



July 12, 2018

CHAIR:  
The Honorable Sharon Keller  
Presiding Judge  
Court of Criminal Appeals

EX OFFICIO MEMBERS:  
Honorable Sharon Keller  
Honorable Nathan Hecht  
Honorable John Whitmire  
Honorable Brandon Creighton  
Honorable Joseph "Joe" Moody  
Honorable Andrew Murr  
Honorable Sherry Radack  
Honorable Vivian Torres

MEMBERS APPOINTED BY GOVERNOR:  
Mr. Alex Bunin  
Honorable Jon Burrows  
Honorable Richard Evans  
Mr. Don Hase  
Honorable Missy Medary

EXECUTIVE DIRECTOR:  
Geoffrey Burkhart

The Honorable Dan Gattis  
Williamson County Judge  
Via E-mail: [dgattis@wilco.org](mailto:dgattis@wilco.org)

RE: FY2019 Statement of Discretionary Grant Award – Grant Number 212-19-D08

Dear Judge Gattis:

I am pleased to inform you that the Texas Indigent Defense Commission has awarded Williamson County a new **FY2019 Multi-Year Discretionary Grant** in the amount of **\$308,728** in response to your application titled **Transformational Justice: Multi-Disciplinary Approach to Indigent Defense**. Your Statement of Grant Award for fiscal year 2019 is attached. Grant funds are disbursed quarterly on a reimbursement basis, with payments based on the scheduled reimbursement percentage of expenses reported in quarterly program expenditure reports.

Please sign, scan, and return via e-mail the Statement of Grant Award to **Edwin Colfax** at [ecolfax@tidc.texas.gov](mailto:ecolfax@tidc.texas.gov) on or before **August 1, 2018**. You do not need to mail a copy.

Congratulations to Williamson County for 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 Edwin Colfax, the Commission Grant Program Manager at (512) 463-2508.

Sincerely,

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

Copy: Jerri L Jones, County Auditor, [jljones@wilco.org](mailto:jljones@wilco.org)  
Kathy Pierce, [kpierce@wilco.org](mailto:kpierce@wilco.org)

**Texas Indigent Defense Commission**  
209 West 14<sup>th</sup> Street, Room 202, Austin, Texas 78701  
512.936.6994  
[www.tidc.texas.gov](http://www.tidc.texas.gov)



## **FY2019 Discretionary Grant Statement of Grant Award**

Grant Number: 212-19-D08

Grantee Name: Williamson County

Program Title: **Transformational Justice: Multi-Disciplinary Approach to Indigent Defense**

Grant Period: 10/1/2018-9/30/2019

Grant Award: **\$308,728**

The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Williamson 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 August 1, 2018. 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:

<b>Direct Costs:</b>	
<b>1) Personnel Salaries (Total Number of FTEs: 0)</b>	
<b>2) Fringe Benefits</b>	
<b>3) Travel and Training</b>	
<b>4) Equipment and Start-up</b>	
<b>5) Supplies</b>	
<b>6) Contract Services</b>	\$385,910
<b>7) Indirect Costs</b>	
<b>Total Approved Budget</b>	\$385,910
Less Cash from Other Sources- County Match	\$77,182
<b>Total Amount Funded by Commission</b>	<b>\$308,728</b>

### **Standard Grant Conditions:**

- The authorized official for the grantee must accept the grant award by signing below.
- 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 in January 2018, 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 de-obligating 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 "Terms and Conditions" contained in Attachment A, which includes the final grant application.
- 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 update the Indigent Defense Plan for their respective courts as needed to include the program funded under this award and submit it to the Commission by October 1, 2018.

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

DAR A. GATTI County Judge  
\_\_\_\_\_  
Name & Title (please print)

07-25-2018  
\_\_\_\_\_  
Date

## Attachment A

### Terms and Conditions

In addition to the program requirements stated in the Request for Applications (RFA) these specific program requirements apply to this funded program.

- **No grant funds may be obligated or expended under this award prior to the County submitting written documentation that funding has been secured for the program evaluation component, including a randomized control trial, as outlined in the grant application and TIDC has provided written confirmation that the documentation is sufficient.**
  - The budget appearing in the Statement of Grant Award is based on costs for a full 12-month period. The funding plan provides the county twelve months of funds at each of the original agreed upon funding levels. The intention is to provide reimbursement of 80 percent of eligible program costs in the first year, 60 percent in the second year, 40 percent in the third year, and 20 percent in the fourth and final year of Commission support. If the county has a delayed start in the first year, it may necessitate an adjustment in future years to allow the county to fully access grant funds. The grants will remain on a fiscal calendar (October to September), but future awards will reflect any needed adjustments to implement this policy.
  - Equipment costs listed in the first-year start-up budget will not be carried forward into subsequent years of funding.
  - The program must record attorney and support staff work time in a manner that allows for accurate completion of the Indigent Defense Expenditure Report and Public Defender Addendum. Records must contain sufficient detail to allocate time and salary across categories of offenses (capital, non-capital felony, misdemeanor, juvenile, felony appeals, misdemeanor appeals, and juvenile appeals) and to document the number of cases disposed by attorney for each court.
  - This grant requires quarterly progress reports to provide information on the effectiveness of the program. The Commission grant manager will create an on-line progress report to document the work performed in this program and other information necessary to evaluate the impact of the program. The county will be able to request modifications to the on-line report when the progress report items do not accurately reflect the work performed. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
  - The county will submit quarterly expenditure reports to obtain reimbursement of the scheduled percentage of expended funds based on actual expenditures. The reimbursements will be proportional to the county's required match. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
  - The county will develop a written plan of operations for the program that includes a formal intake process. The program plan of operations is due with the 1st quarterly progress report.
  - The county must develop a written policy that includes caseload standards for each program attorney and for the general operation of this program . In adopting caseload standards, research-based guidelines must be considered. **The written policy for caseload standards must be provided to the Commission staff prior to accepting appointments.** The caseload policy should require the program director to review actual caseloads at least quarterly. The program director 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, or other factors that affect the delivery of services.
  - The county will provide a written plan explaining how it will coordinate with, and not duplicate the work of, existing mental health systems. The plan must demonstrate how the county will identify and incorporate available mental health screening, assessment, treatment, and community services available to the defendants served by the grant program. The plan must also address how the positions funded under this grant will fit into the county's methods for the identification of mentally ill arrestees and for providing assessment, treatment and bonding options to these arrestees under Article 16.22 and Article 17.032 of the Texas Code of Criminal Procedure.
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## Timeline for Reporting and Fund Distribution

Reports will be submitted through the TIDC grant management website at [tidc.tamu.edu](http://tidc.tamu.edu)

Reporting Period	Type Report Due	Date Report Due	Fund Distribution Date
October 2018 through December 2018	Grant Expenditure Report Progress report	January 15, 2019	February 2019
January 2019 through March 2019	Grant Expenditure Report Progress report	April 15, 2019	May 2019
April 2019 through June 2019	Grant Expenditure Report Progress report	July 15, 2019	August 2019
July 2019 through September 2019	Grant Expenditure Report Progress report	October 15, 2019	November 2019

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Grant Application begins on following page:

**2019 Williamson County Discretionary Grant Application Narrative  
(Multi-Year Grant)**

**a. Application Form**

Counties Represented: **Williamson**

Fiscal Year: **2019**

State Payee Identification Number: **746000978**

Division To Administer Grant: **277th Judicial District**

Program Title: **Transformative Justice: A Multi-Disciplinary Approach to Indigent Defense in Williamson County**

Requested Grant Amount: **\$308,728.00**

Financial Officer: **Jerri L Jones**

Program Director: **Kathy K Pierce**

Mailing Address: **405 Martin Luther King St; Georgetown, TX 78626**

**b. Introduction (Executive Summary)**

To provide clients with meaningful representation, defense counsel must develop interdisciplinary approaches to advocacy that address their clients' full range of legal and social support needs. Williamson County will establish an alternative to incarceration program for emerging adults, aged 17-24, charged with a felony offense. This program relies upon a multi-disciplinary indigent defense team composed of attorneys and social workers who will integrate community-based services to support positive life outcomes, improving clients' health outcomes while simultaneously reducing their criminogenic risk and the likelihood of their continued justice system involvement. The program will be evaluated through a randomized control trial.

**c. Problem Statement**

Emerging adults, ages 17-24, are a common, distinct and overrepresented population in the adult criminal justice system in Texas, posing challenges for the delivery of effective indigent defense services for this age group. In 2012, emerging adults made up 10% of the U.S. population but comprised 29% of arrests,<sup>[i]</sup> and 21% of people admitted into adult prisons across the country.<sup>[ii]</sup> Emerging adults of color are disproportionately incarcerated compared to their white counterparts; in 2012, the rate of incarceration either in state or federal prison, was more than 9 times greater for black males ages 18-19 than for white males of the same age, and nearly 3 times the rate for Hispanic men of the same age.<sup>[iii]</sup> In the same year, black males ages 20-24 were incarcerated at a rate almost 7 times greater than for whites of the same age, and nearly 2.5 times the rate for Hispanic men of the same age.<sup>[iv]</sup>

Recent advances in neurobiology and psychology research demonstrate that adolescent brain development continues into the mid-twenties, making emerging adults cognitively and emotionally different than older adults in their capacity to regulate their behavior.<sup>[v]</sup> Like juveniles, emerging adults are also especially susceptible to behavior change, and individualized, community-based interventions structured to address their unique needs can set them on the right path.<sup>[vi]</sup>

Without appropriate intervention, emerging adults are likely to deteriorate, resulting in a worsening of emotional and behavioral problems and an increased likelihood of making contact with law enforcement. Research has demonstrated that institutional confinement grounded in purely punitive principles has little effect on, and may even increase the likelihood of recidivism among emerging adults.<sup>[vii]</sup> Currently, over 75% of justice-involved emerging adults recidivate, the highest short-term recidivism rate of any age

group;<sup>[viii]</sup> emerging adults sentenced to a term of probation are revoked at a rate three times higher than older adults.<sup>[ix]</sup>

The vast majority of emerging adults who make contact with the criminal justice system can be better served in their communities, where services are cheaper and lead to better outcomes.<sup>[x]</sup> For this reason, **the intervention model of choice for emerging adults is individualized treatment in the least restrictive**

**community-based setting.**<sup>[xi]</sup> However, Texas communities often lack appropriately coordinated alternatives to incarceration that divert emerging adults away from the deeper ends of the criminal justice system and into intensive multi-disciplinary services and supports structured to address their unique needs and the factors that contributed to their system involvement.

Despite the prevailing evidence that shows community health investments have a positive approach to reducing recidivism, the standard criminal justice system framework provides few methods for integrating the multitude of social service systems to address the complex and varied needs among emerging adults. There are several factors inherent in the existing system that impede this type of integration:

- (1) ***Attorneys are responsible for behavior change and are rarely trained in best practices:*** Defense attorneys and prosecutors are the actors primarily responsible for negotiating the outcomes in criminal cases; however, prosecutors and defense attorneys generally lack substantial training and expertise in behavioral health.<sup>[xii]</sup> As such, they are not in a good position to identify those who might in fact be good candidates for inclusion in a community-health approach to behavior change. Even when attorneys see indications of behavioral or cognitive disorders that might suggest that a response other than incarceration is appropriate, they may lack confidence in their observations, causing them to be too conservative in endorsing alternatives.<sup>[xiii]</sup>
- (2) ***Lack of team-based decision making process:*** Without formalized programs, individual prosecutors are left to determine the appropriate disposition of the cases that are presented to them.<sup>[xiv]</sup> Because one actor holds the bulk of the discretion in the justice system decision-making process, there are few access points for integrating public health and social service experts.
- (3) ***Limited resources to promote integration:*** While many diversion programs have achieved positive results among clients, such programs are not uniformly available and frequently suffer from a shortage of resources.<sup>[xv]</sup> Without resources, programs lack the operational infrastructure needed to provide evidence-based practices with fidelity.

These factors increase the likelihood that emerging adults will be treated in an adult system that fails to recognize their developmental needs and support them in their home communities.

In 2012, the ABA House of Delegates adopted Resolution 107C, which formally urges criminal defense attorneys to address clients' civil legal and non-legal problems through linkages with other service providers. The report to Resolution 107C articulates a set of Six Cornerstones of Comprehensive Representation (Six Cornerstones): 1. training and education, 2. client interview and initial assessment, 3. investigation, 4. advise and refer the client where appropriate, 5. plea negotiations with the prosecutor and post trial sentencing, and 6. proactively preparing for reentry. The Six Cornerstones emphasize the role of the criminal defense attorney and are designed to be implementable in both large and small law offices; for instance, although the attorney is directed to investigate the client's civil, legal, and social service needs; refer the client to services to meet those needs; and coordinate with social service providers to the extent desired by the client, there is no suggestion or implication that social services or civil legal services must be provided in-house or integrated directly into the defense team.



- [i] United States Department of Justice, Federal Bureau of Investigation (October 2013). "Crime in the United States, 2012." Data retrieved on 23 April 2018, from <https://ucr.fbi.gov/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/38tabledatadeoverviewpdf>.
- [ii] Carson, E.A., and Golinelli, D. "Prisoners in 2012: Trends in Admissions and Releases, 1991-2012." U.S. Department of Justice, Office of Justice Programs Bureau of Justice Statistics (2014): 25. <https://www.bjs.gov/content/pub/pdf/p12tar9112.pdf>; see also: Schiraldi, Vincent, Bruce Western and Kendra Bradner. *Community-Based Responses to Justice-Involved Young Adults*. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2015. NCJ 248900: 7. See also: Perker, Selen Siringil and Chester, L. "Emerging Adults: A Distinct Population That Calls for an Age-Appropriate Approach by the Justice System." Cambridge, MA: Program in Criminal Justice Policy and Management (2017): 5, highlighting that the Bureau of Justice Statistics stopped publishing "admission" statistics by age in 2013, and now publishes only yearend (December 31) population of correctional facilities by age making 2012 the most recent year data is available for comparison of admission rates by age.
- [iii] Carson, E.A., and Golinelli, D. "Prisoners in 2012: Trends in Admissions and Releases, 1991-2012." U.S. Department of Justice, Office of Justice Programs Bureau of Justice Statistics (2014): 25. <https://www.bjs.gov/content/pub/pdf/p12tar9112.pdf>; see also: Schiraldi, Vincent, Bruce Western and Kendra Bradner. *Community-Based Responses to Justice-Involved Young Adults*. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2015. NCJ 248900: 7.
- [iv] Carson, E.A., and Golinelli, D. "Prisoners in 2012: Trends in Admissions and Releases, 1991-2012." U.S. Department of Justice, Office of Justice Programs Bureau of Justice Statistics (2014): 25. <https://www.bjs.gov/content/pub/pdf/p12tar9112.pdf>; see also: Schiraldi, Vincent, Bruce Western and Kendra Bradner. *Community-Based Responses to Justice-Involved Young Adults*. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2015. NCJ 248900: 7.
- [v] Kathryn Monahan, Laurence Steinberg, Elizabeth Cauffman, and Edward Mulvey, "Psychosocial Immaturity from Adolescence to Early Adulthood: Distinguishing Between Adolescence-Limited and Persistent Antisocial Behavior," *Development and Psychopathology* 25, no. 4 (November 2013): 1093-1105; Sara Johnson, Robert Blum, and Jay Giedd, "Adolescent Maturity and the Brain: The Promise and Pitfalls of Neuroscience Research in Adolescent Health Policy," *Journal of Adolescent Health* 45, no. 3 (September 2009) 216-221; Elizabeth Shulman, Kathryn Paige Harden, Jason Chein, and Laurence Steinberg, "The Development of Impulse Control and Sensation-Seeking in Adolescence: Independent or Interdependent Processes?" *Journal of Research on Adolescence* 26, no. 1 (March 2016): 37-44; Kerstin Konrad, Christine Firk, and Peter Uhlhaas, "Brain Development During Adolescence: Neuroscientific Insights into this Developmental Period," *Deutsches Arzteblatt* 110, no. 25 (June 2013): 425-431.
- [vi] Schiraldi, V., Western, B., and Bradner, K. "Community-Based Responses to Justice-Involved Young Adults." New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice (2015): 3 ("New research on young adult development and historical changes in the transition to adulthood motivate a new, community-based strategy for young adults in the criminal justice system").
- [vii] NJJN Commission on Youth and Public Safety p.19, Mark W. Lipsey, "The Primary Factors that Characterize Effective Interventions with Juvenile Offenders: A Meta-Analytic Overview," *Victims & Offenders* 4, no. 2 (April 2009): 124-47; Jeffrey A. Butts, Gordon Bazemore, and Aundra Saa Meroe, *Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development* (Washington, DC: Coalition for Juvenile Justice, 2010); Brent B. Benda and Connie L. Tollett, "A Study of Recidivism of Serious and Persistent Offenders Among Adolescents," *Journal of Criminal Justice* 27, no. 2 (March-April 1999): 111-26; and Mark W. Lipsey and Francis T. Cullen, "The Effectiveness of Correctional Rehabilitation: A Review of Systematic Reviews," *Annual Review of Law and Social Science* 3 (December 2007): 297-320.
- [viii] Carson, E.A., and Golinelli, D. (2014). "Prisoners in 2012: Trends in Admissions and Releases, 1991-2012." U.S. Department of Justice, Office of Justice Programs Bureau of Justice Statistics. The Bureau of Justice Statistics stopped publishing "admission" statistics by age in 2013, and now publishes only yearend (December 31) population of correctional facilities by age. 2012 is, thus, the most recent year data is available for comparison of admission rates by age;
- [ix] Cuddey, Josh. "Felony Probation Not Meeting the Needs of Young Adults: Most 17-25 Year Olds on Felony Community Supervision are Revoked and Sent to Prison." Texas Criminal Justice Coalition (2018): 1, sent to author April 25, 2018 and citing Texas Department of Criminal Justice data received via open records request submitted by Texas Criminal Justice Coalition in 2018.
- [x] National Research Council. *Reforming Juvenile Justice: A Developmental Approach*. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press (2013): 101, [http://www.njjn.org/uploads/digital-library/Reforming\\_JuvJustice\\_NationalAcademySciences.pdf](http://www.njjn.org/uploads/digital-library/Reforming_JuvJustice_NationalAcademySciences.pdf); see also: Kelly, W.R., Pitman, Robert, and Streusand, William. *From Retribution to Public Safety: Disruptive Innovation of American Criminal Justice*, Lanham, MD: Rowman & Littlefield (2017): 138, citing Andrews, D.A. and Bonta, J. *The Psychology of Criminal Conduct*. 5 Routledge: New York, NY (2015).
- [xi] Vincent Schiraldi, Bruce Western, Kendra Bradner, "Community-Based Responses to Justice-Involved Young Adults," National Institute of Justice, Department of Justice Office of Justice Programs, NCJ No. 248900 (September 2015): 10-14. <https://nij.gov/publications/pages/publication-detail.aspx?ncjnumber=248900>
- [xii] Kelly, W.R., Pitman, Robert, and Streusand, William. *From Retribution to Public Safety: Disruptive Innovation of American Criminal Justice*, Lanham, MD: Rowman & Littlefield (2017): 134-135.
- [xiii] *Ibid*, 134-135.
- [xiv] *Ibid*, 134-135.



[xv] *Ibid*, 134-135; for example, drug courts are generally effective in reducing recidivism and relapse. However, they are quite limited in resources, with the capacity to meet about 5-10 percent of the need, citing Kelly, W.R., *The Future of Crime and Punishment* Lanham, MD: Rowman & Littlefield (2016): 97.

#### **d. Objectives**

Positive community safety and health outcomes for justice-involved emerging adults are associated with integrated program models. These outcomes include reduced criminal activity and improved integration of the justice system and community-based health and human services that promotes the efficient use of public resources. *See attached* Welch, Alycia, "Transformative Justice: A Developmental Approach to System-Involved Emerging Adults" Lone Star Justice Alliance (May 2018). To achieve these outcomes, the County will establish an alternative to incarceration program for emerging adults, aged 17-24, charged with a felony offense that provides clients community-based services through a localized, integrated program structured to support positive life outcomes, improving clients' health outcomes while simultaneously reducing their criminogenic risk and the likelihood of their continued justice system involvement. Relying upon an innovative model of indigent defense, a participant's defense attorney will integrate its provision of indigent defense services with a multi-disciplinary team of experts to craft an individual care plan to address the participant's needs.

This Transformative Justice Program will integrate a multitude of services within the indigent defense team that is client-centered, affords more dignity to the client by recognize complexity of challenges facing them and provides an opportunity to avoid the collateral consequences of a conviction. This team based approach also necessitates a cultural shift in which criminal defense attorneys, who traditionally work alone or with small groups of other attorneys and are typically evaluated and promoted based on their performance in plea negotiations and in-court advocacy, routinely share case information with, and accept input on, case strategy from civil attorneys, social workers, medical and mental health professionals, investigators, and other defense team members. It combines aggressive legal advocacy with a broader recognition that for most poor people arrested and charged with a crime, the criminal case is not the only issue with which they struggle. "Thus, while [the approach] recognizes that the client's challenges may exceed the individual criminal case, [this approach] in no way subverts the attorney's primary objective of obtaining a case result that is favorable and desirable to the client; rather, [this approach] simply expands the range of available tools with which the attorney can pursue that goal."<sup>[i]</sup>

As such, this program will achieve better outcomes for defendants, their families, and their communities. The County anticipates reducing recidivism and improving justice outcomes for young adults, enhancing public safety, and reducing costs to criminal justice systems. In addition, it will improve the health outcomes for defendants, including the maintenance of long-term mental health and substance use disorder recovery, and reduce the clients' utilization of more expensive healthcare delivery systems.

Objective 1: For those individuals (1) qualified to receive indigent representation, (2) between the ages of 17 and 24, and (3) charged with a pre-determined list of eligible offenses, Court Administration shall notify the Program Manager of the client's need for counsel and eligibility within 1 working day of receiving defendant's request for attorney.

Objective 2: The Program Manager will evaluate program participant's eligibility for participation in the program. Clients who are eligible will be automatically assigned into the program and notified within 1 day of being assigned to the program by the Program Manager.

Objective 3: Within 5 days of assignment, a Staff Attorney will meet with the eligible participant, and determine whether the participant wishes to opt-out of the program.

Objective 4: If the program participant choses to remain in the program, the participant will be referred for a risk and needs assessment within 1 days.

Objective 5: The multi-disciplinary case review team will meet to review the results of the risk and needs assessment, and develop an Individual Care Plan, in consultation with the participant, within 21 days of the evaluation.

Objective 6: The Individual Care Plan will be presented to the Criminal Justice Stakeholder group within 30 days of magistration, and the terms of the participant's inclusion within the program will be finalized within 45 days.

Objective 7: The County will develop a panel for attorneys who are trained to work in multi-disciplinary teams. Training for all panel attorneys, and the broader defense community at large, will address (1) developmentally appropriate methods for representing 17-24 year olds, (2) best practices for working in a multi-disciplinary team. From this panel, Court Administration will select an attorney on a rotating basis.

Objective 8: The County will establish and monitor compliance with caseload limits for all panel attorneys to ensure adequate availability for all matters.

Objective 9: The County will implement and monitor a policy to ensure that an attorney appointed pursuant to this system does not accept appointment in a case that involves a conflict of interest for the attorney that has not been waived by all affected clients.

Objective 10: The County will conduct a survey of clients, the criminal justice stakeholders, and the multi-disciplinary team to determine their opinion of the quality of representation by attorneys being provided through program by December 1, 2019 and annually thereafter. This survey will be used to assure accountability and to ensure that panel attorneys are providing quality representation.

Objective 11: The County will produce an annual statistical report of activities in collaboration with Court Administration for submission to the Williamson County Judiciary and Commissioners Court by December 1, 2019 and annually thereafter. This statistical report, and other evaluations, will provide more opportunities to collect information on attorney performance and intervene if necessary.

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<sup>[i]</sup> See generally, *Cynthia G. Lee, Brian J. Ostrom & Matthew Kleiman, THE MEASURE OF GOOD LAWYERING: EVALUATING HOLISTIC DEFENSE IN PRACTICE*, 78.3 Albany Law Review 1215.

#### **e. Activities**

The County is currently working with a local nonprofit, the Lone Star Justice Alliance, to integrate existing health and social services in order to breakdown the silos that prevent the delivery of community-based comprehensive care to the most at-risk, high needs emerging adults. To date, LSJA has solidified partnerships with Dr. William Kelly, Director of the University of Texas Center for Criminology and Criminal Justice Research; Dr. Vanessa Schick, Assistant Professor in the Division of Management, Policy and Community Health at the University of Texas School of Public Health's Health Science Center; Marc Levin, Texas Public Policy Foundation, Vincent Schiraldi, Columbia Justice Lab; Bluebonnet Trials Community Services, and Traci Berry at Goodwill Central Texas. Additionally, discussions with Dr. Stephen M. Strakowski, Chair of the Department of Psychiatry at the Dell Medical School at The University of Texas at Austin and an expert on adolescent neurobiology and behavior, are ongoing. To enhance the program's integrated, multi-disciplinary infrastructure, LSJA has committed to seeking collaborative partnerships, especially in housing, special education, cultural competency, among others.

As part of this existing partnership, LSJA has evaluated existing diversion and emerging adult programs and evidence-based behavioral change interventions in Texas and across the country to inform program design. In the attached report, LSJA identified best practices of existing diversion and emerging adult programs by analyzing their performance measures and recommended the key elements for creating this program. Moreover, LSJA has begun to survey Texas emerging adults who are currently involved with the justice system or at-risk of justice involvement to identify the population's needs and criminogenic risk factors, the factors that prevent emerging adults from becoming justice-involved, and the availability of services to meet their needs. Through a Collaboration with the University of Texas School of Public Health, LSJA is surveying emerging adults currently seeking services at local drop-in and resource centers to identify their unmet needs. For justice-involved emerging adults, the survey will identify the factors that contributed to their criminal behavior. For non-justice-involved emerging adults, the survey will identify their resilience factors. The survey results will be used as pilot data for informing program design, building in the services and infrastructure that could address the identified needs of the age group. LSJA will then identify existing services that could address the needs identified in the survey results, assess existing services' ability to serve justice-involved emerging adults, including services' eligibility requirements and geographic location, including their proximity to public transportation access points (e.g. bus stops, etc.), and use the findings to create a comprehensive services guide for the targeted jurisdictions.

Finally, LSJA has begun to host information gathering and brainstorming sessions with key health, criminal justice and community stakeholders within the county.

Upon the launch of this grant, Williamson County will contract with local defense attorneys and a local social worker to provide multi-disciplinary indigent defense services. The terms of this representation will be set forth in a contract, which will be fully compliant with the terms of the Contract Defender Program guidelines. All efforts have been made to establish an indigent defense program that meets best practices and the contract will require that specific staff and office requirements are met, including: a) an office with regular hours; b) legal assistant c) telephone with answering service; d) library; e) accessible by public transportation; f) system of case management and reporting; g) social services personnel (e.g., caseworkers for mental health cases); and h) other resources. *See American Bar Association, 1990, Standards for Criminal Justice Providing Defense Services, Standard 5-3.3(b)(x, xii), Washington, DC; and National Legal Aid & Defender Association, 1984, Guidelines for Negotiating and Awarding Indigent Defense Contracts, Guideline III-8, Washington, DC.*

The County will contract with a local nonprofit to provide training addressing (1) best practices for working with emerging adults, (2) neurobiology and psychology research on brain development and its impact on the delivery of justice solutions for emerging adults, and (3) best practices for working in multi-disciplinary teams. This local nonprofit will also provide a Program Manager and a Training and Program Director to facilitate the communication between the multi-disciplinary team members and the evaluation team (described below), provide training to all stakeholders in the proper delivery of multi-disciplinary indigent defense services, and assure compliance with the terms of the pilot program throughout implementation. Finally, the program manager will create "systems" for the indigent defense team ("IDT") to address initiating cases, maintaining documents, and corresponding with the clients.

The IDT then will work with the criminal justice and community stakeholders to develop internal operating procedures and memorandums of understanding for the emerging adult docket, with special emphasis on protecting confidentiality, sharing sensitive medical/mental health histories, and formulating individualized care plans. The IDT team will write a program participant handbook to provide concrete guidelines to clients throughout the program. This participant handbook will be subject to revision based upon the successes and/or failures that arise during the period of the grant. Finally, the IDT will establish procedures and systems of defense to create efficiencies for the delivery of indigent defense services.

After these initial steps, the IDT will be responsible for implementing the program. Below is a short account of the steps an individual will take through the program:

**Referral:** Clients are assigned after magistration for up to 18 months of programming. Clients will be randomly assigned based upon eligibility criteria rather than an application process, recognizing that random assignment permits the most accurate assessment, positions the program to achieve scalability across jurisdictions of all sizes, and reflects the philosophy inherent to this program that all persons should receive appropriate interventions.

**Meeting with an Indigent Defense Attorney:** After a participant is assigned to the program, an attorney with the indigent defense team will meet with the participant to notify him that he has been admitted into the program. Prior to meeting with the defendant, defense counsel will review the discovery available at that time so that he may advise the defendant at that point as to whether there is probable cause for the arrest. He will also outline the program parameters and allow the participant to "opt-out." Notably, a participant will not have to plead guilty prior to being admitted to the program. If the participant opts-out, he will immediately be reassigned to the standard indigent defense process. If the participant chooses to continue with the program, the participant will immediately be directed to participate in a risk and needs assessment. From this stage forward, the Legal Assistant will track and monitor all discovery, document collection, and other defense actions, assuring that all members of the indigent defense team maintain fidelity to the program manuals and the systems designed by the Program Manager.

**Risk and Needs Assessments:** The Clinical Social Work Lead will conduct a risk and needs assessment tool tailored to the unique developmental factors contributing to clients' behavior. The assessment should be the most reliable diagnostic and predictive tool available to stakeholders. The results of this assessment will inform the development of clients' individual care plan.

**Individual Care Planning:** A collaborative, multi-disciplinary team of experts, comprised of providers from all social service systems (e.g. behavioral health, physical health, housing, education, child protection, peer supports) jointly with the IDT and the participant will develop individualized care plans informed by needs assessment results and clients' strengths. Because treatment and services are most effective when they are provided in the least-restrictive environment, namely, communities and neighborhoods not jails or prisons, diversion and alternatives to incarceration for emerging adults should be structured through a public health lens that promotes community-based services. Not only are community-based treatment and services for mental illness and substance use preferable from the perspective of behavioral health experts, but it has also been found to be more effective than treatment in an incarceration setting. The panel of experts would be responsible for identifying a set of services and treatments that could meet the needs of clients and recommending those to the justice system stakeholders. Through a partnership with the Lone Star Justice Alliance, the County anticipates being able to utilize new and expanded services in its community for this group of clients.

**Multi-disciplinary decision-making:** Based on the assessment results and the individual care plan developed by the multi-disciplinary team of experts, the IDT will work with justice system stakeholders to determine placement of clients' case either in diversion or to proceed with more standard negotiations as a contested case:

- **Diversion:** clients will enter into an agreement with the prosecutor to participate in the program for a defined period after which the prosecutor will dismiss the case, making the arrest eligible for expunction; or

- ☞,R● **Contested cases:** clients may challenge allegations against them while still receiving pre-trial services from the program; success in the program goals may be used to mitigate against a longer sentence.

Recognizing that incarceration is an inadequate and often counterproductive tool to transform individuals involved with the criminal justice system or protect those who have been harmed by criminal activity, the elected district attorney for Williamson County has indicated that he plans to prioritize diversion for as many clients as possible, offering to expunge the records of those individuals that successfully achieve the desired outcomes and complete the program.

**Individual Case Management:** The IDT and its multi-disciplinary team of social service providers will meet regularly to review clients' progress toward completing their goals and will work across silos to address any modifications to the care plan, assuring optimal success for clients.

#### **f. Evaluation**

Through its partnership with the Lone Star Justice Alliance, the County has formalized an agreement with researchers at the Public Policy Research Institute at Texas A&M University and at the University of Texas School of Public Health's Health Science Center to design three evaluations of the program: 1) a report on the planning process, program components, and early implementation results that can inform the future of this promising indigent defense model, as well as the efforts of other interested local areas, 2) a multi-disciplinary outcome study, and 3) an implementation study. Vincent Schiraldi, Senior Research Scientist at Columbia University and his team of researchers will advise the design of the program and evaluation. The outcome study will be a mixed methods program evaluation, including a randomized controlled trial (RCT), to evaluate the program's ability to improve clients' health and justice system outcomes and to assess the cost-effectiveness of the intervention.

While recidivism is the primary method of measuring the success of any intervention affiliated with the criminal justice system, it is also important to track the outcomes of factors that moderate criminal behavior, including health outcomes and the impact of social determinants of health such as social bonds, education attainment, and employment. The anticipated outcomes will inform a new definition of public safety, one that is based upon positive life outcomes of justice-involved emerging adults, such as achieving behavioral health goals and obtaining a job, rather than their failures (e.g. rates of arrest, reincarceration, and confinement). Finally, the evaluation will measure the effectiveness of the indigent defense service delivery program, namely measure whether the following has occurred:

- ☞,R● Court Administration notified the Program Manager of the client's need for counsel and eligibility within 1 working day of receiving defendant's request for attorney.
- ☞,R● The Program Manager contacted eligible clients within 1 day of being assigned to the program by the Program Manager.
- ☞,R● The Staff Attorney met with the participant within 5 days of assignment to the program and given the opportunity to opt-out.
- ☞,R● The Clinical Case Manager referred the participant for a risk and needs assessment within 1 days.
- ☞,R● The multi-disciplinary case review team met to review the results of the risk and needs assessment, and develop an Individual Care Plan, in consultation with the participant, within 21 days of the evaluation.
- ☞,R● The Staff Attorney presented the Individual Care Plan to the Criminal Justice Stakeholder group within 30 days of magistration, and the Criminal Justice Stakeholder team finalized the terms of the participant's inclusion within 45 days.
- ☞,R● The Indigent Defense Team provided a series of trainings related to (1) developmentally appropriate methods for representing 17-24 year olds, (2) best practices for working in multi-disciplinary teams.

- ☞, R• The County complied with caseload limits for all panel attorneys to ensure adequate availability for all matters.
- ☞, R• The County monitored its policy to ensure that an attorney appointed pursuant to this system did not accept appointment in a case that involves a conflict of interest for the attorney that was not been waived by all affected clients.

That evaluation will also report on a survey of clients, the criminal justice stakeholders, and the multi-disciplinary team to determine their opinion of the quality of representation by attorneys being provided through program by December 1, 2019 and annually thereafter.

In conjunction with its evaluation of the pilot emerging adult alternative incarceration program launching in Williamson County, LSJA will be able to compare outcomes between the this program and one launching simultaneously in Dallas County. The Dallas County Program utilizes Public Defenders rather than Contract Defenders to provide indigent defense services, but is largely similar in structure. By launching these two programs together, the evaluation team will be able to highlight the impact on outcomes:

- R• For participants who receive defense services through a public defender indigent defense model in Dallas County versus a court-appointed indigent defense model in Williamson County;
- R• For participants who receive services in a large urban county versus those who receive services in a small county in Texas, with different demographic characteristics;
- R• For participants who receive services in counties with different historical approaches to criminal justice processes and procedures.

#### **g. Future Funding**

This program seeks to create cost efficiencies in a variety of ways, including reduced jail costs, increased efficiency through referral to existing county health and social service resources, decreased administrative costs, and budget predictability. Centralized operations allow members of the IDT to have support staff perform administrative functions like obtaining discovery, medical records, and other case documents for all attorneys.

The third-party evaluation, which assesses both criminal justice outcomes as well as public health outcomes, will provide the basis for determining if this pilot justifies continued County investment. The evaluation team has committed to conducting a cost-benefit analysis which assesses the costs of this IDT and compares those costs to the savings ascribed to both the state and the county. By quantifying those costs in concrete terms, the evaluation will provide the opportunity for the County, and counties throughout the state, to determine if their investment in this front-end indigent defense system yields sufficient cost savings to continue the program.

#### **h. Budget Narrative and Budget Form**

Williamson County will contract with a local non-profit to provide training and interdisciplinary indigent defense services. The terms of this representation will be set forth in a contract, which will be fully compliant with the terms of the Contract Defender Program guidelines. All efforts have been made to establish an indigent defense program that meets best practices and the contract will require that specific staff and office requirements are met, including: a) an office with regular hours; b) legal assistant c) telephone with answering service; d) library; e) accessible by public transportation; f) system of case management and reporting; g) social services personnel (e.g., caseworkers for mental health cases); and h) other resources. *See* American Bar Association, 1990, Standards for Criminal Justice Providing Defense Services, Standard 5-3.3(b)(x, xii), Washington, DC; and National Legal Aid & Defender Association, 1984, Guidelines for Negotiating and Awarding Indigent Defense Contracts, Guideline III-8, Washington, DC.

The following Budget outlines the costs that will be incurred by the administration of this program. The 20% County Match will be spent on a mentorship and training program for participants; salaries and benefit costs; and other associated program costs.

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Grant Request	Base Salary	Benefits	% of Time	Total
<b>Mentorship &amp; Training Program</b>				
Speaker Transportation				\$11,000
Lunches				\$1,300
Printing Agendas, Materials				\$1,500
Advertising				\$100
Staff Parking				\$100
<b>Salaries, Wages &amp; Stipends</b>				
Program Director	\$26,000	\$0	20%	\$26,000
Clinical Social Worker Lead	\$50,000	\$16,500	100%	\$66,500
Staff Attorney - Part Time	\$57,000	\$0	50%	\$57,000
Staff Attorney - Part Time	\$57,000	\$0	50%	\$57,000
Legal Assistant	\$40,000	\$13,200	100%	\$53,200
Program Manager	\$57,000	\$18,810	100%	\$75,810
<b>Other Expenses</b>				
Professional Services/Accounting				\$5,000
Malpractice Insurance				\$4,400
Training & Professional Memberships				\$5,000
Equipment				\$10,000
Office Space				\$12,000
<b>TOTAL BUDGET</b>				<b>\$385,910</b>

County Contribution (20%) -  
\$77,182.00

State Contribution (80%) -  
\$308,728.00

### **Mentorship & Training Program**

***Specialized skill training with directed practice:*** All defense counsel will be provided training that incorporates cognitive-behavioral techniques (CBT) and "social learning." Stakeholders involved in participants' criminal cases will receive specialized training in areas such as trauma, brain development, moral decision-making, and impulsivity among young adults. Training will include methods for employing these techniques beyond the boundaries of treatment to the everyday interaction between defense attorneys, case managers, program administrators and participants, allowing staff to identify criminal thinking and antisocial behavior, redirect it, and promote prosocial behavior. This training program will be mandatory for all counsel representing participants in the program and will also be provided to the larger defense community to enhance overall the quality of representation provided to indigent defendants.

### **Salaries and Wages**

The compensation set forth in this budget comply with the National Legal Aid & Defender Association guidelines. Those guidelines recommend that the compensation rate be set based on three factors: 1. the customary compensation in the community for similar services rendered by privately retained counsel to a paying client or government or other publicly-paid attorneys to a



public client; 2. the time and labor required to be spent by the attorney; and 3. the degree of professional ability, skill and experience called for and exercised in the performance of the services. The NLADA guidelines, further, recommend that the contract provide for reasonable compensation over and above the normal contract price for cases that require an extraordinary amount of time and preparation. Examples of these special cases are cases involving competency, mental health issues, and violent crimes.

**Training and Program Director:** Supervisor and Training Director will supervise all attorneys and assure compliance with the program goals and interventions. The Director will be charged with maintaining the most rigorous standards, employing best practices in indigent defense service delivery, assessing caseloads and program outlines, initiating and monitoring the implementation of program modifications as needed throughout the program's pilot phase.

**Clinical Social Worker Lead:** The Clinical Social Worker Lead will manage a team of social work interns from the University of Texas School of Social Workers and staff assigned to assist participants. These social workers will provide *intensive, individualized case management*; individualized services include education or vocational training, mental health and/or substance use recovery services, and assistance with housing and employment. Intensive refers to the level of oversight provided by the lead case manager. Most existing programs required frequent check-ins with program participants to ensure they achieve program goals. However, the individual or entity providing case management is a critical variable toward promoting sustainable behavior change. Research shows that behavior change that is attached to one's own values and reasons to change will last longer than change that is externally imposed. Interpersonal interactions with service providers trained in specialized cognitive behavior techniques, such as motivational interviewing, play a major role in implementing this principle. Consequently, programs that employ probation or community supervision departments, trained to emphasize compliance monitoring, to serve as case managers may impede participants' ability to achieve behavior change. Finally, the clinical social worker lead will develop and implement an incentive-based behavior response system, frequently checking in with providers to assure fidelity to the model.

**Local Staff Attorneys:** Two local, Williamson County staff attorneys will be hired to provide indigent defense services to participants. It is hoped that these attorneys will become leaders in their community, well trained to serve as local leaders on interdisciplinary indigent defense service delivery. This relationship with local attorneys is critical for creating a culture shift within the indigent defense community, as local attorneys take the lead on incorporating best practices throughout the criminal defense bar.

**Legal Assistant:** A legal assistant will support all defense counsel and program staff in scheduling meetings, maintaining file and document integrity, preparing a court report for each stakeholder meeting, and otherwise assuring best practices in document collection and retention are employed. Support staff is critical to ensuring effective representation to clients and adequate assistance to attorneys and the American Bar Association has long advocated for the use of such services.

**Program Manager:** The program manager will assure that all providers maintain program integrity in the implementation of the individualized treatment plans, interactions with program participants, and interactions among providers. This will include creating "systems" for initiating cases, maintaining documents, and corresponding with the clients. The program manager will also be the primary point of contact for the evaluation team and the team implementing the Risk-Needs-Responsivity tool, assuring that data is properly collected and transmitted in a timely manner. The program manager is also charged with engaging in ongoing support with community members and identifying additional partners for sustainable expansion of the program. Research shows

connecting individuals with prosocial activities in their own community promotes positive behavior. An example of these activities include restorative justice and harm reduction initiatives in which participants are required to perform some type of reconciliation with individual victims or with the community. Programs should draw on local services and resources to respond to the needs of participants, promoting a local jurisdiction's ability to sustain the program over time. Finally, the program manager will assure that all providers and defense counsel are aware of any changes to the implementation protocols. Only those interventions that are consistently tracked and evaluated can truly be proven successful, emphasizing the need of programs to collect data on an ongoing basis, conduct rigorous analysis of procedures and outcomes, and regularly manage performance by providing feedback according to evaluation outcomes. Existing programs share the common goal of reducing the likelihood of future justice system involvement among program participants and accordingly rely on recidivism rates as the primary method of measuring the success of the intervention, requiring internal data tracking systems. However, programs should track additional measures that evaluate the multitude of factors that lead to justice system involvement, including health outcomes and the social determinants of health.

### **Other Expenses**

#### **Professional Services/Accounting:**

Williamson County will employ best practices when accounting for the allocation and distribution of all state and local funding. This line item provides for implementing accounting policies and procedures to assure the most rigorous standards are employed.

#### **Malpractice Insurance:**

All defense attorneys who provide defense services as part of this grant will be covered by legal malpractice insurance provided by the National Legal Aid & Defender Association (the terms can be found below), which provides discounted coverage to attorneys providing indigent defense services. The NLADA provided a quote for \$2200/attorney.

Malpractice Coverage Includes:

- o fLawyers Professional Liability: \$1,000,000 each claim and \$1,000,000 in the aggregate
- o fManagement Liability Errors and Omissions Endorsement: \$1,000,000 each claim and \$1,000,000 in the aggregate
- o fEmployment Practices Liability: \$250,000 each claim and \$500,000 in the aggregate
- o fCriminal Defense Endorsement: \$50,000 each claim and \$50,000 in the aggregate
- o fPunitive Damages Endorsement: \$50,000 each claim and \$50,000 in the aggregate

#### **Training & Professional Memberships:**

In addition to the training provided to the criminal defense bar and members representing program participants, all employees are required to keep abreast of the latest evidence-based practices in indigent defense. This line item will be utilized to support that training and to cover the costs of bar memberships.

- o fTexas Bar Membership: \$400/Attorney x 3 = \$1,200 (2 Staff Attorneys & Program Director)
- o fTrain the Trainer Programs: \$1,500/Attorney x 2 Staff Attorneys = \$3,000
- o fMiscellaneous Local Bar Training CLEs: \$800

#### **Equipment:**

Line item provides for funding one-time office startup costs, including furniture, telephones, and computers.

\*Computers and Software for Case Intakes:

Program Manager  
Staff Attorneys (2)  
Clinical Social Worker Lead

\* Phones:

Central Phone for Legal Assistant  
Program Manager  
Staff Attorneys (2)  
Clinical Social Worker Lead

\*Desks

Legal Assistant  
Program Manager  
Staff Attorneys (2)  
Clinical Social Worker Lead

☒ Couch/Chairs

Clinical Social Worker Lead: For Therapy Consultations

**Office Space:**

Employees participating in this program will office with local health and social services providers. The County is exploring office sharing with Bluebonnet Trails and Goodwill Central Texas, so that participants may have one centralized location with which to meet with all provides. This centralized office structure will help secure integrated, interdisciplinary indigent defense services.

Number of Offices: 3 Offices Plus Receiving Area w/ Legal Assistant

Clinical Social Worker Lead

Program Manager

Shared Office for 2 Part Time Attorneys

Personnel Costs		\$335,510.00
FTE's	4.20	
Salary	\$287,000.00	
Fringe Benefits	\$48,510.00	
Travel and Training		\$19,000.00
Equipment		\$10,000.00
Supplies		\$0.00
Contract Services		\$9,400.00
Indirect		\$12,000.00
Total		\$385,910.00
Required County Match		\$77,182.00
Total less County Match		\$308,728.00

Done



**The Problem: The current system is failing emerging adults, who have a 75% recidivism rate.**

The current criminal justice response in Texas of relentless punishment is failing emerging adults, ages 17-24:

- Justice-involved emerging adults make up only 11 % of Texans, yet they account for over 29% of our state's arrests.
- This age group has the highest short-term recidivism rate of any age group, routinely exceeding 75%.
- Emerging adults of color are incarcerated at a rate that is 9 times greater than their white counterparts.

Current programming fails to provide developmentally appropriate responses grounded in recent scientific research on the human brain and to address the significant challenges that face emerging adults. Compounding their developmental factors, justice-involved emerging adults face significant challenges, such as chronic unemployment, educational challenges, homelessness and housing security, involvement with the child protection and foster care systems, and lack basic academic and work readiness skills, which further disrupt and slow healthy brain development and increase their risk for justice system-involvement. Finally, emerging adults' involvement with the justice system is also intricately tied to their health outcomes: the majority has at least one diagnosable mental health disorder, untreated and unrecognized trauma, and is more likely than other age group to have substance use disorders.

**The Solution: Avoid incarceration if a defendant's underlying needs can be safely treated in the community.**

LSJA and its collaborative partners designed a public health alternative to incarceration program for justice-involved emerging adults charged with a felony offense in the adult criminal justice system. This program (1) ***Employs an evidence-based needs assessment*** to identify the root causes of participants' criminogenic behavior; (2) ***Creates a new framework for decision-making in the justice system*** by relying upon experts in the fields of neurology, behavior, medicine, mental health, and social work to inform the defense team's plea negotiations so that incarceration can be avoided if a emerging adult's criminogenic needs can be treated safely in the community; and (3) ***Provides community-based interventions*** through an intensive case management system structured to support positive life outcomes while simultaneously reducing their criminogenic risk and the likelihood of their continued justice system involvement.

Programs across the country that have employed similar interventions have seen substantial reductions in the recidivism of emerging adults:

- ***Roca, Inc.***, a nonprofit organization in Massachusetts that works with high-risk young adults age 17–24, developed an intervention model that involves two years of intensive outreach, educational programming, pre-vocational training, cognitive- behavioral and life skills training, and employment support. The program involves another two years of less intensive, supportive

follow-up. **In FY15, Roca served over 650 high-risk young men; 93 percent were not rearrested in that year, and 92 percent had been employed for at least 90 days.**

- **UTEC**, also in Massachusetts, employs a similar approach and developed several in-house social enterprises (e.g., a mattress recycling service, food services, woodworking). UTEC established contracts with local hotels and colleges to create employment opportunities for participants in a supportive setting. The social enterprises incentivize positive behavior. Participants that do not comply with program requirements are placed on temporary restrictions from the social enterprise opportunities. **In FY17, UTEC served 136 emerging adults ages 17-25; 90 percent of young adults served were not arrested during the year.**

The Transformative Justice Program relies upon interventions similar to ROCA and UTEC, while providing a community health-based alternative to incarceration for this age group.

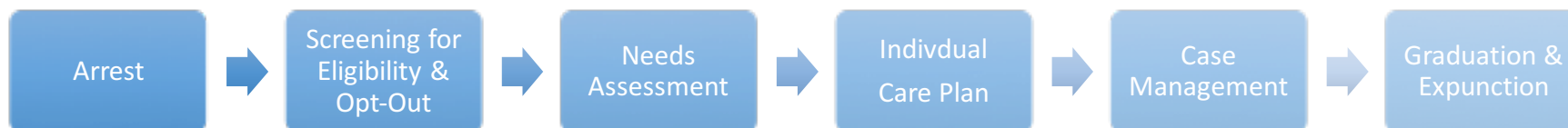
**The Request of TIDC: Provide start-up funding to establish rigorous community intervention partnerships and funding to support the creation and implementation of a new multi-disciplinary approach to indigent defense.**

With the support of TIDC, Williamson and Dallas Counties will utilize a multi-disciplinary approach to defense that addresses a clients' full range of legal and social support needs. The TIDC funding will support (1) the creation of a multi-disciplinary indigent defense team composed of a defense attorney and social worker who will integrate community-based services to support the client, (2) a program manager, who will formalize the community supports relied upon by the indigent defense team, negotiate document sharing agreements, coordinate with the evaluation team, and institutionalize the legal and ethical framework surrounding this program (ideally, this program manager successfully institutionalizes this framework within 2 years and is no longer a necessary component of the program going forward), and (3) a training and program director to assure compliance with the program goals and interventions, monitor the use of resources and assure that sufficient funding is available for all program needs, and assure that any policy or legislative changes that are needed to assure sustainability are documented so that the relevant stakeholders can take appropriate action.

**The Evaluation: A rigorous randomized-control trial will evaluate the effectiveness of this intervention strategy.**

LSJA has formalized an agreement with researchers at the Public Policy Research Institute at Texas A&M University and at the University of Texas School of Public Health's Health Science Center to design a multi-disciplinary outcome study. The study will be a mixed methods program evaluation, including a randomized controlled trial (RCT), to evaluate the program's ability to address participants' unmet criminogenic needs and to assess the cost-effectiveness of the intervention. In addition to our Texas-based research partners, Vincent Schiraldi, Senior Research Scientist at Columbia University and his team of researchers will advise the design of the program and evaluation.

# Transformative Justice



**Arrest:** Individuals between the ages of 17 to 24 years old are arrested.

**Screening for Eligibility:** The District Attorney's Office reviews all cases at the time of arrest. The Assistant District Attorney assigned to the case will screen each case using the eligibility criteria (age and offense). If individuals meet the criteria they are identified as "eligible" and marked for inclusion in the study.

- Defendants arrested on Tuesday, Wednesday and Thursday are eligible for inclusion in the program. The first two per week will be opted into the program.
- This process follows the process done in other innovative programs, Seattle's Law Assisted Enforcement Diversion Program being the most noteworthy.
- Magistration will proceed as usual. The magistrate will notify the defendant that they have been included in this program and provide them with notice to meet with the Program Manager and, if they are represented at that time, their defense attorney. The Program Manager is responsible for arranging a meeting with the defendant and the staff attorney/public defender or, if represented by paid defense counsel, that counsel (collectively referred to as "Defense Counsel")

**Opt-Out:** Within 5 days, the defendant will meet with Defense Counsel. Defense Counsel will review their case for probable cause, and then advise the defendant about the contours of the program. The defendant will have the ability at that point to opt out of the program. If the defendant opts out, the defendant will return to the typical criminal law process.

**Needs and Risk Assessments:** If a defendant stays in the program, within 1 day of the opt-out meeting, the defendant will meet with a clinical social worker who will conduct the young adults needs assessment and a risk assessment. The defendant will then be free to leave if a bond is approved. The District Attorney and District Judges have agreed to release all participants on the program with a bond, subject to supervision conditions indicated by the risk assessment. The defendant will be given a notice to appear within 21 days to meet with the multi-disciplinary case review team.

**Individual Care Plan:** Within 21 days of completion of the needs and risk assessments, the multi-disciplinary case review team will convene to review the results of the assessments. Prior to the meeting of the multi-disciplinary case review team, the lead clinical social worker will have prepared a potential case management plan in consultation with the Program Manager. The Program Manager will have requested any documents from partners needed to assist the the multi-disciplinary team. The multi-disciplinary team will then review the proposed plan and provide feedback on how the needs and risks identified in the assessments can be met within the community and devise clear goals for the defendant. The defendant and Defense Counsel will be consulted about the viability of the proposed plan and will be able to provide input into the planned goals.

The Individual Care Plan will be presented within 30 days to the District Attorney, who has two options:

1. **Diversión:** Accept the recommendations of the multi-disciplinary team and enter into an agreement with the defendant that completion of the Individual Care Plan will result in an agreement to expunge the arrest.
2. **Contested Cases:** The District Attorney, having considered the Individual Care Plan, may not feel it is in the interest of justice to proceed through a diversionary route. Defense Counsel and the defendant would then proceed through a more typical case route, with negotiations over a plea or preparation for trial. The defendant, however, will continue to have the option to engage in the services proposed by the multi-disciplinary team, in order to decrease the threat posed to public safety and potentially mitigate against a longer sentence either through trial or plea negotiations.

**Case Management:** The defendant will then receive intensive case management by the clinical social worker, probation, and peer support providers. These teams will work together to provide supports so that the defendant can achieve the goals set forth in the Individual Care Plan. The Plan may be adjusted as needed with input from the multi-disciplinary team; it is expected that the first 12 weeks will require frequent adjustment until it is determined what is working for the defendant.

Each month, a report will be generated by the Program Manager, with input by the clinical social worker, the probation officer, and peer support team that summarizes the defendant's progress. This report will be provided in advance of a monthly meeting of the criminal justice stakeholder team: the defense attorney, prosecutor, and judge. The defendant will then appear in court to report to the judge on the progress. If the defendant is not succeeding, the judge will then be able to take appropriate measures as needed to address behavior. Generally, a defendant will not be removed from the program unless he is determined to pose a danger to others or himself, or he reoffends. Otherwise, a range of incentives and sanctions will be used to assure compliance.



The Program Manager will also be responsible throughout the Case Management term for recruiting community stakeholders and in some cases negotiating with providers to eliminate barriers for those with pending cases, assessing gaps in existing services, negotiating any document sharing issues, and communicating all data to the evaluation team.

**Graduation and Expunction:** Ultimately, a defendant will have 18 months to complete the program. If successful, a defendant whom the District Attorney agrees to divert will be eligible to expunge the arrest and no conviction will appear on his record. Defendants who are not diverted will still have the option to present their successes in the program as mitigation.