

COMPLIANCE AUDIT

First Judicial District of
Pennsylvania Trial Division -
Criminal
Office of Judicial Records
Philadelphia County, Pennsylvania
For the Period
January 1, 2018 to December 31, 2021

December 2022



Commonwealth of Pennsylvania
Department of the Auditor General

Timothy L. DeFoor • Auditor General



**Commonwealth of Pennsylvania
Department of the Auditor General
Harrisburg, PA 17120-0018
Facebook: Pennsylvania Auditor General
Twitter: @PAAuditorGen
www.PaAuditor.gov**

**TIMOTHY L. DEFOOR
AUDITOR GENERAL**

The Honorable C. Daniel Hassell
Secretary
Pennsylvania Department of Revenue
Harrisburg, PA 17128

We have conducted a compliance audit of the Director of the First Judicial District of Pennsylvania, Trial Division - Criminal Office of Judicial Records, Philadelphia County, Pennsylvania (County Officer), for the period January 1, 2018 to December 31, 2021, pursuant to the requirements of Section 401(b) of *The Fiscal Code*, 72 P.S. § 401(b).

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 Department of Revenue to allow the Department of Revenue to state and settle the County Officer's account. 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 January 1, 2018 to December 31, 2021, 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 Costs - Recurring.

This report includes a summary of the County Officer's receipts and disbursements of funds collected on behalf of the Commonwealth (summary). We obtained data representing the County Officer's receipts and disbursements from the Pennsylvania Department of Revenue, which obtains data from each of the Commonwealth's clerk of court of common pleas offices 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 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 summary; however, the scope of our audit does not include the issuance of an opinion on the accuracy of the amounts reported in the summary.

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 to us by the First Judicial District of Pennsylvania, Trial Division - Criminal Office of Judicial Records, Philadelphia County, 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 long horizontal line extending to the left of the first letter.

Timothy L. DeFoor
Auditor General
November 14, 2022

CONTENTS

	<u>Page</u>
Background.....	1
Summary Of Receipts And Disbursements	3
Finding And Recommendation:	
Finding - Inadequate Assessment Of Costs - Recurring.....	4
Summary Of Prior Audit Recommendations.....	6
Report Distribution	7

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA, TRIAL DIVISION -
 CRIMINAL OFFICE OF JUDICIAL RECORDS
 PHILADELPHIA COUNTY
 BACKGROUND
 FOR THE PERIOD
 JANUARY 1, 2018 TO DECEMBER 31, 2021

The Department of Auditor General is mandated by Article IV, Section 401(b) 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.

First Judicial District of Pennsylvania, Trial Division - Criminal Office of Judicial Records 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 summary and criminal cases filed with the First Judicial District of Pennsylvania, Trial Division - Criminal Office of Judicial Records.

Total disbursements during the audit period are comprised as follows:

Criminal Office of Judicial Records checks issued to:

Department of Revenue	\$ 12,224,337
Office of Attorney General	2,642
Commission on Crime and Delinquency	5,278
Department of Human Services	101,924
Department of Insurance	52,903
Department of Public Welfare	32,841
Department of Labor & Industry	46,702
Liquor Control Board	3,277
Office of Inspector General	8,473
Total	\$ 12,478,377

This balance reflects a summary of monthly transmittal reports as settled by the Department of Revenue. The balance also reflects a summary of any receipts disbursed directly to other state agencies.

Eric Feder served as the Director, Criminal Office of Judicial Records for the period January 1, 2018 to December 31, 2021.

The summary of receipts and disbursements 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.

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA, TRIAL DIVISION -
CRIMINAL OFFICE OF JUDICIAL RECORDS
PHILADELPHIA COUNTY
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2018 TO DECEMBER 31, 2021

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.

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA, TRIAL DIVISION -
 CRIMINAL OFFICE OF JUDICIAL RECORDS
 PHILADELPHIA COUNTY
 SUMMARY OF RECEIPTS AND DISBURSEMENT
 FOR THE PERIOD
 JANUARY 1, 2018 TO DECEMBER 31, 2021

Receipts:

Department of Transportation		
Title 75 Fines	\$	108,828
Department of Revenue Court Costs		521,919
Crime Victims' Compensation Costs		1,254,926
Crime Commission Costs/Victim Witness Services Costs		917,218
Domestic Violence Costs		160,069
Emergency Medical Services Fines		18,425
DUI - ARD/EMS Fees		49,912
CAT/MCARE Fund Surcharges		54,416
Judicial Computer System/Access to Justice Fees		981,253
Offender Supervision Fees		2,712,524
Criminal Laboratory Users' Fees		22,201
Probation and Parole Officers' Firearm Education Costs		95,729
Substance Abuse Education Costs		198,103
Office of Victims' Services Costs		211,612
Miscellaneous State Fines and Costs		<u>5,171,242</u>
 Total receipts		 12,478,377
 Disbursements to Commonwealth		 <u>(12,478,377)</u>
 Balance due Commonwealth (County) per settled reports		 -
 Audit adjustments		 <u>-</u>
 Adjusted balance due Commonwealth (County) for the period January 1, 2018 to December 31, 2021	 \$	 <u><u>-</u></u>

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA, TRIAL DIVISION -
CRIMINAL OFFICE OF JUDICIAL RECORDS
PHILADELPHIA COUNTY
FINDING AND RECOMMENDATION
FOR THE PERIOD
JANUARY 1, 2018 TO DECEMBER 31, 2021

Finding - Inadequate Assessment Of Costs - Recurring

We cited the issue of inadequate assessment of costs in the prior six audit reports, with the most recent being May 1, 2014 to December 31, 2017. Our current audit found that the office did not correct this issue.

Our audit disclosed that the office did not assess certain costs as mandated by law. Of 28 cases tested for proper assessment for Amber Alert Costs, we found 12 cases in which the Amber Alert System Cost was not assessed.

This condition occurred because the office failed to properly assess costs as recommended in the prior six audit reports. The office stated that these incorrect assessments occurred because Amber Alert costs were not always assessed if they were not required to be assessed on the lead offense in which the office used as the basis for the assessments.

The following state statute addresses the assessment of costs that were not properly assessed:

- Title 35 P.S. § 7025.4 provides for the collection of the Amber Alert System Cost. Unless the court finds that undue hardship would result, in addition to any other cost imposed by law, a cost of \$25 shall automatically be assessed on each person convicted, adjudicated delinquent, or granted accelerated rehabilitative disposition (ARD) of the offenses in 18 Pa.C.S. § 2901 -2910.

The improper assessing of these costs resulted in the defendant not being assessed the proper amount of costs associated with the violation; and/or a loss of revenue to the Commonwealth and County.

Recommendation

We again strongly recommend that the office review the law noted above to ensure that costs are assessed as mandated by law.

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA, TRIAL DIVISION -
CRIMINAL OFFICE OF JUDICIAL RECORDS
PHILADELPHIA COUNTY
FINDING AND RECOMMENDATION
FOR THE PERIOD
JANUARY 1, 2018 TO DECEMBER 31, 2021

Finding - Inadequate Assessment Of Costs - Recurring (Continued)

Management's Response

The County Officer responded as follows:

The Office of Judicial Records acknowledges the finding that not all cases were properly assessed Amber Alert costs. We have worked with the FJD (First Judicial District) IT Department to create a monthly report to review Amber Alert charges. Going forward, Amber Alert costs will be reviewed and corrected if necessary.

Auditor's Conclusion

This is a recurring finding. It is imperative the office take all corrective actions necessary to comply with our recommendation. During the next audit, we will determine if the office complied with our recommendation.

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA, TRIAL DIVISION -
CRIMINAL OFFICE OF JUDICIAL RECORDS
PHILADELPHIA COUNTY
SUMMARY OF PRIOR AUDIT RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2018 TO DECEMBER 31, 2021

Summary Of Prior Audit Recommendations

During our prior audit, we recommended that the office:

- Establish and implement an adequate system of internal controls over the bank account.
- Establish and implement an adequate system of internal controls over manual receipts.
- Obtain a validation from the bank as to the mix of cash and checks deposited. We further recommended that the validation is reconciled to receipts by someone other than the person preparing or making the deposit.
- Review the laws to ensure that costs are assessed as mandated by law.

During our current audit, we noted that the office complied with our first three bulleted recommendations. However, the office did not comply with our fourth bulleted recommendation. Please see the current year finding for additional information.

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA, TRIAL DIVISION -
CRIMINAL OFFICE OF JUDICIAL RECORDS
PHILADELPHIA COUNTY
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2018 TO DECEMBER 31, 2021

This report was initially distributed to:

The Honorable C. Daniel Hassell
Secretary
Pennsylvania Department of Revenue

The Honorable H. Geoffrey Moulton, Jr.
Court Administrator of Pennsylvania
Supreme Court of Pennsylvania
Administrative Office of Pennsylvania Courts

Mr. Thomas J. Dougherty
Director
Division of Grants and Standards
Pennsylvania Board of Probation and Parole

The Honorable Eric Feder
Clerk of the Court of Common Pleas

The Honorable Rebecca Rhynhart
City Controller

The Honorable Darrell L. Clarke
Council President

The Honorable Idee C. Fox
President Judge

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.