

Annual Expenditure Report

Fiscal Year 2016

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Y E A R S

Texas Fair Defense Act



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 Austin, Texas 78701
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The Honorable Sharon Keller Chair – Presiding Judge, Court of Criminal Appeals

EX OFFICIO MEMBERS:

| | |
|---------------------------------|--|
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| The Honorable Nathan Hecht | Austin, Chief Justice, Supreme Court |
| The Honorable Sherry Radack | Houston, Chief Justice, First Court of Appeals |
| The Honorable Linda Rodriguez | Hays County |
| The Honorable Brandon Creighton | Conroe, State Senator |
| The Honorable John Whitmire | Houston, State Senator |
| The Honorable Andrew Murr | Junction, State Representative |
| The Honorable Abel Herrero | Robstown, State Representative |

MEMBERS APPOINTED BY GOVERNOR:

| | |
|-----------------------------|---|
| The Honorable Missy Medary | Corpus Christi, Presiding Judge, 5th Administrative Judicial Region of Texas |
| The Honorable Jon Burrows | Temple, Bell County Judge |
| The Honorable Richard Evans | Bandera, Bandera County Judge |
| Mr. Don Hase | Arlington, Attorney, Ball & Hase |
| Mr. Alex Bunin | Houston, Chief Public Defender, Harris County Public Defender Office |

STAFF:

| | |
|--------------------|--|
| James D. Bethke | Executive Director |
| Brandon Bellows | Policy Analyst |
| Edwin Colfax | Grant Program Manager |
| Jamie Dickson | Special Counsel/Policy Analyst |
| Scott Ehlers | Policy Analyst |
| Marissa Kubinski | Executive Assistant |
| Joel Lieurance | Senior Policy Analyst |
| Wesley Shackelford | Deputy Director |
| Debra Stewart | Fiscal Monitor |
| Joan Thomas | Publications Manager/Grants Specialist |
| Sharon Whitfield | Budget Analyst |
| Morgan Shell | Law Clerk |

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| <i>Published January 26, 2017</i> | |

FY 2016 Annual Expenditure Report

Commission Mission and Duties

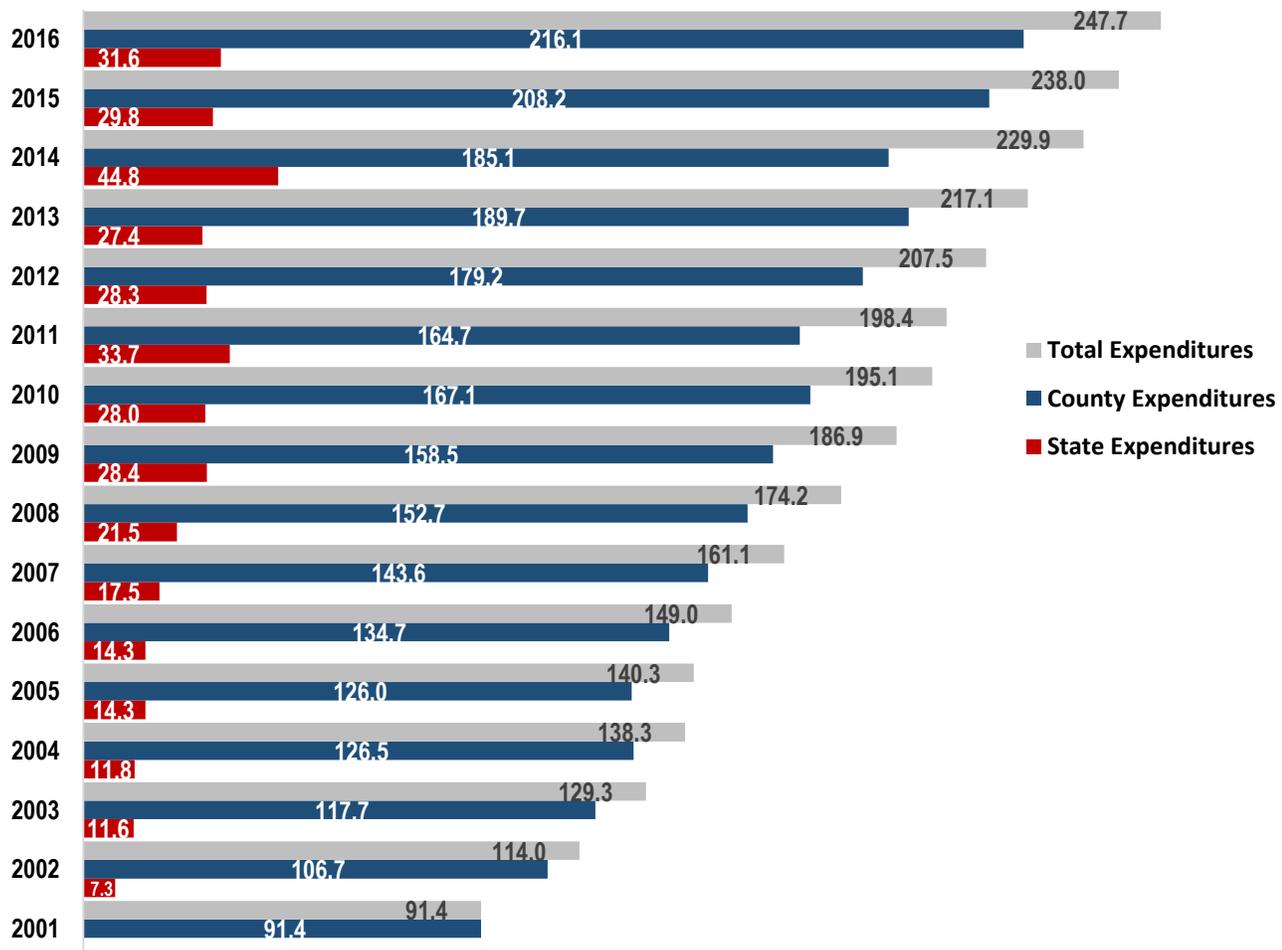
The Texas Indigent Defense Commission (Commission) provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law.

The Commission operates under the authority of a thirteen-member governing board and is administratively attached to the Office of Court Administration (OCA). Texas Government Code 79.037 identifies some of the Commission’s key duties:

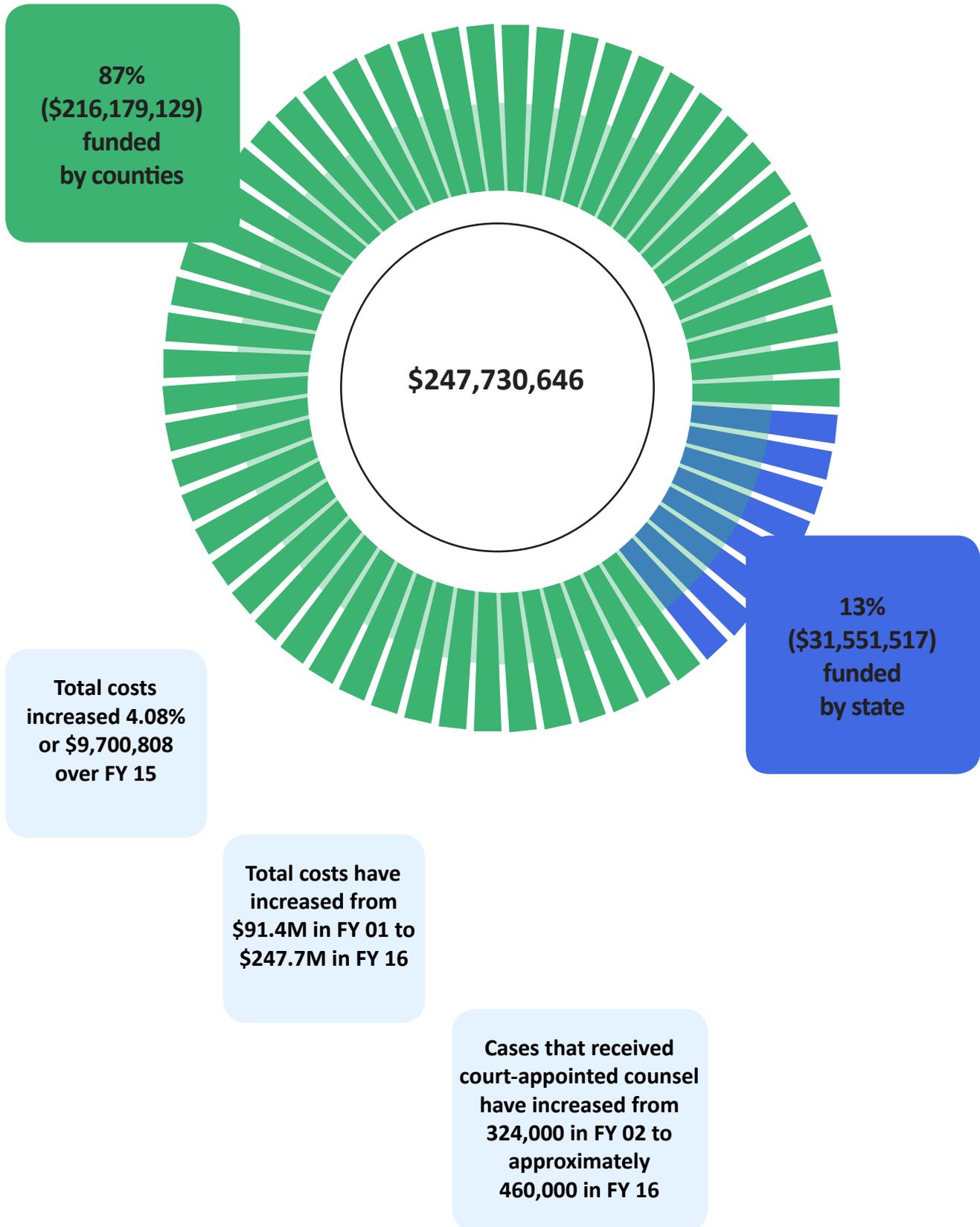
- **Assist** counties in improving indigent defense systems;
- **Promote** compliance by counties with requirements of state law relating to indigent defense;
- **Distribute** grants; and
- **Monitor** each county that receives a grant and enforce compliance with the conditions of the grant.

Information on indigent defense programs and activities is detailed in the Commission’s FY 2016 Annual Report, published separately and available on the [website](#).

Historical State and County Indigent Defense Expenditures (in millions) by Fiscal Year



FY 2016 State and County Spending on Indigent Defense



FY 2016 Commission Operating Budget

This fiscal year the Commission expended \$938,843 for administrative costs from the Fair Defense Account. Administrative costs represent 2.9 percent of the total amount expended. These expenses included salaries for eleven full-time staff, travel for board members and staff, an on-line data system that provides public access to county indigent defense plans and expenditures, and other administrative functions as shown in the chart below.

| Budget Category | FY 2016 Total Expended | FY 2015 Comparative Total |
|--|---------------------------|---------------------------|
| Salaries & Wages | \$836,940 | \$729,955 |
| Other Personnel Costs | \$29,744 | \$24,563 |
| Benefit Replacement Pay | \$2,054 | \$2,054 |
| Professional Fees and Services | \$411 | \$461 |
| Consumables | \$1,639 | \$1,528 |
| Utilities | \$2,881 | \$3,978 |
| Travel | \$34,627 | \$35,082 |
| Rent-Building | \$1,361 | \$120 |
| Rent-Machine and Other | \$2,296 | \$2,372 |
| Other Operating Expenses | \$150,962 | \$133,454 |
| Innocence Project | \$318,236 | \$367,819 |
| Formula Grant | \$25,056,873 | \$23,931,689 |
| Discretionary Grant | \$5,850,861 | \$4,074,692 |
| Extraordinary Disbursement Grant | \$369,926 | \$393,684 |
| Technical Assistance/Targeted Specific Grant | \$273,857 | \$185,504 |
| Total Expended | \$32,932,668 | \$29,886,955 |
| | | |
| Method of Finance Category | FY 2016 Method of Finance | FY 2015 Method of Finance |
| Fund 5073, Fair Defense Account, Court Costs | \$21,021,684 | \$21,395,820 |
| Surety Bond Fee | \$2,039,946 | \$2,027,169 |
| State Bar Fee | \$2,300,958 | \$2,339,688 |
| Juror Pay Fee | \$6,474,112 | \$6,697,267 |
| General Revenue | \$3,750,000 | \$0 |
| State Grant | \$94,467 | \$0 |
| Total Revenue | \$35,681,167 | \$32,459,944 |
| | | |
| FY 2015/FY 2016 Employee Benefits | (\$232,161) | (\$181,640) |
| FY 2014 Carryforward * | | \$5,141,481 |
| FY 2015 Carryforward * | \$4,939,345 | (\$7,532,830) |
| FY 2016 Carryforward * | (\$7,455,683) | |
| Total Method of Finance | \$32,932,668 | \$29,886,955 |

* Fund 5073 is also shared with the Office of Capital and Forensic Writs

Commission Revenue Sources

\$35,681,167

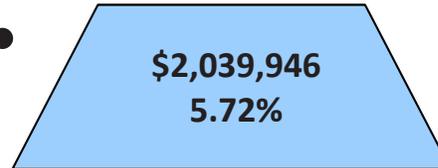
State Grant

In FY 2015 the Commission was awarded a grant from the Governor's Criminal Justice Division (CJD) to develop a model mentoring program for court-appointed attorneys. However, grant-related expenses were not incurred until FY 2016.



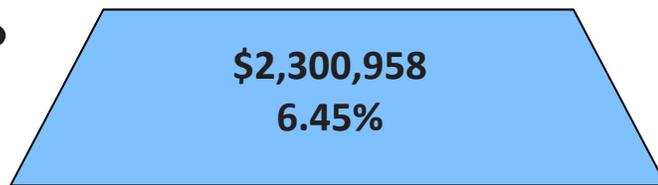
Surety Bond Fees

A \$15.00 fee is assessed when posting a surety bond and 1/3 of the fee goes to the Fair Defense Account.



State Bar Fees

A \$65.00 fee is assessed by the State Bar of Texas as part of each attorney's bar dues and 1/2 of the fee is allocated to the Fair Defense Account.



General Revenue

The 84th Legislature provided \$7.5 M new general revenue for indigent defense for the 2016-2017 biennium.



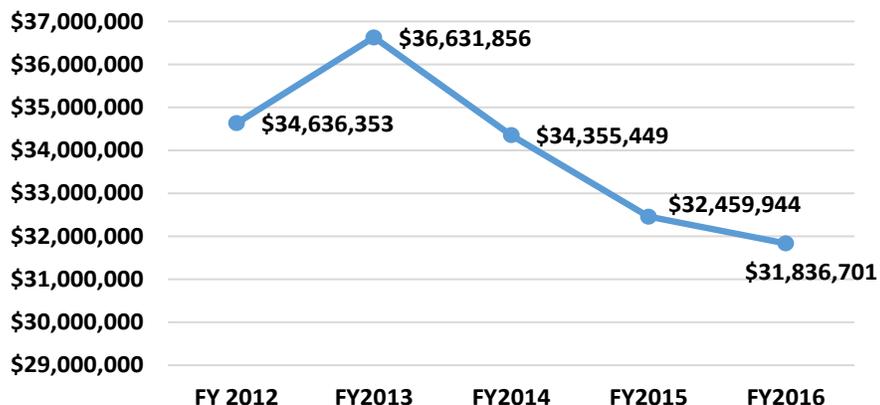
Court Costs

Court costs are paid by a defendant upon conviction for a range of offenses from fine only misdemeanors to felonies.

Court costs consist of two different types of costs that have been implemented since the passage of the Fair Defense Act: original court costs and juror pay court costs.



GR-Dedicated Fair Defense Account Revenue



Grant Disbursements

From FY 2016 funds the Commission disbursed \$25,056,873 in formula grants and \$6,494,644 in discretionary grants for a total statewide distribution of \$31,551,517.

Formula Grants are calculated based on a combination of population and county indigent defense expenditures. The amount is based upon a county's percentage of state population and percentage of state indigent defense expenses multiplied by the Commission's budgeted amount for formula grants. In FY 2016, all counties qualified and received disbursements totaling \$25,056,873, which represents 79.42 percent of total grants disbursed. This amount includes \$1.1 million supplemental funding disbursed to thirteen counties for capital defense -- Bexar, Cameron, Collin, Dallas, Denton, El Paso, Fort Bend, Harris, Montgomery, Nueces, Tarrant, Travis, and Williamson. The Commission also disbursed \$48,886 from the FY 2014 budget year and \$32,691 from the FY 2015 budget year to Maverick County.

Discretionary Grants include these four types of grants:

Competitive Discretionary Grants.

In 2016, the Commission disbursed \$5,850,861 in competitive discretionary grants, which represents 18.54 percent of total grants disbursed. A summary of these disbursements is shown in Table 1.

Table 1: Competitive Discretionary Grant Disbursements

| County | Program | Amount |
|--|---|--------------------|
| Statewide/Regional Program | | |
| Lubbock | Regional Public Defender Office for Capital Cases | \$3,530,400 |
| Programs Serving Rural Areas | | |
| Bee | Regional Public Defender (Bee, Live Oak, McMullen, and Willacy Counties) | \$ 406,654 |
| Texas Tech | Caprock Regional Public Defender Office | \$ 185,366 |
| Mental Health Programs | | |
| Bexar | Early Representation of Defendants with Mental Illness | \$ 188,674 |
| Collin | Mental Health Managed Assigned Counsel Program | \$ 53,193 |
| Coryell | Mental Health Contract Defender | \$ 38,475 |
| Kaufman | Mental Health Attorney/Advocate Team | \$ 14,020 |
| Wichita | Mental Health Social Worker for Public Defender Office | \$ 12,181 |
| Managed Assigned Counsel Programs (MAC) | | |
| Travis | Capital Area Private Defender Service | \$ 503,945 |
| Specialized Defender Programs | | |
| Dallas | Immigration/Criminal Law Program | \$ 41,596 |
| El Paso | Problem Solving Court Attorney | \$ 18,530 |
| Fort Bend | Veterans Court Contract Defender Program | \$ 6,000 |
| Public Defender Programs | | |
| Fort Bend | Public Defender Office | \$ 664,835 |
| Technology and Process Improvement Programs | | |
| Bell | Implement Upgraded Indigent Defense Software System | \$ 58,547 |
| Lubbock | Pre-Trial Indigence Screening Program | \$ 28,445 |
| Tarrant | Multi-County Implementation of Indigent Defense Management Software | \$ 100,000 |
| TOTAL | | \$5,850,861 |

Extraordinary Grants. In 2016, the Commission disbursed \$369,926 in extraordinary grants, as shown in Table 2, which represents 1.17 percent of total grants disbursed.

Table 2: Extraordinary Grant Disbursements

| County | Amount Disbursed |
|--------------|-------------------|
| Kaufman | \$ 319,926 |
| Willacy | \$ 50,000 |
| TOTAL | \$ 369,926 |

Technical Support Grants. The Commission disbursed \$237,302 for Technical Support Grants, as shown in Table 3, which represents .75 percent of total grants disbursed.

Table 3: Technical Support Grant Disbursements

| County | Amount Disbursed |
|--------------|-------------------|
| Harris | \$ 187,749 |
| Travis | \$ 49,553 |
| TOTAL | \$ 237,302 |

Targeted Specific Grants. The Commission disbursed \$36,555 to El Paso County for a targeted specific grant, which represents .12 percent of total grants disbursed.

Discretionary Grant Disbursements for Award Obligations. The Commission also disbursed \$609,499 in obligations from the FY 2014 budget year and \$1,220,401 from the FY 2015 budget year, as shown in Table 4.

Table 4: Discretionary Grant Disbursements for Award Obligations

| County | Fiscal Year | Amount Disbursed |
|--------------|-------------|--------------------|
| Tarrant | 2014 | \$ 304,630 |
| Harris | 2014 | \$ 304,869 |
| TOTAL | | \$ 609,499 |
| | | |
| Bell | 2015 | \$ 346,481 |
| Collin | 2015 | \$ 60,250 |
| El Paso | 2015 | \$ 788,165 |
| Comal | 2015 | \$ 25,505 |
| TOTAL | | \$1,220,401 |

Innocence Projects Disbursements

In addition to its core mission of supporting county indigent defense systems, the Commission also administers legislatively directed funds to Texas public law schools to operate innocence projects. For the FY 2016-17 biennium the Texas Legislature appropriated \$1,200,000, or \$200,000 per law school per biennium.

| Law School | Amount Disbursed |
|--|-------------------|
| University of Houston Law Center | \$ 78,555 |
| The University of Texas School of Law | \$ 0 |
| Thurgood Marshall School of Law at Texas Southern University | \$ 75,000 |
| Texas Tech University School of Law | \$ 64,681 |
| University of North Texas Dallas College of Law | \$ 0 |
| Texas A&M University School of Law in Fort Worth | \$ 100,000 |
| TOTAL | \$ 318,236 |

Formula Grant Disbursements

| County | Amount | County | Amount | County | Amount | County | Amount | County | Amount |
|---------------|-------------|------------|-------------|------------|-----------|---------------|-----------|--------------|---------------------|
| Anderson | \$55,562 | Crosby | \$9,143 | Henderson | \$75,218 | McCulloch | \$12,556 | Somervell | \$9,952 |
| Andrews | \$18,791 | Culberson | \$5,191 | Hidalgo | \$659,127 | McLennan | \$273,512 | Starr | \$42,849 |
| Angelina | \$72,117 | Dallam | \$10,930 | Hill | \$40,202 | McMullen | \$5,847 | Stephens | \$15,735 |
| Aransas | \$28,547 | Dallas | \$2,642,199 | Hockley | \$23,139 | Medina | \$37,277 | Sterling | \$6,198 |
| Archer | \$10,573 | Dawson | \$14,701 | Hood | \$49,299 | Menard | \$7,047 | Stonewall | \$6,037 |
| Armstrong | \$6,199 | Deaf Smith | \$21,852 | Hopkins | \$31,789 | Midland | \$143,342 | Sutton | \$9,108 |
| Atascosa | \$44,951 | Delta | \$7,969 | Houston | \$26,625 | Milam | \$27,014 | Swisher | \$9,911 |
| Austin | \$23,436 | Denton | \$512,234 | Howard | \$31,061 | Mills | \$9,026 | Tarrant | \$1,764,666 |
| Bailey | \$10,360 | DeWitt | \$24,873 | Hudspeth | \$7,049 | Mitchell | \$12,337 | Taylor | \$134,571 |
| Bandera | \$21,154 | Dickens | \$8,203 | Hunt | \$129,466 | Montague | \$21,761 | Terrell | \$5,778 |
| Bastrop | \$64,542 | Dimmit | \$8,819 | Hutchinson | \$20,024 | Montgomery | \$533,512 | Terry | \$19,460 |
| Baylor | \$9,530 | Donley | \$7,527 | Irion | \$5,871 | Moore | \$30,485 | Throckmorton | \$6,239 |
| Bee | \$30,611 | Duval | \$15,623 | Jack | \$11,854 | Morris | \$15,460 | Titus | \$27,383 |
| Bell | \$272,182 | Eastland | \$24,691 | Jackson | \$19,611 | Motley | \$4,110 | Tom Green | \$117,804 |
| Bexar | \$1,406,510 | Ector | \$118,406 | Jasper | \$37,511 | Nacogdoches | \$51,400 | Travis | \$1,033,314 |
| Blanco | \$12,107 | Edwards | \$6,855 | Jeff Davis | \$6,717 | Navarro | \$50,430 | Trinity | \$15,893 |
| Borden | \$2,200 | El Paso | \$947,871 | Jefferson | \$211,034 | Newton | \$16,113 | Tyler | \$21,602 |
| Bosque | \$16,064 | Ellis | \$145,992 | Jim Hogg | \$8,498 | Nolan | \$19,733 | Upshur | \$35,528 |
| Bowie | \$78,200 | Erath | \$46,445 | Jim Wells | \$35,941 | Nueces | \$357,167 | Upton | \$8,649 |
| Brazoria | \$255,222 | Falls | \$24,746 | Johnson | \$123,429 | Ochiltree | \$14,560 | Uvalde | \$21,162 |
| Brazos | \$223,642 | Fannin | \$29,310 | Jones | \$18,856 | Oldham | \$8,041 | Val Verde | \$41,644 |
| Brewster | \$12,237 | Fayette | \$23,074 | Karnes | \$14,854 | Orange | \$56,941 | Van Zandt | \$49,887 |
| Briscoe | \$3,344 | Fisher | \$6,981 | Kaufman | \$107,533 | Palo Pinto | \$25,993 | Victoria | \$78,481 |
| Brooks | \$9,748 | Floyd | \$8,727 | Kendall | \$27,584 | Panola | \$27,232 | Walker | \$56,833 |
| Brown | \$46,798 | Foard | \$4,650 | Kenedy | \$5,753 | Parker | \$129,565 | Waller | \$49,439 |
| Burleson | \$27,557 | Fort Bend | \$600,303 | Kent | \$3,950 | Parmer | \$8,435 | Ward | \$16,101 |
| Burnet | \$51,305 | Franklin | \$14,727 | Kerr | \$54,604 | Pecos | \$19,921 | Washington | \$42,929 |
| Caldwell | \$39,990 | Freestone | \$20,815 | Kimble | \$8,612 | Polk | \$62,212 | Webb | \$304,990 |
| Callhoun | \$24,865 | Frio | \$16,939 | King | \$1,000 | Potter | \$136,848 | Wharton | \$31,512 |
| Callahan | \$13,179 | Gaines | \$18,328 | Kinney | \$7,469 | Presidio | \$9,943 | Wheeler | \$12,918 |
| Cameron | \$331,894 | Galveston | \$262,802 | Kleberg | \$31,846 | Rains | \$11,322 | Wichita | \$172,860 |
| Camp | \$15,349 | Garza | \$12,893 | Knox | \$7,095 | Randall | \$104,967 | Wilbarger | \$14,450 |
| Carson | \$12,234 | Gillespie | \$21,410 | La Salle | \$11,211 | Reagan | \$7,895 | Willacy | \$36,292 |
| Cass | \$32,310 | Glasscock | \$2,300 | Lamar | \$52,004 | Real | \$7,209 | Williamson | \$334,610 |
| Castro | \$10,595 | Goliad | \$12,061 | Lamb | \$16,333 | Red River | \$17,525 | Wilson | \$36,236 |
| Chambers | \$35,019 | Gonzales | \$27,971 | Lampasas | \$19,688 | Reeves | \$16,791 | Winkler | \$11,264 |
| Cherokee | \$40,057 | Gray | \$27,368 | Lavaca | \$17,437 | Refugio | \$11,745 | Wise | \$54,451 |
| Childress | \$12,844 | Grayson | \$109,192 | Lee | \$20,726 | Roberts | \$2,750 | Wood | \$37,924 |
| Clay | \$11,683 | Gregg | \$126,901 | Leon | \$15,265 | Robertson | \$22,532 | Yoakum | \$10,650 |
| Cochran | \$6,958 | Grimes | \$30,194 | Liberty | \$70,096 | Rockwall | \$61,023 | Young | \$63,886 |
| Coke | \$7,162 | Guadalupe | \$99,658 | Limestone | \$27,212 | Runnels | \$12,739 | Zapata | \$4,153 |
| Coleman | \$12,008 | Hale | \$33,906 | Lipscomb | \$6,937 | Rusk | \$36,842 | Zavala | \$12,204 |
| Collin | \$738,480 | Hall | \$10,141 | Live Oak | \$14,548 | Sabine | \$12,005 | TOTAL | \$25,056,873 |
| Collingsworth | \$7,347 | Hamilton | \$10,398 | Llano | \$20,138 | San Augustine | \$10,201 | | |
| Colorado | \$23,016 | Hansford | \$8,847 | Loving | \$5,355 | San Jacinto | \$23,230 | | |
| Comal | \$96,272 | Hardeman | \$8,302 | Lubbock | \$329,021 | San Patricio | \$55,217 | | |
| Comanche | \$14,589 | Hardin | \$54,170 | Lynn | \$8,340 | San Saba | \$9,184 | | |
| Concho | \$7,856 | Harris | \$4,033,657 | Madison | \$16,079 | Schleicher | \$8,071 | | |
| Cooke | \$41,098 | Harrison | \$68,615 | Marion | \$14,295 | Scurry | \$17,250 | | |
| Coryell | \$57,593 | Hartley | \$10,364 | Martin | \$7,808 | Shackelford | \$7,013 | | |
| Cottle | \$6,022 | Haskell | \$10,665 | Mason | \$7,572 | Shelby | \$25,880 | | |
| Crane | \$8,590 | Hays | \$120,871 | Matagorda | \$28,943 | Sherman | \$7,608 | | |
| Crockett | \$10,811 | Hemphill | \$8,328 | Maverick | \$31,864 | Smith | \$180,560 | | |



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