



TEXAS INDIGENT DEFENSE COMMISSION

**Corrected Statement of Grant Award
FY2013 Multi-year Discretionary Grant**

Grant Number: 212-13-D05
Grantee Name: Collin County
Program Title: Collin County Mental Health Managed Counsel Program
Grant Period: 10/1/2012-9/30/2013
Grant Award Amount: \$250,774

The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Collin 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 20, 2012. 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:

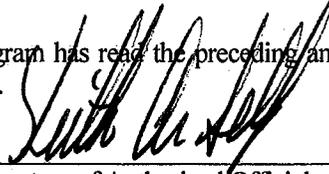
Direct Costs:	
1) Personnel (Total Number of FTEs: _)	
2) Fringe Benefits	
3) Travel and Training	
4) Equipment	
5) Supplies	
6) Contract Services	\$313,468
7) Indirect Costs	
Total Proposed Costs	\$313,468
Less Cash from Other Sources	\$62,694
Total Amount Funded by Commission	\$250,774

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 December 7, 2011, 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.
- 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 December 31, 2012.

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

Keith Self, County Judge

Name & Title (must print or type)

8/14/12

Date

Attachment A

Required Conditions and Reports

Method of Calculation

The budget appearing in the Statement of Grant Award was developed under the assumptions that the grant be based on a 12-month period. The schedule provides the county twelve months of funds at each of the original agreed upon funding levels. If the county has a delayed start in the first year (FY2013), it may necessitate an adjustment in future years to allow the county to fully expend grant funds. The intention is to follow a declining schedule of 80 percent in the first year; then, 60 percent in the second year; then, 40 percent in the third year; and 20 percent in the final year of the Commission support. The grants will remain on a fiscal calendar (October to September), but future awards will reflect any needed modifications to implement this policy.

Grant Specific Program Requirements

In addition to the program requirements stated in the Request for Applications (RFA) these specific program requirements apply to this funded program (Note: If the County contracts the managed assigned counsel office to a non-profit corporation or governmental entity, then the contract must specify how the corporation or governmental entity will ensure the following are performed):

- The County will submit reports to obtain reimbursement of expended funds based on actual expenditures. The reimbursements will be proportional to the county's required match.
- This grant requires quarterly progress reports to provide information on the effectiveness of the program. The Commission grants administrator will construct an on-line progress report that best reflects the actual work performed in this program and is consistent with the FY2013 application submitted by the county and the direct client services programs funded by the Commission. 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.
- The county must provide a plan for data collection that includes a list of data elements that capture the work performed under this program or impact on the county's compliance with the Fair Defense Act. This County must submit data collection agreements from County Offices or Departments to provide this data to the program director on a regular basis to measure the impact of this program. This plan must be submitted along with the first progress report.
- The County or its designee must provide to the Commission staff the minimum job requirements and a full job description of the FTE positions specified under this project before positions are publicly posted.
- Equipment costs listed in the first year start-up budget will not be carried forward into subsequent years of funding. If the County selects a non-profit corporation the proposal and the contract must include the method for funding equipment to operate the Managed Assigned Counsel Office that does not require the start-up cost to be included in the contract.
- The County will operate a Managed Assigned Counsel Program as defined in Article 26.047 of the Texas Code of Criminal Procedure. The Managed Assigned Counsel Program Director must meet the qualifications set forth in Article 26.047 (d) (1)-(3) of the Texas Code of Criminal Procedure. If a non-profit corporation is selected by the County to operate the Managed Assigned Counsel Office, the contract must require the non-profit corporation to select a director to meet the same requirements.
- The County will provide the Commission with the articles of incorporation, bylaws, and officers of a non-profit corporation if the county appoints a nonprofit corporation to operate a managed assigned counsel program.

- The governmental entity or nonprofit corporation or bar association operating the managed assigned counsel program must maintain documentation on attorney selection and appointments.
- The County must maintain a Managed Assigned Counsel Oversight Board consistent with the composition and description of the Public Defender Oversight Board in the Texas Code of Criminal Procedure Article 26.045 to supervise the operation of this program.
- The program's Oversight Board is responsible for recommending to commissioners court the selection or approval of the Managed Assigned Counsel Director or non-profit entity. The Director will be responsible for the implementation of this program and will hire staff sufficient to operate the department.
- The County or its designee must develop and maintain a written policy that includes caseload standards for each attorney participating in the program and for the general operation of this program. In developing caseload standards, nationally recognized standards and standards used by other states shall be taken into consideration (such as National Advisory Commission on Criminal Justice Standards and Goals). The written policy for caseload standards must be provided to the Commission staff along with the first quarterly progress report. The caseload standard policy should require the Director to review actual caseloads at least semi-annually. The Director may make overrides or under-rides based on overall complexity of cases, overall type of cases, attorney experience, support staff experience, court needs, available technology to augment services, or other factors that affect the delivery of services. The Director must notify the program's Oversight Board in writing if an exception to the caseload standards is authorized.
- A draft of the Managed Assigned Counsel office Case Representation Policies and Procedures Manual must be provided to the Commission not later than the 2nd quarterly progress report. Grantees should consider professional standards of representation such as the Texas State Bar Performance Guidelines for Non-Capital Criminal Defense Representation when developing the manual. A final version of the Policies and Procedures Manual shall be completed and delivered to the Commission along with the Final Progress Report for FY2013.
- The survey described in the Activities section of the application below should be conducted during the 1st and 4th years of operation of the program. The County must summarize the results received back from the participants of the survey and discuss any improvements made to the program. The analysis of the survey results in the 4th year must compare the findings between the two survey events. The County must provide the Commission with a copy of the analyses (not the unanalyzed survey responses).
- The budget narrative contained in the original application is considered a template for actual cost if operated by the County. In case of the selection of a non-profit corporation to operate the program, the actual budget for the Collin County Award will be moved to the Contract Services Line Item. The County will require any proposer to itemize their budget to the county in its proposal as required in Article 26.047, Code of Criminal Procedure.
- 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. These provisions must include a review of utilization and activity, as well as reporting of financial data to evaluate the contractor's performance within the budget required by statute for such programs.
- The County will develop a written policy that includes a formal intake process for this program. The policy must include: 1) a procedure to refer clients from courts and the private bar; 2) a method to screen and/or assess the defendants who are referred for representation under this program; and 3) a set priority population criteria to determine which clients are to be represented if referrals are greater than

caseload capacity. The priority population criteria may include factors of mental health, mental retardation, institutionalization history, medical history, seriousness of the offense, impact on the community, or other factors related to the alleged crime or personal history of the defendant. The Managing Attorney may allow exceptions but all exceptions to the policy from the intake process must be documented and maintained.

- The County will provide a written plan on how it will coordinate with, and not duplicate the work of, existing mental health systems. The plan must demonstrate how the County will identify and incorporate available mental health screening, assessment, treatment, and community services available to the defendants served by the grant program. The plan must also address how the positions funded under this grant will fit into the County's methods of operation for the identification of mentally ill arrestees and for providing assessment, treatment and bonding options to these arrestees under Article 16.22 and Article 17.032 of the Texas Code of Criminal Procedure.

2013 Collin County Discretionary Grant Application Narrative (edited)

(Multi-Year Grant)

a. Application Form

Counties Represented:	Collin
Fiscal Year:	2013
State Payee Identification Number:	756000873
Division To Administer Grant:	Auditor's Office <u>Court Administration</u>
Program Title:	Collin County Mental Health Managed Counsel Program
Requested Grant Amount:	\$250,774.00
Financial Officer:	Jeffrey May
Program Director:	John Roach, Jr.
Mailing Address:	2300 Bloomdale Road; Ste 3100; McKinney, TX 75071

b. Introduction (Executive Summary)

The Collin County Mental Health Managed Counsel (MHMC) program will improve the quality of representation to indigent defendants with mental illnesses. Through a contracted nonprofit agency, the program will promptly assign counsel with specialized knowledge in mental health defense, streamline coordination of defendant competency restoration or stabilization, and provide case workers to assist attorneys through mental health case management, mitigation strategy assistance, and defendant advocacy. The aim of the program is to seek systemic solutions to get and keep mentally ill defendants out of the criminal justice system.

c. Problem Statement

Incidence of individuals with serious mental illness within the criminal justice system (10-15%) is disproportionately high compared with mental illness incidence of 2% in the general population. 1 Many of these persons tend to be indigent and do not have access to or the ability to navigate the fragmented mental health services infrastructure, resulting in increased contact with law enforcement and incarceration. The current system does not have the ability to adequately address their needs, and as a result, mentally ill inmates tend to remain in custody longer. In 2010, the average length of stay (ALOS) for a general population inmate was 49.7 days, while a mentally ill inmate stayed 430% longer at 213.9 days.

And while the ALOS decreased in 2011 for all inmates, mentally ill inmates still stayed 427% longer (40.3 days versus 172.2 days).

2 The Collin County District and County Court at Law judges recognized the delay in processing inmates diagnosed with mental health disorders caused by ineffective counsel and lengthy competency restoration. Many mental health inmates require court-appointed counsel, but many attorneys do not have specialized training in mental health defense. These attorneys do not have the knowledge to properly support these defendants and are not aware of treatment or community-based social services to help stabilize their clients' conditions.

Additionally, attorney assignment and trial scheduling can be a time consuming process. The jail currently contracts with mental health professionals who see clients to conduct mental health assessments. Following diagnosis, the Jail Case Coordinator sends a list of mental health inmates to the Court Coordinator for attorney assignment and trial scheduling; this process can take up to a week. In a number of cases, a trial cannot be scheduled until the person is deemed competent. Unfortunately, competency restoration does not start at incarceration. Incompetent inmates wait and are transported

to a state hospital to be restored, taking several weeks to months. In some cases, jail may exacerbate existing mental health illness causing stable inmates to lose competency; they must then go through the restoration process prior to standing trial.

The current resources only allow a patchwork solution and fail to address the need for specially-trained counsel. The Collin County Mental Health Managed Counsel (MHMC) program will streamline the process from booking to trial and ensure due process, delivery of effective and speedy representation, and needed mental health services for competency restoration or stabilization.

1. Watson A, Hanrahan P, et al: Mental health courts and the complex issue of mentally ill offenders. *Psychiatric Services* 52:477-481, 2001.

2. Collin County Jail Statistics.

d. Objectives

Goal: Implement Collin County Mental Health Managed Counsel program

- Establish an oversight board by November 1, 2012
- Select nonprofit entity to coordinate program by March 1, 2013
- Complete program policies and procedures and obtain oversight board approval by May 1, 2013
- Begin representing adult and juvenile Axis I and II mental health clients by July 1, 2013
- Ensure availability of specialized attorneys for people with mental health diagnosis by July 1, 2013

Goal: Improve timeliness and quality of defense counsel for indigent mental health defendants

- Screen individuals entering the jail for indigent and mental health status within 24 hours of booking
- Assign MHMC-associated specialized attorney within 24 hours of receiving screening information from the jail
- Make contact, in person or by videoconference, between client and attorney within 24 hours of assignment
- Make contact between client and MHMC case workers within 48 hours of assignment
- Communicate client mental health assessment/needs to assigned counsel within 48 hours of meeting with client
- Coordinate with jail-contractors to develop treatment plan and begin competency restoration within one week
- Increase the number of case dismissals for nonviolent defendants with mental illness by 15%
- Decrease average length of stay for mental health defendants by 35% within 12 months of program inception

e. Activities

The Collin County Mental Health Managed Counsel (MHMC) program will be responsible for assignment and oversight of defense counsel appointments for mentally ill offenders.

Implementation

1. Establish oversight board

An oversight board will be created representing Commissioners Court, the District and County Court-at-Law Judges and Court Administration, outside mental health professionals, criminal defense attorneys, and the Sheriff's Office. This board will provide program recommendations and oversight

concerning the establishment and operation of the MHMC program, including approving the policies and procedures and staff job descriptions. The Collin County Local Administrative Judges will coordinate initiation of the board with the Collin County Commissioners Court. Representatives from various departments and disciplines will be invited to participate and members will develop a clear scope of work to clarify the extent and limits of the board's authority.

2. Contract with nonprofit entity to operate MHMC program

The oversight board will coordinate with the Collin County Purchasing Department to develop a request for proposal to solicit nonprofit organizations to provide a managed defense attorney program per Article 26.047, Code of Criminal Procedure, including attorneys and social case management, for adult and juvenile misdemeanor and felony offenders diagnosed with Axis I or Axis II mental health disorders. The RFP will be conducted in accordance with Texas Local Government Code Chapter 262. After the RFP is awarded, the contractor will work with the oversight board to create job descriptions and hire staff for each position. The following staff will be needed:

- Program Administrator/Attorney with specialized knowledge to provide quality defense for mentally ill inmates and ability to oversee and administer the program including case workers, as well as other contracted specialized attorneys
- Case workers (2) to provide case management and mental health services for defendants including referrals for mental health and/or substance abuse treatment; assistance with housing, education, and employment; mitigation strategy determination; defendant advocacy; and follow-up on an as-needed basis for several months following disposition
- Administrative support person

Concurrently with staff hiring, the contractor will set up office space at the Collin County Courthouse including

- remodeling of office and/or cubicle space as required
- furnishing employees with desks; chairs; filing cabinets; office phones; computers, monitors, docking stations, software, and peripheral accessories; office supplies; waste baskets; dry erase boards; desk top organizers; and other miscellaneous start up supplies
- furnishing the program with a copier, fax machine, paper shredder, waste baskets, office supplies, and other miscellaneous supplies

The Program Administrator/Attorney, in conjunction with the contractor and oversight board, will create program policies and procedures to include caseload standards, referral and intake processes, priority criteria for cases, and fee schedules. Additionally, these policies and procedures will set standards for external program attorneys to be assigned to mental health cases through the MHMC office. The standards established for mental health attorneys will include performance monitoring, annual training, and evaluation requirements.

The contractor will submit monthly and quarterly reports to the oversight board to ensure the contractor is fulfilling the statement of work. The MHMC program contractor will be required to submit the necessary evaluation data (below) along with a narrative detailing programmatic challenges and successes.

3. Contract with independent evaluator

The oversight board will coordinate with the Collin County Purchasing Department to develop a request for proposal (RFP) to solicit an independent contractor to annually evaluate the MHMC

program including its processes, objectives, performance, and cost effectiveness. The RFP will be conducted in accordance with Texas Local Government Code Chapter 262.

Operation

1. Determine mental health and indigent status

During intake at the Collin County Jail, triage will be performed by a contracted EMT and LVN, who will flag potential mental health cases and set up a consultation with a Correctional Counselor within 24 hours. If necessary, the inmate will see the jail-contracted psychiatrist/psychologist for a full mental health assessment and diagnosis within the first week of incarceration. Additionally, when a person is booked in, a query will be created between the existing TLETS and the Clinical Management for Behavior Health Services (CMBHS) software interface to determine if there is a documented history of mental health illness. If the defendant indicates they want court-appointed counsel, they must complete an affidavit of indigence, which will be forwarded to the MHMC program for eligibility determination.

2. Assign counsel and mental health professional(s)

Once the MHMC program determines indigent and mental health eligibility, the Program Administrator/Attorney will prioritize cases and assign a specialized mental health attorney and MHMC case workers within 24 hours. The attorney should make contact with the client, in person or by videoconference, within 24 hours of assignment.

The MHMC case workers will monitor and support the case progression while fulfilling the client's mental health service needs. These mental health professionals should meet with the client within 48 hours of assignment and communicate mental health assessment and any other necessary information to the attorney within 48 hours of meeting client. The case workers will gather information for the defense counsel regarding the medical, psychological, and psychiatric history of the defendant; provide defendant advocacy; and assist with referrals and resources for the client. Attorneys cannot effectively consult with mentally-impaired clients until competency restoration has begun; however, they do not have the time or the expertise to design a plan for treatment. If the client is determined to be incompetent, the caseworkers will work with the evaluating psychiatrist/psychologist to formulate a treatment plan to begin immediate competency restoration.

The early identification of mentally ill inmates and timely appointment of attorneys with the specialized knowledge needed to defend them will provide equal access to justice. The mental health history developed by the caseworkers can assist the defense counsel in bond reduction, mitigation strategy development, and Court education regarding the challenges facing the client. Additionally, caseworkers will monitor and ensure immediate competency restoration and effective treatment plan administration, shortening the time from booking to trial. The MHMC program will streamline, improve, and expedite the mental health indigent defense process and reduce the average length of stay.

3. Coordinate a courts mental health program

To improve inmate competency and coordination of hearings, all cases involving mental health inmates will go to the 366th District Court, County Court at Law #3, or other designated court Judge who will hold a competency docket bi-weekly. These dockets will include mental health specialists, attorneys, case workers, and psychiatrist/psychologist discussing the priority of cases, competency orders, results of exams, and the progress of treatment and services. This court program will track and review cases until the inmate is competent to stand trial, at which time the case will be returned to the

originally-assigned district or county court. Timely scheduling will ensure defendants do not return to incompetent status while awaiting trial, which currently happens because of a lack of coordination.

4. Oversee MHMC program administration

The Program Administrator or the contractor will provide monthly, quarterly, and annual written status reports to update the oversight board with current statistics and data, program challenges and successes, and any upcoming activities or concerns. The MHMC program will also submit required reports to the Texas Indigent Defense Commission as required by the grant. These reports will ensure the contractor is fulfilling the statement of work and operating as intended. In addition to program reporting, the contractor or Program Administrator will evaluate caseloads for the mental health professionals, monitor attorney eligibility and representation levels, and approve pay requests for submission to court.

5. Conduct annual survey of judges and clients

The MHMC program will create a survey for the District and County Court at Law Judges to evaluate the quality of attorney representation for mentally ill indigent defendants. This survey should be conducted before the MHMC program begins representing clients and annually thereafter. Additionally, the program should also create a survey/evaluation form to gauge overall program satisfaction for the clients/defendants. Results should be compiled annually and compared with the previous year.

f. Evaluation

The County will work with the Commission staff to develop the on-line report consistent with the standard direct client services grant evaluation questions and the Collin County's original submission. The report will contain benchmark events about the programs progress, output measures to indicate the frequency and volume of the services provided, and outcome measure that reveal the impact the program has in the county.

g. Future Funding

Over the four year grant period, Collin County expects to utilize mental health professionals and specialized attorneys to expedite case processing, resulting in decreased jail time for program clients. If successfully implemented and proven effective, Collin County will make a good faith effort to continue funding the program at expiration of the grant period.

h. Budget Narrative and Budget Form

All costs are in the contract services line item. The narrative below provides a description of the Contract Services Line Item:

Item Description Grant Funding
 Personnel \$ -
 Fringes \$ -
 Travel \$ -

Contract Services \$ 282,755.00

MHMC Program Provide mental health managed defense program		\$257,755
— Program Administrator/Attorney	\$90,000 + \$23,840 benefits	\$113,840
— Case Worker	\$40,000 + \$10,600 benefits; x2	\$101,200
— Administrative Support	\$31,000 + \$8,215 benefits	\$39,215
Travel	\$0.555/mile; 2252 miles	\$1,250
Training	Staff training	\$2,250
Program Evaluation	Annual evaluation by independent contractor	\$25,000

Equipment \$30,213

— Computers Laptops,	4 @ \$2,100 =	\$8,400
— Computer Software Necessary software,	4 @ 500 =	\$2,000
— Computer Peripherals Monitor @ \$150, docking station @ \$155 for Admin		\$305
— Printer County standard,	2 @ \$875 =	\$1,750
— Scanner County standard,	1 @ \$1000 =	\$1,000
— Copier County standard,	1 @ \$1500 =	\$1,500
— Fax Machine County standard,	1 @ \$750 =	\$750
— Desk, U-shape County standard,	1 @ \$1890 =	\$1,890
— Desk, L-shape County standard,	2 @ \$1775	\$3,550
— Desk Chairs County standard,	4 @ \$335	\$1,340
— Client Chairs County standard,	4 @ \$167 =	\$668
— Panel (divider) County standard,	1 @ \$988 for case workers' office	\$988
— Filing Cabinets, 4 drawer lateral County standard,	6 @ \$400	\$2,400
— Office Phones, Cisco model 7962 County standard,	4 @ \$485 =	\$1,940
— Shredder; waste baskets x4; dry erase boards x3; One-time Office Supplies desktop organizers x4; staplers, hole punch, scissors, tape dispensers, etc. x4 Supplies		\$1,732

Recurring Office Supplies Staples, Tape, Rubber Bands, Pens, Folders, Clips, Paper, etc.; 4 @ \$125 = \$500

Total \$313,468.00

Contract Services

A non-profit organization will be contracted to administer the Collin County Mental Health Managed Counsel program. The contractor will need to hire or contract the following staff to accomplish program objectives: Program Administrator/Attorney, 2 Case Workers, and an Administrative Support person. Additionally, monies have been included for staff training and to travel to/from the jail, social service organizations, hearings, etc.

~~A second outside contractor will be contracted to perform an impartial annual evaluation of the MHMC program's effectiveness and performance. Likely respondents will include institutions of higher education.~~

Both contracts will be annually reoccurring.

Equipment

Provision of necessary office equipment and furnishing for the program staff will be a one-time cost. Items include computers, software, and peripherals; desks, chairs, and filing cabinets; essential program equipment; and basic office and desk supplies. Office/cubicle space will be provided for all program staff at the Collin County Courthouse.

Supplies

Reoccurring office supplies including paper, folders, pens, staples, paper clips, and miscellaneous items were calculated at \$125 per program staff member.

Timeline for Reporting and Fund Distribution

Reports will be submitted on-line over the Internet.

Reporting Period	Type Report Due	Date Report Due	Fund Distribution Date
October 2012 through December 2012	Budget Status Report Progress report	January 15, 2013	January 2013
January 2013 through March 2013	Budget Status Report Progress report	April 15, 2013	April 2013
April 2013 through June 2013	Budget Status Report Progress report	July 15, 2013	July 2013
July 2013 through September 2013	FINAL Expense Report Final Progress Report and Conclusion. Delivery of Final Product and Demonstration	December 16, 2013	November 2013