



AUDIT DEPARTMENT

**SHERIFF'S CIVIL PROCESS SECTION
REVENUE AUDIT**

for the period October 1, 2009, through June 30, 2010

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Angela M. Darragh, CPA, CFE, CISA, Acting Director

June 6, 2011

Mr. Don Burnette
Clark County Manager
500 South Grand Central Parkway, 6th Floor
Las Vegas, Nevada 89106

Dear Mr. Burnette:

As requested by the Sheriff, we have conducted a revenue audit of the Sheriff's Civil Process Section. Our procedures considered activities for the period from October 1, 2009, through June 30, 2010. These procedures included performing a preliminary survey, examination of internal controls, analyses, and test of transactions on a sample basis.

The objectives of our audit were to determine whether internal controls are sufficient to effectively safeguard assets; revenue transactions are properly supported, recorded, processed, and deposited in their entirety in a timely manner in accordance with governing laws and regulations; and the agency fund is reasonably reconciled with adequate supporting documentation.

The results of our audit showed that internal controls were not sufficient due to office practices not following established policies and procedures, segregation of duties, and the lack of policies and procedures for other controls that should be in place. Revenue transactions are properly supported, recorded, processed, and deposited in their entirety in a timely manner in accordance with governing laws and regulations with exception. The revenue cycle could be made more efficient by either collecting charges from advance payment and/or garnishments minimizing risk of non-collection of fees and matching of costs incurred significantly before revenues are collected. We further found that commissions should be charged from collections on Writ of Attachments that subsequently become part of the judgment amount on a court ordered Writ of Execution. Writ of Garnishment in aid of Writ of Attachment should be court ordered rather than issued by the Civil Process Section. We also noted that a small number of protective orders were not updated for the correct serve status and the transfer of civil fees and subsequent reconciliation of the agency fund could be improved by transferring fees to the operating fund when Civil Serve computer disbursements are actually processed. The agency fund was reasonably reconciled and the reconciliation adequately supported.

The results of our audit also found noteworthy accomplishments in the timeliness of providing service of process to civil and criminal cases. We determined that 91.5 percent of protective orders received are attempted to be served within three working days and 96.5 percent of other documents with a first attempt serve within 0 to 10 working days with generally three or more serve attempts demonstrating commendable commitment to public safety and due diligence.

A draft report was provided to the Sheriff, and his response is included. The assistance and cooperation of the Sheriff's Civil Process Section is sincerely appreciated.

Sincerely,

/s/ Angela M. Darragh, CPA

Angela M. Darragh, CPA
Acting Audit Director

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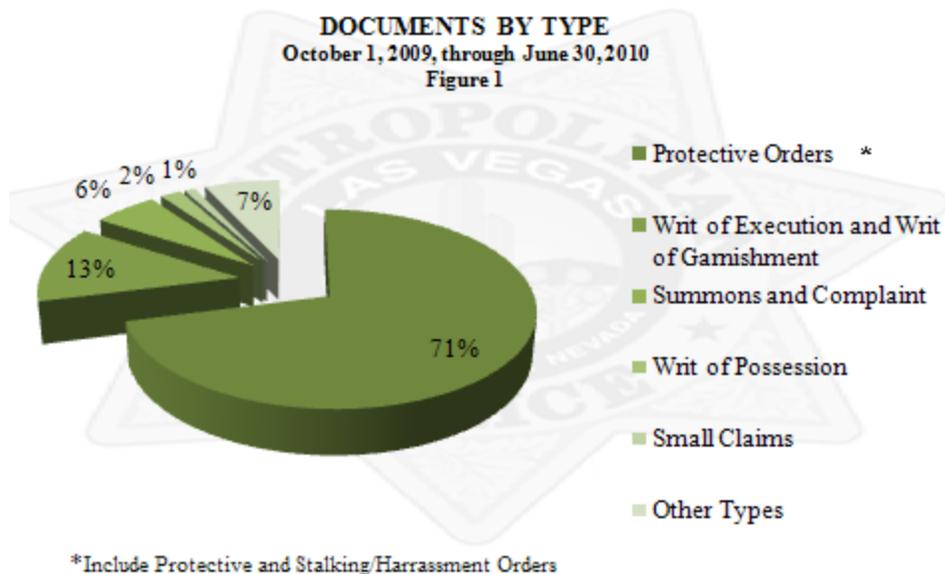
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**SHERIFF'S CIVIL PROCESS SECTION
REVENUE AUDIT
for the period October 1, 2009, through June 30, 2010**

BACKGROUND

The Sheriff's Civil Process Section is a county office under the direction of the Sheriff. The Sheriff has the statutory duty of providing service of process to civil and criminal cases. He also has the responsibility for enforcement of civil process resulting from court judgments that may include seizing of funds and property. Under statutory authority and requirement, the Sheriff appoints deputies who are County employees to fulfill these functions. These deputies are full-time peace officers certified by the Peace Officer's Standard Training Committee. Clark County and the Las Vegas Metropolitan Police Department entered into an interlocal agreement for operation and supervision of the Civil Process Section. All administrative employees within the Civil Process Section are also County employees. Figure 1 illustrates the significant percentage of documents received by type for the audit period.



The Civil Process Section provides service of process for cases received from Clark County District Court, Justice Courts, and other jurisdictions throughout the United States. The majority of documents, sixty-two percent, originate in District Court.

Civil process is served by the Sheriff's deputies for the following: Temporary Protective Orders, Stalking/Harassment Orders, Affidavit of Small Claims with Order Waiving Fees, Bench Warrants, Notice of Claim of Lien, Subpoenas, Summons & Complaints/Citations and Petitions, Writ of Attachment, Writ of Execution/Garnishment, Writ of Possession, and Writ of Restitution.

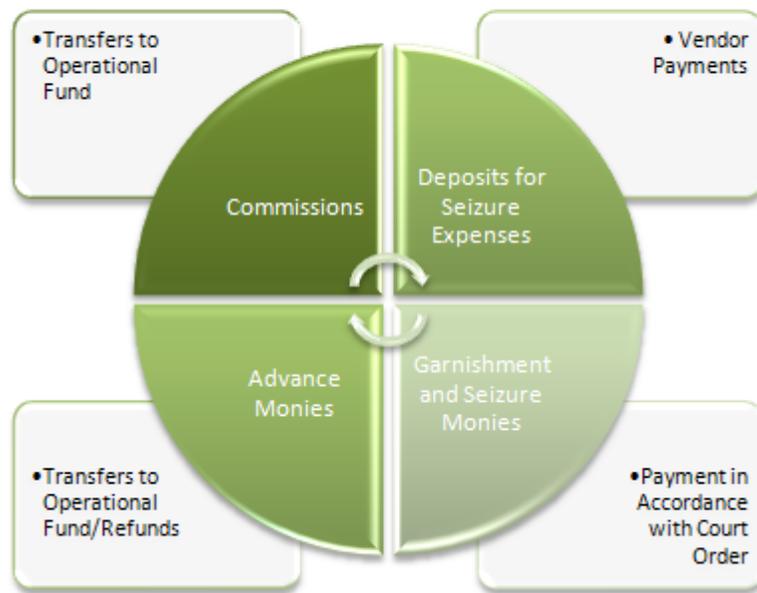
Services provided by the Civil Process Section are charged for and collected in accordance with fee schedules and provisions set forth in the Nevada Revised Statutes. Fees are not charged for

servicing of protective orders. The Civil Process Section bills for charges after services are provided with the exception of the collection of advance monies for out of state documents and walk-in customers. In order to perform seizure processes, the Civil Process Section may obtain a deposit to cover expenses. Civil fees billed and collected are recorded directly to the operational fund (Fund 2060). All other amounts collected are first recorded in the agency fund (Fund 7480) with commissions and civil fees from advance monies transferred to the operational fund when earned. Garnishments, proceeds from sale of personal or real property, advance monies, deposits for vendor fees are all held in the agency fund. The Sheriff is liable in accordance with state statute for the property and funds held until the property is transferred or amounts are paid (refunded). Financial and operational transactions and reporting, including the serve process, are maintained in the Civil Process Section computer application, Civil Serve.

Figure 2 shows the cycle of monies through the agency fund. Total receipts amounted to \$2 million that includes \$94,596 of civil fees and \$322,674 in commissions for the period audited.

AGENCY FUND MONEY CYCLE

Figure 2



OBJECTIVES, SCOPE, AND METHODOLOGY

Objectives

The objectives of the audit are to determine whether:

- Controls in place are adequate to safeguard county assets from abuse and errors.
- Revenue transactions are properly supported, recorded, processed, and deposited in their entirety in a timely manner in accordance with governing laws and regulations.
- Agency fund is reasonably reconciled with adequate supporting documentation.

Scope and Methodology

The scope of our audit covered Civil Process Section transactions for the period from October 1, 2009, through June 30, 2010. Our fieldwork was completed on January 6, 2011.

To accomplish our objectives, we conducted a preliminary survey that included reviewing laws, rules and regulations, and internal policies and procedures. Meetings were held and interviews were conducted with key personnel and documented in narrative form. We then performed tests of transactions and analyses.

We conducted this performance 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.

RESULTS IN BRIEF

Controls in place are not adequate to safeguard county assets from abuse and errors. The Civil Process Section revised standard operating procedures on April 20, 2010. However, significant controls established by these procedures were not adequately implemented. We also found some controls that were both lacking in revised policies and procedures and not in place.

We are unable to conclude that all documents are recorded and monies received are deposited in their entirety as documents and related monies received are at times returned to the sender without being receipted, adequate documentation for the returns is not maintained, and significant weaknesses exist in controls. Revenue and related agency fund transactions that are recorded are significantly supported, appropriately processed, and receipted amounts deposited in their entirety in a timely manner in accordance with governing laws and regulations with exception. We found that the billing and subsequent collections process substantially slowed down the timeliness of the revenue cycle affecting efficiencies. Clearing check transactions are processed subsequent to the transfer of operational fees resulting in complicated reporting and causes unnecessary reconciliation items in the agency fund. We further found that the status of a few documents (0.9 percent or 52) were not entered correctly into Civil Serve causing



discrepancies in the list of documents that deputies serve. Commissions are not taken on amounts collected on Writ of Attachments once the court has ordered a judgment amount on a Writ of Execution and on levied property not sold. Lastly, the Civil Process Section continues to issue Writ of Garnishment in aid of Writ of Attachment when these, by state statute, should be court ordered.

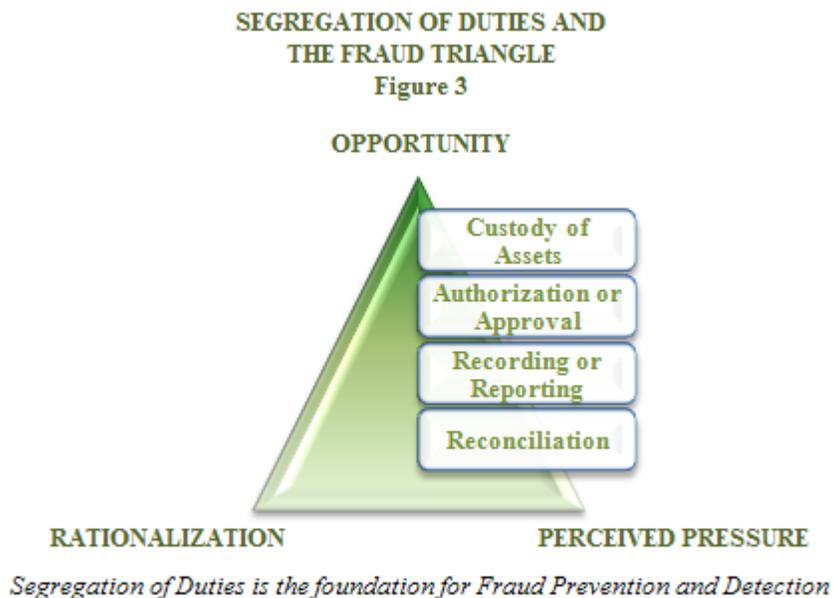
The agency fund was reasonably reconciled and the reconciliation was properly supported.

DETAIL OF FINDINGS

Controls

The Las Vegas Metropolitan Police Department revised standard operating procedures on April 20, 2010. We evaluated controls and found that several of the standard operating procedures were either not followed, not completely implemented, or that additional standard operating procedures were needed.

Segregation of Duties



Significant internal control weaknesses in relation to segregation of duties exist. Presently one employee performs the following duties:

Custody of Assets:

- Opens, date/time stamps, and endorses Out of State mail containing checks.
- Prepares the deposit.

Authorization and Approval

- Performs the billing function.
- Performs the refunding function. The Refund function includes refunding to customers overpayment of civil fees from advance fees and payments to attorneys for judgments collected.

Recording and Reporting

- Records documents and cash receipts into Civil Serve.
- Records revenue into SAP.

Reconciliation

- Performs the weekly reconciliation of the agency fund between Civil Serve and SAP.

Mitigating controls such as monitoring and reviewing are not in place. The lack of adequate segregation of duties can lead to employees having the opportunity to misappropriate assets given sufficient factors as illustrated in Figure 3.

We recommend that standard operating procedures be updated for inclusion of fund reconciliation, billing, and refund procedures. Appropriate segregation of duties should be implemented and/or mitigating monitoring and reviewing controls put in place.

Standard Operating Procedures Not Implemented

Standard operating procedures for the following were not in place as management intended.

- Receipt of Mail
 - Interoffice mail and mail received from external sources are held in an area accessible to the public.
- Receipt of Financial Instruments – U. S. Mail
 - The Office Supervisor does not review the accounting records to ensure that the deposit and Fee Book match and agree to amounts recorded in the County's accounting systems.
 - Cash taken from walk-in-customers is held in an area accessible to all persons within the Civil Process Section.
 - Out-of-state checks are held in employee's locked desk file cabinets for unreasonable periods.
 - Proper verification and attestation of cash handling are not occurring when transfer of monies is occurring between employees. This is occurring as checks are held several days; mail clerks handle cash twice when mail is opened and cash receipts from prior day is included in tape runs; only one mail clerk attests to the total of the tape run, the deposit clerk is given the mail and cash receipt tape runs without attestation of transfer; and the Office Supervisor, or designee, is not attesting to the transfer of cash when placed in the safe.

We recommend that existing standard operating procedures be implemented.



Over the Counter Manual Receipts

Manual receipts are given to customers for over-the counter transactions. The receipt forms are not special ordered for the Civil Process Section. The receipt book remains in an unlocked drawer. Civil Serve computer application allows the user to change receipt numbers. The computer application continues to assign computer generated receipt numbers in sequential order without allowing replacement of this number. In this manner, Civil Serve allows to track both manual and computer generated receipts in sequential order. The issue is that the Civil Process office did not follow procedures consistently and not all manual receipts were entered as manual receipts resulting in gaps in the sequence of numbers. We examined manual receipts and found that three, or five percent, of manual receipt numbers could not be accounted for.

During the course of the audit, the Civil Process Section immediately implemented procedures to receipt all monies received through computer generated receipts ensuring accountability.

Deposit Procedures

The deposit process is missing several key internal controls other than those not implemented in accordance with standard operating procedures.

- Manual receipts are not accounted for in numerical sequence.
- Cash receipts generated from Civil Serve are not accounted for in numerical sequence.
- A cash receipt report is not generated from Civil Serve that would serve as the documentation for the receipts included in the deposit.
- Employees do not always acknowledge with a signature the deposit pick up by armored service.

The Fee Book report is used to support the deposit. However, the Fee Book report does not contain sufficient information to verify the deposit. Manual receipts are no longer used.

We recommend that a cash receipt report be generated from Civil Serve to support the deposit and to allow for ease of numerical receipt accountability. The Civil Process Section immediately implemented the use of a cash receipt report to support the deposit. We further recommend that standard operating procedures be updated to include detailed procedures for the log signed by the armored car personnel picking up the deposit including review by the office supervisor.

Returned Checks

Mail calculator tapes that are considered mail logs are used to document initially all checks and cash received through the Civil Process Section. The mail logs serve as the accountability for receipts. They contain manual receipted amounts for over the counter transactions, attorney runner checks, and checks received through the mail.

Mail logs contain checks that are returned to the customer and not entered into Civil Serve. Therefore, mail logs will not trace to the deposited amount. In addition, the mail log only contains the amount of the check and not the check number. As a result, the amounts cannot be



adequately verified if questioned. The controls over mail logs are not sufficient to determine that all checks are deposited. This creates an internal control weakness with the mail log. The mail log does not contribute significantly to controls over initial receipt of the mail.

We recommend that standard operating procedures be developed and implemented to address returned checks. These procedures should include sufficient detail to be able to verify that the checks were returned.

Void Controls

Standard void controls or standard operating procedures for voided receipts do not exist at the Civil Process Section. Currently all employees are able to void transaction on Civil Serve and voided transactions are not properly authorized. There were a total of 99 voided transactions through Civil Serve. We tested five voided receipts. These voids appeared reasonable and properly recorded. Void controls over checks issued as vendor voucher claims through Civil Serve are also not in place.

We recommend that standard operating procedures be developed and implemented that include proper authorization by an office supervisor and limit of access to the void function in Civil Serve.

Satisfaction of Judgment Not Recorded in Civil Serve

The satisfaction of a court ordered judgment on a Writ of Execution on real property was not recorded into Civil Serve. Writ of Executions may have orders to have property/monies directly collected by another party. We examined one document with a Sheriff's sale and noted that the amount of the sale in satisfaction of the judgment was not entered into Civil Serve. The commissions were entered, correctly calculated, and receipted. Controls over revenues are weakened when complete information is not entered and commissions are manually calculated and entered into Civil Serve. We recommend that all satisfaction amounts be entered into Civil Serve in order for Civil Serve to calculate commissions and report information. Sufficient information should be entered to determine who received the satisfaction amount.

Month End Reporting

Fees, percentages, and compensations collected or received are reported monthly to the Board of County Commissioners (BCC). These amounts and other information is also reported internally to the Las Vegas Metropolitan Police Department.

Civil fees are being incorrectly overstated as advance monies applied to civil fees are added to the amounts reported on the fee book. The fee book includes these amounts. In addition, commissions received are not reported to the BCC. The same amount of civil fees collected is also reported internally and are also incorrect.



The incorrect amount for the month end of June 30, 2010, was overstated by \$3,175 and the commissions not reported to the BCC amounted to \$2,575. Commissions may be substantial if a Sheriff's sale of real property occurs.

We recommend that amounts from the fee book be used to report fees to the Board of County Commissioners as well as internally.

Managing the Revenue Cycle for Efficiencies

Earned Revenue Payment Cycle
Figure 4

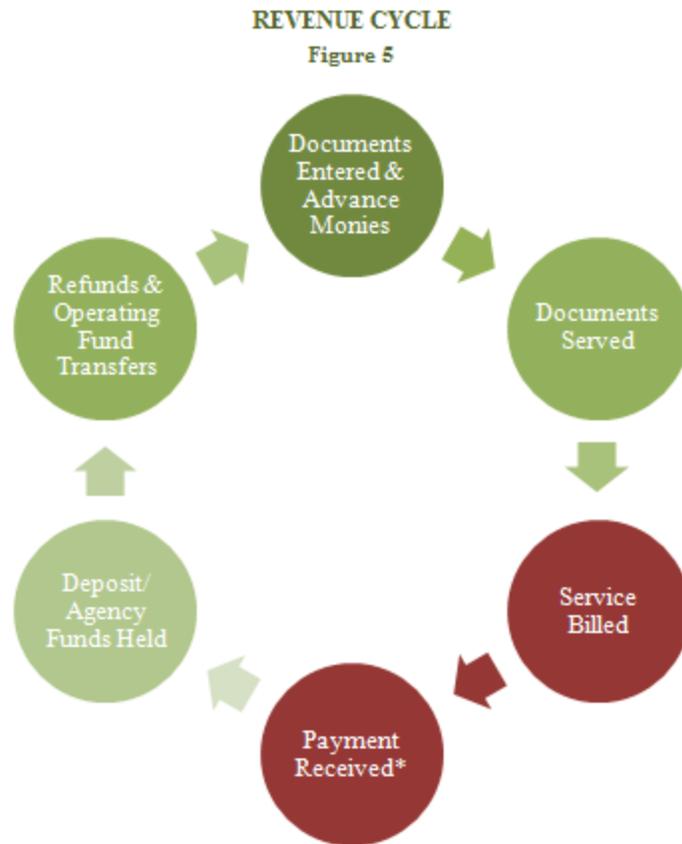
Days From Served to Payment Collected	Number of Documents	Percentage
1 to 15 Days	894	32%
16 to 30 Days	1,117	40%
31 to 60 Days	476	17%
> 60 Days	72	3%
Advance or Same Day	257	9%
	2,816	100%

We analyzed documents with payments and service. We found that the billing and subsequent collections process substantially slowed down the timeliness of the revenue cycle affecting efficiencies. The collection of revenue for the majority of documents takes more than two weeks, as show in Figure 4, from the time of the last date the document is served or attempted to be served and the time payment is received in the Civil Process Section. Days to enter a document and days to invoice from date of service were found to be reasonable.

The revenue cycle, see Figure 5, for the Civil Process Section starts when documents are received. Monies are either paid in advance (primarily for out-of-state documents), walk-in customer payments, or customers are billed after service of documents occur. The Civil Process Section also receives monies from garnishments, sales of real and personal property, and vendor fees. State statutes allow for the Sheriff to collect fees in advance. The Civil Process Section does not collect fees in advance except for out-of-state documents and for walk-in customers. The majority of the documents are received from attorney caseloads, generally the same attorneys, and are subsequently billed fees after service is provided. Commissions on garnishments and sales of personal and real property are taken when monies are received and subsequently transferred to the operating fund. Monies received are not earned and not available for use in operations until documents are served. The Sheriff, by state statute, may not collect fees for service attempts, except for mileage up to \$20, where documents are not served as legally defined.

The revenue cycle is naturally elongated as the Civil Process Section will make at least three attempts, depending on circumstances, to serve documents. The result is that the Civil Process Section has expended substantial efforts in earning revenue and is unable to cover cost until significantly after services are performed provided that there is no risk in collection of fees. While the days in the revenue cycle may always be made more efficient by minimizing days to

enter documents, process billing, and transfer commissions to the operating fund, we recommend that the Civil Process Section collect monies in advance from attorney offices and/or take fees from garnishments/sales proceeds received in order to increase efficiencies in the revenue cycle, minimize risk of non-collection of fees, and assist in covering (matching) costs of operations more effectively.



** Payments received include billed charges, garnishments, real and personal property sale monies, commissions, and vendor fees*

Clearing Check Process

The check clearing process was developed to recognize the transfer of fees (disbursement from the agency fund to the operational fund). However, there is a lag as the fees are held by Civil Serve for the 15 days. These become a reconciling item for the agency fund reconciliation since civil fees are recognized upon deposit in the operational fund. This amount is automatically calculated by Civil Serve and reported on “Total Money on Hand by Check Profile”. The total amount of civil fees transferred but not cleared in Civil Serve at the end of the audit period amounted to \$3,698. The amounts in the clearing checks included monies received for out of state checks that have been served and advance monies applied to civil fees.

The effect is that the reconciliation for the agency fund must be adjusted to recognize civil fees that have been recorded to the operational fund but have not been cleared and disbursed through

Civil Serve. Advance monies applied to civil fees must also be adjusted as these fees are not transferred to the operational fund until month end.

We recommend that the amount of checks for civil fees known as “clearing checks” be used to transfer monies between the agency fund and the operational fund. The agency fund will no longer need to be reconciled for either adjustments currently made through the agency fund reconciliation or require that advance monies applied to civil fees be transferred at month end.

Ghost Documents

Deputies sync their laptops with Civil Serve and obtain a list of documents to serve. The information synced may show more open documents than are in their possession and which may have been served. These documents have been termed “Ghost Documents”.

The Civil Process Section manually must change the document status in Civil Serve. The document status will reflect whether a document has been served, not served, executed or not executed. Civil Serve also has a service status for documents served. The document status is entered by administrative staff and the service status is entered by the deputies.

We analyzed the document status of protective orders to service status and noted that 52 of 5,750, net of served by other agencies documents, or 0.9 percent, were noted as not served when the service status showed served. These documents may appear as “Ghost Documents” in the deputies’ service documents. There were an additional 28 protective orders (including six served by other agencies) for which the document status was noted served but the deputies were unable to serve the documents and the service status indicated "No Service".

We recommend that exception reports be developed to monitor accuracy and used to correct the status of documents. These reports should be reviewed by the office supervisor and the deputies’ supervisor. These procedures will provide reasonable assurance that all documents that have been served are accurately reporting status. This will also allow deputies to have reasonable assurance that only active documents appear on their lists for which they should have documents in their possession to serve.

Commissions on Writ of Attachment Levy in Satisfaction of Judgment



Writ of Attachment is a court order to seize property of a defendant which would satisfy a judgment against that defendant. Commissions are not calculated or charged on amounts that have been collected by the Civil Process Section on Writs of Attachment.

For one of the 25 cases examined, the Sheriff's Civil Bureau did not charge the commission of \$1,278 for the amount of \$245,153 collected on the Writ of Attachment, court ordered judgment amount of \$600,000. The amount collected was used to satisfy the judgment on the Writ of

Execution. We further analyzed Writ of Attachment documents and noted that there were seven other separate cases totaling \$8 million in court ordered judgments of which all but one were executed with one partially satisfied.

The reason fees are not taken is that a Writ of Attachment occurs before the Writ of Execution where a judgment amount is ordered by the court to be levied. The Writ of Attachment may be discharged and ordered by the court to be returned to the defendant. The commissions are presently calculated on the Writ of Execution on the Net Balance as opposed to the judgment total satisfied. Therefore, if monies have been collected by the Civil Process Section prior to the judgment, the Civil Process Section is not collecting a commission on this portion.

We recommend that the Civil Process Section obtain a District Attorney opinion on whether commissions may be taken on the total amount of satisfaction on the Writ of Execution including the amounts previously levied on Writ of Attachments.

Commissions Not Taken on Levied Property Not Sold

State statutes allow the Sheriff to collect a commission on land or goods levied on that are not sold. Civil Process Section historically has not collected commissions for this service. There were 27 cases identified in Civil Serve with court ordered judgment amounts totaling \$10.8 million in either real or personal property. Of these, \$5.1 million had a document status in Civil Serve of Executed or Satisfied with no commissions taken, \$5.4 million with status of Unsatisfied or Unexecuted, and \$241,097 showed a document status of Satisfied or partially satisfied with \$3,936 charged and collected as commissions.

We recognize that implementation of state statutes for goods levied on that are not sold presents difficulties for determining a value to apply the commission. We recommend that the Civil Process Section obtain a District Attorney's opinion on values that may be legally used to apply the commission or amend the state statutes for a more reasonable method of compensation for services provided in the levy of goods not sold.

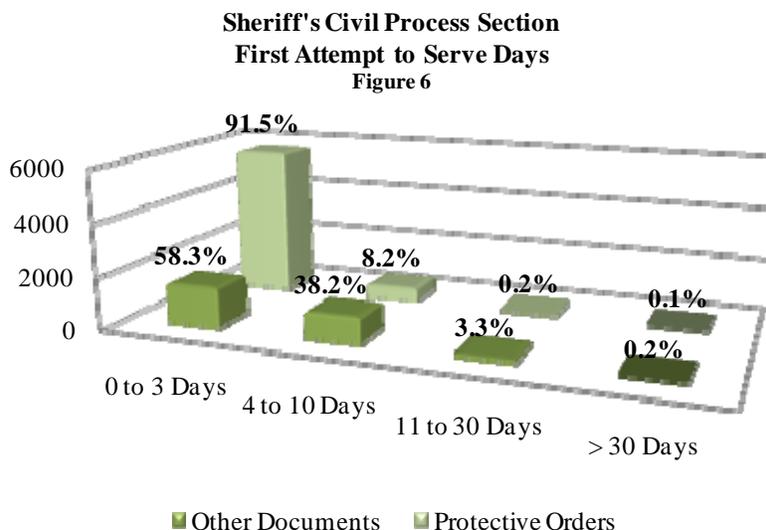
Writ of Garnishment in Aid of Writ of Attachment

The Civil Process Section is issuing the Writ of Garnishment in aid of Writ of Attachment in all cases. The Writ of Garnishment in aid of Writ of Attachment should be court ordered in accordance with Nevada Revised Statutes 31.240 and 31.249. There were 13 of these documents noted during the period audited and does not represent a significant activity. We recommend that the Writ of Garnishment in aid of a Writ of Attachment be issued by the courts in accordance with state statutes.



NOTEWORTHY ACCOMPLISHMENTS

Contributions to Public Safety and Due Diligence



The Sheriff's Civil Process Section serves an important function to the community by contributing to public safety through a no fee service of process for protective orders. As previously mentioned, the majority of the documents that flow through the Civil Process Section are protective orders, 71 percent (6,176 of 8,750 documents received). Not only does the Civil Process Section serve an important function by serving protective orders, protective orders also represent the majority of workflow.

We performed analyses of all documents served within the audit period, 8,750 total documents, to determine whether documents are served timely and whether documents meet the standard set by the Sheriff of three serve attempts. The results of our analyses, as illustrated in Figure 6, showed that 91.5 percent of protective orders received are attempted to be served within 3 working days. Sixty-six percent (net of documents noted to be served by other agencies) of protective orders were served to the defendant and the remaining were unable to be served. Results further showed that all document types were reasonably attempted to be served with at least three attempts or more demonstrating due diligence. Twenty percent of protective orders and 14 percent of other document types were attempted to be served with less than three attempts with a reasonable explanation by deputies such as "residence vacant", "defendant does not reside here", "fictitious home address", and others.

The Sheriff's Civil Process Section focuses on public safety by prioritizing workflow and performing due diligence, while maintaining reasonable serve process activity for other types of documents as illustrated in Figure 6 at 96.5 percent with a first attempt serve within zero to ten working days.

APPENDIX

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
MEMORANDUM

May 6, 2011

TO: Jeremiah P. Carroll II, Director Clark County Audit
THROUGH: Sheriff Douglas Gillespie *DCR 5/22/11*
Deputy Chief Jim Dixon
Captain LeRoy Kirkegard
SUBJECT: Clark County Sheriff's Civil Audit Request

We respectfully offer the following in response to the Audit Report of the Sheriff's Civil Process Section, dated April 4, 2011.

Recommendation: Standard Operating Procedures be updated for inclusion of fund reconciliation, billing, and refund procedures. Appropriate segregation of duties should be implemented and/or mitigating monitoring and reviewing controls.

Concur. The Standard Operating Procedure has been updated and is currently in its annual review process for finalization. Duties have been separated in the section as recommended.

Additionally, we have recently been made aware of the availability of cameras and recording equipment through the Maintenance Section of CCDC. I have requested a quote for materials to install a camera system that will cover the front counter, the safe, and four individual workstations where the deposit is prepared and mail is opened.

Recommendation: A cash receipt report be generated from Civil Serve to support the deposit and to allow for ease of numerical receipt accountability.

The recommendation was immediately implemented, during the audit, using the cash receipt to support the deposit.

Recommendation: Standard Operating Procedures be updated to include detailed procedures for the log signed by the armored car personnel picking up the deposit including review by the office supervisor.

Concur. Standard Operating Procedures have been updated to include this action by staff.

Recommendation: Standard Operating Procedures be developed and implemented to address returned checks. These procedures should include sufficient detail to be able to verify that the checks were returned.

Concur. Checks that are received in the section that cannot be applied to a case are now tracked through the Civil Serve 4 software prior to being returned.

Standard Operating Procedures have been updated to reflect the above procedures and are in the process of annual review at this time.

Recommendation: Standard Operating Procedures be developed and implemented that included proper authorization by a supervisor and limit access to the void function in Civil Serve.

Concur. In the new version of Civil Serve, all voids must be reviewed and approved by a supervisor or the Lieutenant. Permissions were set in the program to restrict non-supervisory staff from having this ability.

Recommendation: All satisfaction amounts be entered into Civil Serve in order for Civil Serve to calculate commissions and report information. Sufficient information should be entered to determine who received the satisfaction amount.

Concur. Per office supervisor, this information is provided when the Satisfaction of Judgment amounts are received and input into Civil Serve 4.

Recommendation: Amounts from the fee book be used to report fees to the Board of County Commissioners as well as internally.

Concur. This was corrected in Civil Serve 4 and was implemented immediately.

Recommendation: The Civil Process Section collect monies in advance from attorney offices and/or take fees from garnishments/sale proceeds received in order to increase efficiencies in the revenue cycle, minimize risk of non-collection of fees, and assist in covering (matching) costs of operations more effectively.

Concur. This was built into the new version of Civil Serve 4.

Fees for the section are now taken from payments we receive prior to distributing them to the appropriate party.

Recommendation: The amount of checks for civil fees known as "clearing checks" be used to transfer money between the agency fund and the operational fund.

Concur. This process was clarified during our meeting prior to completing our response, and started on April 1st, 2011.

Recommendation: Exception reports be developed to monitor accuracy and used to correct the status of documents. These reports should be reviewed by the office supervisor and the deputies' supervisor.

Concur. A consultation was held on 04/20/11 to discuss the development of the report, and it appears this can be checked in existing reports. We will continuously monitor this issue through those existing reports.

Recommendation: The Civil Process Section obtain a District Attorney opinion on whether commissions may be taken on the total amount of satisfaction on the Writ of Execution, including the amounts previously levied on Writ of Attachments.

Concur. An opinion was received, and we are not able to collect on pre-judgment processes, which include Writs of Attachment. We did discuss whether fees could be specified in NRS Chapter 248, and this appears to be feasible, but this would be a legislative issue that would have to be brought up in the next session.

Recommendation: The Sheriff's Civil Process Section obtain a District Attorney's opinion on values that may be legally used to apply the commission or amend the state statutes for a more reasonable method of compensation for services provided in the levy of goods not sold.

Concur. An opinion was received and we are not allowed to collect fees at this point if a sale of property to satisfy a judgment does not occur. We did discuss whether fees could be specified in NRS Chapter 248, and this appears to be feasible, but this would be a legislative issue that would have to be brought up in the next session.

Recommendation: The Writ of Garnishment in aid of a Writ of Attachment be issued by the courts in accordance with state statutes.

Non-Concur. NRS 31.260-1(a) states that the writ of garnishment must "Be issued by the Sheriff". The Sheriff is responsible to ensure a valid case exists to accept the document for service, which the section will monitor.

On behalf of the Detention Services Division and the Las Vegas Metropolitan Police Department, it is with sincere appreciation that we thank Clark County Audit Department, Director Jeremiah Carroll, and Principal Auditor Rachael Bernal, for their guidance and assistance during the audit process. We feel that what we have learned during this process will be invaluable in our future operations in the section.

One issue we would like to bring up is the separation of the commissioned and civilian operations of the unit. As this report has detailed, the financial portion of the Civil Process Section operation is a very complicated operation. The Interlocal Agreement implies that the LVMPD shall manage and supervise the "service and execution of process for the County. A detailed description of the specific duties the LVMPD is expected to manage and supervise includes activities that are carried out by commissioned staff, but not office operations.

As such, we feel that consideration has to be given to turning over all financial responsibilities, including management of those functions, to Clark County Finance employees, or LVMPD Civilian employees familiar with financial operations, not LVMPD Commissioned employees tasked with managing the law enforcement operations of the section under the terms of the Interlocal Agreement.

We also feel that although there were many findings pertaining to the unit that required corrections, this audit showed the character and integrity of the individual employees who currently staff, and have staffed, our office since the last audit in the late 90's. Their commitment to public service and public safety is the cornerstone of the operation of this office, and we are thankful that our employees represent Clark County and the Office of the Sheriff in the manner they do on a daily basis.

We look forward to working with you in the future and thank you again for working with us to successfully carry out the audit of our section.



Lt. Richard Forbus Jr., P#5372
LVMPD