

Funding for Mental Health Defender Programs

TIDC Indigent Defense Workshop
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Overview

- 1. Overarching Approach to Mental Health Defender Program Funding**
- 2. Different Models**
- 3. TIDC Grant Opportunities/Process**

Main Goals

- Improve the quality of representation for indigent defendants with mental health challenges.
- Improve legal outcomes by addressing charges in the context of often unmet MH needs.
- Reduce recidivism risks through advocacy for solutions that stabilize clients in their communities.

How? The Right Team

- Collaboration between lawyers and social workers and/or case managers.
- Attorneys need specialized training to effectively represent clients with mental illness.
- Social workers and case managers have expertise to understand client needs and the opportunities for addressing them.

Defense-Based Social Workers

- ❑ Advocates, navigators, fact-finders – not clinicians/treatment providers.
- ❑ Value-Adds
 - Careful assessment of client needs, challenges, history, context
 - Help develop case strategy involving mitigation
 - Assist with client communication
 - Referrals to community-based services
 - Develop release plans that support plea negotiations

Benefits

- Defense attorneys in better position to negotiate with prosecutors about case disposition
- Judges get a fuller picture of the defendant and are provided with well-informed alternatives to incarceration
- More defendants are diverted from jail to community resources that can address their needs

Models of MH Defender

- **Mental Health Public Defender Office**
 - **Staff attorneys and social workers provide direct services from a county department or non-profit**
 - **A division of a comprehensive program or a specialized program**

Models of MH Defender

- **Mental Health Managed Assigned Counsel Program**
 - **Managing attorneys and social workers provide coordination, resources, support and oversight**
 - **Representation by specially trained private attorneys**
 - **A division of a comprehensive program or a specialized MH Program**
 - **County department or non-profit**

TIDC Grants

- ❑ **Legislature appropriated \$5 million to TIDC restricted for Mental Health Public Defenders**
 - **Must be an existing public defender program**
 - **Can expand existing MHPD services or add MH services to PD**
 - **Approx. \$1.3 million still available**
 - **Narrow eligibility under this funding stream, but if not a fit, apply under regular TIDC grant program!**

TIDC Improvement Grants

- FY21 Request for Applications out now**
- Optional “Intent to Submit” due March 31**
- Full Application due May 11 (priority deadline)**
- Funding starts October 2020**

TIDC Improvement Grants

- New positions/programs only
- Indigent defense specific
- County matching funds required
- 4 Years of Step-Down Funding: 80/60/40/20
- Small rural regional public defenders may qualify for sustainability funding

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Getting Started: Key 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
- **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 and MH issues

Getting Started

Questions to Help Identify Opportunities for Improvement

- Are significant numbers of mentally ill defendants cycling through the system?
- Are jails challenged with large numbers of mentally ill defendants who really don't belong there?
- Are defendants with mental illness falling through the cracks and getting lost in the system?
- 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?
- Do attorneys appointed to represent defendants with mental illness have the knowledge and support staff to effectively represent their clients and improve outcomes?