • Approved civil fee collection compliance (Obj. 3) • Manual receipt book log documentation and controls (Obj. 5) • Fuel Card documentation and usage (Obj. 6) • Compliance with weapons proficiency requirements (Obj. 8) 	<ul style="list-style-type: none"> • Mailed-in foreign civil service payment timely input into Odyssey system (Obj. 4) • County Human Resources timekeeping and attendance policies and procedures compliance (Obj. 7)
Finding Summary	
<ol style="list-style-type: none"> 1. Non-compliance with County Human Resource timekeeping policies and procedures 2. Mailed-in foreign civil service collections not posted in Odyssey in a timely manner 	



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AUGUST 2019 – AUGUST 2020
FINDINGS AND ACTION PLANS**



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 3 office met six of the eight objectives of this audit. Implementation of recommendations provided in this report should assist the Constable's office in improving the internal control structure of its operations.



EL PASO COUNTY CONSTABLE PRECINCT 3
AUGUST 2019 – AUGUST 2020
FINDINGS AND ACTION PLANS



Status

M Closed

1. **Finding: Documented Policies and Procedures** – The provided policies and procedures only address law enforcement policies and procedures. Key operational clerical and office functions should be addressed in the policies and procedures manual. The lack of strong office policies and procedures weaken the internal controls and fails to offer guidance to the current and future deputies and other staff. This increases the risk of loss, theft, fraud and inconsistent processes.

Recommendation: Constable Precinct 3 should update the current policies and procedures to address the key clerical and office functions and any other clerical functions deemed necessary.

Action Plan: A policy and procedure has been created and submitted to the County Attorney's office for review and approval. Once approved, it will be discussed and disseminated to all deputies and support staff members. **Resolved**

M Closed

2. **Finding: Departmental Fuel Cards** – In a sample of three monthly fuel card statements, a total of 52 transactions, 19 or 37% of the transactions had inconsistent odometer readings. Fueling requires odometer readings and fuel card pin numbers be entered to begin the fueling process. Each monthly statement contains fuel purchases for four vehicles; 16 of the 19 inconsistent readings were for the same vehicle, five in November, five in January and six in March. Inconsistent or incorrect mileage entry could lead to possible fraud, misuse or loss of County funds. Further, the lack of correct data entry could also lead to incorrect or misleading departmental fuel consumption statistics.

Recommendation: Constable Precinct 3 should update the current policies and procedures to address the above key clerical and office functions and any other clerical functions deemed necessary by management

Action Plan: Constable agrees with recommendation. An email was sent on December 4, 2020 to all deputies and support staff personnel stating effective immediately; all gasoline purchases for county issued vehicles must have the correct odometer mileage inputted. Further, the email stated failure to comply with this new policy could result in a written reprimand. This will also be included in the office policies to be sent to County Attorney for review. **Unresolved**

L Closed

3. **Finding: Manual Receipt Books** – The Constable's office does not have a log documenting which receipt books are assigned to which deputy and which receipt books have been remitted for disposal. Best practice is to document and track the distribution and retirement of all manual receipt books used by the Constable's office. This log will reduce the risk of receipt misuse and possible theft of County funds.

Recommendation: A manual receipt book log should be implemented by the Constable's office. 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 the County Auditor's office for review and disposal.

Action Plan: Constable agrees with recommendation. An internal office log was created to record and monitor which current manual receipt book has been assigned to each deputy. Further, the submission of used receipt books will be noted and archived for future audit and review purposes. These new procedures have been relayed to all departmental staff and documented in the new office policies and procedures. **Resolved**



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AUGUST 2019 – AUGUST 2020
FINDINGS AND ACTION PLANS**



Current Audit Findings & Action Plans

Finding #1		Risk Level M
<p><u>El Paso County Human Resource Timekeeping and Attendance Policy Adherence</u> – Timecard records for the audit scope for all three current employees were reviewed; the following was noted:</p> <ul style="list-style-type: none"> Two employees (67%) had instances in which vacation leave was used before compensatory time; County Human Resource policy states compensatory time must be used prior to the use of vacation leave. The first employee had 7 instances and the second employee had 12 instances. All three employees had compensatory balances transferred from one fiscal year to the next without written department head approval. Per County Human Resources policy, compensatory time accrued must be taken within the same fiscal year it was earned, unless otherwise approved in writing by the department head which would grant the employee a 90 day extension. <p>Proper coding and adherence to County Human Resources timekeeping and attendance policies will ensure proper time allocation, proper employee compensation, policy adherence and reduced risk of fraud and possible wage-hour liability for the County.</p>		
Recommendation		
<p>Constable Precinct 3 should communicate the importance of proper timekeeping coding and policy adherence. Further, these policies should be incorporated into the office policies and procedures for future reference and policy compliance.</p>		
Action Plan		
Person Responsible	Constable, Precinct 3	Estimated Completion Date
		January 15, 2021
<p>Constable agrees with recommendation. Constable to issue an interoffice memorandum to all staff members detailing the importance of proper timekeeping usage, coding and policy adherence. Further, the Constable will incorporate the County policies in the Constable’s office policies and procedures.</p>		



**EI PASO COUNTY CONSTABLE PRECINCT 3
AUGUST 2019 – AUGUST 2020
FINDINGS AND ACTION PLANS**



Finding #2		Risk Level L	
<p><u>Mailed-in Foreign Civil Service Payment Controls</u> - Foreign civil services are civil services requested by agencies located outside of El Paso County. These services are paid via a mailed check or money order and are to be recorded on an office foreign civil service log and input to the Odyssey system upon receipt. A sample of five of 26 logged entries were reviewed to ensure proper controls and timely Odyssey input. Of the five payments entered, one payment (20%) took 12 days from date of receipt to date of Odyssey entry. Untimely input and receipt of payments into the Odyssey system could lead to possible fraud and loss or misuse of County funds.</p>			
Recommendation			
<p>All payments received by mail should be logged and receipted in Odyssey upon receipt. However, Constable stated that on several occasions mailed-in service requests are missing the payment which is received at a later date after contacting the service requestor. This in turn causes a lag in time between the date of initial receipt of the request and the date of receipt of payment in Odyssey. We recommend an additional column be added to the mailed-in payment log showing date of payment receipt and also recommend the acquisition of a date stamp to document when all mailed payments and documents are received in the Constable's office.</p>			
Action Plan			
Person Responsible	Constable, Precinct 3	Estimated Completion Date	Immediately
<p>Constable agrees with recommendation. Constable to modify the foreign civil service log to include a column documenting date of payment receipt to ensure proper documentation if different from initial date of service receipt. Further, Constable will research the acquisition of a date stamp to properly document receipt of all relevant documents and payments received by mail.</p>			