

COMPLIANCE AUDIT

Sheriff

Lehigh County, Pennsylvania
For the Period
September 1, 2019 to August 31, 2022

November 2023



Commonwealth of Pennsylvania
Department of the Auditor General

Timothy L. DeFoor • Auditor General



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**TIMOTHY L. DEFOOR
AUDITOR GENERAL**

The Honorable Joseph N. Hanna
Sheriff
Lehigh County
Allentown, PA 18101

We have conducted a compliance audit of the Sheriff, Lehigh County, Pennsylvania (County Officer), for the period September 1, 2019 to August 31, 2022, pursuant to the requirements of Section 401(e) of *The Fiscal Code*, 72 P.S. § 401(e).

The objective of the audit was to determine whether all moneys collected on behalf of the Commonwealth have been correctly assessed, reported, and promptly remitted and to provide a report to the Pennsylvania Commission on Crime and Delinquency and the Pennsylvania State Police. Our audit was limited to areas related to the objective 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 County Officer 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 County Officer 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 September 1, 2019 to August 31, 2022, the County Officer, in all significant respects, complied 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, except as noted in the finding listed below and discussed later in this report:

- Inadequate Assessment Of Sheriff And Deputy Sheriff Education And Training Surcharges.

This report includes summaries of the County Officer's receipts and disbursements of funds collected on behalf of the Commonwealth (summaries). We obtained data representing the County Officer's receipts and disbursements from the Pennsylvania Commission on Crime and Delinquency and the Pennsylvania State Police, which obtains data from each of the Commonwealth's sheriff offices and used the data to create the summary. We also evaluated the accuracy of the data as part of our audit to conclude on the County Officer's compliance with certain state laws and regulations as described in the previous paragraph. Any adjustments that we considered necessary based on our audit work are disclosed in the *Audit Adjustments* line of the summaries; however, the scope of our audit does not include the issuance of an opinion on the accuracy of the amounts reported in the summaries.

The purpose of this report is to determine whether all moneys collected on behalf of the Commonwealth have been correctly assessed, reported, and promptly remitted. This report is not suitable for any other purposes.

The contents of this report were discussed with the management of the County Officer and, where appropriate, their response has been included in the report. We appreciate the courtesy extended by the Sheriff, Lehigh County, to us 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 name.

Timothy L. DeFoor
Auditor General
October 16, 2023

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SHERIFF
LEHIGH COUNTY
BACKGROUND
FOR THE PERIOD
SEPTEMBER 1, 2019 TO AUGUST 31, 2022

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

Sheriff receipts consist of monies collected on behalf of the Pennsylvania Commission on Crime and Delinquency and the Pennsylvania State Police. These include monies collected for the following surcharges and fees:

- Sheriff and Deputy Sheriff’s Education and Training Surcharges of \$10, on each fee collected by the sheriff of every county upon acceptance for each service required for any complaint, summons, writ, or other legal paper required to be served or posted by the sheriff. In January 2021, the fee increased to \$16, and in January 2022, the fee increased to \$18.
- Firearms License Validation System Account Fees of \$1 imposed for applying for a license to carry a firearm. Effective March 1, 2015, this fee is remitted to the Pennsylvania State Police as required by Pennsylvania Uniform Firearms Act.

Total disbursements for the audit period are comprised as follows:

Sheriff checks issued to:

Pennsylvania Commission on Crime & Delinquency	<u>\$ 253,269</u>
Pennsylvania State Police	<u>\$ 24,500</u>

This balance reflects a summary of receipts and disbursements on behalf of the Pennsylvania Commission on Crime and Delinquency and the Pennsylvania State Police.

Joseph N. Hanna served as Sheriff during the period September 1, 2019 to August 31, 2022.

The summaries of receipts and disbursements provides a summary of receipts and disbursements by category. The categories and the amounts of surcharges and fees assessed are based on Pennsylvania laws and regulations.

The summaries were prepared in accordance with reporting requirements prescribed by the Pennsylvania Commission on Crime and Delinquency and the Pennsylvania State Police. 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.

SHERIFF
 LEHIGH COUNTY
 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY
 SUMMARY OF RECEIPTS AND DISBURSEMENTS
 FOR THE PERIOD
 SEPTEMBER 1, 2019 TO AUGUST 31, 2022

Receipts:

Sheriff and Deputy Sheriff's Training and Education Surcharges	\$	253,269
Disbursements to Pennsylvania Commission on Crime & Delinquency		(253,269)
		<hr/>
Balance due Offices (County)		-
Audit adjustments		-
		<hr/>
Adjusted balance due Offices (County) for the period September 1, 2019 to August 31, 2022	\$	<u><u>-</u></u>

SHERIFF
LEHIGH COUNTY
PENNSYLVANIA STATE POLICE
SUMMARY OF RECEIPTS AND DISBURSEMENTS
FOR THE PERIOD
SEPTEMBER 1, 2019 TO AUGUST 31, 2022

Receipts:

Firearms License Validation System Account Fees	\$ 24,500
Disbursements to Commonwealth	<u>(24,500)</u>
Balance due Commonwealth (County)	-
Audit adjustments	<u>-</u>
Adjusted balance due Commonwealth (County) for the period September 1, 2019 to August 31, 2022	<u>\$ -</u>

SHERIFF
LEHIGH COUNTY
FINDING AND RECOMMENDATION
FOR THE PERIOD
SEPTEMBER 1, 2019 TO AUGUST 31, 2022

Finding - Inadequate Assessment Of Sheriff And Deputy Sheriff Education And Training Surcharges

Our testing disclosed that the office did not assess the correct amount for Sheriff and Deputy Sheriff's Education and Training surcharge fees as mandated by law during part of the audit period. The original amount for the Sheriff and Deputy Sheriff's Education and Training Surcharges was established under Title 71 P.S. § 2108, which provided for a surcharge of \$10 on each fee collected by the sheriff of every county upon acceptance for each service required for any complaint, summons, writ, or other legal paper required to be served or posted by the sheriff. On November 25, 2020, Act 134 consolidated the Sheriff and Deputy Sheriff Education and Training Account into Title 44 Pa. C.S. § 7430.

Title 44 Pa. C.S. § 7430 provides for surcharge for service of any complaint, summons, writ, or other legal paper required to be served or posted by the sheriff. It also requires minimum Sheriff training standards for assessing the lethality risk of domestic violence incidents. The surcharge was increased to \$16 for the period January 1, 2021 through December 31, 2021. Beginning January 1, 2022, the surcharge was raised to \$18.

We determined that the office failed to collect the correct surcharge fee on 7,243 cases for the period January 1, 2021 to December 31, 2021. As a result, a total of \$43,458 in Education and Training surcharges were not collected. The incorrect assessment of these surcharges resulted in the Pennsylvania Commission on Crime and Delinquency not receiving the proper monies due.

These incorrect assessments occurred because the office was not up to date on laws and regulations regarding the proper assessment of Commonwealth surcharges.

Recommendation

We recommend that the office review the laws noted above to ensure that the Sheriff and Deputy Sheriff Education and Training surcharges are assessed, collected, and remitted as mandated by law.

SHERIFF
LEHIGH COUNTY
FINDING AND RECOMMENDATION
FOR THE PERIOD
SEPTEMBER 1, 2019 TO AUGUST 31, 2022

Finding - Inadequate Assessment Of The Sheriff And Deputy Sheriff Education And Training Surcharges (Continued)

Management's Response

The County Officer responded as follows:

In February of 2022, Lehigh County Sheriff's Office personnel became aware of the incorrect surcharge amount assessed for the year of 2021. Upon discovery, we initiated correspondence with the Pennsylvania Commission on Crime and Delinquency in order to obtain remedial direction. They directed our Office to submit the fees that were collected for the reporting period. They were contacted pursuant to an email dated Monday, February 28, 2022, whereby, they informed our Office that the surcharge fees were to be submitted to the Pennsylvania Commission on Crime and Delinquency. The Lehigh County Sheriff's Office has implemented safeguards, which include checks and balances to ensure such an administrative oversight does not occur again. We have complied with the Auditor's recommendations and reviewed all applicable laws with all personnel tasked with the respective duties.

Auditors Conclusion

We appreciate the current officeholder's effort to correct this issue. During our next audit, we will determine if the office complied with our recommendation.

SHERIFF
LEHIGH COUNTY
REPORT DISTRIBUTION
FOR THE PERIOD
SEPTEMBER 1, 2019 TO AUGUST 31, 2022

This report was initially distributed to:

Mr. Harrison Brooks
Commonwealth Accountant Manager
Office of Comptroller Operations
Accounts Receivable

Corporal Daniel McGough
Pennsylvania State Police
Firearm Records Unit

Mr. Derin Myers
Director
Office of Financial Management and Administration
Pennsylvania Commission on Crime and Delinquency

The Honorable Joseph N. Hanna
Sheriff

The Honorable Geoff Brace
Chairperson of the County Commissioners

The Honorable Mark Pinsley
Controller

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.