

COMPLIANCE AUDIT

District Court 32-1-35
Delaware County, Pennsylvania
For the Period
January 1, 2019 to October 6, 2023

December 2024



Commonwealth of Pennsylvania
Department of the Auditor General

Timothy L. DeFoor • Auditor General



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**TIMOTHY L. DEFOOR
AUDITOR GENERAL**

The Honorable Pat Browne
Secretary
Pennsylvania Department of Revenue
Harrisburg, PA 17128

We have conducted a compliance audit of the District Court 32-1-35, Delaware County, Pennsylvania (District Court), for the period January 1, 2019 to October 6, 2023, pursuant to the requirements of Section 401(c) of *The Fiscal Code*, 72 P.S. § 401(c).

The objective of the audit was to determine whether the district court complied with state laws, regulations, and Administrative Office of Pennsylvania Courts (AOPC) policies and administrative procedures related to the collection of moneys on behalf of the Commonwealth, including whether moneys collected on behalf of the Commonwealth have been correctly assessed, reported, and promptly remitted.

The procedures we performed are summarized below.

- Obtained data from the AOPC and the Pennsylvania Department of Revenue and determined whether:
 - Amounts provided by the AOPC match amounts received by the Department of Revenue.
 - The district court's distributions to the state agree with the data provided by the Department of Revenue.
- Compared collections by category of fines, fees, and surcharges for each year in the audit period to prior year collections and determined the reason(s) for any large or unusual variances.
- Evaluated data related to cases without collections or adjustments to fines, fees, or surcharges and, if considered necessary, evaluated selected cases to determine whether such cases were handled appropriately.
- Obtained an understanding of internal controls related to the audit objective.
- Determined the adequacy of the design and operating effectiveness of internal controls we considered significant to the audit objective.
- Evaluated deposits of collections for accuracy and timeliness.
- Determined whether disbursements were accurate.
- Determined whether manual receipts were accurate and properly recorded.
- Determined whether voided receipts were necessary and proper.

- Reviewed selected cases to determine if the district court properly assessed, collected, and recorded all applicable fines, costs, fees, and surcharges.
- Determined whether the court complied with laws, regulations, and AOPC procedures related to the issuance and returns of warrants, collections related to warrants, and accounting for collections in the AOPC computer system.

Our audit was limited to the areas identified above and was not conducted, nor was it required to be, in accordance with Government Auditing Standards issued by the Comptroller General of the United States.

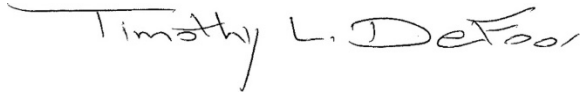
The district court is responsible for establishing and maintaining effective internal controls to provide reasonable assurance of compliance with state laws and regulations applicable to the collection of moneys on behalf of the Commonwealth, including whether they have been correctly assessed, reported, and promptly remitted. The district court is also responsible for complying with those laws and regulations. It is our responsibility to perform procedures to obtain sufficient, appropriate evidence to the extent necessary to satisfy the audit objective. We believe that our audit provides a reasonable basis for our conclusions.

Based on our audit procedures, we conclude that, for the period January 1, 2019 to October 6, 2023, the district court, in all significant respects, complied with state laws, regulations, and AOPC policies and administrative procedures related to the collection of moneys on behalf of the Commonwealth, except as noted in the findings listed below and discussed later in this report.

- Missing Case Files.
- Inadequate Arrest Warrant Procedures.

This report includes a summary of the district court's receipts and disbursements of funds collected on behalf of the Commonwealth (summary), which the Department of Revenue may use to state and settle the district court's account. We obtained data representing the district court's receipts and disbursements from the Pennsylvania Department of Revenue, which obtains data from each of the Commonwealth's district courts and used the data to create the summary in the format required by the Department of Revenue. We also evaluated the accuracy of the data as part of our audit to conclude on the district court's compliance with certain state laws and regulations as described in the previous paragraph. Other than any adjustments that we considered necessary based on our audit work as disclosed in the *Proposed Audit Adjustments* line of the summary, nothing came to our attention to indicate inaccuracies in the amounts included in the summary.

The contents of this report were discussed with the District Court's management. We appreciate the courtesy extended to us by the Delaware County District Court 32-1-35 during the course of our audit. If you have any questions, please feel free to contact the Bureau of County Audits at 717-787-1363.

A handwritten signature in black ink that reads "Timothy L. DeFoor". The signature is written in a cursive style with a horizontal line above the first few letters.

Timothy L. DeFoor
Auditor General
November 21, 2024

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DISTRICT COURT 32-1-35
DELAWARE COUNTY
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO OCTOBER 6, 2023

The Department of Auditor General is mandated by Article IV, Section 401(c) of *The Fiscal Code* (Act of April 9, 1929, P.L.343, No. 176), to audit the accounts of each district court to determine whether all moneys collected on behalf of the Commonwealth have been correctly assessed, reported, and promptly remitted.

District Court receipts are comprised of fines, costs, fees, and surcharges collected on behalf of the Commonwealth. These fines, costs, fees, and surcharges represent collections made on traffic, non-traffic, civil, and criminal cases filed with the District Court.

Total disbursements during the audit period are comprised as follows:

District Court checks issued to:

Department of Revenue	<u>\$ 583,173</u>
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This balance reflects the summary of monthly transmittal reports as settled by the Department of Revenue.

Ann Berardocco served at District Court 32-1-35 for the period January 1, 2019 to January 2, 2022.

Various Senior Judges served at District Court 32-1-35 for the period January 3, 2022 to October 6, 2023. The district court closed on October 6, 2023.

The summary of receipts and disbursements on the following page provides a summary of receipts and disbursements by category. The categories and the amounts of fines, costs, fees, and surcharges assessed are based on Pennsylvania laws and regulations.

The summary was prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Revenue. Under this method, only the Commonwealth portion of cash receipts and disbursements are presented, revenues are recognized when received, and expenditures are recognized when paid.

DISTRICT COURT 32-1-35
 DELAWARE COUNTY
 SUMMARY OF RECEIPTS AND DISBURSEMENTS
 FOR THE PERIOD
 JANUARY 1, 2019 TO OCTOBER 6, 2023

Receipts:

Department of Transportation		
Title 75 Fines	\$	51,688
Child Restraint Fines		235
Department of Revenue Court Costs		193,790
Crime Victims' Compensation Bureau Costs		5,687
Crime Commission Costs/Victim Witness Services Costs		4,738
Domestic Violence Costs		1,654
Emergency Medical Service Fines		24,553
CAT/MCARE Fund Surcharges		72,281
Judicial Computer System Fees		54,620
Access to Justice Fees		32,452
Criminal Justice Enhancement Account Fees		6,659
Judicial Computer Project Surcharges		94,909
Constable Service Surcharges		23,581
Miscellaneous State Fines and Costs		<u>16,326</u>
 Total receipts		 583,173
 Disbursements to Commonwealth		 <u>(583,173)</u>
 Balance due Commonwealth (District Court) per reports		 -
 Proposed audit adjustments		 <u>-</u>
 Adjusted balance due Commonwealth (District Court) for the period January 1, 2019 to October 6, 2023	 \$	 <u><u>-</u></u>

DISTRICT COURT 32-1-35
DELAWARE COUNTY
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2019 TO OCTOBER 6, 2023

Finding No. 1 - Missing Case Files

Our audit of the district court required that certain case files be examined. We encountered considerable difficulty in finding a number of case files. There were 40 out of 109 case files needed for testing that could not be located by the district court.

In order for an entity to have an efficient record-keeping system, each court document must be filed timely and properly. Additionally, the *Magisterial District Judge Automated Office Clerical Procedures Manual* (Manual) outlines the proper filing procedures for all district courts to follow.

The failure to follow these guidelines could result in case file documents being lost, misfiled, or intentionally destroyed. Additionally, collections associated with missing case files and documents could be misappropriated.

Court staff indicated that case files were possibly misfiled when the cases were transferred to another court's office when this court closed.

Adherence to the uniform internal control policies and procedures, as set forth in the Manual, would have ensured that there were adequate internal controls over case files.

Recommendation

District courts should have procedures to ensure that all cases are properly filed and contain appropriate documents as outlined in the Manual. However, because the district court closed, there is no recommendation for this audit.

Management's Response

The Magisterial District Court Administrator responded as follows:

The Magisterial District Judge Ann Berardocco retired January 2022 and the court closed in October 2023.

During this audit period, our County was going through major issues regarding staff shortages which increased due to the COVID Pandemic. When the staff finally returned to their courts, they were working diligently to address and resolve all backlogs up until their closure.

In the future this will not be an issue with this location since it has been eliminated in the last redistricting.

Auditor's Conclusion

This court closed October 6, 2023. No further comment is necessary.

DISTRICT COURT 32-1-35
DELAWARE COUNTY
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2019 TO OCTOBER 6, 2023

Finding No. 2 - Inadequate Arrest Warrant Procedures

Warrants are used to enforce the collection of monies on traffic and non-traffic cases in which defendants failed to make payments when required. A Warrant of Arrest (AOPC 417) is used to authorize an official to arrest a defendant, to collect fines and costs from the defendant after a disposition, or to collect collateral for a trial. If the defendant does not respond within ten days to a citation or summons, a Warrant of Arrest may be issued.

During our testing of warrant procedures, we noted that warrant procedures established by the *Magisterial District Judge Automated Office Clerical Procedures Manual* (Manual) were not always followed. The Magisterial District Judge did not consistently issue warrants when required.

We tested 46 instances in which a warrant was required to be issued under Pa.R.Crim.P. 430(b)(1). Our testing disclosed that 22 were not issued timely and five were not issued at all. The time of issuance ranged from 63 days to 693 days.

We also tested 11 instances in which a warrant may be issued under Pa.R.Crim.P. 430(b)(3). Our testing disclosed that four were not issued timely. The time of issuance ranged from 62 days to 229 days. These results do not include instances in which the Magisterial District Judge recently ordered a payment determination hearing, sentenced the defendant to jail time in lieu of payment, or sentenced the defendant to perform community service.

In addition, of 50 warrants required to be returned or recalled, 20 were not returned or recalled, and nine were not returned timely. The time of issuance to the time of return ranged from 277 days to 1,323 days.

The Manual establishes the uniform written internal control policies and procedures for all district courts.

Warrant Issuance Procedures: The Manual states that on October 1, 1998, new warrant procedures took effect for summary cases. Amendments were made to Pa.R.Crim.P. 430, 431, 454, 455, 456, 460, 461, and 462. To comply with the new changes, the Notice of Impending Warrant (AOPC A418) was created with the purpose of informing the defendant that failure to pay the amount due or to appear for a Payment Determination Hearing will result in the issuance of an arrest warrant. The defendant is also informed that his/her response must be made within ten days of the date of the notice.

DISTRICT COURT 32-1-35
DELAWARE COUNTY
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2019 TO OCTOBER 6, 2023

Finding No. 2 - Inadequate Arrest Warrant Procedures (Continued)

According to Pa.R.Crim.P. 430(b)(1), a warrant SHALL be issued in a summary case for any of the following reasons (a Notice of Impending Warrant is not necessary for the following):

- The defendant has failed to respond to a citation or summons that was served either personally or by certified mail, return receipt requested.
- The citation or summons is returned undeliverable.
- The Magisterial District Judge has reasonable grounds to believe that the defendant will not obey a summons.

According to Pa.R.Crim.P. 430 (b)(3), a Notice of Impending Warrant may be issued in a post-disposition summary case for any of the following reasons:

- A guilty disposition is recorded and no payment is made or a time payment schedule is not created.
- A guilty disposition is recorded and a previously deposited collateral payment, when applied, does not pay the case balance in full.
- A guilty disposition is recorded and the defendant defaults on a time payment schedule.

Warrant Return Procedures: The Manual states that the Administrative Office of Pennsylvania Courts (AOPC) recommends that those in possession of arrest warrants should be notified to return warrants that have not been served. For summary traffic and non-traffic cases, outstanding warrants should be returned to the Magisterial District Judge's office within 120 days of issuance. Returned warrants can either be recorded in the Magisterial District Judge System (MDJS) as unserved, if the defendant is unable to be located; or they can be recalled for reissue, if the server has not exhausted all means of finding the defendant.

The failure to follow warrant procedures could result in uncollected fines and unpunished offenders. Additionally, the risk is increased for funds to be lost or misappropriated. Therefore, it is considered best business practice to issue warrants that fall under Pa.R.Crim.P. 430(b)(3) when other actions are not taken by the Magisterial District Judge to compel compliance by the defendant, such as ordering a payment determination hearing, sentencing to jail time in lieu of payment, or sentencing to perform community service.

DISTRICT COURT 32-1-35
DELAWARE COUNTY
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2019 TO OCTOBER 6, 2023

Finding No. 2 - Inadequate Arrest Warrant Procedures (Continued)

The court is closed, so there was no staff available to explain why the proper warrant procedures were not followed.

Adherence to the uniform internal control policies and procedures, as set forth in the Manual, would have ensured that there were adequate internal controls over warrants.

Recommendations

District courts should have procedures to review tickler reports for warrants daily and take appropriate action as required by the Manual and also review warrant control reports and notify police or other officials to return warrants that are unserved for 120 days for summary traffic and non-traffic cases as recommended by the Manual. However, because the district court closed, there is no recommendation for this audit.

Management's Response

The Magisterial District Court Administrator responded as follows:

The Magisterial District Judge Ann Berardocco retired January 2022 and the court closed in October 2023.

During this audit period, our County was going through major issues regarding staff shortages which increased due to the COVID Pandemic. When the staff finally returned to their courts, they were working diligently to address and resolve all backlogs up until their closure.

In the future this will not be an issue with this location since it has been eliminated in the last redistricting.

Auditor's Conclusion

This court closed October 6, 2023. No further comment is necessary.

DISTRICT COURT 32-1-35
DELAWARE COUNTY
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2019 TO OCTOBER 6, 2023

This report was initially distributed to:

The Honorable Pat Browne
Secretary
Pennsylvania Department of Revenue

The Honorable Andrea Tuominen
Court Administrator of Pennsylvania
Supreme Court of Pennsylvania
Administrative Office of Pennsylvania Courts

The Honorable Linda A. Cartisano
President Judge

Dr. Monica Taylor
Chairperson of County Council

Joanne Phillips, Esquire
Controller

Ms. Joan E. Van Horn
Administrator

Mr. Christopher DiRosato
Deputy Court Administrator

This report is a matter of public record and is available online at www.PaAuditor.gov. Media questions about the report can be directed to the Pennsylvania Department of the Auditor General, Office of Communications, 229 Finance Building, Harrisburg, PA 17120; via email to: news@PaAuditor.gov.