

COMPLIANCE AUDIT

District Court 19-3-07
York County, Pennsylvania
For the Period
January 1, 2016 to December 31, 2019

March 2021



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 District Court 19-3-07, York County, Pennsylvania (District Court), for the period January 1, 2016 to December 31, 2019, 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 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 District Court'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 District Court is responsible for establishing and maintaining effective internal controls to provide reasonable assurance that the district court complies 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.

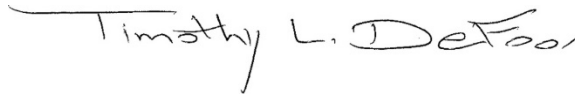
Based on our audit procedures, we conclude that, for the period January 1, 2016 to December 31, 2019, the District Court, in all significant respects, complied with state laws and regulations applicable to the collection of moneys on behalf of the Commonwealth, including whether they have been correctly assessed, reported, and promptly remitted, except as noted in the finding listed below and discussed later in this report:

- Inadequate Arrest Warrant Return Procedures - Recurring.

This report includes a summary of the District Court's receipts and disbursements of funds collected on behalf of the Commonwealth (summary). 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. 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 District Court and, where appropriate, their response has been included in the report. We appreciate the courtesy extended by the District Court 19-3-07, York 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 long horizontal line extending to the left of the first letter.

Timothy L. DeFoor
Auditor General

January 5, 2021

CONTENTS

	<u>Page</u>
Background.....	1
Summary Of Receipts And Disbursements	2
Finding And Recommendations:	
Finding - Inadequate Arrest Warrant Return Procedures - Recurring.....	3
Summary Of Prior Audit Recommendations.....	6
Report Distribution	7

DISTRICT COURT 19-3-07
YORK COUNTY
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2016 TO DECEMBER 31, 2019

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>\$ 2,018,701</u>
-----------------------	---------------------

This balance reflects the summary of monthly transmittal reports as settled by the Department of Revenue.

David C. Eshbach served at District Court 19-3-07 for the period January 1, 2016 to December 31, 2019.

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 19-3-07
YORK COUNTY
SUMMARY OF RECEIPTS AND DISBURSEMENTS
FOR THE PERIOD
JANUARY 1, 2016 TO DECEMBER 31, 2019

Receipts:

Department of Transportation		
Title 75 Fines	\$	363,318
Motor Carrier Road Tax Fines		1,037
Littering Law Fines		656
Child Restraint Fines		1,476
Department of Revenue Court Costs		348,286
Crime Victims' Compensation Bureau Costs		62,662
Crime Commission Costs/Victim Witness Services Costs		36,948
Domestic Violence Costs		8,090
Department of Agriculture Fines		535
Emergency Medical Service Fines		122,806
CAT/MCARE Fund Surcharges		248,963
Judicial Computer System Fees		143,002
Access to Justice Fees		64,004
Criminal Justice Enhancement Account Fees		12,761
Judicial Computer Project Surcharges		174,936
Constable Service Surcharges		32,267
Miscellaneous State Fines and Costs		<u>396,954</u>
 Total receipts		 2,018,701
 Disbursements to Commonwealth		 <u>(2,018,701)</u>
 Balance due Commonwealth (District Court) per settled reports		 -
 Audit adjustments		 <u>-</u>
 Adjusted balance due Commonwealth (District Court) for the period January 1, 2016 to December 31, 2019	 \$	 <u><u>-</u></u>

DISTRICT COURT 19-3-07
YORK COUNTY
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2016 TO DECEMBER 31, 2019

Finding - Inadequate Arrest Warrant Return Procedures - Recurring

We cited the issue of inadequate arrest warrant return procedures in the prior audit report for the period January 1, 2012 to December 31, 2015. Our current audit found that the district court did not correct this issue.

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 monitor the return of warrants when required. We tested 63 warrants that were required to be returned or recalled, of which six were not returned or recalled, and nine were not returned timely. The time of issuance to the time of return ranged from 199 days to 693 days.

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

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.

These conditions existed because the district court failed to review tickler and warrant control reports as recommended in the prior audit report. 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.

DISTRICT COURT 19-3-07
YORK COUNTY
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2016 TO DECEMBER 31, 2019

Finding - Inadequate Arrest Warrant Return Procedures - Recurring

Recommendations

We strongly 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 120 days for summary traffic and non-traffic cases as recommended by the Manual.

Management's Response

The Magisterial District Judge responded as follows:

This "finding" has to do with recalling and reissuance of existing warrants. All warrants *were issued timely* by this district court and placed into York County's "MISSILE" warrant control system. The MISSILE system had been used in the past to keep this from being a finding. This is no longer the case with the current auditing system. I have had conversations with the Administrative Office of Pennsylvania Courts (AOPC) regarding the fact that our very unique system, which is not present across the Commonwealth of Pennsylvania, ensures control of warrants entered, issued, served and cancelled. Thus, the concerns of the AOPC regarding potential fraudulent activities were addressed by the use of the MISSILE system, as the only way a warrant can be validated is by checking that warrant FIRST through the MISSILE system. The system is governed and controlled by the County of York, which is also the entity that pays or does not pay any Constable for warrant "service". Therefore, the paying entity has a system of control in place to ensure that a warrant is not served multiple times.

This court has and continues to hold defendants accountable for their fines/costs by issuing warrants in a timely fashion. There was *No evidence of fraud* found by the audit and the issue *ONLY* has to do with recall and reissuance, *NOT the initial issuance of a warrant.*

The court does review the active warrant list every month to make sure that the warrants listed are "active". The situation that AOPC has put in place to prevent fraud across the Commonwealth does not take into account York County's automated system of "checks and balances".

DISTRICT COURT 19-3-07
YORK COUNTY
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2016 TO DECEMBER 31, 2019

Finding - Inadequate Arrest Warrant Return Procedures - Recurring

I would encourage the auditing agency to notify the AOPC, as will the MDJ, that a more efficient and effective method of assuring compliance would be to set an expiration date on each warrant issued that would require reissuance once that date is reached, which could be done automatically by the Magisterial District Justice System (MDJS), if programmed to do so, and would alleviate unnecessary man-hours to recall and reissue thousands of warrants annually. In this day and age of modern technology, pandemic upheaval and the state of current events regarding security, working smarter electronically would be a cost-savings and reduce unnecessary man-hours to complete this task.

Auditor's Conclusion

Although we recognize the district court's concerns regarding the recalling/return of warrants, it is imperative that outstanding warrants are returned on a timely basis. As stated above, the Manual establishes the uniform written internal control policies and procedures for all district courts. A routine and timely warrant recall procedure ensures that defendants are actively pursued and also ensures that constable field collections are remitted to the court. Without control over outstanding warrants, the possibility of defendant collections being lost or misappropriated increases significantly, as does the risk of defendants avoiding punishment.

Furthermore, it is the responsibility of the district court to contact AOPC to discuss any changes the district court feels is needed to the uniform internal control policies and procedures that were established for the warrant returns. Since the AOPC is an oversight body of all district courts, they will receive a copy of this audit report.

This is a recurring finding. It is imperative that the district court comply with our recommendations. During our next audit, we will determine if the district court complied with our recommendations.

DISTRICT COURT 19-3-07
YORK COUNTY
SUMMARY OF PRIOR AUDIT RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2016 TO DECEMBER 31, 2019

Summary Of Prior Audit Recommendations

During our prior audit, we recommended that the district court:

- Review the tickler reports for warrants daily and take appropriate action as required by the Manual. We further recommended that the court 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 recommended by the Manual.

During our current audit, we noted that the district court did not comply with our recommendations. Please see the current year finding for additional information.

DISTRICT COURT 19-3-07
YORK COUNTY
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2016 TO DECEMBER 31, 2019

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

The Honorable David C. Eshbach
Magisterial District Judge

The Honorable Julie L. Wheeler
President of the Board of Commissioners

The Honorable Gregory F. Bower
Controller

Mr. Paul O. Crouse
District 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.