



Texas Indigent Defense Commission
2013 Workshop

Texas Criminal Justice Coalition
Helpful Resources

October 28, 2013
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Executive Director

Visit Us: www.TexasCJC.org

The screenshot displays the Texas Criminal Justice Coalition website. At the top, the logo and name "TEXAS CRIMINAL JUSTICE COALITION" are visible, along with navigation links for "HOME" and "CONTACT US", and a search bar. A dark red navigation bar contains links for "ABOUT TCJC", "TCJC PROJECTS", "TEXAS REFORMS", "LIBRARY", "JOIN OUR TEAM", and "TAKE ACTION".

The main content area features a video player with a thumbnail showing a courtroom scene. The video title is "Learn more about SOLUTIONS FOR PRETRIAL, DEFENSE & INNOCENCE". Below the video, a paragraph states: "TCJC works with peers, policy-makers, practitioners, and community members to identify and promote smart justice policies that safely reduce Texas' costly over-reliance on incarceration – creating stronger families, less taxpayer waste, and safer communities." Social media sharing icons for Twitter, Facebook, Pinterest, and Email are provided below the text.

The right sidebar is titled "RESOURCES" and contains five buttons: "Texas County Resources", "Public Policy Center", "Tools for System-Involved Youth", "Tools for System-Involved Adults", and "Useful Organizations". Below this is an "ANNOUNCEMENTS" section with two entries, each with a "More >" link.

The footer is divided into three columns of links: "ABOUT TCJC" (Mission & Values, Letter From Director, TCJC History, TCJC Team, TCJC Board of Directors, Video About TCJC), "TCJC PROJECTS" (Solutions for Youth Justice, Solutions for Pretrial, Defense & Innocence, Solutions for Safely Reducing Incarceration, Solutions for Confinement & Reentry), and "RESOURCES" (Texas County Resources, Public Policy Center, Tools for System-Involved Youth, Tools for System-Involved Adults, Useful Organizations). On the right side of the footer, there are social media icons for Facebook, YouTube, and Twitter, a "Get E-Alerts SIGN UP NOW!" button, and a link to "View our E-Alert archive".

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Tools for System-Involved Adults

TEXAS CRIMINAL JUSTICE COALITION HOME | CONTACT US Search...

ABOUT TCJC TCJC PROJECTS TEXAS REFORMS LIBRARY JOIN OUR TEAM TAKE ACTION

Tools for System-Involved Adults

The following resources can assist system-involved individuals and their loved ones as they navigate through the criminal justice system. If you know of a resource that is not included here, please email us at info@TexasCJC.org to let us know.

Pretrial, Defense & Innocence

- Legal Access Division, State Bar of Texas: [2013 Referral Directory: Legal Services and Other Resources for Low-Income Texans \(2013\)](#)
- Texas Criminal Justice Coalition: [Innocence and Wrongful Convictions \(May 2012\)](#)
- Texas Criminal Justice Coalition: [How To Ask For A Court-Appointed Lawyer \(Apr 2006\)](#)
- Texas Criminal Justice Coalition: [What You Don't Know Can Hurt You \(2005\)](#)

Confinement

- Texas Criminal Justice Coalition: [TDCJ Inmate Transfers \(June 2012\)](#)
- Texas Criminal Justice Coalition: [TDCJ's Annual Health Care Services Report \(Apr 2012\)](#)

RESOURCES

- Texas County Resources
- Public Policy Center
- Tools for System-Involved Youth
- **Tools for System-Involved Adults**
- Useful Organizations

ANNOUNCEMENTS

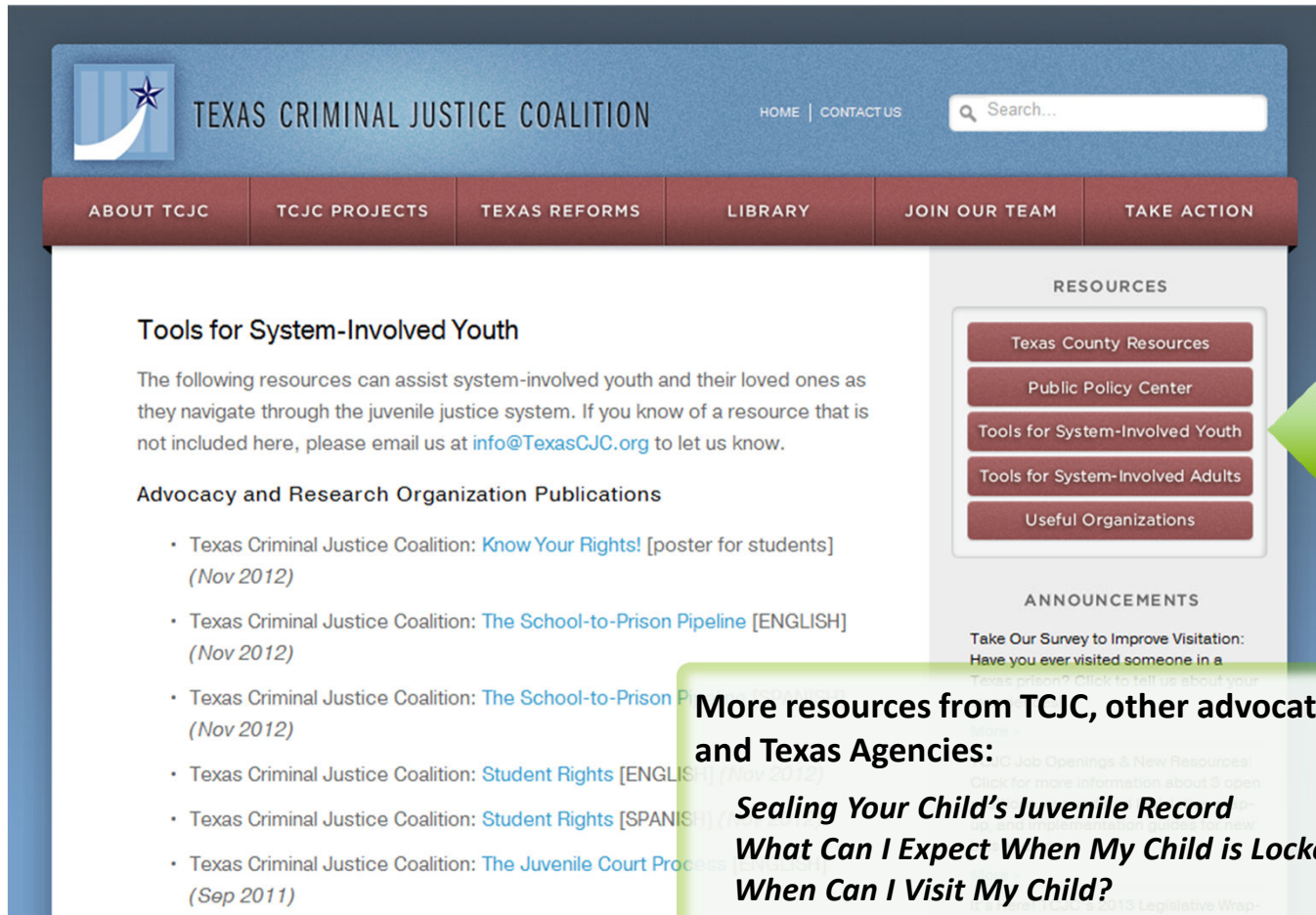
Take Our Survey to Improve Visitation: Have you ever visited someone in a Texas prison? Click to tell us about your experiences! [More »](#)

TCJC Job Openings & New Resources: TCJC is currently accepting applications for about 3 open positions. Legislative wrap-up and implementation guides for new legislation, budget items, and more!

New TCJC Report Addresses Prisoner Health Care

Includes resources on:
Pretrial, Defense & Innocence,
Confinement Issues,
Reentry Issues, and
Veterans Issues

Tools for System-Involved Youth



TEXAS CRIMINAL JUSTICE COALITION HOME | CONTACT US Search...

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Tools for System-Involved Youth

The following resources can assist system-involved youth and their loved ones as they navigate through the juvenile justice system. If you know of a resource that is not included here, please email us at info@TexasCJC.org to let us know.

Advocacy and Research Organization Publications

- Texas Criminal Justice Coalition: [Know Your Rights!](#) [poster for students] (Nov 2012)
- Texas Criminal Justice Coalition: [The School-to-Prison Pipeline](#) [ENGLISH] (Nov 2012)
- Texas Criminal Justice Coalition: [The School-to-Prison Pipeline](#) [SPANISH] (Nov 2012)
- Texas Criminal Justice Coalition: [Student Rights](#) [ENGLISH] (Nov 2012)
- Texas Criminal Justice Coalition: [Student Rights](#) [SPANISH] (Nov 2012)
- Texas Criminal Justice Coalition: [The Juvenile Court Process](#) (Sep 2011)

RESOURCES

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ANNOUNCEMENTS

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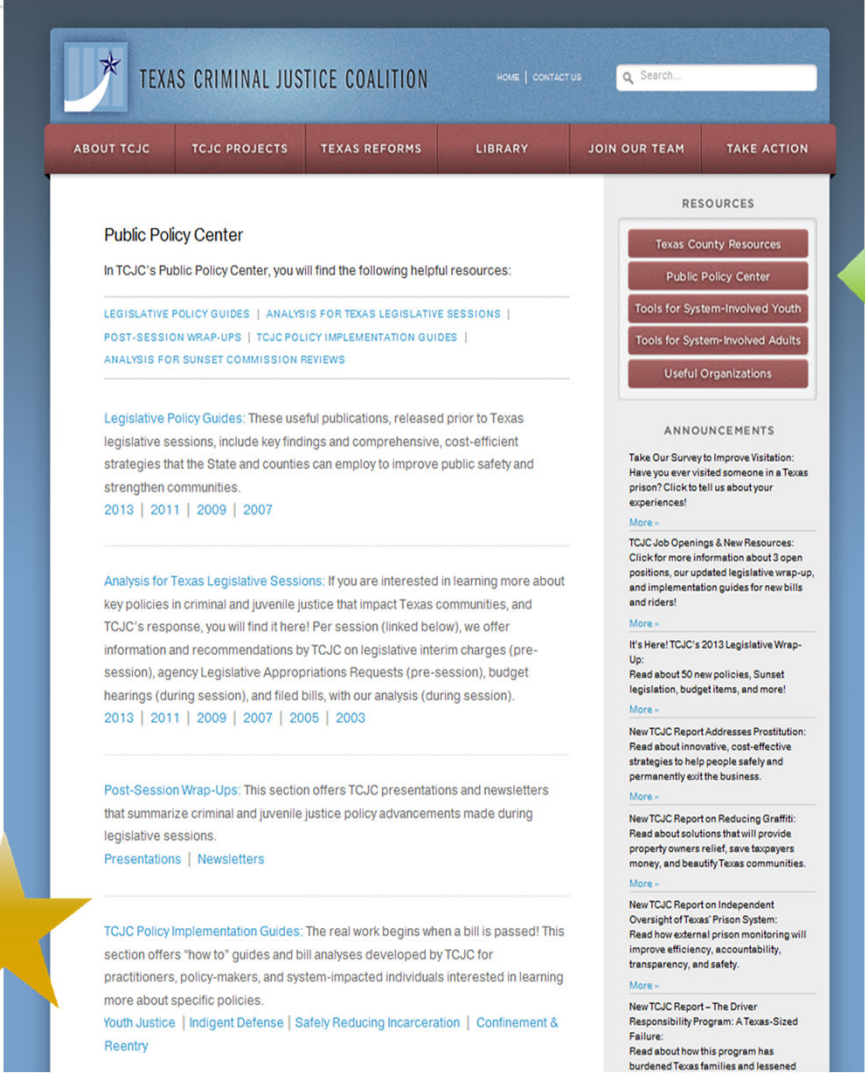
TCJC Job Openings & New Resources: Click for more information about 3 open positions.


2013 Legislative Wrap-Up

More resources from TCJC, other advocates, and Texas Agencies:

***Sealing Your Child's Juvenile Record
What Can I Expect When My Child is Locked Up?
When Can I Visit My Child?
Youth Rights Manual, etc.***

Public Policy Center



 TEXAS CRIMINAL JUSTICE COALITION [HOME](#) | [CONTACT US](#)

[ABOUT TCJC](#) | [TCJC PROJECTS](#) | [TEXAS REFORMS](#) | [LIBRARY](#) | [JOIN OUR TEAM](#) | [TAKE ACTION](#)

Public Policy Center

In TCJC's Public Policy Center, you will find the following helpful resources:

[LEGISLATIVE POLICY GUIDES](#) | [ANALYSIS FOR TEXAS LEGISLATIVE SESSIONS](#) | [POST-SESSION WRAP-UPS](#) | [TCJC POLICY IMPLEMENTATION GUIDES](#) | [ANALYSIS FOR SUNSET COMMISSION REVIEWS](#)

Legislative Policy Guides: These useful publications, released prior to Texas legislative sessions, include key findings and comprehensive, cost-efficient strategies that the State and counties can employ to improve public safety and strengthen communities.
[2013](#) | [2011](#) | [2009](#) | [2007](#)

Analysis for Texas Legislative Sessions: If you are interested in learning more about key policies in criminal and juvenile justice that impact Texas communities, and TCJC's response, you will find it here! Per session (linked below), we offer information and recommendations by TCJC on legislative interim charges (pre-session), agency Legislative Appropriations Requests (pre-session), budget hearings (during session), and filed bills, with our analysis (during session).
[2013](#) | [2011](#) | [2009](#) | [2007](#) | [2005](#) | [2003](#)

Post-Session Wrap-Ups: This section offers TCJC presentations and newsletters that summarize criminal and juvenile justice policy advancements made during legislative sessions.
[Presentations](#) | [Newsletters](#)

TCJC Policy Implementation Guides: The real work begins when a bill is passed! This section offers "how to" guides and bill analyses developed by TCJC for practitioners, policy-makers, and system-impacted individuals interested in learning more about specific policies.
[Youth Justice](#) | [Indigent Defense](#) | [Safety Reducing Incarceration](#) | [Confinement & Reentry](#)

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ANNOUNCEMENTS

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[More -](#)

TCJC Job Openings & New Resources: Click for more information about 3 open positions, our updated legislative wrap-up, and implementation guides for new bills and riders!
[More -](#)

It's Here! TCJC's 2013 Legislative Wrap-Up: Read about 50 new policies, Sunset legislation, budget items, and more!
[More -](#)

New TCJC Report Addresses Prostitution: Read about innovative, cost-effective strategies to help people safely and permanently exit the business.
[More -](#)

New TCJC Report on Reducing Graffiti: Read about solutions that will provide property owners relief, save taxpayers money, and beautify Texas communities.
[More -](#)

New TCJC Report on Independent Oversight of Texas' Prison System: Read how external prison monitoring will improve efficiency, accountability, transparency, and safety.
[More -](#)

New TCJC Report - The Driver Responsibility Program: A Texas-Sized Failure: Read about how this program has burdened Texas families and lessened



Implementation Guides

TEXAS CRIMINAL JUSTICE COALITION



House Bill 1318 83rd Legislative Session Implementation Guide



Texas Fair Defense Project

H.B. 1318 (Turner, Sylvester) [SP: Whitmire]: *Relating to the appointment of counsel to represent certain youths and indigent defendants*

Public Defenders Must Refuse Appointments Above Their Maximum Caseloads; Appointed Counsel and Counties Must Report Indigent Defense Caseload Information

Because controlling maximum allowable caseloads is critical to ensuring effective representation for indigent clients, H.B. 1318 requires public defender offices to refuse appointments that would violate the maximum caseloads they have established, requires appointed counsel to report the percentage of their practice time dedicated to appointments, and requires counties to provide the state with copies of their public defender office and managed assigned counsel program plans and contracts for defense services, as well as the number of appointments made to each attorney.

Rulings by the supreme courts in Missouri and Florida this year have underscored that maximum allowable caseloads are essential to protect the constitutional rights of indigent defendants. As the Missouri court noted, "The Sixth Amendment right to counsel is a right to effective and competent counsel, not just a pro forma appointment whereby the defendant has counsel in name only."

What information must appointed counsel report?

Attorneys appointed to indigent cases must report annually to the counties in which they receive appointments the percentage of their practice dedicated to appointment work. The Texas Indigent Defense Commission will develop and distribute this reporting form.

What information must counties report?

Counties must provide a copy of their public defender office and managed assigned counsel program plans and contracts for defense services. These county plans are already required under Articles 26.044 and 26.047 of the Texas Code of Criminal Procedure; H.B. 1318 clarifies that those plans must be provided to the state every two years. H.B. 1318 also requires counties to prepare and submit annual reports detailing the number of appointments made to each attorney as well as the percentage of those attorneys' practice time dedicated to appointment work.

What happens if a public defender receives an appointment over the maximum caseload?

Under H.B. 1318, a public defender must refuse an appointment that would violate the maximum allowable caseloads established by the public defender's office. If a public defender refuses an appointment on those grounds, the chief public defender must file a statement with the court identifying the reason for the refusal of appointment. A chief public defender cannot be terminated, removed, or sanctioned for refusing an appointment that violates the maximum allowable caseload.

H.B. 1318 provisions relating to youth defendants on page 1.

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TEXAS CRIMINAL JUSTICE COALITION



House Bill 1318 83rd Legislative Session Implementation Guide



Texas Fair Defense Project

H.B. 1318 (Turner, Sylvester) [SP: Whitmire]: *Relating to the appointment of counsel to represent certain youths and indigent defendants*

Juvenile Courts Must Appoint Counsel For Youth Within A Reasonable Time Before The First Detention Hearing

Prior to H.B. 1318, Texas law did not clearly specify the required timing for appointing counsel for youth facing a detention hearing. H.B. 1318 clarifies that counsel must be appointed within a *reasonable time before* the first detention hearing.

Because youth do not have access to bail, prepared legal representation at the first detention hearing is critically important. Youth without prepared representation, or youth with no representation, are more likely to be ordered into secure detention. Once detained, youth are more likely to receive harsher final adjudications than similar non-detained youth, and they may be more likely than similar non-detained youth to reoffend in the future. In 2011, Texas detained 10,542 youth who were later deemed to be too low risk to warrant any probationary supervision; H.B. 1318 Helps ensure these low-risk youth are identified before they are ordered into secure detention facilities.

How much will this cost?

H.B. 1318 is likely to save money, based on the experiences of Texas counties that already appoint counsel before the first detention hearing. Williamson County, for example, appoints counsel before initial detention hearings and saves hundreds of thousands of dollars each year from lower use of secure detention. Secure pre-adjudication detention is expensive, costing on average \$216 per day per child.

Should representation continue if the youth is not ordered detained at the hearing?

Yes. H.B. 1318 does not directly address the continuation of representation for a youth not ordered detained at the initial detention hearing. However, section 51.101 Of the Texas Family Code requires continued representation in all other circumstances until 1) the case is terminated, 2) the family retains an attorney, or 3) a new attorney is appointed by the juvenile court. Section 51.101 also states, "Release of the child from detention does not terminate the attorney's representation." In this context, courts can ensure compliance with H.B. 1318 by continuing representation when a youth is not ordered detained unless the case is terminated, the family retains an attorney, or the court appoints a new attorney.

What are "exigent circumstances"?

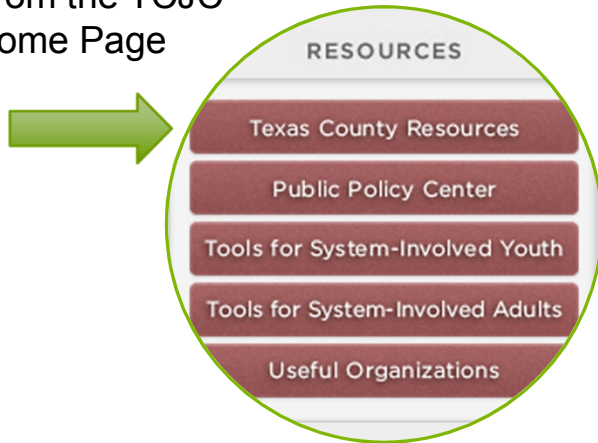
The term *exigent circumstances* is not defined in the statute, but the legal definition usually requires emergency circumstances that pose a serious risk. H.B. 1318 requires the appointment of counsel within a reasonable time before the first detention hearing, unless the court finds that the appointment of counsel is not feasible due to exigent circumstances.

H.B. 1318 provisions relating to indigent defendants on page 2.

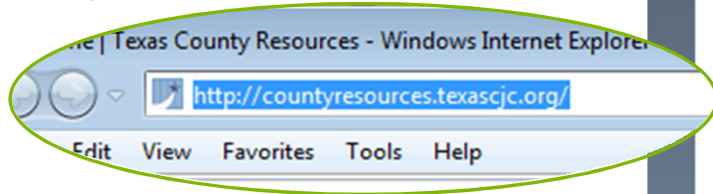
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Texas County Resources

From the TCJC Home Page



Or from your browser:



Texas County Resources
Brought to you by the TEXAS CRIMINAL JUSTICE COALITION

CONTACT US GO

LOCAL RESOURCES STATEWIDE ORGANIZATIONS INNOVATIVE COUNTIES **COUNTY DATA SHEETS** COUNTY DIRECTORIES

WELCOME TO THE COUNTY RESOURCE WEBSITE

To find local reentry and justice resources for adults within your county, simply click on your county on the Texas map. Or, for a more refined search, use the check boxes and drop-down menu below. (If you are looking for youth-oriented reentry and justice resources, [click here.](#))

| | |
|-----------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Reentry Roundtable | <input type="checkbox"/> Pretrial Program |
| <input type="checkbox"/> Community Health Services | <input type="checkbox"/> Indigent Defense Services |
| <input type="checkbox"/> Treatment Programs | <input type="checkbox"/> Legal Clinics |
| <input type="checkbox"/> Housing Services | <input type="checkbox"/> County Probation Office |
| <input type="checkbox"/> Education Assistance | <input type="checkbox"/> Specialty Court(s) |
| <input type="checkbox"/> Employment Services | <input type="checkbox"/> Parole Office |
| <input type="checkbox"/> Other (food, clothing, mentoring, life skills, training, counseling, etc.) | <input type="checkbox"/> Other Justice Programs |

Statewide (or select county)

Not sure what county you're in?
[Click here to find out.](#)

THIS IS A PROJECT OF THE TEXAS CRIMINAL JUSTICE COALITION

TCJC works on issues across Texas' criminal and juvenile justice systems to create stronger families, less taxpayer waste, and safer communities. Please [visit our website](#) for more information.

TCJC seeks improvements in the following areas:

- » Youth Justice
- » Pretrial, Defense & Innocence
- » Safe Reductions in Incarceration
- » Confinement & Reentry
- » Justice System Practices

County Data Sheets

TCJC developed county-specific data sheets on **system-involved youth and adult populations** to show the impact that criminal and juvenile justice-related policies have on each county.

County Data Sheets include:

Total County Population

STAGE 1: Pretrial Jail Detention

STAGE 2: Court-Appointed Counsel

STAGE 3: *Option A*
**Diversion from Incarceration to
Community-Based Supervision**

STAGE 3: *Option B*
**Incarceration in County Jail, State
Jail, Prison, or Treatment Facility**

STAGE 4: Community-Based Supervision After Release

Keeping You Informed!

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- ✓ Friend us on **Facebook**
- ✓ Follow us on **Twitter**

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TCJC Home Page:

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Texas County Resources:

<http://CountyResources.TexasCJC.org>