



COUNTY OF EL PASO
OFFICE OF THE COUNTY AUDITOR

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09-15

September 20, 2022

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 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 six operational and four financial controls with a total of 322 samples. There were four findings noted as a result of the audit procedures, one being a repeat finding. 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,

A handwritten signature in black ink, appearing to read "Edward A. Dion".

Edward A. Dion
County Auditor

EAD:JO:ya

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



**EI PASO COUNTY
CONSTABLE PRECINCT 6 AUDIT
JANUARY 2021 – APRIL 2022
EXECUTIVE SUMMARY**

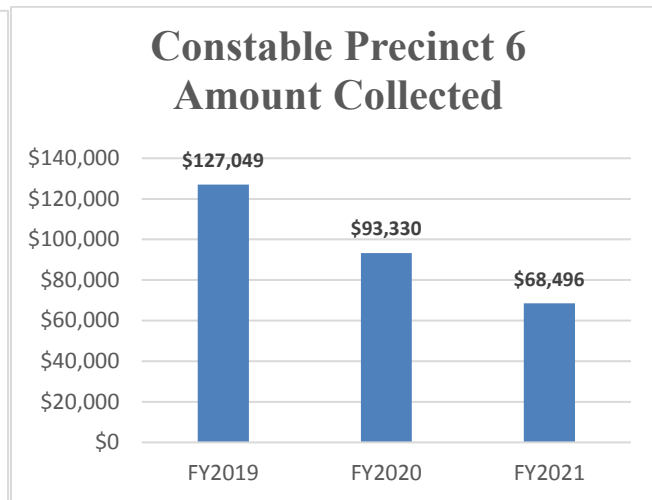
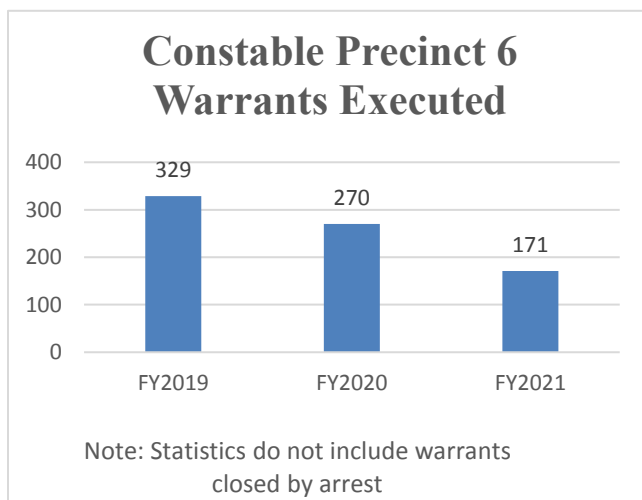


BACKGROUND

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 sergeant, seven deputy constables and two administrative assistants. The audit was performed by James O’Neal, internal auditor manager – senior. The most recent prior audit report was issued on February 12, 2021, and had one finding, which is still unresolved.

FINANCIAL REPORTING

Financial and statistical reports are generated from the Courts and Justice Management System (Enterprise Justice) and internal reporting from the County Auditor’s Office. The following charts represent statistical and financial data for Constable Precinct 6 office. The average 32% drop in both warrants and collections between fiscal years 2020 and 2021 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.



Source: Enterprise Justice 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. 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 Commissioners 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	Needs Improvement
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
9. Proper segregation of duties and approvals during departmental procurement process.	Needs Improvement
10. Compliance with inventory submission and approval requirements: <i>LGC § 262.011</i>	Satisfactory



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SCOPE

The scope of the audit is January 2021 through April 2022.

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 (Enterprise Justice) 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 timecards 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*.
- Tested a sample of procurement transactions to ensure proper segregation of duties and department head or elected official approval.
- Reviewed most recent inventory submission for compliance with *LGC § 262.011*.

RESULTS

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

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) • Mailed-in foreign civil service payment timely input into Enterprise Justice system (Obj. 4) • Manual receipt book log documentation and controls (Obj. 5) • Compliance with weapons proficiency requirements (Obj. 8) • Inventory compliance with <i>LGC § 262.011</i> (Obj. 10) 	<ul style="list-style-type: none"> • Mailed-in foreign civil service payment controls and documentation (Obj. 4) • Fuel Card documentation and usage (Obj. 6) • County Human Resources timekeeping and attendance policies and procedures compliance (Obj. 7) • Proper segregation of duties and approvals during procurement process (Obj. 9)
Finding Summary	
<ol style="list-style-type: none"> 1. Non-compliance with County Human Resource timekeeping policies and procedures (repeat finding) 2. Improper segregation of duties and lack of official authorization during procurement process 3. Lack of proper documentation and controls for mailed-in foreign civil payments 4. Inconsistent odometer readings entered during fueling process 	

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.



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CONCLUSION

The El Paso County Constable Precinct 6 office met six of the ten 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.



**EI PASO COUNTY CONSTABLE PRECINCT 6
JANUARY 2021 – APRIL 2022
FINDINGS AND ACTION PLANS**



Prior Audit Findings Summarized with Current Status

Open H
(See Current
Finding #1)

- Finding:** Five of seven employees (71%) 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.

Recommendation: Constable Precinct 6 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.

Action Plan: Constable was to issue a staff wide mandate outlining the importance of proper adherence to the County Human Resources timekeeping and attendance policies. This mandate was to be incorporated into the office policies and procedures manual.

Status: A staff wide mandate was issued; however, policies and procedures manual was not updated and exceptions continue. **Unresolved**

Current Audit Findings & Action Plans

Finding #1	Risk Level H
<p><u>El Paso County Human Resource Timekeeping and Attendance Policy Adherence</u> – Timecard records for the audit scope for all seven current employees were reviewed; the following was noted:</p> <ul style="list-style-type: none"> Out of 23 pay codes sampled and tested, 15 (65%) had instances in which vacation leave was used before compensatory time. Further, there were two (9%) instances in which compensatory time was accrued and vacation leave utilized within the same work week. County Human Resource policy states compensatory time must be used prior to the use of vacation leave and a full 40-hours must be worked before any excess time is considered compensatory time. Paid or unpaid leave of any type taken during a workweek does not count as hours worked in computing excess compensatory time. By the end of the 2020-2021 fiscal year, two of the ten employees (20%) had compensatory balances over the 80-hour maximum limit and all employees had balances carried over into the new fiscal year without documented department head written authorization. County Human Resource policy states employees may not have a balance of more than 80 hours of compensatory time at any given time. Policy further states compensatory time must be used within the same fiscal year it was earned, unless a written 90-day extension approval by the department head is submitted. <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. Although a directive was issued to all Constable staff on February 9, 2021, relaying the importance of using compensatory balances before vacation leave, this still remains to be on-going issue and a repeat finding.</p>	
Recommendation	
<p>As previously recommended, Constable Precinct 6 should communicate the importance of proper timekeeping coding and policy adherence. Constable, and any authorized timecard approvers, should also increase awareness of possible policy violations while reviewing and before approving staff timecards. Further, the Constable should enforce any current directives referencing this on-going issue to ensure compliance.</p>	
Action Plan	
Person Responsible	Constable, Precinct 6
Estimated Completion Date	Immediately



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Constable agrees with recommendation. A closer review of submitted timecards will be performed by either Constable or by authorized approvers before approval to ensure policy compliance. Further, Constable will remind staff of current directives regarding proper timekeeping coding and policy adherence.

Finding #2		Risk Level H
<p><u>Segregation of Duties during Procurement Process</u> – A sample of 17 purchase orders were tested to ensure proper segregation of duties during the procurement process. The following was noted:</p> <ul style="list-style-type: none"> • Fifteen of the seventeen (88%) purchase orders tested showed the same individual as both the requisitioning and receipting agent of procured items. • All purchase orders sampled (100%) lacked a documented supervisor or department head approval workflow in the County’s financial management system, Munis. <p>It is best practice to have proper segregation of duties when authorizing, recording and accepting all procured items. Further, documented supervisor, department head or elected official approval is critical during the procurement process. Improper segregation of duties and lack of proper documented authorization may lead to an increased risk of fraud or misuse of County funds and property.</p>		
Recommendation		
<p>Constable Precinct 6 should implement a supervisor or department head authorization workflow in Munis. Further, Constable should communicate the importance of proper segregation of duties during the procurement process to staff, and document any newly implemented procedures in the current office policies and procedures to ensure proper reference for current and future staff.</p>		
Action Plan		
Person Responsible	Constable, Precinct 6	Estimated Completion Date
		Completed August 9, 2022
<p>Constable agrees with recommendation and has since implemented the recommended supervisor or department head authorization workflow in Munis. An addendum to the current policies and procedures will be created to include this new process and will serve as notice to current and future staff.</p>		

Finding #3		Risk Level M
<p><u>Foreign Civil Mailed-In Payment Controls</u> – All foreign civil mailed-in payments received during the audit scope were tested to ensure proper controls and timely input into the Enterprise Justice financial system. Out of the 13 foreign civil mailed-in payments tested, eight (71%) were not logged into the office foreign civil log. It is best practice for all mailed payments to be logged in the foreign civil payment log upon receipt and then forwarded for input into Enterprise Justice.</p> <p>Inconsistent payment recording could lead to an increased risk of fraud and misuse or loss of County funds.</p>		
Recommendation		
<p>Constable Precinct 6 should communicate to staff the importance of proper mailed-in payment recording and develop and incorporate procedures addressing this issue into office wide policies and procedures; Constable should review the payment received logs on a weekly basis to ensure proper and timely recording.</p>		
Action Plan		
Person Responsible	Constable, Precinct 6	Estimated Completion Date
		October 31, 2022



**EI PASO COUNTY CONSTABLE PRECINCT 6
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FINDINGS AND ACTION PLANS**



Constable agrees with recommendation. High number of discrepancies and missing log information was due to a previous staff shortage and training of newly hired staff. Constable will implement a review process to ensure all mailed-in payments are logged and accounted for.

Finding #4		Risk Level M
<p><u>Departmental Fuel Cards</u> – In a sample of three-monthly fuel card statements, containing a total of 167 transactions, six transactions (4%) had inconsistent odometer readings. Fueling requires odometer readings and fuel card pin numbers be entered to begin the fueling process. Each monthly statement tested contained fuel purchases for seven vehicles except for one month where fuel purchases were documented for six vehicles. One month had four vehicles with inconsistent readings and the other two months had one vehicle each. Inconsistent or incorrect information entry could lead to possible fraud, misuse or loss of County funds. Further, the lack of correct data entry could lead to incorrect or misleading departmental fuel consumption statistics</p>		
Recommendation		
<p>Constable Precinct 6 should communicate the importance of proper fuel card usage and documentation to staff fueling vehicles. Odometer readings per vehicle assigned fuel cards should be consistent without deviation. Further, this should be documented in the office policies and procedures to ensure proper acknowledgement by department staff.</p>		
Action Plan		
Person Responsible	Constable, Precinct 6	Estimated Completion Date
		October 31, 2022
<p>Constable agrees with recommendation. Constable will communicate to staff proper fuel card usage policies and will create an addendum to the current policies and procedures to serve as notice to current and future staff.</p>		