



# **TEXAS INDIGENT DEFENSE COMMISSION**

## **Fiscal Monitoring Report**

**Collin County, Texas**

**FY 2018 Indigent Defense Expenses**

**Final Report**

**February 11, 2020**

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## EXECUTIVE SUMMARY

The Texas Indigent Defense Commission (TIDC) conducted an on-site fiscal monitoring review of Collin County on July 30-31, 2019. 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, 2017 through September 30, 2018 (FY 2018).

### SUMMARY OF FINDINGS

- No findings noted

### 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 FY2018. The records reviewed were provided by the Collin 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 met with the County Auditor and an assistant auditor. The fiscal monitor reviewed

- Random samples of paid attorney fees;
- General ledger transactions provided by the Collin 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

Collin County was created April 3, 1846 from Fannin County. The county seat is McKinney. Both the county and the county seat were named after Collin McKinney, one of the five men who drafted the Texas Declaration of Independence and the oldest of the 59 men who signed it.

Collin County serves an estimated population of 980,269 and is part of the Dallas-Fort Worth-Arlington, Texas Metropolitan Statistical Area. A small portion of the city of Dallas is in the county. Collin County occupies an area of 886 square miles, of which 45 square miles is water. The neighboring counties are Dallas, Denton, Fannin, Grayson, Hunt, and Rockwall.

Collin County is served by eleven District Courts, seven County Court-at-Law courts 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 2018 indigent defense online grant application to assist in the provision of indigent defense services. Collin County met the formula grant eligibility requirements and was awarded \$630,226.

## DETAILED FINDINGS AND RECOMMENDATIONS

### REVIEW RESULTS

There were no findings or issues uncovered during this fiscal review.

# APPENDICES

## APPENDIX A – INDIGENT DEFENSE EXPENDITURE REPORT

<b>COLLIN COUNTY INDIGENT DEFENSE EXPENDITURES</b>			
<b>Expenditures</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Population Estimate	944,366	977,394	980,269
Juvenile Assigned Counsel	\$526,148	\$680,842	\$887,598
Capital Murder	\$197,413	\$239,273	\$215,438
Adult Non-Capital Felony Assigned Counsel	\$2,014,386	\$2,416,917	\$2,944,430
Adult Misdemeanor Assigned Counsel	\$1,126,921	\$2,037,555	\$1,886,757
Juvenile Appeals	\$0	\$4,050	\$0
Adult Felony Appeals	\$175,373	\$326,463	\$287,387
Adult Misdemeanor Appeals	\$7,500	\$6,250	\$10,750
Licensed Investigation	\$43,536	\$161,195	\$174,220
Expert Witness	\$47,543	\$110,188	\$94,389
Other Direct Litigation	\$147,650	\$281,797	\$208,893
Total Court Expenditures	\$4,287,371	\$6,264,530	\$6,709,863
Administrative Expenditures	\$0	\$213,747	\$287,318
Funds Paid by Participating County to Regional Program	N/A	N/A	N/A
Total Public Defender Expenditures			
Total Court and Administrative Expenditures	\$4,287,371	\$6,478,277	\$6,997,180
Formula Grant Disbursement	\$676,646	\$779,266	\$630,226
Reimbursement of Attorney Fees	\$0	\$177,088	\$108,266
Reimbursement by State Comptroller for Writs of Habeas Corpus	\$0	\$0	\$0
Total Public Defender Cases			
Total Assigned Counsel Cases	6,174	8,668	8,927

*Indigent Defense Expenditure Reporting*

Source: Texas Indigent Defense Commission records

<b>Collin County</b>				
<b>Year</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Texas 2018</b>
Population (Non-Census years are estimates)	944,366	977,394	980,269	28,525,596
Felony Charges Added (from OCA report)	5,486	5,817	6,096	288,260
Felony Cases Paid	2,379	3,282	3,671	215,240
% Felony Charges Defended with Appointed Counsel	43%	56%	60%	75%
Felony Trial Court-Attorney Fees	\$2,211,799	\$2,656,190	\$3,159,868	\$127,990,245
Total Felony Court Expenditures	\$2,366,871	\$2,973,026	\$3,491,405	\$144,671,726
Misdemeanor Charges Added (from OCA report)	10,975	10,749	10,251	467,851
Misdemeanor Cases Paid	2,997	4,504	3,992	214,494
% Misdemeanor Charges Defended with Appointed Counsel	27%	42%	39%	46%
Misdemeanor Trial Court Attorney Fees	\$1,126,921	\$2,037,555	\$1,886,757	\$43,911,167
Total Misdemeanor Court Expenditures	\$1,135,575	\$2,054,635	\$1,904,955	\$44,786,546
Juvenile Charges Added (from OCA report)	806	733	913	28,970
Juvenile Cases Paid	741	797	1,166	41,578
Juvenile Attorney Fees	\$527,048	\$680,842	\$887,598	\$11,805,587
Total Juvenile Expenditures	\$534,135	\$698,541	\$895,774	\$12,312,690
Total Attorney Fees	\$4,048,642	\$5,711,349	\$6,232,360	\$189,152,540
Total ID Expenditures	\$4,423,389	\$6,586,299	\$7,119,525	\$276,229,545
Increase in Total Expenditures over Baseline	74%	158%	179%	211%
Total ID Expenditures per Population	\$4.68	\$6.74	\$7.26	\$9.68
Commission Formula Grant Disbursement	\$738,480	\$819,439	\$669,757	\$23,320,001
Cost Recouped from Defendants	\$0	\$177,088	\$108,266	\$10,281,678

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
- FY2018 Indigent Defense Expenditure Report Manual found at:
- <http://www.tidc.texas.gov/media/58006/fy18-ider-manual.pdf>.

## APPENDIX C – DISTRIBUTION LIST

The Honorable Chris Hill  
Collin County Judge  
2300 Bloomdale Rd., Suite 4192  
McKinney, TX 75071  
[chill@collincountytx.gov](mailto:chill@collincountytx.gov)

The Honorable Benjamin N. Smith  
Local Administrative District Judge  
380<sup>th</sup> District Court  
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The Honorable Corinne Mason  
Local Administrative Statutory County Court Judge  
County Court at Law  
2100 Bloomdale Rd., Suite 20364  
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The Honorable Cynthia Wheless  
Chairman of the Juvenile Board  
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