Van Zandt County's responses for the Policy Monitoring Report Findings:

FINDING 1: At the Article 15.17 hearing, a magistrate must ensure the arrested person has reasonable assistance in completing the necessary forms for requesting counsel. The County must provide a method to ensure reasonable assistance in completing affidavits of indigence is provided at the time of the Article 15.17 hearing.
RESPONSE: Magistrates will provide reasonable assistance in the completion of forms for court appointed attorney. If additional assistance is needed, the Magistrate or Jail Staff will notify the Indigent Defense Coordinator immediately. The Indigent Defense Coordinator will assist the defendant in person.

FINDING 2: Article 15.17(a) requires requests for counsel and associated paperwork to be sent to the appointing authority within 24 hours of the request being made. The County must provide a method to ensure requests are sent to the appointing authority within 24 hours of the request.
RESPONSE: Sheriff's Department staff will email completed affidavits and supporting documents within one day of completion by the Magistrate.

FINDING 3 (FELONY CASES): Van Zandt County's felony appointment process did not meet TIDC's threshold for timely appointment of counsel (90% timely). Under Article 1.051(c)(2), district courts must rule on all requests for counsel within three working days. The County must implement practices that satisfy Article 1.051(c)(1)'s timeline.
RESPONSE: The Court's policies and procedures regarding felony appointment of counsel are amended as follows: Beginning instanter, the indigent defense coordinator, shall present to the Court all requests for counsel within two working days, whether the Defendant has provided all relevant and necessary information within that time period or not. The Court will then rule upon all such requests within one working day thereafter.

FINDING 4 (MISDEMEANOR CASES): Van Zandt County's misdemeanor appointment process did not meet TIDC's threshold for timely appointment of counsel (90% timely). Under Article 1.051(c)(2), statutory county courts must rule on all requests for counsel within three working days. The County must implement practices that satisfy Article 1.051(c)(1)'s timeline.
RESPONSE: The Court's policies and procedures regarding misdemeanor appointment of counsel are amended as follows: Beginning instanter, the indigent defense coordinator, shall present to the Court all requests for counsel within two working days, whether the Defendant has provided all relevant and necessary information within that time period or not. The Court will then rule upon all such requests within one working day thereafter.

FINDING 5 (MISDEMEANOR CASES): The County does not have processes in place to ensure all misdemeanor requests for counsel are ruled upon prior to a defendant's waiver of counsel. As required by Article 1.051(f-2), the court must rule upon a request for counsel prior to a defendant's waiver of the right to retain counsel.

RESPONSE: The Court's policies and procedures regarding misdemeanor appointment of counsel are amended as follows: Prior to the Court's call of any criminal matter wherein a Defendant is not represented by retained or appointed counsel, the Court's criminal coordinator, in conjunction with the indigent defense coordinator, shall investigate whether said criminal Defendant has made application for court appointed counsel that has not yet received a ruling and note the docket accordingly. The Court will then consider and rule upon said application before proceeding with hearing and before taking up any request by a Defendant to waive counsel.

Respectfully,

Patti Tabraham

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