



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

August 18, 2022

EX OFFICIO MEMBERS:
Honorable Sharon Keller
Honorable Nathan Hecht
Honorable John Whitmire
Honorable Brandon Creighton
Honorable Nicole Collier
Honorable Reggie Smith
Honorable Sherry Radack
Honorable Vivian Torres

The Honorable KP George
Fort Bend County Judge
Via E-mail: county.judge@fortbendcountytexas.gov

RE: FY2023 Statement of Grant Award, Continuing – Grant Number 212-23-C07

MEMBERS APPOINTED BY GOVERNOR:
Mr. Alex Bunin
Honorable Richard Evans
Mr. Gonzalo Rios
Honorable Missy Medary
Honorable Valerie Covey

Dear Judge George:

EXECUTIVE DIRECTOR:
Geoffrey Burkhart

I am pleased to inform you that the Texas Indigent Defense Commission has awarded Fort Bend County a **FY2023 Continuing Multi-Year Improvement Grant** in the amount of **\$30,776** for the **Public Defender *Padilla* Program**. Your Statement of Grant Award for fiscal year 2022 is attached. Please sign, scan, and return via e-mail the Statement of Grant Award to **Edwin Colfax** at ecolfax@tidc.texas.gov on or before **September 30, 2022**. You do not need to mail a copy.

Congratulations to Fort Bend County on taking the lead in Texas by continuing this new indigent defense program. If you have any questions or need clarification of the information contained in this letter or the attached Statement of Grant Award, please contact Edwin Colfax, the Commission Director of Grant Funding at (512) 463-2508.

Sincerely,

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

Copy:
Robert Sturdivant, County Auditor, ed.sturdivant@fortbendcountytexas.gov
Roderick Glass, Program Director, roderick.glass@fortbendcountytexas.gov



**Statement of Grant Award
FY2023 Improvement Grant**

Grant Number: 212-23-C07
 Grantee Name: Fort Bend County
 Program Title: Public Defender *Padilla* Program
 Grant Period: 10/1/2022-9/30/2023
 Grant Award Amount: **\$30,776**

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 **September 30, 2022**. 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: 1) | \$108,910 |
| 2) Fringe Benefits | \$43,219 |
| 3) Travel and Training | \$1,000 |
| 4) Equipment | \$0 |
| 5) Supplies | \$500 |
| 6) Contract Services | \$250 |
| 7) Indirect Costs | \$0 |
| Total Proposed Costs | \$153,879 |
| Less Cash from Other Sources- County Match | \$123,103 |
| Total Amount Funded by Commission | \$30,776 |

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 in January 2021, 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 “Terms and Conditions” 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 if necessary to include the program funded under this award and submit it to the Commission by November 1, 2021.

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 (must print or type)

Date

Attachment A

Terms and Conditions

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

- This grant requires quarterly progress reports to provide information on the operation of the program. The Commission grant manager will create an online progress report to document the work performed in this program. The County may request modifications to the online report when the report items do 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 or its designee must provide to TIDC staff the minimum job requirements and a full job description of the FTE positions specified under this project before positions are publicly posted.
- Requests to revise the scope, target, or focus of the project, or substantively alter project activities require advance written approval from TIDC.
- Budget adjustments consisting of reallocations of funds among or within budget categories in excess of \$10,000 or ten percent of the original approved budget, whichever is less, are considered budget adjustments and are allowable only with prior approval of the executive director of the Commission.
- Equipment costs listed in the first-year start-up budget will not be carried forward into subsequent years of funding.
- The County will develop written policies and procedures for the new programs that address intake processes and how the program services will be provided to defendants and program attorneys. The program policies and procedures document must be provided to TIDC within 1 month of the program start date.
- The program policies and procedures document must contain provisions to ensure that immigration consultation advice provided through the program is documented in the defense attorney's case file.

Original grant application follows

2020 Fort Bend County Discretionary Grant Application Narrative (Multi-Year Grant)

a. Application Form

Counties Represented: **Fort Bend**

Fiscal Year: **2020**

State Payee Identification Number: **746001969**

Division To Administer Grant: **County Auditor**

Program Title: **Padilla Attorney**

Requested Grant Amount: **\$99,207.00**

Financial Officer: **Robert Ed Sturdivant**

Program Director: **Roderick Glass**

Mailing Address: **301 Jackson Street; Richmond, TX 77469**

b. Introduction (Executive Summary)

The Immigration Attorney will write evaluations of non-citizen indigent defendants for both the Public Defender Office and other indigent defendants. The evaluations will take into account the status of the non-citizen, the alleged charge, and the possible immigration consequences of a plea, trial, or acquittal.

c. Problem Statement

The number of non-citizens in Fort Bend County is increasing as our population increases. The non-citizens in Fort Bend County encompass citizens from many countries including Asia, Indian Subcontinent, Africa, and Latin America. It includes DACA, Student Visa Holders, and undocumented immigrants. As the number of non-citizens increases, so does the number non-citizen defendants in our County Jail.

While some Courts inquire whether counsel has consulted with an immigration specialist, others do not. Moreover, many non-citizen defendants who are here on a visa or are DACA recipients often downplay the possible consequences and tell their lawyers that they do not need to speak to an immigration attorney.

Public Defender Immigration Attorney would be available to all indigent defendants. All Courts will know that each attorney representing a non-citizen will have had the opportunity to speak to an immigration attorney and have had an evaluation of the possible consequences of a plea, trial, or acquittal.

The number of evaluations, and number of interviews will be counted. In addition, Immigration Attorney will spend time each week keeping track of any changes to immigration law changes.

Changes in the law requires attorneys to give specific instruction to non-citizen defendants. If not done, it is ineffective assistance of counsel and could result in unknowing pleas or trials on appeal meaning that several cases could be overturned on appeal.

d. Objectives

Objective 1. Attend Immigration Law Update – must be completed within 3 months of employment unless done up 6 months before employment.

Objective 2. Meet with Local Bar Association to train lawyers on the need to consulting with immigration attorney whether or not the non-citizen defendant requests – done within 1 month of employment.

Objective 3. Interview each non-citizen defendant before giving an evaluation in person – to begin within 1 month of employment.

Objective 4. Assist on representation of non-citizen defendants assigned to Public Defender Office – to begin within 1 month of employment.

e. Activities

1. Post position
2. Facilities to do office build out. IT to drop computer lines.
3. Order desk, computer, printer, phone, office divider.
4. Once hired, send to training included legislative update on immigration law. (May meet with Dallas Immigration Attorney).
5. Begin work evaluating non-citizen defendants. Including jail visits when required.
6. Begin sitting second chair on non-citizen cases at Public Defender Office.
7. Meet with Counsel of Judges
9. Meet with Local Bar Association
10. Set up training for Local Bar Association.

f. Evaluation

Measure:

1. Number of evaluations done each month at Public Defender and outside counsel. Separate misdemeanor v. felony.
2. Number of trainings and outside resources gathered.

3. Measure number of days in jail for each non-citizen defendant before evaluation is complete.
4. Will use existing Defender Data to gather the information.

g. Future Funding

Fort Bend County is committed to giving the best representation for indigent defendants within budgetary constraints. The Fort Bend County Public Defender program allows Fort Bend County to provide quality representation for the indigent defendants while allowing Commissioners Court to have some say on budget.

Having started with a grant for indigent Mentally Ill defendants, then a grant for a full Public Defender Program, we have expanded the office beyond the grants in both sections of the office and have now included attorneys at magistration.

An Immigration Attorney is the next step in providing the best representation we can give for indigent defendants.

The Public Defender programs save the county money by disposing of cases quickly or requesting lowered bonds, or personal recognizance bonds thereby reducing jail days.

An immigration attorney does the same. Non-citizen defendants need to know their rights before cases can be disposed, either by plea, trial, acquittal, or dismissal.

h. Budget Narrative and Budget Form

Salary is for an Attorney II

Fringe Benefits includes: Health Insurance, workers comp, employment tax, etc

Travel and Training costs includes CLE, Legislative Updates, Federal Immigration Updates, travel both in state and out of state due to the nature of the federal immigration seminars.

Equipment includes computer, desk, phone, build out for office, printer, desk chair.

Supplies includes paper, pens, printer cartridge, etc.

Contract Services includes Bar Dues, Local Bar Dues, TCDLA dues, CLE program fees, and Defender Data fees.

Revised FY2023 budget

| | | |
|-------------------------|--------------|--------------|
| Personnel Costs | | \$152,129.00 |
| FTE's | 1.00 | |
| Salary | \$108,910.00 | |
| Fringe Benefits | \$43,219.00 | |
| Travel and Training | | \$1,000.00 |
| Equipment | | |
| Supplies | | \$500.00 |
| Contract Services | | \$250.00 |
| Indirect | | |
| Total | | \$153,879.00 |
| Required County Match | | \$123,103.00 |
| Total less County Match | | \$30,776.00 |

Timeline for Reporting and Fund Distribution

Reports will be submitted via the TIDC Grant and Plan Management website at <https://tidc.tamu.edu>.

| Reporting Period | Type Report Due | Date Report Due | Fund Distribution Date |
|------------------------------------|---|------------------|------------------------|
| October 2022 through December 2022 | Grant Expenditure Report Progress report | January 15, 2023 | February 2023 |
| January 2023 through March 2023 | Grant Expenditure Report Progress report | April 15, 2023 | May 2023 |
| April 2023 through June 2023 | Grant Expenditure Report Progress report | July 15, 2023 | August 2023 |
| July 2023 through September 2023 | Grant Expenditure Report Progress Report | October 15, 2023 | December 2023 |