



Office of Missouri State Auditor  
**Nicole Galloway, CPA**

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**Sixteenth Judicial Circuit  
City of Sugar Creek  
Municipal Division**



**Nicole Galloway, CPA**  
Missouri State Auditor

# CITIZENS SUMMARY

## Findings in the audit of Sixteenth Judicial Circuit - City of Sugar Creek Municipal Division

Accounting Controls and Procedures	Neither the Municipal Judge nor city personnel perform adequate supervisory or independent reviews of accounting functions and court records. Municipal division receipts are not transmitted timely to the city for deposit. Adjustments posted in the electronic case management system are not properly documented and the municipal division has not established procedures to ensure adequate supporting documentation is maintained to support these adjustments. The municipal division has not established a formal administrative plan for the collection of court debt and does not adequately monitor accrued costs, including fines, court costs, and incarceration costs.
Municipal Division Procedures	Procedures related to municipal division monthly reporting, organization and retention of records, Prosecuting Attorney approval, warrants issued, and fine and court cost assessment need improvement. The Court Clerk did not submit accurate monthly reports of municipal division activity to the Office of State Courts Administrator. Municipal division records are not maintained in an accurate, complete, and organized manner and in accordance with court operating rules. The Prosecuting Attorney does not sign all tickets processed by the municipal division and the Prosecuting Attorney's approval of amended and dismissed tickets is not always clearly documented. The Municipal Judge does not sign all warrants issued. The municipal division does not assess certain fines and court costs in compliance with state law.
Ticket accountability	Neither the city police department nor the municipal division has developed adequate procedures to account for the numerical sequence or ultimate disposition of tickets issued.

In the areas audited, the overall performance of this entity was **Fair**.\*

\*The rating(s) cover only audited areas and do not reflect an opinion on the overall operation of the entity. Within that context, the rating scale indicates the following:

- Excellent:** The audit results indicate this entity is very well managed. The report contains no findings. In addition, if applicable, prior recommendations have been implemented.
- Good:** The audit results indicate this entity is well managed. The report contains few findings, and the entity has indicated most or all recommendations have already been, or will be, implemented. In addition, if applicable, many of the prior recommendations have been implemented.
- Fair:** The audit results indicate this entity needs to improve operations in several areas. The report contains several findings, or one or more findings that require management's immediate attention, and/or the entity has indicated several recommendations will not be implemented. In addition, if applicable, several prior recommendations have not been implemented.
- Poor:** The audit results indicate this entity needs to significantly improve operations. The report contains numerous findings that require management's immediate attention, and/or the entity has indicated most recommendations will not be implemented. In addition, if applicable, most prior recommendations have not been implemented.

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# Sixteenth Judicial Circuit

## City of Sugar Creek Municipal Division

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## **NICOLE GALLOWAY, CPA** **Missouri State Auditor**

Presiding Judge  
Sixteenth Judicial Circuit  
and  
Municipal Judge  
and  
Honorable Mayor  
and  
Members of the Board of Aldermen  
Sugar Creek, Missouri

We have audited certain operations of the City of Sugar Creek Municipal Division of the Sixteenth Judicial Circuit in fulfillment of our duties under Chapter 29, RSMo. The scope of our audit included, but was not necessarily limited to, the year ended September 30, 2016. The objectives of our audit were to:

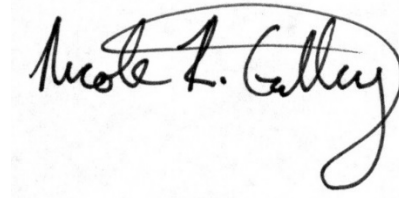
1. Evaluate the municipal division's internal controls over significant financial functions.
2. Evaluate the municipal division's and city's compliance with certain legal provisions.
3. Evaluate the municipal division's compliance with certain court rules.
4. Evaluate the city's compliance with state laws restricting the amount of certain court revenues that may be retained.

Our methodology included reviewing written policies and procedures, financial records, and other pertinent documents; interviewing various personnel of the municipal division, as well as certain external parties; and testing selected transactions. We obtained an understanding of internal controls that are significant within the context of the audit objectives and assessed whether such controls have been properly designed and placed in operation. We tested certain of those controls to obtain evidence regarding the effectiveness of their design and operation. We also obtained an understanding of legal provisions that are significant within the context of the audit objectives, and we assessed the risk that illegal acts, including fraud, and violations of applicable contract, grant agreement, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting instances of noncompliance significant to those provisions.

We conducted our audit in accordance with the standards applicable to performance audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform our 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 such a basis.

The accompanying Organization and Statistical Information is presented for informational purposes. This information was obtained from the municipal division's management and was not subjected to the procedures applied in our audit of the division.

For the areas audited, we identified (1) deficiencies in internal controls, (2) noncompliance with legal provisions, (3) noncompliance with court rules, and (4) no noncompliance with state laws restricting the amount of certain court revenues that may be retained. The accompanying Management Advisory Report presents our findings arising from our audit of the City of Sugar Creek Municipal Division of the Sixteenth Judicial Circuit.

A handwritten signature in black ink that reads "Nicole R. Galloway". The signature is written in a cursive style with a large, looping flourish at the end of the name.

Nicole R. Galloway, CPA  
State Auditor

The following auditors participated in the preparation of this report:

Senior Director:	Douglas J. Porting, CPA, CFE
Audit Manager:	Heather R. Stiles, MBA, CPA, CFE
In-Charge Auditor:	Rex Murdock, M.S.Acct.
Audit Staff:	Austin T. Olson

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# Sixteenth Judicial Circuit

## City of Sugar Creek Municipal Division

### Management Advisory Report - State Auditor's Findings

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#### **1. Accounting Controls and Procedures**

Accounting controls and procedures need improvement. For the year ended September 30, 2016, the municipal division's electronic case management system (CMS) indicated fines, court costs, and bond collections totaled approximately \$321,179.

##### 1.1 Oversight

Neither the Municipal Judge nor city personnel perform adequate supervisory or independent reviews of accounting functions and court records. Proper segregation of duties within the municipal division is not possible because the Court Clerk is the only full-time municipal division employee.

The Court Clerk is responsible for all duties related to collecting court monies, recording and posting these monies to the CMS, transmitting fines and court costs to the city for deposit into the city's operating account, and depositing and disbursing bond monies in the municipal division's bond account. Additionally, the Court Clerk is responsible for posting manual case information, including case activity and the assessment of fines and court costs into the CMS, reconciling the bond account activity monthly, and preparing monthly financial reports. Also, bonds collected by the police department are transmitted to the Court Clerk for further processing.

Neither the Municipal Judge nor other city personnel independent of the cash custody and record-keeping functions provides an adequate independent or supervisory review of the work performed by the Court Clerk. The city's review of monies transmitted by the municipal division is limited to ensuring the total amount receipted in the city's financial accounting system agrees to the total amount transmitted to the city for deposit. Neither city personnel or the Municipal Judge account for the numerical sequence of receipt slips issued or compare the amounts recorded in the CMS to the amounts transmitted to ensure all amounts collected are transmitted to the city for deposit.

To reduce the risk of loss, theft, or misuse of funds, internal controls should provide reasonable assurance all transactions are accounted for properly and assets are adequately safeguarded. Internal controls could be improved by implementing documented supervisory or independent reviews of accounting records and electronic case information.

##### 1.2 Transmittal procedures

Municipal division receipts are not transmitted timely to the city for deposit. Our review of municipal division receipt and city deposit records noted monies collected in May 2016 and May 2017 for fines and court costs were typically transmitted to the city for deposit once a week, and cash receipts in excess of \$100 were held up to 7 days before being transmitted.

Failure to transmit collections timely increases the risk of loss, theft, or misuse of monies going undetected. Section IV.C of the Sugar Creek



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Municipal Court Operating Order Number 1 requires the Court Clerk to deposit or transmit all municipal division receipts on a daily basis, or when the amount on hand reaches \$100.

### 1.3 Adjustments

Adjustments posted in the CMS are not properly documented and the municipal division has not established procedures to ensure adequate supporting documentation is maintained to support these adjustments.

Adjustments include the reduction or non-assessment of fines and court costs in which the amounts due are changed or not assessed in the CMS. Some examples of adjustments include credit for community service performed; jail time served; and modification or waiver of fines, court costs, and fees. Most adjustments should be supported by a judicial order amending the defendant's debt owed and a record of jail time served signed by a jailer or a report of hours of service from a community service organization attesting to the days spent or hours worked for credit, as applicable. Three of 60 cases reviewed did not have a written judicial order or other documentation to support the Court Clerk's adjustments posted in the CMS.

Adequate documentation of adjustments are necessary to help ensure such transactions are appropriate and reduce the risk of errors, loss, theft, or misuse of funds.

### 1.4 Accrued costs

The municipal division has not established a formal administrative plan for the collection of court debt and does not adequately monitor accrued costs, including fines, court costs, and incarceration costs.

The municipal division accepts partial payments from defendants; however, formal payment plans are not documented or signed by the defendant. The municipal division also does not maintain a listing of accrued costs and cannot produce a complete listing of accrued costs from the CMS.

Proper and timely monitoring of receivables is necessary to help ensure unpaid amounts are collected and proper follow-up action is taken for non-payment. In addition, proper monitoring is necessary to provide information to the Municipal Judge and determine appropriate handling when amounts are deemed uncollectible. Also, payment agreements signed by the defendant formalize the liability to the municipal division and could aid in the collection of amounts due.

## Recommendations

The City of Sugar Creek Municipal Division:

- 1.1 Ensure independent reviews are performed of accounting records and electronic case records.
- 1.2 Ensure receipts are transmitted to the city timely.



## Auditee's Response

- 1.3 Ensure adequate documentation is retained to support all adjustments posted to the CMS.
- 1.4 Establish procedures to monitor accrued costs and obtain signed payment plans from all defendants.
- 1.1 *While we have never had any problems with monies missing, we accept the auditor's recommendation and will ensure documented independent reviews are performed of accounting and electronic case records on a periodic basis.*
- 1.2 *We agree with this recommendation and have modified Municipal Court Operating Order Number 1 to require the Court Clerk to deposit or transmit all municipal division receipts semi-weekly or when the cash amount on hand exceeds \$500.*
- 1.3 *A judicial order is now being obtained prior to posting any adjustments to a case in the CMS. Additionally, other documentation to support these adjustments will be maintained in each case file. A monthly report of adjustments to the CMS is now being printed and reviewed by the Municipal Judge.*
- 1.4 *We agree with this recommendation and will establish procedures to monitor accrued costs. In addition, we are now requiring all payment plans to be signed by the defendant.*

## 2. Municipal Division Procedures

Procedures related to municipal division monthly reporting, organization and retention of records, Prosecuting Attorney approval, warrants issued, and fine and court cost assessment need improvement.

### 2.1 Monthly reports

The Court Clerk did not submit accurate monthly reports of municipal division activity to the Office of State Courts Administrator (OSCA). As a result, municipal division activities were incorrectly reported to the state.

The Court Clerk generates the monthly Municipal Division Summary Reporting Form from the computerized CMS, showing caseload information, warrant information, and collection amounts entered into the CMS. This monthly report is submitted to the OSCA.

Our review of these monthly reports identified numerous errors related to system programming. Caseload information for 162 cases was not included in monthly summary reports due to inaccurate and/or incomplete violation reporting codes programmed in the CMS. In addition, the following table presents actual amounts distributed compared to distribution amounts reported to OSCA for the fiscal year ended September 30, 2016.





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Distributions	Actual	Reported	Over/(Under) Reported
Fines	\$ 243,081	256,024	12,943
Court costs	20,499	17,152	(3,347)
Court surcharges	24,691	24,793	102
Warrant fees	5,931	0	(5,931)
DWI recoupment	900	900	0
Bond forfeitures	6,608	0	(6,608)
Total	\$ 301,710	298,869	(2,841)

These differences in distributions reported occurred because the monthly summary report obtained from the CMS was not accurately programmed to include amounts collected for warrant fees or bond forfeitures and did not include all amounts collected for court costs in reported distributions. These differences were not detected because the Court Clerk had not adequately reviewed these reports or identified these programming errors. Our review of May 2017 activity identified similar issues. In addition, the Court Clerk did not reconcile the monthly summary report information to amounts received and transmitted to the city for deposit or to the activity posted in the municipal division records. After we informed the Court Clerk of these discrepancies, she worked with the CMS programmer to investigate and correct the programming errors.

Missouri Supreme Court Operating Rules 4.28 and 4.29 and OSCA instructions require submission of monthly reports of caseload information and disbursements to the OSCA and the city. Reports are to be submitted by the 15th of the month following the reporting month and include all activities occurring since the last report. To ensure accurate information is reported to the OSCA, the municipal division should establish procedures to generate accurate monthly Municipal Division Summary Reporting Forms. Such procedures should include ensuring monthly reports include all activities of the entire month, and reconciling amounts received and deposited or transmitted to the activity posted in municipal division records.

## 2.2 Municipal division records

Municipal division records are not maintained in an accurate, complete, and organized manner and in accordance with court operating rules. The Court Clerk documents case information for each defendant on backer sheets maintained in manual case files as well as the computerized docket maintained in the CMS. However, information recorded on the backer sheets was inconsistent and often incomplete. In addition, documentation such as official notices to appear in court, plea agreements, warrants, and/or bond forfeiture forms were not always maintained in the manual case files. Manual notations by the Municipal Judge or Prosecuting Attorney on backer sheets are the official record of the court proceedings; however, these notations were not always documented consistently. The electronic CMS is



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the official accounting record of the municipal division. Our review identified numerous discrepancies between manual and electronic records, including some fines and court costs assessed in the CMS did not agree to fines and court costs assessed on manual records.

Supreme Court Operating Rule No. 4.03 requires the official court record consist of all documents filed from the initiation to final termination of the case. Supreme Court Operating Rule No. 4.08 requires municipal divisions to maintain a docket or backer sheet for each case. All information regarding the case should be documented including, but not limited to, a copy of the ticket, case number, defendant name, sentence, bond information, warrant information, and disposition of the case. Accurate recording of the case information and retention of applicable records is necessary to properly account for the municipal division's financial and case activity and reduce the risk that loss, theft, or misuse of funds will go undetected and municipal division records will contain errors.

### 2.3 Prosecutor approval

The Prosecuting Attorney does not sign all tickets processed by the municipal division and the Prosecuting Attorney's approval of amended and dismissed tickets is not always clearly documented.

- The Prosecuting Attorney allows the Court Clerk to maintain and use her signature stamp on all tickets filed with the division. Our review of 60 cases noted the Prosecuting Attorney's clear authorization to file charges was not always present. While most tickets retained in case files contained the Prosecuting Attorney's facsimile signature, there was no indication these tickets were each subsequently reviewed and approved by the Prosecuting Attorney.
- The Prosecuting Attorney's authorization to amend or dismiss tickets is not always clearly documented. The Court Clerk maintains the "defective equipment" and "dismissed" stamps used by the Prosecuting Attorney to document her amendment or dismissal of a ticket. While only the Prosecuting Attorney is authorized to apply the stamp, she does not initial to verify her use of it. As a result there is less assurance the Prosecuting Attorney personally authorized all amendments or dismissals.
- When an alternative arrangement is agreed upon between the defendant and the Prosecuting Attorney, these arrangements are not adequately documented. A plea agreement, signed by both parties, is necessary to document the amended charges and fines and court costs. None of the 14 cases reviewed involving a plea agreement contained documentation of the approved agreement.

The ability of the Court Clerk to apply the Prosecuting Attorney's signature by facsimile stamp without a review by the Prosecuting Attorney is a



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significant control weakness, and increases the possibility of tickets being handled improperly and the risk of loss, theft, or misuse of monies going undetected. Additionally, effective November 1, 2016, the practice of the Court Clerk applying the Prosecuting Attorney's signature is not in compliance with court operating rules.<sup>1</sup> Missouri Supreme Court Rules 37.34 and 37.35 state all ordinance violations shall be prosecuted by information, be in writing and signed by the prosecutor, and filed with the municipal division. The Prosecuting Attorney's review, documented with her signature, is needed to provide assurance proper cases and charges are filed with the municipal division. Additionally, to ensure the proper disposition of all cases has been entered in the municipal division records, the Prosecuting Attorney should sign or initial all amended or dismissed cases to indicate review and approval and plea agreements, signed by both parties should be documented indicating the defendant's acceptance.

## 2.4 Warrants

The Municipal Judge does not sign all warrants issued. The Municipal Judge has authorized the Court Clerk to issue warrants for certain types of charges, including non-appearance, failure to pay fine and court costs, failure to pay fine for parking ticket, or domestic violence, after she applies the municipal judge's facsimile signature stamp. However, according to Supreme Court Rules 37.04A and 37.45, "Warrants are signed **only** by judges unless the exception of a **specific** warrant ordered by a judge to be signed by a clerk is applicable." (emphasis in original) To ensure warrants are properly issued in accordance with Supreme Court rules, the Municipal Judge should sign warrants or provide specific written authorization for each warrant ordered by the Judge to be signed by the Court Clerk.

## 2.5 Fines and court costs

The municipal division does not assess certain fines and court costs in compliance with state law. We identified the following concerns:

- The municipal division charges a \$50 fine for each seat belt violation. During the fiscal year ended September 30, 2016, 185 seat belt violations were filed in the municipal division. Section 307.178, RSMo, states a fine not to exceed \$10 may be imposed, and no court costs shall be imposed, on any person for a seat belt law violation.
- The municipal division charges a \$98.50 fine and \$26.50 in court costs for all violations associated with headlight usage, including failure to use headlights due to weather conditions or fog. Section 307.040,

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<sup>1</sup> Effective November 1, 2016, the Missouri Supreme Court amended Supreme Court Rule 37.04, adding an appendix that established 10 minimum operating standards for municipal courts. The 7th standard prohibits court personnel from performing functions for the municipality that constitute an actual or apparent conflict of interest. Work performed by court personnel on behalf of law enforcement or the prosecuting attorney is cited in the rule as one example of an actual or apparent conflict of interest.



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RSMo, states a fine not to exceed \$10 may be imposed, and no court costs shall be imposed, for any headlight violation due to weather or fog.

- The municipal division does not assess or collect the \$3 Sheriffs' Retirement surcharge in compliance with state law. Sections 57.955.1 and 488.024, RSMo, require a surcharge of \$3, payable to the Sheriffs' Retirement Fund, be assessed and collected in all civil actions filed and in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws, including infractions. Attorney General Opinion 20-2013 (April 17, 2013) concluded municipal courts must collect this fee in municipal ordinance violation cases.

The municipal division should ensure fines and court costs are assessed in accordance with state law.

## Recommendations

The Sugar Creek Municipal Division:

- 2.1 Establish procedures to ensure the accuracy of monthly Municipal Division Summary Reporting Forms.
- 2.2 Ensure the proper disposition of cases is documented in manual and electronic records and sufficient documentation is maintained to support all case actions.
- 2.3 Ensure a ticket or information signed by the Prosecuting Attorney is filed for each traffic or ordinance violation to be prosecuted. In addition, the municipal division should ensure the Prosecuting Attorney reviews and approves all amended and dismissed tickets. Also, plea agreements should be signed by all parties and be documented in the case files.
- 2.4 Ensure warrants are signed by the Municipal Judge or documentation of the Municipal Judge's authorization to issue a specific warrant is obtained.
- 2.5 Review all fines and court costs to ensure amounts are assessed in accordance with state law and begin assessing and collecting the \$3 Sheriffs' Retirement surcharge on all applicable cases.

## Auditee's Response

- 2.1 *Programming errors identified with the monthly Municipal Division Summary Reporting form have been corrected. We have established procedures to reconcile monthly reports of collections to the monthly Summary Reporting forms submitted to OSCA to ensure amounts reported are accurate.*



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- 2.2 *We will ensure adequate documentation to support all actions is retained in the case file and will ensure manual and electronic case entries are in agreement.*
- 2.3 *We will ensure the Prosecuting Attorney reviews and approves all tickets prior to charges being filed with the court. In addition, the court has implemented procedures requiring the Prosecuting Attorney, defendant or defendant's attorney, and the Municipal Judge to sign all plea agreements. The court will ensure adequate documentation is obtained from the Prosecuting Attorney for all tickets dismissed.*
- 2.4 *We have established procedures to ensure compliance with this recommendation.*
- 2.5 *We have worked with the city to amend city ordinances related to certain seatbelt and headlight usage violations to ensure compliance with state law. However, the Municipal Judge believes the Sheriff's Retirement surcharge is unconstitutional and will not assess this surcharge on cases filed in the municipal division.*

### 3. Ticket Accountability

Neither the city police department nor the municipal division has developed adequate procedures to account for the numerical sequence or ultimate disposition of tickets issued.

The police department maintains records to track ticket books assigned to each officer, however, neither the police department nor the municipal division had procedures in place to account for the numerical sequence of all tickets issued or to ensure the transmittal of all issued tickets to the municipal division. In addition, the police department did not record the disposition of unused or voided tickets.

Our review of a comprehensive list of all ticket numbers entered into the CMS during the year ended September 30, 2016, identified approximately 660 tickets within these sequences that were not included. Sequence gaps may occur because tickets have been voided, were forwarded to the county prosecutor for prosecution, or were issued before or after fiscal year 2016. We selected 25 tickets within these sequence gaps for further review and noted the following issues.

- Neither the municipal division nor police department personnel could locate 4 of the 25 tickets selected.
- The Court Clerk incorrectly entered the ticket information into the CMS for 1 of the 25 tickets.



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- Police department personnel voided 11 of these 25 tickets; however, they did not follow consistent procedures for the handling of these tickets. For example, 7 of the 11 tickets were not mutilated and all copies were not retained and forwarded to the municipal division. Also, supervisory review and approval was not documented for any of the tickets voided and 10 of the 11 tickets did not have documentation explaining why they had been voided.

In April 2017, the police department began issuing most uniform citations for traffic violations electronically through mobile ticketing. However, manual ticket books are still issued to each officer to use for ordinance violations or if the mobile ticketing system is not working. The implementation of mobile ticketing should reduce the occurrence of skipped numbers in ticket sequences and help both the police department and court more easily track all tickets issued and account for the ultimate disposition.

Section VIII.D of Sugar Creek Municipal Court Operating Order Number 1 requires the Court Clerk to work jointly with the police department to account for all traffic tickets in numerical sequence and maintain a record of the disposition of all tickets assigned and issued by the police department. Without properly accounting for the numerical sequence and ultimate disposition of tickets issued, the police department and the municipal division cannot ensure all tickets are properly submitted for processing. A record should be maintained to account for the ultimate disposition of each ticket to decrease the risk of loss, theft, or misuse of funds. In addition, to ensure all voided tickets can be properly accounted for, written policies and procedures should be prepared for the handling of voided tickets.

## Recommendation

The City of Sugar Creek Municipal Division work with the police department to ensure the numerical sequence and ultimate disposition of all tickets, including voided tickets, is accounted for properly.

## Auditee's Response

*In conjunction with the police department, the municipal division has implemented procedures to ensure the numerical sequence and ultimate disposition of all tickets is accounted for properly.*

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# Sixteenth Judicial Circuit

## City of Sugar Creek Municipal Division

### Organization and Statistical Information

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The City of Sugar Creek Municipal Division is in the Sixteenth Judicial Circuit, which consists of Jackson County. The Honorable John M. Torrence serves as Presiding Judge.

The municipal division is governed by Chapter 479, RSMo, and by Supreme Court Rule No. 37. Supreme Court Rule No. 37.49 provides that each municipal division may establish a violation bureau in which fines and court costs are collected at times other than during court and transmitted to the city treasury. The municipal division does not utilize OSCA's statewide automated case management system known as JIS. Instead, the municipal division utilizes Incode, an automated case management system provided by Tyler Technologies, Inc., which has been approved for use in municipal divisions by the State Judicial Records Committee.

#### Personnel

At September 30, 2016, the municipal division employees were as follows:

Title	Name
Municipal Judge	Garry L. Helm
Court Clerk	Peggy S. Doss

#### Financial and Caseload Information

	Year Ended September 30, 2016
Receipts	\$321,179
Number of cases filed	3,301

#### Court Costs, Surcharges, and Fees

Type	Amount
Court Costs (Clerk Fee)	\$ 12.00
Crime Victims' Compensation	7.50
Law Enforcement Training	2.00
Peace Officer Standards and Training	1.00
Domestic Violence Shelter	4.00
DWI Recoupment Fee	75.00
Warrant Fee <sup>1</sup>	50.00

<sup>1</sup> In September 2016, the municipal division stopped assessing warrant fees. Warrant fees previously assessed on open cases are being waived.