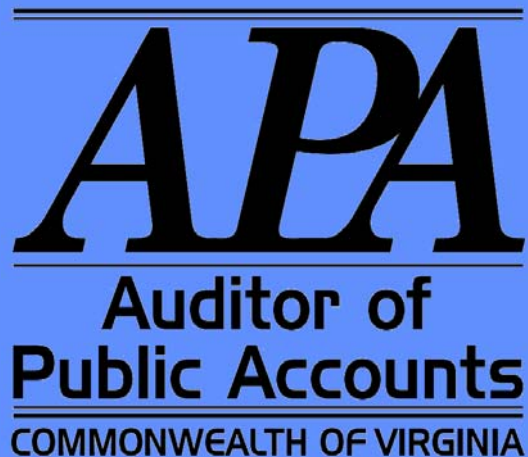


**YVONNE G. SMITH
CLERK OF THE CIRCUIT COURT
FOR THE
COUNTY OF HENRICO**

**REPORT ON AUDIT
FOR THE PERIOD
APRIL 1, 2011 THROUGH JUNE 30, 2012**



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COMMENTS TO MANAGEMENT

We noted the following matter involving internal control and its operation that has led or could lead to the loss of revenues, assets, or otherwise compromise the Clerk's fiscal accountability.

Properly Enter Fines and Court Costs

The Clerk is not properly charging defendant fines and costs as required by the Code of Virginia. Auditor noted the following errors in the test of 55 cases.

- In five cases, the Clerk both under charged and over charged court-appointed attorney fees to the defendant totaling \$1,590.
- In two cases, the Clerk both under-charged and over-charged court reporter fees to the defendant totaling \$942.
- In two cases, the Clerk did not charge a \$50 fine on one case and over charged the defendant \$50 on the remaining case.
- In one case, the Clerk over charged the defendant the \$25 jail admission fee.
- In three cases, the Clerk did not charge the defendant the \$25 DNA fee.

The Clerk needs to be more diligent in the proper assessment of fines and costs. The Clerk has a responsibility to charging defendants fines and costs in accordance with the Code of Virginia. The Clerk should ensure she and her staff understand how to charge all defendants the proper fees and costs.



Commonwealth of Virginia

Auditor of Public Accounts

Walter J. Kucharski
Auditor of Public Accounts

P.O. Box 1295
Richmond, Virginia 23218

September 13, 2012

The Honorable Yvonne G. Smith
Clerk of the Circuit Court
County of Henrico

Richard Glover, Chairman of the Board of Supervisors
County of Henrico

Audit Period: April 1, 2011 through June 30, 2012
Court System: County of Henrico

We have audited the cash receipts and disbursements of the Clerk of the Circuit Court for this Court System and for the period noted above. Our primary objectives were to test the accuracy of financial transactions recorded on the Court's financial management system; evaluate the Court's internal controls; and test its compliance with significant state laws, regulations, and policies.

Management's Responsibility

Court management has responsibility for establishing and maintaining internal controls and complying with applicable laws and regulations. Internal control is a process designed to provide reasonable, but not absolute, assurance regarding the reliability of financial reporting, effectiveness and efficiency of operations, and compliance with applicable laws and regulations. Deficiencies in internal controls could possibly lead to the loss of revenues or assets, or otherwise compromise fiscal accountability.

We noted a matter involving internal control and its operation necessary to bring to management's attention. The matter is discussed in the section titled Comments to Management. Any response and written corrective action plan to remediate this matter provided by the Clerk are included as an enclosure to this report.

We discussed this comment with the Clerk and we acknowledge the cooperation extended to us by the court during this engagement.

AUDITOR OF PUBLIC ACCOUNTS

WJK:tmv

cc: The Honorable L. A. Harris; Jr., Chief Judge
Virgil Hazlett, County Manager
Robyn M. de Socio, Executive Secretary
Compensation Board
Paul F. DeLosh, Director of Judicial Services
Supreme Court of Virginia
Director, Admin and Public Records
Department of Accounts



**CLERK'S OFFICE OF THE CIRCUIT COURT
COUNTY OF HENRICO**

Yvonne G. Smith, Clerk

Mailing Address:
Post Office Box 90775
Henrico, Virginia 23273-0775
(804) 501-4202
August 30, 2012

*Government Complex
4301 East Parham Road
Henrico, Virginia, 23228*

Mr. Walter J. Kucharski
Auditor of Public Accounts
Commonwealth of Virginia
P. O. Box 1295
Richmond, Virginia 23218

Re: Audit Period April 1, 2011 through June 30, 2012

Dear Mr. Kucharski:

In responding to my audit for the above period, I would like to point out in my 20 years in office, I have never had points listed in my report. Also during that period of time, the General Assembly has passed many laws making changes to collections against criminal defendants, which in turn is additional work for clerks' staff with no additional staffing. In this economic climate in which we now find ourselves and the reduction in funding from the State, our office as well as other offices across the Commonwealth are doing the best job possible with the limited resources available.

Of the five bullets listed with reference to entering fines and costs, please note there will be NO loss to the Commonwealth or the locality. There is only one case where the fines and costs have been paid and in that case the DNA collection was miscoded as Jail Admission Fee. Therefore, the defendant did not make an overpayment. A journal voucher has been created and the amounts allocated to the proper account codes.

All other cases noted have been corrected to show the proper amounts. Defendants are either incarcerated and/or have not attempted to make payments.

Corrective Measures and Comments are set out below:

1. We currently have in place a mechanism to ensure the posting of attorney's fees to the proper accounts (state or local). The Supreme Court "court appointed attorney" report is currently being utilized. However, we now have added an additional employee to review the report in hopes that all fees are posted.
2. As to the cost of transcripts, the errors occurred when the employee responsible went out on unexpected sick leave and we did not have proper back up in place. We have now made two additional employees responsible for the proper distribution of the List of Allowances for transcripts as well as created a process for the court clerks to also follow up with the bookkeeper.

Mr. Walter J. Kucharski

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August 30, 2012

3. We have a process of proofreading orders already in place before the orders go to the judges for signature. We have spoken to employees and require them to also check the fines against the judges' notes before work on an individual file is complete.
4. This office does not have access to LIDS. Several court clerks have used the criminal record of the defendant in the past to determine whether a defendant should be charged for the collection of DNA. While the system we used prior to the audit was to put a note on the jail card requesting DNA, we did not always have a response from the Sheriff's Department; thus, creating a situation whereby a decision needed to be made as to assessment. We have created a form that now goes with every felony defendant (in triplicate) whereby the Sheriff's Deputy will signoff that DNA has been collected or DNA was previously collected. The \$25 will be added to every case and if we later find out the DNA had been previously collected; we will remove the \$25 from the defendant's costs.

I will point out that this is a high volume court. In-court staff performs many tasks and are responsible for a great deal of duties in and out of the courtroom with a limited amount of time outside the courtroom. In an ideal world, there would be no mistakes made. In this office, we strive everyday to achieve 100% accuracy; however, we are all human.

Sincerely,



Yvonne G. Smith
Clerk