

REQUEST FOR INFORMATION (RFI)

Issue Date: July 23, 2018

RFI No: 2018-01

***For: SECOND JUDICIAL DISTRICT COMPREHENSIVE AUDIT
CRIMINAL JUSTICE SYSTEM REVIEW***

Response Deadline: August 6, 2018 at 4:00 p.m.

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Overview

This Request for Information (RFI) invites participants to submit non-price information about the availability of specified types of audit services. This RFI is not a procurement method and will not result in a Respondent receiving a contract. Responding to the RFI is not a prerequisite to participate in future procurement(s) from the Law Offices of the Public Defender (LOPD) and does not obligate the Law Offices of the Public Defender to conduct a future procurement. All information received in a participant's response will be available for public inspection to the extent the New Mexico Inspection of Public Records Act applies to responses to this RFI.

You are invited to provide non-proprietary, non-price information within the RFI's scope. However, the following additional information is requested: A Rough Order of Magnitude Estimate to include level(s) of effort, order of magnitude cost estimates, and expected duration. You may provide general information about best practices relating to special audits, performance audits, other special engagements procedures and processes, and information on experience in this type of engagement. Any cost estimates provided by the IPA will not be binding or enforceable on the IPA or LOPD. Cost Estimates provided by the IPA will be used by the LOPD to better understand the range of cost it might expect should the LOPD release a Request for Proposal for this special audit.

Background Information

The Law Office of the Public Defender Department is part of the Judicial Branch of New Mexico State Government. In 1973, the New Mexico Legislature enacted the New Mexico Public Defender Act to meet the State's constitutional obligations to provide counsel to indigent persons charged with crimes in New Mexico state courts. The Act provided for a Public Defender structure with state appropriated funding and a centralized administration.

In 2012, the Citizens of New Mexico voted to move the Law Offices of the Public Defender (LOPD) under the Judiciary to be overseen, guided and supported by a newly created Public Defender Commission. In 2013, the Public Defender Commission formed and appointed the first Chief Public Defender under a new independent format.

The LOPD's current operating budget for FY19 is over \$52.4 million. Staff includes overall positions of 439 – which include over 200 attorneys, and remaining positions as social workers, investigators, paralegals, administrators and support staff. In addition to in-house staff, LOPD contracts with approximately 150 private attorneys to represent over 70,000 cases each year. Representation of clients includes misdemeanor, juvenile, and felony cases, through appeal and post-conviction proceedings, if necessary. In addition, the Department has statewide mental health and capital crimes divisions that provide specialized representation.

Purpose of Request for Information

Solicitation of Information

This Request for Information (RFI) is to gather information from Independent Public Accountants (IPAs) who are on the *NM Office of the State Auditor 2018 Approved Firm List* (dated May 24, 2018) regarding the Office of State Auditor's designation of the Second Judicial District Comprehensive Audit for a "special audit engagement" meant to "address concerns regarding crime and recidivism in Albuquerque." Responses to this RFI are meant to assist the Department in the development of a Request for Proposals (RFP) to establish a contract through competitive negotiations for a special audit engagement of the Criminal Justice System in Bernalillo County, New Mexico. The Office of the State Auditor (OSA) has designated the Law Offices of the Public Defender, along with six other state and local entities, for a special audit engagement, the purpose of which is to "... identify weaknesses in the [criminal justice] system from arrest to confinement which are reducing the overall effectiveness of criminal justice activities..." in Bernalillo County (see Office of State Auditor designation letter and scope of work attached hereto as **Exhibit A**).

The Law Offices of the Public Defender is seeking information from qualified IPAs who can provide expertise to complete this special audit engagement.

All costs incurred by the respondent in the preparation, transmittal, or presentation of any information or material submitted in response to this RFI shall be borne solely by the respondent.

This RFI in no way obligates the Department to issue an RFP or the eventual retention of audit services.

Respondent Information

The Law Offices of the Public Defender is requesting information from qualified IPAs on conducting a special audit engagement as designated by the Office of the State Auditor.

Respondent should address the following:

- Review and document LOPD's procedure for recording cases at the initial step and assess whether there are procedural matters creating weaknesses or breakdowns in the system that can be resolved at the initial stage.
- Determine how the process for accepting cases prior to arraignment or preliminary hearing is handled by the LOPD.
- Determine the process for assignment of case numbers by LOPD and determine if case number assignments are contributing to weaknesses in the process.
- Determine the breakdown of cases being administered electronically versus paper and data entry.
- Determine whether paper filings and data entry issues are contributing to weaknesses in the process between responsible agencies.

- Document the high-level (non-client-specific) steps/processes/procedures performed by LOPD throughout the judicial process for specific classifications/categories of cases (ex. 1st degree felony, misdemeanor, etc.).
- Determine how cases are “tracked” or kept under control and examine whether any of the tracking or control processes are contributing to weaknesses in the process.
- Determine data available to LOPD. Document LOPD's policies for obtaining case data (i.e. discovery) from the other 6 agencies included in the Second Judicial District Comprehensive Audit (APD, Bernalillo County Sheriff's Office, 2nd Judicial District Attorney, Metro Court, 2nd Judicial District Court, and APD).
- Document, at a high level, LOPD policies relating to the following: eligibility, cases assigned to LOPD by the courts, discovery, and interactions with the other 6 agencies included in the Second Judicial District Comprehensive Audit (APD, Bernalillo County Sheriff's Office, 2nd Judicial District Attorney, Metro Court, 2nd Judicial District Court, and APD).
- Determine whether there are policies or processes for assignment of public defenders to indigent defendants which cause weaknesses in the process.
- Document, at a high level, the requirements of the Public Defender Act and the Indigent Defense Act. Identify connections between LOPD policies and the requirements of these two acts. Identify state statutes which require mandatory court appearances or prescribe specific timelines for prosecution and defense.
- Determine when a defendant gets referred to another program as a matter of policy, and assess whether there are gaps in the referral process which contribute to weaknesses in the process.
- Determine efficacy (recidivism) rates and use of pre-prosecution diversion and specialty courts and assess underlying reasons if pre-prosecution diversion and specialty courts are found to be underutilized.
- Determine whether LOPD reports prepared for LFC and DFA are contributing to efficiencies in the process, or whether there are reporting processes which are a source of weaknesses in the system.
- Provide an assessment of any weaknesses in the process or interface between entities or departments which are identified by the IPA, but not listed in this scope of work.
- Assess the LOPD's staffing levels to determine impact on case flow and determine if staffing levels are contributing to weaknesses in the system.

The OSA Special Audit Engagement Designation Letter is attached hereto as Exhibit A.

Response Deadline

Responses must be received by the RFI Manager by August 6, 2018 at 4:00 PM to be accepted for review. Requests for extensions of this deadline shall not be granted. Responses received after the above date and time will not be accepted and will be returned to the respondent unopened.

RFI Manager

Submit responses and questions to:

Shelley Espinoza
Chief Financial Officer
Law Offices of the Public Defender
301 N. Guadalupe Street
Santa Fe, NM 87501
505-395-2869

Responses must be delivered in hard copy paper form to the address above and electronic format via email to: shelley.espinoza@lopdnm.us.

Sequence of Events

Issuance of RFI	July 23, 2018
Deadline for Response	August 6, 2018 at 4:00 p.m.
Completion of Response Evaluation	August 20, 2018

Evaluation Process

A representative of the LOPD will open the responses immediately after the deadline and will record them in the log. Respondents will be notified via email of receipt of response. The LOPD retains the sole discretion to move forward with, or decline to move forward with, any procurement process, including but not limited to the release of an RFP for a special audit engagement.

EXHIBIT A

Wayne A. Johnson
State Auditor



C. Jack Emmons, CPA, CFE
Deputy State Auditor

State of New Mexico
OFFICE OF THE STATE AUDITOR

May 23, 2018

VIA EMAIL AND U.S. MAIL

Bennett J. Baur, Chief Public Defender
Law Offices of the Public Defender
301 N. Guadalupe Street, Suite 101
Santa Fe, New Mexico 87501
bennettj.baur@lopdm.us

Re: Second Judicial District Comprehensive Audit

Dear Chief Public Defender Baur:

The Office of the State Auditor (“OSA”) is charged with the constitutional and statutory duty to examine the financial affairs of governmental agencies within New Mexico that receive public money. This letter is to notify you that the OSA has designated the Law Offices of the Public Defender, as part of the Second Judicial District, for a special audit engagement in order to address concerns regarding crime and recidivism in Albuquerque.

The audit we are conducting will include a separate audit of each entity involved in the criminal justice system in the Second Judicial District, including the Albuquerque Police Department, the Bernalillo County Sheriff’s Office, the Bernalillo County Metropolitan Court, the Second Judicial District Court, the District Attorney’s Office, the Law Offices of the Public Defender, and the Metropolitan Detention Center, which will be followed by an analysis of how the system functions as a whole and how to reduce inefficiencies and promote the overall effectiveness of the system.

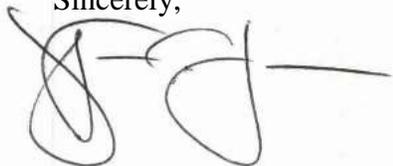
Pursuant to Section 12-6-3 (C) NMSA 1978 (“Audit Act”), in addition to the agency’s annual financial audit, the State Auditor “may cause the financial affairs and transactions of an agency to be audited in whole or in part.” Additionally, in accordance with Section 2.2.2.15 NMAC (“Audit Rule”), the State Auditor may initiate a special audit engagement regarding financial affairs and transactions of an agency or local body based on information it receives. The special audit engagement will be performed by an Independent Public Accountant (IPA), procured competitively by the Law Offices of the Public Defender in accordance with your procurement rules and regulations within 60 days of this notification, and monitored by the Office of the State Auditor. The draft scope of the audit is attached.

2540 Camino Edward Ortiz, Suite A, Santa Fe, New Mexico 87507
Phone (505) 476-3800 * Fax (505) 827-3512
www.osanm.org * 1-866-OSA-FR

In order to conduct the special engagement, the auditor must have unrestricted access to all documents pertaining to the issues outlined above as well as access to Court and/or vendor staff, who may have knowledge and information about these areas.

We appreciate your cooperation and anticipate that the audit engagement will be conducted smoothly and efficiently in order to ensure accountability and transparency while protecting public funds, and to improve the administration of justice in the Second Judicial District. Please do not hesitate to contact Deputy State Auditor Jack Emmons, CPA, at (505) 476-3830 or Jack.Emmons@osa.state.nm.us if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Wayne A. Johnson', written over a light gray rectangular background.

Wayne A. Johnson
State Auditor

Attachment

cc: Philip Larragoite (philip.larragoite@lopdm.us)
Richard Pugh (richard.pugh@lopdm.us)
Cydni J. Sanchez (cydni.sanchez@lopdm.us)
Emily Oster (emily.oster@lopdm.us)



State of New Mexico
OFFICE OF THE STATE AUDITOR

Criminal Justice System Review Scope

The overall objective is to identify weaknesses in the system from arrest to confinement which are reducing the overall effectiveness of criminal justice activities by each responsible agency in the process.

Step 1 Document the process for initiating criminal cases.

Review and document the procedure for recording cases at the initial step and assess whether there are procedural matters creating weaknesses or breakdowns in the system that can be resolved at the initial stage.

Determine how the process for processing cases prior to arraignment or preliminary hearing is handled by the responsible agency.

Determine the process for sending a case to the grand jury or to a preliminary hearing.

Review the rules of the various courts to determine any specific requirements.

Determine the process for assignment of case numbers by each agency and determine if case number assignments are consistent across agencies or if case number assignments are contributing to weaknesses in the process.

Determine the breakdown of cases being administered electronically versus paper and data entry.

Determine whether paper filings and data entry issues are contributing to weaknesses in the process between responsible agencies.

Step 2 Examine a sample of cases

Walk through a sample of cases noting the process for arrest, confinement, and each court appearance from arraignment to trial and sentencing.

Determine how cases are "tracked" or kept under control and examine whether any of the tracking or control processes are contributing to weaknesses in the process.

Determine data available during the processes. Determine whether all agencies involved are receiving the same data or have the same data available.

Determine how “cases” are handed off to the next entity or department and assess whether the transfer of cases from one entity or department to another is the source of any weaknesses in the process.

Determine how “case numbers” are handled during transfers from one agency to another and assess whether the assignment of case numbers by different agencies or departments is a source of any weakness in the process.

Determine if the “name” of the accused is used as an identifier and whether the use of names as an identifier is causing any weakness in the process.

Determine procedures for “dismissal” of a case and assess whether or not there are cases which are being dismissed as a result of weaknesses in the process, rather than as a result of proper judicial process or defense.

Step 3 Review the policies of various organizations

Determine if the policies of each agency are interfacing or are conflicting and whether there are conflicts in the internal policies of each entity or department which contribute to weaknesses in the process.

Determine whether there are policies or processes for assignment of public defenders to indigent defendants which cause weaknesses in the process.

Assess state and local laws, court rules, and case law which are influencing the internal policies of each agency and determine whether there are conflicts of law which are causing weaknesses in the process.

Determine when an inmate gets referred to another program as a matter of policy, and assess whether there are gaps in the referral process which contribute to weaknesses in the process.

Determine efficacy (recidivism) rates and use of specialty courts and assess underlying reasons if specialty courts are found to be underutilized.

Assess the experience of the referrals to behavioral health organizations to see if the programs are effective and efficient.

Assess the behavioral health treatment received at MDC and measure the recidivism rate.

Determine what reports are generated by each entity and whether those reports are contributing to efficiencies in the process, or whether there are reporting processes which are a source of weaknesses in the system.

Provide an assessment of any weaknesses in the process or interface between entities or departments which are identified by the IPA, but not listed in this scope of work.

Determine efficacy of pre-trial release programs including GPS monitoring, failure to appear (FTA) rate, and the rate of re-offense in the pre-trial services population.

Test risk assessment tools used by the agencies for accuracy of predicted outcomes and determine failure rate.

Assess staffing levels of each agency to determine impact on case flow and determine if staffing levels are contributing to weaknesses in the system.