

RICKY D. HATCH, CPA
Clerk/Auditor

14 February 2024

Weber County Audit Committee
2380 Washington Blvd.
Ogden, UT 84401

Dear Committee Members:

I recently completed a performance audit of the Weber Public Defenders Group (WPDG). My purpose was to review the grants received by the WPDG and assess the overall performance of the WPDG.



Background

The last known attempt at an audit of the Weber County Public Defender was made during April 2016. Specifically, the auditor at the time “was unable to complete a review of disbursements since over 75% were paid to Public Defender contractors.”

Prior issues included a report by the Sixth Amendment Center taking issue with Weber County having the county prosecutor’s office participate in the provisioning of the contract defender team. In addition, a high profile matter of Samuel P. Newton a former death penalty attorney for Douglas Lovell who in 2021 received \$250,000 in an out of court settlement with Weber County after alleging officials unfairly fired him after he publicly complained about frugal funding.

During February 2022, Weber County transitioned to a full-time indigent defender program administered by the WPDG. Specifically, this in-house agency includes a Director and full-time attorneys employed by Weber County.

There is a three member oversight board for the new program. The expected benefits from the new structure include saving taxpayer money, reducing potential conflicts of interest and creating a high degree of expertise with full-time, skilled lawyers doing the work.

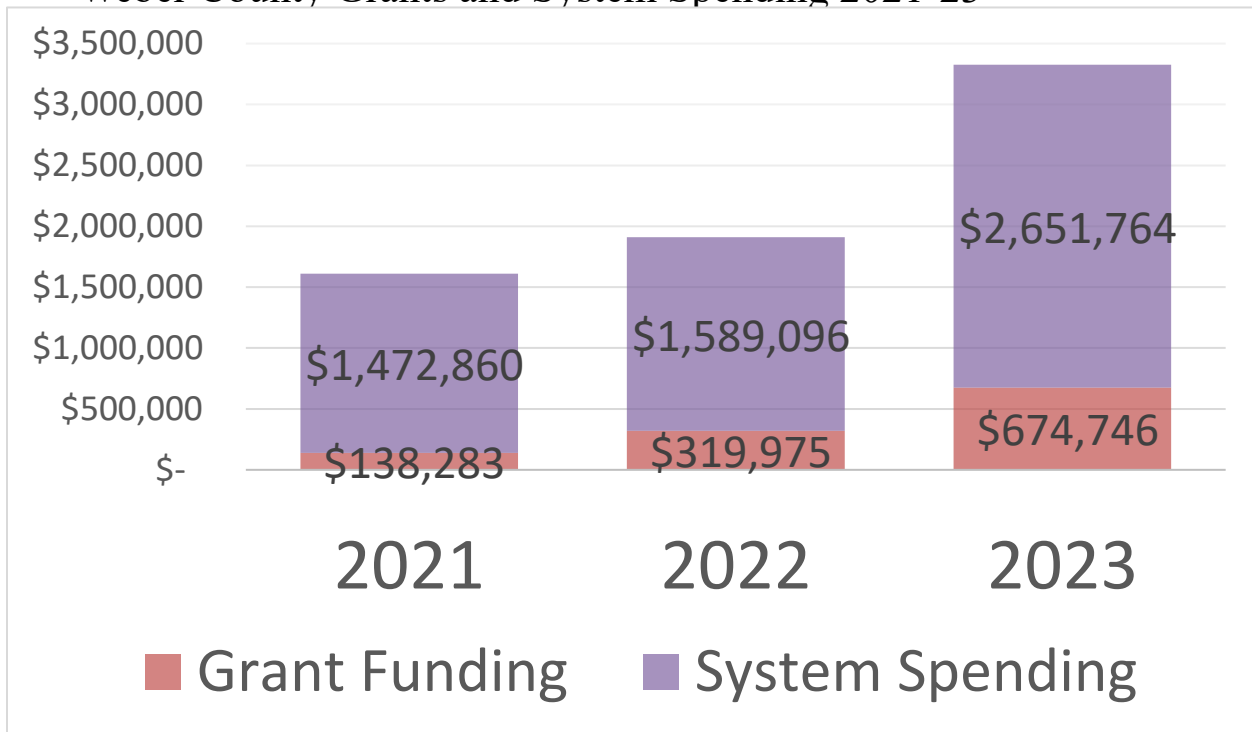


Utah Indigent
Defense Commission

Grants

The WPDG, receives funding from the Utah Indigent Defense Commission (IDC). For example, IDC provided 23% of the \$4.2 million budget of WPDG for 2023-2024.

Weber County Grants and System Spending 2021-23



The IDC conducted a desk review of the WPDG administration of the IDC grants in November 2023. Steps taken to ensure compliance with IDC guidelines involved reviewing financial documentation to ensure correct usage of awarded grant funds as well as reviewing WPDG responses to an IDC questionnaire to ensure adherence to the IDC's 8 Core Principles.

IDC provided us support documentation for FINET transaction line items by financial year, as well as the Weber County Reimbursement Worksheets for FY2022-2024 and all documentation provided by the WPDG during the financial desk review. Our review did not identify any discrepancies.

A brief description of the Grants during the review period:

- IDC Weber County Grant
 - Grant awarded to Weber Public Defenders Group for grant-funded employee and contractor positions to assist with county Indigent Defense caseload.
- IPR (Interdisciplinary Parent Representation) Social Worker Grant
 - Portion of IDC Weber County Grant specifically for Grant-funded IPR Social Worker position.
- Private Contested Adoptions Reimbursement
 - Grant awarded to reimburse expenses arising from Private Contested Adoption cases.
- Title IV-E Grant
 - Federal reimbursement that passes through the IDC to support projects that improve defense representation for parents facing child welfare proceedings in the juvenile court.
- IPR Conference Reimbursement
 - Reimbursement for registration, travel, and other associated costs for an IPR Conference attended by Weber's IPR Social Worker funded by the IDC's grant.
- IDC Short-Term One-Time Grant
 - One-time grant awarded for use in purchasing computer hardware for grant-funded positions.

Screening process

Currently WPDG potential clients are not required to sign an affidavit that they are eligible for a public defender. For example, they are asked verbally by the WPDG attorney or Judge what assets and income they have. There has been an example in the recent past where a WPDG client was found to be lying and had substantial assets, \$700,000, that made them ineligible for a Public Defender. In this instance, the WPDG filed a motion with the court to remove the client from WPDG. Requiring a potential client to sign an affidavit or similar form would notify them that there are consequences to making a false statement to WPDG or the court.

Recommendation 1: The WPDG should consider creating a streamlined affidavit form that can be used to screen clients.

Management response: The Director of the WPDG concurred with the recommendation and has taken steps before the conclusion of the audit to implement the affidavit form.

WPDG Staff feedback

These feedbacks “quoted” are representative of the overall positive feedback from WPDG employees:

First person:

“The (WPDG) management is doing amazing at supporting the attorney’s needs. They aide in delivering discovery to inmates at the prison, the Weber County Jail, or any other jail where our clients are being held. They have worked tirelessly with the Weber County Jail in improving access to visitation with clients.

They have created a program using social workers to help our client’s receive the mental health or substance abuse treatment they need, which frees up attorney time so that attorneys may focus on the investigation, and motion practice required to defend our clients. They share new legal cases and laws that affect our clients. They have held continuing legal education (CLE’s) at our office. They support us in finding the proper private investigators and proper experts for particular cases. They help resolve any disputes that arise between the State and/or the Court.”

Second person:

I am writing to provide my feedback in response to the performance audit of the Weber Public Defender Group (WPDG), as requested. Having worked within the Salt Lake County system for the past 25 years, I have witnessed numerous public defender systems in operation. With this experience, the Weber Public Defender Group stands out as a beacon of excellence in Northern Utah.”

“Firstly, I must commend the Human Resources department at WPDG. Their responsiveness and professionalism are unparalleled, making sure that staff are well-supported and any questions are addressed promptly. This efficiency level contributes significantly to the organization's overall morale and productivity.

The leadership within the Public Defender's office deserves particular praise. They are highly competent and deeply committed to fostering a culture of excellence and inclusivity. Under their guidance, WPDG has positioned itself as the best up-and-coming public defender system in Northern Utah. The vision and direction provided by the leadership team are indeed commendable.

Furthermore, the knowledge and responsiveness of the staff at WPDG are noteworthy. Information flows smoothly within the organization, ensuring that queries from clients or colleagues are answered swiftly and accurately. This efficiency is crucial in the fast-paced environment of legal defense and speaks volumes about the organizational capabilities of WPDG.

My experience with the Weber Public Defender Group has been exceptionally positive. Combining outstanding human resources support, visionary leadership, and knowledgeable staff makes WPDG a model public defender organization. I would grade my experience as an 'A'; the team's dedication to excellence is evident in every aspect of their operation.”

Sincerely,

Mark Viau, CIA “Certified Internal Auditor”
Director Weber County Internal Audit