

**NEW MEXICO LAW OFFICES OF THE PUBLIC DEFENDER  
SPECIAL AUDIT ENGAGEMENT  
REQUEST FOR QUOTES**

**PURPOSE**

The Law Office of Public Defenders (LOPD) is requesting written quotes for a special audit engagement of the Criminal Justice System in Bernalillo County, New Mexico regarding the Office of State Auditor's designation of the Second Judicial District Comprehensive Audit for a "special audit engagement". This audit is meant to "address concerns regarding crime and recidivism in Albuquerque." 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.

**DEPARTMENT OVERVIEW**

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.

**DEPARTMENT OVERVIEW – FINANCIAL**

The LOPD's current operating budget for FY19 is over \$52.4 million. Staff includes overall positions of 439 – which include over 200 attorneys, social workers, investigators, paralegals, administrators and support staff. In addition to in-house staff, LOPD contracts with approximately 130 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 specialty divisions that provide expert representation as needed.

## ELIGIBLE ENTITIES

Interested firms must be familiar with New Mexico criminal procedures and constitutional rights from a defense prospective, and be able to analyze business processes and practices.

## WORK REQUESTED

The New Mexico Law Offices of the Public Defender is seeking a contractor to provide professional services in accordance with the requirements of the 2018 Audit Rule (Section 2.2.2.15 NMAC) and produce a written report documenting the results of this special audit. Specific services to be performed include:

- 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, 2<sup>nd</sup> 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 Legislative Finance Committee and Department of Finance and Administration 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 Independent Public Accountant, 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.

FORMAT FOR PROPOSAL

Proposal will be evaluated based on the following criteria: Therefore, proposals/quotes must contain sufficient information to be evaluated on these criteria.

Capability of Firm		Possible Points
	The firm has the resources to perform the type and size of audit required	20
	The firm has experience and knowledge of the New Mexico criminal justice system	10
	Organization and completeness of proposal	10
Work Requirement & Audit Approach		

	Proposal contains a sound technical plan and realistic estimate of time to complete major segments of special audit: planning, fieldwork, and reporting	10
	Plans for using agency staff	5
Technical Experience		
	Governmental special audit experience of the on-site manager	15
	Audit team experience – specialization in special audits	10
Cost		
	Total cost of Special Audit Service Outline in the Request for Quote	20
		Total Possible 100

This RFQ does not obligate the Law Offices of the Public Defender to conduct a procurement or issue a contract.

Interested firms shall submit the written quote for review by close-of-business, Thursday, October 25, 2018 to:

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