



TEXAS INDIGENT DEFENSE COMMISSION

Fiscal Monitoring Report

Navarro County, Texas

FY 2019 Indigent Defense Expenses

Final Report

April 23, 2021

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EXECUTIVE SUMMARY

The Texas Indigent Defense Commission (TIDC) conducted a fiscal monitoring desk review of Navarro County beginning on July 14, 2020. Email exchanges continued until November 3, 2020. The fiscal monitor reviewed financial records to determine whether grant funds were spent in accordance with the terms and conditions of TIDC grants.

TIDC reviewed the expenditure period of October 1, 2018 through September 30, 2019 (FY 2019).

SUMMARY OF FINDINGS

The FY 2019 Indigent Defense Expenditure Report (IDER) submitted in accordance with Texas Government Code Section §79.036(e) was not prepared in the manner required. Specifically, not all allowable expenditures were included on the IDER. Additionally, the attorney fees for one attorney were consolidated and reported as earned by another attorney on the detailed attorney report.

OBJECTIVE

The objectives of this review were to

- Determine the accuracy of the Indigent Defense Expenditure Report;
- Determine whether grant funds were used for authorized purposes in compliance with laws, regulations, and the provisions of the grant;
- Validate policies and procedures relating to indigent defense payments;
- Provide recommendations pertaining to operational efficiency; and
- Assist with any questions or concerns on the indigent defense program requirements.

SCOPE

TIDC reviewed the County's indigent defense expenditures to ensure compliance with applicable laws, regulations, and the provisions of the grants for FY2019. The records reviewed were provided by the Navarro County auditor's office. Compliance with other statutory indigent defense program requirements was not included in this review.

METHODOLOGY

To accomplish the objectives, the fiscal monitor coordinated emails with the county auditor.

The fiscal monitor reviewed

- Random samples of paid attorney fees;
- General ledger transactions provided by the Navarro County auditor's office;
- IDER;
- Attorney fee schedule;
- Any applicable contracts; and
- The County's local indigent defense plan filed with TIDC.

DETAILED REPORT

BACKGROUND INFORMATION

County Background

Navarro County was formed in 1846 from part of Robertson County. The County is named for Jose Antonio Navarro, a signer of the Texas Declaration of Independence. Navarro County is part of the Corsicana, TX Micropolitan Statistical area. The County seat is Corsicana.

Navarro County serves an estimated population of 50,263 and occupies an area of 1,086 square miles, of which 76 square miles is water. Navarro County is bordered by Ellis, Freestone, Henderson, Hill, and Limestone counties.

Navarro County is served by 1 district court, 1 county court-at-law court, and the constitutional county court.

Commission Background

In January 2002, the Texas Legislature established the Texas Task Force on Indigent Defense. In May 2011, the Legislature changed the agency's name to the Texas Indigent Defense Commission (TIDC) effective September 1, 2011. TIDC is a permanent standing committee of the Texas Judicial Council and is administratively attached to the Office of Court Administration (OCA).

TIDC 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.

TIDC's purpose is to promote justice and fairness for all indigent persons accused of crimes, including juvenile respondents, as provided by the laws and constitutions of the United States and the State of Texas. TIDC conducts these reviews based on the directive in Section 79.037(c) Texas Government Code, to "monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant...", as well as Section 173.401(a), Texas Administrative Code, which provides that "the Commission or its designees will monitor the activities of grantees as necessary to ensure that grant funds are used for authorized purposes in compliance with laws, regulations, and the provisions of the grant."

Formula Grant

The County submitted the FY 2019 indigent defense online grant application to assist in the provision of indigent defense services. Navarro County met the formula grant eligibility requirements and was awarded \$61,663 in formula grant.

DETAILED FINDINGS AND RECOMMENDATIONS

Finding One

Under Section §79.036(e) of the Texas Government Code, the county auditor or designated person shall prepare and send to the Commission in the form and manner prescribed by the Commission an analysis of the amount expended by the county for indigent defense in each court and in each case in which appointed counsel are paid. Navarro County prepared and submitted the FY 2019 IDER in accordance with Texas Government Code Section §79.036(e); however, the reported amounts were not supported by financial data provided. Specifically, not all allowable expenditures were included on the IDER.

TIDC reviewed the general ledger provided by Navarro County auditor's office. Spreadsheets that separated out the general ledger activity into the various categories for the IDER reporting were also provided. When reconciling the data from the spreadsheets to the IDER, TIDC noted that attorney fees for Motion to Revoke (MTR) cases were separated into a tab labeled as "Trash" and not included on the IDER. The attorney fees for MTR cases totaled \$79,601.79, while another \$7,531.25 in expenses that were not clearly marked as MTR cases were also included on the "Trash" tab and may have been eligible IDER expenses as well. MTR cases are eligible for inclusion on the IDER; therefore, the County underreported their IDER expenses. Because the amounts reported on the IDER are part of the basis for formula grant awards, the FY 2020 formula grant for Navarro County was less than would have been authorized.

Additionally, the attorney fees for James Polk were consolidated and reported as earned by Joseph Aguilar on the detailed attorney report for the County Court-at-Law.

Recommendation:

The County should be aware that expenses for appointed counsel on MTR cases are eligible and should be included on the County's IDER.

The County should develop an IDER review process to verify that the IDER supports the general ledger information before the IDER is submitted. This process should include documentation as to why attorney fees are not included when appropriate and a verification of the detailed attorney information.

Navarro County Action Plan

It was brought to our attention that some of the attorney fees for Motion to Revoke (MTR) cases were not included on the IDER. We have made adjustments to our procedures in reviewing MTR cases on our general ledger and to add those cases accordingly. Our future procedures will include, when appropriate, to verify detailed attorney information on cases not reported on the IDER.

Contact person(s): *Natalie Robinson*

Completion date: *April 9, 2021*

APPENDICES

APPENDIX A – INDIGENT DEFENSE EXPENDITURE REPORT

NAVARRO COUNTY INDIGENT DEFENSE EXPENDITURES			
Expenditures	2017	2018	2019
Population Estimate	49,267	50,187	50,263
Juvenile Assigned Counsel	\$7,250	\$13,748	\$11,473
Capital Murder	\$0	\$0	\$0
Adult Non-Capital Felony Assigned Counsel	\$483,583	\$559,180	\$602,572
Adult Misdemeanor Assigned Counsel	\$56,600	\$63,605	\$78,819
Juvenile Appeals	\$0	\$0	\$0
Adult Felony Appeals	\$25,978	\$28,116	\$21,089
Adult Misdemeanor Appeals	\$2,788	\$225	\$2,325
Licensed Investigation	\$17,356	\$23,180	\$16,861
Expert Witness	\$2,365	\$0	\$1,644
Other Direct Litigation	\$17,029	\$42,206	\$26,531
Total Court Expenditures	\$612,948	\$730,259	\$761,313
Administrative Expenditures	\$500	\$0	\$0
Funds Paid by Participating County to Regional Program	\$15,412	\$23,492	\$23,492
Total Public Defender Expenditures	NA	NA	NA
Total Court and Administrative Expenditures	\$628,860	\$753,751	\$784,805
Formula Grant Disbursement	\$66,256	\$50,025	\$53,840
Reimbursement of Attorney Fees	\$0	\$0	\$0
Reimbursement by State Comptroller for Writs of Habeas Corpus	\$0	\$0	\$0
Total Public Defender Cases	NA	NA	NA
Total Assigned Counsel Cases	1,119	1,257	1,173

Indigent Defense Expenditure Reporting

Source: Texas Indigent Defense Commission records

Navarro County				
Year	2017	2018	2019	Texas 2019
Population (Non-Census years are estimates)	49,267	50,187	50,263	28,901,062
Felony Charges Disposed (from OCA report)	982	1,099	1,151	275,037
Felony Cases Paid	751	847	685	222,860
% Felony Charges Defended with Appointed Counsel	76%	77%	60%	81%
Felony Trial Court-Attorney Fees	\$483,583	\$559,180	\$602,572	\$143,210,108
Total Felony Court Expenditures	\$520,333	\$608,684	\$645,314	\$160,275,769
Misdemeanor Charges Disposed (from OCA report)	1,470	1,852	2,203	452,953
Misdemeanor Cases Paid	337	366	453	209,641
% Misdemeanor Charges Defended with Appointed Counsel	23%	20%	21%	46%
Misdemeanor Trial Court Attorney Fees	\$56,600	\$63,605	\$78,819	\$47,236,136
Total Misdemeanor Court Expenditures	\$56,600	\$70,458	\$81,112	\$47,954,642
Juvenile Charges Added (from OCA report)	28	17	27	26,641
Juvenile Cases Paid	16	23	21	39,709
Juvenile Attorney Fees	\$7,250	\$13,748	\$11,473	\$10,795,227
Total Juvenile Expenditures	\$7,250	\$15,735	\$11,473	\$11,236,143
Total Attorney Fees	\$576,198	\$664,873	\$716,278	\$206,610,474
Total ID Expenditures	\$628,860	\$753,751	\$784,805	\$303,021,373
Increase in Total Expenditures over Baseline	712%	873%	913%	242%
Total ID Expenditures per Population	\$12.76	\$15.02	\$15.61	\$10.48
Commission Formula Grant Disbursement	\$66,256	\$50,025	\$53,840	\$23,290,906
Cost Recouped from Defendants	\$0	\$0	\$0	\$9,888,967

Source: Texas Indigent Defense Commission records

APPENDIX B – CRITERIA

Criteria

- Uniform Grant Management Standards
- Texas Government Code, Section 79.036. Indigent Defense Information
- Texas Government Code, Section 79.037. Technical Support; Grants
- Code of Criminal Procedures Art 26.04 Procedures for Appointing Counsel
- Code of Criminal Procedures Art 26.05 Compensation of Counsel Appointed to Defend
- Texas Administrative Code - Title 1, Part 8, Chapter 174 Subchapter A Rule 174.1
- Texas Administrative Code - Title 1, Part 8, Chapter 174 Subchapter A Rule 174.2
- Texas Administrative Code - Title 1, Part 8, Chapter 174 Subchapter B Definitions
- FY2019 Indigent Defense Expenditure Report Manual found at:
<http://www.tidc.texas.gov/documents/posts/2019/october/fy2019-indigent-defense-expenditure-report-manual/>

APPENDIX C – DISTRIBUTION LIST

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