



TEXAS INDIGENT DEFENSE COMMISSION

Chair:
The Honorable Sharon Keller
Presiding Judge, Court of Criminal Appeals

August 30, 2013

Vice Chair:
The Honorable Olen Underwood

The Honorable Ramon Garcia
Hidalgo County Judge
Via E-mail: yolanda.chapa@co.hidalgo.tx.us

Ex Officio Members:
Honorable Sharon Keller
Honorable Wallace B. Jefferson
Honorable Roberto Alonzo
Honorable Abel Herrero
Honorable Sherry Radack
Honorable Linda Rodriguez
Honorable Royce West
Honorable John Whitmire

RE: FY2014 Statement of Grant Award – Grant Number 212-24-D09

Members Appointed by Governor:
Honorable Jon Burrows
Mr. Don Hase
Mr. Anthony Odiome
Honorable Olen Underwood
Honorable B. Glen Whitley

Dear Judge Garcia:

I am pleased to inform you that the Texas Indigent Defense Commission has awarded Hidalgo County a **FY2014 Multi-year Continued Discretionary Grant** in the amount of **\$136,379** in response to your application titled **Hidalgo County Public Defender's Office - Juvenile Section**. Your Statement of Grant Award for fiscal year 2014 is attached. Please sign, scan, and return via e-mail the Statement of Grant Award to bryan.wilson@txcourts.gov on or before **September 30, 2013**. You do not need to mail a copy.

Executive Director:
James D. Bethke

Congratulations to Hidalgo County on taking the lead in Texas by developing this new indigent defense program. If you have any questions or need clarification of the information contained in this letter or the attached Statement of Grant Award, please contact Bryan Wilson, the Commission Grants Administrator at (512) 936-6996.

Sincerely,

Sharon Keller
Chair, Texas Indigent Defense Commission
Presiding Judge, Court of Criminal Appeals

Copy:

Mr. Raymundo Eufrazio, Hidalgo Co Auditor, ray.eufrazio@auditor.co.hidalgo.tx.us
Mr. Jaime Gonzales, Chief Public Defender, jimmy.gonzalez@co.hidalgo.tx.us

Texas Indigent Defense Commission
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TEXAS INDIGENT DEFENSE COMMISSION
Statement of Grant Award

FY2014 Multi-year Continued Discretionary Grant

Grant Number: 212-24-D09
Grantee Name: Hidalgo County
Program Title: Hidalgo County Public Defender's Office - Juvenile Section
Grant Period: 10/1/2013-9/30/2014
Grant Award Amount: \$136,379

The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Hidalgo County (herein, the County) for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Commission by September 30, 2013. The grantee will not receive any grant funds until this notice is executed and returned to the Commission. Funding is provided as listed in the categories in the table below:

Direct Costs:	
1) Personnel (Total Number of FTEs:)	\$205,263
2) Fringe Benefits	\$61,201
3) Travel and Training	\$5,100
4) Equipment	
5) Supplies	\$4,000
6) Contract Services	\$6,600
7) Indirect Costs	
Total Proposed Costs	\$282,164
Less Cash from Other Sources- County Match	\$145,785
Total Amount Funded by Commission	\$136,379

Standard Grant Conditions:

- The authorized official for the grantee accepts the grant award.
- The authorized official, financial officer, and program director, referred to below as grant officials, must comply with the terms of the grant as written in the Request for Applications issued on October 19, 2012, including the rules and documents adopted by reference in the Commission’s Grant Rules in Title 1, Part 8, Chapter 173, Texas Administrative Code.
- The grant officials understand that a violation of any term of the grant may result in the Commission placing a temporary hold on grant funds, permanently deobligating all or part of the grant funds, requiring reimbursement for funds already spent, or barring the organization from receiving future grants.
- Disbursement of funds is always subject to the availability of funds.
- The grant officials agree to follow the grant terms contained in the “Required Conditions and Report” contained in Attachment A.
- Any indigent defense plan documents submitted to the Commission must continue to meet all grant eligibility requirements.
- The judges hearing criminal and juvenile matters must amend the Indigent Defense Plan for their respective courts to include the program funded under this award and submit it to the Commission by December 31, 2013.

The authorized official for this grant program has read the preceding and indicates agreement by signing the Statement of Grant Award included below.

Signature of Authorized Official

Name & Title (must print or type)

Date

Attachment A

Required Conditions and Reports

Method of Calculation

The budget appearing in the Statement of Grant Award was developed under the assumptions that the grant be based on a 12-month period. The schedule provides the county twelve months of funds at each of the original agreed upon funding levels. If the county has a delayed start in the first year (FY2013), it may necessitate an adjustment in future years to allow the county to fully expend grant funds. The intention is to follow a declining schedule of 80 percent in the first year; then, 60 percent in the second year; then, 40 percent in the third year; and 20 percent in the final year of the Commission support. The grants will remain on a fiscal calendar (October to September), but future awards will reflect any needed modifications to implement this policy.

Program Requirements

In addition to the program requirements stated in the Request for Applications (RFA) these specific program requirements apply to this funded program (**Note:** If the County contracts the public defender office to a non-profit corporation or governmental entity, then the corporation or governmental entity will ensure the following are performed):

- The County will continue to operate a Public Defender's Office as defined FY2012 Statement of Grant Award and in accordance with Article 26.044 of the Texas Code of Criminal Procedure as amended by the 82nd Legislature.
- The County will submit reports to obtain reimbursement of expended funds based on actual expenditures. The reimbursements will be proportional to the county's required match.
- This grant requires quarterly progress reports to provide information on the effectiveness of the program. The Commission grants administrator will construct an on-line progress report that best reflects the actual work performed in this program and is consistent with the FY2013 application listed below as edited and agreed to. The County will be able to request modifications to the on-line report when the performance measures are determined to not accurately reflect the work performed.
- The County must maintain a Public Defender Oversight Board in accordance with Texas Code of Criminal Procedure Article 26.045 to supervise the operation of this program. The County will submit a written policy on how the members are selected and which details the duties and procedures of the board.
- The County or its designee must maintain a written policy that includes caseload standards for each attorney and for the general operation of this program. In developing caseload standards, nationally recognized standards and standards used by other states shall be taken into consideration (such as National Advisory Commission on Criminal Justice Standards and Goals). The written policy for caseload standards should be provided to the Commission staff along with the first quarterly progress report. The caseload standard policy should require the Chief Public Defender to review actual caseloads at least quarterly. The Chief Public Defender may approve higher or lower caseloads than the adopted standard based on overall complexity of cases, overall type of cases, attorney experience, support staff experience, court needs, available technology to augment services, or other factors that affect the delivery of services. The Chief Public Defender must notify the program's Oversight Board in writing if an exception to the caseload standards is authorized.
- The County or its designee must provide to the Commission staff the minimum job requirements and a full job description of the FTE positions specified under this project before positions are publicly posted.
- The survey of local stakeholders required in the Evaluation section of the FY2013 application listed below should be conducted during the 2nd and 4th years of operation of the program. The County must summarize the results received back from the participants of the survey and discuss any improvements made to the program. The analysis of the survey results in the 4th year must compare the findings between the two survey events. The County must provide the Commission with a draft of any survey instrument for feedback before it is distributed and provide to the Commission a copy of the analyses of responses (not the unanalyzed survey responses).
- The Public Defender Office Case Representation Policies and Procedures Manual must be provided to the Commission along with the 2nd quarterly progress report. Grantees should consider professional standards of representation such as the Texas State Bar Performance Guidelines for Non-Capital Criminal Defense Representation when developing the manual. A

final version of the Policies and Procedures Manual shall be completed and delivered to the Commission along with the Final Progress Report for FY2013.

- Equipment costs listed in the first year start-up budget will not be carried forward into subsequent years of funding. If the County selects a non-profit corporation the proposal and the contract must include the method for funding equipment to operate the Public Defender Office that does not require the start-up costs to be included in the contract beyond the first year.
- The County must provide a plan of data collection by the first progress report that includes a list of data elements that capture the work performed under this program or impact on the county's compliance with the Fair Defense Act. This County must submit data collection agreements from county offices or departments to provide this data to the program director on a regular basis to measure the impact of this program.
- The Public Defender's Office will record attorney and support staff work time in a manner that allows for accurate completion of the Public Defender Addendum to the Indigent Defense Expenditure Report. Records must contain sufficient detail to appropriate time and salary across categories of offenses (capital, non-capital felony, misdemeanor, juvenile, felony appeals, misdemeanor appeals, and juvenile appeals).

**Modified 2012 Hidalgo County Discretionary Grant Application Narrative
(Multi-Year Grant)**

NOTE: The term "Defendant" was removed and replaced with "Respondent" without notation.

a. Application Form

Counties Represented: **Hidalgo**

Fiscal Year: **2012**

State Payee Identification Number: **74-6000717**

Division To Administer Grant: **Hidalgo County Auditor's Office**

Program Title: **Hidalgo County Public Defender's Office - Juvenile Section**

Requested Grant Amount: **\$243,033.57**

Financial Officer: **Raymundo Eufracio**

Program Director: **Jaime E Gonzalez**

Mailing Address: **1615 South Closner, Suite J; Edinburg, TX 78539**

b. Introduction (Executive Summary)

Hidalgo County seeks to improve the quality of representation to juvenile indigent respondents by establishing a juvenile section within the Hidalgo County Public Defender's Office (HCPDO). Established HCPDO procedures will ensure that juvenile respondents, appointed via the county's indigent defense office or via the bench, will be contacted within 24 hours of receiving screening information. Assistant public defenders will appear with juvenile respondents at every court hearing until charges are disposed. Providing juvenile respondents with consistent, accountable, legal representation throughout the criminal justice process will ultimately lead to increased productivity and efficiency, thereby saving the county money.

c. Problem Statement

The stakeholders in the Hidalgo County criminal justice system are focused on the inability of the current system to adequately address the legal needs of juvenile indigent respondents. Deficiencies within the system range from the absence of attorney-client contact with juvenile respondents in custody, lack of appearances in court by appointed attorneys, lack of qualified court-appointed attorneys, timely submission and filing of criminal charges, and the rising cost of court appointed attorney vouchers. As a possible solution, a public defender's office- juvenile section would be instrumental in alleviating the problems of indigent juvenile respondents.

One of the biggest problems concerning the current system is the significant amount of money it takes to operate. Specifically, in 2010 there were 1,208 juvenile cases filed in the 449th District Court. With an estimated 91 percent of those cases having court-appointed counsel, the total amount of vouchers submitted to the county's auditor's office for that court totaled 1,110 at an average cost per case of \$542.37. The public defender's office plans to absorb up to 600 of those juvenile cases, at an estimated savings to the county of \$325,422.00.

A public defender's office - juvenile section is necessary to provide proactive, quality representation to juvenile indigent offenders in Hidalgo County at a reasonable cost. Additionally, the other legal issues of lack of court appearances, skilled attorneys, and the filing of timely criminal charges will be overseen by the current policies and procedures in place with the Hidalgo County Public Defender's Office.

d. Objectives

In order to minimize the problems stated previously, the following specific objectives have been formulated:

Objective 1: Establish a fully functional juvenile section to the Hidalgo County Public Defender's Office to represent juvenile indigent respondents charged with criminal offenses in Hidalgo County by November 1, 2011.

Objective 2: The Hidalgo County Indigent Defense Office shall appoint to the juvenile public defender's office at least 50% of the total juveniles meeting financial eligibility - within 24 hours of booking at the Hidalgo County juvenile detention center.

Objective 3: The Hidalgo County Public Defender's Office shall provide juvenile indigent respondents with qualified juvenile public defenders that are currently licensed and in good standing with the State Bar of Texas, and that exhibit proficiency and commitment to providing quality representation to juvenile respondent - ongoing.

Objective 4: Juvenile public defenders will meet the required 6 hours a year of continuing legal education in courses related to juvenile criminal law as recognized by the State Bar of Texas -ongoing.

Objective 5: Juvenile public defenders are to make contact with their appointed juvenile respondents no later than the end of the first working day after the date on which the attorney is appointed and will interview the juvenile respondent as soon as practicable after the attorney is appointed - within 24 hours of appointment.

Objective 6: Juvenile public defenders are to make contact with the juvenile respondent's family to ~~determine if bond can be made to~~ secure immediate release of the respondent- within 24 hours of initial visit with respondent where appropriate.

~~**Objective 7:** Juvenile public defenders are to file writs of habeas corpus to request bond reductions for juvenile defendants to secure immediate release from custody— within 24 hours of initial contact.~~

Objective 8: Juvenile public defenders are to contact the arresting agency to push for immediate submission of offense reports with the district attorney's office to expedite the filing and disposition of cases - ongoing.

Objective 9: Juvenile public defenders are to contact court staff when criminal charges are formally placed on juvenile respondents to request immediate hearing dates to expedite the disposition of cases - ongoing.

Objective 10: Conduct a survey of judges to determine the opinion of the quality of representation by juvenile public defenders - annually.

Objective 11: Reduce the average number of days juvenile offenders are spending in the Hidalgo County juvenile detention center - ongoing.

Objective 12: Reduce the amount of funds paid out for court appointed attorneys on juvenile cases - ongoing.

Objective 13: Reduce the amount of days from appointment to disposition for juvenile respondents appointed to the juvenile public defender's office - ongoing.

Objective 14: Provide quality representation to indigent juvenile respondents - ongoing.

Objective 15: Act as a resource to the local defense bar to raise the level of juvenile representation for all respondents requesting court appointed representation.

e. Methodology or Project Design (Activities)

- 1) Immediately upon notice that the county has been awarded the grant, an advisory oversight board (Oversight Board) will be created to oversee the formation of the public defender's office - juvenile section. The Oversight Board will consist of a representative from the Hidalgo County Board of Judges, Hidalgo County Judge's Office, Hidalgo County Commissioner's Court, and a member of the local defensive bar. The Oversight Board will be responsible for advising and approving internal office policies and procedures to govern the office, including policies prescribing the methods of intake and referral or cases from the courts.
- 2) The Hidalgo County Chief Public Defender, by incorporating established office policies from the HCPDO and the Travis County Juvenile Public Defender's Office, shall develop internal policies and procedures to be approved by the Oversight Board no later than September 1, 2011.
- 3) The Hidalgo County Public Defender's Office currently has in use a case management system called Defender Data. Defender Data provides attorneys the ability to write case notes, attach written, audio and video work product to specific case files, and assists in tracking motion and trial deadlines. Defender Data also has the ability to track case appointments, dispositions, hours worked per case, etc . . . that demonstrates the productivity and cost effectiveness of the Hidalgo County Public Defender's Office. Defender Data will be modified and expanded to allow for similar uses within the juvenile section no later than September 1, 2011.
- 4) The Hidalgo County Chief Public Defender shall meet with public defenders from other Texas counties operating a juvenile public defender's office to research on office procedures, troubleshooting future problems that may arise and to borrow established pre-trial/ trial motions, case law and briefs for its personal juvenile law bank by September 1, 2011.
- 5) The HCPDO - Juvenile section will supplement the current attorney appointment wheel rotation system at a rate determined by vote of the district and statutory county courts. A written policy will be developed that includes caseload standards for each attorney. In developing caseload standards, nationally recognized standards and standards used by the other states shall be taken into consideration. The policy on the caseload standard must require the Chief Public Defender to review caseload status at least quarterly.
- 6) The Chief Public Defender shall ensure the acquisition of vacant office space adjacent to the HCPDO, so that the juvenile section will have adequate space to perform its duties no later than October 1, 2011.
- 7) The Chief Public Defender shall purchase all necessary equipment and office supplies to ensure that the juvenile section is fully operational by November 1, 2011.
- 8) The Chief Public Defender shall hire needed assistant juvenile public defenders and staff so that they can begin employment on or about December 1, 2011.

- 9) The HCPDO - Juvenile section shall begin accepting juvenile case appointments no later than December 1, 2011, and provide quality defense services in those cases as needed.
- 10) The Chief Public Defender shall provide quarterly written status updates to the Oversight Board beginning in January 2012 detailing the number of cases assigned to the office (total and active), the dispositions of any cases assigned to the office, status of staffing in the office, and any other relevant information.

f. Evaluation

TASK	DEFINITION	MEASURE
Establish Oversight Board	Representatives from Board of Judges, County Judge's Office, County Commissioner's Court, and a local member of the defense bar	Report the date of the first oversight board meeting. E-mail to Commission any resolutions that establish the oversight board or define its role. E-mail names and contact information of committee members.
Job Descriptions completed	Job descriptions for each position in the office will be completed using Hidalgo County's existing HR process.	Date approved by Oversight Board.
Staff Hired	(2) assistant juvenile public defenders and an administrative assistant	Report indicating when each position is filled.
Software Setup	Setup case management and monitoring system	Date software is functional.
Policy and Procedures complete and training to staff	A policy and procedure manual to identify basic office procedures, how the office will function and various staff roles	Date manual distributed to staff and staff trained.
Office Setup	The Oversight Board and HCPDO will make assessments of office needs and select sites for the office through normal county processes. County will purchase with grant funds, the equipment, software, and supplies to operate office.	Report date office set-up is completed.
Performance Measures Method	Establish method to collect data for referrals and performance measures. Identify and create standard reports for quick submission to Commission.	Report the date the performance measure tracking method is complete.
Commence representation	The PD office receives referrals of cases from Hidalgo County Indigent Defense Office and/or from courts.	Report the date the first respondent's case is accepted.
OUTPUTS		
Department Caseload	The number of active cases assigned to the HCPDO - juvenile section on the last business day of each month.	Monthly report detailing the department caseload.
Department Cases Disposed	The total number of cases closed during each month.	Monthly report detailing the number of disposed cases.
Average Caseload Summary	The department caseload divided by the number of attorneys assigned by the PD on the last business day of each month.	Report average caseload for all attorneys by month.
Average Cost per Case by PDO	The annual budget for the PDO - juvenile section, plus attorneys fees, divided by the annual disposed cases.	Report the average cost per case by year.
Percentage of total juvenile cases filed that are assigned to the PDO	The number of cases assigned annually to the PDO divided by the total number of juvenile cases filed	Report the percentage of cases assigned to the PDO Report the number of cases that were conflicts or that retained private counsel
Average cost per case by assigned counsel	For any cases assigned outside of the PDO, the total cost for counsel divided by the number of cases disposed by those private counsel.	Report the average cost per case by year.
OUTCOMES		
Days from appointment to first	The number of days from the date the order of	Report the average number of days

contact with respondent	appointment is received until a personal visit is made with the respondent	between receipt of the order of appointment to the personal visit with respondent. Report the number of cases where the initial visit is made more than 24 hours after the order of appointment is received.
Length of time between arrest and resolution of cases	The number of days between the arrest of the respondent and the disposition of the case assigned to the office; the number of days between the arrest of the respondent and release from jail	Report the number of days between arrest and resolution of case for each respondent, as well as the average length of time for all cases. Report the number of days between arrest and release from jail, as well as the average length of time for all cases.
Type of disposition of cases	The type of disposition (dismissal, guilty plea or jury trial) in each case assigned to PDO.	Report the number of: 1) dismissals; 2) guilty pleas pursuant to a plea agreement; 3) pre-trial diversion dismissals; 4) failure to appear warrants; 5) jury trials
Types of convictions	The type of conviction handed down in each case (if found guilty) assigned to the PDO.	Report the number of cases where the respondent was convicted. Report the number of cases where a respondent was convicted for a lesser offense.
Acquittals	Cases assigned to the office where the jury finds the respondent not guilty at guilt/innocence.	Report the numbers of cases where a respondent was found not guilty of any offense.
Type of Sentence	The type of sentence handed down in each case assigned to the office.	Report the sentence for each case assigned to the private defender where a sentence is imposed.
Survey of stakeholders	Create a simple survey to be given to judges in Hidalgo county. The survey should be conducted at the beginning of the grant period prior to services and annually thereafter. The survey should address the overall impressions of the quality of juvenile services from the PDO and from the private bar, as well as the financial impacts of such a case. Create a user survey to be distributed to clients of the office to gauge the overall satisfaction with representation.	Report any change between the pretest and post-test, as well as annual changes. Report level of client satisfaction with PDO representation.
Cooperate with Commission staff on other measures necessary to show an effective office.		To be determined.

g. Future Funding

Assuming that the office proves effective, Hidalgo County will attempt to continue funding the office out of general revenue after the grant period expires, in accordance with state law. In addition, assuming the success of the HCPDO juvenile section, Hidalgo County will explore increasing the percentage of cases assigned to the HCPDO via the juvenile wheel and will seek to expand the office to include all indigent defense cases.

h. Budget Narrative and Budget Form

Full-Time Employees	Salary	Grade	Step	Fringe-Benefits	Total
Juvenile Public Defender III	58,888.00	16.00	1	14,079.62	72,967.62
Juvenile Public Defender II	50,487.00	14.00	1	12,588.45	63,075.45
Intake Officer	31,025.62	8.00	0/1	9,134.05	40,159.67

Administrative Asst.-I	22,804.99	4.00	0/1	7,674.89	30,479.88
Total Salaries	163,205.61			43,477.01	206,682.62

Travel and Training	Description	Amount
(2) Attorneys	15 CLE Hours	2,000.00
Intake Officer	Juvenile Training	1,500.00
Total		3,500.00

Position Title	Position Reclassification	Salary Oct. – Dec. '13	Salary Jan. – Sept. '14	Total Salary	Fringe Benefits Oct. – Dec. '13	Fringe Benefits Jan. – Sept '14	Total Fringe Benefits	TOTAL Salaries & Benefits
Public Defender III	Deputy Public Defender	20,399.56	60,271.44	80,671.00	4,996.49	16,280.77	21,277.26	101,948.26
Public Defender II	n/a	14,514.94	42,885.06	57,400.00	3,771.18	12,527.54	16,298.72	73,698.72
Social Worker	n/a	10,438.62	30,841.38	41,280.00	3,014.95	10,282.19	13,297.14	54,577.14
Administrative Assistant I	Administrative Assistant II	6,552.46	19,359.54	25,912.00	2,285.11	8,042.58	10,327.69	36,239.69
TOTAL		51,905.58	153,357.42	205,263.00	14,067.73	47,133.08	61,200.81	266,463.81

Timeline for Reporting and Fund Distribution

Reports will be submitted on-line over the Internet.

Reporting Period	Type Report Due	Date Report Due	Fund Distribution Date
October 2013 through December 2013	Budget Status Report Progress report	January 15, 2014	January 2014
January 2014 through March 2014	Budget Status Report Progress report	April 15, 2014	April 2014
April 2014 through June 2014	Budget Status Report Progress report	July 15, 2014	July 2014
July 2014 through September 2014	FINAL Expense Report Final Progress Report and Conclusion. Delivery of Final Product and Demonstration	November 14, 2014	November 2014