

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

AUDIT REPORT

OF

BOARD OF COUNTY COMMISSIONERS

PORTER COUNTY, INDIANA

January 1, 2005 to December 31, 2005



FILED

11/29/2006

TABLE OF CONTENTS

<u>Description</u>	<u>Page</u>
County Officials	2
Transmittal Letter	3
Audit Results and Comments:	
Anatabuse Collections	4
Inmate Processing Fee	4-5
Exit Conference	6

COUNTY OFFICIALS

<u>Office</u>	<u>Official</u>	<u>Term</u>
President of the County Council	Robert Poparad Daniel Whitten	01-01-05 to 12-31-05 01-01-06 to 12-31-06
President of the Board of County Commissioners	Robert Harper	01-01-05 to 12-31-06



STATE OF INDIANA
AN EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF ACCOUNTS
302 WEST WASHINGTON STREET
ROOM E418
INDIANAPOLIS, INDIANA 46204-2765

Telephone: (317) 232-2513
Fax: (317) 232-4711
Web Site: www.in.gov/sboa

TO: THE OFFICIALS OF PORTER COUNTY

We have audited the records of the Board of County Commissioners 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 Audit Results and Comments. The financial transactions of this office are reflected in the Annual Report of Porter County for the year 2005.

STATE BOARD OF ACCOUNTS

October 24, 2006

BOARD OF COUNTY COMMISSIONERS
PORTER COUNTY
AUDIT RESULTS AND COMMENTS

ANTABUSE COLLECTIONS

County Judges order individuals who have committed alcohol related offenses to undergo alcohol treatment. Individuals are ordered to be treated through an antabuse (anti-alcoholic) program. Individuals are required to go to the Health Department to have the drug administered on a weekly basis.

The ordinance or resolution approving the collection of fees for the antabuse program and for the establishment of the antabuse fund was not presented for audit. An antabuse fee of \$70 per month is charged to those individuals in treatment. The fee was calculated by (1) the per person monthly cost of the drug plus (2) the cost of having a nurse from the health department administer the drug, and (3) the cost of having sheriff's personnel on hand to provide security and monitor adherence to the antabuse program.

Based on the method of calculating the fee, the antabuse program should operate at a near break even basis. At December 31, 2005, the Antabuse Fund had a cash balance of \$92,764. This accumulated balance may indicate that the fee charged for the antabuse drug may have been in excess of actual costs.

The Board of County Commissioners should adopt an ordinance or resolution revising the antabuse fee. The Commissioners should review the disposition of the cash balance to ensure that individuals are not charged above and beyond what is allowed.

Fees should only be collected as specifically authorized by statute or properly authorized resolutions or ordinances, as applicable, which are not contrary to statutory or Constitutional provisions. (Accounting and Uniform Compliance Guidelines Manual for Counties of Indiana, Chapter 1)

INMATE PROCESSING FEE

On May 21, 2002, the Porter County Board of Commissioners established a \$25 Inmate Processing Fee. The Inmate Processing Fee is charged to all individuals who are booked into the Porter County Jail (with the exception of state and federal prisoners temporarily housed at the Jail). If the individual has cash on his person at the time of booking, the cash is placed into an Inmate Trust Fund. The Inmate's Trust Fund is then reduced by the \$25 processing fee and the fee is remitted to the Auditor's office for deposit into the Processing Fee Fund. If the individual does not have cash at the time of booking, the fee is charged to the Inmate's Trust Fund and later collected when the inmate is bonded out of Jail. If the inmate is released without paying the processing fee, he will be sent an invoice for this fee. Inmates who are later found not guilty and released from jail do not collect a refund of the Inmate Processing Fee.

BOARD OF COUNTY COMMISSIONERS
PORTER COUNTY
AUDIT RESULTS AND COMMENTS
(Continued)

Disbursements made from the Inmate Trust Fund for the \$25 Inmate Processing Fee are inappropriate because the Inmate Trust Fund may only be made for the personal benefit of the inmate.

During 2005, the Sheriff's Department remitted \$154,663.86 to the County's Inmate Processing Fee Fund (216). This processing fee was instituted in an attempt to generate additional revenue for police activity and to supplement the General Fund. Expenditures from the Inmate Processing Fee Fund bypass the appropriation process and the General Fund miscellaneous revenue may also be understated.

A similar comment was noted in prior Report B21585 and B26017. The Board of County Commissioners should repeal the ordinance establishing the Inmate Processing Fee.

Indiana Code 36-1-3-8 states in part: "(a) Subject to subsection (b), a unit does not have the following: (8) The power to prescribe a penalty for conduct constituting a crime or infraction under statute."

The sheriff shall hold in trust separately for each inmate any money received from that inmate or from another person on behalf of that inmate. If the inmate or his legal guardian requests a disbursement from the inmate's trust fund, the sheriff may make a disbursement for the personal benefit of the inmate, including but not limited to a disbursement to the county jail commissary. (County Bulletin and Uniform Compliance Guidelines, April, 2001)

Fees should only be collected as specifically authorized by statute or properly authorized resolutions or ordinances, as applicable, which are not contrary to statutory or Constitutional provisions. (Accounting and Uniform Compliance Guidelines Manual for Counties of Indiana, Chapter 1)

BOARD OF COUNTY COMMISSIONERS
PORTER COUNTY
EXIT CONFERENCE

The contents of this report were discussed on October 24, 2006, with Robert Harper, President of the Board of County Commissioners.