



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

September 27, 2013

Vice Chair:
The Honorable Olen Underwood

The Honorable Keith Self
Collin County Judge
Via E-mail: keith.self@co.collin.tx.us

Ex Officio Members:
Honorable Sharon Keller
Honorable Wallace B. Jefferson
Honorable Roberto Alonzo
Honorable Abel Herrero
Honorable Sherry Radack
Honorable Linda Rodriguez
Honorable Royce West
Honorable John Whitmire

RE: FY14 New Single-year Statement of Grant Award – Grant Number 212-14-D05

Members Appointed by Governor:
Honorable Jon Burrows
Mr. Don Hase
Mr. Anthony Odiorne
Honorable Olen Underwood
Honorable B. Glen Whitley

Dear Judge Self:

I am pleased to inform you that the Texas Indigent Defense Commission has awarded Collin County a **FY14 New Single-year Discretionary Grant** in the amount of **\$426,240** in response to your application titled **e-Management System for Indigent Defense**. Your Statement of Grant Award for fiscal year 2014 is attached. Please sign, scan, and return via e-mail the Statement of Grant Award to **bryan.wilson@txcourts.gov** on or before **October 25, 2013**. You do not need to mail a copy.

Executive Director:
James D. Bethke

Congratulations to Collin County on taking the lead in Texas by developing 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 Bryan Wilson, the Commission Grants Administrator at (512) 936-6996.

Sincerely,

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

Copy:
The Honorable John Roach, Jr., 296th District Court Judge, judgeroach@co.collin.tx.us
Mr. Jeffrey May, Collin County Auditor, jmay@co.collin.tx.us



TEXAS INDIGENT DEFENSE COMMISSION

Statement of Grant Award

FY14 New Single-year Discretionary Grant

Grant Number: 212-14-D05
Grantee Name: Collin County
Program Title: e-Management System for Indigent Defense
Grant Period: 10/1/2013-9/30/2014
Grant Award Amount: \$426,240

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 October 25, 2013. 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:

Table with 2 columns: Category and Amount. Rows include Direct Costs, Personnel (0 FTEs), Fringe Benefits, Travel and Training, Equipment, Supplies, Contract Services (\$426,240), Indirect Costs, Total Proposed Costs (\$426,240), Less Cash from Other Sources- County Match (0), and Total Amount Funded by Commission (\$426,240).

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 October 19, 2012, 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 deobligating 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, 2013.

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

Required Conditions and Reports

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 public defender office to a non-profit corporation or governmental entity, then 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 FY2014 application listed below as edited. 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 to clarify the Activities Section in the application. This plan must include detailed deliverables and will be used to construct the progress report items. The plan will also cover details of which portions of the activities will be subject to RFP requirements and which are subject to on-going county contract amendments. The plan must be provided before the County obligate or expends funds.

Contract

- 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. In the case of contracts for public defender offices and managed assigned counsel programs, these provisions must include a review of utilization and activity, reporting of financial data to evaluate the contractor's performance within the budget required by statute for such programs.
- Contracts with third parties for core services under this grant must be provided to the Commission and approved prior to execution.
- The County must provide a signed agreement or include a provision in a signed agreement with the vendor that requires the vendor to make the development of all software or components under this program available to all Texas Counties at no charge.

2014 Collin County Discretionary Grant Application Narrative (EDITED)

(Single-Year Grant)

Program Title: e-Management System for Indigent Defense

Estimated Program Cost: \$436,240

County Cash Match: \$0

Introduction

Implement a web-based e-Management system, interfaced with the county's criminal justice case management system, to improve the timeliness and access to qualified, competent counsel for indigent defendants through streamlining of appointment and payment processes, expedite defendants through the system, and expand data collection for program analysis and evaluation leading to further system improvements.

Problem Statement

The Collin County indigent defense process spans multiple departments and systems, and some of the tasks are entirely manual, resulting in administrative burden and duplicative efforts. While all departments involved use the county deployed criminal justice management system, Odyssey, it does not fulfill all processes and data collection necessary for Fair Defense Act (FDA) compliance. Thus, many departments must use hardcopy or Microsoft based solutions, such as Excel, to track requirements resulting in FDA compliance data being stored in various departments with no centralized collection point. Compliance is demonstrated through a mixture of manual and electronic processes making FDA compliance, program efficiency, and overall costs difficult to accurately assess and evaluate.

During the recently conducted review of Collin County's indigent defense systems, the TIDC monitor was unable to determine the specific number of hours from arrest to arraignment and provision of magistrate warnings. Per Texas Code of Criminal Procedure (Tex. Code Crim. Proc.) article 14.06(a), the detained person must be taken before a magistrate within 48 hours of arrest. The review also identified 82.3% (less than the recommended 90%) of felony attorney appointments were made within the required timeline per Tex. Code Crim. Proc. article 1.051(c). Additionally, the TIDC monitor could not determine when counsel was requested in 31% (23 of 74) felony cases and 16% (8 of 50) misdemeanor cases. For juveniles, counsel must be appointed within five working days of a petition being served (Texas Family Code § 51.101(d)). Collin County's juvenile sample reviewed was only 76% timely.

While data is sparse regarding administrative time, county staff members could be more efficient using consistent and automated processes. The Collin County Indigent Defense Office (IDO) currently uses a paper affidavit of indigence completed by arrestees, which can result in illegible or missing data. The information is then entered into the computer by IDO staff to make an indigence determination before appointing an attorney. For the last quarter of 2012, the IDO processed an average of 606 applications each month.

Appointments are not a single, simple process and vary based on the type of charge (felony, misdemeanor, juvenile), as well as if the case has been filed or not. Appointments are made from attorney wheels maintained in the criminal justice case management system, Odyssey; however, the system is not capable of notifying the appointed attorney. IDO staff uses a separate system, which is interfaced with Odyssey, for attorney notification. Unfortunately, the notification system doesn't always automatically generate emails resulting in additional staff time to scan required documents and create the missing emails.

Following case disposition, attorneys submit fee vouchers, on quadruplicate carbon copy, for payment to the appropriate court. Frequently these vouchers are submitted for judicial review weeks or months after case disposition delaying the payment process. Additionally, judicial approval of vouchers can take anywhere from hours to days, depending on the judge's schedule. Vouchers are then sent to the Auditor's Office where coding takes approximately 19 hours each week before being sent to accounts payable for payment dispensation. The Auditor's Office also returns approximately 15-20 vouchers with missing data each month to the originating court, increasing the amount of labor and time expended per voucher. Carbon copies are then sent to probation and clerks' offices for fee collection. These manual processes result in large quantities of paper traversing between several county buildings which can take extensive time; however, there is currently no turn around tracking on payment vouchers. Additionally, papers may be illegible, backlog because of scheduling conflicts at a particular step, or even be lost in transit.

Correspondingly, these manual processes make it difficult for the IDO staff to evaluate the program. For example, there is no one system or automated method to quickly determine attorney case loads and status; appointment reporting is currently done using an Excel spreadsheet and sorting by rows/columns. Additionally, there is no tracking of attorney first contact with clients per Tex. Code Crim. Proc. article 26.04(j)(1); reporting requires a manual, case-by-case review. IDO staff must also manually track CLE hours and other wheel eligibility documentation for attorneys, update attorney contact information, and file all correspondence.

Collin County needs to analyze current business processes to reduce redundancies and improve efficiency. Following analysis, implementation of an e-Management solution, interfaced with the county's existing criminal justice system and accessible via web browser, will improve timeliness and access to qualified, competent counsel for juveniles and adults; expedite defendants through the system; reduce paper waste and loss; and expand data collection for program analysis and evaluation. Streamlining processes will also lead to reduced costs for Collin County.

Objectives

Implementation Goal: Implement e-Management system for indigent defense

Objectives

- Establish a collaborative workgroup by July 1, 2013
- Select entity to analyze and streamline indigent defense processes/workflow by December 1, 2013
- Choose/acquire web-based indigent defense/FDA management software/platform by February 1, 2014
- Contract professional technical services to develop, interface/integrate, and/or modify software systems by March 1, 2014
- Train Collin County staff and wheel attorneys and complete implementation by September 30, 2014

On-going Project Goal: Improve timeliness and access to counsel for indigent defendants

Objectives

- Improve tracking of statute-required indigent defense timelines through time stamping and enhanced reports
 - Arraign and provide magistrate warnings within 48 hours of arrest
 - Appoint defense counsel by close of business on the first working day after receiving request
 - Contact made between attorney and defendant one working day after appointment
- Improve felony appointment timeliness from 82.3% to 90% at implementation
- Improve juvenile appointment timeliness from 76% to 90% at implementation
- Reduce administrative time for staff involved in the appointment and/or payment process
 - Automate notification for all attorney appointments
 - Automate attorney CLE reporting and record keeping
 - Automate attorney case load and case status reporting
 - Reduce judicial approval of payment voucher to 48 hours following attorney submission
 - Reduce auditor's staff voucher coding time and number of vouchers returned by 50%

Activities

The various County departments involved in indigent defense will collaborate to streamline the manual processes, expedite defendants through the system, and document FDA compliance. Collin County will analyze business processes and implement a web-based e-Management solution to improve the efficiency of the indigent defense process and serve as a central data collection point for dates, times, documents, and other information required for FDA compliance including attorney wheel management, indigence determination, appointment and notification, prompt attorney-client contact, electronic payment voucher submission and approval, and data collection and reporting. While Collin County is working to immediately address felony and juvenile appointment timeliness, implementation of this project will greatly enhance opportunities to make these improvements, as well as automate procedures, to streamline the entire indigent defense process. Activities described may happen concurrently. In order to obtain the benefits of this initiative as rapidly as possible, Collin County requests a special dispensation from TIDC to begin immediately following notification of award (June/July).

Implementation Activities

A collaborative workgroup with representatives from all County departments involved including, at minimum, Court Administration, Indigent Defense Office, Information Technology, District and County Courts, and Auditor's Office will be formed. This step has already been initiated; however, group membership has not been formalized yet. Input from the local defense bar will also be included in the formal workgroup.

The workgroup, led by Court Administration, will contract with an unbiased consultant to analyze and evaluate current indigent defense business processes and workflow, identify inefficiencies and manual processes that may be automated, design streamlined work flow, and target tracking and reporting steps for FDA compliance. A third party, unbiased consultant is invaluable for the ability to cross departmental boundaries and evaluate system deficiencies from a neutral perspective. Following assessment, the consultant will work with Collin County to implement policy and process changes.

The workgroup will identify existing web-based indigent defense/FDA management software platforms and evaluate for implementation in Collin County. This step has already been initiated for the TIDC-funded FIDo platform; however, the workgroup will continue assessing other systems in tandem with any necessary process changes. Software will be portable to other jurisdictions, per TIDC guidelines. The appropriate software platform will allow access and tracking through an online portal for attorneys, judges, and other staff involved in the indigent defense process, which should expedite processing.

The system should include date and time stamps for all transactions entered, including arraignment/ provision of magistrate warnings, request for counsel, completion of affidavit of indigence and indigence determination, attorney appointment and notification, and attorney-client first contact to improve FDA compliance tracking. Variations for juvenile procedures and processes will need to be included. Additionally, the system should reduce administrative turnaround times, as well as paper document routing and maintenance, for determinations for indigence, attorney appointment and notification, graduated wheel eligibility and maintenance, fee schedules, and payment voucher submission and tracking. Computing kiosks with computer, electronic signature pad, printer, and/or scanner may be necessary in the jail and courthouse for affidavit of indigence completion and attorney payment voucher submission. Attorneys should be able to update their contact and schedule information, maintain board certifications and CLE hours completed, and submit payment vouchers with attached support documentation via the online portal. Judges should be able to review, amend, and approve attorney vouchers; place attorneys on judicial hold; and review reports as needed. The deliverables for procurement will be based around these functions and any others identified by the workgroup.

The indigent defense/FDA platform will need to support mobile access, at a minimum through a mobile enabled and responsive website. Attorneys and judges maintain rigorous schedules resulting in processing delays; however, with the advent and popularity of digital technology, most attorneys carry at least one mobile device, such as an electronic tablet or smartphone, with them to court. With mobile support, attorneys could electronically submit vouchers immediately following case disposition and begin the payment process. ~~Equipping judges with mobile computing devices will allow them access to payment vouchers from anywhere at any time, no matter their location, further reducing turnaround times.~~

The appropriate staff, based on access level/permissions, should be able to quickly report on indigent cases and statuses by type and time per attorney and court. Other reports should include the ability to determine the average time from arraignment to appointment, average time from appointment to first contact, average length of time from arrest to case disposition, and number of CLE hours completed per attorney. Improved reporting will allow IDO staff to collect data for program analysis and evaluation.

Workgroup software assessments will also be reviewed for ability to coordinate/interface/integrate with Collin County's existing criminal justice management system, Odyssey. Duplicate information entry must be as limited as possible to reduce administrative and processing time. As such, the workgroup will also contract for professional technical services to develop, interface, and/or modify the system for cohesive data processing. Based on business process changes, along with the chosen indigent defense software, Collin County IT will coordinate, as needed, the technical aspects of system development, configuration, data conversion and/or transfer, interface direction(s) and connections, modifications, and beta-testing. Upon successful beta-testing, wheel attorneys and staff participating in the indigent defense process will be trained on use of the indigent defense system and any new procedures.

For all contract services, the workgroup will coordinate with the Collin County Purchasing Department to develop a request for proposal (RFP) to solicit for the services described above. The RFP will be conducted in accordance with Texas Local Government Code Chapter 262. After the RFP is awarded, contractors will work with the workgroup to perform the appropriate deliverables and scope of work. In addition to the system specifications listed above, the system will likely need modifications for Collin County-specific processes, such as voucher coding and fulfillment of partial payment, if the chosen system does not already support these features. Modifications may be contracted out or developed in-house.

On-going Project Activities

Once the e-Management system for indigent defense has been implemented, staff will be able to more efficiently conduct, document, and evaluate activities per adult FDA requirements including

1. Arraign and provide magistrate warnings within 48 hours of arrest,
2. Transmit requests for counsel to appointing authority within 24 hours,
3. Appoint defense counsel by COB first working day after receiving request, and
4. Make attorney-client contact within 24 hours of appointment.

The system will also provide the same benefits to ensure juvenile attorney appointments are timely and easily evaluated. Additionally, attorneys will be able to maintain contact and schedule information, CLE and wheel eligibility documentation, and submit payment voucher via an online portal. Judges will be able to quickly review and approve payment vouchers and obtain reports on attorney case loads and statuses. Payment processing turn-around times will be reduced and become more transparent, with less chance for scheduling backlogs and lost paperwork. IDO staff will also be able to generate quarterly, or as needed, reports to evaluate indigent defense including average time from arraignment to appointment, average time from

appointment to first contact, and average length of time from arrest to case disposition. Improved data collection and monitoring should allow IDO staff to identify future system improvements to meet the needs of indigent defendants in the county.

Evaluation

Collin County will provide programmatic updates summarizing primary activities, progress made, accomplishments, challenges faced, and next steps upon completion of each activity/output below or quarterly (whichever comes first).

Activity / Output	Measurement
Establish collaborative work group	Dates, attendance rosters
	Meeting/discussion notes
Select unbiased business process consultant to evaluate and streamline indigent defense processes/workflow	Date RFP issued, awarded
	Assessment and recommendations
	Changes to policies and/or procedures
Research and choose indigent defense/FDA software platform	Date of decision/acquisition
Contract professional technical services to develop/interface/ integrate software	Date RFP issued, awarded
	Date beta-testing begins
Configure system for county, including any programming modifications	Date of completion
Convert and transfer data	Date of data transfer
Train staff and wheel attorneys	Dates, attendance rosters
Deploy system	Date of deployment

The system will be designed to capture key dates and times to ensure FDA compliance and allow for improved program reporting. Data elements to be collected include

- Arrestee name,
- Date and time of arrest/detention,
- Date and time of arraignment/provision of magistrate warnings,
- Date and time of request for counsel,
- Date and time of probable cause finding (juvenile),
- Date and time of detention hearing (juvenile),
- Date and time of petition served (juvenile),
- Date and time of affidavit of indigence completion,
- Date and time of request for counsel transmission,
- Date and time of denial of counsel request and reason,
- Date and time of attorney appointment and notification,
- Date and time of attorney response to appointment (accept or reject),
- Date and time of attorney first contact,
- Date and time of jail release, and
- Date and time of case disposition.

Data will be secured and protected as legally required, especially juvenile information. Data will be available, based on permissions, to Judges, Commissioners Court, Indigent Defense staff, and other parties monitoring the process. Collected data will be easily extractable by time/reporting period and quickly allow reporting of

- Average time (hours) from arrest to arraignment and % arraigned within 48 hours of arrest,
- Average time (hours) from arraignment to attorney appointment and % timely appointments,
- Number of attorney notifications made and attorney response (accept/reject),
- Average time (days) from juvenile petition served to attorney appointment and % timely appointments,

- Average time (hours) from appointment to first contact and % initial contacts within 24 hours of appointment,
- Average time (days) incarcerated,
- Average time (days) from arrest to case disposition,
- Number of attorneys per wheel type, and
- Attorney case load by case type (juvenile, misdemeanor, felony) and case status.

Additionally, data demonstrating a reduction in administrative time for staff involved in the appointment and/or payment process will be either collected by the system (hours required for judicial review and approval) or maintained by the Auditor’s Office (hours required for coding and number of vouchers returned incomplete). Reports for all program aspects will be generated and reviewed at least quarterly. **(Commission Note: The arraignment hearing mentioned in the grant application is generally expected to reference the hearing described in Texas Code of Criminal Procedure Article 15.17.)**

Future Funding

This proposal for business process analysis and implementation of an e-Management system includes one-time and start-up costs for contractual hours and minimal hardware technology equipment. If successfully implemented and proven effective, Collin County will make a good faith effort to provide funding for any future monthly service, hosting, support, and maintenance costs, as well as explore expansion of system to include Attorney General, *ad litem*, and Child Protective Services cases.

Budget and Budget Narrative

There are no personnel, travel, or supply expenses anticipated for this project.

Collin County will contract with an unbiased professional management consulting firm to analyze current indigent defense business processes and practices across all affected departments from the jail to attorney payment. Following analysis, the consultant will work with county departments and personnel to implement policy, organizational, and process changes based on assessment recommendations to reduce redundancies and improve efficiency.

Professional technical services will also be necessary to develop, configure, and/or modify indigent defense software for Collin County specific processes and coordinate with the county’s existing criminal justice management system to maintain all FDA compliance data in a single location while minimizing duplicate data entry. Juvenile processes and procedures will need to be included.

Interfacing/integration of any new system will require coordination with Odyssey to retrieve data. Existing open case data in Odyssey will need to be converted, which may require mapping of fields and tables, as well as writing programming procedures to extract, transform, and load data. A smaller subset of data will first need to be tested prior to all data being transferred. Additionally, contractual monies will fund project implementation hosting, maintenance, and support.

Training tailored to the new system and each user group will be developed and provided in a classroom setting using the actual system.

Technology hardware equipment, including mobile computing devices for the Judges and kiosks for affidavit of indigence completion and attorney payment voucher submission, is anticipated as being necessary to improve efficiency and maximize the potential of the e-Management system.

Category	Item Description	Cost
Personnel	---	\$ -
Travel	---	\$ -
Equipment	Mobile computing devices for Judges + monthly service (\$1,515 x 16)	\$ 24,240.00
	Computing kiosks for affidavit of indigence completion and attorney payment voucher submission (\$2,500 x 6)	\$ 15,000.00
Supplies	---	\$ -

Contract Services	Current indigent defense business processes assessment; implement changes	\$ 135,000.00
	System configuration for Collin County, including any programming modifications/enhancements	\$ 45,000.00
	Integrate/interface Odyssey with indigent defense software	\$ 100,000.00 \$ 124,240.00
	Data conversion – map, extract, transform, and load	\$ 25,000.00
	Hosting	\$ 6,000.00
	Maintenance and support to include all updates and fixes	\$ 66,000.00
	System training for defense attorneys and staff	\$ 20,000.00
Indirect Costs	---	\$ -
Total Proposed Costs		\$ 436,240.00

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 2013 through December 2013	Budget Status Report Progress report	January 15, 2014	January 2014
January 2014 through March 2014	Budget Status Report Progress report	April 15, 2014	April 2014
April 2014 through June 2014	Budget Status Report Progress report	July 15, 2014	July 2014
July 2014 through September 2014	FINAL Expense Report Final Progress Report and Conclusion. Delivery of Final Product and Demonstration	November 14, 2014	November 2014