Funding for Mental Health Defender Programs

TIDC Indigent Defense Workshop
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Overview

1. Overarching Approach to Mental Health Defender Program Funding
2. Different Models
3. TIDC Grant Opportunities/Process
Main Goals

- Improve the quality of representation for indigent defendants with mental health challenges.
- Improve legal outcomes by addressing charges in the context of often unmet MH needs.
- Reduce recidivism risks through advocacy for solutions that stabilize clients in their communities.
How? The Right Team

- Collaboration between lawyers and social workers and/or case managers.
- Attorneys need specialized training to effectively represent clients with mental illness.
- Social workers and case managers have expertise to understand client needs and the opportunities for addressing them.
Defense-Based Social Workers

- Advocates, navigators, fact-finders – not clinicians/treatment providers.

- Value-Add
  - Careful assessment of client needs, challenges, history, context
  - Help develop case strategy involving mitigation
  - Assist with client communication
  - Referrals to community-based services
  - Develop release plans that support plea negotiations
Benefits

- Defense attorneys in better position to negotiate with prosecutors about case disposition
- Judges get a fuller picture of the defendant and are provided with well-informed alternatives to incarceration
- More defendants are diverted from jail to community resources that can address their needs
Models of MH Defender

- Mental Health Public Defender Office
  - Staff attorneys and social workers provide direct services from a county department or non-profit
  - A division of a comprehensive program or a specialized program
Models of MH Defender

- Mental Health Managed Assigned Counsel Program
  - Managing attorneys and social workers provide coordination, resources, support and oversight
  - Representation by specially trained private attorneys
  - A division of a comprehensive program or a specialized MH Program
  - County department or non-profit
Legislature appropriated $5 million to TIDC restricted for Mental Health Public Defenders
- Must be an existing public defender program
- Can expand existing MHPD services or add MH services to PD
- Approx. $1.3 million still available
- Narrow eligibility under this funding stream, but if not a fit, apply under regular TIDC grant program!
FY21 Request for Applications out now
Optional “Intent to Submit” due March 31
Full Application due May 11 (priority deadline)
Funding starts October 2020
TIDC Improvement Grants

- New positions/programs only
- Indigent defense specific
- County matching funds required
- 4 Years of Step-Down Funding: 80/60/40/20
- Small rural regional public defenders may qualify for sustainability funding
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Getting Started: Key Stakeholders

- **District and County Court Judges** – Their support and participation is essential and required for grants

- **Constitutional County Court Judges and Commissioners** – Also essential, budget implications (grants require county matching funds)

- **JPs and Magistrate Judges** – Involved in processing requests for counsel, key timelines for appointment

- **Sheriffs** – Jail population, mentally ill inmates, attorney visits

- **Defense Bar** – Needed resources, other challenges

- **Local Mental Health Authority** – Key in planning programs for representing mentally ill defendants

- **Others** - Community leaders/advocates engaged on CJ and MH issues
Getting Started
Questions to Help Identify Opportunities for Improvement

- Are significant numbers of mentally ill defendants cycling through the system?
- Are jails challenged with large numbers of mentally ill defendants who really don’t belong there?
- Are defendants with mental illness falling through the cracks and getting lost in the system?
- Is there confidence that the county knows what it is getting for its money in indigent defense spending?
- Is the quality of representation monitored? Does the system have effective oversight and accountability?
- Do attorneys appointed to represent defendants with mental illness have the knowledge and support staff to effectively represent their clients and improve outcomes?