



## **Recommended Functionality and Data Guidelines for Indigent Defense Technology Projects**

The Texas Indigent Defense Commission (TIDC) recognizes the potential benefits for indigent defense of technology projects that facilitate the tracking of key indigent defense data, automate indigent defense processes, document compliance with statutory requirements, and assist counties in ensuring the quality of services provided. This document outlines TIDC’s preferred functionality, data tracking and reporting capabilities for indigent defense process management technology projects. While these guidelines are intended to guide comprehensive technology projects, more targeted projects may be considered with respect to those guidelines that are applicable to the scope of the proposed project. Grant requests for technology projects that deviate from these guidelines should identify and explain the items that the proposed project does not include.

### **I. TIDC Objectives in Grant Funding of Indigent Defense Technology**

TIDC technology grants will seek to improve overall indigent defense operations by promoting:

1. Compliance with state law and locally promulgated rules;
2. system-wide transparency;
3. Enhanced accountability and better representation; and
4. Operational efficiency and cost-effectiveness.

### **II. Capture and Tracking of Data Elements**

**The following case level data elements should be captured in a county’s data systems and should be accessible for compiling reports necessary to demonstrate compliance with state law and locally promulgated rules and to evaluate system and attorney performance. (Inclusion of some data will be dependent of project scope.)**

<b>Data Element</b>	<b>Use of Data Element</b>	<b>Statutory Reference</b>
1. Arrestee Name	Necessary basic defendant identifier.	
2. Date and Time of Arrest	Necessary to determine timeliness of magistration.	CCP 15.17(a)
3. Offense Date	Recommended basic case data needed to differentiate multiple offenses.	



<b>Data Element</b>	<b>Use of Data Element</b>	<b>Statutory Reference</b>
4. Charged Offenses (recommend coding to align with DPS offense codes)	Necessary to determine whether attorney qualified to handle case appointed.	CCP 26.04(d)
5. Date and Time of Article 15.17 Magistration Hearing	Necessary to determine timeliness of magistration and timeliness of appointment.	CCP 15.17(a); CCP 1.051(c)
6. Indication of Mental Illness (Y/N)	Magistrate required ordering MH evaluation when notified of possible mental illness. Arrestees on non-violent offenses with mental illness are presumed eligible for PR bond.	CCP 16.22 & 17.032
7. Need for Attorney with Proficiency in Language other than English	Recommended for assessing fair, neutral and non-discriminatory appointment process.	CCP 26.04(b)(6)
8. Bond Date	Necessary to determine timeliness of appointment under statute and <i>Rothgery</i> . Necessary to monitor pre-trial jail days, as cost-effective system indicator.	CCP 1.051(j), and <i>Rothgery v. Gillespie County</i> , 128 S. Ct. 2578 (2008)
9. Bond Type & Amount	Recommended basic case data, and to assess use of PR bond as required in CCP 17.032.	CCP 17.032
10. Date and Time of Request for Counsel	Necessary to determine timeliness of appointment of counsel.	CCP 1.051(c)
11. Date of Transmission of Request for Counsel to Appointing Authority (if applicable)	Necessary to determine timeliness of transmittal of requests for counsel to the appointing authority.	CCP 15.17(a)
12. Each Data Element Gathered for Financial Screening to Determine Indigence According to County Standard	Necessary to implement automated indigency screening functionality. Necessary to document following of county-set objective standard of indigency.	CCP 26.04(l) and 26.04(n)
13. Ruling on Indigency (Approved/Denied/Incomplete Application)	Necessary to determine whether requests for counsel are acted upon timely.	CCP 1.051
14. Date and Time of Ruling on Indigency	Necessary to determine whether requests for counsel are acted upon timely.	CCP 1.051
15. Date of Appointment of Counsel	Necessary to determine timeliness of appointment of counsel.	CCP 1.051(c)
16. Rotation List Appointment or Other	Necessary to document whether appointment was out of rotation.	CCP 26.04(a)
17. Reason for Appointment Outside Rotation	Necessary to document required finding of good cause for any appointment out of order of the regular rotation list.	CCP 26.04(a)
18. Date Attorney Notified of Appointment	Necessary to determine timeliness of attorney first contact.	CCP 26.04(j)(1)
19. Case Stage (New Offence, Appeal, MTR)	Recommended basic appointment type to enable monitoring of system and attorney performance.	



<b>Data Element</b>	<b>Use of Data Element</b>	<b>Statutory Reference</b>
20. Date and Method of First Attorney Contact with Client	Necessary to determine timeliness of attorney first contact according to statute.	CCP 26.04(j)(1)
21. Date of First Client Interview by Attorney	Necessary to determine timeliness of attorney client interview according to local standard.	CCP 26.04(j)(1)
22. Dates of Subsequent Client Contact (including fields to document contact attempts)	Recommended to enable monitoring of attorney performance and quality of representation.	CCP 26.04(b)(5)
23. Dates of Court Appearances/Settings	Recommended to enable monitoring of system and attorney performance.	
24. Date and Amount of Request for Expert	Recommended to enable monitoring of system and attorney performance.	
25. Date and Amount of Request for Investigator	Recommended to enable monitoring of system and attorney performance.	
26. Case Filing Date	Recommended to enable monitoring of compliance with CCP 17.151.	CCP 17.151
27. Case Number	Necessary as basic case identifier.	
28. Lists of Attorneys Approved for Each Offense Level Specified in Local Plan	Necessary to determine whether appointed attorney is properly qualified by the court.	CCP 26.04(d)
29. Attorney Continuing Legal Education (CLE) Hours	Necessary to substantiate attorney eligibility for appointment based on statutory requirements and local plan requirements.	CCP 26.04(d)(2)&(3); TAC 174.1-174.3
30. Attorney Current Compliance Status with CLE Requirements	Necessary to determine attorney eligibility for appointment.	CCP 26.04(d)(2)&(3); TAC 174.1-174.3
31. Attorney Fee Voucher Data, including:	Necessary for IDER reporting and attorney-level appointment and expenditure reporting in HB 1318.	Gov't Code 79.036(e)
32. Attorney Name	Necessary for required reporting.	Gov't Code 79.036(e)
33. Attorney Bar Number	Necessary for required reporting.	Gov't Code 79.036(e)
34. Amount billed	Necessary for online voucher submission and processing.	Gov't Code 79.036(e)
35. Defendant Name	Necessary for online voucher submission and processing.	Gov't Code 79.036(e)
36. Case numbers	Necessary for online voucher submission and processing.	Gov't Code 79.036(e)
37. Court	Necessary for IDER.	Gov't Code 79.036(e)
38. Charges	Necessary for online voucher submission and processing.	Gov't Code 79.036(e)
39. Itemized list of services provided	Necessary for online voucher submission and processing.	CCP 26.05(c); Gov't Code 79.036(e)
40. Date Voucher Approved, Reduced, or Denied by Judge	Necessary for online voucher submission and processing.	CCP 26.05(c); Gov't Code 79.036(e)
41. Amount Approved	Necessary for IDER.	CCP 26.05(c);



<b>Data Element</b>	<b>Use of Data Element</b>	<b>Statutory Reference</b>
		Gov't Code 79.036(e)
42. Reason for Reduction or Denial	Necessary for online voucher submission and processing.	CCP 26.05(c); 79.036(e)
43. Payment Amount, Date	Necessary for IDER.	Gov't Code 79.036(e)
44. Expert fees paid per case	Necessary for IDER.	Gov't Code 79.036(e)
45. Investigator fees paid per case	Necessary for IDER.	Gov't Code 79.036(e)
46. Amount of Attorney Fee Repayment	Necessary for IDER	Gov't Code 79.036(e)
47. Disposition Date	Recommended to enable monitoring of system and attorney performance.	
48. Disposition (recommend coding to align with clerks' OCA reporting)	Recommended to enable monitoring of system and attorney performance.	
49. Method of Disposition (Trial: Jury/Bench, Plea)	Recommended to enable monitoring of system and attorney performance.	
50. Sentence	Recommended to enable monitoring of system and attorney performance.	

### **III. Key Functionality**

#### **Process management technology solutions should have the following functionality:**

1. Automated process for identifying and appointing the next attorney from the rotation list approved to handle the defendant's highest alleged offense, or automated appointment on a new case to an attorney who already acts as the attorney of record to an indigent defendant with a pending case.
2. Automated generation and routing of appointment orders and notifications for attorneys, defendants and the court.
3. Documentation of judicial overrides of regular attorney rotation, with documentation of reasons for override.
4. Track all appointments for compliance with state law and locally promulgated rules.
5. Automated financial screening system to determine indigency as defined in local plan and make recommendation on whether to appoint counsel.
6. Online electronic attorney fee voucher submission, review, amendment and judicial approval.
7. Export of approved voucher payment order data in standardized form to facilitate import into financial system.
8. Prevent creation and submission of attorney fee vouchers in cases without a valid appointment.
9. Allow attorneys to place themselves on hold from new appointments.
10. Allow the courts to place attorneys on judicial hold from new appointments.
11. Monitor CLE compliance status of attorneys.
12. Allow attorneys to review appointed cases and status of submitted vouchers.



#### **IV. Reports**

**Process management technology solutions should produce the following reports or work with other county systems to facilitate compiling of reports:**

1. Number of requests for appointed attorney submitted during report period and rulings on requests. (CCP 1.051 & 15.17)
2. Timeliness of magistration: Average time between arrest and magistration for each arrestee and number and list of cases that were not in compliance with statutory requirements. (CCP 15.17)
3. Timeliness of transmission of request for counsel to appointing authority (for systems in which the official taking the request does not have the authority to appoint): Average time between request for counsel and transmission of request to appointing authority and number and list of cases that were not in compliance with statutory requirements. (CCP 15.17)
4. Timeliness of appointment: Average time between request for counsel and appointment of counsel for each indigent defendant, taking into consideration whether the request occurred before, during, or after Article 15.17 hearing and list of cases that were not in compliance with statutory requirements. (CCP 1.051)
5. Timeliness of first attorney contact: Average time between appointment and first attorney contact and list of cases that were not in compliance with statutory requirements. (CCP 26.04)
6. Timeliness of attorney interview with client: Average time between appointment and attorney interview with client. (CCP 26.04)
7. Average pre-disposition jail days for felony defendants with cases disposed during the reporting period. (Recommended to enable monitoring of cost effectiveness and system performance.)
8. Average pre-disposition jail days for misdemeanor defendants with cases disposed during the reporting period. (Recommended to enable monitoring of cost effectiveness and system performance.)
9. Average case processing time for cases disposed during the reporting period, including arrest to disposition, appointment to disposition, and filing date to disposition. (Recommended to enable monitoring of cost effectiveness and system performance.)
10. For each attorney disposing of appointed cases in the fiscal year, the number of cases by case type and amount of attorney fees paid by court. (Necessary for filing of Indigent Defense Expenditure Report.)
11. Total indigent defense expenditures by court, expense type and case type. (Necessary for filing of Indigent Defense Expenditure Report.)



## **V. Special Grant Policies for Technology Projects**

1. Any agreements entered into as part of a funded project must ensure that all data is the property of the county, is available and accessible to the county within a reasonable time, and subject to disclosure or withholding based on the county's obligation under the laws in effect at the time. The County must review all requests for data, and no data may be released to a third party without County approval. Contracts must state the format in which the data will be provided in case of termination of agreement with vendors.
2. For any grants that involve developing new software solutions with state and/or county funds, the statement of grant award must clearly address considerations and expectations regarding the ownership of and access to the source code for any programming.
3. Technology project funding requests must include detailed basis of cost explanations.
4. Technology project grant payments will be based on verifiable achievement of project phase completions.
5. Software developed should conform with appropriate industry information exchange standards.