

Internal Control and Compliance Assessment

Arkansas Legislative Audit

Arkansas Public Defender Commission

For the Fiscal Year Ended June 30, 2022



INTRODUCTION

This report is issued to inform the Legislative Joint Auditing Committee of compliance with state fiscal laws and regulations as well as deficiencies in internal controls for the Arkansas Public Defender Commission. Assessment procedures disclosed no reportable items of noncompliance.

SCOPE AND METHODOLOGY

We performed an internal control and compliance assessment of the Arkansas Public Defender Commission, a commission of Arkansas state government, as of and for the year ended June 30, 2022, and have issued our report dated July 13, 2023. Management of the Agency is responsible for establishing and maintaining internal controls and complying with applicable laws and regulations.

The assessment included cash on deposit, cash receipts, accounts receivable, expenditures, liabilities, capital assets, and data entry to the Arkansas Administrative Statewide Information System (AASIS). The assessment consisted principally of inquiries, observations, analytical procedures, and selected tests of internal control policies and procedures, accounting records, and other relevant documents. We relied on financial data in AASIS recorded by the Agency and audit work conducted in the fiscal year 2022 State Annual Comprehensive Financial Report (ACFR) and Single Audit Report.

RESULTS OF ASSESSMENT

Assessment procedures did not disclose instances of noncompliance considered reportable.

ENABLING LEGISLATION AND ORGANIZATIONAL STRUCTURE

Act 1193 of 1993 (Ark. Code Ann. §§ 16-87-201 – 16-87-214) created the Arkansas Public Defender Commission (APDC) and made indigents' right to counsel a function of the State rather than a county obligation. APDC's organizational structure is provided in **Exhibit I on page 2**. Additional information regarding APDC's structure includes the following:

- **Trial Public Defenders** were created by Act 1341 of 1997, which established a statewide system to provide competent, effective, and uniform representation of indigent criminal defendants. This includes chief public defenders, attorneys, investigators, administrative and legal support specialists, legal service specialists/paralegals, and mitigation specialists.
- **Capital Conflict Attorneys** include attorneys, investigators, legal services specialists/paralegals, and mitigation specialists.
- **Administration** includes a fiscal manager, network support specialist, defense services program manager and program coordinators, and a personnel manager.

ARKANSAS LEGISLATIVE AUDIT

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- **Ombudsman** was created to ensure that children placed in the custody of the Department of Human Services – Division of Youth Services receive services designed to keep them mentally and physically safe and includes a program coordinator.
- The **Commission for Parent Counsel (CPC)**, as authorized by Ark. Code Ann. §§ 9-27-701 – 9-27-705, provides counsel in dependency neglect cases that result in the removal of children by the State from an indigent parent, custodian, or guardian. APDC provides financial support staff and operational assistance for CPC but does not have oversight responsibility or authority over CPC .

**Exhibit I
Arkansas Public Defender Commission
Organizational Chart**



Source: Arkansas Public Defender Commission

FISCAL ANALYSIS

Revenues, Expenditures, and Transfers

The Agency's revenues, expenditures, and transfers for fiscal years 2018 through 2022 are presented in **Exhibit II**. Total revenue reported for the fiscal year ended June 30, 2022, was \$2.5 million and consisted of the following special fees:

- User fees assessed against every defendant represented by a public defender unless waived by the court; the fee range is \$10 to \$400 per case.
- Attorney fees that may be assessed by the court as an additional court cost at the disposition of the case.
- Bail bond fee added to each surety bond written in the State and submitted to the Agency by the bonding companies; \$3 of each \$20 fee is rebated to the counties based on a formula provided by law.

Expenditures totaled \$34 million for the fiscal year ended June 30, 2022. Salary expense represents APDC's largest expenditure at 82% of total expenditures in fiscal year 2022.

Net transfers totaled \$31.6 million. Of this amount, \$27.4 million was from General Revenue.

Assets and Liabilities

The Agency's asset and liability balances at year-end for fiscal years 2018 through 2022 are presented in **Exhibit III on page 4**. Assets and liabilities total \$6.5 million and \$2.3 million, respectively, at June 30, 2022.

Exhibit II

Arkansas Public Defender Commission Revenues, Expenditures, and Transfers For the Years Ended June 30, 2018 through 2022

	Fiscal Year				
	2022	2021	2020	2019	2018
Total Revenues	\$ 2,478,929	\$ 2,613,774	\$ 2,431,983	\$ 2,631,607	\$ 2,641,351
Expenditures					
Salaries	\$ 27,921,127	\$ 25,017,920	\$ 24,519,850	\$ 23,440,506	\$ 22,682,196
Professional service fees	2,030,742	1,666,277	1,887,953	1,807,939	1,908,149
Assistance, grants, and aids	130,440	139,962	149,673	166,410	173,808
Other expenses	3,924,440	2,807,752	2,758,595	667,115	731,662
Total Expenditures	\$ 34,006,749	\$ 29,631,911	\$ 29,316,071	\$ 26,081,970	\$ 25,495,815
Net Transfers In (Out)	\$ 31,659,369	\$ 27,266,353	\$ 26,665,346	\$ 23,808,756	\$ 23,639,027

Source: Arkansas Administrative Statewide Information System Trial Balance (unaudited by Arkansas Legislative Audit)

Exhibit III
Arkansas Public Defender Commission
Assets and Liabilities
For the Years Ended June 30, 2018 through 2022

	Fiscal Year				
	2022	2021	2020	2019	2018
Assets					
Cash and cash equivalents	\$ 5,802,771	\$ 4,867,511	\$ 4,402,387	\$ 4,306,281	\$ 4,354,917
Customer receivables	236,560	281,220	172,640	284,860	293,720
Fixed assets	469,773	415,647	339,081	327,335	375,017
Other assets	7,730	5,916	3,912	3,503	9,519
Total Assets	\$ 6,516,834	\$ 5,570,294	\$ 4,918,020	\$ 4,921,979	\$ 5,033,173
Liabilities					
Accrued professional fees	\$ 298,276	\$ 276,940	\$ 132,927	\$ 142,531	\$ 158,148
Payroll liability	1,983,488	1,238,226	1,073,052	837,145	824,962
Due to other governments	35,864	42,489	26,154	42,729	44,294
Other liabilities	13,822	8,015	10,962	17,652	436,239
Total Liabilities	\$ 2,331,450	\$ 1,565,670	\$ 1,243,095	\$ 1,040,057	\$ 1,463,643

Source: Arkansas Administrative Statewide Information System Trial Balance (unaudited by Arkansas Legislative Audit)

