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To: Texas Indigent Defense Commission  
From: Lubbock County Court Administration

**Subject: Response to January 2025 Policy Monitoring Report**

Lubbock County appreciates the Texas Indigent Defense Commission's (TIDC) Policy Monitoring Review and the opportunity to respond to the findings outlined in the January 2025 report. We are grateful for the professional collaboration, and we value both the recognition of our strengths and the constructive feedback on areas for improvement.

We respectfully note that the review was based on FY2022 data, a period during which Lubbock County was undergoing multiple systemic changes. In FY2023, our office implemented key improvements that enhanced documentation, inter-agency coordination, and system responsiveness—particularly in support of statutory compliance and TIDC performance expectations.

**Finding 1 – Reasonable Assistance in Completing Request Forms at Article 15.17 Hearings**

*TIDC Finding: Individuals who post bond prior to financial interview do not always receive assistance in completing forms to request counsel at the time of the Article 15.17 hearing.*

**County Response and Corrective Action**

Lubbock County acknowledges that, in the case of individuals who promptly post bail, the ability to provide immediate assistance in completing indigence forms may be affected by limited time and contact during or following the Article 15.17 hearing. The County further acknowledges that staff did not always document a decision on partially completed or unsubmitted applications, as should have occurred.

To address this, the following corrections and improvements have been addressed with staff:

1. **Revised Magistration Protocols** – All magistrates will continue to verbally confirm and document an individual's request for counsel.

2. **Improved Documentation Standards** – Staff have been directed to document all indigence application outcomes, including when forms are not submitted, are incomplete, or are deferred due to prompt release.
3. **Post-Bond Outreach Process** – For individuals released before a financial interview and the application is incomplete, our Indigent Defense Coordinator will deny the request indicating that it is an incomplete application, and a denial letter is sent to their last known address with a personal or pretrial bond, or, to the individual’s bonding company if surety.
4. **Staff Training and Quality Control** – We have incorporated this issue into staff training and have flowcharted internal procedures to ensure ongoing compliance and auditability of assistance at the point of release.

### **Findings 2 & 3 – Untimely Appointment of Counsel in Felony and Misdemeanor Cases**

*TIDC Finding:* Only 74% of felony requests resulted in timely appointment (below the 90% compliance threshold).

*TIDC Finding:* Only 70% of misdemeanor requests resulted in timely appointment (below the 90% compliance threshold).

### **County Response and Corrective Action**

Lubbock County recognizes the importance of meeting statutory timelines under Article 1.051(c)(2) for appointing counsel within one working day after a request is received. We also acknowledge the reported timeliness rates from FY2022 fell short of the compliance benchmark and are hopeful FY2023 and forward years will meet the compliance thresholds.

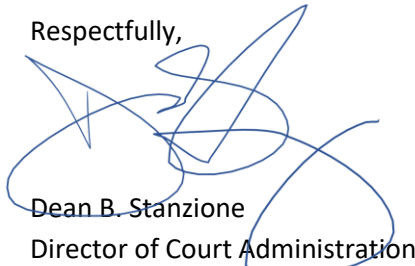
Based on internal reviews and operational data, we believe we have found a couple underlying issues which relate less to delays in determining indigence and more to two specific factors that create the delayed appointments in official records:

1. **Referral-to-Assignment Timing Gap** – In both felony and misdemeanor cases, the Indigent Defense Coordinator typically makes a timely referral to LPDO after indigence is determined. The time taken by LPDO to assign counsel—even if only marginally delayed—can extend beyond the statutory window in some instances due to availability of attorneys or coordination needs within the managed assigned counsel panel structure.
2. **Clerk File-mark** – There are instances where the notice of appointment is filed by the clerk with a date that reflects system entry, not the actual date LPDO made the assignment. This procedural issue can make timely appointments appear late when reviewing case file data.

These enhancements were fully implemented consistently by FY2024 and should address both systemic and procedural contributors to the findings. We anticipate measurable improvement in compliance rates and look forward to the opportunity to demonstrate this in the next review cycle.

Lubbock County remains fully committed to ensuring that every individual's right to counsel is upheld with timeliness, equity, and procedural integrity. We appreciate TIDC's guidance and collaboration in identifying opportunities for refinement and acknowledge the importance of accurate documentation and prompt action in preserving these constitutional protections. The reforms implemented since FY2022 reflect our dedication to continuous improvement, and we welcome the Commission's future review as an opportunity to validate the impact of those efforts. Please do not hesitate to reach out if additional information or clarification is needed as part of the follow-up process.

Respectfully,



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