

A pair of metal handcuffs is shown in the foreground, partially open, resting on a document with cursive handwriting. The handcuffs are made of a dark metal, possibly steel, and have a textured grip. The document in the background is aged and features cursive text in black ink. The text is partially obscured by the handcuffs and the title text. The overall scene suggests a connection between law enforcement and constitutional rights.

# Upholding the Constitution

2008 Annual Report  
Texas Task Force on Indigent Defense

# Task Force on Indigent Defense

## OFFICERS:

Honorable Sharon Keller  
Honorable Olen Underwood

Chair – Presiding Judge, Court of Criminal Appeals  
Vice-Chair – Presiding Judge, 2nd Administrative Judicial Region of Texas

## EX OFFICIO MEMBERS:

Honorable Sharon Keller  
Honorable Wallace Jefferson  
Honorable Alfonso Charles

Austin, Presiding Judge, Court of Criminal Appeals  
Austin, Chief Justice, Supreme Court  
Longview, Judge, County Court at Law No. 2 (appointed 8/22/08  
to replace Naranjo)

Honorable Orlinda Naranjo  
Honorable Aaron Peña  
Honorable Sherry Radack  
Honorable Todd Smith  
Honorable Jeff Wentworth  
Honorable John Whitmire

Austin, Judge, 419th Judicial Civil District Court  
Edinburg, State Representative  
Houston, Chief Justice, First Court of Appeal  
Bedford, State Representative  
San Antonio, State Senator  
Houston, State Senator

## MEMBERS APPOINTED BY GOVERNOR:

Honorable Jon Burrows  
Mr. Knox Fitzpatrick  
Mr. Anthony Odiorne

Temple, Bell County Judge  
Dallas, Attorney, Fitzpatrick, Hagood, Smith & Uhl  
Amarillo, Assistant Public Defender, West Texas Regional  
Capital Public Defender

Honorable Olen Underwood  
Honorable B. Glen Whitley

Conroe, Presiding Judge, 2nd Administrative Judicial Region of Texas  
Hurst, Tarrant County Judge

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January 8, 2009

Governor Rick Perry  
Lieutenant Governor David Dewhurst  
Speaker of the House  
Chief Justice Wallace B. Jefferson  
Texas Judicial Council

Dear Gentlemen:

It is our privilege to submit a report concerning the duties, activities and accomplishments of the Texas Task Force on Indigent Defense for the fiscal year ending August 31, 2008. Because of the efforts of the Task Force in collaboration with local jurisdictions, Texas is becoming known as a national leader in indigent defense programs. Texas Courts are upholding the Constitution under the Fair Defense Act of 2001 by making proactive differences in delivery systems by establishing public defender offices when it makes sense to do so and by implementing changes based on evidence-based practices that continue to improve the criminal justice system overall in Texas. This report will demonstrate how the local jurisdictions with assistance by this Task Force are achieving successful results.

First and foremost, our success is due to local government doing its part and more. With the support of the Texas Legislature, the Office of the Governor, county government, and the judiciary, the Task Force will continue its statewide exchange of ideas with both the public and the private stakeholders concerning indigent defense. During the past year, as outlined in the following pages of this report, much of this dialogue has been turned into deliverables.

Sincerely,

Sharon Keller



# Executive Summary

## Overview

FY 2008 marks the seventh fiscal year of a statewide indigent defense program in Texas. In January 2002, the Texas Fair Defense Act (FDA) became effective after its adoption by the Texas Legislature in 2001. The legislation established an organization to oversee the provision of indigent defense services in Texas, the Texas Task Force on Indigent Defense (Task Force), a permanent standing committee of the Texas Judicial Council, staffed as a component of the Office of Court Administration (OCA). The Task Force has authority to set statewide policies and standards for the provision and improvement of indigent defense, to grant state funds to counties for that purpose, and to monitor counties' compliance with policies and standards. The program is led by the Honorable Sharon Keller, Presiding Judge, Court of Criminal Appeals. The Task Force is a body of thirteen appointed and ex-officio members supported by seven full-time staff members.

The mission of the Task Force is to improve the delivery of indigent defense services through fiscal assistance, accountability and professional support to State, local judicial, county and municipal officials. That mission supports the ultimate purpose of the Task Force, which is to promote justice and fairness to all indigent persons accused of criminal conduct, while doing so in a cost-effective manner that also meets the needs of the local community.

## Local Control

The Task Force supports local control and understands that indigent defense services are provided and funded primarily at the local level. To honor the tenets of local control, the Task Force applies evidence-based research to its mission and strategies. By deploying an evidence-based practice strategy, the Task Force is able to provide local and state officials solid information to make informed decisions about indigent defense practices. This approach places the knowledge in the hands of those responsible for providing these services as well as state policy makers. Knowledge rather than anecdotes drives decision making. The desired result is a more cost-effective indigent defense delivery system that meets the needs of the local jurisdictions while fulfilling the requirements of state and constitutional law.

## Highlights

There were many meaningful accomplishments and significant developments, but to highlight just a few:

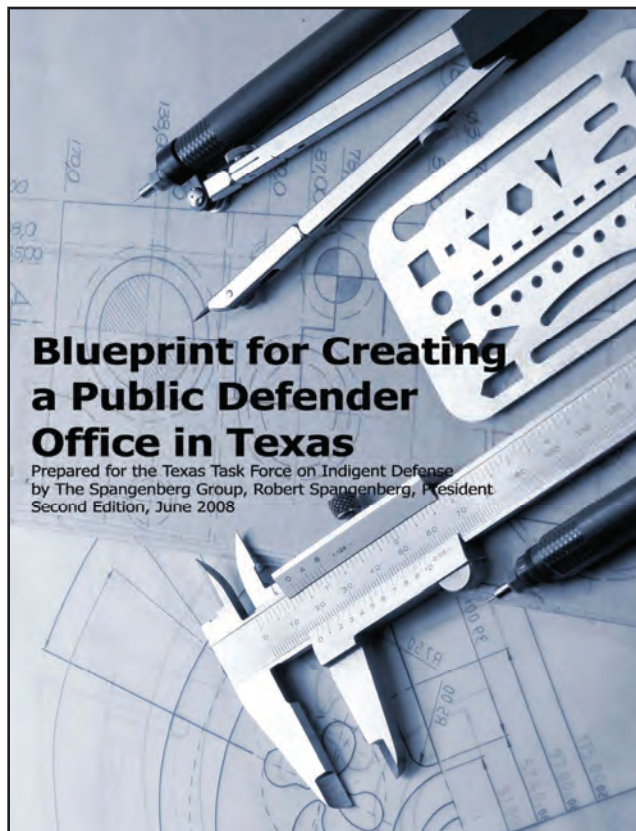
### **Rothgery v. Gillespie County**

On June 23, 2008, the United States Supreme Court decided *Rothgery v. Gillespie County*, 128 S. Ct. 2578 (2008). The issue before the Court was whether adversarial judicial proceedings begin at the time an arrestee appears before a magistrate for a hearing pursuant to Article 15.17 of the Texas Code of Criminal Procedure (magistration) even though a prosecutor may not be present at the hearing or even aware of the charges or the arrest itself. The Court held that "a criminal defendant's initial appearance

before a judicial officer, where he learns the charge against him and his liberty is subject to restriction, marks the start of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel.” Once the right to counsel attaches and a request for assistance is made, the Court did not specify a constitutional time frame after magistration within which counsel must be appointed. The main impact of the *Rothgery* decision is to speed up the time-frame for appointment of counsel for defendants who are out of custody on bond.

### New Publications

During the year, the Task Force published several new or revised documents to assist local jurisdictions improve their own processes. Perhaps the most significant was the *Blueprint for Creating a Public Defender Office in Texas, Second Edition*, which builds on an earlier publication from 2004. Since then, eight new public defender offices have opened in Texas bringing the total to fifteen and the new Blueprint incorporates what we have learned in that process. It also includes information on public defender advantages and disadvantages, how to conduct a feasibility study for establishing an office, steps needed to create a public defender office, and overviews of all 15 public defender offices in Texas.



The Task Force also published a *Supplement to the Verification Study*, which augmented an earlier study released the prior year called *The Costs and Benefits of an Indigent Defendant Verification Study*. The supplement includes

practical information for local officials who would like to implement an effective indigence screening and verification system. It includes information on setting appropriate standards for indigence, sample screening practices from local jurisdictions, and information on accessing tools to verify financial information.

In addition, the Task Force published the *2008 Fair Defense Law* containing a codified version of all indigent defense related statutes. The document includes all of the changes from the 80th Legislature shown using ~~strike through~~ and underline and also includes commentary with cases and attorney general opinions on key indigent defense issues.

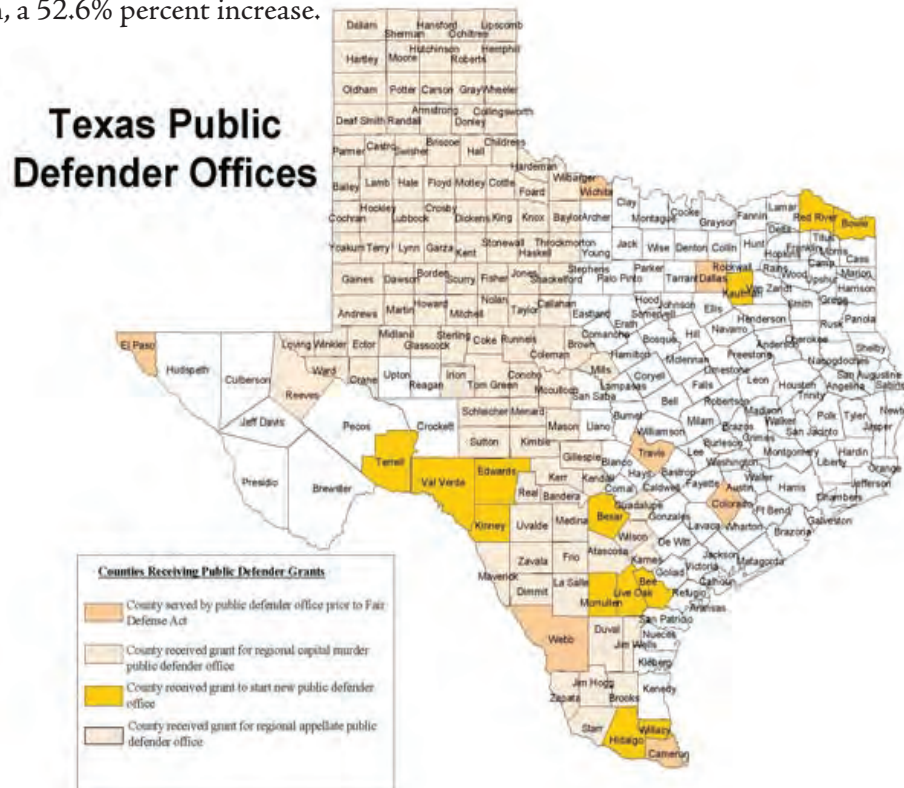
*Key Provisions of the Fair Defense Act for Visiting Judges* is another new one page document the Task published last year containing highlights of indigent defense laws. Although it is tailored to the needs of visiting judges, it serves as a great primer for anyone on the topic and was developed with input from the regional presiding judges and other stakeholders. Following the *Rothgery* decision, we revised and republished the document.

The Task Force was also active last year in helping to implement legislation passed by the 80th Legislature, including H.B. 1178 related to waivers of the right to counsel in criminal cases. We assembled a workgroup of stakeholders and developed new procedures that could be used in obtaining waivers counsel from defendants in order to assist judges, prosecutors, and court staffs implement the bill. An overview of the bill and flowcharts depicting the steps in the process were published on our website. H.B. 1178 imposed limits on when prosecutors may speak with unrepresented defendants and when judges may direct such defendants to speak with prosecutors. Under the bill a judge or magistrate may not order a defendant rearrested or require another, higher bond because a defendant withdraws a waiver of counsel or requests the assistance of counsel.

### Two Regional Public Defender Offices Established

In FY 2002, seven counties utilized public defender offices with two of those acting as specialty defenders (serving only juveniles). By FY 2008, 15 counties established public defender offices with the two newest being a regional office to serve Bowie and Red River Counties and a West Texas Capital Regional Public Defender created by Lubbock County serving 65 counties.

The total Texas population receiving constitutionally guaranteed assistance to counsel has increased from 324,412 persons in FY 2002 to 448,495 persons in FY 2008, a 38 percent increase. Over this same period, from FY 2002 to FY 2008, indigent defense expenses have increased from \$114 million to \$174 million, a 52.6% percent increase.



In FY 2008 a new regional public defender office in West Texas specializing in capital defense was established with Task Force discretionary grant funds. 65 counties are served in the 7th and 9th Administrative Judicial Regions.

## Increasing Quality of Representation Through Public Defender Offices

Where solid defense services are provided, one would expect that a reasonable investigation into the underlying facts of the case would be undertaken. This investigation could potentially lead to a dismissal. Increasing numbers of dismissals in a jurisdiction can be a sign that better defense services are being provided.

New public defender offices that have been established in Texas have appeared to increase the quality of representation for indigent defendants. Three public defender offices established with Task Force grant funds between FY 2005 and FY 2007 have seen an increase in dismissals above the level from the year prior to when the office was created. Two of these public defender offices established with Task Force grant funds between FY 2005 and FY 2007 represent felony offenders. In both of these jurisdictions, the felony dismissal rate has increased above the level from the year prior to when the office was created.

The Kaufman Public Defender Office opened early in FY 2007 (November 2006). Both felony and misdemeanor dismissal rates increased over FY 2006 rates.

Kaufman Misdemeanor	FY 2006	FY 2007	Kaufman Felony	FY 2006	FY 2007
total dispositions	1956	2283	total dispositions	907	1230
dismissals	611	873	dismissals	135	337
dismissal rate	31.24%	38.24%	dismissal rate	14.88%	27.40%

The Val Verde Public Defender Office opened late in FY 2006 (May 2006). Misdemeanor and felony dismissal rates in FY 2007 increased above those in FY 2005.

Val Verde Misdemeanor	FY 2005	FY 2006	FY 2007	Val Verde Felony	FY 2005	FY 2006	FY 2007
total dispositions	1220	805	902	total dispositions	431	358	315
dismissals	265	180	327	dismissals	71	53	62
dismissal rate	21.72%	22.36%	36.25%	dismissal rate	16.47%	14.80%	19.68%

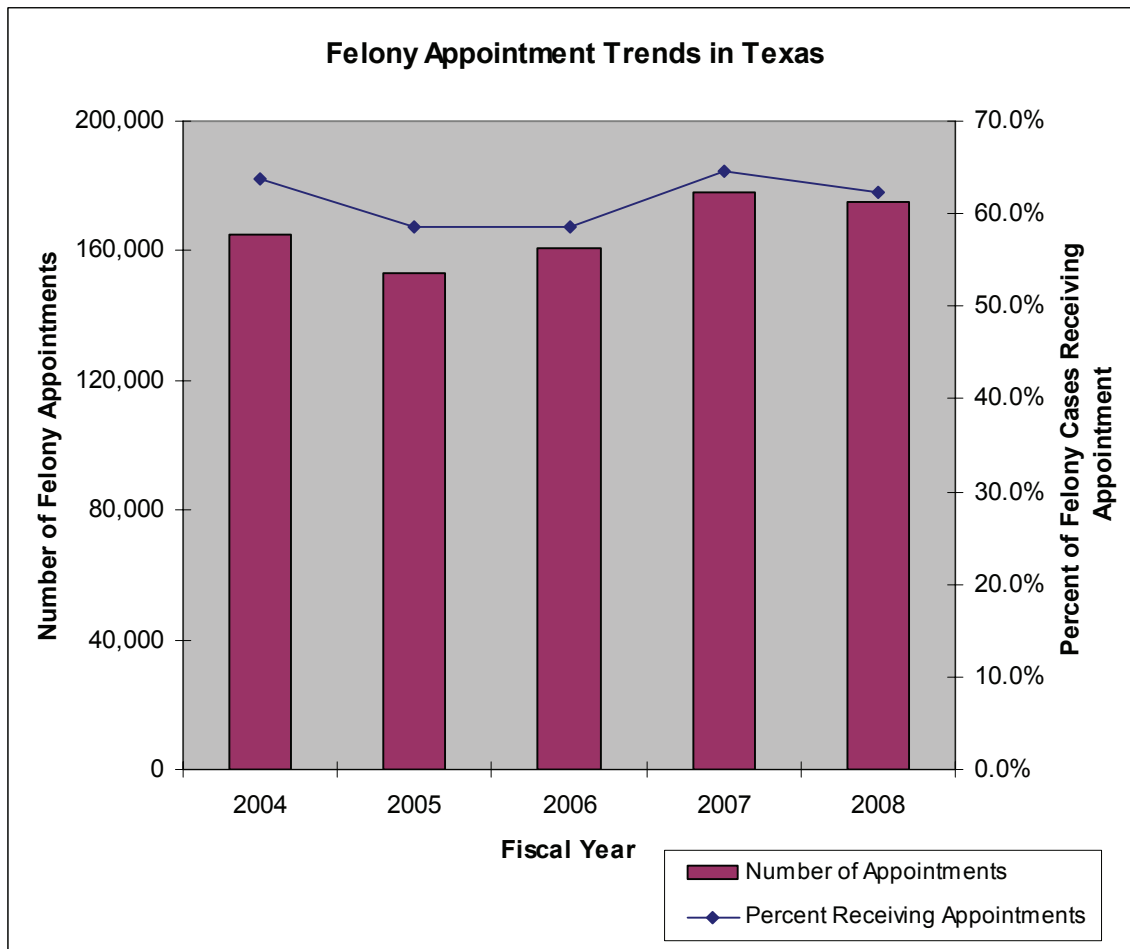
The Hidalgo Public Defender Office opened early in FY 2006 (November 2005). Dismissal rates increased modestly that year but more significantly the next year.

Hidalgo Misdemeanor	FY 2005	FY 2006	FY 2007
total dispositions	15,672	15,509	15,216
dismissals	3703	3699	4874
dismissal rate	23.63%	23.85%	32.03%

## Felony Appointments Statewide

(Appointment rate if defined as: felony cases paid/district court cases added)

Fiscal Year	Felony Cases Paid	Appointment Rate
2004	164,758	63.84%
2005	153,135	58.55%
2006	160,651	58.66%
2007	178,109	64.63%
2008	174,930	62.42%





## Felony Appointment Rates Grouped by 2000 Census Size

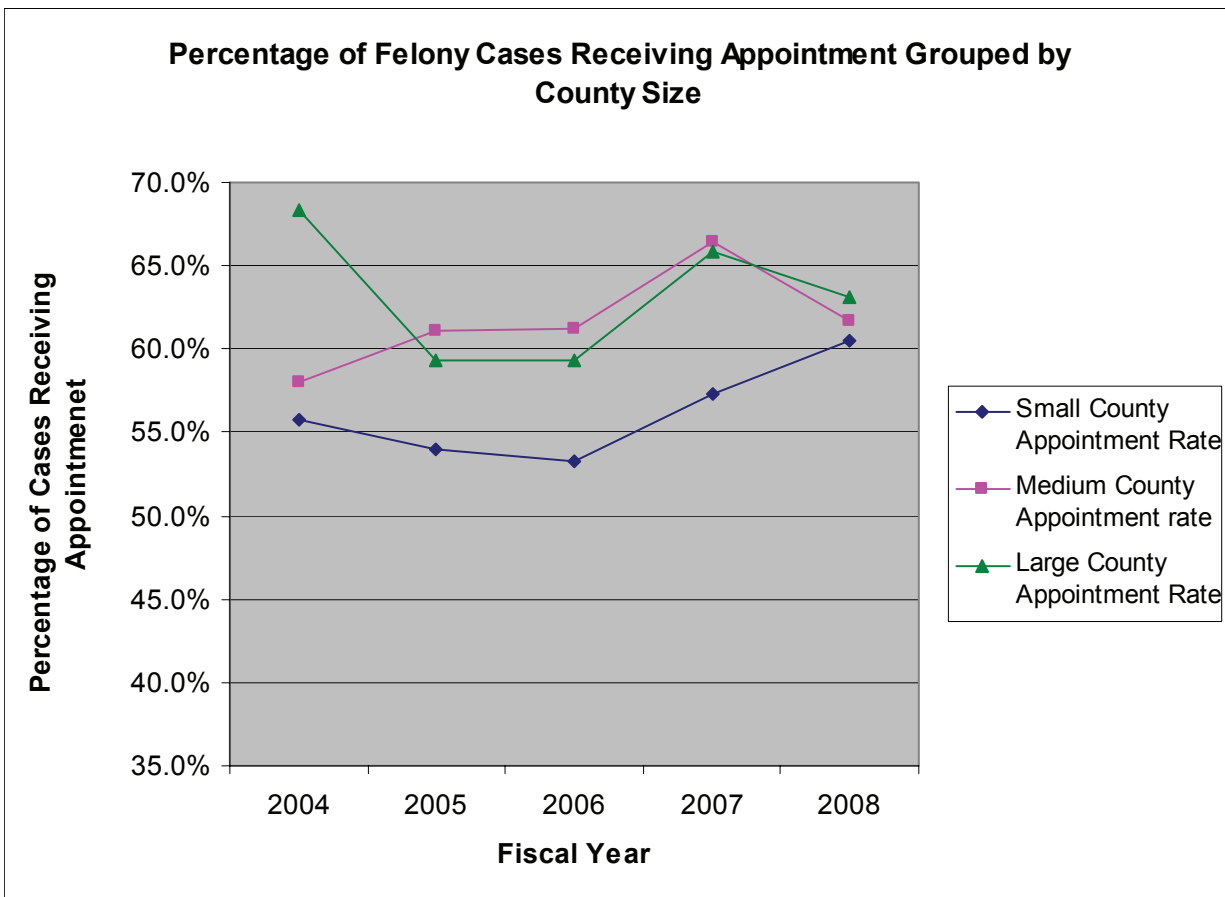
Small Counties: Under 50,000 persons

Medium Counties: 50,000 – 249,999 persons

Large Counties: Over 250,000 persons

(Felony cases paid/district court cases added)

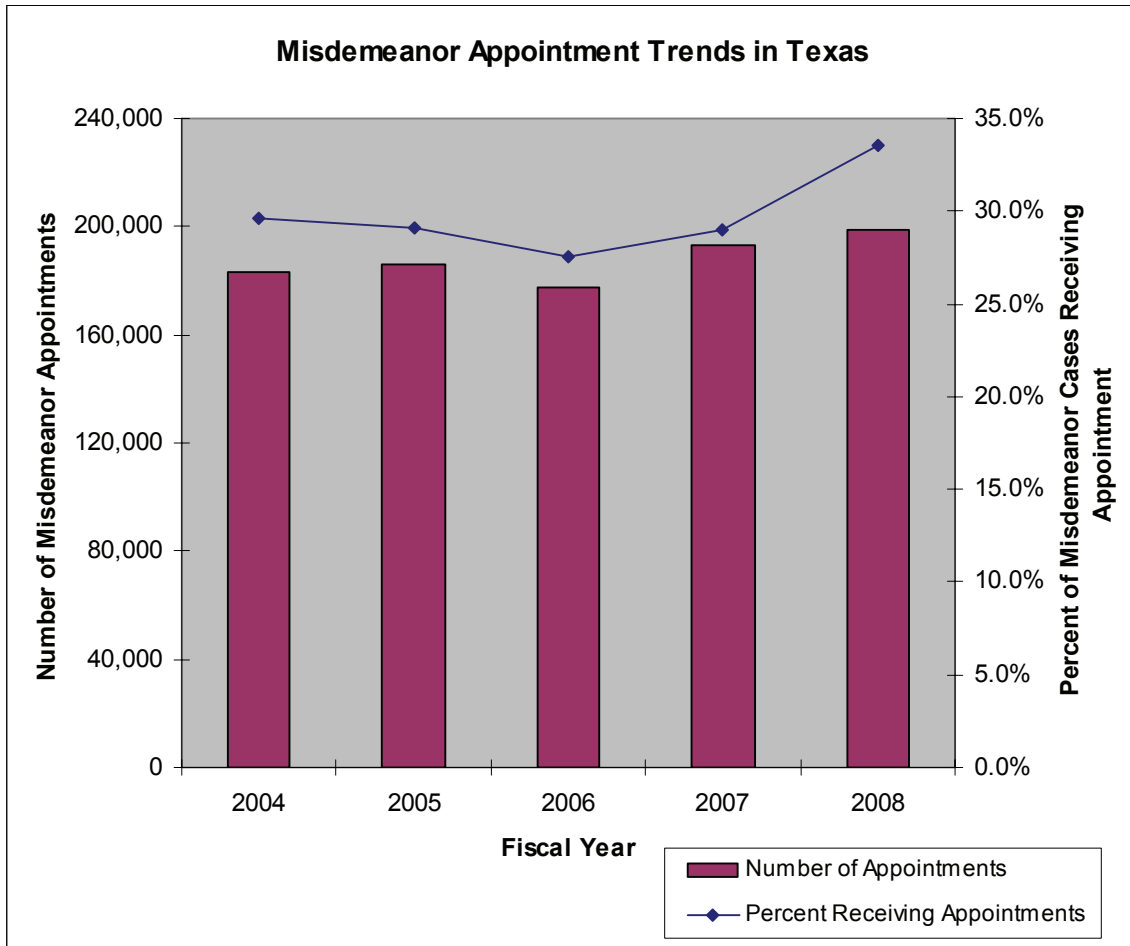
Fiscal Year	Small	Medium	Large
2004	55.74%	57.99%	68.32%
2005	54.02%	61.04%	59.30%
2006	53.30%	61.22%	59.27%
2007	57.33%	66.46%	65.89%
2008	63.12%	61.64%	60.53%



## Misdemeanor Appointments Statewide

(Appointment rate if defined as: misdemeanor cases paid/county court cases added)

Fiscal Year	Misdemeanor Cases Paid	Appointment Rate
2004	182,897	29.65%
2005	185,922	29.09%
2006	177,776	27.51%
2007	193,126	29.04%
2008	199,085	33.53%



## Misdemeanor Appointment Rates Grouped by 2000 Census Size

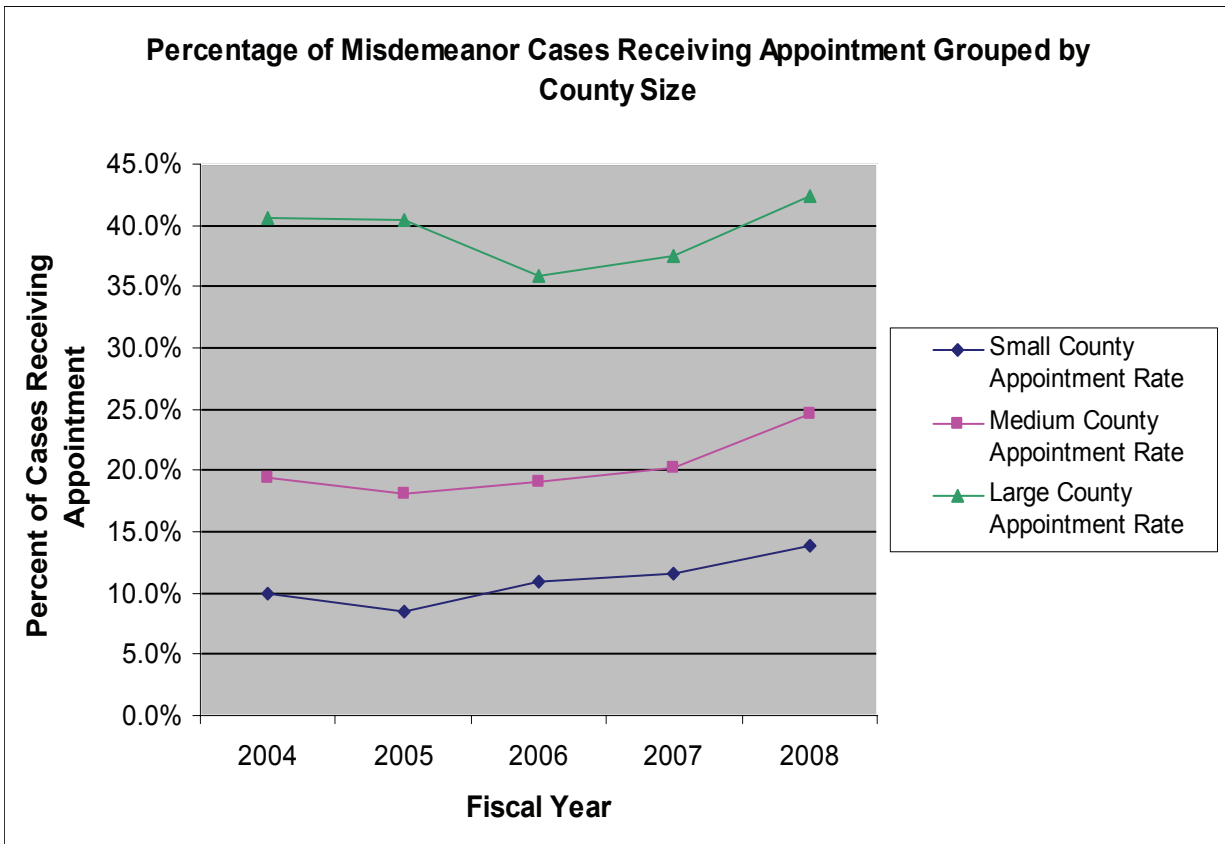
Small Counties: Under 50,000 persons

Medium Counties: 50,000 – 249,999 persons

Large Counties: Over 250,000 persons

(Misdemeanor cases paid/district court cases added)

Fiscal Year	Small	Medium	Large
2004	9.93%	19.37%	40.53%
2005	8.49%	18.12%	40.50%
2006	10.87%	19.00%	35.83%
2007	11.61%	20.15%	37.56%
2008	13.93%	24.63%	42.39%

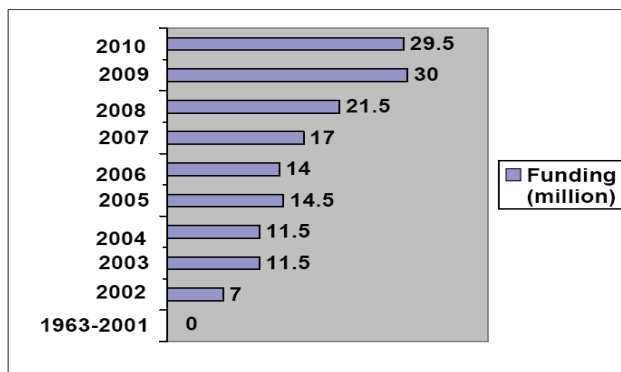


## Looking Ahead

With many of the primary initiatives accomplished or underway as charted by the 2005-2010 Strategic Plan, the Task Force held another strategic planning session in April 2008 to provide policy guidance to staff on emerging challenges relating to its funding programs, evidence-based research strategies, and monitoring responsibilities. Particular attention will be paid to how best to provide incentives for continued advancements at the local level and what strategies need to be in place to effectively measure the work that is being done.

In recent years, funds have been appropriated in Texas to enhance mental health services for the criminal justice population. The Task Force has also provided funding to a number of counties establish mental health public defender offices (Dallas, El Paso, Travis and Lubbock). With access to more resources and in an effort to slow the recidivism of poor persons suffering mental illness facing criminal charges, counties are rapidly adopting new local diversion and treatment alternatives. In this climate of change and innovation, little objective analysis has been conducted to guide counties in their planning. The Task Force received a grant from State Justice Institute for a research project entitled, Representing the Mentally Ill Offender: An Evaluation of Advocacy Alternatives. This study is currently underway and expected to be completed in FY 2009. This multi-year study is being done in collaboration with the Public Policy Research Institute at Texas A&M to document the effectiveness of emerging pre-trial interventions and compare outcomes for mentally ill misdemeanor defendants represented by the mental health public defenders vs. appointed counsel. Exposing individuals to interventions is expected to demonstrate: 1) faster and more accurate identification of mental illness by the criminal justice system; 2) better access to stabilizing pre-trial mental health services; 3) higher rates of non-criminal diversion or treatment-oriented dispositions; 4) higher rates of sustained participation in community mental health treatment after the case is disposed; and 5) lower rates of recidivism.

## Increase in Task Force Appropriations 2002-current



Findings will then be used to produce a training curriculum to inform local court and criminal justice officials of options for their community, advise local leaders regarding advantages and disadvantages of each alternative, and provide guidelines for successful implementation.

*A recent phone call and email to the Task Force office:*

“My brother is 62 years old and has a very long history of mental illness. He lives in Travis County, but is now under arrest in Williamson County Jail. He has never been in jail before. He is diagnosed with bipolar schizophrenia. He has been committed several times for treatment of his mental problem. He receives disability for his mental condition from his previous employer, for whom he worked quite a few years ago. He is also a Viet Nam era veteran. For 5 - 10 years he has been relatively normal, while taking Lithium and Serequel. However, for the past six months the family has been watching him slip off his medication into very strange behavior. He lives in a trailer on my other brother’s property near the lake. Twice recently, that brother called a local mental crisis intervention team to come evaluate our brother and hospitalize him, but they said they were unable to commit him unless he did something that was a threat to him or society. A few days ago he was acting strangely in a local Burger King and the police were called. I don’t have a copy of a police report, but I understand he evaded arrest and is charged with assault of a police officer because he drove towards the officer. He was chased and arrested. My husband and I have been making calls, and we were told that a jail psychiatrist did visit with him. But, we cannot be given any further information. We understand he is to appear before a judge soon to face his charges (at this point, a first degree felony). He has never been in trouble with the law before, and when he’s on his medication he is a very docile person. He is not mentally competent to understand the need for legal counsel, and I do not know if he has any financial resources. He needs legal assistance and commitment for mental health treatment. Do you know any where we may turn to obtain legal assistance for my brother?”

A few hours later after staff contacted Williamson County, the caller wrote us back:

“I want to thank you so much for your assistance. I just received a phone call from the Bluebonnet MHMR in Williamson County. MHMR will work to intervene on my brother’s behalf to ask for him to be moved to a mental health facility as soon as possible. They have had him moved to isolation, and a psychiatrist will examine him tonight. Again, thank you so much for taking the time to help my brother get the treatment he needs. He is really quite a wonderful person and a joy to be around when he is on the right medicines.”

*This is only one of many instances and examples of how mental health offenders can and should be diverted to result in a win-win outcome for everyone involved in the system, including the client.*

# Policies and Standards

## Policies and Standards Development

The Policies and Standards Committee of the Task Force met four times during the year. In addition, workgroups that were charged with assisting the committee develop policy met several times during the year. Initiatives under this goal are developed to provide additional consistency and improvement in the way Texas delivers services. While the FDA contains a variety of statutory requirements, the Task Force is given broad authority to develop additional policies covering a wide range of indigent defense issues, which are achieved through development of rules, best practices, and model forms in a process that encourages stakeholder involvement and collaboration. In approaching this process, the Task Force is always mindful of the potential costs associated with implementing additional requirements.

### Proposed Policy Monitoring Rules

The most important area of policy development was the drafting of rules concerning policy monitoring processes and benchmarks. The rules are to establish the guidelines for the administration of the policy monitoring program, which is designed to promote compliance by counties with the requirements of state law and Task Force policies and standards relating to indigent defense. They illuminate the Task Force's process, define the expectations for what areas the monitoring will cover, what will be reviewed, and delineate the time-frames for reports and county responses. The rules were drafted by the Policies and Standards Committee with assistance from a stakeholders' workgroup and will be considered for publication by the full Task Force at their first meeting in FY 2009.

### Legislative Proposals

The Task Force is charged in Section 71.061, Government Code, with recommending to the legislature ways to improve Texas' indigent defense system. The Task Force developed a Legislative Policy to guide its development of such recommendations. As it has prior to past legislative sessions, it then formed a workgroup comprised of a diverse group of criminal justice stakeholders to assist the Policies and Standards Committee and full Task Force in developing such recommendations. The legislative workgroup met three times this past summer to develop proposals and present them to the Committee. At its year-end August meeting, the Task Force approved eight recommendations for the upcoming 81st Regular Session of the Texas Legislature, which were then also approved by the Texas Judicial Council. The full list of proposals is available [here](#). Some of the recommendations involve proposals from last session that did not pass the legislature, such as to simplify the establishment of public defender offices and to create separate requirements for trial and appellate representation in death penalty cases. New proposals include changing the name of Task Force on Indigent Defense to Texas Indigent Defense Council, since "task force" implies a board of limited duration, while the Task Force is a permanent standing committee of the Texas Judicial Council. Other proposals include:

- ♦ Guidance on establishing independent assigned counsel programs;
- ♦ Request an independent study of pretrial release from custody laws;
- ♦ Additional state funding for discretionary grants and model program development; and
- ♦ Longevity pay for public defenders.

### Review of Dallas County Public Defender

Dallas County requested technical assistance from the Task Force on the appellate division of the public defender's office and on appropriate caseloads for attorneys in the trial division of the public defender's office. Staff conducted site visits in late June and early July and released a report on the office on July 15th, 2008. This was followed by a presentation of its key findings to the Dallas County Commissioners Court on July 28th, 2008 by Task Force Special Counsel Wesley Shackelford. Key findings from report include the following:

- High quality and timely briefs filed by appellate division;
- Appellate division provides additional services such as spot legal research to assist trial defenders with legal issues arising at trial and writes monthly written case summaries of new opinions from the Court of Criminal Appeals;
- Cost per hour of appellate division is about \$72 versus \$100 for private assigned counsel; and
- Caseloads for trial attorneys in Dallas County Public Defender are substantially higher than national standards, other states, as well as being the highest among Texas public defender offices surveyed

### Review of Cameron County's Indigent Defense System

Cameron County requested that the Task Force conduct a system-wide analysis of its indigent defense processes. The Task Force teamed with The Spangenberg Group, a nationally recognized research and consulting firm specializing in improving justice delivery systems to the poor, and Mr. David Slayton, Director of Court Administration, Lubbock County. In an attempt to document local processes for managing the requirements of the Fair Defense Act, we interviewed

representatives from various departments in the criminal justice system, observed a variety of court proceedings, and examined records relating to indigent defense. We determined that the County would benefit from the establishment of a pretrial services department focused on processing requests for counsel and would be better served by either a public defender office or a rotational appointment system than by the existing contract defender system. The Task Force provided technical assistance funds for establishing this pretrial services department and provided additional funds for the creation of a jail strike force to ensure that all indigent persons in jail had appointed counsel.

“The Task Force provided targeted assistance to Cameron County which enabled us to re-tool our methods for determining indigence and for assigning counsel. The result has been that counsel is assigned to indigent defendants at a much earlier time than before the targeted assistance.”

Judge Arturo C. Nelson, 138th District Court, Cameron County

“The Task Force on Indigent Defense's review of the Dallas County Public Defender's Office provided valuable information that led to continuation of the office's Appellate Section. Dallas County faced a significant deficit during preparation of the FY 2009 budget, which led to close scrutiny of programs to be eliminated. The Task Force's review presented details on the Appellate Section's cost benefit and quality of representation that ultimately lead to continued funding for the program. The Task Force also provided technical assistance that will promote improved services and efficiencies from our entire Public Defender's office, continuing a long history of partnership with Dallas County. The Task Force staff will continue to be my first point of contact for anything related to indigent defense services, as they are “the experts” and always available to help.”

Ron Stretcher, Director of Criminal Justice, Dallas County

## Program Monitoring

**Promoting Local Compliance with Evidence-Based Practices.** The Task Force is charged with promoting local compliance with the fiscal and legal requirements of the Fair Defense Act. An evidence-based practice strategy was selected as the best vehicle to promote compliance and to encourage improvements in outcomes related to indigent defense. The Task Force believes that issuing more compliance “rules” and requiring more monitoring reports may only lead to the promotion of “paper outcomes,” meaning that the outcomes become the production of the paperwork and not necessarily the production of a more effective indigent defense system.

The use of evidence-based practices moves away from this traditional and often ineffective approach. The purpose of an evidence-based practice is to encourage:

- Local commitment to conduct systematic periodic evaluation of indigent defense services to identify weaknesses and areas in need of improvement;
- State commitment to provide proactive technical assistance to localities as a means of improving the system; and
- State and local collaboration in developing evidence-based knowledge to guide future policy development at the local and state level.

By deploying an evidence-based practice strategy, the Task Force is able to provide local and state officials solid information to make informed decisions about indigent defense practices. This approach places the knowledge in the hands of those responsible for providing these services. Knowledge rather than anecdotes drives decision making. As a result of observing drivers to indigent defense processes, a jurisdiction may find ways to continually improve its service in cost-effective manners.

### **The Effectiveness of Local Jurisdictions in Meeting the Time Requirements of the FDA**

Tex. Code Crim. Proc. Art. 15.17(a) requires that arrestees are to appear before a magistrate within 48 hours of arrest. Arrestees may request counsel, at this Article 15.17 hearing, and the request is to be transferred to the appointing authority within 24 hours. Article 1.051(c) requires that a determination of indigence and possible appointment of counsel is to be made within one or three working days (depending on whether the most recent census population is over 250,000) of the appointing authority receiving the request for counsel. Appointed counsel is to represent the defendant until final disposition of the case per Article 26.04(j)(2).

Across Texas, magistrates have been very diligent in ensuring that Article 15.17 hearings are timely. Since 2006, on monitoring visits where accurate data has been obtained, 31 of 31 counties observed had sample magistrature data shown to be more than 90% timely. Once an individual requests counsel, breakdowns in the appointment process may begin to occur. Article 15.17(a) requires the magistrate to ensure that reasonable assistance is given to the person requesting counsel. If no person regularly assists requesting individuals with affidavits of indigence, the affidavit may contain errors and may not be promptly forwarded to someone with authority to appoint counsel. In many instances, the affidavit may sit for an extended period in a jail outbox, and when the affidavit is delivered, the determination of indigence may be untimely.



Jurisdictions vary in their effectiveness of appointing counsel timely. See the table below for summaries of appointment timeliness across jurisdictions. Where local processes are in place to assist defendants with affidavits of indigence and then to transfer these requests to someone with authority to appoint counsel, determinations of indigence are generally timely. Where routines are not in place to regularly transfer these requests, the determination of indigence becomes more likely to be untimely.

## Grant Program

Goal three in the strategic plan is to develop effective funding strategies. Distribution of and accounting for state funds to counties are critical responsibilities of the Task Force. The Task Force grant program encourages compliance with state and federal requirements by requiring counties to meet provisions of the FDA in their local indigent defense plans in order to qualify for funding. In FY 2008, the Task Force awarded over \$21 million to counties through six funding methods – \$11,742,978 in formula grants, \$3,047,124 in discretionary grants, \$140,213 in direct disbursements to rural counties, \$115,000 in technical assistance, \$450,565 in reimbursements for counties with extraordinary expenses, and \$6 million in an equalization disbursement. (See page 34 for more information about this fund.) The Expenditure Report on pages 32-35 provides details of the expenses for each of the six funding methods. In establishing funding strategies, the Task Force stays in continuous contact with key stakeholders and works closely with counties to develop programs to encourage improved indigent defense systems. Community stakeholder meetings have been fruitful in communicating the importance of counties improving their indigent defense systems. Local county staff works closely with Task Force staff to obtain information to improve their systems. Hundreds of phone calls from county staff were responded to by Task Force staff during the fiscal year, with an average resolution time of less than one day. The second part of this strategy is to account for the funds that are distributed. The Task Force established an annual report titled the “Indigent Defense Expenditure Report” as required in Texas Government Code Section 71.0351(e). The report includes all expenses for indigent defense paid out by Texas counties. The report also requires that counties submit case information submitted by court. The fiscal and program monitor use the submitted reports as the basis to account for state funds and the corresponding court processes. The Expenditure Report in this Annual Report beginning on page 29 provides complete information on the funding programs, expenditures and budget of the Task Force.

### FY 2008 Formula Grant Program

The Task Force awarded almost \$12 million in Formula Grants to 221 Texas counties. The remaining 33 counties were automatically assigned to the direct disbursement funding pool. The \$12 million in formula grant funding must be used to improve counties’ indigent defense systems.

### Direct Disbursement

A total of \$171,384 was available in FY 2008 for direct disbursement. Thirty-three counties did not apply for a formula grant and therefore were eligible to receive a direct disbursement if they incurred indigent defense expenses above their baseline amount. A total of \$140,213 has been distributed in direct disbursement funding for FY 2008. More detailed information on Direct Disbursement and a list of counties that received these funds is located on page 32 in the Expenditure Report of this Annual Report.

### Equalization Disbursement

The equalization disbursement provides additional state funds to counties with the lowest percentage of state reimbursements for overall increased indigent defense costs. While the formula grant and direct disbursement programs ensure that some funds are available to every Texas county, this equalization payment works to equalize the percentage amount of increased costs that any one county must absorb. With the passage of this policy, the Task Force took another step in fulfilling its statutory mandate to “ensure that funds ... are allocated and distributed to counties in a fair manner.” There were 88 counties that

qualified for this payment and \$6,000,000 was distributed. More detail on the Equalization Disbursement policy and a table of counties receiving this payment is located on page 34 of the Expenditure Report section of this Annual Report.

### Local Government Doing Its Part

In January, Johnson County was notified that the Task Force had awarded the County \$12,733 under the Equalization Disbursement for FY 2008. As the county was considering how to use the funds, 413th District Judge Bill Bosworth came up with the idea of providing free wireless internet to appointed attorneys in the courtroom. On March 24, Judge Bosworth presented the project, joined by the Task Force Grants Administrator, Whitney Stark, to the Johnson County commissioner's court, which approved the plan. The equalization funds from the Task Force will allow the county to install a password-protected, wireless internet system to be used for free by attorneys appointed to represent indigent defendants. Attorneys will be able to access case law and other legal resource websites that may aid in the defense of their client. Prior to this project, defense attorneys had no way of accessing the internet in the courthouse. The county expects to continue funding the project by selling subscriptions to attorneys in civil cases and privately hired counsel in criminal cases.

### Extraordinary Disbursement

To qualify for extraordinary disbursement funding, a county must demonstrate indigent defense expenses in the current or immediately preceding county fiscal year constituting a financial hardship for the county. The Task Force voted in August to distribute a total of \$450,656 in extraordinary disbursement funding to three counties, Cameron, Polk and Willacy. Page 33 of the Expenditure Report contains more detailed information on extraordinary disbursement funding.

### Technical Assistance

The Task Force coordinates with counties to develop technical assistance projects to improve indigent defense services. Many types of technical assistance projects may be initiated, but all projects must raise the knowledge base about indigent defense and establish processes that have the potential to be model programs. The Bexar County Appellate Public Defender's Office that covers the 4th Court of Appeals region continued to operate on the \$200,000 in Technical Assistance funds awarded from the Task Force in FY 2007 that carried through FY 2008. In May, the Task Force awarded an additional \$70,260 in Technical Assistance funds to Bexar County for six more months of funding for the appellate public defender for FY 2009. The Task Force also awarded \$5,000 to Harris County to develop a training curriculum for attorneys on the mental health appointment wheel. Cameron County received \$105,000 in technical assistance to fund appointed attorneys to address a jail backlog. El Paso County was awarded \$5,000 to conduct a workflow assessment of the capital murder unit of the public defender's office in order to improve efficiency. Detailed information on Technical Assistance funding is located on page 35 of the Expenditure Report.

### Discretionary Grants

Discretionary grants are awarded on a competitive basis to assist local government in developing new, innovative programs or processes to improve the delivery of indigent defense services. The types of programs identified as priorities by the Task Force are:

- Programs that provide direct services to indigent defendants.
- Establishment of public defender offices.
- Establishment of regional public defender offices.
- Programs that provide mental health defender services.
- Programs that provide juvenile defender services.

See Appendix B for a map and description of discretionary grants awarded by the Task Force since 2003.

In FY 2008, 11 discretionary grant projects were awarded and successfully completed, although some of these programs continue operations with subsequent grants as part of a multi-year program. A total of \$3,047,124 in state funds from the Task Force was provided to operate these programs. The projects funded include two new multi-year, direct client service projects and nine continued multi-year direct client service projects. A list of each grant project funded is provided below:

### New Multi-Year Grants

- Lubbock - \$650,685 to establish a regional capital murder public defender's office covering the 85 counties in the 7th and 9th administrative judicial regions
- Bowie - \$621,517 to establish a public defender office also covering Red River county.

### Continued Multi-Year Grants

The nine counties awarded continued discretionary grant funding for FY 2008 were Bexar, Dallas, El Paso, Hidalgo, Kaufman, Limestone, Travis, Val Verde and Willacy. A detailed list of these grant projects begins on page 35 of the Expenditure Report. Please see Appendix B which illustrates the statewide geographic impact of the Task Force's Discretionary Grant Program by category (from its inception in 2003 until 2008) increasing direct client services, technology and court services.

### FY 2009 Discretionary Grants Awarded during FY 2008

The Task Force authorized staff to publish the FY 2009 Discretionary Grant Request for Applications (RFA) during FY 2008. This timeline gives counties more time to plan, budget and implement new programs for the upcoming new fiscal year. In April, several applications were submitted for consideration. The Task Force awarded the following discretionary grants at its June 18, 2008 meeting:

### FY 2009 New Multi-Year Programs

- \$478,384 to Bee County to establish a regional public defender's office with McMullen and Live Oak counties
- \$331,420 to Webb County to establish a juvenile public defender's office
- \$419,360 to Lubbock County to establish the state's first mental health private defender program
- \$34,184 to Burnet County to hire an indigent defense coordinator
- \$16,530 to Red River County for a video-teleconferencing system

Bexar, Bowie, Dallas, Hidalgo, Kaufman, Lubbock, Limestone, Travis, Val Verde and Willacy counties were also awarded continuation grant funding for FY 2009 on June 18, 2008. Page 35 of the Expenditure Report includes more detail on each of the grant programs awarded.

### Service to Counties: Useful Grant Information Available Online to Counties Considering a Discretionary Grant

The Task Force public pages now offer several options to see grant information that counties can utilize when considering and/or planning to apply for a discretionary grant. The public pages are located at <http://tfid.tamu.edu/public>. Counties and the public in general have access to useful information about funded (and not funded) grants.

### Grantee Story:

#### Kaufman County Receives “Best Practices” Award for Public Defender’s Office Texas Association of Counties Recognizes Office’s Achievements

In August, the Texas Association of Counties’ (TAC) announced that Kaufman County had received a “County Best Practice Award” in the category of “Outstanding Achievement” for the success of the public defender’s office. According to TAC’s website, the award program “promotes efficiency in local government by focusing attention on accomplishments and best practices in county government” and “highlights innovation and distributes vital information on what’s working in county government.” The public defender’s office was funded through a four-year discretionary grant from the Task Force in FY 2007. The chief public defender, Andrew Jordan, has focused on visiting with clients within 24 hours of arrest to screen them for indigency and appoint an attorney to those who qualify. In addition to Jordan, the office is rounded out by two public defenders, an investigator and secretary.



Photo Copyright 2005-2008 KaufmanCountyOnline.com

### Grantee Story:

#### Lubbock County – West Texas Capital Murder Public Defender’s Office Largest regional public defender program in Texas hit the ground running

Lubbock County, with a \$650,685 four-year discretionary grant from the Task Force, has established the state’s first regional Capital Murder Public Defender’s Office (CMPD) covering the 85-county region of the 7th and 9th administrative judicial regions. The office represents individuals that have been charged with capital murder in the region and are determined to be indigent.

The office was created to address the lack of attorneys who were qualified and available for appointment to capital murder cases in the region. The idea for the CMPD originated from conversations between

Philip Wischkaemper, capital assistance attorney for the Texas Criminal Defense Lawyers Association and David Slayton, Director of Court Administration in Lubbock County along with members of the Task Force staff in fall of 2006. The idea found support from a number of local officials including Presiding Judge of the 7th Administrative Judicial Region Dean Rucker, Presiding Judge of the 9th Administrative Judicial Region Kelly Moore and Taylor County Commissioner Chuck Statler. Senators Kel Seigler, Robert Duncan and Rodney Ellis who each wrote letters to the Task Force in support of funding the office.

Heading the office is Jack Stoffregen, a veteran defense attorney from Lubbock who left his private practice in November 2007 to take the position of chief public defender. The office is also staffed with four attorneys, three investigators, one mitigation specialist, an office manager and a legal assistant.

Capital murder trials are often costly due to the amount of time and effort necessary for defense counsel to prepare for trial, which can also be a lengthy process. Counties participating in the CMPD signed interlocal agreements with Lubbock County and pay an annual sum based the number of capital murder cases from each county over the past 10 years. The counties with the fewest historical capital murder cases pitch in \$1,000 a year to participate in the CMPD. Taylor Commissioner Statler, who is also president of the West Texas County Judges and Commissioners Association, said “As many counties have found, the West Texas Capital Murder Public Defender’s Office has been an effective alternative for counties of all sizes. Being a member of the public defender’s office has served an insurance policy for counties to help offset the soaring costs of court appointed attorneys especially in capital murder cases (for an article in County Magazine by Maria Sprow on this office entitled “Murder Insurance” please go to: [https://www.county.org/resources/library/county\\_mag/county/205/issue.html](https://www.county.org/resources/library/county_mag/county/205/issue.html)]. Many counties would suffer extreme financial strain if they were to carry the burden of a capital murder case alone. The responsibility of a Commissioner’s Courts is to be prudent stewards of the County’s tax dollars. The need may not arise for this year, or the next, but when it does; it will turn in to a wise investment for each county that is a member.”



Commissioner Chuck Statler

Being a member of the public defender’s office has served an insurance policy for counties to help offset the soaring costs of court appointed attorneys especially in capital murder cases (for an article in County Magazine by Maria Sprow on this office entitled “Murder Insurance” please go to: [https://www.county.org/resources/library/county\\_mag/county/205/issue.html](https://www.county.org/resources/library/county_mag/county/205/issue.html)]. Many counties would suffer extreme financial strain if they were to carry the burden of a capital murder case alone. The responsibility of a Commissioner’s Courts is to be prudent stewards of the County’s tax dollars. The need may not arise for this year, or the next, but when it does; it will turn in to a wise investment for each county that is a member.”

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“With the death penalty as a possible outcome in each of our cases, we are charged with providing an effective, efficient and ethical defense for our clients. We enthusiastically accept this charge and pursue it as zealous advocates for our clients.”

Jack Stoffregen, Chief Public Defender, West Texas Regional Capital Public Defender Office, Lubbock

“For years, counties in the 7th Administrative Judicial Region have struggled with the budgetary impact of a capital murder trial. The West Texas Regional Public Defender for Capital Cases has revolutionized the way in which counties can prepare for those instances. In addition, defendants in the counties served by the office are provided with a top-notch defense team. From the attorneys to the mitigators and investigators, defendants assigned the public defender are receiving services from some of the most highly respected practitioners in the field. Judges in our region can rest assured that the cases assigned to the public defender are being handled appropriately.”

Judge Dean Rucker  
Presiding Judge, Seventh Administrative Judicial Region  
318th District Court  
Midland County  
Courthouse

The office disposed of three cases during FY 2008, all by guilty plea. Of those, one received a life sentence, one received a 50-year prison sentence and one received a seven-year prison sentence. No death sentences were handed down. At the end of FY 2008, 10 cases were pending.

## **FY 2008 Fiscal Monitoring Visits**

The Task Force on Indigent Defense is required by Texas Government Code §71.062(a)(3) to monitor counties that receive a grant and enforce compliance by the county with the conditions of the grant, as well as state and local rules and regulations. Grant rules and the Uniform Grant Management Standards (UGMS) set monitoring priorities for the counties.

A total of 18 on-site visits were conducted in FY 2008 (September 1, 2007 to August 31, 2008). The 18 on-site visits consisted of 11 fiscal monitoring and 7 technical assistance visits.

In accordance with the Uniform Grant Management Standards (UGMS), counties that received grant funds in excess of \$500,000 in a fiscal year (Bexar, Dallas, Harris, and Tarrant) are monitored annually. The counties receiving less than \$500,000 are monitored based on relative risk assessment score and geographical area. The fiscal monitoring visits represented over \$5,802,220 in formula and discretionary grant awards.

The review process considers programmatic and fiscal matters in determining the county's risk level. Fiscal matters are related to the type and adequacy of the financial management system, the overall percentage of administrative expenses relating to total expenditures, value of grants awarded, value of equipment purchased, and baseline adjustments, corrections, or tardiness in document submission.

Most common fiscal findings/issues identified for improvement:

- ✦ Indigent Defense Expenditure Report (IDER) - licensed investigations, expert witnesses, and other direct litigation expenses were incorrectly placed in the attorney fee category of services.
- ✦ Unallowable Costs – payment of routine court reporter fees, interpreters, and civil cases.
- ✦ Continuing Legal Education (CLE) - attorney criminal CLE hours were not consistently documented.

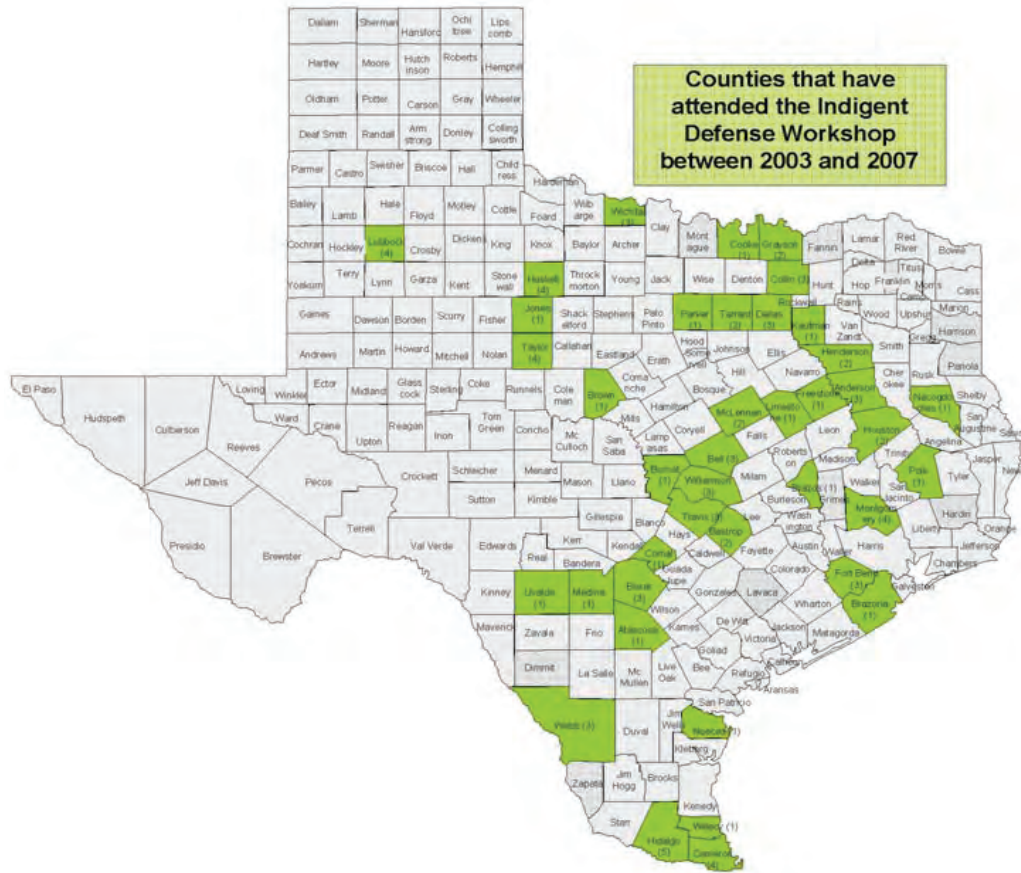
See Appendix C for a complete listing.

## Task Force Serves as a Clearinghouse of Information About Indigent Defense

The Task Force shares information and does so in a number of ways. In addition to providing technical assistance, publishing and distributing e-newsletters, the Task Force collaborates with other trainers to offer professional development educational programs to enhance understanding of the FDA. In FY 2008, Task Force staff made 15 presentations to more than 800 attendees at various professional associations. One of these presentations was the 5th Annual Indigent Defense Workshop sponsored by the Task Force. The Task Force holds an annual workshop each year. In FY 2008 the workshop was held October 18-19, 2007. Twenty-four counties were represented by court administrators, judges and commissioners. There were approximately 100 in attendance, including presenters and staff. The keynote speaker was Robert Spangenberg, a national indigent defense expert and president of The Spangenberg Group consulting firm. Attendees heard from a vast array of presenters from defense to prosecution. The workshop substantive and draws heavily from jurisdictions providing effective indigent defense services based on evidence-based practices from studies and in some cases, examples of programs which were funded by Task Force discretionary grant funds. County attendees gain information about the programs that can be replicated in their own counties. For instance, there were presentations on public defender office programs, case management programs and information was provided from recent studies concerning indigence determination/verification and electronic filing systems. The highlight of the workshop is when attendees break into small workgroups and work with facilitators on ways they could improve processes in their counties. Attendees develop a 90-day action plan. Task Force staff follow up with the counties regarding the action plans to see what progress has been made and if any assistance is needed. Workshops have resulted in improvements in processes each year. Some examples of actions taken: Lubbock County applied for a defense system for mental health offenders, Nueces County applied for an indigent defense coordinator, and Webb County applied for a juvenile unit in the public defender office.







### e-Newsletters

After each Task Force meeting, staff issues a newsletter by email to over 1500 county and other justice system stakeholders. Newsletters provide counties with information regarding grant application deadlines, instructions on applying for grants, monitor findings, new rules, forms, studies, publications and stories featuring other county's systems to share successful examples for other counties to learn from. Since 2002, 22 e-newsletters have been issued.



## Texas Task Force on Indigent Defense

September 2008 Volume 7, Number 1

**Inside:**

- Message from Chair
- Message from Director
- Policies and Standards Update
- Legislative Proposals
- Review of Dallas County Public Defender
- Grants and Reporting Update
- Formula Grants
- Cameron, Polk and Willacy Receive Extraordinary Funds
- Direct Disbursements
- Register for the 6<sup>th</sup> Annual Workshop October 23-24
- County Spotlight - Kaufman County



From left to right: Judge Jon Burrows, Judge Sharon Keller, Judge Olen Underwood, Judge Orlanda Naranjo, Justice Sherry Radack, James Bethke, Tony Odiorne, Judge Glen Whitley

### Message from the Chair

In its sixth year, the Task Force loses a member and gains a member. The Task Force has 13 members. Of the original 13 assigned in 2002, there are several members who have served for over six years. One of those members is Judge Orlanda Naranjo, judge of the 419<sup>th</sup> Judicial Civil District Court in Travis County. Judge Naranjo participated in almost every meeting (25 Policies and Standards Committee meetings, 22 full Task Force meetings, 2 strategic planning meetings, and numerous workgroup meetings). She has been a valuable resource, mind, and voice and she has helped the Task Force in its mission. As we bid our friend farewell, we welcome our newest member, Judge Alfonso Charles, judge of County Court at Law No. 2 in Gregg County. We are very fortunate to have Judge Charles on board with us, and we look forward to working with him in our efforts to improve indigent defense in Texas.

Sincerely,  
Sharon Keller, Presiding Judge, Court of Criminal Appeals

## Website

To further promote best practices and responsibility at the local level, the Task Force serves as a clearinghouse of indigent defense information via its website, at [www.courts.state.tx.us/tfid](http://www.courts.state.tx.us/tfid), with public access to all county indigent defense plans, expenditures, guides, model forms, rules, publications, e-newsletters and press releases. As of Nov 1, 2008 there have been 21,014 distinct visits out of 56,556 page hits to the public access site since its inception on September 23, 2003.

## Monitoring/tech assist

The Task Force offers technical assistance in various ways, including site visits. In FY 2008 staff conducted 55 site visits in 39 separate counties for a variety of purposes. Many visits were related to utilization of grant funding and expenditure reporting. The Task Force places a high priority on communication and training and educating all stakeholders in the indigent defense process. This assistance may be in the form of staff conducting a presentation, monitoring site visits or perhaps an informal meeting requested by a county grappling with spikes in spending, process related challenges and the like. The Director and other staff travel to many jurisdictions across the state. The sharing of information between the state and local jurisdiction benefits not only the local jurisdiction, but the state comes away from these meetings or presentations with a better understanding of local challenges. As a result, the state is better able to meet the needs of the local jurisdiction and oftentimes process changes are implemented by the locals that benefit not only the county but the client as well. Whatever a county's issues or needs are with indigent defense, counties are encouraged to ask for technical assistance.



## Communication, Education, Collaboration

This chart illustrates the various ways in which the Task Force communicates and collaborates with and educates criminal justice stakeholders about indigent defense. In FY 2008, Task Force staff made presentations, site visits, and provided trainings to more than 950 participants.

### Presentations by board members and Task Force staff at professionally sponsored conferences (approximately 700 attendees)

These presentations present information about the Fair Defense Act, the Task Force's mission, goals and strategies and information is presented on best practices derived from studies undertaken regarding public defense processes. The Director often is the presenter. At times the staff member over a particular program area will co-present. Also if a board member or colleague will be attending the program, that person or persons will also co-present.

Fourteen such presentations were made to professionally sponsored conferences with over 700 in attendance to some of the following:

- National Legal Aid and Defender Association (DC, 9/6, approximately 15 attendees)
  - National Legal Aid and Defender Association 2007 Annual Conference (Tucson, 11/9, approximately 30 attendees)
  - American Bar Association Indigent Defense Advisory Group (Tucson, 11/9, approximately 10 attendees)
  - Texas Corrections Association Mid-Winter Program (Austin, 11/29, approximately 150 attendees)
  - Texas Cooperative Extension (Uvalde, 12/5, approximately 35 attendees)
  - Texas Criminal Defense Lawyers Association (Dallas, 1/11, approximately 50 attendees)
  - Texas Association of Counties (Austin, 1/29, approximately 50 attendees)
  - American Bar Association Mid-year conference (Los Angeles, 2/7, approximately 50 attendees)
  - The Spangenberg Group Southern States Indigent Defense Coalition (Nashville, 2/28, approximately 20 attendees)
  - Rural Association for Court Administration Annual Conference (Waco, 4/17, approximately 150 attendees)
  - American Bar Association Committee on Legal Aid and Indigent Defendants (DC, 5/1, approximately 15 attendees)
  - Texas Criminal Defense Lawyers Association Rusty Duncan Conference (San Antonio, 6/26, approximately 40 attendees)
  - Texas Department of Public Safety (Houston, 7/2, approximately 60 attendees)
  - Texas Association of Counties Annual Conference (Austin, 8/28, approximately 60 attendees)
- [In addition: collaboration with trainings provided by Texas Justice Court Training Center and Texas Municipal Court Training Center]

### 55 On-Site Technical Assistance visits to 39 counties (approximately 150 contacts)

\*\* 55 total site visits broken down:

Fiscal Monitor: total of 18 on-site visits were conducted in FY2008. The 18 on-site visits consisted of 11 fiscal monitoring and 7 technical assistance visits. Fiscal monitor visits relate to the adequacy of financial management and statistical reporting systems.

Policy Monitor: total of 16 counties received on-site visits in FY2008. The 16 on-site visits consisted of 7 policy monitoring and 9 technical assistance visits. Policy monitor visits relate to compliance with policies outlined in the county indigent defense plan.

Other on-site/technical assistance: 21 visits to 13 counties were made to provide technical assistance as requested by a county, either in the form of a presentation or an informal meeting regarding spending or process related challenges. \*\*8 counties received visits from multiple sources.

### Annual Indigent Defense Workshop (approximately 100 attendees)

100 attendees, including elected officials, key decision makers, representing 22 counties attended.

The title of the workshop: Establishing Effective Defense Delivery Systems

The workshop demonstrated what's working around the state, hot topics, including information on the U.S. Supreme Court decision on *Rothgery v. Gillespie Co.* and 90-day action plans were developed by counties by participating in small work groups; video downloads of the workshop presentations are available on the website:

<http://www.courts.state.tx.us/tfid/videos.htm>

Successes in improving processes were achieved in several ways:

- several counties that will be considering a public defender office if it was supported and feasible (Ft. Bend, Nacogdoches, Nueces, Zapata)
- In light of the recent *Rothgery* ruling by the U.S. Supreme Court in June, counties will come up with a plan of action such as revisiting and revising indigent defense plans, changing magistration procedures and following up with defendants who have bonded out

In addition

#### Website

As of Nov 1, 2008 there have been 21,014 distinct visits out of 56,556 page hits to the public access site since its inception on September 23, 2003. Multiple visits from one ip address on a day are counted as one distinct visit. The website communicates to the public and counties by keeping all plan, expenditure reporting data, links to studies, links to model forms that may assist counties with processes, links to resources.

#### e-Newsletter

Distributed to approximately 1,500 email addresses derived from database of contact information. The newsletter is distributed after each Task Force meeting which is three-four times a year.

## Other Program Initiatives and Updates

### Administration

There are seven staff that support the Task Force and the Task Force benefits enormously from the administrative support and leadership provided to it by the Office of Court Administration (OCA). This support includes purchasing, human resources, fiscal, and other operations. This support leverages the economies of scale of the larger organization, while allowing staff designated to work for the Task Force to focus exclusively on the substantive work of improving indigent defense. In turn, the Task Force's staff is able to lend their expertise to OCA when issues arise related to criminal and juvenile law, as well as the front-end of the criminal case management systems. Legislative bill tracking and communication is another service provided by staff of the Task Force to assist the overall mission of OCA and the judiciary.

In FY 2008, the Task Force and its committees held 12 public meetings. The Task Force also met in April to focus on strategic planning with regards to 1) program accountability and monitoring practices; 2) allocation of new funding and issues related to the current formula; and 3) policies and standards and legislative initiatives.

### Internal audit

The Task Force staff and office underwent a thorough review by an internal auditor during summer of 2008. The key findings included ways that staff could further improve processes by streamlining procedures.

### Criminal Justice Integrity Unit

The Director of the Task Force, Jim Bethke, is a member of the Criminal Justice Integrity Unit which was formed summer of 2008. The formation of this unit was recently announced by Court of Criminal Appeals Judge Barbara Hervey, a member of the unit, saying its creation is "a call to action" for reform. Since 2001, 33 Texas inmates have been exonerated using DNA testing, including 17 in Dallas County. Key issues to be considered include:

- ✦ Improving eyewitness testimony. Experts say unreliable testimony is the number one problem in wrongful convictions.
- ✦ Reforming standards for collecting, preserving and storing evidence, which might be needed for future testing during an appeal.
- ✦ Eliminating improper interrogations and protecting against false confessions.
- ✦ Improving crime lab reliability.
- ✦ Improving the quality of lawyers appointed to poor defendants.

### Southern States Indigent Defense Coalition (SSIDC)

Jim is also a member of the SSIDC. Indigent defense system representatives from six southern states – Arkansas, Georgia, North Carolina, South Carolina, Tennessee, and Texas – met over a two-day period to share ideas and discuss indigent defense reform efforts. This collaboration project is organized by The Spangenberg Group and funded by The Justice Project to the Atlantic Philanthropies. During the first meeting the coalition members expressed some general sentiments and shared lessons learned in achieving indigent defense reform. Reform occurs incrementally, so there must be patience with

advocating for reform. It is also very valuable to have well-respected champions—courts, legislature, etc. who will advocate for reform. Also reform should include as many players as possible (The Spangenberg Group, 2008). There will be six meetings over three years.

### **Innocence Project**

Through the General Appropriations Act, the Texas Legislature in 2005 provided for the allocation of funds to the state's public law schools to support their work investigating claims of innocence by incarcerated individuals. The Task Force on Indigent Defense is currently responsible for administering the \$800,000 allocation to each of the four public law schools in Texas: University of Houston School of Law; University of Texas Law School; Texas Tech University School of Law; and Texas Southern University's Thurgood Marshall School of Law.

Each of these law schools has an operational innocence project. Working with instructors and staff, law students are responsible for screening and investigating claims by Texas inmates that they are actually innocent of the crimes for which they were convicted and are currently serving a sentence.

The Task Force partnered with the Public Policy Research Institute at Texas A&M University to create a centralized, internet-based reporting system to provide easy access and accountability for performance among the projects. The system standardizes performance data by the Innocence Project sites, and then summarizes those results in a form that is easily accessible to project administrators, Task Force staff, legislators, advocates, and the general public. In this way, the online system eliminates confusion regarding which site is accountable for individual cases, and makes better use of resources. The online system is appended to the current Task Force website used to administer indigent defense program funds to Texas counties. The link to the database is: <http://innocence.tamu.edu/Public>.

Highlights from the FY 2008 annual reports from each of the innocence projects:

#### **University of Houston School of Law (University of Houston Innocence Project)**

Received and processed 1,239 requests for assistance. Of these, 600 were claims for actual innocence (579 in English; 21 in Spanish) and questionnaires were sent to gather more information. During FY 2008, 504 cases were screened following the receipt of inmate questionnaires and 97 new investigations were started. This year, 100 investigations were completed and 1 conviction was overturned. A total of 53 students participated in the University of Houston Innocence Project, providing a total of 5,834 hours in client services.

#### **University of Texas Law School (Texas Center for Actual Innocence)**

Received 866 requests for assistance. Of these, 562 individuals made claims of innocence and were sent questionnaires requesting more information. In 304 of these cases the claims remain open and are awaiting preliminary screenings; 154 questionnaires were not returned; and 104 claims entered the screening process and are now closed. One hundred and eleven (111) cases are currently labeled as "pending," which includes cases in which the Texas Center for Actual Innocence (TCAI) is awaiting further communication from the inmate, the inmate is in direct appeal, or TCAI is awaiting the outcome of litigation. Sixty-two (62) cases were referred to other innocence projects in Texas and other states. A total of 21 students participated in the program, providing 1,943 hours of client services.

### Texas Tech University School of Law (West Texas Innocence Project)

Received and processed 1,693 requests for assistance. Of these, 672 individuals made claims of actual innocence and were sent questionnaires to gather more information. Of the questionnaires sent, 568 were returned and placed on the investigation list. During FY2008, the project initiated investigations in 193 cases. Litigation was initiated in 2 reviewed cases and DNA testing was initiated in 2 cases. The Clinic also referred 24 cases to other Innocence Project of Texas organizations in the region. The Clinic is comprised of 37 law students, providing more than 4,000 hours of dedication.

### Texas Southern University/ Thurgood Marshall School of Law (Innocence Project)

In its second year, the program has received and processed 27 requests for assistance from inmates. Of these, 3 of these requests were claims of actual innocence and 3 questionnaires were issued to gather more information. Of the 3 questionnaires that were returned, 2 new investigations were started and are still pending. The program had 10 students participating for a total of 78 hours worked.

The link to the Innocence Project database is: <http://innocence.tamu.edu/Public>.

### Task Force Law Student Interns

The Task Force has an association with the University of Texas School of Law (due in very large part to the late Professor Dawson) and Texas Tech School of Law. These law students assist the Task Force by reviewing county indigent defense plans for elements that are required by the Fair Defense Act and the Task Force for grant eligibility. They also assist with publications and research. The Task Force wishes to thank Amanda Belz, Francisco Garcia, Michelle Garza and Jordan Jackson who worked during FY 2008.



“The Task Force on Indigent Defense has been invaluable to the work of our project. Jim Bethke and his staff have guided us, taught us, and have always been there for us when we needed help and direction. They have helped us immeasurably.”

Jeff Blackburn  
Texas Tech School of Law  
Innocence Project

“Working for the Task Force was one of my best experiences during law school. I had the opportunity to experience policy being made at the state level in criminal defense, an area I’m passionate about. I’ve brought my interest in criminal justice and what I learned while interning at the Task Force to my current job at the Hogg Foundation as the Mental Health Policy & Law Fellow. I feel very lucky to have had such a wonderful experience working with the Task Force-I know more about magistrations than I ever dreamed I would!”

Jamie Dickson, former UT law intern for the Task Force, 2007



## 2007 Dawson Award

The Robert O. Dawson Indigent Defense Distinguished Service Award honors and acknowledges the late Professor Robert O. Dawson's outstanding contributions and symbolizes his lasting impact on the Texas Fair Defense Act and the Task Force. Each year the award will recognize service by a group or an individual that makes an outstanding contribution to the improvement in the way Texas provides counsel for its poorest citizens accused of crimes. Mr. Hase received the award for 2007 for his efforts to improve indigent defense in Tarrant County. "He is a public-minded individual who devotes his time and energy to benefit the legal system," said Presiding Judge Sharon Keller of the Court of Criminal Appeals, who chairs the Task Force. Brent Carr, judge of the Tarrant County Criminal Court No. 9, described Mr. Hase as a "statesman" and "tireless advocate." "Not only does he render outstanding service to his clients, he seeks to improve the quality of the practice of law," Judge Carr said. "To know Mr. Hase is to hope that our profession will have many more like him." The Honorable Sharen Wilson, judge of Tarrant County Criminal District Court #1, also praised Mr. Hase's efforts and explained that "His innovative solutions improved the system in Tarrant County and the State." Mr. Hase, a partner in the Ball and Hase law firm in Arlington, is a 1981 graduate of the Texas Tech University School of Law. He first joined the Tarrant County District Attorney's Office after graduation, prosecuting felony, misdemeanor and juvenile cases. He is a past president of the Tarrant County Criminal Defense Lawyers Association and member of the Texas Criminal Defense Lawyers Association and the Arlington Bar Association.



Past recipients of the Dawson Award: 2006: Dr. Tony Fabelo; 2005: Robert O. Dawson.

## Farewell to Judge Naranjo, Welcome Judge Charles

In its sixth year, the Task Force lost a member and gained a member. The Task Force has 13 members. Of the original 13 assigned in 2002, there are several members who have served for over six years. One of those members is Judge Orlinda Naranjo, judge of the 419th Judicial Civil District Court in Travis County. Judge Naranjo participated in almost every meeting (25 Policies and Standards Committee meetings, 22 full Task Force meetings, 2 strategic planning meetings, and numerous workgroup meetings). She has been a valuable resource, mind, and voice and she has helped the Task Force in its mission. As we bid our friend farewell, we welcomed our newest member, Judge Alfonso Charles, judge of County Court at Law No. 2 in Gregg County. We are very fortunate to have Judge Charles on board with us, and we look forward to working with him in our efforts to improve indigent defense in Texas.



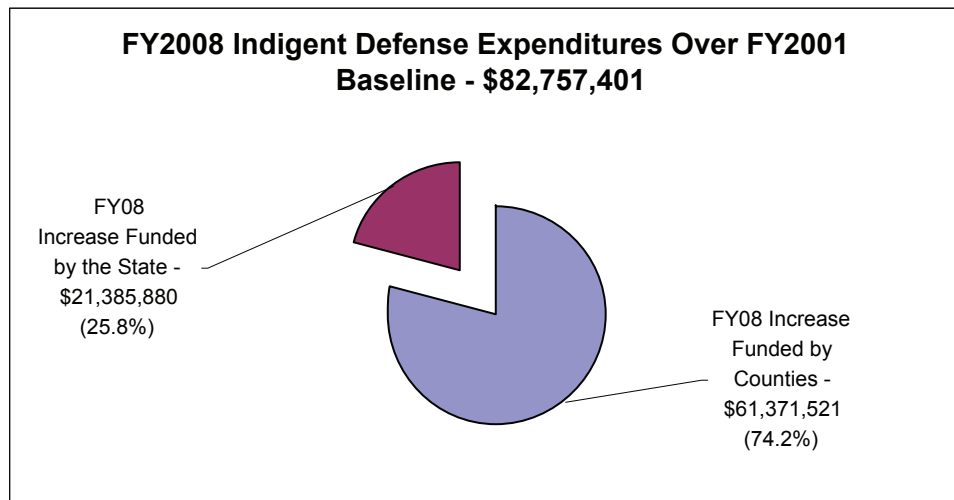
Judge Alfonso Charles

# Expenditure Report

## I. Expenditures

The Task Force is committed to assisting counties with increased indigent defense expenses due to the passage of the Fair Defense Act. This year, county indigent defense expenses totaled \$174,183,919 compared to FY 2007 recorded expenses of \$160,859,573 and FY 2006 recorded expenses of \$149,049,976.

To help offset increased costs, counties are eligible to receive grant and other funds to cover expenses above their FY 2001 baseline expenditures. This year, the state provided funding to counties through Formula Grants, Direct Disbursements, Extraordinary Disbursements, Equalization Disbursements and Discretionary Grants totaling just over \$21 million. FY 2008 expenditures totaled \$174,183,919, a \$82,757,401 increase over FY 2001 expenditures (baseline). The state provided funding for \$21,385,880 (25.8%) of that increase.



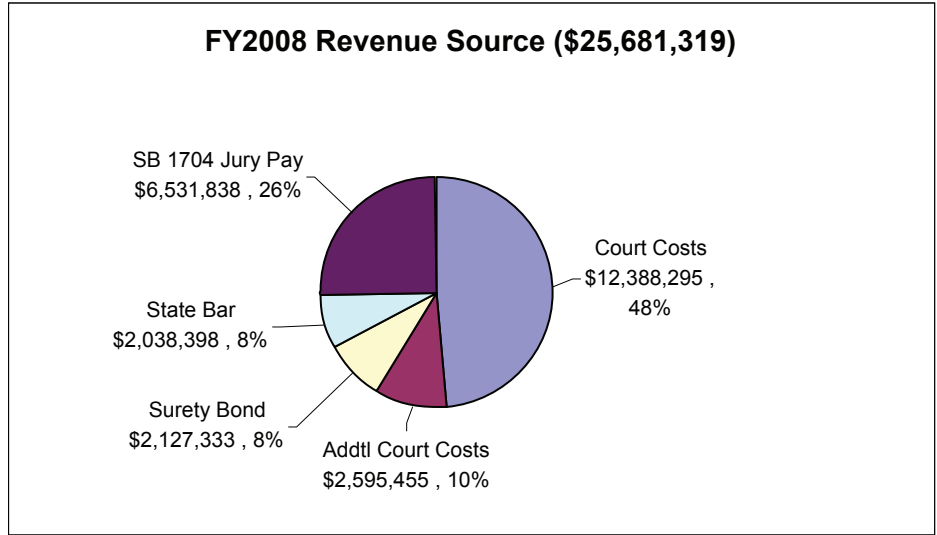
## II. Funding (Revenue)

Distributing state funds to assist counties in meeting their constitutional and statutory duties to improve indigent defense services is a critical responsibility of the Task Force. The primary source of funding for the Task Force is court costs and fees. Court costs and fees are paid upon conviction by defendants convicted of offenses ranging from fines for misdemeanors to felonies. This fiscal year, \$12,388,295 was collected compared to \$12,257,242 in FY 2007 and \$12,030,092 in FY 2006.

The Task Force also receives funding from Surety Bond Fees and State Bar Fees. Of the Surety Bond fees collected, one-third goes to the Fair Defense Account and the remaining balance goes to support longevity pay for prosecutors. This year, the Task Force received just over \$2.1 million from Surety Bond fees.



One-half of the State Bar Fee collected is allocated to the Fair Defense Account. This fiscal year, the Task Force received \$2,038,398 from State Bar fees. The Task Force designates funds collected from this fee to fund single and multi-year discretionary grant proposals whose priorities included establishing public defender offices, regional public defender offices, mental health defender services, and programs that provide direct services to indigent defendants.



The 79th and 80th Legislature provided the Task Force with two additional funding sources for indigent defense. S.B. 1704, 79th Legislature, R.S., created a new \$4 court cost payable upon conviction for any offense, excluding pedestrian or parking related offenses. This court cost is deposited to the newly created jury service fund. When the fund exceeds \$10 million, the overage will be transferred to the Fair Defense Account. These funds were appropriated to the Task Force to reimburse counties for the costs of providing indigent defense services. This fiscal year the Task Force received \$6.5 million, from the jury service fund. H.B. 1267, 80th Legislature, R.S. created a new \$2 fee on criminal convictions to be used for indigent defense services. The fee is expected to generate about \$7.6 million in new revenue annually. This fiscal year, almost \$2.6 million was collected.

## Operating Budget for Fiscal Year 2008

Budget Category	FY08 Total Expended	FY07 Comparative Total
Salaries & Wages	\$466,410	\$444,469
Other Personnel Cost	\$7,420	\$12,515
Benefit Replacement Pay	\$2,310	\$1,797
Professional Fees & Services	\$8,243	\$53,979
Computer/Programming Services	\$0	\$62,123
In-State Travel	\$29,030	\$31,711
Out-of State Travel	\$4,644	\$3858
Training	\$3,640	\$7,219
Postage	\$2,591	\$3,940
Materials & Supplies	\$4,624	\$6,500
Printing & Reproduction	\$1,439	\$52
Maintenance & Repairs	\$0	\$8
Telecommunications	\$9,670	\$8,745
Rentals & Leases	\$3,326	\$2,606
Other Operating Expenses	\$145,744	\$119,870
Indigent Inmate Defense Claim	\$54,758	
Innocence Project	\$174,179	\$323,294
Formula Grant <sup>(1)</sup>	\$11,742,978	\$11,507,931
Discretionary Grant <sup>(2)</sup>	\$3,047,124	\$2,340,576
Equalization Disbursement	\$6,000,000	\$3,000,000
Extraordinary Disbursement	\$450,565	\$200,000
Direct Disbursement	\$140,213	\$132,280
Capital Outlay	\$0	\$0
<b>Total</b>	<b>\$22,298,908</b>	<b>\$18,262,723</b>

Method of Finance Category	FY08 Method of Finance	FY07 Method of Finance
Court Costs	\$12,388,295	\$12,257,242
Surety Bond Fee	\$2,127,333	\$2,306,771
State Bar Fee	\$1,928,548	\$1,983,951
Jury Pay Fee	\$6,531,838	\$114,100
New Court Costs	\$2,595,455	
State Pass Thru Grant		\$11,132
<b>Total Revenue</b>	<b>\$25,571,469</b>	<b>\$17,508,996</b>
FY06 Carryover Funds		\$4,041,023
FY07 Carryover Funds	\$3,287,296	(\$3,287,296)
FY08 Carryover Funds <sup>(3)</sup>	(\$6,559,857)	
<b>Total MOF</b>	<b>\$22,298,908</b>	<b>\$18,262,723</b>

<sup>(1)</sup> The actual amount expended for FY07 Formula Grants totaled \$11,545,388 based on the indigent defense expenditure reports submitted by counties. Amount listed for FY08 Formula Grant is grant award amount.

<sup>(2)</sup> Amount showing for FY08 Discretionary Grants reflect the grant award; grants have not been completed. The actual amount expended for FY07 Discretionary Grants totaled \$1,703,602.

<sup>(3)</sup> Carryover is FY08 Jury Pay revenue which was deposited into the Fair Defense Fund after August 31, 2008.

<sup>(4)</sup> Amount shown for Formula and Discretionary Grants is the grant award amount.

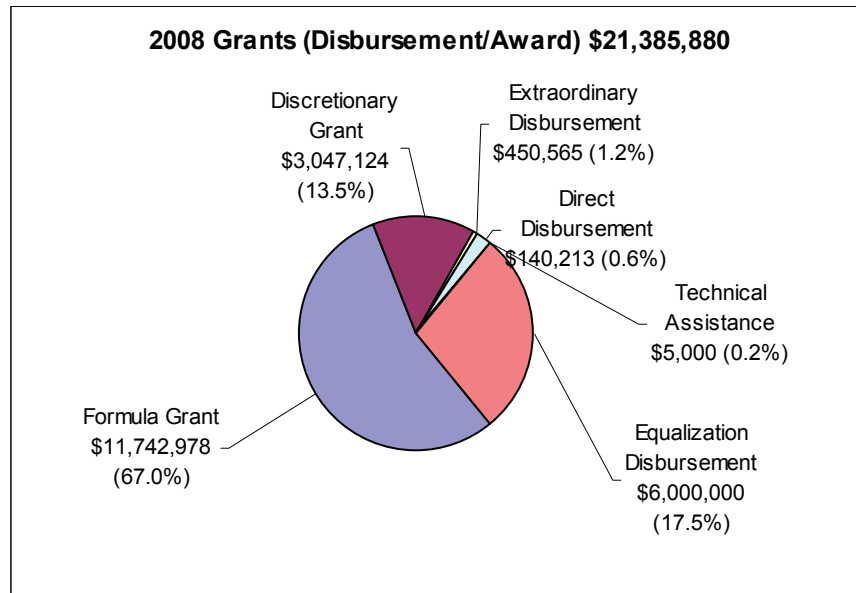
This fiscal year, the Task Force expended \$679,371 for administrative costs from the Fair Defense Account. Administrative cost represents 3.1% of the total amount expended. These expenses included salaries for seven full-time staff, travel for board members and staff, an on-line data system which provides public access through the internet of all county plans and expense information submitted by courts and counties, and other administrative functions as shown in chart above.

#### IV. Grants

##### Formula Grant

Formula grants provide money to counties for increased indigent defense costs using a standard allocation formula. Funds are distributed based on a floor award amount, with the remainder based on a county's percent of population. Funds are distributed to all counties who apply, document their

increased expenditures, and maintain a countywide indigent defense plan that complies with statutes and standards requirements set by the Task Force.



This fiscal year, the Task Force awarded formula grants to two hundred, twenty three (223) counties totaling \$11,750,371. Of the 223 counties awarded a grant, two hundred, fourteen (214) counties will receive disbursements totaling \$11,507,181. Formula grants represent 67.0% of total grant funding. See Appendix A for a complete listing of FY 2008 grant awards.

##### Direct Disbursement

The Direct Disbursement grant category gives small counties that have low incidences of crime and low indigent defense costs a way, if needed, to receive funding besides applying for a Formula Grant. Small counties often do not have sufficient indigent defense expenses to earn grant funds using the formula grant methodology. Two-thirds of the funds that would have been allocated to counties that do not apply for a formula grant are budgeted for direct disbursement. If a county has indigent defense expenses above its baseline year amount, that county is eligible to receive funding based on requirements set by the Task Force and availability of funds.

In FY 2008, thirty-three counties did not apply for a formula grant and were, therefore, eligible to receive a direct disbursement if they incurred indigent defense expenses above their baseline amount. A county may decide not to apply for a grant if the county did not expend any of its previous grant award or the county does not anticipate increased indigent defense costs over the baseline amount. The total amount disbursed under this category was \$140,213. This amount represents 0.60% of total grant funding. Table 2 lists all counties that received a direct disbursement.

### Extraordinary Disbursement

The Task Force distributed \$450,565 in extraordinary disbursement funding in FY 2008 to three counties. This amount represents 1.2% of total grant funding. Cameron County received \$142,006, Polk County received \$208,500 and Willacy County received \$100,059. To qualify for this funding, a county must demonstrate indigent defense expenses in the current and/or immediately preceding county fiscal year constituting a financial hardship for the county. Each request is evaluated on a case-by-case basis against other requests and the amount of funds available, with \$100,000 historically being the maximum amount a county may receive. Due to the availability of funds this fiscal year, counties received full funding of their requests. Table 3 details the funds disbursed under this program.

Table 3

County	Requested Amount	Amount Disbursed
Cameron	\$142,006	\$142,006
Polk	\$208,500	\$208,500
Willacy	\$100,059	\$100,059
Total	\$450,565	\$450,565

Table 2

County	Amount Disbursed
Briscoe	\$3,118
Concho	\$6,762
Dickens	\$705
Edwards	\$6,802
Fisher	\$5,841
Foard	\$2,664
Frio	\$12,677
Hudspeth	\$6,656
Jeff Davis	\$4,438
Karnes	\$12,119
Kinney	\$6,553
Lavaca	\$6,312
McCulloch	\$7,525
Nolan	\$12,056
Oldham	\$6,027
Rains	\$10,000
Schleicher	\$6,303
Stonewall	\$4,946
Uvalde	\$18,709
Total (19 counties)	\$140,213

### Equalization Disbursement

This fiscal year the Task Force made six million (\$6,000,000) available for Equalization Disbursements. These disbursements provide additional state funds to counties with the lowest percentage of state reimbursements compared to overall increased indigent defense costs. With this funding, the Task Force was able to reimburse every qualifying county for at least 24% of their increased indigent defense costs.

Eighty-eight (88) counties received payment under this program. The size of payments varied from \$28 to over \$900,000. See Table 4 for listing of disbursement.

### Discretionary Grant

The Task Force also distributes funds in the form of discretionary grants. Discretionary grants are awarded on a competitive basis to assist counties to develop new, innovative programs or processes to improve the delivery of indigent defense services. A county can apply for a single-year or a multi-year grant. Single-year grants pay up to 100% of an awarded activity on a reimbursement basis. Multi-year grants require a cash match and funding for a grant project is available for up to four years. Applications for discretionary grants are reviewed and scored by a select committee prior to being presented to the Grants and Reporting Committee and the full Task Force.

This year, multi-year grants established a public defender office for Bowie and Red River counties and a west Texas capital murder public defender office for Lubbock and 84 surrounding counties in the 7th and 9th administrative judicial regions. The total amount awarded for all discretionary grants in FY 2008 was \$3,047,124, which is 13.5% of total grant funding. A summary of each funded program is shown in Table 5 (on the following page).

Table 4

County	Amount Disbursed	County	Amount Disbursed
Angelina	\$1,822	Hunt	\$126,117
Atascosa	\$6,017	Hutchinson	\$23,688
Bastrop	\$26,367	Jackson	\$15,592
Bee	\$4,059	Jefferson	\$21,877
Bell	\$57,567	Johnson	\$12,733
Bexar	\$385,802	Karnes	\$4,428
Brazoria	\$140,562	Kerr	\$7,954
Brazos	\$17,542	Kimble	\$2,569
Brown	\$45,330	Lamar	\$42,494
Burleson	\$7,615	Leon	\$10,420
Burnet	\$21,443	Lubbock	\$74,900
Camp	\$972	McLennan	\$237,257
Cass	\$9,136	Midland	\$54,787
Childress	\$5,579	Montgomery	\$341,807
Comanche	\$4,192	Moore	\$13,746
Cooke	\$15,793	Nacogdoches	\$24,768
Cottle	\$190	Nueces	\$175,742
Crockett	\$16,750	Panola	\$5,184
Dallas	\$354,208	Parker	\$46,538
Deaf Smith	\$11,407	Polk	\$32,799
Duval	\$605	Randall	\$110,275
Eastland	\$19,886	Rusk	\$20,650
Ector	\$48,293	Scurry	\$6,252
El Paso	\$263,268	Smith	\$80,484
Ellis	\$113,337	Stephens	\$733
Fannin	\$33,345	Sutton	\$8,104
Fayette	\$305	Tarrant	\$741,947
Floyd	\$255	Taylor	\$96,715
Fort Bend	\$237,623	Titus	\$9,367
Gaines	\$3,519	Tom Green	\$27,320
Galveston	\$148,055	Travis	\$54,687
Gray	\$15,364	Upshur	\$12,588
Grayson	\$14,590	Van Zandt	\$9,885
Gregg	\$4,996	Victoria	\$40,437
Grimes	\$8,757	Walker	\$11,703
Guadalupe	\$22,700	Ward	\$19
Harris	\$911,286	Webb	\$230,883
Harrison	\$5,831	Wheeler	\$3,262
Hartley	\$28	Wichita	\$91,965
Haskell	\$2,643	Wilbarger	\$5,768
Hidalgo	\$116,333	Williamson	\$13,328
Hill	\$10,674	Wise	\$6,114
Hood	\$13,959	Wood	\$5,359
Houston	\$6,128	Zapata	\$2,622
		Total - 88 Counties	\$6,000,000

Table 5

County	Grant Number	Program Title	Grant Award Amount
Bowie	212-08-D10	Public Defender Initiative	\$621,517
Lubbock	212-08-D11	Regional Public Defender- Cap. Murder	\$650,685
		<b>Sub-Total (Multi Year)</b>	<b>\$1,272,202</b>
Bexar	212-58-D01	Appellate Public Defender Office	\$178,756
Dallas	212-58-D02	Mental Health Division for Dallas Co. Public Defender Office	\$76,200
El Paso	212-58-D05	Public Defender Mental Health Unit	\$46,744
Hidalgo	212-58-D03	Misdemeanor Public Defender Office	\$194,739
Kaufman	212-78-D07	Public Defender Initiative	\$180,256
Limestone	212-58-D04	Mental Health/Mental Retardation Contract Defense Program	\$65,835
Travis	212-78-D08	Mental Health Public Defender Office	\$500,000
Val Verde	212-68-D06	Regional Public Defender Program	\$352,728
Willacy	212-78-D09	Public Defender Program	\$179,664
		<b>Sub-Total (Continued Multi Year)</b>	<b>\$1,774,922</b>
		<b>Total - Multi &amp; Cont. Multi Year</b>	<b>\$3,047,124</b>

### Technical Assistance

The Task Force coordinates with counties to develop technical assistance projects to improve indigent defense services. Projects must raise the knowledge base about indigent defense and establish processes that have the potential to be model programs. Technical assistance projects must result in a paper and/or video about the process and outcome.

In FY 2008, the Task Force awarded \$5,000 in Technical Assistance to Harris County to develop a multidisciplinary education curriculum for attorneys who will specialize in cases involving indigent individuals whose mental health is a factor in the individual's arrest. Harris County will produce a videotape of the program which will be made available to interested local governments and individuals. In FY 2007, the Task Force awarded \$200,000 in Technical Assistance to Bexar County to expand their Appellate Public Defender Office to cover the entire 4th Court of Appeal region.

## V. Other

### Innocence Project

The Task Force continues to implement a rider that directs up to \$800,000 a biennium to innocence projects for the law schools at the University of Houston, the University of Texas, Texas Southern University and Texas Tech University to assist people wrongly convicted of crimes. When an investigation reveals a potentially provable case of actual innocence, the projects then work to pursue remedies for the inmate through the courts or clemency procedures. Innocence projects involve law students working under supervision of professors. This fiscal year, expenditures totaled \$174,179. Expenditures for FY 2006 through FY 2008 are shown in the table on the following page.

Law School	FY 2006	FY 2007	FY 2008	Total
University of Houston	\$86,293	\$113,707	\$0	\$200,000
University of Texas	\$79,109	\$106,372	\$60,563	\$246,044
Texas Southern University	\$0	\$17,500	\$29,167	\$46,667
Texas Tech University	\$99,901	\$99,988	\$84,450	\$284,339
Total Expended	\$265,303	\$337,567	\$174,179	\$777,049

### Indigent Inmate Defense Claim

For FY 2008- FY 2009, the Task Force will reimburse counties for court-appointed legal counsel expenses in indigent inmate conflict cases. This process applies to a defendant who is an indigent inmate charged with an offense committed while in the custody of the correctional institutions division or a correctional facility operated by the Texas Department of Criminal Justice (TDCJ) and where the court determines that the use of an attorney from the State Counsel for Offenders office presents a conflict of interest.

Prior to FY 2008, reimbursements for these indigent inmate conflict cases were paid by the State Comptroller's Office from its Miscellaneous Claims appropriation. The 80th Legislature passed H.B. 1267 in the final days of the session to change this payment process; however the appropriations rider needed to fully implement the statutory changes did not pass. Consequently, these funds are no longer available to pay these claims. As a temporary solution for the FY 2008-09 biennium, the Task Force agreed to pay from the Fair Defense Account the legal defense costs of indigent inmates who must be represented by private counsel. This fiscal year, the Task Force reimbursed three counties \$54,757.79 for their indigent inmate expenses as shown in the Table below.

County	Amount	Amount
	Requested	Reimbursed
Houston	\$62,953.52	\$51,651.33
Dawson	\$1,950.00	\$1,950.00
Tyler	\$1,156.46	\$1,156.46
Total	\$66,059.98	\$54,757.79

## Appendix A - FY 2008 Formula Grant Awards

County	Grant Award	County	Grant Award	County	Grant Award
Anderson	\$31,048	Comanche	\$11,493	Gray	\$15,314
Andrews	\$10,911	Concho	Direct	Grayson	\$59,854
Angelina	\$43,273	Cooke	Disbursement	Gregg	\$58,614
Aransas	\$16,520	Coryell	\$23,137	Grimes	\$16,592
Archer	\$9,249	Cottle	\$40,366	Guadalupe	\$53,920
Armstrong	\$6,001	Crane	Direct	Hale	\$21,763
Atascosa	\$24,334	Crockett	Disbursement	Hall	Direct
Austin	\$17,257	Crosby	\$6,763	Hall	Disbursement
Bailey	Direct	Culberson	\$6,867	Hamilton	\$8,881
Bandera	Disbursement	Dallam	\$8,092	Hansford	\$7,464
Bastrop	\$14,090	Dallas	Direct	Hardeman	\$7,067
Bastrop	\$37,654	Dawson	Disbursement	Hardin	\$28,357
Baylor	\$6,866	Deaf Smith	\$7,894	Harris	\$1,735,751
Bee	\$20,464	Delta	\$1,078,092	Harrison	\$34,601
Bell	\$128,357	Denton	\$11,698	Hartley	\$7,540
Bexar	\$713,661	DeWitt	\$13,667	Haskell	\$7,563
Blanco	\$9,418	Dickens	\$7,438	Hays	\$65,118
Borden	Direct	Dimmit	\$271,033	Hemphill	\$6,629
Bosque	Disbursement	Donley	\$14,643	Henderson	\$41,807
Bowie	\$13,521	Duval	Direct	Hidalgo	\$325,325
Bowie	\$48,174	Eastland	Disbursement	Hill	\$21,023
Brazoria	\$135,487	Ector	Disbursement	Hockley	\$15,460
Brazos	\$79,799	Edwards	Direct	Hood	\$27,491
Brewster	\$9,278	El Paso	Disbursement	Hopkins	\$20,518
Briscoe	Direct	Ellis	\$62,968	Houston	\$15,850
Brooks	Disbursement	Erath	Direct	Howard	\$20,377
Brown	\$8,495	Falls	Disbursement	Howard	Direct
Burleson	\$22,760	Fannin	\$345,579	Hudspeth	Disbursement
Burnet	\$13,380	Fayette	\$67,803	Hunt	\$43,574
Burnet	\$23,677	Fisher	\$20,887	Hutchinson	\$15,374
Caldwell	\$21,473	Floyd	\$13,387	Irion	\$5,820
Calhoun	\$14,573	Foard	\$20,862	Jack	\$9,053
Callahan	\$11,321	Fort Bend	\$15,717	Jackson	\$11,745
Cameron	\$182,377	Franklin	Direct	Jasper	\$21,452
Camp	\$10,918	Freestone	Disbursement	Jasper	Direct
Carson	\$8,036	Frio	Direct	Jeff Davis	Disbursement
Cass	\$19,108	Gaines	Disbursement	Jefferson	\$119,433
Castro	\$8,565	Galveston	Direct	Jefferson	Direct
Chambers	\$20,381	Garza	\$222,789	Jim Hogg	Disbursement
Cherokee	\$27,692	Gillespie	\$9,733	Jim Wells	\$23,935
Childress	\$8,592	Goliad	\$13,918	Johnson	\$73,762
Clay	\$10,222	Gonzales	Direct	Jones	\$14,626
Cochran	\$6,678	Gray	Disbursement	Jones	Direct
Coke	\$6,867	Grayson	\$12,001	Karnes	Disbursement
Coleman	\$9,076	Gregg	\$134,176	Kaufman	\$47,651
Collin	\$317,820	Guadalupe	\$7,283	Kendall	\$18,749
Collingsworth	\$6,420	Hale	\$16,166	Kendall	Direct
Colorado	\$14,747	Hall	Direct	Kenedy	Disbursement
Comal	\$50,621	Harris	Disbursement	Kent	\$5,358
		Harrison	\$8,306	Kerr	\$27,005
		Hartley	\$14,061	Kimble	\$7,157



County	Grant Award
King	Direct Disbursement
Kinney	Direct Disbursement
Kleberg	\$19,077
Knox	\$6,853
La Salle	\$7,791
Lamar	\$28,141
Lamb	\$11,893
Lampasas	\$14,132
Lavaca	Direct Disbursement
Lee	\$12,709
Leon	\$12,566
Liberty	\$40,822
Limestone	\$15,572
Lipscomb	\$6,497
Live Oak	Direct Disbursement
Llano	\$13,688
Loving	\$5,030
Lubbock	\$121,689
Lynn	\$7,889
Madison	\$11,297
Marion	\$10,058
Martin	\$7,190
Mason	\$6,805
Matagorda	\$22,279
Maverick	\$29,016
McCulloch	Direct Disbursement
McLennan	\$109,086
McMullen	Direct Disbursement
Medina	\$25,054
Menard	\$6,077
Midland	\$60,709
Milam	\$16,934
Mills	\$7,510
Mitchell	\$9,453
Montague	\$14,183
Montgomery	\$183,766
Moore	\$14,274
Morris	\$11,024
Motley	Direct Disbursement
Nacogdoches	\$33,657
Navarro	\$27,535
Newton	\$11,740
Nolan	Direct Disbursement

County	Grant Award
Nueces	\$152,900
Ochiltree	\$9,259
Oldham	Direct Disbursement
Orange	\$44,089
Palo Pinto	\$17,993
Panola	\$15,804
Parker	\$53,674
Parmer	\$9,590
Pecos	\$12,560
Polk	\$26,548
Potter	\$60,832
Presidio	\$8,723
Rains	Direct Disbursement
Randall	\$56,251
Reagan	\$6,440
Real	\$6,534
Red River	\$11,492
Reeves	\$10,358
Refugio	\$8,468
Roberts	\$5,403
Robertson	\$12,601
Rockwall	\$34,790
Runnels	\$10,268
Rusk	\$27,030
Sabine	\$9,806
San Augustine	\$9,229
San Jacinto	\$16,733
San Patricio	\$37,241
San Saba	\$7,887
Schleicher	Direct Disbursement
Scurry	\$12,384
Shackelford	\$6,512
Shelby	\$16,814
Sherman	\$6,610
Smith	\$94,254
Somervell	\$8,637
Starr	\$33,812
Stephens	\$9,471
Sterling	\$5,629
Stonewall	Direct Disbursement
Sutton	\$6,941
Swisher	\$8,799
Tarrant	\$766,898
Taylor	\$64,474
Terrell	\$5,483

County	Grant Award
Terry	\$10,831
Throckmorton	\$5,736
Titus	\$18,819
Tom Green	\$52,617
Travis	\$427,700
Trinity	\$11,695
Tyler	\$14,845
Upshur	\$22,255
Upton	\$6,413
Uvalde	Direct Disbursement
Val Verde	\$27,000
Van Zandt	\$28,480
Victoria	\$44,772
Walker	\$34,611
Waller	\$22,042
Ward	\$9,857
Washington	\$19,857
Webb	\$112,845
Wharton	\$24,663
Wheeler	\$7,390
Wichita	\$65,090
Wilbarger	\$11,421
Willacy	\$14,595
Williamson	\$164,419
Wilson	\$22,846
Winkler	\$8,065
Wise	\$30,941
Wood	\$23,635
Yoakum	\$8,360
Young	\$13,224
Zapata	\$11,406
Zavala	\$10,419
<b>Total</b>	<b>\$11,742,978</b>

# Appendix B - Map of Discretionary Grant Programs 2003-2009 Across the State

## Direct Client Services

Public Defender offices in existence prior to the Fair Defense Act, January 1, 2002

1. Travis (juvenile only) est. 1971
2. Dallas est. 1983
3. El Paso est. 1987
4. Colorado est. 1987
5. Webb est. 1988
6. Wichita est. late 1980's
7. Cameron (juvenile only) est. 1999

Public Defender offices established through Task Force on Indigent Defense grant funds

- 2005 - 8. Bexar (regional appellate); 9. Hidalgo (misdemeanors)
- 2006 - 10. Val Verde, Edwards, Terrell and Kinney (regional)
- 2007 - 11. Kaufman; 12. Willacy
- 2008 - 13. Bowie and Red River (regional)
- 2009 - 14. West Texas Regional Capital Defender (7th and 9th Administrative Regions)
- 2009 - 15. Bee, Live Oak, McMullen (regional); 16. Webb (juvenile)

Mental health defender programs established through Task Force on Indigent Defense grant funds

- 2004 - 1. El Paso
- 2005 - 2. Limestone regional with Freestone and Leon; 3. Dallas
- 2007 - 4. Travis
- 2009 - 5. Lubbock

Contract Defense Attorney

- 2003 - 1. Waller

## Technology

- 2003 - 1. Bell, ID Computer Support; 2. Hidalgo, VTC;
3. Dallas, computers for PD; 4. Lamar, ID related equipment; 5. Montgomery, system programming;
6. Smith, imaging system, attorney access;
7. Travis, improved intake data mgmt;
8. Wichita, PD software and VTC system;
9. Wise, computer and programming
- 2004 - 10. Dallas, case management system
11. Tarrant, Integrated Justice Information System
12. Travis, technology improvements
- 2005 - 13. Collin, VTC; 14. Grimes, tracking system, hardware; 15. Henderson, VTC; 16. Hockley, regional with Cochran, VTC; 17. McLennan, VTC;
18. Tom Green, regional with Runnels, Schleicher, VTC;
19. Van Zandt, technology resources
- 2006 - 20. Hill, VTC; 21. Hood, regional with Garza, Bowie, VTC;
22. Polk, regional with San Jacinto, Trinity, VTC
- 2007 - 23. Lubbock, VTC
- 2009 - 24. Red River, VTC

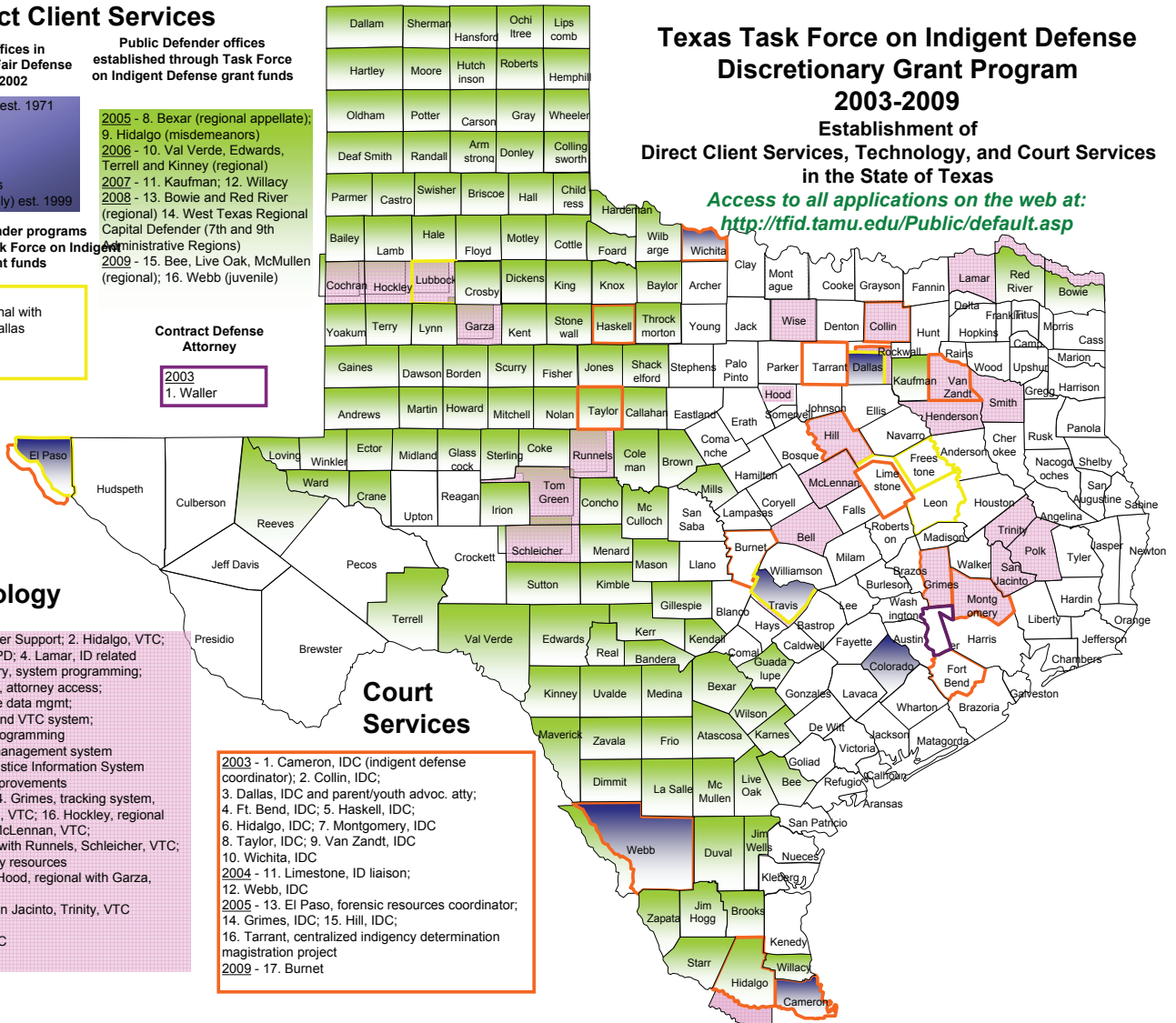
## Court Services

- 2003 - 1. Cameron, IDC (indigent defense coordinator); 2. Collin, IDC;
3. Dallas, IDC and parent/youth adv. atty;
4. Ft. Bend, IDC; 5. Haskell, IDC;
6. Hidalgo, IDC; 7. Montgomery, IDC
8. Taylor, IDC; 9. Van Zandt, IDC
10. Wichita, IDC
- 2004 - 11. Limestone, ID liaison;
12. Webb, IDC
- 2005 - 13. El Paso, forensic resources coordinator;
14. Grimes, IDC; 15. Hill, IDC;
16. Tarrant, centralized indigency determination magistration project
- 2009 - 17. Burnet

## Texas Task Force on Indigent Defense Discretionary Grant Program 2003-2009

Establishment of Direct Client Services, Technology, and Court Services in the State of Texas

Access to all applications on the web at: <http://tfid.tamu.edu/Public/default.asp>



11/25/2008

## Appendix C - FY 2008 Monitoring Visits (Policy and Fiscal)

### FY 2008 Summary of the Monitoring-related Visits (September 1, 2007 – August 31, 2008)

No	County	Date of Site Visit	Type of Visit
1	Harris	September 5, 2007	Fiscal Technical Assistance
2	Tyler	September 25 - 26, 2007	Policy Monitoring
3	Jasper	September 27 - 28, 2007	Policy Monitoring
4	Coryell	October 1, 2007	Policy Monitoring Follow-up
5	Johnson	October 1, 2007	Policy Monitoring Follow-up
6	Wise	October 2 - 5, 2007	Policy Monitoring
7	Jack	October 4, 2007	Policy Monitoring
8	Johnson	October 4, 2007	Fiscal Technical Assistance
9	Young	October 5, 2007	Technical Assistance
10	Ellis	December 5, 2007	Fiscal Technical Assistance
11	Collin	January 8 - 11, 2008	Fiscal Monitoring
12	Webb	January 15 - 16, 2008	Policy Monitoring Follow-up
13	El Paso	January 28 – February 1, 2008	Fiscal Monitoring
14	Nueces	January 29 – February 1, 2008	Policy Monitoring
15	Hunt	February 12 – 14, 2008	Fiscal Monitoring
16	Fisher	February 25, 2008	Technical Assistance
17	Nolan	February 25, 2008	Policy Monitoring Follow-up
18	Ector	February 26 - 29, 2008	Policy Monitoring
19	Parker	March 4 - 6, 2008	Fiscal Monitoring
20	Brooks	April 15, 2008	Fiscal Technical Assistance
21	Jim Wells	April 16 – 18, 2008	Fiscal Monitoring
22	Edwards	April 28, 2008	Technical Assistance
23	Kinney	April 28, 2008	Technical Assistance
24	Val Verde	April 29 – May 1, 2008	Fiscal & Policy Monitoring
25	Terrell	May 2, 2008	Technical Assistance
26	Harris	May 27 – 30, 2008	Fiscal Monitoring
27	Cameron	June 10 – 12, 2008	Technical Assistance
28	Henderson	June 10 - 12, 2008	Fiscal Monitoring
29	Bexar	June 23 - 27, 2008	Fiscal Monitoring
30	Cameron	June 23 - 27, 2008	Technical Assistance
31	Dallas	July 22 – 25, 2008	Fiscal Monitoring
32	Tarrant	August 19 – 22, 2008	Fiscal Monitoring