

FOLLOW-UP REVIEW

CITY AUDITOR

Report Date:	February 9, 2016
Department:	City Manager
Subject:	Public Defender Contract Administration
Lead Auditor:	Tami Steadman

OBJECTIVE

The objective of this review was to determine whether the City has effectively implemented the action plans developed in response to our November 2014 audit of Public Defender Contract Administration.

SCOPE & METHODOLOGY

To accomplish our objective, we reviewed current public defender contracts; interviewed the Public Defender Contract Administrator (PDCA), and staff members from the Municipal Court and City Prosecutor's office; and reviewed public defenders' monthly reports, invoices and payment records for the first quarter of FY 2016.

BACKGROUND

On November 18, 2014, we issued a report on our audit of the City's Public Defender Contract Administration. The objectives of that audit were to determine whether adequate controls are in place to ensure the City's public defender contracts are administered in accordance with applicable regulations and policies; and that any related risks to the City are minimized.

The audit report included three recommendations, which can be summarized as follows:

1. Formal written procedures should be developed for the administration of Mesa's public defender contracts, and more than one employee should be familiar with the process.
2. The City's public defender contracts should be revised to include caseload limits in accordance with professional standards and case law.
3. Public defenders should be required to submit complete and accurate reports, and invoice data should be reconciled with updated court records annually to ensure that any differences which may have been overlooked during monthly processing are detected and corrected.



In response to the report, management agreed and developed three corrective action plans.



CONCLUSION

Two of the three corrective action plans have been fully implemented, and one was partially implemented. Shortly after the audit, the PDCA duties were transferred to a new individual, who has made significant improvements to the program. Written procedures are now in place, a

backup PDCA has been trained, and contracts have been revised to minimize the risk of excessive caseloads. We appreciate the cooperative efforts of the PDCA and Court staff involved in this process. With regard to the changes that were not implemented, it is our opinion that these items would further improve the process and reduce the risk of errors. However, since these are minor changes, no additional audit follow-up work is planned at this time. A complete list of corrective action plans, along with our findings regarding their implementation status, is presented in the attached Appendix.



APPENDIX / CAP IMPLEMENTATION STATUS REPORT

 = Implemented  = In Progress  = Not Implemented

2014 Recommendations	Implementation Status	
CAP#1: Lack of Written Procedures		
<p>Recommendation 1-1: The PDCA should develop formal written procedures for the administration of public defender contracts. In addition, at least one additional employee should be familiar with the process.</p> <p>Management Response 1-1: Formal written procedures for administering the public defender contracts will be developed. Additionally, a person will be identified as a backup for the PDCA and will become familiar with the administration of the contracts.</p>	<p>Implemented Written procedures have been developed and are continuously updated as the PDCA deems necessary. An additional employee has been assigned and trained as a back-up to the PDCA.</p>	
CAP#2: Contracts Do Not Limit Caseloads		
<p>Recommendation 2-1: The City's public defender contracts should be revised to include caseload limits, to be exceeded only upon approval of the Presiding City Magistrate. Objective criteria should be established to ensure consistent and appropriate evaluation of requests for exceptions. Consideration should be given to the types of cases assigned, the average amount of time required to complete those cases, any relevant performance issues, and other appropriate criteria as determined by the Presiding City Magistrate.</p> <p>Management Response 2-1: The public defender contracts will be revised to include this language. The new contract will be implemented in June 2015 when the public defender contracts are renewed.</p>	<p>Implemented The contracts effective 7/1/15 were revised to include language regarding caseload limits.</p>	
<p>Recommendation 2-2: To maximize independence (in both fact and appearance) and to help ensure an equitable distribution of cases among contracted attorneys, public defenders should be rotated between the different courtrooms rather than being assigned to a single courtroom.</p>	<p>Not Implemented / Pass Upon further discussions with Court staff, it was determined that adopting a rotating system would not be in the best interest of all parties; therefore, it was decided that</p>	N/A

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2014 Recommendations	Implementation Status	
<p>Management Response 2-2: The distribution of cases is determined by the Mesa City Court staff. The PDCA will recommend and request that Court staff rotate the courtroom assignment for each regular public defender on a yearly basis.</p>	<p>this change would not be implemented.</p>	
CAP#3: Inaccurate/Incomplete Monthly Reports and Invoices		
<p>Recommendation 3-1: Public defenders should be required to submit accurate and complete monthly reports as required by their respective contracts.</p> <p>Management Response 3-1: The PDCA will ensure all relevant information is collected on a monthly basis.</p>	<p>Implemented Complete reports have been regularly submitted to the PDCA by almost all of the contracted attorneys.</p>	
<p>Recommendation 3-2: The reporting requirements for each type of contract should be reviewed and revised to ensure only relevant information is collected.</p> <p>Management Response 3-2: The PDCA will determine what information is relevant and will revise the public defender contract language to collect only the necessary information.</p>	<p>Not Implemented Neither the contract language nor the reporting form was revised. In our opinion, the PDCA should revise the form to include only pertinent information.</p>	
<p>Recommendation 3-3: Invoice data should be reconciled with updated court records at the close of each year, to capture any changes entered after the monthly reports were produced and to identify and correct any differences which may have been overlooked during monthly processing.</p> <p>Management Response 3-3: Annually (at the end of the yearly public defender contract) the PDCA will ask the Court to generate a report of all the activity for each public defender over the past year. The PDCA will reconcile their monthly reports using this information.</p>	<p>Not Implemented An annual reconciliation was not done for FY 2015. This reconciliation would be an efficient way to quickly verify that the City paid for the correct number of cases during the year, by identifying errors that may result from manual adjustments to monthly totals.</p>	