Task Force on Indigent Defense  
Statement of Grant Award  
FY2005 Out-Of-Cycle Grant

Grant Number:   212-05-OOC-01  
Grantee Name:   El Paso County  
Program Title:   Public Defender Mental Health Unit  
Grant Award Amount:  $140,232

The Task Force on Indigent Defense (Task Force) has awarded the above-referenced grant. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Task Force by June 17, 2005. The grantee will not receive any grant funds until this notice is executed and returned to the Task Force. Funding is provided as listed in the categories in the table below:

<table>
<thead>
<tr>
<th>Direct Costs</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Personnel (Total Number of FTEs: 3)</td>
<td>$134,144</td>
</tr>
<tr>
<td>2) Fringe Benefits</td>
<td>$37,647</td>
</tr>
<tr>
<td>3) Travel and Training</td>
<td>$2,000</td>
</tr>
<tr>
<td>4) Equipment</td>
<td></td>
</tr>
<tr>
<td>5) Supplies</td>
<td>$1,500</td>
</tr>
<tr>
<td>6) Contract Services and Office Rental</td>
<td></td>
</tr>
<tr>
<td><strong>Total Direct Costs</strong></td>
<td><strong>$175,291</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indirect Costs:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7) Indirect Costs</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total Indirect Costs**  
**Total Proposed Costs**  
Less Cash from Other Sources – County Match  
**Total Amount Funded by Task Force**  
$140,232

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, agree to the terms of the grant as written in the Request for Applications issued on August 25, 2003, including the rules and documents adopted by reference in the Task Force on Indigent Defense’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 Task Force placing a temporary hold on grant funds, permanently deobligating all or part of the grant funds, requiring reimbursement for funds already spent, or barring the organization from receiving future grants.
• Disbursement of funds is always subject to the availability of funds.
• The grant officials agree to follow the grant terms contained in the “Required Conditions and Report” contained in Attachment A.

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

________________________________________________
Signature of Authorized Official

________________________________________________
Name & Title (must print or type)

________________________________________________
Date
Program Requirements

— The program shall be subject to all provisions stated in the FY2005 Discretionary Grant Request for Applications (RFA) included herein as Attachment B.

— The county will submit reports to obtain reimbursement of expended funds based on actual expenditures. The reimbursements will be based proportional to the county’s required match;

— Under no circumstances will the County submit reports for the same expenditures under the 2004 discretionary grant and this FY2005 out-of-cycle grant.

Participation

— All courts of the county hearing juvenile or criminal matters punishable by incarceration (constitutional county courts statutory county courts and district courts) in El Paso Counties must participate in the program.

Activity

The County will continue operating the Mental Health Unit in the Public Defenders office as described in the county’s application for FY04 Discretionary Grant Funds.

The Public Defender’s Mental Health Unit will consist of an experienced attorney who is conversant with criminal law and mental health/mental retardation issues, as well as two social workers that are also conversant in the mental health/mental retardation area. All three of these will be full-time salaried positions. The Mental Health Unit staff will be responsible for following-up on referrals into the unit from the Public Defender’s Office’s caseload, and screening those clients for the Mental Health Unit’s caseload.

The Public Defender’s Office currently has a two caseworkers who meet with clients and perform an initial interview within 24 hours of the Office’s appointment to a case. Under this program, the caseworkers current skill set will be augmented by training from a local mental health professional (psychiatrist or psychologist) to identify clients who may suffer from mental illness/mental retardation (MH/MR). During the initial client interviews, the caseworkers will then identify and refer clients who appear to have MH/MR issues to the Mental Health Unit Social Workers. The Social Workers will conduct a psycho-social assessment within 72 hours. If the social worker determines that the client has a qualifying MH/MR condition, the Mental Health Unit will begin providing services. Because many clients of the Public Defender’s Office are assigned before formal charges are filed, one of the priorities for the Mental Health Unit will be arranging housing services and treatment, as necessary, and aggressively seeking a bond reduction, so that that the clients conditions do not deteriorate further in detention awaiting a charging decision.

At the same time, the Mental Health Unit will also begin developing a full MH/MR history for the client. The history will become one of the most important facets of the client’s representation, as it will not only assist the unit in identifying where the client received MH/MR services in the past to help the client begin accessing those services again, but it will also form a significant component in representing the client. First, the history will be utilized in bond reduction hearings to educate the Court about the challenges facing the client, and offering reasons why the Court should consider a lowered or personal recognizance bond. The attorney can use the history to determine whether the client should be examined by a mental health professional regarding mental competency and whether to assert insanity as a defense. It can also be useful in resolving the case by agreement with the prosecutor, in the form of a dismissal, reduction in charge, or plea bargain. Especially in the case of defendants facing allegations of non-violent behavior, past history can be very helpful in quickly resolving the clients’ pending charges.
For clients who are released on bond, and those who are placed on probation or out-patient treatment pending restoration of competency, the social workers will provide assistance, resources and referrals to help the clients comply with the terms of their release, access community assistance programs, and work to become self-sufficient.

The attorney will work closely with the Court to see that psychiatric examinations to determine competency or insanity, or both are scheduled as quickly as possible. The attorney will also coordinate with the examining mental health professional to be sure that the reports are prepared as expeditiously as possible and to minimize delays awaiting the expert’s opinion. If indicated, the attorney will then work with the Court and its staff to set the client’s case for a competency hearing at the earliest possible date.

For clients who suffer from mental health or mental retardation and are still competent to stand trial, the unit attorney will be responsible for performing all duties of legal representation including for obtaining experts when needed. Where beneficial to the client, the attorney will work closely with the social workers to incorporate the client's MH/MR history into the defense case, educating the jury on the factors that may have influenced his/her clients’ behavior in the case.

**Position Minimum Requirements**

The County must provide to the Task Force staff any changes in the minimum job requirements and any updated job description of the positions specified under this project within thirty days, if a change occurs.

**Project evaluation**

The Public Defender's Mental Health Unit will be evaluated through the services it provides to clients on its Mental Health/Mental Retardation caseload. The Mental Health Unit’s goal of enhancing the quality of representation to individuals with mental illness and/or mental retardation received in El Paso County’s criminal justice system will benefit the clients directly through knowledgeable, expeditied resolution of the clients' cases, but it will also benefit the criminal justice system as a whole by reducing the time that cases are pending. In addition, reducing the amount of time clients are incarcerated awaiting resolution of their charges will help the clients to return to their prescribed treatment regimens (or begin one), and reduce expenses for taxpayers, through reduced days in jail and attendant reduced medication and treatment costs.
Write a report describing the processes involved with establishing and operating the El Paso County Public Defender Mental Health Unit. The report must include the following:

a) Major considerations related to setting up office;  
b) Process to establish positions within the existing county infrastructure and personnel policies;  
c) Job descriptions for each funded positions  
d) The client referral process (include both internal and external intake procedures)  
e) The client evaluation process  
f) Accessing community resources for the clients  
g) Strategies for representing the mentally ill client, including motions and pleadings commonly used, a description of the various legal proceedings, and strategic decisions to be made.  
h) Evidentiary issues in criminal proceedings involving mentally ill clients.  
i) Working with prosecutors in MH cases  
j) Use of experts qualified under TX. CCP Chapter 46B;  
k) The process used in deciding whether to ask for an expert and how often the motions are granted;  
l) The courts’ qualifications and conditions the courts put on the appointment of defense experts  
m) Threshold criteria required by PD procedures to request that the court order a competency evaluation;  
n) Other major considerations and benefits to this type of program

Submit the report to the grant administrator via e-mail at the end of the second quarter.

<table>
<thead>
<tr>
<th>Task</th>
<th>Definition</th>
<th>Report</th>
</tr>
</thead>
</table>
| Write a report describing the processes involved with establishing and operating the El Paso County Public Defender Mental Health Unit | The report must include the following:  
a) Major considerations related to setting up office;  
b) Process to establish positions within the existing county infrastructure and personnel policies;  
c) Job descriptions for each funded positions  
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<table>
<thead>
<tr>
<th>Outputs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Screening/Assessment</td>
</tr>
<tr>
<td>Mental Health Unit providing representation services to 250 MH/MR clients</td>
</tr>
<tr>
<td>Measure number of days from notice of court appointment received to day of screening.</td>
</tr>
<tr>
<td>Task</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>Measure number of days from the notice of court appointment received to the day the assessment is completed by the social workers.</td>
</tr>
<tr>
<td>Number of community connections</td>
</tr>
<tr>
<td>Days to first contact</td>
</tr>
</tbody>
</table>

### Outcomes

<table>
<thead>
<tr>
<th></th>
<th>Definition</th>
<th>Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average pretrial confinement for MHPD clients.</td>
<td>Document total number of days each client was in custody prior to resolution of charges. For each month calculate total number of days incarcerated on cases closed for that month divided by total number of cases closed.</td>
<td>Report the average pretrial confinement for MHPD clients for each month.</td>
</tr>
<tr>
<td>Average length of time between arrest and resolution of MHPD clients’ cases</td>
<td>Document total number of days between arrest and resolution of case for each client. For each month calculate total number of days to disposition on all cases closed for that month divided by total number of cases closed.</td>
<td>Report the average length of time between arrest and resolution of MHPD clients’ cases for each month.</td>
</tr>
<tr>
<td>Cost Impact</td>
<td>Develop a method to determine cost impact of the MHPD office which includes the effect of reduced predisposition days on jail costs.</td>
<td>Report the method and impact on costs for establishing and operating this office.</td>
</tr>
</tbody>
</table>

### Timeline for Reporting and Fund Distribution

Reports will be submitted on-line over the Internet.

<table>
<thead>
<tr>
<th>Reporting Period</th>
<th>Type Report Due</th>
<th>Date Report Due</th>
<th>Fund Distribution Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>June through August</td>
<td>Budget Status Report Progress report</td>
<td>September 15, 2005</td>
<td>September 2005</td>
</tr>
<tr>
<td>September through November</td>
<td>Budget Status Report Progress report</td>
<td>December 15, 2005</td>
<td>December 2005</td>
</tr>
<tr>
<td>December through February</td>
<td>Budget Status Report Progress report</td>
<td>March 15, 2006</td>
<td>March 2006</td>
</tr>
</tbody>
</table>
Discretionary Grant Program
Requests for Applications (RFA)
August 16, 2004

Grant Fund Categories

**Single-Year Discretionary Grants -- Fiscal Year 2005 -- $500,000 (estimated)**
Minimum: $10,000 per application; Maximum: $400,000 per application.
These are competitive grants. The single-year discretionary grant pays up to 100% of an awarded activity on a reimbursement basis.

**Multi-Year Discretionary Grants -- Fiscal Year 2005 -- $1,500,000 (estimated)**
Minimum: $50,000 per application; Maximum: $750,000 per application.
These are competitive grants that require a cash match as described below and are intended to last for up to four years. A county will be required under this grant to re-apply for continued funding each grant year. The multi-year discretionary grant fund will pay up to a rate of 80% of total project costs in the first year; 60% in the second year; 40% in the third year; and 20% in the fourth year. Awarded activities are funded on a reimbursement basis.
The only programs that will be considered for multi-year grants are:
- Programs that provide direct services to indigent defendants.
- Establishment of public defender offices.
- Establishment of regional public defender offices.
- Establishment of mental health defender services

Eligibility
Only Texas counties may apply. See further eligibility below.

Grant Applications Due

All applications must be submitted on-line by **5:00 PM on October 20, 2004**. Late applications will not be considered. See submission requirements for waiver requests and other deadlines.

Method of Application
On-line submission at http://tfid.tamu.edu
Time Period for Funding and Program Operation

March 1, 2005 through February 28, 2006. The Task Force will consider multiyear programs. The funding will only be committed on an annual basis based on review of the required performance measures.

Legislative Purpose

The Task Force on Indigent Defense was established by the 77th Legislature to: 1) provide technical support to assist counties in improving their indigent defense systems; 2) direct the comptroller to distribute funds, including grants, to counties to provide indigent defense services in the county; 3) monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant; 4) develop policies and standards for providing legal representation and other defense services to indigent defendants at trial, on appeal, and in post-conviction proceedings; and 5) develop a plan that establishes statewide requirements for counties relating to reporting indigent defense information.

The 78th Legislature added additional funding but required that these new funds be dedicated:

“for demonstration or pilot projects that develop and promote best practices for the efficient delivery of quality representation to indigent defendants in criminal cases at trial, on appeal, and in postconviction proceedings.”

The funding added by the 78th Legislature will be used for multi-year discretionary grants as detailed in this application.

To fulfill its legislative mandates the Task Force is requesting that counties submit applications for consideration to obtain grant funding to improve their indigent defense systems. A list of Grant Year 2003-2004 funded programs is available on the Task Force website. Applications for discretionary grant funding will be reviewed and scored competitively in accordance with priority areas and the following eligibility, submission, and program requirements.

Applicable Authority and Rules

All Task Force on Indigent Defense grant programs are governed by one or more of the following statutes, rules, and standards. These documents are available at the Task Force website www.courts.state.tx.us/tfidf.

- Texas Government Code Sections 71.062 & 81.054
- Texas Administrative Code Title 1 Chapter 173
- Uniform Grant Management Standards(UGMS) as promulgated by the Office of the Governor

Checklist for Submitting a Grant Application

☐ Develop and research an idea or procedure that would directly serve clients or improve provision of indigent defense services in the county, courts, or jurisdiction(s).
☐ Secure written documentation of support from courts, commissioners (resolution), or other parties involved in or affected by the process.
☐ Write the procedure or process in the format of the categories provided in this RFA.
☐ Select type of grant. The application must indicate if you are applying for a single-year or multi-year discretionary grant.
☐ Log onto http://tfid.tamu.edu (Follow on-line page instructions).
☐ Verify that the online screen indicates the appropriate judicial officials have submitted county-wide plans and that their plans meet the grant eligibility requirements.
☐ Type or copy/paste your written information into each required section. All applications must be submitted on-line by 5:00 PM on October 20, 2004
☐ Certify the application complete by mailing or faxing the Resolution/Internet Submission Form and court commitments/support along with any other supporting documents postmarked on or before October 20, 2004.

Specific Eligibility Requirements

Only counties are eligible to apply for funds.

- Counties are encouraged (but not required) to develop regional or multi-county applications for funding.
- One county must be designated as the administrative county.
- Inter-county agreements may be formal (in the form of Memoranda of Understanding obligating county resources) or informal (letters of commitment to support program or use services provided by the grant funded activities in each county).

Indigent Defense Information (Countywide Plans) must be in compliance with applicable statutes and standards

Local Administrative District Judges, Local Statutory County Court Judges (or County Judge as applicable) and the Chairs of Juvenile Boards must submit their countywide indigent defense plans, procedures and forms submitted to the Office of Court Administration as required in Government Code Section 71.0351. The plans must meet the following minimum plan eligibility requirements set by the Task Force:

- The plan(s) specify that each accused person will be brought before a magistrate within 48 hours of arrest for proceedings under Article 15.17 of the Code of Criminal Procedure.
- The plan(s) specify that when an eligible defendant submits the required documents for the appointment of counsel, the request and documents required will be transmitted to the appointing authority within 24 hours of the request.
- The plan(s) specify that the appointing authority will appoint counsel for eligible defendants within one working day of receiving the request (counties with population of 250,000 and above) or within three working days of receiving the request (counties with population under 250,000).
- A copy of all formal and informal rules and forms that describe the procedures used in the county to provide indigent juvenile respondents with counsel in accordance with the Code of Criminal Procedure and
Family Code Chapter 51 have been adopted by the courts and juvenile boards and have been submitted to the Office of Court Administration.

- The county has adopted an attorney fee schedule in accordance with Article 26.05, Code of Criminal Procedure that addresses the following issues:
  1. The plan(s) specify a schedule of attorney fees that covers all criminal cases for which punishment by incarceration may be imposed.
  2. The plan(s) specify procedures for payment of expenses, including expert and investigator fees, incurred with prior court approval.
  3. The plan(s) specify procedures for payment of expenses, including expert and investigator fees, incurred without prior court approval.
  4. The plan(s) specifies that no payment shall be made until the form for itemizing the services performed is submitted to the judge presiding over the proceedings and the judge approves the payment.

The plan(s) specify procedures and documentation to meet minimum attorney Continuing Legal Education (CLE) standards set by the Task Force (1 TAC §§174.1 - 174.4).

Counties not meeting plan eligibility requirements should contact the Task Force Special Counsel to resolve any compliance issues immediately.

Submission Requirements

All applications must be submitted on-line by **5:00 PM on October 20, 2004** (or postmarked by the dates indicated if a waiver is granted). All court commitment documents, supporting documents, and resolution/internet submission form supporting the grant applications must be completed entirely and submitted together. **Incomplete submissions will not be considered. Late submissions will not be considered.**

a. **Internet Submissions Required** – All county judges have been assigned a unique user name and password. Please contact the Task Force Grants Administrator for access to the system. All applications must be submitted on-line by **5:00 PM on October 20, 2004** on the website (http://tfid.tamu.edu/). A confirmation number will be assigned to all on-line applications upon submission.

b. **Court Commitment** – The judiciary is responsible for implementing indigent defense procedures within counties. Applications must contain letter(s) of commitment to participate with or support the program implementation from the affected judges (see Attachment B). All supporting documents must be mailed together and be clearly labeled. **These documents must be postmarked on or before October 20, 2004.**

c. **Supporting Documents** – Optional documents such as timelines, general letters of support, agreements, or other documents that the county uses to support their application must be mailed. All supporting documents must be mailed together and be clearly labeled. **These documents must be postmarked on or before October 20, 2004.**
d. **Resolution/Internet Submission Form** - When the grant application is submitted via the Internet, the Task Force will not consider it complete until the applicant provides the on-line generated Resolution/Internet Submission Form (see Attachment A) that is adopted by the Commissioners Court and signed by the applicant's authorized official and that meets all deadlines for applications. The County Commissioners Court must adopt the resolution provided through the application process that authorizes the grant request and takes responsibility for the appropriate expenditure of the funds. This form also certifies that the information submitted via the Internet is true and correct and that, if a grant is awarded by the Task Force and accepted by the county, the county will abide by all relevant rules, policies, and procedures. This form must be mailed/faxed to the address/number below. All supporting documents must be mailed together and be clearly labeled. **This form must be postmarked on or before October 20, 2004.**

e. **Waivers from Internet Application Process** - Counties may request a waiver from the on-line submission process by submitting the request to the Director of the Task Force by September 15, 2004.
   
i. For counties receiving waivers, the application must be postmarked on or before October 20, 2004.
   
ii. The Director of the Task Force may grant a county a waiver of Internet submission requirements for good cause shown.
   
iii. Send requests for waivers, resolution, and other documents to:

   Task Force on Indigent Defense  
   Attention: Grants Administrator  
   205 West 14th Street, Suite 600  
   PO Box 12066  
   Austin, Texas 78711-2066  
   512-936-6994  
   512-475-3450 Fax

f. **Maximum Applications** – A county may submit only one single-year and one multi-year application. Each submitted application may contain only one type of program. The county shall indicate if it seeks funding for a single-year or multi-year program. Letters of support or other documentation may be required from the county upon request from the Task Force to ensure various departments are coordinating their indigent defense efforts.

g. **Grant Funded Positions** - Applicants for all single-year discretionary grants requesting full time equivalent positions (FTE) must commit to make a good faith effort to fund the FTEs at least one year beyond the year funded by the Task Force.

h. **New Programs and Positions** - Only new programs and/or positions will be funded. This may include adding new positions or elements to existing programs. The county must make a clear distinction in the application narrative of how the requested positions perform work currently not being done.

i. **Grant Officials** - Each grant must have the following designated to serve as grant officials:
   
i. Program director. This person must be the officer or employee responsible for program operation or monitoring or implementation of the indigent defense plan and who will serve as the point-of-contact regarding the program's day-to-day operations.
ii. Financial officer. This person must be the county auditor or county treasurer if the county does not have a county auditor.

iii. Authorized official. This person must be authorized to apply for, accept, decline, modify, or cancel the grant for the applicant county. A county judge or a designee authorized by the governing body in its resolution may serve as the authorized official.

iv. The program director and the authorized official may be the same person. The financial officer may not serve as the program director or the authorized official.

Additional Submission Requirements for Multi-Year Discretionary Grants

j. Multi-Year Funding – Funding is available for a grant project for up to four years. The purpose of the four-year funding opportunity is to encourage innovative long-term projects and programs to improve the delivery of indigent services. Grantees will assume the cost of programs proven to be successful following the period of funding support.

k. Cash Match – Counties must indicate a cash match from county funds of 20% of total project costs in the first year, 40% the second year, 60% the third year, and 80% the fourth year. The written proposal must include a plan for implementing a multi-year program. An applicant’s use of matching funds must comply with the same statutes, rules, regulations, and guidelines applicable to the use of the Task Force funded portion of a grant project.

l. Calculating the Cash Match

100% of Total Project Costs minus (-) percent of match required equals (=) percent Task Force will pay.

Amount of Task Force funds requested divided by percent Task Force can pay = Total Project Cost.

Total Project Cost multiplied by percent of match required = Total Match Required

m. Use of Program Income - Applicants may use funds received through program income to fulfill the matching funds requirement.

Priority Funding

Single-Year Discretionary Grants

The following application characteristics shall be given priority in deciding funding:

- Applications for creating programs or processes to improve indigent defense services.
- Applications that demonstrate a good likelihood the proposed activity will be a model program or can be duplicated in other jurisdictions.
- Applications that involve multiple counties coordinating their submission.
- Applications that demonstrate a county’s (ies’) long term commitment to the program. For instance a seed program that requests funds from the Task Force to start a program the county will maintain over time.
- Applications that contain cash match from the county or other non-governmental source.
- Applications that have minimal or no indirect costs requirements.
Multi-Year Discretionary Grants

In addition to all of the application characteristics listed above for the single-year discretionary grants, the following application characteristics shall be given priority in deciding funding:

- Programs that provide direct services to indigent defendants.
- Establishment of public defender offices.
- Establishment of regional public defender offices.
- Establishment of mental health defender services.

Program Requirements

The Task Force encourages counties to develop new and innovative programs that provide indigent defense services or are related to the processes of provision of indigent defense services for the county. Counties that fulfill most of the program requirements and develop programs consistent with the Task Force's standards, related statutes, and above listed priorities are most likely to receive funding.

a. Type of Programs – Many types of programs that improve indigent defense systems are eligible to receive funds from the Task Force in FY05. The FY03 and FY04 programs fell into three broad categories.
   i. Indigent defense client services
   ii. Indigent defense coordinator programs
   iii. Technology used to support indigent defense services or reporting.

The FY05 multi-year discretionary grants must be used for demonstration or pilot projects that develop and promote best practices for the efficient delivery of quality representation to indigent defendants in criminal cases at trial, on appeal, and in postconviction proceedings. Please see Additional Program Requirements for Multi-Year Discretionary Grants (See subsection y and subsection z).

b. Fund Use - Funds must be used to pay for the direct and/or administrative costs of providing and improving indigent defense services in the county(ies).

c. Supplanting Prohibited - A county may not reduce the amount of funds provided for indigent defense services in the county because of funds provided by this grant.

d. Program Measures - Programs must include clear objectives and performance measures. Submissions involving technology must have clear measurable deliverables in addition to performance measures. If the submission does not have clear objectives, measures, or deliverables the Task Force may refuse the proposal or develop clear objectives, measures, or deliverables in any potential offer to fund.

e. Compliance with Task Force Requirements – All counties must be in compliance with Task Force expenditure report and plan submission requirements. Applications from counties that have not submitted statutorily required documents or have otherwise not submitted required documents to meet eligibility requirements will not be considered for funding. Counties must maintain compliance during the funding period.

f. Maintain Official Contact Information - All counties must maintain the grant and plan officials contact information on counties’ home page set up at http://tfid.tamu.edu. Counties must advise the Task Force of changes in the
authorized official, program director, financial officer, local administrative district judge, local statutory county judge and county judge by updating this website contact information. This information will be used to provide notices for grant or plan submission information. The Task Force staff will use e-mail whenever possible to notify counties of required reports and funding opportunities.

g. Reports – Fiscal and program reports are required to be submitted through the Internet each quarter. All grants will require at least one follow-up report outside of the grant period. The specific fields to be captured will be identified prior to commencement of the grant as part of the statement of grant award if selected for funding. If an application does not provide adequate measures related to the proposed activity the Task Force may develop alternative measures. The data elements may need monthly breakdown for submission. The post grant report is required in accordance with UGMS. If selected for funding, report periods will be provided in the Statement of Grant Award.

h. Allowable Costs - The Task Force may provide grants from the Fair Defense Account to counties providing legal representation and indigent defense support services. Grants provided under this chapter may be used by counties for:

   i. Attorney fees for indigent defendants accused of crimes or juvenile offenses;
   ii. Expenses for licensed investigators, experts, forensic specialists, or mental health experts related to the criminal defense of indigent defendants; and
   iii. Other approved expenses allowed by this grant application or necessary for the operation of a funded program.

i. Unallowable Costs - The Task Force has adopted the Uniform Grant Management Standards (UGMS) to determine unallowable costs. See UGMS for a full list of unallowable costs. Specifically, in accordance with UGMS and/or the grant rules the following conditions apply to these grant funds:

   i. General government costs are unallowable;
   ii. Costs of law enforcement, prosecution, and incarceration are unallowable;
   iii. Replacing existing county funding with grant funds is unallowable; and
   iv. Funding previously existing positions is unallowable.

j. Right of Refusal - The Task Force reserves the right to reject any or all of the applications submitted.

k. State Funds Availability - All commitments are subject to availability of state funds.

l. Awards - Publishing the RFA does not obligate the Task Force to fund any programs.

m. Partial Funding - The Task Force may choose to offer funds for all or any portion of a program submitted in the application.

n. Substitution - The Task Force may offer alternative funding sources, special conditions or alternative program elements in response to submitted applications.

o. Technology Standards - Applications for technology related grants must meet standards adopted by the Texas Department of Information Resources (DIR) as applicable. If no standards are available from DIR, then the county must meet commonly accepted technology standards such as Open Data Base Compliant (ODBC) or Transmission Control Protocol / Internet Protocol (TCP/IP) as applicable.

p. Case Management - Applications related to court case management systems must meet standards adopted by the Judicial Committee on Information Technology.
(JCIT). Recipients may use funds to acquire only those court case management systems that have been determined to be standards-compliant by the Office of Court Administration and are available on statewide contract through the Department of Information Resources. Waiver requests to acquire other court case management systems will be evaluated on a case-by-case basis.

q. **OCA Reporting** – The applicants’ (or all counties in a region) county and district clerks must be in compliance with reporting requirements promulgated by the Texas Judicial Council as of August 31, 2004. The district clerks and county clerks must begin submitting their monthly court activity reports to OCA electronically not later than March 2005, unless they have obtained a waiver in writing from OCA.

r. **Dual Use** – Some indigent defense activities are intricately woven into county processes or activities. If a county applies for a program that may be considered general government use, the county must provide documentation and rationale to establish a basis of costs to determine the portion of a program/project attributable to indigent defense.

s. **Inventory** - Unless otherwise provided, equipment purchased is the property of the county. The Task Force requires each grantee to maintain an inventory report of all equipment purchased with grant funds. This report must comport with the final financial expenditure report. At least once, grantees must complete a physical inventory of all grant funded property and the grantee must reconcile the results with the existing property records.

t. **Records Retention** – Counties must maintain records related to the funded activity for at least three years after the end of the grant period. Records may be stored electronically.

u. **Monitoring and Auditing** – Records must be made available to the Task Force or its designees upon request (See Texas Administrative Code, Rule §173.401 for more details)

v. **Professional and Contractual Services** - Any contract or agreement entered into by a grantee that obligates grant funds must be in writing and consistent with Texas contract law. Grantees must establish a contract administration system to regularly and consistently ensure that contract deliverables are being provided as specified in the contracts. Grantees must regularly and consistently document the results of their contract monitoring reviews and must maintain the files and results of all contract monitoring reviews in accordance with the record retention requirements described in this section of the RFA. A grantee's failure to monitor its contracts may result in disallowed costs and/or disallowed match.

w. **Review Criteria** - This is a competitive grant program. The Task Force staff will review each grant using objective tools and comparative analysis. The weight given to each section or combination of sections is at the sole discretion of the Task Force.

x. **Final Selection** - The Task Force may select and award programs that reflect geographic diversity, demographic diversity, and/or distinctive program elements at its own discretion.

**Additional Program Requirements for Multi-Year Discretionary Grants**

y. **Impact of Formula Grant** – Counties that receive multi-year discretionary grants from the Task Force are encouraged to continue applying for the formula grant. Formula Grant payments will be made as scheduled. The county will submit its
Indigent Defense Expenditure Report on or before November 1 of each year. If the impact of the Multi-year funded program results in overall reduction of the county’s indigent defense expenses below the baseline period then all or a portion of the formula grant may need to be returned to the Task Force as directed by the Task Force. Regional programs are exempt from this requirement.

z. Future Funding on Multi-Year Projects – The Task Force will commit funding for only the current year. Future funding will be based on the county submitting a new application to continue funding in subsequent years, submission of progress reports, a demonstration of successful progress made in implementing the program, and future availability of funds. The statute dedicates the money appropriated for this program to demonstration and pilot projects that develop and promote best practices in indigent defense.

Writing the Application

Each application must have a narrative section that describes to the Task Force the proposed activity. The narrative portion of the application consists of nine sections that must be addressed by each county. Each of these elements must be completed for the application to receive full consideration. Scoring procedures assign values to most of the sections. An incomplete or blank section decreases the likelihood of the program receiving funding because no score will be assigned to missing information. The online system will accept basic formatting and simple tables. Try to provide all information in the on-line system that the reviewers need to score the proposal. The submission requirements above provide instructions on how to submit additional information if it is necessary. The sections are:

a. On-line Application Form and Program Name – The on-line application will allow for counties to name the grant officials, provide a title to the program and state how much money is requested from the Task Force. Provide a name that is unique to the program and simply describes its activity. Avoid names that use only the term indigent defense (ex…Indigent Defense of Blank County). Use names that provide meaning to the program (ex… Video teleconference for X County or Coordinator for Indigent Defense Services, etc…).

b. Introduction (Executive Summary) – Introduce the county or counties to provide local context for the proposed activity. The first paragraph must be an abstract of the project which will be used for labeling purposes. Use this section as a simple way to communicate the organization and a synopsis of the general program activity to policy makers, the public, and others that may be unable to examine the full application or narrative. In subsequent paragraphs:
   i. Include information about past and present operation related to indigent defense.
   ii. Provide county data related to indigent defense services and the importance of the proposed activity to the Task Force’s legislative mandates where applicable.
   iii. Include information about the county (ies) that relate to the activity.
   iv. Include information related to the proposed activity like cases filed, number of arrests, appointments, or other court information that is not readily available outside your county.
v. Avoid long narratives about the county or city unless these things are directly related to the context of the proposed activity (ex... county population, the number of parks or miles of county road except where these have bearing on the activity).

c. Problem Statement – Clearly describe in 60 words or less the issue or problem the proposed activity is intended to improve or correct. In subsequent paragraphs:
   i. Provide empirical and/or anecdotal data of the need or problem.
   ii. Provide summaries of data (literature, research, legal standards, etc...) that support the need for the proposed activity.
   iii. Provide location and name of any sources of data if used.
   iv. Relate the indicators that brought the issue to attention of the county / court officials.
   v. Describe the beneficiaries of the program.
   vi. If the application is intended to meet a specific ethnic, cultural, or other of underserved segment of the population, please delineate this group in this section. Since indigent defense is a constitutional provision to all citizens take caution to introduce target population information so the proposed activity is inclusive not exclusive.

d. Goals – Provide a statement in 40 words or less what will be accomplished.
   i. Clearly state what the intended end product or situation of the proposal is.
   ii. Provide at least one specific, achievable, and realistic goal for the proposal.

e. Objectives – Develop clear targets for action that the program will accomplish.
   i. Objectives must be quantifiable steps or benchmarks relating the activities to the goal(s).
   ii. Use legal, professional, or technology standards or legal citations where applicable (e.g....Prompt appointment issues).
   iii. Objectives must be in context to the program in this proposal and the funds requested.
   iv. Objective are time/date specific and are measurable.

f. Methodology or Project Design - Describe the specific activity the county will conduct if funded.
   i. Include detailed instructions of the procedures that will take place to perform the program and the resources needed to complete each task.
   ii. Include startup tasks and actual program activities that staff will have to perform to implement the program.
   iii. Write this section so that outsiders unfamiliar with local conditions are able to read this section and know exactly what the county plans to do.
   iv. Step by step procedures, milestones of accomplishments, and timelines are very useful in conveying the program in clear terms.
   v. Provide justification related to effectiveness and/or economy of the method proposed.
   vi. Highlight distinctive elements of the proposal that make this program more desirable than other programs under consideration.
   vii. Identify whether staff and/or contractors will perform tasks.
   viii. If this program is being incorporated into an existing process or program, clarify how the process is different.
   ix. Describe whether the existing staff and/or contractors will perform tasks, reports, etc...or if new persons will need to be hired.
x. If a specific target population is proposed to be served indicate how the county will avoid developing disparate indigent defense systems or programs.

**g. Evaluation –** Develop reporting methods on how the proposed activity goals are measured.

- i. Evaluation must be linked directly to the objectives.
- ii. Measure the attainment of objectives in a specific and tangible manner (ex…applications of indigency and request for appointed counsel will be accepted and stored in a file drawer);
- iii. Measures must be quantifiable (ex…200 applications and request are estimated);
- iv. Measures must be time specific (ex…the applications and requests will be counted from February to January and reported monthly);
- v. Measures must identify the manner in which they will be recorded for future review (ex...a report a screenshot of the programming results, affidavit of acceptance of work, or summary database).
- vi. The evaluation provides meaning to the program objectives. The measure of success is determined by the goals and objectives of the proposed activity.
- vii. The evaluation must be reasonable in relation to the activity.
- viii. Evaluations must be in context of how the program impacts other county processes when applicable.
- ix. The evaluation reports are submitted during and after the implementation phase and in accordance with UGMS.
- x. Evaluations are both fiscal and programmatic. Process evaluations may also be included.

**h. Future Funding-** Include information on how the proposed activity fits into the county’s long-term indigent defense systems.

- i. Counties that request staff positions need to indicate a good faith commitment to fund the position for one full year after the grant period.
- ii. Counties requesting equipment or software must make a good faith commitment to continue usage for one full year after the funding period.
- iii. Provide any other data related to the establishment of long term funding by the county, local defense bar, or other sources.

**i. Budget – (Narrative required)** Counties will submit an online budget form. Budgets must clearly state the costs of executing the program. Budget categories are Personnel (salary and fringe), Travel, Equipment, Supplies, Contract Services, and Indirect.

- i. Include all costs necessary to implement the proposed activity.
- ii. Provide a narrative to justify all budgeted expenses. This narrative must correspond to the previous proposal sections.
- iii. Indirect costs are allowable, but may not be competitive if above 10%.
- iv. Indicate whether county or other sources will provide direct cash payments or in-kind contributions.
- v. The equipment line requires a list of equipment to be purchased.
- vi. Do not budget expense items that are not part of the proposal.

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**Summary Checklist**
- Develop and research an indigent defense idea.
- Complete the commissioners’ court Resolution/Internet Submission Form and letters of support.
- Write the procedure or process.
- Log onto [http://tfid.tamu.edu](http://tfid.tamu.edu).
- Verify that the plans meet the grant eligibility requirements.
- Type or copy/paste your written procedure or process (from step 3) into each required section on-line by **5:00 PM on October 20, 2004. You must submit the program on-line and receive confirmation.**
- Mail or Fax the Resolution/Internet Submission Form and court commitments/support along with any other supporting documents postmarked /fax received on or before **October 20, 2004.**
Attachment A
Required Resolution/Internet Submission Form
Indigent Defense Discretionary Grant Program
SAMPLE OF ON-LINE FORM GENERATED BY SYSTEM
WHEREAS, under the provisions of the Texas Government Code Section 71.062 and Texas Administrative Code Chapter 173, counties are eligible to receive grants from the Task Force on Indigent Defense to provide improvements in indigent defense services in the county; and

WHEREAS, this grant program will assist the county in the implementation and the improvement of the indigent criminal defense services in this county; and

WHEREAS, ____________________County Commissioners Court has agreed that in the event of loss or misuse of the funds, ______________________County Commissioners assures that the funds will be returned in full to the Task Force on Indigent Defense.

NOW THEREFORE, BE IT RESOLVED and ordered that the COUNTY JUDGE OR OTHER OFFICIAL DESIGNATED BY THE COMMISSIONERS’ COURT of this county is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Indigent Defense Discretionary Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that the COUNTY JUDGE OR OTHER OFFICIAL DESIGNATED BY THE COMMISSIONERS’ COURT is designated as the Program Director for this grant and the County Auditor or County Treasurer if the county does not have an auditor (per TAC §173.301(a)(2)) is designated as the Financial Officer for this grant.

Adopted this ______day of ________________, 2004.

________________________________________
County Judge

Attest:

________________________________________
County Clerk

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

________________________________________
Authorized Official
INDIGENT DEFENSE MULTI-YEAR DISCRETIONARY GRANT PROGRAM  
COOPERATION AGREEMENT  
(MODIFY THIS SAMPLE AGREEMENT AS NEEDED TO INDICATE THE LEVEL OF SUPPORT OR PARTICIPATION THE COURTS WILL HAVE WITH THE PROGRAM)

____________________ County has applied for a discretionary grant from the Task Force on Indigent Defense (Task Force) to assist in funding __________________ program. Implementation of this program will affect the courts below. The undersigned judges agree to support and/or participate with the program pursuant to the county’s discretionary grant application to the Task Force and any special conditions of the grant award to the county. This commitment includes participating in the data collection efforts required in the program, as well as utilization of the services to be provided by the program.

To be considered for funding this program cooperation agreement must be signed by the judges of all of the statutory county / district courts hearing criminal matters punishable by incarceration or juvenile matters in the county.

Acknowledged and Approved by all statutory county / district courts hearing criminal matters punishable by incarceration or juvenile matters in the county:

____________________________________________________________________________________________________
Signature of Local Administrative District Judge Date Printed Name and Title

____________________________________________________________________________________________________
Signature of Local Administrative Statutory County Judge Date Printed Name and Title

____________________________________________________________________________________________________
Signature of Judge serving as Chair of the Juvenile Board Date Printed Name and Title

____________________________________________________________________________________________________
Signature of Judge Date Printed Name and Title

____________________________________________________________________________________________________
Signature of Judge Date Printed Name and Title

____________________________________________________________________________________________________
Signature of Judge Date Printed Name and Title

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Signature of Judge Date Printed Name and Title

____________________________________________________________________________________________________
Signature of Judge Date Printed Name and Title