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Auditor of Public Accounts

Commonwealth of Virginia

Auditor of Public Accounts

P.O. Box 1295
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October 31, 2018

The Honorable Douglas B. Ottinger
Chief Judge
City of Portsmouth General District Court
1345 Court St., Suite 104
P. O. Box 129
Portsmouth, VA 23705-0129

Audit Period: July 1, 2017 through June 30, 2018
Court System: City of Portsmouth
Judicial District: Third

We are performing a statewide audit of the General District Courts. During our review of this court, we conducted certain audit procedures, as we deemed appropriate.

Management of this court is an important part of the court's accountability, since you are responsible for establishing and maintaining internal controls and complying with applicable laws and regulations. During our review, we noted certain matters that required management's attention and corrective action. These matters included:

Properly Bill and Collect Court Costs

Repeat: No

The Clerk and his staff did not properly bill and collect court costs. Procedural and training breakdowns resulted in a 31 percent error rate across the cases tested. We noted the following errors.

- In five cases, the defendants were not billed \$3,400 in court costs for mental evaluations.
- In eight cases, the defendants were not billed for court-appointed attorney fees of \$2,283.
- In eight local cases, the Clerk did not bill the locality for the court-appointed attorney, resulting in a loss to the state of \$960.
- Various errors in five additional cases resulted in state losses of \$808.

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The Clerk and his staff should correct the specific cases noted above and should establish a system of review to minimize the likelihood of billing errors going undetected. In all cases, the Clerk should bill and collect court costs in accordance with Code of Virginia.

Properly Assess DNA Fees

Repeat: No

The Clerk is not utilizing information available through the Local Inmate Data System (LIDS) to determine whether or not a defendant needs to have a DNA sample taken, the cost of which the defendant must pay. Section 19.2-310.2 of the Code of Virginia requires defendants to pay for DNA samples when convicted of felonies and certain misdemeanor offenses. However, the defendant is not required to pay if a sample has already been obtained on previous convictions, and this is determined through information available in LIDS. The Clerk should obtain access to LIDS in order to determine if DNA has already been taken from a defendant and assess the DNA fee as appropriate.

We acknowledge the cooperation extended to us by the Clerk and his staff during this engagement.

AUDITOR OF PUBLIC ACCOUNTS

MSM: clj

cc: The Honorable Roxie O. Holder, Judge
The Honorable Morton V. Whitlow, Judge
James M. Verschueren, Clerk
Paul F. DeLosh, Director of Judicial Services
Supreme Court of Virginia