AMENDED Statement of Grant Award
FY2013 Discretionary Grant
June 14, 2013

Grant Number: 213-13-D01
Grantee Name: Dickens County
Program Title: Caprock Regional Public Defender Office (CRPDO)
Grant Period: 10/1/2012-9/30/2013
Grant Award Amount: $288,409 $314,888

The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Dickens County (herein, the County) for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Commission by September 30, 2012. 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:

<table>
<thead>
<tr>
<th>Direct Costs</th>
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<tbody>
<tr>
<td>1) Personnel (Total Number of FTEs: __)</td>
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<td>2) Fringe Benefits</td>
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<td>3) Travel and Training</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 $383,000</td>
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<td>7) Indirect Costs $15,000</td>
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<td><strong>Total Proposed Costs $398,000</strong></td>
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<tr>
<td>Less Cash from Other Sources- County Match $79,600</td>
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<tr>
<td>Estimated Return to County to Offset Grant $30,000</td>
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<tr>
<td><strong>Additional Amount Added by Commission 6/13/2013 $26,488</strong></td>
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<td><strong>Total Amount Funded by Commission $288,409 $314,888</strong></td>
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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 on December 7, 2011, 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 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 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 and submit it to the Commission by December 31, 2012.

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

[Signature]
Lesa Arnold
Signature of Authorized Official

[Name & Title]
Lesa Arnold
Name & Title (must print or type)

[Date]
7-8-13
Date
Attachment A

Required Conditions and Reports

Method of Calculation

The budget appearing in the Statement of Grant Award was developed under the assumptions that the grant be based on a 12-month period. The schedule provides the county twelve months of funds at each of the original agreed upon funding levels. If the county has a delayed start in the first year (FY2013), it may necessitate an adjustment in future years to allow the county to fully expend grant funds. The intention is to follow a declining schedule of 80 percent in the first year; then, 60 percent in the second year; then, 40 percent in the third year; and 20 percent in the final year of the Commission support. The grants will remain on a fiscal calendar (October to September), but future awards will reflect any needed modifications to implement this policy.

Program Requirements

In addition to the program requirements stated in the Request for Applications (RFA) these specific program requirements apply to this funded program (Note: If the County contracts the public defender office to a non-profit corporation or governmental entity, then the corporation or governmental entity will ensure the following are performed):

--- The County will continue to operate a Public Defender’s Office as defined in Article 26.044 of the Texas Code of Criminal Procedure as amended by the 82nd Legislature and as proposed in FY2011 Statement of Grant Award and Application. 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 the office locally to serve as Chief Public Defender who meets the qualifications set forth in Article 26.044 (1) to supervise and manage the operation of the office and provide direct representation.

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

--- By action of the Commission on August 20, 2012 the County will receive four advance quarterly payments during the fiscal year to operate this program. The first payment will be made in October 2012; the second in January 2013; the third in April 2013, and the last payment July 2013. The County will be required to provide a status report prior to the fourth payment to reduce the potential for a refund.

--- The County must maintain a Public Defender Oversight Board in accordance with Texas Code of Criminal Procedure Article 26.045 to supervise the operation of this program. The County will submit a written policy on how the members are selected and which details the duties and procedures of the board.

--- The County or its designee must maintain a written policy that includes caseload standards for each attorney and for the general operation of this program. In developing caseload standards, nationally recognized standards and standards used by other states shall be taken into consideration (such as National Advisory Commission on Criminal Justice Standards and Goals). The written policy for caseload standards should be provided to the Commission staff along with the first quarterly progress report. The caseload standard policy should require the Chief Public Defender to review actual caseloads at least quarterly. The Chief Public Defender may approve higher or lower caseloads than the adopted standard based on overall complexity of cases, overall type of cases, attorney experience, support staff experience, court needs, available technology to augment services, or other factors that affect the delivery of services. The Chief Public Defender must notify the program’s Oversight Board in writing if an exception to the caseload standards is authorized.
— The County or its designee must provide to the Commission staff the minimum job requirements and a full job description of the FTE positions specified under this project before positions are publicly posted.

— The program’s Oversight Board is responsible for recommending to commissioners court the selection or approval of the Chief Public Defender or non-profit entity. The Chief Public Defender will be responsible for the implementation of this program and will hire staff sufficient to meet the operation of the department. Staffing with attorneys and support personnel will be incremental, beginning with the selection of a Chief Public Defender. In addition to responsibility for the setup of the program in the first year, the Chief Public Defender is expected to maintain at least a 50 percent caseload. Two additional attorneys, an investigator, and one support staff will be hired at the commencement of the program, and the opening for a fourth attorney position and the second support staff may be posted once the public defender office’s caseload reaches 80 percent of capacity for three consecutive months.

— The County will establish conditions conducive to maintaining attorney client privileged communication. These conditions shall include confidential videoconferencing communication at both locations of the communication and provide that no recording of the communication shall be made.

— The County will not record videoconferencing communications between court officials/court staff and defendants during ministerial proceedings unless conducted as part of the Texas Code of Criminal Procedure Article 15.17 hearings.

— The County will provide for reasonable protection from third party interception of videoconferencing communication between the videoconferencing sites when purchasing equipment with these funds.

— This grant requires quarterly progress reports to provide information on the effectiveness of the program. The Commission grants administrator will construct an on-line progress report that best reflects the actual work performed in this program and is consistent with the FY2012 application listed below as edited and agreed to. The County will be able to request modifications to the on-line report when the performance measures are determined to not accurately reflect the work performed.

— The survey of local stakeholders required in the Evaluation section should be conducted during the 2nd and 4th years of operation of the program. The County must summarize the results received back from the participants of the survey and discuss any improvements made to the program. The analysis of the survey results in the 4th year must compare the findings between the two survey events. The County must provide the Commission with a draft of any survey instrument for feedback before it is distributed and provide to the Commission a copy of the analyses of responses (not the unanalyzed survey responses).

— A draft of the Public Defender Office or Managed Assigned Counsel office Case Representation Policies and Procedures Manual must be provided to the Commission along with the 2nd quarterly progress report. Grantees should consider professional standards of representation such as the Texas State Bar Performance Guidelines for Non-Capital Criminal Defense Representation when developing the manual. A final version of the Policies and Procedures Manual shall be completed and delivered to the Commission along with the Final Progress Report for FY2013.

— The County must provide a plan of data collection by the first progress report that includes a list of data elements that capture the work performed under this program or impact on the county’s compliance with the Fair Defense Act. This County must submit data collection agreements from county offices or departments to provide this data to the program director on a regular basis to measure the impact of this program.

— The Public Defender’s Office will record attorney and support staff work time in a manner that allows for accurate completion of the Public Defender Addendum to the Indigent Defense Expenditure Report.