

Final Response to TIDC Policy Monitoring Review Findings

Cameron County Indigent Defense / Pretrial Services

Submitted to:	Texas Indigent Defense Commission
Submitted by:	Cameron County Pretrial Services / Indigent Defense
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I. Purpose

Cameron County submits this response to address the findings issued by the Texas Indigent Defense Commission regarding Cameron County's indigent defense system.

Cameron County remains committed to ensuring timely access to court-appointed counsel and to complying with the Fair Defense Act, TIDC requirements, and the Cameron County Indigent Defense Plan.

This response outlines Cameron County's current practices and identifies the corrective actions that will be implemented to address each finding identified by TIDC.

II. General Response

Cameron County respectfully submits that Pretrial Services has established procedures in place to assist defendants who request court-appointed counsel, review financial affidavits, determine indigence, and process attorney appointments.

Cameron County Pretrial Services serves as the central point of contact for attorney appointment requests and indigency screening. The department assists defendants with the application process, reviews financial information under the Cameron County Indigent Defense Plan, and processes appointments through the appropriate courts.

Cameron County acknowledges TIDC's concerns regarding access to financial affidavit forms, timely indigency determinations, and the need to ensure that no additional requirements are imposed beyond those contained in the Cameron County Indigent Defense Plan.

The primary procedural change agreed upon with TIDC concerns access to financial affidavits for defendants processed through municipal courts. At the most recent Board of Judges meeting with TIDC, it was agreed that Cameron County Pretrial Services will provide financial affidavit forms to the municipal courts. The municipal courts will provide those forms to defendants who request counsel. Once completed, the affidavits will be returned to Pretrial Services so the department may review the affidavit and make an indigency determination.

Financial affidavit forms are also available online for defendants who wish to request court-appointed counsel. In addition, defendants who are transferred from municipal courts to Carrizales / Cameron County Magistrate Court will continue to be interviewed by Pretrial

Services on a 24/7 basis as part of the County's existing magistration and indigency screening process.

This additional municipal court procedure is intended to strengthen the existing process and ensure that defendants have direct access to the forms needed to request appointed counsel. It is not intended to replace the County's existing procedures, including online access to financial affidavit forms and 24/7 interviews conducted by Pretrial Services for defendants transferred to Carrizales / Cameron County Magistrate Court.

Cameron County submits this response as both an explanation of current procedures and a corrective action plan to address the findings identified by TIDC. The County will continue documenting requests for counsel, completed financial affidavits, indigency determinations, appointment processing, and any delays caused by incomplete information or defendant non-response.

Requirement 1: Conduct Prompt and Accurate Article 15.17 Proceedings

Finding 1

TIDC found that defendants who request counsel and make bail shortly after the Article 15.17 hearing cannot complete financial affidavits until they later schedule an interview with Pretrial Services and provide additional documents. TIDC recommended that Cameron County ensure reasonable assistance with completing financial affidavits, even if requesting defendants promptly make bail.

Cameron County Response

Cameron County has procedures in place for defendants to request court-appointed counsel and complete financial affidavits through Pretrial Services.

When defendants remain in custody, Pretrial Services is available to assist with the financial affidavit process. Defendants who are transferred from municipal courts to Carrizales / Cameron County Magistrate Court will continue to be interviewed by Pretrial Services on a 24/7 basis as part of the County's existing magistration and indigency screening process.

During this process, Pretrial Services will continue assisting defendants who request appointed counsel with the financial affidavit process. Financial affidavit forms are also available online for defendants who are released and wish to request court-appointed counsel after release.

When defendants make bond shortly after magistration, they are instructed to contact Pretrial Services to complete the appointment process.

Cameron County recognizes TIDC's concern regarding defendants who request counsel but promptly make bond. To strengthen the existing process, Cameron County will provide financial affidavit forms to municipal courts so that defendants requesting counsel at that level may receive the affidavit at the time of the request.

Completed affidavits will be returned to Pretrial Services for review and indigency determination under the Cameron County Indigent Defense Plan.

County Action

Cameron County will continue using Pretrial Services as the central point of contact for indigency screening and appointment processing. Cameron County will provide financial affidavit forms to municipal courts and request that the municipal courts provide those forms to defendants who request appointed counsel.

Cameron County will continue making financial affidavit forms available online. Defendants transferred from municipal courts to Carrizales / Cameron County Magistrate Court will continue to be interviewed by Pretrial Services on a 24/7 basis.

Cameron County will accept completed affidavits returned from municipal courts and defendants, review completed affidavits according to the Cameron County Indigent Defense Plan, and continue documenting requests for counsel, contact attempts, completed affidavits, determinations, and appointment processing.

Requirement 2: Determine Indigence According to Standards Directed by the Indigent Defense Plan

Finding 2

TIDC found that Cameron County used additional qualifications that are not part of the Cameron County Indigent Defense Plan, such as requiring defendants to obtain attorney quotes. TIDC recommended that the County follow the procedures for determining indigence as set out in the plan.

Cameron County Response

Cameron County determines indigence according to the Cameron County Indigent Defense Plan.

Pretrial Services reviews the defendant's financial affidavit and available financial information to determine whether the defendant qualifies for court-appointed counsel under the standards set out in the plan.

Cameron County acknowledges TIDC's concern regarding any practice that could be interpreted as an additional qualification before a defendant is allowed to request counsel or receive an indigency determination. Cameron County further acknowledges TIDC's concern regarding attorney quotes in misdemeanor cases.

Cameron County will ensure that defendants are not required to obtain attorney fee quotes as a condition of requesting appointed counsel, submitting a financial affidavit, or receiving an indigency determination. This includes misdemeanor cases and County Court at Law cases.

Any additional financial information requested by the department will be limited to information necessary to review eligibility under the approved Cameron County Indigent Defense Plan and will not be used to delay, deny, or prevent a defendant from requesting court-appointed counsel.

County Action

Cameron County will continue determining indigence according to the Cameron County Indigent Defense Plan. Defendants will be allowed to request appointed counsel and submit a

financial affidavit without being required to first obtain attorney fee quotes or satisfy any requirement outside the Indigent Defense Plan.

Cameron County will review written instructions, checklists, and procedures to ensure they accurately reflect the County's process and do not include requirements outside the Cameron County Indigent Defense Plan.

Finding 3

TIDC found that defendants must be allowed to obtain forms for requesting counsel and submit completed forms at any time after the initiation of adversary judicial proceedings. TIDC stated that defendants who wish to request appointed counsel must be allowed to do so upon request.

Cameron County Response

Cameron County agrees that defendants who request court-appointed counsel should have access to the financial affidavit form and should be allowed to submit the form for review.

Pretrial Services currently provides and reviews financial affidavits as part of the appointment process. Financial affidavit forms are also available online for defendants who wish to request court-appointed counsel after release or at any time after the initiation of adversary judicial proceedings.

Defendants who are transferred from municipal courts to Carrizales / Cameron County Magistrate Court will continue to be interviewed by Pretrial Services on a 24/7 basis. During this process, Pretrial Services will continue assisting defendants who request appointed counsel with the financial affidavit process.

The additional step agreed upon with TIDC is to provide financial affidavit forms directly to municipal courts so that defendants requesting counsel at that level can receive the form from the municipal court.

Completed affidavits will be returned to Pretrial Services so the department may make an indigency determination according to the Cameron County Indigent Defense Plan.

County Action

Cameron County will provide financial affidavit forms to municipal courts and request that the municipal courts provide the forms to defendants who request appointed counsel. Cameron County will continue making financial affidavit forms available through Pretrial Services and online.

Defendants transferred from municipal courts to Carrizales / Cameron County Magistrate Court will continue to be interviewed by Pretrial Services on a 24/7 basis. Pretrial Services will continue assisting defendants who request appointed counsel with the financial affidavit process.

Pretrial Services will accept completed affidavits returned from municipal courts and defendants, review completed affidavits for indigency determination, and process attorney appointment requests according to the Cameron County Indigent Defense Plan.

The department will continue documenting requests, completed forms, determinations, and any delays caused by incomplete information or defendant non-response.

Requirement 3: Establish Minimum Attorney Qualifications

Finding 4

TIDC found that, for FY24, there was no formal juvenile appointment list. TIDC recommended that the court appoint from a public appointment list as required by Article 26.04.

Cameron County Response

Cameron County notes that juvenile representation is primarily handled through the Cameron County Juvenile Public Defender's Office. When the Juvenile Public Defender's Office is unable to represent a juvenile, appointments must be made from a qualified appointment list.

Since January 2025, Pretrial Services has assisted with juvenile appointment procedures and has worked to recruit qualified attorneys for juvenile appointments.

Cameron County will maintain a formal juvenile appointment list for cases requiring outside appointed counsel and will ensure that attorneys on the list meet the required qualifications.

County Action

Cameron County will continue maintaining a formal juvenile appointment list for cases requiring outside appointed counsel. The County will ensure attorneys on the juvenile appointment list meet required qualifications, including applicable CLE requirements.

Cameron County will continue recruiting qualified attorneys for juvenile appointments and will use the juvenile appointment list when appointments are needed outside the Juvenile Public Defender's Office.

Requirement 4: Appoint Counsel Promptly

Finding 5: Felony Cases

TIDC found that Cameron County's felony appointment process did not meet TIDC's threshold for timely appointment of counsel. TIDC stated that the County must rule on requests for counsel within one working day.

Cameron County Response

Cameron County recognizes the importance of timely rulings on felony requests for appointed counsel.

Pretrial Services processes felony appointment requests by reviewing the defendant's completed financial affidavit and determining indigence under the Cameron County Indigent Defense Plan.

Delays most often occur when a defendant requests counsel, makes bond, and does not complete or return the financial affidavit. Cameron County recognizes TIDC's concern and will strengthen the process by ensuring that financial affidavit forms are made available to defendants who request appointed counsel, including defendants processed through municipal courts.

Financial affidavit forms are also available online, and defendants transferred from municipal courts to Carrizales / Cameron County Magistrate Court will continue to be interviewed by Pretrial Services on a 24/7 basis.

Once a completed financial affidavit is received, Pretrial Services will review the affidavit and make an indigency determination within the timeframe required by law and the Cameron County Indigent Defense Plan, including the one-working-day requirement identified by TIDC.

County Action

Cameron County will continue processing felony requests for appointed counsel through Pretrial Services. Cameron County will provide financial affidavit forms to municipal courts so defendants requesting counsel may receive the affidavit directly from the municipal court.

Cameron County will continue making financial affidavit forms available online and will continue conducting 24/7 interviews for defendants transferred from municipal courts to Carrizales / Cameron County Magistrate Court.

Pretrial Services will accept completed affidavits returned from municipal courts and defendants, review completed affidavits for indigency determination, and make indigency determinations within the required timeframe once a completed affidavit is received.

The department will track the date a request for counsel is received, the date a completed financial affidavit is received, and the date an indigency determination is made. Any delays caused by incomplete forms, missing information, or defendant non-response will continue to be documented.

Finding 6: Misdemeanor Cases

TIDC found that Cameron County's misdemeanor appointment process did not meet TIDC's threshold for timely appointment of counsel. TIDC stated that the County must rule on requests for counsel within one working day.

Cameron County Response

Cameron County recognizes the importance of timely rulings on misdemeanor requests for appointed counsel.

Pretrial Services processes misdemeanor appointment requests by reviewing the defendant's completed financial affidavit and determining indigence under the Cameron County Indigent Defense Plan.

Cameron County acknowledges TIDC's concern that defendants in misdemeanor cases should not be required to obtain attorney fee quotes or satisfy requirements outside the Cameron County Indigent Defense Plan before requesting appointed counsel or receiving an indigency determination.

Cameron County will ensure that misdemeanor defendants, including defendants in County Court at Law cases, are not required to obtain attorney quotes as a condition for requesting appointed counsel, submitting a financial affidavit, or receiving an indigency determination.

Financial affidavit forms are also available online, and defendants transferred from municipal courts to Carrizales / Cameron County Magistrate Court will continue to be interviewed by Pretrial Services on a 24/7 basis.

Once a completed financial affidavit is received, Pretrial Services will review the affidavit and make an indigency determination within the timeframe required by law and the Cameron County Indigent Defense Plan, including the one-working-day requirement identified by TIDC.

County Action

Cameron County will continue processing misdemeanor requests for appointed counsel through Pretrial Services. Defendants in misdemeanor cases will be allowed to request appointed counsel and submit a financial affidavit without being required to obtain attorney fee quotes or satisfy any requirement outside the Cameron County Indigent Defense Plan.

Cameron County will provide financial affidavit forms to municipal courts so defendants requesting counsel may receive the affidavit directly from the municipal court. Cameron County will continue making financial affidavit forms available online and will continue conducting 24/7 interviews for defendants transferred from municipal courts to Carrizales / Cameron County Magistrate Court.

Pretrial Services will accept completed affidavits returned from municipal courts and defendants, review completed affidavits for indigency determination, and make indigency determinations within the required timeframe once a completed affidavit is received.

The department will track the date a request for counsel is received, the date a completed financial affidavit is received, and the date an indigency determination is made. Any delays caused by incomplete forms, missing information, or defendant non-response will continue to be documented.

Requirement 5: Institute a Fair, Neutral, and Nondiscriminatory Attorney Selection Process

Finding 7: Juvenile Cases

TIDC found that the distribution of appointments in juvenile cases did not meet TIDC's threshold for presuming a fair, neutral, and nondiscriminatory appointment system. TIDC recommended that the courts put a system in place to ensure appointments are made fairly, neutrally, and without discrimination.

Cameron County Response

Cameron County notes that the Cameron County Juvenile Public Defender's Office handles most juvenile representation.

For cases where outside appointed counsel is needed, Cameron County will continue using a juvenile appointment list and will continue tracking appointments to support a fair, neutral, and nondiscriminatory process.

Cameron County will maintain a formal juvenile appointment list for cases requiring outside appointed counsel and will track appointments to ensure the appointment process remains fair, neutral, and nondiscriminatory.

The County will also continue efforts to recruit additional qualified juvenile attorneys so that appointments can be distributed appropriately when outside appointments are necessary.

County Action

Cameron County will continue maintaining a formal juvenile appointment list and will use the appointment list when outside appointed counsel is needed.

Cameron County will continue tracking juvenile appointments, reviewing appointment distribution periodically, and maintaining documentation to support a fair, neutral, and nondiscriminatory appointment process.

The County will also continue recruiting qualified juvenile attorneys.

Summary of Cameron County Action

The primary procedural change agreed upon with TIDC is the municipal court financial affidavit process.

Cameron County will provide financial affidavit forms to municipal courts and request that the municipal courts provide those forms to defendants who request appointed counsel. Completed affidavits will be returned to Pretrial Services for review and indigency determination under the Cameron County Indigent Defense Plan.

Cameron County will continue making financial affidavit forms available online. Defendants transferred from municipal courts to Carrizales / Cameron County Magistrate Court will continue to be interviewed by Pretrial Services on a 24/7 basis as part of the County's existing magistration and indigency screening process.

Cameron County will ensure that defendants are allowed to request appointed counsel and submit financial affidavits upon request. Cameron County will further ensure that attorney quotes are not required in misdemeanor cases, including County Court at Law cases, as a condition for requesting or receiving court-appointed counsel.

Cameron County will ensure that no requirement outside the Cameron County Indigent Defense Plan is used as a condition before a defendant may request appointed counsel or receive an indigency determination.

Pretrial Services will continue tracking requests for counsel, completed affidavits, indigency determinations, appointment processing, and any delays caused by incomplete information or defendant non-response.

Cameron County will also continue maintaining and using a formal juvenile appointment list when outside appointed counsel is needed. The County will continue tracking juvenile appointments, reviewing appointment distribution, and recruiting qualified juvenile attorneys to support a fair, neutral, and nondiscriminatory appointment process.

Conclusion

Cameron County remains committed to timely access to appointed counsel and continued compliance with the Fair Defense Act, TIDC requirements, and the Cameron County Indigent Defense Plan.

Cameron County has procedures in place for indigency screening and appointment processing through Pretrial Services. To strengthen access for defendants, Cameron County will provide financial affidavit forms to municipal courts so the forms can be provided directly to defendants who request counsel. Completed affidavits will be returned to Pretrial Services for review and indigency determination.

Cameron County will continue making financial affidavit forms available online and will continue conducting 24/7 interviews for defendants transferred from municipal courts to Carrizales / Cameron County Magistrate Court.

Cameron County will also ensure that defendants are not required to obtain attorney quotes or satisfy any requirement outside the Cameron County Indigent Defense Plan as a condition for requesting appointed counsel or receiving an indigency determination.

Cameron County appreciates TIDC's guidance and will continue working to ensure that its process remains clear, consistent, timely, fair, and compliant.

Respectfully submitted,

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