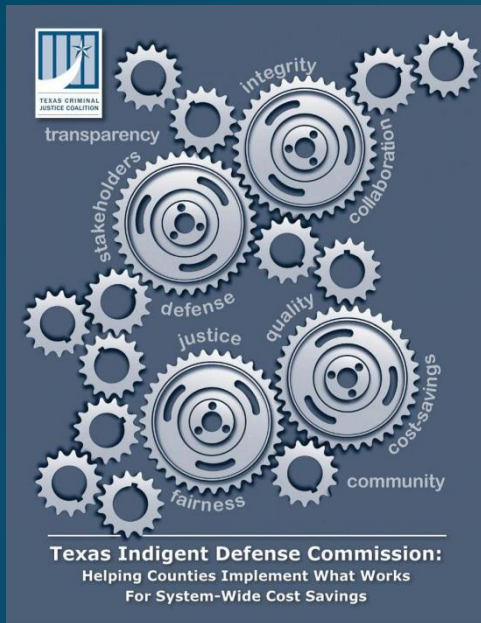


Texas Criminal Justice Coalition January 2013



***Texas Indigent Defense Commission:
Helping Counties Implement What Works
For System-Wide Cost Savings***



About Us

The **Texas Criminal Justice Coalition** is a non-profit, non-partisan organization dedicated to identifying and advancing effective solutions for Texas' criminal and youth justice systems.

- ★ We conduct **policy research and analysis** on Texas justice systems.
- ★ We form **effective partnerships** with a range of organizations, such as the Texas Indigent Defense Commission.
- ★ We **educate key stakeholders** to promote effective management, accountability, and best practices.

Indigent Defense

Why you should care...

- A quality defense is an ESSENTIAL check and balance in the system.
- The provision of counsel is a basic principle for FAIR governance.
- Indigent defense is constitutionally required and THE LAW in Texas.
- Policy-makers need to know that supporting indigent defense is SMART for the whole system.

The Promise of *Gideon*

The promise in *Gideon v. Wainwright* (1963):
Every person accused of a felony has a constitutional right to counsel regardless of wealth.

Extended in *Argersinger v. Hamlin* (1972):
People accused of a misdemeanor with a penalty of incarceration also have a right to counsel.

Indigent Defense Before 2001

Delay in implementing the right to counsel in Texas reached crisis level by 2001:

- Defendants routinely waived their right to counsel.
- Appointed counsel lacked training and resources.
- Counties lacked standards, transparency, and continuity in practices.
- The system lacked substantive accountability.
- Counties had a significant lack of funding for indigent defense.

The Costs of Substandard Defense

Significant human costs accompany wrongful convictions:

- Loss of liberty for an innocent person
- Separation of families and loved ones
- Financial hardships and loss of support
- Justice denied for victims and their families
- Community costs: more victims and lack of trust in those responsible for justice

The Costs of Substandard Defense

Significant financial costs accompany a substandard defense system:

- Drain on State resources, with a total of \$49.5 million paid to compensate exonerees
- Drain on county resources in unnecessary pretrial incarceration – approximately \$2 million PER DAY across counties
- Risk of costly, protracted lawsuits such as *Rothgery v. Gillepsie County*

The Texas Fair Defense Act, 2001

The Fair Defense Act:

- Established essential requirements regarding appointment of counsel
- Required counties to adopt individualized plans for the delivery of indigent defense services
- Provided state funding to supplement county spending
- Created the Commission to distribute funds, provide support, develop standards, and give oversight

The Commission

13 Board
Members

7 Staff

\$33 Million
in Grants
Distributed
Annually

Representing
17% of
Defense
Expenses

Covering
30% of the
Increase in
Expenses

Strategies for Success

1. Respect for Local Control

2. Meaningful Collaboration

3. Transparent Government

Respect for Local Control

Significant Diversity Among Texas' 254 Counties

Commission Provides:

- Funding assistance
- Technical support
- Plan models
- Sample forms

Counties Decide:

- Type of defense delivery
- Indigency standards
- Attorney compensation
- Specialized programs

Empowering Counties with Tools for Success!

Respect for Local Control

Cameron County, Indigent Defense Services

Cameron County's continued improvement is the result of the county's willingness to make the administration of justice more efficient while meeting the requirements of the law and doing what is morally right. We could not have done it without the help of the Texas Indigent Defense Commission and the guidance of its Commission members."

– Judge Arturo Cisneros Nelson
138th District Court

Respect for Local Control

Travis County, Mental Health Public Defender

- Opened in 2007, it is the first freestanding mental health public defender in the nation.
- Its holistic approach integrates legal representation with intensive case management.
- It has safely reduced jail time, increased dismissals, and lowered recidivism rates.
- It has served as a model for Bexar, Dallas, El Paso, Fort Bend, Harris, Limestone, Lubbock, and Montgomery Counties.

Meaningful Collaboration

Bringing Together Stakeholders and Forging Partnerships

“It is good having an agency that is open and welcomes participation from all stakeholders in the criminal justice system. This has allowed Texas to avoid some knock-down drag-out policy battles that could have occurred if the [Commission] had taken an adversarial approach, which can be counter-productive in the area of policy. ”

– Shannon Edmonds, Staff Attorney
Texas District & County Attorneys Association

Meaningful Collaboration

Regional Public Defender Offices

Regional Public Defender Office for Capital Cases:

Provides investigative, expert, and capital representation to 155 counties, and offers budget predictability and significant cost savings.

Caprock Regional Public Defender Office: Provides rural counties – which often lack even basic indigent defense services – with quality misdemeanor, felony, and juvenile representation.

Meaningful Collaboration

US DOJ, John R. Justice Grant

Brought together unlikely allies, resulting in \$700,000 in federal funds to assist attorneys working in the justice system.

Timothy Cole Advisory Panel on Wrongful Convictions

Convened diverse stakeholders to study wrongful convictions and recommend system reforms.

Transparent Government

Balancing Flexibility with Responsibility

The Commission works with counties to report indigent defense expenses, and it makes the information available to the public and policy-makers.

Transparent Government

Bell County, Fair Indigent Defense Online

“FIDO” tracks essential information including:

- Defendant profiles
- Indigency determinations
- Attorney assignments
- Case-processing information
- Attorney hours
- Fee payments


Transparent Government

Defender Contract Rules


The Commission brought together stakeholders and experts to form an important working group that adopted rules to increase **fairness, consistency, and transparency** in Texas' attorney appointment process.

Transparent Government

The Commission's Website



TIDC
TEXAS INDIGENT DEFENSE COMMISSION



TIDC, 216 County Center, Suite 300
Austin, TX 78701 | Phone: 512-463-1100
Fax: 512-463-1101
www.tidc.state.tx.us

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Welcome to the Texas Indigent Defense Commission (TIDC) - Home Page!

The Texas Indigent Defense Commission provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law. In addition, we require local planning for indigent defense and reporting of expenditures and provide an array of resources for counties to improve these services. For more information see [IDC 308.012](#) and [IDC 308.013](#). Do [Please](#) contact any staff member for more information about this program.

What's New

- [Notice on Texas Indigent Defense Commission by Texas Governor Justice Gooden](#) (10-14-2012)
- [Release for 308](#)
- [The Effect of Clerk Fees and Procedural Justice: Practice Tips](#), Jan. 15, 2012 from 10:00 am to 12:45 pm
State Bar of Texas Webinar (Fee waived for defense attorneys who take court appointments and judges). [WELL credit: 1.5 hours \(includes 1.5 hrs ethics\)](#), Register with [State Bar online](#)
- [A Primer on the Tax Defense Act of 2011 for Newly Elected Officials and Staff](#)
January 17, 2012 11:00 AM to 12:00 PM, [SABRE Enterprise Auditorium, Austin](#) [Link to the Event/Website](#)
- [December 2012 a Newsletter](#)
- [TIDC's 11th Press Release: INDIGENT DEFENSE COMMISSION ANNOUNCES \\$20 MILLION IN GRANTS TO COUNTIES](#) (See Grant Award Schedule) will presents below Award to WINKA County & Saluda Two Departing Members
- [Presentation by Dr. David Demichiel: WinkA Public Defender Office: An Evaluation of Case Processing, Client Outcomes, and Costs](#)
- [Presentation at NACADA Annual Conference December 9: Metrics, Collectors, and Analytics Data in Better Statistic Outcomes](#)
- [Employment opportunity at TIDC: Research Specialist II \(staff\)](#)
Job No. OCA-712-12-05
Posting Date: November 05, 2012 **Closing Date:** 12/01/12
Summary: Performs moderately complex (policy-level) research work and performs statistical analysis of data elements and may provide training and information to others related to the agency's program. Work involves coordinating, planning, and implementing an agency grant program and providing consultative services and technical assistance to program staff, governmental agencies or community organizations. Works under general supervision, will moderate latitude for the use of initiative and independent judgment.
- [Texas Judicial Council Resolves in Support of Additional State Funding for Indigent Defense](#)
- [November 13, 2012 Indigent Defense Workshop agenda: Presenters' 4th Audio Recording](#)
- [FDOS14 Discretionary Grant AEA: \[open application\]\(#\), \[courtesy letter\]\(#\) - 10-16-12](#)
- [M/W/V13 WinkA County Public Defender Office Professional Award Certificate](#), The Council for State Governments
- [10/16/12 Press Release: Study Establishes the Efficacy of Public Defenders in Wichita County - Study, Wichita County Public Defender Office: An Evaluation of Case Processing, Client Outcomes, and Costs](#)
- [Grant Rules - Texas Administrative Code](#)
- [Sustaining and Improving Public Defense with Data | August 2012 by Maria Beaman, PhD on behalf of ABA 12/12/12](#)
- [Indigent Recognition Program for Texas Counties](#) [pdf](#) [Word](#)

Services to Counties

- [Online Access to PERI](#) for Texas counties (apply for grants, reporting, give addresses)
- [County Plan submission instructions](#) for counties
- [Grants and other funding resources](#) for Texas counties
- [Expenditure Reporting instructions](#) for counties
- [Model Policies, Forms and Standards, CLE Rules](#)
- [Technical Support Services](#)
- [Program Manager Technical Assistance](#)

Indigent Defense in Texas

- [Public access to all county plans, expenditures, grants](#)
- [Legislative Information](#)
- [Resources including Publications, Proceedings and Archival and Video Downloads of presenters from past Indigent Defense Workshops](#)

Related Resources

- [Legal Services to the Poor in Limited Jurisdiction, Committee of the State Bar of Texas CLE Resources](#)
- [County web sites](#)
- [Texas Juvenile Probation Commission Search Directors of Professionals Public Defender Offices in Texas](#)
- [American Bar Association, Indigent Defender](#)
- [Immigrant Programs](#)
- [Mental Health Task Force](#)
- [Timothy L. Clark, Attorney Paid on WinkA County Grant](#) (12/12)
- [John B. Justice Grant Program](#)

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Updated: 10 Jan 2012

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Commission Accomplishments

- ✓ Increased the number of public defender offices from 7 to 19.
- ✓ Expanded the number of counties being served by a public defender office from 7 to 155.
- ✓ Created 79 new defense-related programs in Texas counties.
- ✓ Increased the number of indigent people provided indigent defense representation by 45 percent.
- ✓ Decreased jail populations in several Texas counties, creating cost savings and fewer lifelong collateral consequences for system-impacted individuals.
- ✓ Resulted in the exoneration of 10 people, via Commission-funded innocence projects at Texas' public law schools.

Support Indigent Defense

Help counties meet constitutional requirements
AND invest in cost-saving strategies.

- Restore funding and authority to use all previously designated sources of revenue.
- Close the unfunded gap for the provisions of the Fair Defense Act with General Revenue.

Contact Us

We are a resource to you!

Texas Criminal Justice Coalition
1714 Fortview Road, Suite 104
Austin, Texas 78704

Website: www.TexasCJC.org

Phone: (512) 441-8123

Email: lpinney@TexasCJC.org

