Task Force on Indigent Defense  
Statement of Grant Award  
CORRECTED FY2010 09 Discretionary Grant

Grant Number: 212-10-D04  
Grantee Name: Lubbock County  
Program Title: Mental Health Private Defender Program  
Grant Period: 10/1/2009-9/30/2010  
Grant Award Amount: $290,520 289,320

The Task Force on Indigent Defense (Task Force) has awarded the above-referenced grant for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Task Force by January 22, 2010 September 30, 2009. The grantees 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: 9)</td>
<td>$320,000</td>
</tr>
<tr>
<td>2) Fringe Benefits</td>
<td>$115,200</td>
</tr>
<tr>
<td>3) Travel and Training</td>
<td>$2,000</td>
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<td>4) Equipment</td>
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<td>5) Supplies</td>
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<td>6) Contract Services</td>
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</tr>
<tr>
<td>7) Indirect Costs</td>
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<tr>
<td><strong>Total Proposed Costs</strong></td>
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</tr>
<tr>
<td><strong>Less Cash from Other Sources</strong></td>
<td>$193,680</td>
</tr>
<tr>
<td><strong>Total Amount Funded by Task Force</strong></td>
<td>$290,520</td>
</tr>
</tbody>
</table>

Standard Grant Conditions:

- The authorized official for the grantees 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 December 12, 2008, 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.
- Any plan documents submitted to the Task Force must continue to meet all grant eligibility requirements.
Special Grant Conditions:
The grant officials understand that they must satisfy all special conditions placed on this grant as listed below before receiving any funds:

1) Resolution: please submit a resolution approved by the county commissioner’s court for FY2010. A copy of the resolution may be printed from the Task Force website.

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

[Signature]

Signature of Authorized Official

TOM HEAD

Name & Title (must print or type)

12-22-09

Date
Attachment A

Required Conditions and Reports

Method of Calculation

The budget on the Statement of Grant Award was developed under the assumptions that the grant be based on a twelve month period. The schedule is intended to provide the county twelve months of funds at each of the original agreed upon funding levels. If the county has a delayed start in the beginning year (FY2009), it may necessitate an adjustment in future years to allow the county to fully expend grant funds. The intention is to still follow the four year declining schedule of 80% in the first year, 60% in the second year, 40% in the third year, and 20% in the fourth year. The grants will remain on a fiscal year (Oct to Sept), but future awards will reflect any needed modifications to implement this policy.

Program Requirements

— 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;

— The county will maintain an oversight board for this office. The board will consist of a representative from the Lubbock County Board of Judges, Commissioners Court, Criminal Defense Lawyers' Association and MHMR, as well as any others the board feels necessary. The board will be responsible for recommending to the Commissioners Court the selection of the non-profit entity. The board will approve internal office policies and procedures to govern the office, including policies prescribing the methods of intake and referral of cases from the courts.

— The County will develop a written policy that includes a formal intake process for this program. The policy must include: 1) a procedure to refer clients from courts and the private bar; 2) a method to screen and/or assess the defendants who are referred for representation under this program; 3) a set priority population criteria to determine which clients are to be represented if referrals are greater than caseload capacity. The priority population criteria may include factors of mental health, mental retardation, institutionalization history, medical history, seriousness of the offense, impact on the community, or other factors related to the alleged crime or personal history of the defendant. The administrator may allow exceptions but all exceptions to the policy from the intake process must be documented and maintained;

— The County must provide to the Task Force staff the minimum job requirements and a full job description of the positions specified under this project before a person is selected;

— The County will provide a written plan on how it will coordinate with, and not duplicate, existing mental health systems in Lubbock County and Texas. The county will make every effort to demonstrate in the plan how they will identify and incorporate available mental health planning, treatment, and community services available to the defendants served by the Private Defender Program;

— The County must provide a copy of the program evaluation reports developed by any independent evaluator hired by the county;

Activity (REVISED)

Mental Health Private Defender Program

a. Application Form
Counties Represented: Lubbock
Fiscal Year: 2009
State Payee Identification Number: 1756001056016
Division To Administer Grant: Lubbock County Administrative Office of the Courts
b. Introduction (Executive Summary)

Lubbock County seeks to improve the quality of representation to indigent defendants with serious mental illness by establishing Texas’ first Mental Health Private Defender (“MHPD”). The private defender would merge the advantages of a public defender and the ad hoc system. Through a contracted non-profit agency, indigent defendants would be provided with qualified attorneys and case workers to represent clients in their criminal cases and connect them to available services. In addition, the MHPD would provide screeners in the jail to determine indigence and eligibility for the program. The office ultimately will seek systemic solutions to get and keep defendants with mental illness out of the criminal justice system.

c. Problem Statement

The stakeholders in the Lubbock County criminal justice system are focused on offenders with mental impairments and the inability of the current system to adequately address their needs. There are deficits throughout the system, beginning with delays in the identification of individuals with mental impairments and continuing throughout the process. These deficits result in extended periods of incarceration, and underutilization of the competency/insanity statutes. Early identification of individuals with mental impairments will allow for the appointment of attorneys who are equipped to assist defendants with accessing treatment and community resources that are better suited to meet their needs than the criminal justice system.

d. Objectives

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

Objective 1: Establish a fully functional private defender dedicated to representing indigent defendants charged with a criminal offense in Lubbock County and having a serious mental health condition - by January 1, 2009

Objective 2: Screen all individuals entering the jail for indigence status and for mental health status - within 24 hours of booking at the Lubbock County jail

Objective 3: For those individuals meeting financial eligibility and mental health eligibility, the court shall notify the private defender of the client’s need for counsel - within 24 hours of receiving screening information

Objective 4: Provide expert qualified counsel from the criminal defense bar to all defendants meeting eligibility for the program, except those cases in which a conflict exists - within 24 hours of receiving information from the court

Objective 5: Contact made with the client by the criminal defense attorney - within 24 hours of appointment

Objective 6: On staff mental health professionals meet with eligible clients to determine service needs - within 24 hours of appointment of criminal defense attorney

Objective 7: Mental health professionals provide information on client needs to criminal defense attorney - within 48 hours of meeting with client

Objective 8: Private defender office shall monitor attorney eligibility and representation levels - ongoing

Objective 9: Private defender shall approve attorney pay requests for submission to the Court for final approval and payment - within 24 hours of submission by attorney

Objective 10: Conduct a survey of judges to determine the opinion of the quality of representation by attorneys being provided through the private defender office - Annually

Objective 11: Reduce the average number of days offenders with mental health conditions are spending in jail.

e. Methodology or Project Design (Activities)

1. Immediately upon notice that the county has been awarded the grant, an oversight board will be formed to oversee the public defender’s office. The board will consist of a representative from the Lubbock County Board of Judges, Commissioners Court, Criminal Defense Lawyers’ Association and MHMR, as well as any others the board feels necessary. The board will be responsible for recommending to the Commissioners Court the selection of the non-profit entity. The board will approve
internal office policies and procedures to govern the office, including policies prescribing the methods of intake and referral of cases from the courts.

2. The Commissioners Court will issue an RFP within eight weeks of notification of the grant award.

3. The non-profit entity receiving the award shall make every attempt to hire an administrator to begin employment on or about October 1, 2008.

4. The Administrator shall develop internal policies and procedures to be approved by the Oversight Board no later than December 1, 2008.

5. The Administrator shall make every attempt to hire the staff so that they can begin employment on or about January 1, 2009.

6. The Private Defender shall begin accepting mental health case appointments on January 1, 2009, and providing quality defense services in those cases as needed.

7. The Private Defender shall provide quarterly written status updates to the oversight board beginning in January 2009 detailing the number of cases assigned to the office (total and active), the dispositions of any cases assigned to the office, status of staffing in the office, and any other relevant information.

<table>
<thead>
<tr>
<th>Task</th>
<th>Definition</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establish Oversight Board</td>
<td>Representative of Board of Judges, Commissioners Courts, Criminal Defense Lawyers' Association, MHMR, and others as necessary</td>
<td>Date of orders establishing oversight board.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Date of First Meeting of oversight board.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Copies of orders will be maintained as part of the grant file in the Administrative Office of the Courts; minutes of oversight board meetings will be maintained in the Administrative Office of the Courts)</td>
</tr>
<tr>
<td>Selection of Private Defender entity</td>
<td>County will issue RFP and select entity to operate the program.</td>
<td>Date of issue of RFP (copy maintained in grant file)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Date of award of RFP to private defender (email to TFIC)</td>
</tr>
<tr>
<td>Job Descriptions completed</td>
<td>Job descriptions for each position in the office will be approved by the oversight board</td>
<td>Date approved by Oversight Board.</td>
</tr>
<tr>
<td>Staff hired</td>
<td>Administrator, Administrative Assistant, Screeners, MH professionals</td>
<td>Report indicating when each position is filled</td>
</tr>
<tr>
<td>Administrator start date</td>
<td>This position will set up the office.</td>
<td>Report the date employee is added to payroll.</td>
</tr>
<tr>
<td>Software Setup</td>
<td>Set up case management and monitoring system</td>
<td>Date software is functional.</td>
</tr>
<tr>
<td>Staff start date</td>
<td>Administrative Assistant, Screeners, MH professionals</td>
<td>Report indicating the date each employee is added to payroll.</td>
</tr>
<tr>
<td>Policies and Procedures complete and training</td>
<td>A policy and procedure manual to identify basic office procedures, how office will</td>
<td>Date manual distributed to staff and staff trained.</td>
</tr>
<tr>
<td>provided to staff</td>
<td>function and various staff roles.</td>
<td></td>
</tr>
<tr>
<td>Commence private defender representation.</td>
<td>Develop referral process from courts. Assist courts with submission of amendments to indigent defense plans if necessary.</td>
<td></td>
</tr>
<tr>
<td>Begin serving defendants.</td>
<td>Office receives referral from court.</td>
<td></td>
</tr>
</tbody>
</table>

**Outputs**

| Department Caseload | The number of active cases assigned to the private defender on the last business day of each month. | Monthly report detailing the department caseload. |
| Department Cases Disposed | The total number of cases closed during one month. | Monthly report detailing the number of disposed cases. |
| Average Case Summary | The department caseload divided by the number of attorneys assigned by the private defender on the last business day of each month. | Report average caseload for all attorneys by month. |
| Attorney Caseload Summary | The number of cases assigned to each attorney assigned by the private defender on the last business day of each month. | Report the number of cases assigned for all attorneys. |
| Average Cost per Case by Private Defender | The annual budget for the private defender, plus attorneys fees, divided by the annual disposed cases. | Report the average cost per case by year. |
| Percentage of total MH cases (as identified during screening) filed that are assigned to the office | The number of cases assigned annually to the office divided by the total number of MH cases filed | Report the percentage of cases assigned to the office. Report the number of cases that were conflicts. |
| Average Cost per Case by assigned counsel | For any cases assigned outside of the private defender, the total cost for counsel divided by the number of cases disposed by those private counsel. | Report the average cost per case by year. |

**Outcomes**

| Days from appointment to first contact with defendant | The number of days from the date the order of appointment is received until a personal visit is made with the defendant. | Report the average number of days between receipt of the order of appointment to the personal visit with defendant. |
| | | Report the number of cases where the initial visit is made more than 24 hours after the order of appointment is received. |
| Length of time between arrest and resolution of case | The number of days between the arrest of the defendant and the disposition of the case assigned to the office; the number of days between the arrest of the defendant and release from jail | Report the number of days between arrest and resolution of case for each defendant, as well as the average length of time for all cases. |
| | | Report the number of days between arrest and release from jail, as well as the average length |
| Type of disposition of cases | The type of disposition (dismissal, guilty plea or jury trial) in each case assigned to the office | Report the number of:
1) Dismissal
2) Guilty Pleas pursuant to a plea agreement
3) Open Pleas of Guilty to the Jury
4) Jury Trials on Guilt/Innocence and Punishment |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Convictions</td>
<td>The type of conviction handed down in each case (if found guilty) assigned to the office</td>
<td>Report the number of cases where a defendant was convicted.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Report the number of cases where a defendant was convicted for a lesser offense.</td>
</tr>
<tr>
<td>Acquittals</td>
<td>Cases assigned to the office where the jury finds the defendant not guilty at guilt/innocence</td>
<td>Report the number of cases where a defendant was found not guilty of any offense.</td>
</tr>
<tr>
<td>Type of Sentences</td>
<td>The type of sentence handed down in each case assigned to the office</td>
<td>Report the sentence for each case assigned to the private defender where a sentence is imposed.</td>
</tr>
<tr>
<td>Survey of stakeholders</td>
<td>Create a simple survey to be given to judges in Lubbock County. The survey should be conducted at the beginning of the grant period prior to services and annually thereafter. The survey should address the overall impressions of the quality of mental health indigent defense services from the office and from the private bar, as well as the financial impacts of such a case. Create a user survey to be distributed to clients of the office to gauge the overall satisfaction with representation.</td>
<td>Report any change between the pretest and post-test, as well as annual changes.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Report level of client satisfaction with office representation.</td>
</tr>
<tr>
<td>Cooperate with Task Force staff on other measures necessary to show an effective office</td>
<td>To be determined.</td>
<td></td>
</tr>
</tbody>
</table>

**g. Future Funding**

Assuming that the office proves effective, Lubbock County will attempt to continue funding the office out of general revenue after the grant period expires, in accordance with state law. In addition, assuming the success of the private defender concept, Lubbock County will explore expanding the office at the expiration of the grant period to include all indigent defense cases.

**h. Budget**

**PERSONNEL – $435,200**

1 Administrator responsible for the implementation, development, monitoring and administration of the office—Salary: $50,000.

1 Administrative Assistant responsible for general office duties (answering phone, greeting visitors, scheduling appointments),
contacting attorneys with new appointments, other administrative duties as needed – Salary: $30,000

5 Mental Health/Indigency Screeners responsible for screening inmates for indigence and identifying mental health issues for referral to private defender – Salary: $32,000 each – Total Salaries: $160,000

2 Mental Health Professionals responsible for assistant assigned counsel in identifying available services for clients and advising attorneys on client mental health – Salary: $40,000 each – Total Salaries: $80,000

FRINGE BENEFITS calculated @ 36% of salaries: $115,200

TRAVEL AND TRAINING: $2,000

In order to allow the MH staff to maintain high levels of professional excellence, $2,000 is being set aside for travel and training for professional development and professional memberships.

EQUIPMENT: $25,000

Start-up costs will be necessary to purchase office furniture, computer equipment, and other small office equipment – $25,000

SUPPLIES: $2,000

CONTRACT SERVICES: $45,000 60,000

Rental space is estimated to cost $2,500/month ($1.25/sq ft/mo x 2,000 sq ft) for the space required for the office ($30,000)

Liability insurance will cost approximately $15,000

An independent evaluation will cost approximately $15,000

INDIRECT: n/a

| 1) Personnel (Total Number of FTEs: 9) | $320,000 |
| 2) Fringe Benefits                  | $115,200 |
| 3) Travel and Training              | $2,000   |
| 4) Equipment                        | $0       |
| 5) Supplies                         | $2,000   |
| 6) Contract Services                | $45,000  |
| 7) Indirect Costs                   | $0       |
| Total Proposed Costs                | $484,200 |
| Less Cash from Other Sources        | $193,680 |
| Total Amount Funded by Task Force    | $290,520 |

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>October through December</td>
<td>Budget Status Report Progress report</td>
<td>January 15, 2010</td>
<td>January 2010</td>
</tr>
<tr>
<td>January through March</td>
<td>Budget Status Report Progress report</td>
<td>April 15, 2010</td>
<td>April 2010</td>
</tr>
<tr>
<td>April through June</td>
<td>Budget Status Report Progress report</td>
<td>July 15, 2010</td>
<td>July 2010</td>
</tr>
<tr>
<td>July through September</td>
<td>Final Budget Status Report Final Progress report</td>
<td>November 16, 2010</td>
<td>November 2010</td>
</tr>
</tbody>
</table>