

OIG IN BRIEF

Why the OIG Did This Report

As part of an ongoing OIG series of analyses of justice system funding, evaluators reviewed the Law Department's overall funding from 2008 through 2013 to determine how the department was funded and identify how funds were spent.

The Law Department performs two important functions related to the justice system. First, Law Department attorneys prosecute cases in Municipal and Traffic Courts, exercising prosecutorial discretion when making decisions that impact public safety and the lives and liberty of the accused.

Second, as in-house legal counsel, the Law Department represents the City's interest in litigation that may have significant financial consequences for the City. These activities include litigation related to entities in the justice system, such as representing the City in federal consent decrees for the NOPD and the OPSO, in civil lawsuits filed against the NOPD, and in NOPD personnel matters before the Civil Service Commission.

In light of the Law Department's influential role in the justice system, the OIG tried to determine how Law Department managers allocated resources and whether managers defined and achieved public interest outcomes.

Evaluators estimated that the Law Department's annual costs related to justice system functions averaged \$1.5 million per year between 2008 and 2013. However, the relatively small cost of the Department compared to other justice system agencies understates the significant effect the Law Department's prosecutorial and litigation activities have on the overall costs and operations of the New Orleans justice system.

A report to the City of New Orleans, February 24, 2016.

[View OIG report](#) IE 14-0014. For more information contact Nadiene Van Dyke at (504) 681-3200 or nvandyke@nolaioig.org.

What the OIG Found

Evaluators found several ways that the Law Department could improve its practices to achieve justice system goals more effectively and to improve transparency and accountability.

Evaluators examined Law Department performance measures and the case management system to determine how the Law Department was staffed and how resources were allocated to perform functions related to the justice system. Perhaps the largest impediment to the Law Department's transparency was its lack of effective data management processes.

Law Department attorneys did not track their time, which resulted in a lack of transparency about the use of public resources and reduced the managerial tools available to supervisors. As a result, it was impossible to determine actual Law Department costs associated with public safety and the justice system. In addition, some of the performance measures used by the Law Department did not meet best practices and were not relevant to the work of the department.

In addition to findings related to transparency and accountability, evaluators found processes in place that could lead to poor-quality outcomes. Evaluators noted that the Law Department allowed prosecuting attorneys to have outside legal employment, which could lead to attorney conflicts of interest or low-quality work.

The Law Department's ineffective data management practices for documenting litigation activities also presented the City and the public with a missed opportunity. Departments such as NOPD did not have access to information that could be used to mitigate risk by making changes to policy, and both city managers and the public lacked important information about the frequency, nature, and financial impact of civil lawsuits filed against the City.

What the OIG Recommended

In order to increase effectiveness in achieving justice system goals and to enhance transparency and accountability, the Law Department should:

- ***Require attorneys to track time by case;***
- ***Revise its performance measures to provide more relevant data to decision-makers;***
- ***Prohibit outside employment for prosecuting attorneys;***
- ***Establish and improve formal mechanisms to share information about civil lawsuits with the New Orleans Police Department and the Risk Manager; and***
- ***Improve data management processes.***

The Law Department should adopt a case management system that provides information that can be used to monitor output and performance. Such a system could assist the Law Department in determining what resources are needed, appropriate staffing levels, and attorney workloads. The system should also allow easy access to information needed for managing risk.

The Law Department's activities and responsibilities have a significant impact on the functions of the justice system in New Orleans. Improving the processes discussed in this report could serve the public interest by providing information to policymakers to facilitate the effective management of resources, lower the potential for conflicts of interest for city attorneys with private clients, and reduce the risk of litigation and police misconduct.