



DISTRICT COURT 05-2-09

ALLEGHENY COUNTY

EXAMINATION REPORT

FOR THE PERIOD

JANUARY 1, 2007 TO DECEMBER 31, 2008

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**Department of the Auditor General  
Commonwealth of Pennsylvania  
Harrisburg, Pennsylvania 17120-0018**

**JACK WAGNER  
AUDITOR GENERAL**

Independent Auditor's Report

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

We have examined the accompanying statement of receipts and disbursements (Statement) of District Court 05-2-09, Allegheny County, Pennsylvania (District Court), for the period January 1, 2007 to December 31, 2008, pursuant to the requirements of Section 401(c) of *The Fiscal Code*, 72 P.S. § 401(c). This Statement is the responsibility of the District Court's management. Our responsibility is to express an opinion on this Statement based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States. An examination includes examining, on a test basis, evidence supporting the Statement and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

We are mandated by Section 401(c) of *The Fiscal Code* 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. *Government Auditing Standards* issued by the Comptroller General of the United States include attestation engagements as a separate type of audit. An attestation engagement performed pursuant to *Government Auditing Standards* involves additional standards that exceed the standards provided by the American Institute of Certified Public Accountants. Accordingly, this attestation engagement complies with both *Government Auditing Standards* and Section 401(c) of *The Fiscal Code*.

### Independent Auditor's Report (Continued)

In our opinion, the Statement referred to above presents, in all material respects, the operations of the District Court as it pertains to receipts made on behalf of the Commonwealth for the period ended December 31, 2008, in conformity with the criteria set forth in Note 1.

In accordance with *Government Auditing Standards*, we are required to report findings of significant deficiencies in internal control, violations of provisions of contracts or grant agreements, and abuse that are material to the Statement and any fraud and illegal acts that are more than inconsequential that come to our attention during our examination. We are also required to obtain the views of management on those matters. We performed our examination to express an opinion on whether the Statement is presented in accordance with the criteria described above and not for the purpose of expressing an opinion on the internal control over reporting on the Statement or on compliance and other matters; accordingly, we express no such opinions.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the District Court's ability to initiate, authorize, record, process, or report data reliably in accordance with the applicable criteria such that there is more than a remote likelihood that a misstatement of the District Court's Statement that is more than inconsequential will not be prevented or detected by the District Court's internal control. We consider the deficiency described in the finding below to be a significant deficiency in internal control over reporting on the Statement:

- Inadequate Arrest Warrant Procedures.

Independent Auditor's Report (Continued)

A material weakness is a significant deficiency or combination of significant deficiencies that results in more than a remote likelihood that a material misstatement of the Statement will not be prevented or detected by the District Court's internal control. Our consideration of the internal control over reporting on the Statement would not necessarily disclose all matters in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we believe that the significant deficiency described above is not a material weakness.

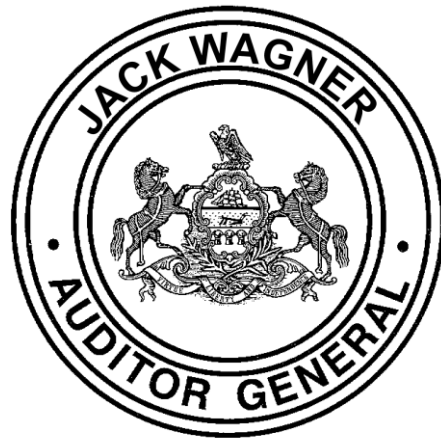
The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We are concerned in light of the District Court's failure to correct a previously reported finding regarding inadequate arrest warrant procedures. This significant deficiency could result in uncollected fines and unpunished offenders and increase the risk for funds to be lost or misappropriated. The District Court should strive to implement the recommendations and corrective action noted in this examination report.

This report is intended solely for the information and use of the Pennsylvania Department of Revenue, the Administrative Office of Pennsylvania Courts, and the District Court and is not intended to be and should not be used by anyone other than these specified parties.

May 28, 2010

JACK WAGNER  
Auditor General



DISTRICT COURT 05-2-09  
 ALLEGHENY COUNTY  
 STATEMENT OF RECEIPTS AND DISBURSEMENTS  
 FOR THE PERIOD  
 JANUARY 1, 2007 TO DECEMBER 31, 2008

Receipts:

Department of Transportation		
Title 75 Fines	█ \$	104,189
Commercial Driver Fines	█	500
Littering Law Fines	█	344
Child Restraint Fines	█	661
Department of Revenue Court Costs	█	110,007
Crime Victims' Compensation Bureau Costs	█	11,784
Crime Commission Costs/Victim Witness Services Costs	█	8,576
Department of Public Welfare		
Domestic Violence Costs	█	3,186
Attend Care Fines	█	324
Fish and Boat Commission Fines	█	784
Emergency Medical Service Fines	█	42,633
CAT/MCARE Fund Surcharges	█	130,424
Judicial Computer System Fees	█	50,145
Access to Justice Fees	█	12,371
Constable Service Surcharges	█	6,791
Miscellaneous State Fines	█	50
		<hr/>
Total receipts (Note 2)	\$	482,769
Disbursements to Commonwealth (Note 3)	█	<hr/> (482,769)
Balance due Commonwealth (District Court) per settled reports (Note 4)		-
Examination adjustments (Note 5)		<hr/> 800
Adjusted balance due Commonwealth (District Court) for the period January 1, 2007 to December 31, 2008	\$	<hr/> <hr/> 800

Notes to the Statement of Receipts and Disbursements are an integral part of this report.

DISTRICT COURT 05-2-09  
 ALLEGHENY COUNTY  
 NOTES TO THE STATEMENT OF RECEIPTS AND DISBURSEMENTS  
 FOR THE PERIOD  
 JANUARY 1, 2007 TO DECEMBER 31, 2008

1. Criteria

The Statement 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.

The Statement 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.

2. Receipts

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.

3. Disbursements

Total disbursements are comprised as follows:

	District Court checks issued to:	
	Department of Revenue	\$ 482,769
		<u>                    </u>

4. Balance Due Commonwealth (District Court) For The Period January 1, 2007 To December 31, 2008

This balance reflects the summary of monthly transmittal reports as settled by the Department of Revenue. It does not reflect adjustments disclosed by our examination. Refer to Exhibit 1.



DISTRICT COURT 05-2-09  
 ALLEGHENY COUNTY  
 NOTES TO THE STATEMENT OF RECEIPTS AND DISBURSEMENTS  
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5. Examination Adjustments

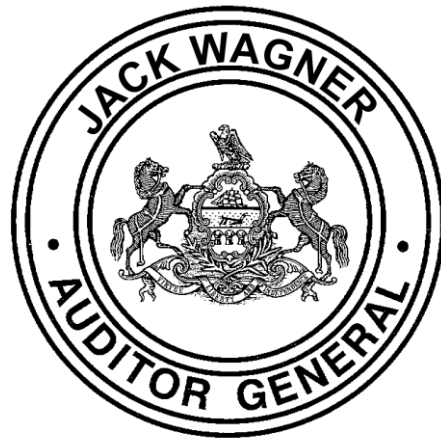
The examination adjustment of \$800 resulted from the Swissvale Police Department citing traffic violations under a local ordinance in lieu of the applicable state statute. This condition was reported in the prior examination period of January 1, 2004 to December 31, 2006.

<u>Case Number</u>	<u>Receipt Date</u>	<u>State or Local Arrest</u>	<u>Ordinance Cited* per Arresting Officer</u>	<u>Section Violated per State Statute</u>	<u>Total Balance Due</u>
NT-0894-05	03/14/07	Local	95-6	4942	\$ 300
NT-1442-05	07/05/07	Local	95-6	4942	250
NT-1597-06	01/27/07	Local	95-6	4942	250
					\$ 800

\* - The local ordinance was cited by arresting officer. However, this violation is part of Title 75 of the *Vehicle Code*, which cannot be superseded.  
 These cases commenced during the prior examination.

6. Magisterial District Judge Serving During Examination Period

Ross C. Cioppa served at District Court 05-2-09 for the period January 1, 2007 to December 31, 2008.



DISTRICT COURT 05-2-09  
ALLEGHENY COUNTY  
FINDING AND RECOMMENDATIONS  
FOR THE PERIOD  
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Finding - 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 18 instances in which a warrant was required to be issued. Our testing disclosed that 1 was not issued timely and 12 were not issued at all. The time of issuance was 86 days.

In addition, of six warrants required to be returned or recalled, one was not returned or recalled, and three were not returned timely. The time of issuance to the time of return ranged from 187 days to 706 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. Rules 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.

According to Pa.R.Crim.P. Rule 430, 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.

DISTRICT COURT 05-2-09  
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FINDING AND RECOMMENDATIONS  
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Finding - Inadequate Arrest Warrant Procedures (Continued)

According to Pa.R.Crim.P. 430, 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.

**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 60 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.

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.

This condition was cited in our prior examination period ending December 31, 2006.

Recommendations

We again recommend that the district court review the tickler reports for warrants daily and take appropriate action as required by the Manual. We further recommend that the court review warrant control reports and notify police or other officials to return warrants that are unserved for 60 days for summary traffic and non-traffic cases as required by the Manual.

DISTRICT COURT 05-2-09  
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FINDING AND RECOMMENDATIONS  
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Finding - Inadequate Arrest Warrant Procedures (Continued)

Management's Response

The Magisterial District Judge responded as follows:

Although I agree with the written finding regarding the issuance of warrants, I would like to offer an explanation. My court has been understaffed since February 2009. In addition, since the last audit, the DL-38 forms have been issued on a daily basis and the backlog of warrants has been cut by 79%. A new clerk is presently being trained to join my staff and I anticipate an improvement in the timely issuance of warrants within a very short period of time.

Auditor's Conclusion

During our next examination we will determine if the office complied with our recommendations.

DISTRICT COURT 05-2-09  
ALLEGHENY COUNTY  
COMMENT  
FOR THE PERIOD  
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Comment - Compliance With Prior Examination Recommendations

During our prior examination, we recommended:

- That the office review tickler reports for DL-38s daily and take appropriate action as required by the *Magisterial District Judge Automated Office Clerical Procedures Manual*.
- That the Borough of Swissvale Police Department issue all citations in accordance with the appropriate state statute.

During our current examination, we noted that the office and Police Department complied with our recommendations.

DISTRICT COURT 05-2-09  
ALLEGHENY COUNTY  
REPORT DISTRIBUTION  
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This report was initially distributed to:

The Honorable C. Daniel Hassell  
Secretary  
Pennsylvania Department of Revenue

The Honorable Zygmunt Pines  
Court Administrator of Pennsylvania  
Administrative Office of Pennsylvania Courts

The Honorable Ross C. Cioppa	Magisterial District Judge
Mr. Raymond L. Billotte	District Court Administrator
The Honorable Mark Patrick Flaherty	Controller
The Honorable Dan Onorato	Allegheny County Chief Executive

This report is a matter of public record. Copies of this report may be obtained from the Pennsylvania Department of the Auditor General, Office of Communications, 318 Finance Building, Harrisburg, PA 17120. To view this report online or to contact the Department of the Auditor General, please access our web site at [www.auditorgen.state.pa.us](http://www.auditorgen.state.pa.us).