

Audit of the Accountability of Traffic Citations in Orange County – Orange County Clerk of the Courts

**Report by the
Office of County Comptroller**

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February 4, 2014

Eduardo Fernandez, Orange County Clerk of Court
and
Colleen M. Reilly, Chief Administrative Officer, Orange County Clerk of Courts

We have conducted an audit of the accountability of traffic citations in Orange County. This audit report is limited to the citations recorded as forwarded to Orange County Clerk of Court's Office by the Orange County Sheriff's Office. The period reviewed included citations recorded as written from November 1, 2009 to June 30, 2011 and a review of the final disposition of citations recorded in the Clerk's Office through August 21, 2013.

We conducted this audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Responses to our Recommendations for Improvement received from your Office are incorporated herein.

We appreciate the cooperation of the Orange County Clerk of Courts during the course of the audit.

Martha O. Haynie, CPA
County Comptroller

c: Orange County Board of County Commissioners
Mike Murphy, Chief Financial Officer, Orange County Clerk of Courts
Deb Ivankow, Director of Court Operations, Orange County Clerk of Courts
Kathryn Farynowski, Director, Orange County Clerk of Courts

EXECUTIVE SUMMARY

Executive Summary

The Orange County Clerk of Court's Office maintains a citation accounting system that creates a record for each traffic citation forwarded to the Clerk's Office for processing and collection. We conducted an audit of the accountability of traffic citations in Orange County with our work in the Clerk's Office focused on verifying each of the citations sent by the Sheriff's Office were recorded into the Clerk's Office computer system. The period reviewed was for citations written from November 2009 to June 2011 and their final disposition recorded in the Clerk's Office through August 2013. This period included over 160,000 citations written by the Sheriff's Office and forwarded to the Clerk's Office.

Florida Statutes and State rules govern the traffic citation process, including the requirements for the Clerk's Office to maintain a computer system containing a record of all citations received from local law enforcement, the disposition of the citations, and an accounting for the related fines assessed and paid. This process is designed to ensure that all citations received by the Clerk's Office are properly accounted for and tracked. Without these safeguards, the potential for lost or inaccurately recorded citations is increased.

Based on the results of our testing, traffic and criminal citations reported as written and sent to the Clerk's Office by the Sheriff's Office were accurately recorded by the Clerk's Office for disposition. However, a small number of these either could not be located or appear to have been recorded to the wrong person by the Clerk's Office

During our review, we noted the following:

- We were unable to locate 195 citations recorded as written by the Sheriff's Office in the Clerk's Office database. At our request, 50 of the citations were further reviewed by the Clerk's Office, but only eight were located in their records.
- We noted that 174 citations written by the Sherriff's Office where the Clerk's Office and the Sheriff's Office information, such as name or driver license number, did not agree. We selected 20 of these records for additional analysis. This review found that six of these had differences where the person noted on the citation image and the person recorded in the Clerk's Office data were different.

Recommendations for Improvements were developed and discussed with Clerk's Office personnel, who concurred with all of them. As noted in this report, corrective action has begun or is planned.

ACTION PLAN

**AUDIT OF THE ACCOUNTABILITY OF TRAFFIC CITATIONS IN ORANGE COUNTY –
ORANGE COUNTY CLERK OF THE COURTS
ACTION PLAN**

NO.	RECOMMENDATIONS	MANAGEMENT RESPONSE			IMPLEMENTATION STATUS	
		CONCUR	PARTIALLY CONCUR	DO NOT CONCUR	UNDERWAY	PLANNED
1.	We recommend the Clerk's Office performs a review of the citation processing controls to ensure all citations are recorded into the Clerk's data. Further, the Clerk's Office should determine if the data related to the missing citations can be obtained and charges filed.	✓			✓	
2.	We recommend the Clerk's Office reviews the remaining unmatched citations and determines whether the citation was recorded to the correct person. Further, the Clerk's Office should refund any monies incorrectly paid and take the necessary steps to correct the citation records.	✓			✓	

INTRODUCTION

Background

The State of Florida Department of Highway Safety and Motor Vehicles (DHSMV) prepares and supplies every traffic enforcement agency in the State, including the Orange County Sheriff's Office (Sheriff's Office), Uniform Traffic Citations (UTC) in pre-numbered books containing 25 tickets. Citations for Driving under the Influence (DUI citations) are also sent by DHSMV to the Sheriff's Office in books containing 10 tickets. Traffic citations may also be produced by electronic means (e-tickets), but must be consistent with DHSMV procedures.

Florida Statutes and DHSMV Procedures govern the traffic citation process; document the requirements for transfer of citations from the State to traffic enforcement agencies; and document the transfer of written citations from traffic enforcement agencies to the Clerk of Court. Section 318.18(8)(a), Florida Statute requires, "...an automated statewide Uniform Traffic Citation Accounting System to be operated by the clerks of the court which shall include, but not be limited to, the accounting for traffic infractions by type, a record of the disposition of the citations, and an accounting system for the fines assessed and the subsequent fine amounts paid to the clerks of the court."

Night clerks at the Sheriff's Office enter the details of citations written into the Sheriff's Office Tiburon system, which generates a transmittal sheet. Citations created by the Sheriff's Office e-ticket machines have citation information loaded from the machine into the system. The Sheriff's Office sends the transmittal with the written citations, showing the individual citation numbers and a count of the citations transferred to the Orange County Clerk of Court (Clerk's Office). Once citations are transferred and received by the Clerk's Office, the transmittal is signed and returned to the Sheriff's Office. Upon receipt, the Clerk's Office scans the citations and manually enters the driver and charge information into their system. The information in the Clerk's Office system creates a record and is used in tracking the disposition of the citation in the court system, whether payment, traffic school, or a court appearance is required.

From data provided by the Sheriff's Office during the audit period (November 1, 2009 to June 30, 2011) there were 181,479 traffic citations recorded, not all of which were applicable for our review. Orange County Ordinances contain multiple provisions for fees to be collected from violators issued citations. A review of these fees indicated that, at a minimum, \$50 is charged for each non-criminal traffic citation while penalties for criminal citations are decided by the Court

Scope, Objectives, and Methodology

The audit scope was limited to the citations recorded as forwarded to Orange County Clerk of Court's Office (Clerk's Office) by the Orange County Sheriff's Office (Sheriff's Office). The period reviewed included citations written from November 1, 2009 to June 30, 2011 and included reviewing the Clerk's Office final disposition of citations through August 21, 2013. The audit objective was to determine whether the traffic and criminal citations received from the Sheriff's Office were correctly recorded by the Clerk's Office for disposition.

To ensure the Clerk's Office recorded the citations forwarded by the Sheriff's Office, we compared citation data recorded by the Sheriff's Office to data recorded by the Clerk's Office. For citations that were not located in the Clerk's Office data, we performed the following:

- Verified the Sheriff's Office had sufficient documentation to substantiate that the citations were forwarded to the Clerk's Office; and,
- Conducted additional research to locate the citations in the Clerk's Office online data.

For citations that were located in the Clerk's Office data, we verified that the name and driver license number associated with the citation agreed with the Sheriff's Office data and the Clerk's Office data. For citations with differing identifying details, a sample was selected and reviewed to determine whether the records were for the same citation and whether there was an error in the recorded information.

INTRODUCTION



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Our review did not consider control procedures in place to prevent errors in data entry or citations omitted from being recorded. The focus of our review was ensuring the citations transferred to the Clerk's Office were accurately recorded for disposition.

Overall Evaluation

Based on the results of our testing, traffic and criminal citations reported as written and sent to the Clerk's Office by the Sheriff's Office were accurately recorded by the Clerk's Office for disposition. However, a small number of these citations either could not be located or appear to have been recorded to the wrong person by the Clerk's Office. Opportunities for improvement are described herein

RECOMMENDATIONS FOR IMPROVEMENT

1. All Citations Transferred to the Clerk's Office Should Be Accurately Recorded In Their System

As part of our audit procedures, we compared over 160,000 citations recorded by the Orange County Sheriff's Office (Sheriff's Office) to the citations recorded in the Orange County Clerk of the Courts (Clerk's Office) database. The citations that were not initially found in the Clerk's Office database were manually researched using the Clerk's Office online system. At the conclusion of these two procedures, we were unable to locate 195 citations in the Clerk's Office database.

At our request, 50 of the citations not located were further reviewed by the Clerk's Office. The Clerk's Office was able to locate eight of the missing citations in their records. The eight violations were recorded in the Clerk's Office system, but the citation numbers were not because the violation went to the criminal court for processing. We noted the following relating to the 42 citations that were not located by the Clerk's Office:

- Sixteen were documented by the Sheriff's Office as left at the Booking and Release Center (BRC) following an arrest. The Clerk's Office continuously has employees at the BRC to provide court related assistance. Of those 16:
 - Eight had violations that were classified as criminal by the Uniform Traffic Citation Procedures Manual, Appendix C, issued by the State of Florida Department of Highway Safety and Motor Vehicles; and,
 - Eight involved non-criminal violations that were in addition to other criminal charges.
- Twenty-six were recorded on the Sheriff's Office transmittals as received by the Clerk's Office through the process for non-arrest citations.

RECOMMENDATIONS FOR IMPROVEMENT



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All citations written and forwarded to the Clerk's Office should be accounted for and recorded by the Clerk's Office. There were citations in our audit that could not be accounted for, resulting in traffic citations (some of which were criminal) that were not recorded to the ticketed party.

We Recommend the Clerk's Office performs a review of the citation processing controls to ensure all citations are recorded into the Clerk's data. Further, the Clerk's Office should determine if the data related to the missing citations can be obtained and charges filed.

Clerk of the Court's Response:

We agree that all CIVIL Traffic Citations transferred from the Sheriff's Office should be entered within the Clerk's system as Citation records. As noted in the findings, while there were a very small number of unmatched citations, 42 of the 50 researched were related to criminal violations. Criminal citations are documented as part of Criminal case records, and when included in Traffic transmissions to our office from the Sheriff's office are forwarded to the State Attorney. In 2012 we refined internal procedures to improve controls for those citations, and will continue this revised process for the transfer of criminal citations to the State Attorney.

In reviewing our processes, we have found that on occasion discrepancies in the transmittal were documented in our office but not communicated to the Sheriff. We will continue to work with the Sheriff on this process, and have updated our procedures to assure that all discrepancies are noted in the transmittal documents returned to the Sheriff.

2. Consideration Should Be Given to Methods of Reducing Data Entry Inconsistencies and Errors

During our review of citations written by the Sheriff's Office and recorded by the Clerk's Office; we noted 174 of the 162,678 records reconciled by the citation number did not agree based on other information, such as name or driver

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license number. We selected 20 of the 174 records for additional analysis. This review showed the following:

- In 13 instances the person noted on the citation was the same person noted in the Clerk's Office data.
- For six instances the person noted on the written citation image was different than the person noted in the Clerk's Office data.
- The Clerk's Office could not locate a citation image for one record.

Additionally, we noted three citations in the Sheriff's Office data (these citation numbers were not part of the data file obtained from the Clerk's Office for the audit) where the person identified on the citation image was different than the person recorded in the Clerk's Office in October 2012.

After discussing these discrepancies with the Clerk's Office, we noted that the online data was corrected by May 2013 for all nine citations. However, based on our review of additional Clerk's Office citation data, it appears that if the citation was paid, it was paid by the person originally noted in the Clerk's Office system and not the person noted on the citation image.

We Recommend the Clerk's Office reviews the remaining unmatched citations and determines whether the citation was recorded to the correct person. Further, the Clerk's Office should refund any monies incorrectly paid and take the necessary steps to correct the citation records.

Clerk of the Court's Response:

We are committed to accuracy in data entry and record management, and it is good to see the overall evaluation that citations are accurately recorded by the Clerk's Office for disposition.

As part of our strategic focus on delivering quality, we will further analyze the data in unmatched citations to determine

RECOMMENDATIONS FOR IMPROVEMENT



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opportunities in data entry. We are committed to continuous improvement and have revised our exception management reporting processes since the audit period. In addition, we are researching the full list of unmatched citations to make any needed changes in specific case records and make refunds if necessary.