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# Report Highlights

## District Attorney for the 42<sup>nd</sup> Judicial District

### *Traffic Diversion Program*

Audit Control #50170023  
Investigative Audit Services • July 2018

## Why We Conducted This Audit

We initiated this audit after receiving complaints that the District Attorney of the 42<sup>nd</sup> Judicial District's (DA) extensive use of pretrial diversion (PTD) for Local Agency Compensated Enforcement (LACE) traffic citations since March 2017 was having an adverse effect on DeSoto Parish's criminal justice system. Prior to March 2017, LACE traffic citations typically were not diverted.

## What We Found

### **DA's Traffic Diversion Program Has Significantly Reduced Funds Flowing to Criminal Justice System**

LACE details have been operating in DeSoto Parish for many years and predate the creation of the 42<sup>nd</sup> Judicial District. Until March 2017, the DeSoto Parish Sheriff collected fine and court costs generated from LACE details and distributed them to the Criminal Court Fund, the DeSoto Parish Sheriff's Office (DPSO), the DA, and 11 other agencies/organizations as prescribed by state law. The Criminal Court Fund reimbursed the agency performing LACE details for payroll and related costs. In March 2017, the DA began paying for LACE details directly and offering PTD to drivers receiving traffic citations during those details. Between March 23, 2017 and March 31, 2018, 3,629 drivers entered the DA's PTD program. The DA's PTD account recorded deposits of \$811,766 during this time and made payouts of \$470,949 for PTD-related expenses, leaving the DA with a balance of \$340,817. If the 3,629 drivers were not offered PTD for their traffic citations, the fines and court costs due would have resulted in revenue of \$1.07 million that would have been distributed to the Criminal Court Fund, DPSO, the DA, and the 11 other agencies/organizations.

### **DA's Cooperative Endeavor Agreement with Public Defender Appears to be Improper**

On March 19, 2018, District Attorney Gary Evans and the Public Defender for the 42<sup>nd</sup> Judicial District, Steven R. Thomas, entered into a cooperative endeavor agreement in which Mr. Evans obligated the DA's Office to pay the Public Defender's Office \$45 for each diverted traffic citation. This arrangement may violate the state constitution and state law.

### **Inaccurate and Incomplete Financial Records**

The DA's records for the PTD program show the DA's Office deposited more money into its PTD bank account than its PTD or other accounting records show was received. In addition, we found deficiencies in record keeping, receipts, refunds issued, and custody of payments received.

View the full report, including management's responses, at [www.la.la.gov](http://www.la.la.gov).