



May 7, 2016

CHAIR:
The Honorable Sharon Keller
Presiding Judge
Court of Criminal Appeals

VICE CHAIR:
The Honorable Olen Underwood

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The Honorable Nathan Hecht
The Honorable Sherry Radack
The Honorable Brandon Creighton
The Honorable John Whitnair
The Honorable Abel Herrero
The Honorable Andrew Murr

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The Honorable Jon Burrows
The Honorable Linda Rodriguez
Mr. Anthony Odiome
Mr. Don Hase

EXECUTIVE DIRECTOR:
James D. Bethke

The Honorable Robert E Hebert
Fort Bend County Judge
ann.werlein@fortbendcountytexas.gov

Re: Notice of FY16 Supplemental Formula Grant for Capital Indigent Defense

Dear Judge Hebert:

The Texas Indigent Defense Commission (TIDC) has adopted the enclosed policy for the FY16 **Supplemental Formula Grant for Capital Indigent Defense**. Since 2008 the Commission has supported Texas counties in capital case indigent defense through support of the Regional Public Defender for Capital Cases (RPDO). Because Texas's largest counties are not eligible to participate in the RPDO, the Commission has allocated funds to provide supplemental formula grants to those counties to support indigent defense in capital cases. This funding is provided out of new general revenue provided to the Commission by the Texas Legislature in 2015.

Total funding for this supplemental formula grant is \$1.1 million. To be eligible, a county must have had a population above 300,000 as of January 1, 2008 and will not participate in the RPDO under special legislative funding provisions in FY2016/2017. In addition, a county must meet all requirements for the Commission's regular FY16 Formula Grant program, including compliance with indigent defense expenditure reporting obligations and updated biennial indigent defense plans which meet current requirements as directed in Texas Government Code §79.036.

No additional application is required beyond the application for the standard FY16 Formula Grant program. This notice is provided for informational purposes. Payments under the Supplemental Formula Grant for Capital Indigent Defense will be issued in spring 2016.

Please contact Edwin Colfax, TIDC Grant Program Manager, toll free in Texas at (866) 499-0656, if you have any questions about this program or the application process.

Sincerely,

Sharon Keller
Chair, Texas Indigent Defense Commission
Presiding Judge, Court of Criminal Appeals

Enclosed: FY16 Supplemental Formula Grant for Capital Indigent Defense Policy



FY2016 Supplemental Capital Defense Formula Grant Policy

December 2015

Total Amount Budgeted for FY2016: \$1.1 million

Eligibility

To be eligible for this supplemental formula funding, a county:

15. Must have had a population greater than 300,000 as of January 1, 2008;

And

16. Will **NOT** participate in the Regional Public Defender Office for Capital Cases under special legislative funding provisions in FY2016/2017.

In addition, a county must meet all requirements for the Commission's regular FY16 Formula Grant program, including compliance with indigent defense expenditure reporting obligations and updated biennial indigent defense plans which meet current requirements as directed in Texas Government Code §79.036.

Supplemental Capital Defense Formula Grant Program Overview

The Texas Indigent Defense Commission (Commission) 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. Standard Formula Grants are awarded to eligible Texas counties to help counties meet constitutional and statutory requirements for indigent defense and to promote compliance with standards adopted by the Commission.

The Texas Indigent Defense Commission has supported most Texas counties in capital case indigent defense through support of the Regional Public Defender for Capital Cases (RPDO) since 2008. Because Texas's largest counties are not eligible to participate in the RPDO, the Commission has allocated funds to provide supplemental formula grants to those counties to support indigent defense in capital cases. This funding is provided out of new general revenue provided to the Commission by the Texas Legislature in 2015.

How Supplemental Capital Defense Formula Grants are calculated

An eligible county's share of the funds budgeted by the Commission for the Supplemental Capital Defense Formula Grant will be calculated as follows:

- 50 percent based on the County's percent of total population of counties eligible for this program; and
- 50 percent on the County's percentage of total capital case indigent defense expenditures⁸ of counties eligible for this program for the previous fiscal year.

No Additional Application Required

Counties that have applied for the standard FY2016 Formula Grant and which meet the eligibility criteria for this program will be considered for this supplemental formula funding. Consistent with the standard FY16 Formula Grant, the grant period for this funding is October 1, 2015 through September 30, 2016.

Requirements of Funding

Counties must meet all requirements of the standard FY16 Formula Grant Program RFA, including the following:

- 29)Indigent Defense Expenditure Report Requirements**
- 30)Indigent Defense Plan Requirements**
- 31)Compliance with Monitoring Reports**
- 32)Office of Court Administration Reporting Requirements**

Notice of Funding

- **Statement of Grant Award** — Statements of Grant Awards will be prepared exactly as authorized by the Commission. These may include special conditions.
- **Special Conditions** — The Commission may determine special conditions or authorize staff to apply the conditions on criteria set by the Commission (TAC 173.201). The Commission may develop special conditions that relate to expenditures, compliance with statutory requirements or standards adopted by the Commission.

Payments

Funds will be distributed in one disbursement before June 30, 2016. Payments will be made separately and payment notice will reference the program and funding source. Counties must have met all eligibility, spending, and grant condition requirements of the standard FY16 Formula Grant RFA before receiving payment. No payment shall be made from grant funds to a county until all special conditions have been met. Commission staff shall maintain documentation through electronic/paper files or correspondence to the county stating how the special condition was met.

Contact Edwin Colfax, Grants Administrator, ecolfax@tidc.texas.gov or 512-463-2508 for questions.

⁸ For assigned counsel, contract counsel, and managed assigned counsel cases, capital case indigent defense expenditures include all direct expenses incurred in capital murder defense. For public defender cases, total capital case indigent defense expenditures include all direct expenditures allocated for capital cases for the following categories: attorney salary and fringe benefits; investigator salaries and fringe benefits; mitigation salaries and fringe benefits; mental health professionals salaries and fringe benefits; and administrative support salaries and fringe benefits.