

# Report Highlights

## Oversight of Capital Defense Services Louisiana Public Defender Board

DARYL G. PURPERA,  
CPA, CFE

Audit Control # 40130003  
Performance Audit Services • February 2014

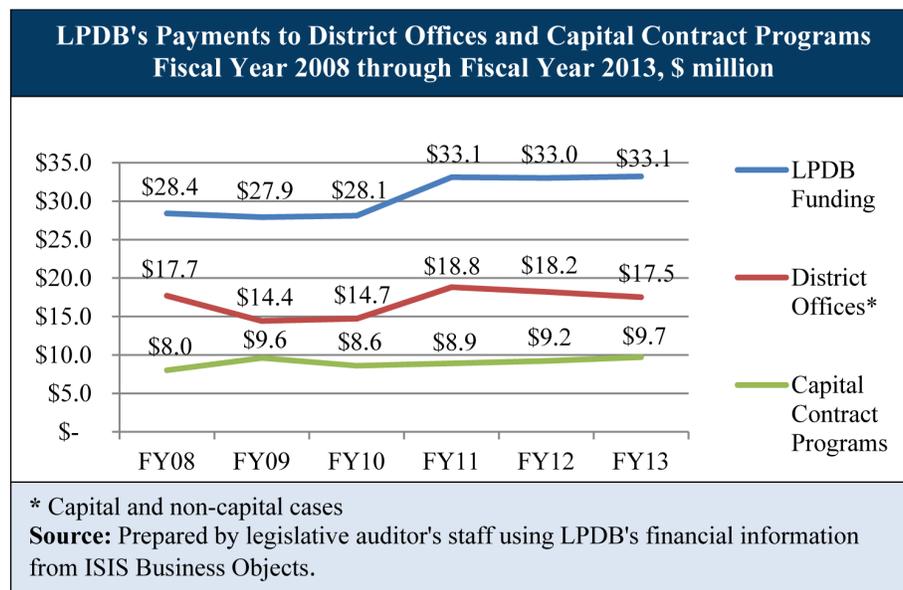
### Why We Conducted This Audit

We conducted this audit to determine whether the Louisiana Public Defender Board (LPDB) provides oversight of capital defense services delivered by judicial district offices and nonprofit organizations in accordance with state law.

### What We Found

Overall, we found that LPDB does not provide adequate oversight of capital defense services in accordance with all statutory requirements. We found that:

- LPDB does not adequately monitor the performance of all capital defense attorneys to ensure they are providing high quality legal representation as required by state law.** LPDB does not monitor the ongoing performance of attorneys representing capital cases in district offices and has not reviewed any of the contract programs' work products as required by the contracts. In addition, LPDB has not established performance standards for public defenders in capital cases as required by law.
- LPDB does not adequately track the cost of capital defense services to ensure these services are provided in a cost-effective and fiscally responsible manner as required by state law.** LPDB does not require district offices to track time of attorneys in capital cases and has not established salary ranges for attorneys in capital cases. As a result, LPDB does not have the information needed to determine the cost of capital defense services and whether they are being provided in a cost-effective and fiscally responsible manner.



Continued on next page

# Oversight of Capital Defense Services

## Louisiana Public Defender Board

### What We Found (Cont.)

- **LPDB does not comprehensively monitor whether each district office complies with Capital Defense Guidelines as required by state law.** These guidelines outline the structure of capital defense services in Louisiana, including the assignment and qualifications of the defense teams and attorney workloads. While LPDB developed monthly Capital Trial Reports for district offices to complete for every case, these reports do not address all provisions of the Capital Defense Guidelines, and LPDB does not ensure it receives these reports for every capital case. In addition, LPDB has not finalized any of the 42 District Capital Representation Plans that outline how each district will meet Capital Defense Guidelines and are required by state law.

In addition, we identified challenges that LPDB faces in administering both capital and non-capital public defense services. Specifically:

- **LPDB experienced turnover rates of 26.7% and 42.9% during fiscal years 2012 and 2013, respectively.** According to LPDB, a lack of sufficient staff has hindered its ability to fulfill oversight obligations such as finalizing District Capital Representation Plans, monitoring the performance of capital attorneys in the district offices, reviewing work products filed by contract programs, and establishing statewide performance standards. One position affected by staff turnover is the Capital Case Coordinator. The amount of responsibility placed on this position coupled with high turnover over the past three fiscal years may have contributed to weaknesses we identified in LPDB's oversight of capital defense services.
- **During fiscal year 2012, 29 (69%) of the 42 district offices operated at a deficit and had to use their fund balances to cover expenses. This will place an increasing financial burden on LPDB in the future as state law requires LPDB to provide adequate funding for public defense services.** According to LPDB, the single largest local revenue source for district offices is court fees assessed on all traffic tickets and criminal convictions. In fiscal year 2012, approximately \$30.1 million (61%) of district revenues were generated by local funding. One reason district offices are operating at a deficit, according to LPDB, is that they may not be receiving all the local funding that is owed to them.

