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Approved by CC:
NOV 09 2009

**JOHNSON
COUNTY
FRAUD PREVENTION
and
DETECTION**

Court Order No. _____

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JOHNSON COUNTY

Fraud Prevention and Detection

Johnson County, hereinafter referred to as "County", is committed to preventing fraud. All County employees must share in this commitment. County employees, especially supervisors and Department Heads/Elected Officials, must be aware of the circumstances, or "red flags", which lead to fraud. For the purpose of this administrative procedure, fraud and intentional waste are referred to as "fraud".

BACKGROUND

1.1 Studies have shown that "red flags" of fraud within an organization were ignored by the organization in almost 50% of the frauds reported. "Downsizing" and repositioning within an organization increases the risk of fraud. Internal controls are the best method of preventing fraud. Poorly written or poorly enforced internal controls allow most fraud to occur.

1.2 Fraud occurs for the following reasons (note: there were multiple reasons in some cases):

- (a) Poor internal controls
- (b) Management override of internal controls
- (c) Type of organization (industry with high risk of fraud)
- (d) Collusion between employees and third parties
- (e) Poor or non-existent company ethical standards
- (f) Lack of control over managers by their supervisors

1.3 The most frequently cited "red flags" of fraud are:

- (a) Changes in an employee's lifestyle, spending habits or behavior;
- (b) Poorly written or poorly enforced internal controls, procedures, policies or security;
- (c) Irregular/unexplained variances in financial information;
- (d) Inventory shortages;
- (e) Failure to take action on results of internal/external audits or reviews;
- (f) Unusually high expenses or purchases;
- (g) Frequent complaints from customers;
- (h) Missing files;
- (i) Ignored employee comments concerning possible fraud.

1.4 Perpetrators of fraud typically live beyond their reasonably available means. Other indicators of fraud include the borrowing of small amounts of money from co-workers, collectors or creditors appearing at the place of business, excessive use of telephone to stall creditors, falsifying records, refusing to leave custody of records during the day, working excessive overtime, refusing vacations, and excessively rewriting records under the guise of neatness.

1.5 The following internal controls help prevent fraud:

- (a) Adherence to all organizational procedures, especially those concerning documentation and authorization of transactions.
- (b) Physical security over assets such as locking doors and restricting access to certain areas.
- (c) Proper training of employees
- (d) Independent review and monitoring of tasks.
- (e) Separation of duties so that no one employee is responsible for a transaction from start to finish.
- (f) Clear lines of authority.
- (g) Conflict of interest statements which are enforced.
- (h) Rotation of duties in positions more susceptible to fraud.
- (i) Ensuring that employees take regular vacations.
- (j) Regular independent audits of areas susceptible to fraud.

PURPOSE

2.1 The purpose of this administrative procedure is to define what constitutes fraud, and to outline rules and procedures all employees must follow when fraud is suspected.

SCOPE

3.1 This procedure applies to all County employees.

DEFINITIONS

4.1

- (a) Fraud - Theft, intentional waste or abuse of County funds, property or time. Specific examples of fraud include but are not limited to:
 - (i) Theft of County funds.
 - (ii) Serious abuse of County time such as unauthorized time away from work or excessive use of County time for personal business.
 - (iii) Unauthorized use or misuse of County property or records.
 - (iv) Falsification of records.

- (v) Theft or unauthorized removal of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors).
 - (vi) Willful destruction or damage of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors).
 - (vii) Neglecting or subverting job responsibilities in exchange for an actual or promised reward.
 - (viii) Forgery or alteration of a check, bank draft or any other financial document.
 - (ix) Disclosing confidential and proprietary information to outside parties.
 - (x) Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to the county as prohibited by law.
- (b) County funds - Currency, checks, or other negotiable instruments belonging to the County, or for which the County is the fiscal agent or has a fiduciary responsibility.
 - (c) County property - Any tangible or intangible (i.e. software, copyrights, patents) items licensed to the County.
 - (d) Retaliation - When an individual is discriminated against or penalized for reporting fraud or for cooperating, giving testimony, or participating in any manner in an audit/investigation, proceeding, or hearing.

RESPONSIBILITIES

- 5.1 All Employees - Any employee who has knowledge of an occurrence of fraud, or has reason to suspect that a fraud has occurred, shall immediately notify his/her supervisor. If the employee has reason to believe that the employee's supervisor may be involved, the employee shall immediately notify the Department Director/Elected Official of his/her department. However, if the employee has reason to suspect that the Department Head/Elected Official may also be involved, the employee should contact the County Attorney or District Attorney. Every employee shall cooperate with administrative investigations pursuant to this administrative procedure. The employee shall not discuss the matter with anyone other than his/her supervisor, the Department Director/Elected Official, the County Attorney and the District Attorney. Failure to report suspected fraud could result in disciplinary action or possibly termination.
- 5.2 Supervisor - Upon notification from an employee of suspected fraud, or if the supervisor has reason to suspect that a fraud has occurred, the supervisor shall immediately notify the Department Director/Elected Official of his/her department. The supervisor shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the Department Director/Elected Official, the County Attorney and the District Attorney. However, if the supervisor has reason to believe that the Department Director/Elected Official may be involved in a fraud, the supervisor shall contact the County Attorney and the District Attorney. Failure to

report suspected fraud could result in disciplinary action or possibly termination.

- 5.3 Department Director/Elected Official - Upon notification from an employee or supervisor of suspected fraud, or if the Department Head/Elected Official has reason to suspect that a fraud has occurred, the Department Head/Elected Official shall immediately contact the County Attorney or District Attorney. The Department Head/Elected Official shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the County Attorney and the District Attorney. Failure to report suspected fraud could result in disciplinary action or possibly termination.
- 5.4 ~~Internal Audit - Upon notification or discovery of a suspected fraud, the County Auditor will promptly coordinate investigation of possible fraud with the County Attorney or District Attorney.~~ Upon request by the County Attorney or District Attorney, the County Auditor will assist with the investigation of possible fraud.

PROCEDURES

- 6.1 Record Security - A successful audit/investigation can only be performed if the documentation relating to an alleged fraud is available for review in its original form. Therefore, once a suspected fraud is reported, the Department Head/Elected Official and supervisor shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to: removing the records and placing them in a secure location; limiting access to the location where the records currently exist; and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until the County Attorney or District Attorney obtains the records to begin the audit/investigation.
- 6.2 Contacts/Protocols - After an initial review and a determination that the suspected fraud warrants additional investigation, the County Attorney or District Attorney may request the services of the County Auditor, whereby, the County Auditor shall coordinate the financial review and shall report its investigative findings as described below.
- 6.3 Confidentiality - All participants in a fraud investigation shall keep the details and results of the investigation confidential except as expressly provided in this administrative procedure.
- 6.4 Personnel Actions - If a suspicion of fraud is substantiated by the audit investigation, disciplinary action shall be taken in conformance with the County's Personnel Policies and Procedures. A false and vindictive allegation of fraud is a violation of this administrative procedure. All violations of this administrative procedure, including violations of the confidentiality provisions, shall result in disciplinary actions up to and including termination.
- 6.5 Retaliation - It is a violation of this administrative procedure for any individual to be

discriminated against for reporting fraud or for cooperating, giving testimony, or participating in an audit investigation, proceeding, or hearing. Such individual falls under the protection of the Whistle Blower Act.

- 6.6 **Media Issues** - If the media becomes aware of an audit investigation, the appropriate supervisor or Department Head/Elected Official shall refer the media to the County Attorney or District Attorney. The alleged fraud and audit investigation shall not be discussed with the media other than through the County Attorney or District Attorney's Office

DISPOSITION OF INVESTIGATION

- 7.1 At the conclusion of the audit/investigation, the County Auditor and County Attorney or District Attorney's Office will document the results in a confidential report to the Commissioners Court.
- 7.2 If the fraud has resulted in County property loss, the County Auditor shall report such loss to the Commissioners Court. The County Attorney or District Attorney or designated legal counsel shall seek restitution for any property loss.
- 7.3 Upon completion of the audit/investigation and all legal and personnel actions, records will be returned by the investigative offices to the appropriate department.

Questions or Clarifications Related to This Policy

All questions or other clarifications of this policy should be addressed to the County Attorney or District Attorney.

Approved: Date _____

Roger Harmon, County Judge

Rick Bailey, Commissioner, Pct. 1

Jerry Stringer, Commissioner, Pct. 3

John Matthews, Commissioner, Pct. 2

Don Beeson, Commissioner, Pct. 4

Acknowledgment

My signature signifies that I have read this policy and that I understand my responsibilities related to the prevention, detection and reporting of suspected misconduct and dishonesty.

I further acknowledge that I am not aware of any activity that would require disclosure under this or other existing company policy or procedure statements.

Signature: _____

Print Name: _____

Date signed: _____