



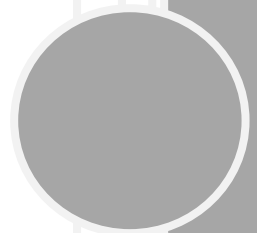
AUDIT REPORT

DALLAS COUNTY

TECHSHARE INDIGENT DEFENSE SYSTEM POST IMPLEMENTATION - FOLLOW-UP REVIEW

Darryl D. Thomas
Dallas County Auditor

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TechShare Indigent Defense System Post Implementation - Follow-up Review

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This report is intended for the information and use of the agency/department. While we have reviewed internal controls and financial reports, this review will not necessarily disclose all matters of a material weakness. It is the responsibility of the department to establish and maintain effective internal control over compliance with the requirements of laws, regulations, and contracts applicable to the department



DALLAS COUNTY
COUNTY AUDITOR

MANAGEMENT LETTER

Ms. Melissa Kraft
Chief Information Officer
Dallas, Texas

Attached is the County Auditor's final report entitled "**TechShare Indigent Defense System Post Implementation - Follow-up Review**" Report. In order to reduce paper usage, a hard copy will not be sent through in house mail except to the auditee.

In you prefer that released reports be emailed to a different (or additional) recipient, please inform me of the name and the change will be made.

Respectfully,

Darryl D. Thomas

Darryl D. Thomas
County Auditor

EXECUTIVE SUMMARY

A follow-up review of the post-implementation review of the TechShare Indigent Defense system has been completed. The follow-up consists of reviewing and testing Recommendation and Management Action Plan released on November 9, 2021. The status of prior reported issues and area needing consideration are addressed in detail in the body of the report. The follow-up revealed continued manual tracking, approval/processing, calculation and reconciliation of attorney expense and case count information required for annual Indigent Defense Expenditure Reporting (IDER). Significant system issues that impact accuracy of the IDER:

1. **TechShare County and District Court PD Voucher:** No system controls to prevent Public Defenders from submitting vouchers for attorney compensation.
2. **TechShare County and District Court Appointed Attorney Voucher:** Felony cases reduced to Misdemeanors reflect the incorrect offense category on the IDER report.
3. **TechShare County and District Court Appointed Attorney Voucher:** System does not limit the voucher types available to attorneys for voucher selection based on selected cause/offense level resulting in GL coding errors.
4. **TechShare Reporting and Controls:** Cases were duplicated on the IDER Report due to the lowercase "f" or "m" on the case number.
5. **TechShare Reporting and Controls:** System does not require attorneys to use their full name or require the name to be capitalized on submitted/approved vouchers.
6. **TIDC CPS Reporting Requirements:** System functionality does not exist for the new Office of Court Administration (OCA) reporting requirements for CPS cases on the IDER. **Status: On May 13, 2021, the Auditor's Office was contacted by an IT project manager and business analyst to begin scoping the CPS Attorney Reporting Design Project for Phase I and Phase II. For Phase I, an Odyssey Oracle CPS report was developed by IT. The report does not provide accurate and complete CPS expenditure amount that meets the TIDC requirements. The report does not include count that is required by TIDC.**

Only those weaknesses which have come to our attention as a result of the audit have been reported. It is the responsibility of the department management to establish and maintain effective internal control over compliance with the requirement of laws, regulations, and contracts applicable to the department.

INTRODUCTION

Dallas County Auditor's Office mission is to provide responsible, progressive leadership by accomplishing the following:

1. Comply with applicable laws and regulations
2. Safeguard and monitor the assets of the County utilizing sound fiscal policies
3. Assess risk and establish and administer adequate internal controls
4. Accurately record and report financial transactions of the County
5. Ensure accurate and timely processing of amounts due to County employees and vendors
6. Set an example of honesty, fairness and professionalism for Dallas County government
7. Provide services with integrity
8. Work in partnership with all departments to resolve all issues of the County
9. Strive to utilize the latest efficient and effective technology in the performance of tasks
10. Provide technical support and training in the development, implementation, and maintenance of information systems
11. Hold ourselves accountable to the citizens of the County at all times
12. Be responsive to the elected officials and department heads of Dallas County

Follow-up on Recommendation and Management Action Plan issued and released on November 9, 2021.

Reviewed transactions from September 1, 2022 to November 14, 2022



DETAILS

Tech Share Indigent Defense System Reporting and Controls

A review of the Tech Share Indigent Defense System by Attorney Report (TIDC format) for the period of September 1, 2022 – November 14, 2022 revealed system does not require alpha numeric case letters to be capitalized on the case numbers resulting in duplicate counts and system does not require the first letter of the name to be capitalized resulting in inconsistent capture of the attorney's name. The IDER system does not require the alpha character on the case numbers to be capitalized resulting in 15 Felony, six Misdemeanor cases, and nine Public Defender were duplicated due to the lowercase "f" or "m" on case numbers.

All Texas counties are required to submit the Indigent Defense Expenditure Report (**IDER**) annually to the Texas Indigent Defense Commission by Government Code § 79.036(e). This report includes all eligible indigent defense expenditures, case counts and attorney information for each court, sorted by level of case, type of expenditure and attorney.

County reports capture expenditures for attorney fees, licensed investigators, expert witnesses, and other direct litigation costs. The passage of House Bill 1318 by the 83rd Legislature amended Government Code § 79.036 to require counties to provide the number of cases by attorney. The Commission also allows counties to capture and report the administrative costs directly associated with providing indigent defense in the county. Additional information on allowable and unallowable costs is provided in the annual Texas Indigent Defense Report manual. The report is organized by court. Counties must track and report expenditures, case counts and attorney information separately for each court. Government Code § 79.036 to require Counties with Public Defender offices to provide the County financial officer a count of cases closed or disposed by Public Defender attorneys during the fiscal year, with the exception of appeals. In order to avoid duplicate case counts, appeals should be counted once the brief has been filed as opposed to when the appeal is disposed due to the lengthy time to disposition.

Inconsistent merging of attorney names, cases and amounts by bar number and clerical errors resulted in a report that is not in the TIDC By Attorney report format requiring additional staff time to manually sort and combine these report elements which may lead to inaccurate reporting.



Recommendation

Tech Share Indigent Defense System Reporting and Systems Controls
IDER System management along with IT resource associate should:

- Require the case letter on the alpha numeric case number to be capitalized.
- Require full first name for assigned counsel with uppercase first letter of first name and uppercase with last name or all caps for attorney names.
- Providing more training to court personnel and attorneys.

Management Action Plan

No response received

Auditors Response

N/A

Manual Attorney Expense and Case Count Reporting

All Texas counties are required to submit the Indigent Defense Expenditure Report (IDER) annually to the Texas Indigent Defense Commission (TIDC) by Government Code § 79.036(e). This report includes all eligible indigent defense expenditures, case counts and attorney information for each court, sorted by level of case, type of expenditure and attorney. Counties reports capture expenditures for attorney fees, licensed investigators, expert witnesses, and other direct litigation costs. The passage of House Bill 1318 by the 83rd Legislature amended Government Code § 79.036 to require counties to provide the number of cases by attorney.

Counties must report the amounts expended in each court for legal services provided in the county to indigent defendants during each fiscal year in four categories: 1) attorney fees; 2) investigation expenses; 3) expert witness expenses; and 4) other litigation expenses. The report is organized by court and must be submitted for every court in the county that hears criminal or juvenile cases. Additionally, the Commission requires that expenses be sorted by case type: capital, non-capital felony, misdemeanor, juvenile, felony appeals, misdemeanor appeals, and juvenile appeals. Counties with public defender offices must provide to the county financial officer a count of cases closed or disposed by public defender attorneys during the fiscal year, with the exception of appeals. In order to avoid duplicate case counts, appeals should be counted once the brief has been filed as opposed to when the appeal is disposed due to the lengthy time to disposition.

Since the inception of indigent defense reporting to TIDC, reporting on juvenile cases has been a requirement. However, the inclusion of juvenile criminal cases was not considered as part of the TechShare Indigent Defense system project scope. Additionally, all cases with an attorney appointed



prior to the implementation of the TechShare Indigent Defense system in June 2020 were not included in the TechShare Indigent Defense system. The system does not have functionality for processing payment adjustments resulting from an attorney fee appeal to the First Administrative Judicial Region of Texas. As a result of not including these items in the project scope, attorney payment vouchers must be submitted, reviewed, approved and processed for payment under two different methods: 1) electronic vouchers submitted through the Indigent Defense system and 2) manual/paper vouchers submitted to Accounts Payable after a judge's approval. Additionally, attorneys from the Public Defender's Office must manually keep count of cases on which they were appointed prior to the implementation of TechShare Indigent Defense in order to report on the number of dispositions on indigent defense cases during the fiscal year.

Due to the limited project scope of the TechShare Indigent Defense system and a technical issue, attorney fee amounts, and case counts must be manually processed, calculated and reconciled under two different attorney voucher methods increasing the potential for inaccurate indigent defense reporting to TIDC. Inaccurate reporting could result in a loss or reduction of grant funding. Further, this may lead to an increase in the cost of Dallas County's Single Audit due to questioned/disallowed costs and the need for expanded review.

Recommendation

Manual Attorney Expense and Case Count Reporting

We recommend that the Tech Share IDER System be updated to include:

- Juvenile cases
- Cases with an attorney appointment prior to the TechShare Indigent Defense system implementation date
- Functionality for processing attorney fee voucher appeals.

Management Action Plan

No response received

Auditors Response

N/A

County and District Court Appointed Attorney Vouchers

A review of the Tech Share Indigent Defense System by Attorney Report (TIDC format) for the period September 1, 2022 - November 14, 2022, revealed reporting and system control weaknesses associated with vouchers submitted by Assigned Counsel in the District and County Courts including:

1. The IDER system does not enforced controls to prevent attorneys from coding attorney compensation fees to the incorrect GL accounts based on offense type for Felony, Misdemeanor, Capital Murders, Appeals and Capital Investigators. The full listing of attorney



types (i.e. Felony, Misdemeanor, Appeals, Capital) are available for the case types added on a voucher as long as the cases are within the same court resulting in the attorney compensation associated with 30 Capital Murder cases are coded to general ledger account 6030 instead of 6040; five Felony Appeal cases were coded to Felony general ledger account 6030 instead of 6050; two Felony Appeal cases coded to general ledger account 6050, but were listed under Capital Murder on Tech Share Indigent Defense Expenditure Report (IDER) report; five Capital Murder investigator fees were coded to general ledger account 6060 instead of 6175; and three Misdemeanor Appeals coded to 6020 instead of 6016.

2. The IDER system incorrectly categorizes cases that are reduced from Felony to Misdemeanor on the Indigent Defense Expenditure Report (IDER) resulting in four Felony cases in which the charges were reduced from Felony to Misdemeanor are incorrectly reflected on the IDER report on the Misdemeanor section instead of the Felony section on the IDER report, however, the voucher was coded to the Felony general ledger account 6030; one District Court voucher was duplicated and listed on both the Felony and Misdemeanor columns on the IDER report. One Misdemeanor voucher had a Felony offense level listed on the voucher instead of Misdemeanor, resulting in the case count being included under felony.
3. The IDER system does not require attorneys to use their full name or require the name to be capitalized on submitted/approved vouchers. As a result, 39 Felony vouchers and 41 Misdemeanor vouchers reflect the attorneys first initial and last name instead of the full first and last name format required on the Indigent Defense Expenditure Report (IDER).

All Texas counties are required to submit the Indigent Defense Expenditure Report (IDER) annually to the Texas Indigent Defense Commission by Government Code § 79.036(e). This report includes all eligible indigent defense expenditures, case counts and attorney information for each court, sorted by level of case, type of expenditure and attorney. Counties reports capture expenditures for attorney fees, licensed investigators, expert witnesses, and other direct litigation costs. The passage of House Bill 1318 by the 83rd Legislature amended Government Code § 79.036 to require counties to provide the number of cases by attorney.

Counties must report the amounts expended in each court for legal services provided in the county to indigent defendants during each fiscal year in four categories: 1) attorney fees; 2) investigation expenses; 3) expert witness expenses; and 4) other litigation expenses. The report is organized by court and must be submitted for every court in the county that hears criminal or juvenile cases. Additionally, the Commission requires that expenses be sorted by case type: capital, non-capital felony, misdemeanor, juvenile, felony appeals, misdemeanor appeals, and juvenile appeals. Cases should maintain the same offense level category (i.e. Felony, Misdemeanor) on the Indigent Defense Expenditure Report as the offense level category when the case was filed regardless of whether or not the charges are reduced.

Inconsistent supervisory review, incomplete training combined with a lack of system enforced internal controls has resulted in systemic inaccuracies in the IDER report and Oracle GL account coding



rendering the IDER report data unreliable and requiring detailed manual review, calculation and correction to prepare the annual report for submission to the Texas Indigent Defense Commission (TIDC). increasing the potential for inaccurate indigent defense reporting to TIDC. Inaccurate reporting could result in a loss or reduction of grant funding. Further, this may lead to an increase in the cost of Dallas County's Single Audit due to questioned/disallowed costs and the need for expanded review.

Recommendation

County Court and District Court Appointed Attorney Vouchers

IDER System owners along with IT resource associate should develop process and system controls that include:

- Require full first name for assigned counsel with uppercase first letter of first name and uppercase with last name or all caps for attorney names.
- Providing more training to court personnel and attorneys
- Implementing dynamic GL account coding for attorney compensation that selects the correct GL combination based on offense type.
- Requiring system checks for incompatible combinations for GL codes and case types.
- Default felony general ledger account codes for felony to 6030, capital murder to 6040, appeals to 6050, misdemeanor to 6020, capital investigator fees to 6175, etc.
- Restrict data entry for case types to specific case categories
- Restrict case numbers to include only capital letter in case number without dashes

Management Action Plan

No response received

Auditors Response

N/A

County and District Court Public Defender Vouchers

A review of the Tech Share Indigent Defense System By Attorney Report (TIDC format) for the period September 1, 2022 – November 14, 2022 revealed reporting and system control weaknesses associated with vouchers submitted by attorneys in the Public Defender's Office including eight cases assigned to the Public Defender's Office are listed under the case counts for Assigned Counsel due to a lack of system-enforced controls to prevent Public Defenders from submitting vouchers for attorney compensation; and one Public Defender Felony case is listed in the Misdemeanor case count.

Government Code § 79.036 to require Counties with Public Defender offices must provide to the County financial officer a count of cases closed or disposed by Public Defender attorneys during the fiscal year, with the exception of appeals. In order to avoid duplicate case counts, appeals should be counted once the brief has been filed as opposed to when the appeal is disposed due to the lengthy



time to disposition. Inconsistent supervisory review, clerical errors, and a lack of system enforced controls resulted in inaccuracies in indigent defense reporting for Public Defenders.

Recommendation

County and District Court Public Defender Vouchers

IDER System owners along with IT resources should develop process and system controls that include:

- Implementing system defaults and/or limits for Public Defender entries to automate to the proper reporting category
- Implementing system defaults for case numbers and first letters of first and last names for attorneys to capital letters
- Consistently reviewing vouchers to ensure cases are listed on the report under correct category and attorney type.

Management Action Plan

No response received

Auditors Response

N/A

TIDC CPS Reporting Requirements

System limitations prevent the TechShare Indigent Defense System from providing the required reporting for CPS case data. As a workaround for Phase I, IT provided Odyssey Oracle CPS report. A review of the Odyssey Oracle CPS report revealed CPS Court Appointed Attorney Expenditure Amount requires manual calculation of an estimated amount rather than actual amount; no method to verify the completeness and accuracy of information in the Odyssey Oracle CPS report; no unique identifier in Odyssey to verify cases that meet requirements as well as in Odyssey or Oracle to verify all of the attorney amounts paid is reflected in the report; no unique GL account in Oracle is used for CPS transactions or associated to the Odyssey Oracle CPS report; and no query ability in Odyssey to validate approved payments reflected in the Odyssey Oracle CPS report. The Odyssey Oracle CPS report includes mediators that require removal to calculate the expenditure amount; the report does not reflect accurate or complete bar numbers for the attorney listed which may include no information listed in the bar number field. The report does not provide TIDC required allocation of the expenditure amounts by representation type; no identifier exists to identify Appeal or Children Appeal cases; and CPS Court Appointed Attorney Count is manually calculated (no manual method exists to count per TIDC requirements).

The 86th Legislature requires counties to begin collecting and reporting Child Protective Services (CPS) data: "counties and courts are required to report information on court-ordered representation for



appointments made in suits affecting the parent-child relationship as described in Senate Bill 560. In Fall 2021, county auditors began reporting child protective services data to the Office of Court Administration (OCA) via the Texas Indigent Defense Commission's (TIDC's) data reporting site. For Phase 2 (which was due November 2022), counties reported the data in Phase 1, but broken down by the following representation type: Custodial Parents, Non-Custodial Parents, Non-Parent Conservator, Children, Adult Appeal, and Alleged Fathers, Unknown Fathers, Children, Adult Appeal, and Children Appeal.

The new reporting requirements were enacted after the project scope of the TechShare Indigent Defense system had been determined. As such the capabilities needed to capture the required data was not built into the TechShare Indigent system. Additionally, Dallas County's current financial and case management systems do not capture this information in the format/detail level required by the OCA. These system limitations necessitated the manual calculation of the required CPS information which has resulted in inaccurate reporting due to clerical error or non-compliance with OCA reporting requirements.

Recommendation

TIDC CPS Reporting Requirements

We recommend that:

- The TechShare IDER System be updated to include Child Protective Services (CPS) data details for reporting requirements, or another systematic method be created to allow accurate reporting to ensure compliance with Texas Indigent Defense Commission (TIDC).

Management Action Plan

No response received

Auditors Response

N/A

cc: Darryl Martin, Commissioners Court Administrator