Statement of Grant Award

FY15 Multi-year Continued Discretionary Grant

Grant Number: 212-35-D06
Grantee Name: El Paso County
Program Title: Problem Solving Court Attorney
Grant Period: 10/1/2014-9/30/2015
Grant Award Amount: $36,544

The Texas Indigent Defense Commission (Commission) has awarded the above-referenced grant to El Paso County (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 25, 2014. 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>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Personnel (Total Number of FTEs: 1)</td>
<td>$64,200</td>
</tr>
<tr>
<td>2) Fringe Benefits</td>
<td>$21,000</td>
</tr>
<tr>
<td>3) Travel and Training</td>
<td>$500</td>
</tr>
<tr>
<td>4) Equipment</td>
<td></td>
</tr>
<tr>
<td>5) Supplies</td>
<td>$300</td>
</tr>
<tr>
<td>6) Contract Services</td>
<td></td>
</tr>
<tr>
<td>7) Indirect Costs</td>
<td></td>
</tr>
<tr>
<td>Total Proposed Costs</td>
<td>$86,000</td>
</tr>
<tr>
<td>Less Cash from Other Sources- County Match</td>
<td>$49,456</td>
</tr>
<tr>
<td>Total Amount Funded by Commission</td>
<td>$36,544</td>
</tr>
</tbody>
</table>

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 October 19, 2012, 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, 2013.

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

[Signature]

VERONICA ESCOBAR  County Judge

Name & Title (must print or type)

Date 9-16-14

FY15 Statement of Grant Award – El Paso County

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2014-0496
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. Since the Commission has provided funding in FY15 and previous years above the originally scheduled amount, the grant will end on September 30, 2016.

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

— 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 county must provide a plan of data collection 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 County or its designee must provide to the Commission staff the minimum job requirements and a full job description of the new FTE position specified under this project before positions are publicly posted.

— Equipment costs listed in the first year start-up budget will not be carried forward into subsequent years of funding.

— 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. Records must contain sufficient detail to appropriate time and salary across categories of offenses (capital, non-capital felony, misdemeanor, juvenile, felony appeals, misdemeanor appeals, and juvenile appeals).

— The Chief Public Defender will be responsible for the implementation of this program and will hire staff sufficient to meet the operation of this program.

— The County or designee must maintain a written policy that includes caseload standards for the 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 make overrides or under-rides 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.
— A Public Defender Office Representation Policies and Procedures Manual must be developed and provided to the Commission along with the 2nd quarterly progress report. The Public Defender Office 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 surveys that are required in the Evaluation section of the FY2013 application listed below should be conducted during the 1st and 4th years of operation of the program. The County must summarize the results received 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 copy of the analyses (not the unanalyzed survey responses).

— 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, public defender attorneys, and the private bar; 2) a method to screen and/or assess the defendants who are referred for representation under this program; and 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 Chief Public Defender may allow exceptions but all exceptions to the policy from the intake process must be documented and maintained.

— The County will provide a written plan to demonstrate how this program will avoid supplanting county funds with state funds. The plan must explain how it will add to services and coordinate with the work of the Public Defender Office and assigned counsel system and not duplicate those systems.

— The County will develop a plan to examine the impact of Vertical versus Horizontal Representation within their department.

2013 El Paso County Discretionary Grant Application Narrative (EDITED) (Multi-Year Grant)

a. Application Form
  Counties Represented:        El Paso
  Fiscal Year:                 2013
  State Payee Identification Number: 746000762
  Division to Administer Grant: Public Defender's Office
  Program Title:               Problem Solving Specialty Court Attorney Position for the El Paso County
  Public Defender's Office
  Requested Grant Amount:      $60,282.00
  Financial Officer:           Edward A. Dion
  Program Director:            M. Clara Hernandez
  Mailing Address:             500 E. San Antonio; Room 501; El Paso, TX 79901

b. Introduction (Executive Summary)
The County of El Paso has six specialty courts that have been created to provide offenders with effective treatment as an alternative to incarceration; the DWI Court, Adult Drug Court, Re-entry Court, the Family Court and two Veterans Courts (misdemeanor and felony). The Public Defender's office receives all treatment court cases for representation. Due to these programs' success, they are growing at a rapid pace. To address the growth, the Public Defender's office is requesting funding for an attorney who will be appointed to the specialty courts to dedicate their time in representing the programs' participants.

c. Problem Statement
According to the National Association of Drug Court Programs (NADCP), drug court/specialty courts are the most sensible and proven alternative to incarceration. As this method continues to prove successful and reduces recidivism, the specialty courts are growing at a rapid rate that is creating increased workload for Public Defenders Office attorneys. Typically the Public Defender's Office is asked to participate with the staffing of these courts, spending an average of 6 hours per week in court, plus several hours in preparation out of court for each program.
The El Paso County Public Defender's Office represents indigent individuals charged with juvenile, misdemeanor, and felony offenses from pretrial up to and including appeal, as well as post-conviction matters. In order to represent a client, the Public Defender's Office must be appointed by the Jail Magistrate or one of the County or District Judges in El Paso County.

Their goal is to provide the clients the high quality representation. Once appointed to a case, the department contacts the client immediately in order to begin the representation.

El Paso is the 4th poorest city in the US, includes the nation's poorest zip code, and federally designated Empowerment and Enterprise Zones. This is an economically depressed area and most of the persons who are processed through the court system are indigents.

d. Objectives

The County Public Defender's Office overall mission is to provide their clients with the legal representation which is tailored to each client's need and interest. The attorneys' caseloads substantially exceed national standards, which mean their assignment to specialty courts is on top of a full caseload. By hiring a specialty court attorney, the office hopes to meet the following goals:

1) **To provide prompt representation to the Specialty Treatment Court Participant's**
The specialty court attorney will be available to the courts regardless of the department's caseload. As soon as a probationer has been selected to participate in one of the County's specialty courts, a public defender attorney will be appointed and can immediately begin the process. This will help avoid the accumulation of cases and assist in the smooth progress of the case through the system. The benefit to the participant is that he/she will begin the treatment process in a timely manner.

2) **To increase quality and quantity of time in providing effective representation of all clients of the Public Defender's Office**
The specialty court attorney position will dedicate its time representing participant of the specialty courts allowing the line attorney have to concentrate on providing quality representation for clients who are accused of new offenses and probation violations.

3) **To provide continuity of services to participants**
The specialty court attorney will represent an individual from the initial specialty court appearance. This specialty court attorney will advocate and represent the participants at team staffing and will advocate on behalf of the participants that will be in the best interest of that individual. The specialty court attorney will advise the individual of his rights. Receiving representation from one attorney from the beginning of the process will allow the participants and the attorney to develop a relationship based on trust and familiarity.

e. Activities

The individual that will occupy the position of the specialty court attorney will be assigned to represent individuals who have voluntarily elected to participate in one of the county's specialty court. The County of El Paso Texas currently has five established Court Programs that were developed to offer offenders treatment as an alternative to incarceration for minor offenses committed. These individuals are primarily screened by the El Paso District Attorney's office to determine if the individual is a suitable candidate who will successfully complete the program. The participant is placed in the program that is most appropriate for that individual's need and fits the offense committed. The five specialty courts are as follows:

**DUI Drug Court Program**
The El Paso County Driving While Intoxicated (DWI) Intervention and Treatment Program is the first dedicated specialized court in the region to handle adults convicted of DWI offenses. The program applies the principals of the traditional Drug Court Program to alcohol dependent participants. The program is a comprehensive twelve (12) month, four (4) phase program designed with specific objectives aimed at keeping the offender drug free and reducing recidivism. Since the inception of the program, there have been 310 participants admitted as an alternative to incarceration. The program currently has 77 active participants; with a capacity of 100 participants. To date, the program has successfully graduated 181 participants. The program is headed by Honorable Judge Robert Anchondo.

65th Family Court
El Paso County, Texas and the 66th District Court operate two Family Drug Court Programs. The Intervention Drug Court is designed to assist parents who have lost legal custody of their children due to parents' drug and/or alcohol problems. The program works toward Family Reunification to prevent termination of parental rights. The Preservation Drug Court is designed to assist parents that have an open case of confirmed child abuse or neglect, have substance abuse or dependency problems, and are at risk of losing legal custody of their children.

384th Adult Drug Court
The El Paso County 384th Judicial District Court Treatment Program will provide a non-adversarial approach to working with substance abuse, addicted offenders in need of an alternative to incarceration, while reducing recidivism and crime, improving the community-at-large, educating the offender about quality of life issues and providing case closure for all interested parties. The eligible offenders of the 384th Drug Court are adult male and female 18 years of age and older with a history of substance abuse. The clients shall be residents of El Paso County. The clients are deemed eligible after legal clearance from the District Attorney's office. The program is offered to all eligible participants but is on a voluntary basis as an alternative to incarceration. The length of the program is 18-months. The program has a capacity of 100 participants; currently has 85 active participants.

384th Court Substance Abuse Felony Punishment Facility (SAFPF) Re-entry Drug Court
The 384TH Substance Abuse Felony Punishment Facility (SAFPF) re-entry Drug Court Program was established on July 2003. Our participants consist of those offenders who, because of a drug and or alcohol addiction and/ or co-occurring Psychiatric Substance Abuse Disorder (COPSD) have had their conditions of probation modified to participate in the SAFPF Program, which is managed by the Texas Department of Corrections. The SAFPF Drug Court emerged to provide intensive supervision to offenders transitioning to the community from a SAFPF unit, which is a (6) month residential substance abuse treatment program, which utilizes the Therapeutic Treatment Community modality to rehabilitate offenders. Once an offender completes the SAFPF component they are transitioned to a Transitional Treatment Center (TTC - Half Way House) for a minimum of (60) to maximum of (90) days to allow the offender to slowly reintegrate back to our community. This reintegration process is where the SAFPF Re-entry Drug Court begins to work with the offender to provide intensive supervision and to monitor their abstinence from alcohol & other drugs and ensure that they adhere to program rules and regulations.

Veterans Treatment and Intervention Program (Misdemeanor court)
The Veteran's Treatment and Intervention Program was established to provide services to adult male and females, ages 18 and over who is a combat veteran or active military service member of the United States Armed Forces, to include members of the Reserves, National Guard or State guard. The program, through intense, diverse treatment services, is an alternative to incarceration. This is an effective way of giving the participant the opportunity to maintain military status and establish a healthy future for themselves and their loved ones. In order for any active military service member or combat veteran to participate in the Deferred Prosecution Program, one must demonstrate that their criminal conduct was affected by any brain injuries or mental illnesses to include Post Traumatic Stress Disorder, Schizophrenia, Bi-Polar and Major Depression resulting from military service in a combat zone or other similar hazardous duty area. In order to determine guidelines, a review will be conducted on the defendant's military record to evaluate the types of assignments served by each defendant. The defendant will participate in any and all treatment services assigned by the Veteran's Mental Health Court. Program participation is on a voluntary basis.

346th District Court (Veterans' Court Program for felonies)
The El Paso Veterans Court Program for Felony Cases (and select misdemeanor cases if permitted/required by grant terms and conditions) administered by the 346th State District Court, Judge Angie Juarez Baril presiding established the program to provide treatment to its participants with felony cases. The program's target population is male and female age 18 and over who is a combat veteran or active military of the United States Armed Forces, to include members of the Reserves, National Guard or State Guard. The goal of the program is to divert veterans from the traditional criminal justice system by providing treatment and judicial through drug testing, and complying with specific requests from the team for additional monitoring or supervision. The length of the program is 18-months.

The specialty court attorney will work with as many of the specialty courts as scheduling will permit. The courts each have their specific dates of when they staff cases and participants are required to appear in court before the judge. The quantity of time spent with each court will depend greatly on the number of participants of the programs and the intensity of the case. The number of cases and participants differ greatly by each court as some courts deal with more complex cases.

The specialty attorney will have a unique position as this individual will need to be informed of each program's structure, policy and procedures, program phases and requirements of each participant for program participation. The attorney will be responsible to prepare to staff a case by reviewing the court documents, reviewing the case with court staff, working with the assigned prosecutor and the probation officer in each of the specialty courts. The attorney will actively
participate in case staffing, advocating for treatment team approaches to help participants overcome their barriers to rehabilitation. The attorney will meet directly with clients as necessary to assist them and provide traditional legal representation. The attorney will not only represent the participant in court but will also provide them with information on resources available to the participant while they are completing the terms of the program and their probation.

f. Evaluation
The project evaluation will include information from all six specialty courts and the participants of each program. The information gathered in the initial year of the project will assist in making necessary changes to improve the services in the following years. The Public Defender's Office is required to maintain client confidentiality and is limited to personal information kept on file for clients.

In order to make a well-rounded evaluation and determination of success and failures, information will need to be gathered from the participants, all team members, the treatment court staff as well as the Judge's and District Attorneys. The evaluation process will include the following:

Data Collection
The record-keeping will be an important factor in assuring information is kept separately for each program's participant as the programs differ in structure and their policies are different. The office specialist will develop a spreadsheet for each specialty court that will include information for each participant of the program. The specialty court attorney will keep a separate file for each participant for each program. The information gathered will include but not limited to case information, treatment services currently receiving, probation and/or surveillance reports, team staff notes and reports, drug test information, reports from treatment providers, and any other report relevant to the case and the participant provided by all involved in the case.

Surveys
Surveys will be developed as the project progress to evaluate the project. Each survey will differ in structure and will be developed according to who will be completing the document. The survey will be brief and confidential. This will allow all team members, court staff, participant, district attorney, specialty court attorney and Judge to provide suggestions on how to improve the project. This will also give the Public Defender's Office the opportunity to evaluate on a regular basis if this process is successful. The creation of the survey questions and the process in used to complete the surveys confidentially will be addressed in the initial startup of the project.

g. Future Funding
The County of El Paso Texas funds 13% of total project costs for new projects developed by courts. The purpose of the funding is to assist the department in establishing sustainability. The Public Defenders office receives funds from the Indigent Defense fund on a yearly basis to fund defense provided to their clients. The department plans to utilize those funds for the initial startup year. Once the department has proven the project successful, they plan to request funding for this position to be a permanent, full-time position.

h. Budget Narrative and Budget Form
Specialty Court Attorney (new hire)
The individual that will occupy the position of the specialty court attorney will be assigned to represent individuals who have voluntarily elected to participate in one of the county's specialty court. The County of El Paso Texas currently has six established Court Programs that were developed to offer offenders treatment as an alternative to incarceration for minor offenses committed. These individuals are primarily screened by the El Paso District Attorney's office to determine if the individual is a suitable candidate who will successfully complete the program. The participant is placed in the program that is most appropriate for that individual's need and fits the offense committed. The five specialty courts are: the DWI Court, Adult Drug Court, Re-entry Court, 346th District Court (Veterans Court Program for felonies), Veterans Treatment and Intervention Program (misdemeanor) and the Family Court.

Travel and Training
The staff person will be provided opportunity to attend training to help develop specialized knowledge in representing clients in problem solving courts.

Equipment
A computer will be purchased for the new hire along with any required software and printer.

Office Supplies
Basic Office supplies for the new hire such as paper, pens, file folders, etc.
**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></td>
<td>Final Progress Report and Conclusion.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Delivery of Final Product and</td>
<td></td>
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<tr>
<td></td>
<td>Demonstration</td>
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