

2024 Goliad County Resolution
Indigent Defense Improvement Grant Program

WHEREAS, under the provisions of the Texas Government Code § 79.037 and Title I of the Texas Administrative Code Chapter 173, counties are eligible to receive grants from the Texas Indigent Defense Commission to provide improvements in indigent defense services in the county; and

WHEREAS, the Commissioners Court authorizes this grant program to assist the county in the implementation and the improvement of the indigent criminal defense services in this county; and

WHEREAS, Goliad County Commissioners Court has agreed that in the event of loss or misuse of the funds, Goliad County Commissioners Court assures that the funds will be returned in full to the Texas Indigent Defense Commission.

NOW THEREFORE, BE IT RESOLVED and ordered that the County Judge of this county is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Indigent Defense Improvement Grant Program and all other necessary documents to accept said grant; and

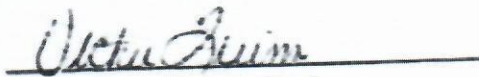
BE IT FURTHER RESOLVED that the County Judge is designated as the Program Director and contact person for this grant and the Auditor is designated as the Financial Officer for this grant.

Adopted this 19 day of September, 2023.



Mike Bennett
County Judge

Attest:



County Clerk

Internet Submission Form

After submitting the Improvement grant application on-line, the following Internet submission confirmation number was received #D20240880920230303. This grant application submission was in accordance with the Commissioners Court Resolution above.



Mike Bennett
County Judge



TEXAS INDIGENT DEFENSE COMMISSION
Statement of Grant Award
FY2024 Improvement Grant

Grant Number: SG-24-004
 Grantee Name: Goliad County
 Program Title: **Regional Public Defender Office**
 Grant Period: 10/1/2023-9/30/2024
 Grant Award: \$160,285

The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Goliad 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. The grantee will not receive any grant funds until this notice is executed and returned to the Commission. Funding is provided as listed in the categories in the table below:

Direct Costs:	
1) Personnel (Total Number of FTEs: 0)	0
2) Fringe Benefits	0
3) Travel and Training	0
4) Equipment	0
5) Supplies	0
6) Contract Services	\$240,428
7) Indirect Costs	0
Total Approved Budget	\$240,428
Less Cash from Other Sources- County Match	\$80,143
Total Amount Funded by Commission	\$160,285

Standard Grant Conditions:

- The authorized official for the grantee accepts the grant award.
- The authorized official, financial officer, and program director, referred to below as grant officials, must comply with the terms of the grant as written in the Request for Applications issued in January 2023, 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 "Grant 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 amend the Indigent Defense Plan for their respective courts to include the program funded under this award as necessary and submit it to the Commission by November 1, 2023.



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 Reggie Smith
Honorable Sherry Radack
Honorable Vivian Torres

MEMBERS APPOINTED BY GOVERNOR:
Mr. Alex Buntin
Honorable Richard Evans
Mr. Genzale Ries
Honorable Missy Medary
Honorable Valerie Covey

INTERIM-EXECUTIVE DIRECTOR:
Scott Ehlers

September 15, 2023

The Honorable Mike Bennett
Goliad County Judge
Via E-mail: mbennett@goliadcountytexas.gov

RE: FY2024 Statement of Grant Award – Grant Number SG-24-004

Dear Judge Bennett:

I am pleased to inform you that the Texas Indigent Defense Commission has awarded Goliad County a **FY2024 Sustainability Improvement Grant** in the amount of **\$160,285** for the **Regional Public Defender Office**. Your Statement of Grant Award for fiscal year 2024 is attached. Also attached is the FY2024 Improvement Grant Resolution, which is required to be adopted by your commissioners court for each eligible year of grant funding. Please sign and return the Statement of Grant Award and the adopted resolution to Grants@tidc.texas.gov. You do not need to mail copies.

Congratulations to Goliad County on taking the lead in Texas by developing and continuing this 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 Director of Grant Funding at (512) 463-2508.

Sincerely,

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

Copy: llockwood@goliadcountytexas.gov

Texas Indigent Defense Commission
209 West 14th Street, Room 202 · Austin, Texas 78701
www.tidc.texas.gov
Phone: 512.936.6994

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

RM Bennett
Signature of Authorized Official

RM Bennett
Name & Title (must print or type)

9 19 23
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:

General Provisions

1. Goliad County will contract with a qualified entity for Regional Public Defender services as defined in Article 26.044 of the Texas Code of Criminal Procedure.
2. The entity contracted to operate the Regional Public Defender Office must have a demonstrated track record of successful operation of rural regional public defender offices based on professional standards of representation and best practices in the areas of caseload controls, use of investigators, training, supervision, and client communication.
3. The County must provide to TIDC copies of all interlocal agreements with other counties participating in the regional public defender program.
4. Staffing with attorneys and support personnel must be supported by sufficient caseloads.
5. The County must develop and maintain a Regional Public Defender Oversight Board to oversee performance under the contract for the Regional Public Defender Office. The County must submit a draft policy detailing how the members are selected and the duties and procedures of the board to TIDC for feedback prior to finalization. The Oversight Board must meet at least quarterly.
6. The County must develop a written policy that includes caseload standards for the public defender office as required in Texas Code of Criminal Procedure Articles 26.044 and that is consistent with research-based weighted caseload guidelines published by TIDC. The caseload policy must require the Chief Public Defender to review caseloads at least quarterly. The Chief Public Defender must notify the program's Oversight Board and TIDC in writing if caseloads exceed the adopted standards.

Programmatic and Financial Reporting

7. This grant requires quarterly progress reports to provide information on the operation of the program. The TIDC grant manager will create and provide an online progress report to document the work performed in this program. The County may request modifications to the report. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
8. The County must submit quarterly grant program expenditure reports based on actual program expenditures, consistent with dates described in the timeline for Reporting and Fund Distribution at the end of this document.
9. The Public Defender's Office 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.

Change Management

10. Requests to revise the scope, target, or staffing of the project, or substantively alter project activities, require advance written approval from TIDC.
11. Budget adjustments consisting of reallocations of funds among or within budget categories in excess of \$10,000 or ten percent of the original approved budget category, whichever is less, are considered budget adjustments and are allowable only with prior approval of the executive director of the Commission.

Contracting Requirements

12. Requests for proposals and contracts with third parties for indigent defense services under this grant must be submitted to TIDC for approval prior to posting or contract execution.
13. The County will require any contractor for core services under this grant to itemize the budget to the county in its proposal as required in Article 26.044 PDO, Code of Criminal Procedure.
14. If the County contracts for core services under this grant the contract must contain a provision that the grant terms and conditions, including public defender office staffing and budgeted amounts, will be followed unless scope and/or budget adjustments are approved in writing by the Commission.
15. Contracts for public defender services under this grant must include requirements for the public defender to report required progress report data to the County and the Commission in order to allow timely reporting according to the reporting schedule below. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
16. If a non-profit corporation is selected by the County to operate the public defender's office, the contract must require the non-profit corporation to maintain at least one person in each regional office to serve as Chief Public Defender who meets the qualifications set forth in Article 26.044 (f) to supervise and manage the operation of the office and provide direct representation.
17. Contracts must provide for contractors to designate a financial single point of contact with at least read-only access and general knowledge of the organizational finances regarding contract management, monitoring, and financial data reporting and to respond to contract terms and deliverables.
18. Contracts must specify the maximum number of cases the contractor will handle, which must be consistent with TIDC published caseload guidelines. Contractors must notify grantee of any reduction in this number resulting from staff vacancies or any other factor impacting the contractor's representation capacity.
19. Contracts must include provisions for cases that remain open at the end of the contract term.
20. Contracts for indigent defense services must include a provision that contractors will not be paid amounts in excess of the total contract amount or the contractor's total eligible program expenditures, whichever is less, and include provisions for the return of amounts paid in excess of actual eligible program expenditures after the end of the contract term.
21. If the County uses grant funds to contract for services, the County must develop and follow a contract monitoring plan and include in the contract provisions to monitor each contract that is for more than \$10,000 annually. These contract monitoring provisions must include specific actions to be taken if the County discovers that the contractor's performance does not meet the operational or performance terms of the contract. In the case of contracts for public defender offices, these provisions must include a review of utilization and activity and financial data regarding actual expenditures to evaluate the contractor's performance within the budget required by statute for such programs. Performance terms should include but not be limited to:

Original Grant Application and Revised FY2024 Budget Follow

2019 Goliad County Discretionary Grant Application Narrative (Multi-Year Grant)

a. Application Form

Counties Represented: **Goliad**

Fiscal Year: **2019**

State Payee Identification Number: **17460009941**

Division To Administer Grant: **County Judge Program**

Title: **Regional Public Defender Program Requested**

Grant Amount: **\$91,539.20**

Financial Officer: **Larry Zermeno**

Program Director: **Pat Calhoun**

Mailing Address: **PO Box 677; Goliad, TX 77963**

b. Introduction (Executive Summary)

Bee County serves as the administrative county for the regional public defender program that also serves Live Oak, McMullen and Refugio Counties. Willacy County, although a separate operation, is also served through the Bee RPD. The public defender offices in Beeville and Raymondville are operated under contract with Bee County by Texas RioGrande Legal Aid (TRLA), the state's largest civil legal aid program. This regional public defender program was originally created through a TIDC discretionary grant. Goliad County requests TIDC grant funds to allow the county to join this regional public defender program with an established track record of success. If approved, Goliad County will contract with the regional public defender to cover all non-conflict felony, misdemeanor and juvenile cases.

c. Problem Statement

Under the current system, attorneys handling indigent cases often are based outside the county. Once an attorney is appointed, there is little oversight over the quality of representation and cases move slowly toward disposition. Investigators are rarely used and defendants do not have early access to their lawyers. The public defender office will provide us with independent and professional representation by attorneys specializing in criminal law who efficiently staff court dockets. The attorneys are supported by administrators and investigators to allow them to focus on legal representation. The program's investigators closely monitor jails for new arrestees, facilitate eligibility determinations and conduct intake interviews. By undertaking representation early in the case we expect that unnecessary pre-trial incarceration will be substantially reduced.

Goliad County currently relies on an ad hoc assigned counsel system. Very few local attorneys are available for indigent criminal defense, and most must travel from other counties. This results in delays both in undertaking representation and challenges in effectively moving dockets. There is virtually no ability for the county to monitor the quality of representation provided. In addition, the county has appointment rates, particularly for misdemeanors, well below state averages. Based on the success of the TRLA program in helping to address this issue in other participating counties, the expansion would assist Goliad in addressing this issue and ensuring access to counsel for eligible defendants.

Goliad is a small South Texas county (population 7,741) with a 20.6% poverty rate, well above the state average. The property tax base is limited and indigent defense expenditures have multiplied since the advent of the Fair Defense Act. The misdemeanor appointment rate, averaged over the last three years, is 15.1%, although it has improved over the last two years. There is a dire shortage of available private attorneys willing and competent to accept appointments, and the county does not have the funds to reimburse travel expenses for lawyers coming mostly from Corpus Christi and Victoria.

d. Objectives

Start-up tasks

- Secure office space and procure equipment and supplies for new staff.
- Post positions, interview and hire the new positions. TRLA will add one full-time equivalent ("FTE") attorney to the Beeville office based on the expected caseload for Goliad County. .63 FTE attorney will be assigned to felony cases and appeals in Goliad, and .36 FTE to misdemeanors and juvenile cases. Attorneys will have access to administrative staff and staff investigators.
- Assist Goliad County in updating indigent defense plans filed with TIDC.

Ongoing Activities

- The program will provide indigent representation for all non-conflict felony, misdemeanor, juvenile cases and appeals. TRLA will assign an investigator to interview all detainees in the county jail, screen them for eligibility and possible conflicts of interest, and undertake representation within 48 hours of detention. PD staff will monitor jails for new arrestees to help to expedite the consideration of eligibility for indigent representation and the appointment of the PD to all non-conflict cases up to the caseload limits under TIDC guidelines.
- PD staff will conduct in-person intake meeting with defendants as soon as is practicable, but not more than 48 hours after arrest.
- PD staff will provide representation to indigent defendants in all non-conflict felony, misdemeanor, juvenile and appeals cases in the participating counties.
- The TRLA Texas Rural Defender Service Manual includes additional details on ongoing activities and representation standards.

e. Activities

Core Program and Expansion County

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- Secure office space and procure equipment and supplies for new staff.
- Post positions, interview and hire the new positions. TRLA will add one full-time equivalent ("FTE") attorney to the Beeville office based on the expected caseload for Goliad County. .63 FTE attorney will be assigned to felony cases and appeals in Goliad, and .36 FTE to misdemeanors and juvenile cases. Attorneys will have access to administrative staff and staff investigators.
- Assist Goliad County in updating indigent defense plans filed with TIDC.

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- The program will provide indigent representation for all non-conflict felony, misdemeanor, juvenile cases and appeals. TRLA will assign an investigator to interview all detainees in the county jail, screen them for eligibility and possible conflicts of interest, and undertake representation within 48 hours of detention. PD staff will monitor jails for new arrestees to help to expedite the consideration of eligibility for indigent representation and the appointment of the PD to all non-conflict cases up to the caseload limits under TIDC guidelines.
- PD staff will conduct in-person intake meeting with defendants as soon as is practicable, but not more than 48 hours after arrest.
- PD staff will provide representation to indigent defendants in all non-conflict felony, misdemeanor, juvenile and appeals cases in the participating counties.
- The TRLA Texas Rural Defender Service Manual includes additional details on ongoing activities and representation standards.

f. Evaluation

TRLA will continue to document case data and statistics on public defender operations in their case management system and make quarterly reports to TIDC. Key metrics that will be used to assess the success of the program include tracking the timeliness of appointment, timeliness of intake interview with defendant, time from arrest to disposition, pre-trial jail days, dismissals, trials, motion practice. In addition, data on jail population and appointment rates will be used to assess the impact of the program in the new county.

TRLA will continue to work with the participating counties to monitor various metrics to assess the impact of the program metrics include:

- defendant outcomes (dismissals, sentencing)
 - rate of successful compliance with terms of release
 - recidivism rates
 - timeliness of attorney undertaking representation following appointment
 - impacts on pre-trial jail days
 - Number and result of referrals to community resources and other assistance provided to defendants
- Other metrics will be identified through the planning process.g. **Future Funding**

Future Funding

The Commission's sustainability funding over the last three years has made it possible for the participating counties to maintain a program that would be impossible without state assistance. The current participating counties are fully committed to this shared 50%/50% state/county sustainability funding model.

Goliad County requests 80% funding in the first year of the program and 60% in the second to assist in the transition to the new program. While PD costs will be incurred immediately to operate the program, the new counties will still be required to pay attorney fees for many cases that have already been appointed to private counsel and that will be disposed during the first year of the program. Moving forward beyond the first year, Goliad County is also committed to the shared 50%/50% state/county sustainability funding model.

FY24 Goliad Proposed Budget and Caseload Calculations

****FY23 Total budget: \$193,903 (Goliad's portion - \$64,633). FY23 is projected to result in a deficit in the area of personnel. Budget increase accounts for the deficit while also accounting for inflation, necessary salary increases and a partial FTE for a caseworker. The caseworker has already been a benefit in Goliad by assisting clients with their mental health needs and re-entry into the community. Caseload calculation remains the same as FY23.**

Goliad Assigned	FTE	TOTAL
Felony Attorney	0.7	\$85,680
Felony Attorney	0.2	\$23,120
Misdemeanor Defender	0.25	\$23,120
Attorneys	1.15	
Investigators	0.4	\$29,279
Paralegal	0.5	\$36,600
Mental Health Professional	0.15	\$11,578
Personnel	2.2	\$209,377
Non-personnel		
Space	\$2,500	
Telephone/Data	\$3,500	
Travel	\$5,000	
Library/Legal Research	\$1,000	
Supplies	\$1,500	
Litigation Expenses	\$5,000	
Admin/IT	\$5,000	
Contract Svc. (Janitorial Service)	\$2,000	
Training, attorneys	\$1,740	
Training Investigators	\$400	
Training, support staff	\$400	
Total Non-Personnel:	\$28,040	
Division Positions	\$3,011	
TOTAL Goliad	\$240,428	

County	Annual Felonies	Monthly Felonies	Annual Misds	Monthly Misd	Annual Juvenile	Total Max/Yr	Monthly Average
Goliad	139	11	80	5	10	209	17

Timeline for Reporting and Fund Distribution

Reports will be submitted on-line at <https://tfdc.tamu.edu>.

Reporting Period	Type Report Due	Date Report Due	Fund Distribution Date
October 2023 through December 2023	Grant Expenditure Report Progress report	January 15, 2024	February 2024
January 2024 through March 2024	Grant Expenditure Report Progress report	April 15, 2024	May 2024
April 2024 through June 2024	Grant Final Expenditure Report Final Progress report	July 15, 2024	August 2024
July 2024 through September 2024	Grant Expenditure Report Progress report	October 15, 2024	November 2024