

STATE BOARD OF ACCOUNTS
302 West Washington Street
Room E418
INDIANAPOLIS, INDIANA 46204-2765

EXAMINATION REPORT
OF

CITY COURT
CITY OF CROWN POINT
LAKE COUNTY, INDIANA

January 1, 2005 to December 31, 2005



FILED
10/03/2006

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OFFICIALS

<u>Office</u>	<u>Official</u>	<u>Term</u>
City Judge	Kent A. Jeffirs	01-01-04 to 12-31-07
Clerk-Treasurer	Patti Olson	01-01-04 to 12-31-07
Mayor	Daniel M. Klein	01-01-04 to 12-31-07
President of the Board of Public Works and Safety	Daniel M. Klein	01-01-04 to 12-31-07
President of the Common Council	Paul Bremer	01-01-05 to 12-31-06



STATE OF INDIANA
AN EQUAL OPPORTUNITY EMPLOYER

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TO: THE OFFICIALS OF THE CITY OF CROWN POINT

We have examined the records of the City Court for the period from January 1, 2005 to December 31, 2005, and certify that the records and accountability for cash and other assets are satisfactory to the best of our knowledge and belief, except as stated in the Examination Results and Comments. The financial transactions of this office are reflected in the Annual Report of the City of Crown Point for the year 2005.

STATE BOARD OF ACCOUNTS

September 11, 2006

CITY COURT
CITY OF CROWN POINT
EXAMINATION RESULTS AND COMMENTS

CASH BONDS

As noted in the prior audit report, the cash bond register contains bonds held by the Court since 1969. These older bonds have not been ordered forfeited by the court as required by statute.

Indiana Code 35-33-8-7 states that, if a defendant;

- (1) was admitted to bail under IC 35-33-8-3.2(a)(2); and
- (2) has failed to appear before the court as ordered; the court shall issue a warrant for the defendant's arrest.

In a criminal case, if the court having jurisdiction over the criminal case receives written notice of a pending civil action or unsatisfied judgment against the criminal defendant arising out of the same transaction or occurrence forming the basis of the criminal case, funds deposited with the clerk of the court under Indiana Code 35-33-8-3.2(a)(2) may not be declared forfeited by the court, and the court shall order the deposited funds to be held by the clerk. If there is an entry of final judgment in favor of the plaintiff in the civil action, and if the deposit and the bond are subject to forfeiture, the criminal court shall order payment of all or any part of the deposit to the plaintiff in the action, as is necessary to satisfy the judgment. The court shall then order the remainder of the deposit, if any, and the bond forfeited.

Any proceedings concerning the bond, or its forfeiture, judgment, or execution of judgment, shall be held in the court that admitted the defendant to bail.

After a bond has been forfeited, the clerk shall mail notice of forfeiture to the defendant. In addition, unless the court finds that there was a justification for the defendant's failure to appear, the court shall immediately enter judgment, without pleadings and without change of judge or change of venue, against the defendant for the amount of the bail bond, and the clerk shall record the judgment.

If a bond is forfeited and the court has entered a judgment, the clerk shall transfer to the state common school fund:

- (1) Any amount remaining on deposit with the court (less the fees retained by the clerk); and
- (2) Any amount collected in satisfaction of the judgment.

The clerk shall return a deposit, less the administrative fee, made under Indiana Code 35-33-8-3.2(a)(2) to the defendant, if the defendant appeared at trial and the other critical stages of the legal proceedings.

CITY COURT
CITY OF CROWN POINT
EXAMINATION RESULTS AND COMMENTS
(Continued)

UNCLAIMED TRUST FUNDS

As noted in the prior four audit reports, the City Court has Trust Funds with balances on hand that date back to 1985. Trust funds on hand in excess of five years totaled \$9,608 at December 31, 2005. During 2006, the court started to disburse some of these trust fund balances.

All items that can be legally disbursed should be paid immediately to the person or persons entitled thereto. All fees and funds five or more years old, including old outstanding checks, should be scheduled on forms provided by the Attorney General and paid over to him as required by IC 32-9-8. They should not be allowed to accumulate beyond the five year anniversary date of issue. (Accounting and Uniform Compliance Guidelines Manual for City and Town Courts, Chapter 4)

PRESCRIBED FORM

A prescribed Cash Book (Form 213CT), used to account for all receipt, disbursements, and balance activity, was not maintained. The computerized system used by the court only accounts for the receipt transactions. As a result, corrections were not posted timely, including one receipt being adjusted eight months after the original date posted.

Prescribed Form 213CT, City/Town Court Cash Book, is to be used to record receipts and checks issued. The receipts and disbursements should be recorded and totaled daily. For those courts using the City/Town Court Daily/Monthly Balance Record (Form 219CT) on a daily basis, the totals of all receipts and checks would also be recorded in the appropriate columns of that form. The form is designed to be an 18" by 17" bound book, pen ruled, on at least 28 lb. paper with a minimum 25% cotton content. (Accounting and Uniform Compliance Guidelines Manual for City and Town Courts, Chapter 1)

CITY COURT
CITY OF CROWN POINT
EXIT CONFERENCE

The contents of this report were discussed on September 11, 2006, with Kent A. Jeffirs, City Judge; Sally Baran, Clerk; and Lori Mauk, Clerk.