



September 28, 2016

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

VICE CHAIR:
The Honorable Olen Underwood

EX OFFICIO MEMBERS:

The Honorable Sharon Keller
The Honorable Nathan Hecht
The Honorable Sherry Radack
The Honorable Brandon Creighton
The Honorable John Whitmire
The Honorable Abel Herrero
The Honorable Andrew Murr

MEMBERS APPOINTED BY GOVERNOR:

The Honorable Olen Underwood
The Honorable Jon Burrows
The Honorable Linda Rodriguez
Mr. Anthony Odiorne
Mr. Don Hase

EXECUTIVE DIRECTOR:
James D. Bethke

The Honorable Robert Hebert
Fort Bend County Judge
Via E-mail: ann.werlein@fortbendcountytexas.gov

RE: Modified FY2016 Statement of Grant Award – Grant Number 212-16-D06

Dear Judge Hebert:

In response to your letter of September 6, 2016, we have granted an extension of the term of Grant 212-16-D06 for the Veterans Contract Defender Program. The attached Modified Statement of Grant Award extends the term of the award through June 30, 2017. Please sign, scan and return the Amended Statement of Grant award to me at ecolfax@tidc.texas.gov by October 28, 2016. There is no need to mail a hard copy. Please feel free to contact me with any questions.

Sincerely,

Edwin Colfax
Grant Program Manager

Copy: Judge Jeffrey McMeans, Program Director, candi.hooper@fortbendcountytexas.gov
Robert Sturdivant, County Auditor, ed.sturdivant@fortbendcountytexas.gov
Jenetha Jones, Grants Coordinator, jenetha.jones@fortbendcountytexas.gov



TEXAS INDIGENT DEFENSE COMMISSION

Statement of Grant Award

FY2016 Discretionary Grant – Amended 9/28/16

Grant Number: 212-16-D06
 Grantee Name: Fort Bend County
 Program Title: Veterans Contract Defender
 Grant Period: 10/1/2015-~~9/30/2016~~ **6/30/17**
 Grant Award Amount: \$20,000

The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Fort Bend County (herein, the County) for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Commission by ~~August 15, 2015~~ **October 28, 2016**. The grantee will not receive any grant funds until this notice is executed and returned to the Commission. Funding is provided as listed in the categories in the table below:

Direct Costs:	
1) Personnel (Total Number of FTEs)	
2) Fringe Benefits	
3) Travel and Training	
4) Equipment	
5) Supplies	
6) Contract Services	\$20,000
7) Indirect Costs	
Total Proposed Costs	\$20,000
Less Cash from Other Sources- County Match	
Total Amount Funded by Commission	\$20,000

Standard Grant Conditions:

- The authorized official for the grantee accepts the grant award.
- The authorized official, financial officer, and program director, referred to below as grant officials, must comply with the terms of the grant as written in the Request for Applications issued on January 27, 2015, including the rules and documents adopted by reference in the Commission’s Grant Rules in Title 1, Part 8, Chapter 173, Texas Administrative Code.
- The grant officials understand that a violation of any term of the grant may result in the Commission placing a temporary hold on grant funds, permanently de-obligating all or part of the grant funds, requiring reimbursement for funds already spent, or barring the organization from receiving future grants.
- Disbursement of funds is always subject to the availability of funds.
- The grant officials agree to follow the grant terms contained in the “Required Conditions and Report” contained in Attachment A which includes the final grant application.
- Any indigent defense plan documents submitted to the Commission must continue to meet all grant eligibility requirements.
- The judges hearing criminal and juvenile matters must amend the Indigent Defense Plan for their respective courts to include the program funded under this award and submit it to the Commission by November 1, 2015.

The authorized official for this grant program has read the preceding and indicates agreement by signing the Statement of Grant Award included below.

 Signature of Authorized Official

 Name & Title (please print)

 Date

Attachment A

Terms, Conditions, and Deliverables

In addition to the program requirements stated in the Request for Applications (RFA) these specific program requirements apply to this funded program.

- The budget appearing in the Statement of Grant Award was developed under the assumptions that the grant be based on a 12-month period.
 - Contracts with third parties for core services under this grant must be provided to the Commission and approved prior to execution.
 - Contracts for direct representation must meet all requirements of Texas Administrative Code Chapter 174 Subchapter B: Contract Defender Program Requirements.
 - Grantees that use grant funds to contract for services must develop and include in the contract provisions to monitor each contract that is for more than \$10,000 per year. These provisions must include specific actions to be taken if the grantee discovers that the contractor's performance does not meet the operational or performance terms of the contract.
 - Contracts must contain a provision that the grant terms and conditions, including positions and amounts, will be followed unless scope and budget adjustments are obtained from the Commission.
 - This grant requires quarterly progress reports to provide information on the effectiveness of the program. The Commission grant manager will create an on-line progress report sufficient to document the work performed in this program, compliance with Fair Defense Act requirements and other information necessary to evaluate the impact of the program. The County will be able to request modifications to the on-line report when the performance measures are determined to not accurately reflect the work performed. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
 - The County will submit quarterly expenditure reports to obtain reimbursement of the scheduled percentage of expended funds based on actual expenditures. The reimbursements will be proportional to the county's required match. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
 - The County will develop a data collection plan in consultation with the TIDC grant program manager to be submitted with the first progress report. The data collection plan will include a list of data elements that the program will track to accurately document the work performed under this program as well as the data necessary to evaluate the impact of the program. For any data not directly available to the program director, the County must submit data collection agreements from county offices or departments to provide this needed data to the program director on a regular basis.
 - The County will develop a written Veterans Defender plan of operation that includes the intake process, eligibility criteria, and the roles and responsibilities of defense counsel in the program. The plan of operation is due with the first quarterly progress report.
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Timeline for Reporting and Fund Distribution

Reporting Period	Type Report Due	Date Report Due	Fund Distribution Date
October 2015 through December 2015	Expenditure Report Progress Report	January 15, 2016	February 2016
January 2016 through March 2016	Expenditure Report Progress Report	April 15, 2016	May 2016
April 2016 through June 2016	Expenditure Report Progress Report	July 15, 2016	August 2016
July 2016 through September 2016	Expenditure Report Progress Report	October 15, 2016	November 2016
October 2016 through December 2016	Expenditure Report Progress Report	January 15, 2017	February 2017
January 2017 through March 2017	Expenditure Report Progress Report	April 15, 2017	May 2017
April 2017 through June 2017	FINAL Expenditure Report FINAL Progress Report	July 15, 2017	August 2017

Original Grant Application

2016 Fort Bend Discretionary Grant Application Narrative (Single-Year Grant)

a. Application Form

Counties Represented: Fort Bend

Fiscal Year: 2016

State Payee Identification Number: 746001969

Division To Administer Grant: County Auditor

Program Title: Fort Bend County Veterans Court Program

Requested Grant Amount: \$20,000

Financial Officer: Robert Ed Sturdivant

Program Director: Jeffrey A. McMeans

Mailing Address: 301 Jackson Street; Richmond, TX 77469

b. Introduction (Executive Summary)

To help reduce the number of veterans in the Fort Bend County criminal justice system two court-appointed defense attorneys who specialize in veterans issues will represent the judicial needs of veterans in misdemeanor matters. These attorneys will assist veterans who are eligible to enroll in the Veterans Court Program, which is a treatment court designed to help returning veterans whose service connected problems result in an encounter in the criminal justice system. The court program is a collaboration using a non-adversarial approach to encourage compliance and completion of the program with the goal of helping veterans achieve a clean criminal record and restored life.

c. Problem Statement

Hundreds of thousands of returning Iraq and Afghanistan veterans have Post-Traumatic Stress Disorder or traumatic brain injury, or depression, as a result of their service. Many veterans of past campaigns, from Vietnam to the Gulf War, to the Balkans and Somalia, also struggle with re-integrating into society. Many are reluctant to seek help; often they self-medicate.

Fort Bend County specifically, is facing exponential growth and along with that a number of veterans requiring services. The Veterans Administration has recognized this and met this challenge head-on by establishing two clinics for outpatient and basic services tied into the Houston Regional Center. One is in Richmond, and the other is in Katy. The Veterans Justice Outreach of the VA, a program started in recognition of the need for specialized treatment of

veteran legal issues, has been tasked with outreach in Fort Bend and neighboring counties to help local governments create solutions to such problems as veterans returning home with Post-Traumatic Stress Disorder and Traumatic Brain Injury, and depression or other issues related to their service. Based on their own jail surveys, the estimates are that several hundred veterans eligible for service from all past conflicts [Vietnam to Afghanistan] pass through the Fort Bend County jail each year.

The Veterans Court provides those honorably or generally discharged veterans with the treatment to which they are entitled, and a court support staff to advise them and help them maintain their treatment while completing their terms of community supervision.

d. Objectives

The goal for the Veterans Court Program (VCP) is to have a manageable docket of 20-25 veterans charged with misdemeanor offenses who will be represented by contract attorneys throughout their involvement with the court. Our projected range is for two attorneys working up to 10 hours each per month for the estimated time required to serve these veterans.

Those identified eligible veterans who are admitted to the court will receive a pre-trial intervention, deferred adjudication or community supervision. The Veterans Court is a three phase program with each phase requiring successful completion of a variety of activities before proceeding to the next phase. The Fort Bend County Veterans Court Program (FBC VCP) will consist of one court docket that will meet once per month.

The FBC VCP requires a commitment from the participant in the form of a Participant Contract developed for each veteran's specific needs by the veterans court program team and provided by the presiding Judge of the court with instructions and conditions to follow. The VCP is a minimum two year commitment, with the amount of time spent in the program determined by plea agreements and individual progress in treatment. While participating in the court, the Judge and representatives of the VCP team will closely monitor participation and progress in the recommended and agreed upon treatment. In addition, the VCP team will help access identified treatment counseling, case management, supportive housing and other services and services contingent upon specific needs and treatment recommendations.

The FBC VCP consists of three phases totaling up to 24 months. In addition to the phase requirements, the presiding judge reserves the right to set specific individual goals that must be accomplished before the next court appearance. The community supervision officer will review all goals prior to all court appearances and make recommendations based on completion and success. The Judge and the VCP team will be given progress reports on attendance and participation in the individualized treatment programs and other components of the treatment plan such as housing, case management and VA benefits. The Judge and the VCP team will review progress and address any problems that may arise. As progress is made in the program a participant's court appearances and treatment appointments may be reduced.

Treatment plans may include some or all of the following components with adjustments made as treatment needs change.

- Abstinence from illegal drugs and alcohol
- Medication compliance
- Participation in a substance abuse treatment program
- Participation in a behavioral health treatment program
- Participation in a self-help group or program
- Intensive or supportive case management services
- Supported or structured housing
- Education services
- Employment or vocational rehabilitation
- Regular appointments with a VA case manager
- Regular appointments with a psychiatrist
- Psycho-social or recreational program

Phase 1 - up to 6 months

Meet with community supervision officer for three face to face contacts per month, with one of the three contacts being in the field at the veterans home or other location. Review before the judge once per month and report to counselor per treatment plan.

Phase 2 - up to 6 months

Meet with community supervision officer for two face to face contacts per month, with one of the two contacts being in the field at the veterans home or other location. Review before the judge once per month and report to counselor per treatment plan.

Phase 3 - up to 12 months

Meet with community supervision officer once per month. Review before the judge once per month and report to counselor per treatment plan.

Upon successful completion and graduation of the program, the charges against the veteran are dismissed. In that situation, the District Attorney's Office will consider an agreed upon order of expunction, if appropriate and applicable. If the veteran fails to fulfill a requirement of the program, the veteran may suffer sanctions. Should the veterans' non-compliance continue while in the program, the veteran can be terminated from the court program and his or her pretrial diversion agreement (if applicable) will be revoked.

e. Methodology or Project Design (Activities)

The veterans court program is modeled after the drug court model and is projected to handle misdemeanor cases. Team members from the Veterans Administration, probation department, the judiciary, veterans advocacy groups, the Fort Bend County district attorney's office, and the local bar will work together to restore a veterans standing outside of the criminal justice system. Once a veteran is identified as a candidate for the program through screening, assessment of their needs and approval for the program, they are represented throughout the judicial process by court appointed attorneys with the specialization of working with veterans. Two court appointed defense attorneys will cover an estimated docket of 20-25 cases where veterans will receive focused attention to help them complete the program. Those admitted to the program will receive pre-trial intervention, deferred adjudication or community supervision. The Fort Bend County Veterans Court Program will consist of one court docket that will meet once per month.

f. Evaluation

It is anticipated that the Fort Bend County Veterans Court will seek an outside review of its performance and goals through a multi-disciplinary group that includes academics and professionals from some of the relevant core task groups, such as psychological professionals, legal, and community leaders in veterans advocacy. This is expected after a start-up period of one to two years, and during the interim the personnel in the court have been working closely with other established veterans courts to provide time-sensitive and practical feedback during the start up.

Self-reporting and tracking metrics have been in use since the first day of the court. The VA and local advocacy groups, as well as the probation professionals, have been keeping close track of the applicants, reasons for acceptance or rejection, their success, noting challenges, and proposing adaptive solutions to those challenges. That same data-driven decision making will be kept and updated for periodic self-evaluation as well as outside audits of the program.

g. Future Funding

The grant is designed to provide for one of the few costs for this court, which is not directly provided for by either VA or county budgets. The veteran, if qualified, is already entitled to all the services of the VA, and the county has already maintained court staff and personnel for this project out of current revenues. The additional work of the defense counsel is relatively small as a part of the county budget, but as it is directly related to indigent defense a grant from the IDC seemed most appropriate to fund this concept.

The county intends to apply for renewable grants for the attorneys from the IDC and from other local sources, including possibly The George Foundation, and the Bureau of Justice grants division in the future, and if the docket should grow in size. The Harris County Criminal Lawyers Association has awarded a grant of 1,200.00 dollars each to the attorneys who have essentially

been volunteering pro bono over the past six months while this application process moves forward. That stipend was a one-time non-renewable grant to help defray expenses but is an example of the kind of creative search for funding that the county and the court have employed.

h. Budget Narrative and Budget Form [Amended to Reflect Use of Contract Attys]

Fort Bend County and the VA already provide all the services required for regular monitoring and assistance of the veterans, with the exception of the contract attorneys as outlined in prior sections. The \$20,000 budget is a careful estimate based upon similar contracts, dockets and hours needed from other counties with similar programs. It includes some money, approximately one thousand dollars, to help defray costs in training the attorneys on veteran and treatment court issues. This grant will permit attorneys who would otherwise have to conduct this effort on a pro bono basis to be paid a reasonable hourly rate [100.00 per hour] for their itemized work in and out of court. It would be adjusted as docket size increases or decreases and as the needs of the veteran client either increase or lessen.

All purchases will comply with the Fort Bend County Purchasing Policy and State of Texas Procurement Act. The administration of applicants and personnel will comply with all policies adopted by Fort Bend County.

Personnel Costs

FTE's	0
Salary	
Fringe	
Benefits	
Travel and	
Training	
Equipment	
Supplies	
Contract Services	\$20,000
Indirect	
Total	\$20,000.00
Required County Match	<input type="text"/>
Total less County Match	<input type="text" value="\$20,000.00"/>

Fort Bend County Supplement to Application

TO: Texas Indigent Defense Commission

FROM: Fort Bend County

DATE: May 29, 2015

SUBJECT: Supplemental Information for the Fort Bend County Veterans Program
FY 2016 Discretionary Application

Background for Defense Counsel

The two contract attorneys representing veterans in the Fort Bend County Veterans Court Program have volunteered for this specialty court. One of the attorneys is a disabled veteran, and the other is a person who has long expressed an interest in giving back to those who served. Both are experienced felony level defense attorneys and former prosecutors in Fort Bend County, and they are very familiar to and trusted by the courts and their counterparts in the District Attorney's office.

Both attorneys have undergone extensive training and preparation for their role; they have attended other veterans courts and prior to the start of the Fort Bend County court had extensive meetings with personnel in the Harris County and Montgomery County systems and veterans advocates, therefore, they understood the special needs of veterans as well as the resources available. These attorneys have been working without pay in this court for the last six months out of their devotion to helping returning service members. And, both intend to attend either the national conference on treatment courts or the proposed upcoming conference on veteran's courts, whichever works with their scheduled trials.

Veteran Representation in the Veterans Court Program

The defense attorneys for this court are a crucial part of the vetting process for the veterans. They explain the program and provide advice on whether the veteran's case is one that is suitable for the program outlines of the court. They counsel them on whether they feel it is appropriate to forego their right to trial and guide them in consultation with any private counsel as to whether the veteran is a good fit for the court. The defense counsel also works with the veteran to ensure compliance once accepted into the court. They attend the regular Veterans Court Program team staffings held before each court session to make certain that all the participants are on track. They also make recommendations to the court for consequences if the veteran is not in compliance.

The defense counsel collaborates with the other members of the court, including the probation staff, the VA representative, the county and non-profit veterans advocates, the judge, and the prosecution, in order to help the veteran succeed. The collaborative nature of this process is significantly different than the adversarial approach in regular courts. The defense counsel uses their working relationship with the other staff members and their unique training to assist the veterans in staying on course with treatment, and with any other aid [housing, transport, etc.] that is needed.

Veterans Case Resolution

The defense counsel is there to assist the veteran in obtaining a clean record when and if that veteran completes his or her treatment course. Upon successful treatment and graduation of the program, the charges against the veteran are dismissed. In that situation, the District Attorney's Office will consider an agreed upon order of expunction, if appropriate and applicable. At this time, it is too early to have any of those applications in before the courts, as the first completion will not be for some months.

If the veteran is not successful in completing the court's requirements, the options are several. The court can permit them to obtain counsel if they wish to proceed to trial, or it can appoint them new counsel, transfer the case out of the veterans court, or it can, with the consent of the veteran, resolve the case within the veteran's court by a plea or other solution. The defense counsel will be part of that process, both in advising the veteran and making recommendations to the court for appropriate resolution. The defense counsel maintains continuous representation for the veteran throughout his involvement in the Veterans Court Program.
