



Texas Task Force on Indigent Defense

August 2007

Volume 5, Number 4

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Two New Public Defender Offices Funded

At its meeting August 24th, the Task Force awarded a grant to Lubbock County of \$650,685 to establish Texas' first regional public defender for capital murder cases for the eighty-five counties in the 7th and 9th Administrative Judicial Regions in West Texas. The Task Force also awarded a \$621,517 grant to Bowie County to establish a public defender office serving Bowie and Red River counties in an area of northeast Texas anchored by the City of Texarkana. The grants are the first of four years of state funding to assist the counties in each region launch the new programs. (Continued on Page 8.)

Message from the Chair

The Task Force wraps up its fifth year with its 63rd meeting. Here are just a few highlights that have resulted in improvements in public defense in Texas:

- ✚ Doubled the number of [public defender offices](#) in the state with grant funding, including:
 - Bexar County - regional appellate defender to serve over 30 counties
 - Bowie and Red River Counties – regional office
 - Hidalgo County
 - Kaufman County
 - Lubbock County - regional capital public defender office to serve 85 counties
 - Travis County - first stand-alone mental health public defender office in the nation
 - Val Verde, Edwards, Terrell and Kinney Counties – first regional in state, first to contract with non-profit
 - Willacy County
- ✚ Gathering of evidence-based practices to provide to all criminal justice stakeholders through [numerous studies and research papers](#), including:
 - [Blueprint for Creating a Public Defender Office in Texas](#) (2004)
 - [Study to Assess the Impacts of the Fair Defense Act on Texas Counties](#) (2005)
 - [Evaluating the Impact of Direct Electronic Filing in Criminal Cases: Closing the Paper Trap](#) (2006)
 - [The Costs and Benefits of an Indigent Defendant Verification Study](#) (2007)
 - [Indigent Defense in the Texas Juvenile Justice System](#) (2007)

Task Force Members:

Chair:

Sharon Keller
Presiding Judge, Court of
Criminal Appeals

Vice Chair:

Olen Underwood, Presiding
Judge, 2nd Administrative
Judicial Region of Texas

Jon Burrows
Bell County Judge

Knox Fitzpatrick
Dallas Attorney, Fitzpatrick,
Hagood, Smith & Uhl, L.L.P.

Wallace Jefferson
Chief Justice, Supreme
Court

Orlinda Naranjo
419th Judicial Civil District
Court

Tony Odiorne
Public Defender, Wichita Co.

Aaron Peña
State Representative

Sherry Radack
Chief Justice, First Court of
Appeals

Todd Smith
State Representative

Jeff Wentworth
State Senator

Glen Whitley
Tarrant County Judge

John Whitmire
State Senator

Again, these are just a few. At this most recent meeting I thanked the members of the Task Force that have participated in most of these meetings. The members are busy professionals with full schedules who make the time and effort to travel to Austin and attend numerous meetings each year. They are passionate about seeing this very important component of the criminal justice system improve because they believe in protecting the constitutional rights of all Texans and future generations of Texans. The work they have done and will continue to do is historic. The counties are also to be commended for doing their part and more. We

say good bye to Mr. Bryan Wilson, and wish him well as he begins a new grant program for the Supreme Court of Texas. Bryan was very instrumental in spreading good ideas around the state and helping those projects and programs receive funds. We also welcome Ms. Whitney Stark who will now take over the Grants Administrator position. The Task Force wishes to also thank the Discretionary Grants Review Team members who graciously gave their time and expertise to review the applications for the FY08 Discretionary Grant Program: Margaret Bennett, Laura Betancourt, Cathy Burnett, Dominic Gonzales, Julie Marks and Andrea Marsh. We truly wouldn't be able to get these programs funded without you.

Sincerely,

Sharon Keller, Presiding Judge, Court of Criminal Appeals



Judge Keller (right) presents Bryan Wilson (left) with an appreciation award from the Task Force at its August 24th meeting.

Message from the Director

As the summer comes to the end so does the state fiscal year. The culmination of this fiscal year's efforts became apparent at the Task Force's August meeting and as discussed throughout this newsletter. Worth noting, researchers at the University of Texas at Arlington have recently published a paper assessing the impact of the Fair Defense Act on the provision of indigent defense services. The report entitled "[Giving Timbre to Gideon's Trumpet: Evaluating the Administration and Effectiveness of Legal Representation for Texas' Indigent Criminal Defendants](#)" contains the results of surveys of judges, criminal defense lawyers, and prosecutors on a range of indigent defense issues. The surveys were conducted under the auspices of the State Bar of Texas Committee on Legal Services to the Poor in Criminal Matters. The overall conclusion is that both process and system outcome improvements have

been achieved since the implementation of the FDA. An executive summary of the report is also available [here](#). The work that the journalists and researchers do is of great service because it provides information about indigent defense across the state. Ultimately, it serves to protect all Texans' right to a fair defense. I wish everyone a safe and wonderful Labor Day weekend!

My best,
James Bethke, Director

Policies and Standards Update

2007 Indigent Defense Plan Submission Process

The Task Force is preparing to send out instructions within the next couple of weeks regarding the upcoming plan submission process. The process must be completed by November 1st of each odd-numbered year as required by Section 71.0351, Government Code. We will be using the same online system for verifying the plans on file with links to all plan documents we have on file. You will also be able to submit revised plan documents via email or in paper form and then archive outdated plan documents that have been superseded. Any local judge or designee will be able to complete the process for all court levels in their jurisdiction by logging into the system with usernames and passwords previously issued. You will be asked to verify and update local officials and contact information. The compliance checklist will be displayed on screen for official to review whether the previously submitted plans comply with the FY 2006 grant requirements, which we anticipate remaining the same for FY 2008.

In addition to the basic instructions outlined above, we will be enclosing some additional information that should be helpful to you as you consider possible changes to your plans. These will include information on implementing HB 1178, which spells out new procedures for waivers of the right to counsel, and the provisions of HB 1267 related to payments attorneys appointed to represent indigent state prison inmates on new charges. Also included in the packet will be the contract defender rules adopted by the Task Force and a new Task Force publication on the specialized indigent defense system requirements for juvenile courts.

For additional information please call Wesley Shackelford, Special Counsel at (512) 936-6997.

 *Policies and
Standards:*
**Chair: Knox
Fitzpatrick
Orlinda Naranjo
Tony Odiorne
Olen Underwood**

The mission of the Task Force on Indigent Defense is to improve the delivery of indigent defense services through fiscal assistance, accountability and professional support to State, local judicial, county, and municipal officials. The purpose of the Task Force is to promote justice and fairness to all indigent persons accused of criminal conduct, including juvenile respondents, as provided by the laws and constitutions of the United States and Texas.

See the [Task Force's Strategic Plan](#).

Publication of Juvenile Court Indigent Defense Information Booklet

The Task Force announces a new publication describing the specialized attorney appointment and representation processes used in juvenile court. It is designed for court officials, as well as parents and youth. It is a joint publication with the Texas Juvenile Probation Commission, which has already distributed approximately 400 copies at its post-legislative conference this summer. You can read and print copies of the report on our website [here](#). We encourage you to forward this link on to local stakeholders, such as court staff and juvenile probation departments, who will be able to use it in their work or make it available to others.

For additional information please call Wesley Shackelford, Special Counsel at (512) 936-6997.

Program Monitoring Report:

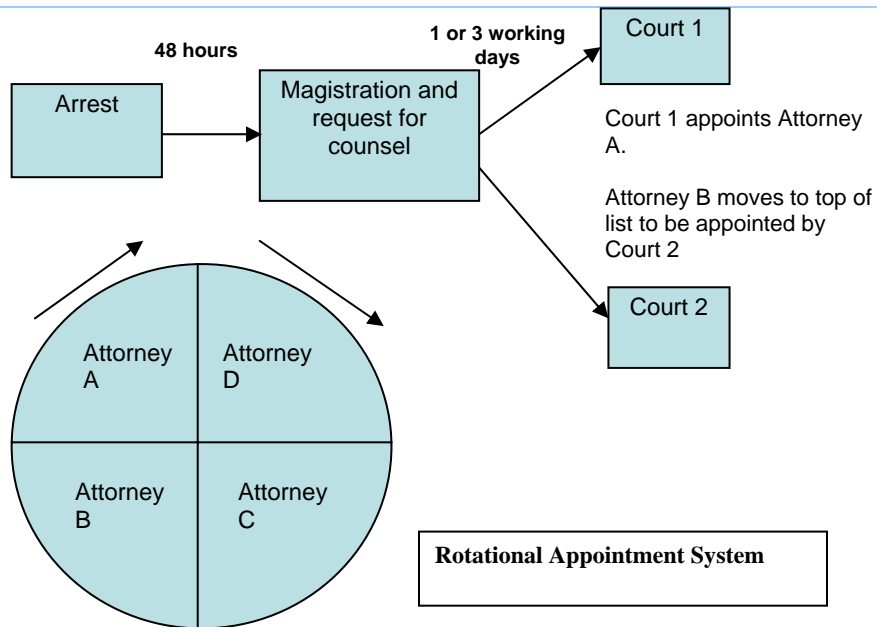
Planning Indigent Defense Processes to Meet the Time Requirements of the Fair Defense Act

Tex. Code Crim. Proc. Art. 15.17(a) declares that arrestees are to appear before a magistrate within 48 hours of the arrest. At magistration, arrestees may request counsel, and the request is to be transferred to the appointing authority within 24 hours. Article 1.051(c) requires that a determination of indigence and possible appointment of counsel is to be made for incarcerated persons within one or three working days of the request. The time limit is one working day for those counties with a census population over 250,000 and three working days for smaller counties. Appointed counsel is to represent the defendant until final disposition of the case per Article 26.04(j)(2). Various appointment systems may be used to meet these statutory requirements, but whichever system is used, its application should be planned so that statutory requirements are actually met.

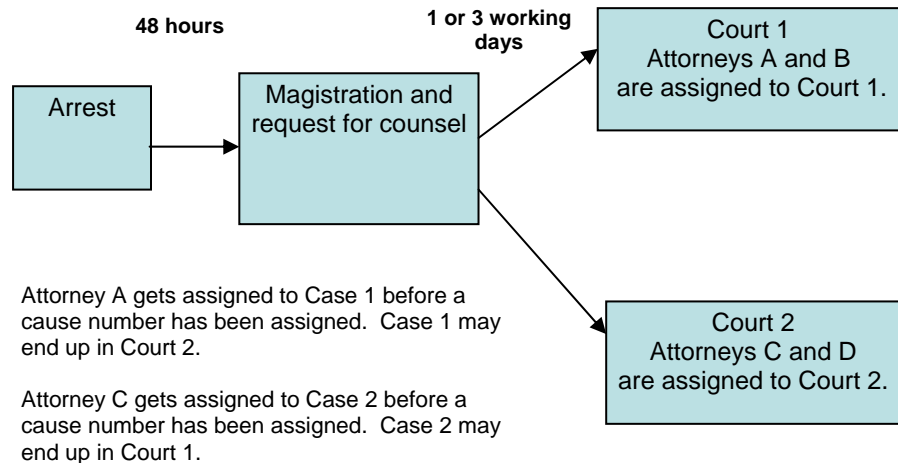
Under a **rotational appointment system**, attorneys are appointed according to a list that rotates like a wheel. Whichever attorney is at the top of the list is to receive the next appointment unless there is a finding of good cause. The newly appointed attorney then moves to the bottom of the list. To operate a rotational system, some form of central management is usually necessary to maintain the order of the list after an individual court makes an appointment. In this manner, an arrestee may be detained and request counsel at magistration. Attorney A may then be timely appointed by one court in the county, and the system must account for the appointment so that attorney B who is next on the wheel moves to the top of the list.

Successful implementation of evidence-based principles can be achieved when equal emphasis is placed on organizational development and collaboration.

U.S. Department
Of Justice




Another method used in some counties as **alternative appointment systems** are **contract systems**. In these counties, the contract attorney may be assigned as a matter of process to a court but the attorney-client relationship may not be known by attorney or defendant until the case comes to first appearance, regardless of the amount of time the defendant is in jail. Logistical complications arise under alternative appointment systems when a person requests counsel at magistration, triggering a timely appointment deadline before a case may have been assigned to an individual court. To meet Article 1.051(c) timely appointment requirements, a group of attorneys could be designated for cases needing a pre-indictment appointment and continue with these cases until their final dispositions. Alternatively, cases could be assigned to attorneys designated to a particular court before cause numbers have been assigned. These attorneys could end up appearing in courts other than the one to which they had been designated.



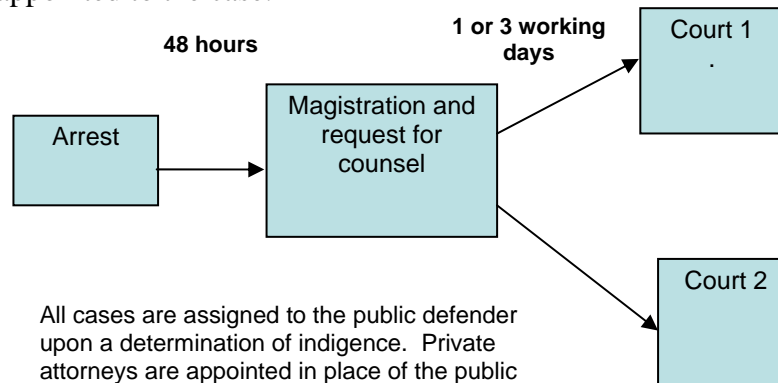
Public defender systems established under Article 26.044 can offer a very simple solution to the logistics of determining who should be appointed and when to a particular case. All cases where a determination of indigence has been found could be assigned to the public defender (except for cases where a conflict of interest occurs). The public defender bears the responsibility of contacting clients within one working day of

In our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer; cannot be assured a fair trial unless counsel is provided for him.

Hugo L. Black

 **Grants and Reporting:**
Chair: Glen Whitley
Jon Burrows
Sharon Keller

appointment according to Article 26.04(j)(1) regardless of whether or not a cause number has been assigned. A wheel is not needed, except for the few cases where there is a conflict with the public defender representing the client. The only action needed by the courts is a timely determination of indigence and a notification to the public defender that it has been appointed to the case.



All cases are assigned to the public defender upon a determination of indigence. Private attorneys are appointed in place of the public defender when the court has been notified that a conflict exists.

Regardless of the method of appointment, indigent defense systems would benefit from planning process flows to meet the time requirements of the Fair Defense Act. The various scenarios where defendants move from arrest to appointment of counsel to disposition of the case could be mapped into a flow chart. If the processes as designed do not meet statutory time requirements, the system may need to be redesigned to ensure that statutory requirements are met.

Please call Joel Lieurance at the Task Force office, toll free in Texas at (866) 499-0656, if you have any questions about the program monitor program. There is also a webpage with [information about the monitoring programs](#).

Grants and Reporting Update

Counties May Now Apply Online for FY2008 Formula Grants

The Formula Grant budget was set at \$12 millions dollars for FY 2008. Constitutional County Judges will receive the FY2008 Formula Grant Packets within the next week. The local administrative district and statutory county judges and financial officers will receive a courtesy letter informing them of the packet about a week later. The grant application instructions and allocation schedule are now available on the Task Force website (links to: [Request for Applications](#) and [Allocation Schedule](#)). The [Request for Applications](#) instructs counties to apply online at the Task Force's grant management website at: <http://tfid.tamu.edu>.

Grant applications will be due on October 23, 2007. Low expending counties (those counties not receiving grant funds or receiving only a portion of their grant) need to review their expense pattern to determine

whether they should apply for a formula grant or not apply and be placed in the direct disbursement pool. The Task Force will meet in November to award the FY2008 Formula grants.

Please call Whitney Stark, at the Task Force office, toll free in Texas at (866) 499-0656, if you have any questions about grant programs.

Direct Disbursements Awarded

The Direct Disbursement program is to reduce application procedures for counties that have both low incidences of crime and low indigent defense costs. A county that has not spent any formula grant funds in the preceding year and does not apply for a formula grant in the current fiscal year may submit receipts for direct disbursements. If the county experiences indigent defense costs above its baseline year amount, a county is eligible to receive up to twice the amount of the initial allocation of funds for the county under the formula grant program. See the full Direct Disbursement Policy at:

[http://www.courts.state.tx.us/tfid/htm/Direct%20Disbursement%20\(non-grant\)%20Procedures1.htm](http://www.courts.state.tx.us/tfid/htm/Direct%20Disbursement%20(non-grant)%20Procedures1.htm)

County	Requested Amount
Borden	\$25
Duval	\$4,812
Edwards	\$5,156
Fisher	\$10,598
Foard	\$2,277
Frio	\$12,612
Hardin	\$14,951
Jeff Davis	\$3,307
Kenedy	\$3,775
King	\$7,125
Lavaca	\$14,191
McMullen	\$2,561
Nolan	\$12,182
Oldham	\$5,038
Rains	\$9,794
Stonewall	\$725
Uvalde	\$16,432
	\$125,561

Out of the 31 counties that elected to go into the Direct Disbursement Pool this fiscal year, the Task Force on August 24, 2007 awarded \$125,561 in disbursements to 17 counties who requested reimbursements for their FY 2007 indigent defense expenses.

Please call Whitney Stark, at the Task Force office, toll free in Texas at (866) 499-0656, if you have any questions about grant programs.

Brazoria and Hunt Counties Receive Extraordinary Funds

The Task Force reimbursed two counties, Brazoria and Hunt for extraordinary expenses at the August 24, 2007 meeting. Counties experiencing an indigent defense event “constituting a financial emergency” should review the policy to determine whether they should submit an application. The maximum a county can receive is \$100,000. Contingent on funding, these awards are issued on an annual basis in August. The Task Force has budgeted \$350,000 for FY2008. The policy is online at:

http://www.courts.state.tx.us/tfid/Extraordinary_Expense_Disbursement_Fund_Procedures.asp

FY07 Extraordinary Budget:		\$350,000	
County	Requested Amount	Amount Awarded	Type of Request
Brazoria	\$100,000	\$100,000	Death penalty cases.
Hunt	\$100,000	\$100,000	Death penalty cases.
Total	\$200,000	\$200,000	

Please call Whitney Stark, at the Task Force office, toll free in Texas at (866) 499-0656, if you have any questions about grant programs.

Continued from page 1

New West Texas Regional Public Defender for Capital Murder Cases

The regional capital public defender office will include five highly qualified attorneys with expertise in capital defense, as well as two mitigation specialists, two investigators and two legal assistants. Currently there are very few attorneys qualified and available for appointment to capital murder cases in the region. The office will also allow counties to have budget predictability and to provide a high quality defense if they have a capital murder case. "We worked very hard this session to improve the quality of indigent defense, and this grant should ensure that our constitutional right to counsel works the way it was originally envisioned," said Kel Seliger, State Senator, District 31. "I'm glad to see this program serving the people of the Panhandle and the South Plains." Robert Duncan, State Senator, District 28, said that a "Regional public defender for capital murder cases in West Texas would be a tremendous benefit to the judicial system in this region, as well as to the counties and the State of Texas."

The administrative presiding judges for the two regions, Dean Rucker of the 7th Region and Kelly Moore of the 9th Region, were instrumental in the program's development and helped organize several regional stakeholders' meetings. "I am optimistic that the office will set the standard for defense of death penalty cases in Texas, and will serve as an excellent example for future offices around the State," said Judge Moore.

"I want to commend Lubbock County for taking the lead in development of the first super-regional public defender initiative in Texas," said Sharon Keller, chair of the Task Force. "This program should help all the participating counties assure a high quality defense in capital cases."

"The eighty-five counties in West Texas stand to benefit greatly from the establishment of this office, in both quality of defense and in the use of taxpayer dollars," said David Slayton, Lubbock County Director of Court Administration. "I am extremely excited to see that the Task Force recognized the benefits of this office and chose to fund the proposal. Eleven months of hard work by numerous individuals have certainly paid off and will continue to pay off for years to come."

Texarkana Based Regional Public Defender

The public defender office funded for Bowie and Red River counties will include seven attorneys and three support staff that will represent indigent defendants in all misdemeanor, felony and juvenile cases, including limited appeals. Capital murder cases where the death penalty is sought are the only types of cases to be excluded. The program will be Texas' first county-operated public defender program that will provide representation in virtually all indigent cases.



“We in Red River County are grateful for the opportunity to participate in the Public Defender program,” said Morris Harville, Red River County Judge. “Red River County, the Gateway to Texas for Davy Crockett and all those that followed him, is glad to be among the first of the less-populated counties, to afford all citizens fair and equal representation in our courts.”

“We are greatly appreciative of the support that the Task Force has shown in the creation of our Public Defender Program,” said Judge John Miller, 102nd District Court (Bowie and Red River counties). “We look forward to improving the proficiency of legal representation for those persons who are least able to afford it. The indigent defendant is entitled to effective representation no differently than the defendant who can afford the attorney of his choice. This grant is going to help provide that representation.”

Please call Whitney Stark, at the Task Force office, toll free in Texas at (866) 499-0656, if you have any questions about grant programs.

Expense Reports are Due November 1

The Indigent Defense Expenditure Report (IDER) is a statutorily required report that all counties submit every November 1. This report captures all indigent defense related expenses and a count of the corresponding cases causing those payments. The statute requires this report be submitted by court by county.

The data collection on indigent defense is a substantial part of the Fair Defense Act. Good data assists the Task Force and Legislature on how to serve the needs of counties. Equitable fund distribution, adjustments to the Fair Defense Act, and planning studies are ways that good data can be used to assist counties in implementing the constitutional requirement of providing appointed counsel.

All expenditure reporting information can also be downloaded from the Task Force website at:

http://www.courts.state.tx.us/tfid/Fiscal_Notes_Auditor_Treasurer.asp

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We're on the Web!
www.courts.state.tx.us/tfid

Please call Whitney Stark, at the Task Force office, toll free in Texas at (866) 499-0656, if you have any questions about grant programs.

Advance Payment Notification (APN)

The State Comptroller is offering Advance Payment Notification (APN) to state (counties) vendors who receive funds by direct deposit. This feature will provide state (counties) vendors with a one-business-day advance notice before a direct deposit payment posts to their bank account.

To take advantage of this service, please log onto the State Comptroller's website at: www.cpa.state.tx.us/fm/payment. A page will come up listing payment services for state vendors and state employees. Go to the state vendors section, page down to resources and click on Advance Payment Notification. This page will explain the features of APN. To take advantage of this feature, go to the box to the right and click on the Advance Payment Notification Authorization (74-193) form. Follow the instructions and complete the form. You may mail or fax the form back to the Comptroller, the address and fax number is located at the bottom of the form.

We hope this service will be of benefit to your county's accounting and/or audit section.

For more information, please contact Sharon Whitfield, Budget and Accounting Analyst at Sharon.whitfield@courts.state.tx.us or toll free in Texas at (866) 499-0656 (936-6998 in Austin).

Fiscal Monitoring Program

Summary of Monitoring Visits

Twenty-four fiscal monitoring and technical assistance visits were conducted in FY 2007:

Summary of Monitoring Visits October 1, 2006 - August 31, 2007		
County	Date of Site Visit	Type of Visit
Webb County	October 10-13, 2006	fiscal
Limestone County	December 5, 2006	technical assistance
Bexar County	January 30, 2007	follow-up meeting
Moore County	February 20, 23, 2007	fiscal
Dallam County	February 21, 2007	fiscal
Hartley County	February 21, 2007	fiscal
Sherman County	February 22, 2007	fiscal
Guadalupe County	February 27-March 1, 2007	fiscal
Gonzales County	March 2, 2007	technical assistance
Harris County	March 20-23, 2007	fiscal

Jackson County	April 16, 2007	fiscal
Victoria County	April 17-18, 2007	fiscal
Calhoun County	April 19, 2007	fiscal
DeWitt County	April 20, 2007	fiscal
Guadalupe County	June 12, 2007	technical assistance
Medina County	June 19-20, 2007	fiscal
Real County	June 21, 2007	fiscal
Uvalde County	June 22, 2007	technical assistance
Bexar County	June 26-29, 2007	fiscal
Dallas County	July 17-20, 2007	fiscal
Potter County	July 23-24, 2007	fiscal
Randall County	July 25-26, 2007	fiscal
Tarrant County	August 7-10, 2007	fiscal
Travis County	August 14-17, 2007	fiscal

Summary of Findings

Fiscal reporting and accounting procedures of the grant

The financial management systems of grantees must maintain accurate, current, and complete disclosure of financially assisted activities. Accounting records must be supported by such source documentation as canceled checks, paid bills, payrolls, time sheets, contracts, and award documents. The accounting records must also adequately identify the source and application of grant funds. Indigent defense fiscal issues identified for improvement are as follows:

- **Indigent defense expenditure information**

Investigations, experts, and other direct litigation expenses were, in some instances, incorrectly placed in the attorney fee category. Section 71.0351(e), Texas Government Code, requires that counties report case information showing the total amount expended by the county to provide indigent defense services and an analysis of the amount expended by the county for investigation expenses, expert witness expenses, or other litigation expenses. It is crucial that counties develop payment procedures that accurately capture the fiscal and case data of each court.

- **Support Documentation**

Some counties are not maintaining supporting documents for investigations, experts, and other direct litigation expenses. The county should have supporting documents for financially assisted activities. In accordance with the Uniform Grant Management Standards (UGMS), “documentation required may include, but is not limited to, travel records, time sheets, invoices, contracts, mileage records, billing records, telephone bills and other documentation that verifies the expenditure amount and appropriateness to the grant.”

See UGMS on standards for financial management systems:

<http://www.governor.state.tx.us/divisions/stategrants/guidelines/files/UGMS062004.doc>

- **Written Accounting Procedures**

Many counties do not have written accounting procedures that relate to financial reporting of criminal indigent defense services. The

procedures should include sufficient information to the permit an individual who is unfamiliar with the operations to perform the necessary financial activities. Accounting procedures that are clearly defined will lead to more reliable and consistent financial transactions.

For questions or technical assistance, please contact: Carol Conner, Fiscal Monitor; direct line: 512/936-7561; In Texas 866/499-0656; fax: 512/475-3450; email: carol.conner@courts.state.tx.us.

Annual Indigent Defense Workshop Around the Corner – Please Register Now

Each year in October the Task Force presents an annual workshop.

Two-day workshop:

Thursday, October 18 (9 a.m.-5 p.m.)

Friday, October 19 (9 a.m.-3 p.m.)

Location: Texas Association of Counties, 1210 San Antonio Street, Austin

Session topics over the two days will include:

- Around the State: What's Working
- Public Interest Groups as Partners: The Fair Defense Project and Texas Criminal Justice Coalition
- 80th Legislative Session: What You Need to Know
- Determining Indigence and the Cost-Effectiveness of Verification
- Evidence-Based Practices: Measure for Results
- Case Management Strategies and Integrated Justice
- Juvenile Justice and the Application of the Fair Defense Law
- Establishing an Effective Defense Delivery System
- Blueprint for Creating a Public Defender Office
- Problem Solving Break-Out Sessions (County Team Workgroups)
- Roundtable Discussion – Debriefing on Workgroup Session and Action Plan

We highly recommend that top level, key decision-makers attend. We are registering elected officials such as judges, county and district, commissioners, district attorneys and others. This workshop is about county indigent defense plan processes that affect the overall criminal justice system in the county. There is no registration fee. Space is limited. Register now. Priority given to counties who have not attended past workshops and to those counties committed to bringing up to three key county decision-makers. Counties are responsible for their own travel expense. Workshop course materials and hotel information will be sent to the team leader at the time of confirmation (a few days after the registration deadline). There will be blocks of government rate rooms reserved for attendees of this event at a few hotels nearby, however attendees may select any hotel of their choice. Registration deadline is extended to September 6, 2007. Here is a link to the [Registration Form](#).

Please call Terri Tuttle, at the Task Force office, toll free in Texas at (866) 499-0656, if you have any questions about this program.

Introducing our Newest Staff Member

Whitney Stark began with the Task Force on August 20 to take over the Grants Administrator position. We welcome Whitney to the team and wanted to also introduce her to you. Prior to this position, Whitney served as a grants program specialist in the Criminal Justice Division (CJD) of the Governor's Office since 2004 where she managed a variety of state and federal grant programs aimed at reducing crime and improving the criminal and juvenile justice systems. Whitney also managed the Drug Court grant program and served as the State Coordinator for drug courts in Texas. Prior to CJD, Whitney served as the editorial assistant and contributing writer for Celebrate Austin magazine and also interned at Texas Monthly magazine. She graduated from the University of Texas at Austin with a B.A. in English in 2004. Counties can call Whitney to discuss program development ideas toll-free in Texas at (866) 499-0656.



Program Spotlight

Travis County Mental Health Public Defender Office

Travis County

Mental Health Public Defender Office

Here to first serve those unable to serve themselves in the judicial system and first of its kind in the nation.



Staff: (left to right): Christina Rodriguez, Legal Secretary; Melissa Shearer, Assistant Attorney; Valerie Whiting, Case Management Coordinator; Patrick Wentworth, Caseworker; Stephanie Doyle, Social Worker; and Jeanette Kinard, Director

Travis County Mental Health Public Defender **“Institutional Voice for Defendants with Mental Illness”**

Travis County, with a \$1,312,500 four-year discretionary grant from the Task Force, has established the nation’s first stand-alone public defender’s office devoted solely to persons with mental illness. The office will handle 500 Class A and B misdemeanor cases a year between the Staff Attorney, who will handle 300 of the cases, and the Chief Public Defender, who will handle 200 cases. Joining them are two case workers, two social workers, and two support staff. The Task Force awarded \$250,000 to Travis County for the office’s operations during fiscal year 2007. During the next grant period in fiscal year 2008, the office will receive 80% funding from the state in the amount of \$500,000 for a full 12-months of operations, with a reduction in funding each year as Travis County picks up more of the bill.

Identified as “an innovative approach to a growing problem,” the grant and creation of the office comes at a time when mental hospitals are at full capacity and the Legislature is worried about overcrowded jails and prisons and the high cost of incarceration. Criminal defendants make up about 15% of the county’s jail population and spend longer periods incarcerated than other defendants. Data compiled by the Travis County Sheriff’s Office shows that inmates with mental illness spend about twice the time in pretrial detention as other inmates.

The office works to steer the seriously mentally ill (the office’s priority population will be those with schizophrenia, bipolar disorder or major depression) away from prison and into mental health services and treatment. Support staff screens potential clients in jail, compiling social profiles on defendants and seeking services as possible alternatives to incarceration. This can include housing, treatment programs, SSI benefits and medication. Attorneys determine whether clients are candidates for probation and participation in these programs depending on their criminal history and level of mental illness.

The following story about a client, “John,” typifies the work that the Travis County MHPD is doing. “John” went off his medication and became psychotic, jumping out of a car while his parents were driving him to a mental health facility and later getting arrested by police and taken to jail. An office attorney and social worker fought for two days to have him released and transported to a mental health facility in Austin. As Director Jeanette Kinard says, “This is the kind of client and situation our office was set up to address, and I feel we made a difference in this family’s situation.”