




**Lehigh County**  
Pennsylvania

**OFFICE OF THE CONTROLLER**

Mark Pinsley, MBA  
COUNTY CONTROLLER

Nanton John, CFE  
DEPUTY CONTROLLER

**TO:** Final Report Distribution  
**FROM:** Mark Pinsley, County Controller   
**DATE:** October 13, 2023  
**RE:** Compliance Audit of Act 35 of 1991 & Act 77 of 2022  
Adult Probation – Offender Supervision Fee Program

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The controller's office has completed an audit of compliance with Act 35 of 1991 & Act 77 of 2022 of the Pennsylvania Administrative Code, applicable to the collection of supervision fees for the year 2022. Our audit report number 23-22 is attached.

The result of our audit is the Office of Adult Probation management is compliant with Act 35 of 1991 & Act 77 of 2022 of the Pennsylvania Administrative Code, applicable to the collection of supervision fees for the year 2022.

Attachment

AUDITS/ACT 35 OF 1991 & Act 77 of 2022 – ADULT PROBATION



**COUNTY OF LEHIGH, PENNSYLVANIA**

**OFFICE OF ADULT PROBATION  
ACT 35 OF 1991 & ACT 77 OF 2022**

*Compliance Audit for the Year 2022  
Offender Supervision Fee Program*

REPORT NO. 23-22

COUNTY OF LEHIGH, PENNSYLVANIA  
OFFICE OF ADULT PROBATION  
ACT 35 OF 1991 & Act 77 of 2022

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COUNTY OF LEHIGH, PENNSYLVANIA  
OFFICE OF ADULT PROBATION  
ACT 35 OF 1991 & Act 77 of 2022

*Background*

Pursuant to Act 35 of 1991, supervision fees were created in Pennsylvania to support judicial districts in the administration of adult probation services. Supervision fees are to be imposed in accelerated rehabilitative disposition, probation and/or parole sentences when an offender is under supervision of the county probation department. The moneys taxed and collected locally are divided evenly between the collecting county and the Pennsylvania Board of Probation and Parole.

Chapter 68 of the PA Code relates to the administration of the County Offender Supervision Fee Program:

- Chapter 68.1 defines the Scope of the Program as: Offenders placed on probation, parole, accelerated rehabilitative disposition, probation without verdict or intermediate punishment under the jurisdiction of a county within this Commonwealth.
- Chapter 68.21 (Imposition of Condition) states: “The sentencing judge of the court of common pleas shall impose upon an offender, as a condition of supervision, a monthly supervision fee unless the court of a supervising agency designated by the court determines that it should be reduced, waived or deferred...” (based upon criteria specified in the regulations).
- Chapter 68.22a (Program Implementation) states: “The president judge of the court of common pleas shall appoint an appropriate person to implement the Program. The designated official shall develop policies and procedures which clearly communicate the importance of fee collection and monitoring of payments to managers, supervisors and probation officers.” The County’s Chief Adult Probation Officer is designated to run the Program in Lehigh County.
- Chapter 68.51 (Collecting Entity) states “The president judge of the court of common pleas and the board of county commissioners/county executive shall designate an appropriate county agency to be responsible for collection of supervision fees. The administrator of the collecting agency is responsible for the collection, safeguarding and disbursement of the supervision fees in accordance with court order. The collecting agency shall deposit, at least monthly, 50% of the fees collected into the County Offender Supervision Fund. The remaining 50% shall be deposited with the county clerk of courts for transmittal to the Board through the Department of Revenue.”
- Chapter 68.54 (Audit Requirement) states: “Independent audits shall be conducted, by or on behalf of, county or state officials at least annually to determine the county’s compliance to statutes, court orders, policies and procedures.”

Pursuant to Act 77 of 2022, all probation Supervision Fees received by the counties, effective for all offenders with offense dates after or on September 8, 2022, will no longer be split between the county and the state. The money in this account shall be used to pay the salaries and employee benefits of all probation and parole personnel employed by the county probation and parole department and the training and operational expenses of that department.

Below is the reported 2022 (all) Adult Probation Supervision Fee activity:  
(Allowable 2022 expenditures exceed 2022 revenues.)

Balance, January 1, 2022	\$ 0
Revenues during 2022	\$ 1,239,512
Disbursements during 2022	(\$ 1,239,512)
Balance, December 31, 2022	\$ 0



## OFFICE OF THE CONTROLLER

Mark Pinsley, MBA    Nanton John, CFE  
COUNTY CONTROLLER    DEPUTY CONTROLLER

Mark Surovy, Chief Adult Probation Officer  
Office of Adult Probation  
Lehigh County Courthouse  
455 West Hamilton Street  
Allentown, PA 18101-1614

### **Compliance**

We have audited the Office of Adult Probation's compliance with Act 35 of 1991 & Act 77 of 2022 of the Pennsylvania Administrative Code, applicable to the collection of supervision fees for the year 2022. Compliance with the requirements referred to above is the responsibility of the Office of Adult Probation's management. Our responsibility is to express an opinion on the management of the Office of Adult Probation's compliance based on our audit.

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America and the generally accepted government auditing standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the compliance requirements referred to above that could have a material effect on the Offender Supervision Fee Program. An audit includes examining, on a test basis, evidence about the management of the Office of Adult Probation's compliance with those requirements and performing such other procedures as we consider necessary in the circumstances. We believe our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination of the Office of Adult Probation's compliance with those requirements.

In our opinion, the management of the Office of Adult Probation complied, in all material respects, with the compliance requirements referred to above that are applicable to Act 35 of 1991 & Act 77 of 2022 of the Pennsylvania Administrative Code for the year 2022.

### **Internal Control Over Compliance**

Management of the Office of Adult Probation is responsible for establishing and maintaining effective internal control over compliance with the compliance requirements referred to above. In planning and performing our audit, we considered the Office of Adult Probation's internal control over compliance to determine the auditing procedures for the purposes of expressing an opinion on compliance, but not for the purposes of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Office of Adult Probation's internal control over compliance.

A deficiency in internal control over compliance 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 noncompliance on a timely basis. A material weakness in internal control over compliance is a deficiency or combination of deficiencies in internal control over compliance, such that there is reasonable possibility that a material noncompliance with a compliance requirement will not be prevented or detected and corrected on a timely basis.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be deficiencies or material weaknesses in internal control over compliance. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above.

***Management's Response to the Audit***

If provided, Adult Probation's response to our audit is included in this report. We did not audit Adult Probation's response and, accordingly, we do not express an opinion on it.

This report is intended solely for the information and use of management; Phillips Armstrong, County Executive; Edward Hozza, County Administrator; Timothy Reeves, Chief Fiscal Officer; The Honorable J. Brian Johnson, President Judge; and the Board of Commissioners and is not intended to be and should not be used by anyone other than these specified parties. However, this report is a matter of public record and its distribution is not limited.



Mark Pinsley  
County Controller

October 2, 2023  
Allentown, Pennsylvania

Audited by: Joe Buick & Rachel Wolff

xc: Phillips Armstrong, County Executive  
Board of Commissioners  
Edward Hozza, Jr., County Administrator  
Timothy Reeves, Chief Fiscal Officer  
The Honorable J. Brian Johnson, President Judge  
Kerry Turtzo, Court Administrator

