

Municipality of Anchorage



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OFFICE OF THE INTERNAL AUDITOR

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Internal Audit Report 97-13
Municipal Traffic Fines
Collected by the State of Alaska Traffic Court
Anchorage Police Department

Introduction. Municipal Traffic citations are issued for traffic violations by the Anchorage Police Department (APD). Citations for offenses that are correctable or do not require a court appearance are processed by APD, citations for minor traffic offenses that are contested by the defendant or require a court appearance by the defendant are processed by the State of Alaska Traffic Court (Traffic Court), and citations for criminal/serious traffic offenses are processed by the Prosecutor's office/State of Alaska court system. Our review encompassed only those citations processed by the Traffic Court system. Revenue collected from traffic citations totaled \$2,045,175 in 1996. Of this, \$376,374 was collected by the Traffic Court. This compared to \$396,190 collected in 1995 and \$355,229 collected in 1994 by the Traffic Court.

Traffic citations requiring a mandatory court appearance are sent to the Traffic Court. Optional court citations are also sent to the Traffic Court when they are contested by the defendant. The Traffic Court becomes responsible for the processing of the citation upon receipt of the original citation from APD. This includes scheduling a court date, hearing the case, and entering information pertinent to the case into their in-house accounting system and into the Alaska Public Safety Information Network. The Traffic Court is also responsible for collecting any fines assessed by the magistrate and remitting those fines collected for Municipal traffic violations back to the Municipality.

Scope. The objective of this audit was to determine whether Municipal traffic fines collected by the Traffic Court were remitted back to the Municipality timely and in the proper amount. The audit was conducted in accordance with generally accepted government auditing standards, except for the requirement of an external quality control review, and accordingly, included tests of records and such other auditing procedures as we considered necessary in the circumstances. The audit was performed during April and May 1997. The audit was requested by the Administration.

Overall Evaluation. Municipal traffic fines collected by the Traffic Court were remitted to the Municipality timely and in the proper amount. Our sample of citations revealed that payments were accurately deposited to Municipal accounts within one week of receipt. However, the payments represented only 23% of the 80 citations sent to the Traffic Court in our sample. The other citations had either been dismissed (45%), were pending court action (23%), or been assessed a penalty and were delinquent (9%). Further, according to Traffic Court personnel, the warrants had not been issued since March 1996. We also found that traffic citations were not always issued in accordance with Anchorage Municipal Code (AMC) provisions.

FINDING AND RECOMMENDATION

1. Mandatory Court Appearance Erroneously Entered by APD on Traffic Citations for Some Violations.

- a. **Finding.** Mandatory court appearance was erroneously entered by APD on traffic citations for the violations of careless driving and driving without a valid license. A sample of 40 citations issued as mandatory court appearances revealed that 32 were marked improperly. Our review of AMC 9.48.130 revealed that these infractions could be settled by a payment of a \$150 fine and did not require a mandatory court appearance. One reason for the improper designation was that APD officers rely on a "blue book" as a reference to Municipal code violations. We found that this book

had not been updated since January of 1995 and thus contained outdated AMC references. Requiring mandatory court appearance can overload the State Traffic Court resulting in delays of processing all traffic citations.

- b. **Recommendation.** The current "blue book" AMC reference utilized by APD for traffic citations should be updated to reflect the current code requirements. Only those violations that are mandatory court offenses should be forwarded to the Traffic Court for processing unless the defendant contests the citation.

- c. **Management Comments.** Management stated, "The Anchorage Police Department concurs with the findings of the recent audit which examined the collection of traffic fines. The unnecessary requirement for mandatory court appearances, which appeared erroneously on a number of citations, was addressed early on in the audit. Officers have also been made aware of these changes to the Municipal code. The "blue book," referred to as the officers' reference source, is now under revision and will reflect the most current traffic codes and bail amounts."

- d. **Evaluation of Management Comments.** Management comments were responsive to the audit finding and recommendation.

Discussion With Responsible Officials. The results of this audit were discussed with appropriate Municipal officials on June 11, 1997.

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