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Auditor of Public Accounts

Commonwealth of Virginia

Auditor of Public Accounts

P.O. Box 1295
Richmond, Virginia 23218

February 3, 2020

The Honorable Michael Charles Rosenblum
Chief Judge
City of Norfolk General District Court

Audit Period: July 1, 2018 through June 30, 2019
Court System: City of Norfolk
Judicial District: Fourth

We are performing a statewide audit of the General District Courts. During our review of this court, we conducted certain audit procedures, as we deemed appropriate.

Management of this court is an important part of the court's accountability, since you are responsible for establishing and maintaining internal controls and complying with applicable laws and regulations. During our review we noted certain matters that required management's attention and corrective action. These matters included:

Bill Locality for Attorney Fees

Repeat: No

The Clerk does not have sufficient procedures for billing the locality for attorney fees. When a court appointed attorney represents a defendant charged with a local offense, the Clerk is required to submit the bill to the locality for payment. In 18 local cases tested, the Commonwealth paid the court appointed attorney and the locality was not billed, resulting in a loss of \$2,163 to the Commonwealth.

The Clerk should establish appropriate procedures to ensure the locality is billed, when applicable, for court appointed attorney fees.

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Properly Assess DNA Fees

Repeat: No

The Clerk is not utilizing information available through the Local Inmate Data System (LIDS) to determine whether or not a defendant needs to have a DNA sample taken, the cost of which the defendant must pay. Section 19.2-310.2 of the Code of Virginia requires defendants to pay for DNA samples when convicted of felonies and certain misdemeanor offenses. However, the defendant is not required to pay if a sample has already been obtained on previous convictions, and this is determined through information available in LIDS. The Clerk should obtain access to LIDS in order to determine if DNA has already been taken from a defendant and assess the DNA fee as appropriate.

Properly Bill and Collect Court Fines and Costs

Repeat: No

The Clerk and his staff did not properly bill and collect court fines and costs. In 96 accounts tested, we noted the following errors.

- In five cases, defendants were not charged costs of \$2,767.
- In two appealed cases, costs of \$240 were not certified to the Circuit Court.
- In one case, costs of \$120 were miscoded to the locality instead of the Commonwealth.
- In one case, the defendant was overcharged \$51 in costs.

The Clerk and his staff should correct the specific cases noted above and should update the established system of review to minimize the likelihood of billing errors going undetected. In all cases, the Clerk should bill and collect court costs in accordance with Code of Virginia.

We acknowledge the cooperation extended to us by the Clerk and his staff during this engagement.

Martha S. Mavredes
AUDITOR OF PUBLIC ACCOUNTS

MSM:vks

cc: The Honorable S. Clark Daugherty, Judge
The Honorable Joan E. Mahoney, Judge
The Honorable Bruce A. Wilcox, Judge
The Honorable Tasha D. Scott, Judge
The Honorable Robert B. Rigney, Judge
Thomas E. Baldwin, Sr., Clerk
Paul F. DeLosh, Director of Judicial Services
Supreme Court of Virginia