Improvement Grant Training

FY 2020 Application Cycle
February 5, 2019

Please stand by, the training will begin shortly.
The mission of the Texas Indigent Defense Commission is to provide 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.
What We Do

Oversight
- ID Plans
- ID Expenditure Report
- Policy Monitoring
- Fiscal Monitoring

Improvement
- Training
- Publications
- Presentations
- T.A.

Funding
- Formula Grants
- Improvement Grants
- Innocence Projects
What We Will Cover Today

• Improvement grant (AKA “discretionary grant”) program overview and requirements
• Ideas for exploring new grant projects
• Examples of grant funded programs
• How to apply
• Tips for successful applications
Improvement Grant Program
Overview and Requirements
Grant Types

• **Formula Grants**
  • Based on combination of population and indigent defense spending.
  • All counties routinely receive them
  • Reimburse a small fraction of indigent defense costs

• **Improvement Grants**
  • Program-Specific Funding
  • Help counties start up new programs
  • Transform the system to improve indigent defense
  • Aimed at permanent programs sustainable beyond end of grant
FY18 TIDC Grants to Counties

- $6.7 million Improvement Grants
- $23.3 million Formula Grants
Improvement Grant Program

- Competitive (evaluated by committee of outside reviewers)
- Grant payments made on a reimbursement basis
- Require county matching funds
- Develop new programs or processes to improve indigent defense services
- Support policy initiatives and strategic objectives of TIDC
FY 2020 Improvement Grant Request for Applications (RFA)

Available on TIDC Website Under “Grants and Reporting” Tab


Essential Reading!

Section I: Overview

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 may provide Improvement Grants for any program that improves the provision of indigent defense services.

Period for Funding and Program Operation: October 1, 2019 to September 30, 2020.

Application Due Dates: Applications must be submitted online through the Commission’s Grant and Plan Management Website (http://tidc.tamu.edu). New applications for Improvement Grants follow a two-tier process.

- First, applicants must submit a brief Intent to Submit Application (ISA) by 5pm on March 11, 2019.
- Second, applicants that receive a Notice to Proceed with Full Application must submit by 5pm on May 10, 2019.
- Streamlined “Menu-Option” applications for certain types of standardized programs (see below) must be submitted by 5pm on May 10, 2019 and do not require an ISA. Late or incomplete submissions will not be accepted.

Improvement Grant Categories

Multi-Year Improvement Grants

- Minimum of $50,000 per application.
- Funding for direct client service programs that represent indigent defendants.
- Typically pays up to 80% of total project costs for the first year; 60% for the second year; 40% for the third year; and 20% for the fourth year.
- Awards for multi-year programs are made each fiscal year, with funding of eligible expenses provided on a reimbursement basis. Grantees will be required to re-apply for continued funding each grant year.
- Require a cash match as described above.

Single-Year Improvement Grants

- Minimum of $5,000 per application.
- Funding for indigent defense process improvement projects including technology projects.
- These projects require a cash match as detailed in Section II below.
FY2020 Discretionary Grant Timeline

- Request for Application (RFA) issued January 2019
- Intent to Submit Application due March 11, 2019
- Full Applications due May 10, 2019
- Start Date for Funded Programs October 1, 2019
More FY2020 Funding Details

- Grant period: October 1, 2019 to September 30, 2020
- Quarterly fiscal and progress reports required
- Multi-year programs awarded year by year
Discretionary Grant Program

Priority Program Areas

• Managed indigent defense programs that put in place mechanisms to ensure quality representation. This includes but is not limited to managed assigned counsel and public defender programs.
• Regional indigent defense services.
• Specialized (mental health, juvenile, capital, etc.) indigent defense services.
• Programs that serve rural areas.
• Programs that measure the quality of representation for indigent defendants.
• Online indigent defense management systems.
TIDC Discretionary Grants

Key Points

• Online Application
• Competitive Process
• Program must be specific to indigent defense
• Counties must be in compliance with requirements of the Fair Defense Act
• Two-Tier Application
• Discretionary Grant Types
  • Single Year/Multi-Year/Menu Option
Multi-Year Grant Program

• For Direct Client Service Programs
• Minimum application of $50,000
• County match requirement
• Standard Reimbursement Model
  • Usually 80-60-40-20% of awarded activity for 4 years
• Grantees commit to continue program after grant period
Single Year Grant Program

- Funding for indigent defense process improvement projects that may include technology projects.

- Minimum request of $5,000

- Requires County Match- see RFA p.7 for details.
“Menu Option” Grants

• Special streamlined application process for two types of single-year grant projects:
  -- Indigent Defense Coordinator Programs
  -- Videoconferencing Systems
    (Specific indigent defense-related uses)

• May fund 50% of program costs up to maximum award of $50,000.
Indigent Defense Coordinators

• Improve appointment process and compliance with the Fair Defense Act
• Dedicated staff person performs appointments based on the wheel (authority delegated by judges)
• Review attorney vouchers for consistency with fee schedule prior to judicial approval
• Develop procedures for tracking attorney contact with clients
• Tracks compliance with attorney CLE
• Tracks and reports on complaints
• Regularly reports to judges.
Front-end Timelines & Processing Issues

Issue 1:
No date/time of arrest recorded, so time to magistration not determinable

Issue 2:
No timely transfer of request

Issue 3:
Denials of indigence are often not documented, so timely determination may not be determinable

Issue 4:
Pre-case filing events not centrally tracked, so timely processing not determinable

Issue 5:
When requests for counsel are not filed with clerk the judge may accept a waiver of counsel that is invalid because request was not ruled upon
Indigent Defense Videoconferencing

Must be focused on one or more of three indigent defense related functions:

• Facilitating attorney/client communication for defendants in custody

• Prompt magistration of arrestees

• Facilitating determinations of eligibility for court appointed counsel
“Preferred” Applications

- Develop model programs (replicable)
- Involve multiple counties coordinating program implementation
- Demonstrate long-term commitment
- Include county matching funds in budget
- Projects have minimal or no indirect cost
- From counties with a population less than 250,000
Ideas for Exploring New Grant Projects
Getting Started: Dialogs with Stakeholders

- **District and County Court Judges** – Their support and participation is essential and required for grants
- **Constitutional County Court Judges and Commissioners** – Also essential, budget implications (grants require county matching funds)
- **JPs and Magistrate Judges** – Involved in processing requests for counsel, key timelines for appointment
- **Sheriffs** – Jail population, mentally ill inmates, attorney visits
- **Auditors** – System costs, efficiency of payment processing and required reporting
- **Defense Bar** – Needed resources, other challenges
- **Local Mental Health Authority** – Key in planning programs for representing mentally ill defendants
- **Others** - Community leaders/advocates engaged on CJ issues
Getting Started: Questions to Help Identify Opportunities for Improvement

- What are the challenges we face in indigent defense?
- Is there confidence that the county knows what it is getting for its money in indigent defense spending?
- Is the quality of representation monitored? Does the system have effective oversight and accountability?
- Are we tracking the right data to evaluate our indigent defense system and its compliance with the Fair Defense Act?
- Are jail costs higher than they should be because of indigent defense-related delays and unnecessary incarceration?
- Could a different approach to providing services improve quality or provide cost savings?
- Are there delays moving the docket related to defense counsel availability?
- Is there a risk of defendants without counsel getting lost in the system?
Getting Started: Questions to Help Identify Opportunities for Improvement

- Are significant numbers of mentally ill defendants cycling through the system?
- Are defendants getting prompt access to counsel?
- Are there effective and efficient processes for managing indigent defense?
- Is the processing of indigent defense payments accurate and efficient?
- Are there difficulties in preparing state-required indigent defense expenditure reporting?
- Are attorney appointment processes fair and neutral?
- Do new providers of indigent defense have opportunities for meaningful mentoring?
Regional Programs

• Smaller counties may not have the critical mass of indigent cases to justify new a new program on their own.
• Counties *can* collaborate on regional programs.
• A “lead” county applies for a grant on behalf of group of participating counties.
• Regional programs are structured through inter-local agreements.
• Participating counties pay the lead (or host) county for their share of program cost.
Examples of Grant Funded Programs
Discretionary Grant Program Examples

- Public Defender Programs (local and regional)
- Managed Assigned Counsel Programs
- Indigent Defense Coordinators
- Programs for Defendants with Mental Illness
- Technology Programs for Indigent Defense Process Management
- Criminal/Immigration Consulting Attorneys ("Padilla attorneys" focused on immigration-related collateral consequences)
Public Defenders

• Staff attorneys provide defense representation as a cohesive department

• Provide greater transparency, oversight, accountability and quality control

• Regularly staff court dockets and reduce delays due to attorney schedule conflicts

• Provide support services such as staff investigators, caseworkers, administrative support, training

• Supervision and professional development

• Can be a county department (like prosecutor) or contract with a non-profit organization (such as Texas Rio Grande Legal Aid)

• Can be regional program serving multiple counties
Managed Assigned Counsel Programs

• A relatively new option for Texas counties
• Rely on private attorneys to provide indigent defense services with the coordination and support of managing attorneys
• Provide access to support services, such as investigation, mental health caseworkers, and other specialized support
• Independence from the judiciary and more proactive coordination, management
• Quality control and professional development
• Some of the program’s biggest boosters are judges, who are relieved of the responsibility for coordinating defense services, which for many is a distraction from their core responsibilities.
Counties with Public Defender or Managed Assigned Counsel

Texas

- Counties with a Public Defender
- Counties with a Managed
- Both Public Defender and Managed Assigned Counsel Program
Rural Regional Public Defender Programs

Smaller counties that develop regional public defender programs MAY be eligible for some degree of ongoing sustainability funding after initial start-up funding depending on circumstances and availability of funds.
Specialized Mental Health Defender Programs

• Can be Public Defender or Managed Assigned Counsel

• In each model, specially trained lawyers coordinate with specially trained case workers to represent defendants with mental illness.

• Programs provide assistance to stabilize defendants and link them with treatment and resources to address issues that lead defendants into the criminal justice system.

• Can generate cost savings through diversion from jail, reduced recidivism
Mental Health Specialty Programs

Texas

MH Specialty Programs
Front-end Timelines & Processing Issues

48 hours
- Arrest

24 hours
- Magistration / Article 15.17 (Request for Counsel Taken)
- Request for Counsel Received by Appointing Authority

1 or 3 workdays
- Appointing Authority Determines Indigence and Notifies Counsel

1 workday
- Appointed Counsel Contacts Clients at Jail

Issue 1:
No date/time of arrest recorded, so time to magistration not determinable

Issue 2:
No timely transfer of request

Issue 3:
Denials of indigence are often not documented, so timely determination may not be determinable

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Issue 5:
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TechShare.Indigent Defense is a web-based solution designed to streamline processes across the justice system to ensure defendants are appointed attorneys based on county regulations, attorneys are paid electronically, and counties are accurately representing how tax dollars are spent.

**Participating Counties**
- Anderson County
- Bell County
- Brown County
- Coryell County
- Medina County
- Mills County
- Montgomery County
- Real County
- Tarrant County
- Uvalde County
- Victoria County

**System Benefits:**
- Increased transparency across departments
- Reporting capabilities for budgeting purposes
- Role-based features to increase local control
- Set custom parameters to qualify defendants
- All aspects of cases are handled electronically
- Defendants are appointed to attorneys based on county determined system
- Vouchers and payments handled electronically
- More accountability within the court system
- Streamlines roles and responsibilities within county
- Tracking for attorney continuing education
- Ensures compliance with the Fair Defense Act
- Accurate representation of how tax dollars are spent
Conference of Urban Counties TechShare Program

- Indigent Defense Management Software
- Cloud-Based
- Developed by Bell County with TIDC grant
- Upgraded by CUC TechShare with TIDC grant
- Currently operated in 18 counties

Streamlines indigent appointment and payment processes, tracks key data regarding compliance with Fair Defense Act requirements, enhances transparency in indigent defense practices, reduces the risk of unfair appointment practices through automation, and encourages uniform and fair procedures.
TechShare Indigent Defense Program Conference of Urban Counties

• Eligibility Screening – Defendant financial information is entered, analyzed and issues a recommendation on eligibility for an appointed attorney.

• Automates the selection and appointment of the next qualified attorney from the county’s appointment list based on charged offense.

• Attorneys submit electronic fee vouchers which are routed to judges for review and approval. Approved vouchers are sent electronically to the auditor for payment.

• Can be used to streamline preparation the Indigent Defense Expenditure Report (IDER)
How to Apply
Online Grant Applications

Grant applications are submitted online. County officials need login credentials to gain access to the application pages.

Contact Heather Caspers for password/log-in assistance.

tidc@ppri.tamu.edu
Phone: 979-845-1041

http://tidc.tamu.edu
Competitive Improvement Grants: Two-Tier Process

Tier-One (The ISA)

• Complete online Intent to Submit
• Secure letter of support from at least one judge

• Tier Two- Complete Application
  • On-line Application
  • Commissioners Court Resolution
  • Support from Stakeholders and Judges
  • Data Collection Cooperation Agreement
Online Intent to Submit Application (ISA)

• Problem statement (Why is program needed?)
• Objectives (What are the goals?)
• Activities (What will you do to accomplish these goals?)
• Evaluation (How will you measure success?)
• General cost estimate
• Include at least one letter of support from judge who will be involved in proposed program (submit via email).
Tier 2- The Full Grant Application

• ISA will be reviewed
• Responses (Notice to Proceed) will be sent out within 2 weeks
• Secure written support from courts, commissioners, or other involved parties (see RFA p. 7)
• E-mail scanned Commissioners Court resolution (RFA p. 12) and supporting documents to Commission
• Solicit review and input from stakeholders
• Work with TIDC staff
Problem Statement

• Use data to support
• If county does not collect data, explain how the grant will help provide data
• What drew attention to this issue?
• Why does this matter?
Objectives

• Do not enter activities here
• State the perfect outcome if funding works as intended
• USE SMART Goals (specific, measureable, attainable, realistic and time based)
  • Improve local representation - Provide 10 specially trained attorneys for people with MH diagnosis by January 1, 2019
  • Prompt Magistration – Reduce the time an arrested person is brought before a magistrate from 3 days to 1 day by October 31, 2019 by using videoconferencing.
Activities

• Two Parts
  • Implementation – Steps to start program
  • Operation- Activities of the program

• Provide details to help reviewers understand how activities meet objectives
Activities

• Address how grant proposal connects to existing programs (county departments & stakeholders)
• Be clear for outsiders – no jargon or undefined acronyms
• Describe contract selection or procurement process
• Contract monitoring process
Budget

• Must be reasonable
• Must be allowable
• Must be allocable
• Costs must be treated consistently with county policy
• Consistent with the activities described
Primary Budget Categories

- Personnel (salary, fringe)
- Travel
- Equipment and Supplies
- Contract Services
- Indirect (minimal if any)
- Multi-year grants indicate start-up and operating costs
Budget: Personnel (salary, fringe)

• Cost of employee wages and their benefits and payments required by law.
  • FICA match
  • Unemployment Insurance
  • Retirement (if eligible)
  • Healthcare

• Describe breakdown in narrative
Budget: Travel

- Travel is for the staff in personnel line
- Put Contractors’ travel in contract service line
- Include basis in narrative
Budget: Equipment

- Startup cost
- Only in first year
- Must include breakdown in narrative
- Estimates must have a basis
- Include all components
- Include all one time purchases
Budget: Supplies

• Some items may be startup cost

• Include ongoing operations costs (ex. rent if allowed, legal research, telephone line charges, monthly cell service plans, paper, etc.)
Budget for Contracts

• Must provide basis for costs or estimate
• Contract employees must meet common rule test established by IRS (otherwise they are employees)
• May include funds to monitor contractors
Think Ahead

- What data will demonstrate that your activities achieved the program objectives?
- How will that data be collected?
- Don’t just plan to document what you do, but also data that shows how what you do improves the system.
- Tie back directly to “SMART” objectives
- Qualitative and quantitative elements
Tips

• Carefully review the RFA and contact TIDC with any questions
• Complete ALL sections
• Complete ALL sections in the manner indicated
• Double check work before submitting
• Make sure to submit the ISA (brief first step) before March 11, 2019 due date.
• Call TIDC if you need help!
Forms & Attachments

• Online Submission of Application
• Commissioners Court Resolution
• Judicial Support
• Data Collection Agreements
• Other Supporting Documents
Resolution

Sample Resolution/Internet Submission Form
Indigent Defense Discretionary Grant Program

MUST BE PRINTED FROM ONLINE SYSTEM

WHEREAS, under the provisions of the Texas Government Code § 79.037 and Title 1 of the Texas Administrative Code Chapter 173, counties are eligible to receive grants from the Texas Indigent Defense Commission to provide improvements in indigent defense services in the county, and

WHEREAS, the commissioners court authorizes this grant program and application to assist the county in the implementation and the improvement of the indigent criminal defense services in this county, and

WHEREAS, ____________ County Commissioners Court has agreed that in the event of loss or misuse of the funds, ____________ County Commissioners assures that the funds will be returned in full to the Texas Indigent Defense Commission.

NOW THEREFORE, BE IT RESOLVED and ordered that the OFFICIAL DESIGNATED BY THE COMMISSIONERS’ COURT of this county is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Indigent Defense Discretionary Grant Program and all other necessary documents to accept said grant, and

BE IT FURTHER RESOLVED that the OFFICIAL DESIGNATED BY THE COMMISSIONERS’ COURT is designated as the Program Director for this grant and the County Auditor or County Treasurer, if the county does not have an auditor (per TAC § 173.301(a)) is designated as the Financial Officer for this grant.

Adopted this _____ day of ______________, 20__.

This is a Sample. Submitted resolution submitted MUST BE PRINTED FROM ONLINE SYSTEM

Attest:

________________________

County Clerk

INTERNET SUBMISSION FORM

After submitting the discretionary application online, the following Internet submission confirmation number was received #_______. This grant application submission was in accordance with the Commissioners’ Court Resolution above.

Authorized Official
Forms & Attachments

Attachment B

HARRIS COUNTY INDIGENT DEFENSE MULTI-YEAR DISCRETIONARY GRANT PROGRAM COOPERATION AGREEMENT

Harris County has applied for a discretionary grant from the Task Force on Indigent Defense (Task Force) to assist in funding Harris County Public Defender Office. Implementation of this program will affect the courts below. The undersigned judges agree to support and/or participate with the program pursuant to the county’s discretionary grant application to the Task Force and any special conditions of the grant award to the county. This commitment includes participating in the data collection efforts required in the program, as well as utilization of the services to be provided by the program.

To be considered for funding this program cooperation agreement must be signed by the judges of all of the statutory county/district courts hearing criminal matters punishable by incarceration or juvenile matters in the county.

Acknowledged and Approved by all statutory county/district courts hearing criminal matters punishable by incarceration or juvenile matters in the county:

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<th>Signature of Judge</th>
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<th>Printed Name and Title</th>
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Attachment B

FY2012 INDIGENT DEFENSE MULTI-YEAR DISCRETIONARY GRANT PROGRAM COOPERATION AGREEMENT

Harris County has applied for a discretionary grant from the Task Force on Indigent Defense (Task Force) to assist in funding Harris County Public Defender’s Office. Implementation of this program will affect the courts below. The undersigned judges agree to participate with the program pursuant to the county’s discretionary grant application to the Task Force and any special conditions of the grant award to the county. This commitment includes participating in the data collection efforts required in the program, as well as utilization of the services to be provided by the program.

To be considered for funding this program cooperation agreement must be signed by a representative of the board of judges all of the district courts hearing criminal matters punishable by incarceration or juvenile matters in the county.

Acknowledged and Approved by majority vote of district courts hearing criminal matters punishable by incarceration in the county:

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<th>Signature of Local Administrative</th>
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Review Process

- Each section is scored separately
- Scored outside stakeholder review committee
- Recommendations developed by TIDC staff based on internal review and outside review committee feedback
- The Grants and Reporting Committee of the Commission reviews, makes funding recommendations
- Full Commission votes to award grants
- Commission may offer substitutions or negotiate final program
FY2020 Discretionary Grant Timeline

- Request for Application (RFA) issued January 2019
- Intent to Submit Application due March 11, 2019
- Full Applications due May 10, 2019
- Start Date for Funded Programs October 1, 2019
Contact TIDC for help!

• We can:
  • Help you explore program ideas
  • Put you in touch with other counties that have implemented successful programs
  • Meet with you and your stakeholders to build consensus on a project plan
  • Provide feedback on application drafts

Edwin Colfax
Grant Program Manager
Texas Indigent Defense Commission
512-463-2508
ecolfax@tidc.texas.gov