



August 9, 2016

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

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

Vice Chair
The Honorable Dan Underwood

RE: FY2017 Statement of Grant Award – Grant Number 212-37-D05

Ex-Officio Members:
Honorable Sharon Keller
Honorable Nathan Hecht
Honorable Sherry Radak
Honorable Linda Rodriguez
Honorable E. Anderson Craggton
Honorable John Whitmore
Honorable Andrew Murr
Honorable Ann Henshaw

Dear Judge Self:

Member, Appointed by Governor
Honorable Dan Underwood
Honorable Jon Entwistle
Mr. Anthony Osborne
Mr. Don Hise
Executive Director
Lamar D. Becton

I am pleased to inform you that the Texas Indigent Defense Commission has awarded Collin County a **FY2017 Continued Discretionary Grant** in the amount of **\$9,433** for the **Mental Health Managed Counsel Program**. Your Statement of Grant Award for fiscal year 2017 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 **9/9/2016**. You do not need to mail a copy.

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 Edwin Colfax, the Commission Grants Administrator at (512) 463-2508.

Sincerely,

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

Copy:
Judge John Roach Program Director, judgeroach@co.collin.tx.us
Jeffrey May, County Auditor, jmay@co.collin.tx.us



**TEXAS INDIGENT DEFENSE COMMISSION
Statement of Grant Award
FY2017 Discretionary Grant**

Grant Number: 212-37-1005
 Grantee Name: Collin County
 Program Title: Mental Health Managed Counsel Program
 Grant Period: 10/1/2016-9/30/2017
 Grant Award Amount: \$9,433

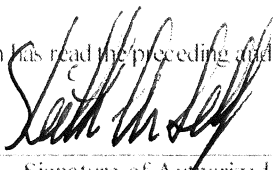
The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Collin County (herein, the County) for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Commission by September 9, 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: 4)	\$0
2) Fringe Benefits	\$0
3) Travel and Training	\$0
4) Equipment	\$0
5) Supplies	\$0
6) Contract Services	\$283,000
7) Indirect Costs	\$0
Total Proposed Costs	\$283,000
Less Cash from Other Sources- County Match	\$273,567
Total Amount Funded by Commission	\$9,433

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 2016, 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

Keith Self - County Judge

Name & Title (must print or type)

August 22, 2016

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. 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 (FY16), 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.
- 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 the 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 governmental entity or non-profit corporation 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 the 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.
- All attorneys who participate in the Managed Assigned Counsel program must meet the minimum attorney qualifications contained in the Collin County Indigent Defense Plans for District, County and Juvenile Courts.
- This grant requires quarterly progress reports to provide information on the activities and effectiveness of the program. The Commission grant program manager will construct an on-line progress report that reflects the work performed in this program and is consistent with the FY14 application listed below as edited and agreed to. 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 expenditure reports to obtain reimbursement 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.

2014 Collin County Discretionary Grant Application Narrative (Multi-Year Grant)

a. Application Form

Counties Represented: Collin

Fiscal Year: 2013

State Payee Identification Number: 756000873

Division To Administer Grant: ~~Auditor's Office~~ Court Administration

Program Title: Collin County Mental Health Managed Counsel Program

Requested Grant Amount: \$122,633

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. Collin County will enter into a Professional Services Agreement with an attorney to manage the program to promptly assign counsel with specialized knowledge in mental health defense, streamline coordination of defendant competency restoration or stabilization, and coordinate 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
- Contract Attorney 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, 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. Methodology or Project Design (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 Attorney to operate MHMC program

The oversight board will coordinate with the Collin County Purchasing Department to develop a request for proposal to solicit attorney applications 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. The Program Administrator/Attorney will have specialized knowledge to provide quality defense for mentally ill inmates and ability to collaborate and administer the program including case workers, as well as other contracted specialized attorneys. After the RFP is awarded, the Managing Attorney will work with the oversight board to create job descriptions for necessary caseload support. The Attorney shall advise the County with regard to the necessity for subcontract work to be performed hereunder. The following staff support will be needed to improve the program:

- 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

The managing attorney will set up office space at the Collin County Courthouse including

- remodeling of office and/or cubicle space as required
- coordinating with the County program coordinator and County purchasing department to provide support staff 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
- Coordinating with the County program coordinator and County purchasing department to provide the program with a copier, fax machine, paper shredder, waste baskets, office supplies, and other miscellaneous supplies.

The Program Administrator/Attorney with oversight board approval, 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 Program Administrator/Attorney will submit monthly and quarterly reports to the oversight board to ensure their fulfillment of the statement of work. The MHMC Program Administrator/Attorney will also be required to submit the necessary evaluation data (below) along with a narrative detailing programmatic challenges and successes.

3. Contract by Professional Services Agreement or Vendor for specialized services

The Collin County Purchasing Department, in accordance with Texas Local Government Code Chapter 262 and all County Purchasing guidelines, will contract for specialized services not available to the County through its present staff of employees. The specialized support staff needed to successfully administer the program includes the following:

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

The managing attorney will set up office space at the Collin County Courthouse including

- remodeling of office and/or cubicle space as required
- coordinating with the County program coordinator and County purchasing department to provide support staff 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
- coordinating with the County program coordinator and County purchasing department to provide the program with a copier, fax machine, paper shredder, waste baskets, office supplies, and other miscellaneous supplies

Explanation of equipment needs: Privacy of information sharing and security is of the utmost importance.

Access to the Case Manager and Jail Manager program Odyssey will not be granted off the premises for case workers and administrative support. All necessary client information will be granted by the County Information Technology department on County approved/purchased equipment. All case workers and administrative support provided through vendor contract for the MHMC program will be located at the Collin County Courthouse and provided County equipment. All equipment purchased by the County will be labeled, maintained, and inventoried in accordance with County's equipment policies and procedures.

4. Program Evaluation Tools

A Collin County Auditor's Office employee shall be designated to work with the managing attorney in developing evaluation tools and performance measures and gathering statistics for the program. The position's estimated annual salary plus benefits will be \$69,203.20, and will spend approximately 15% of their time on the IHDC program, thus the \$10,000 personnel allocation.

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 Qualified Mental Health professional 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 CCQ 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, 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 case workers 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 case workers can assist the defense counsel in bond reduction, mitigation strategy development, and Court education regarding the challenges facing the client. Additionally, case workers will monitor and ensure immediate competency restoration steps 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 380th 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/Managing Attorney 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 Program Administrator/Managing Attorney 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 online 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 ~~\$10,000~~

Fringes \$-

Travel \$-

Contract Services \$ 272,755.00

MHMC Program Provide mental health managed defense program **\$272,755**

- Program Administrator/Attorney \$90,000 + \$23,840 benefits \$117,340
- Case Worker \$40,000 + \$10,600 benefits: x2 \$101,200
- Administrative Support \$31,000 + \$8,215 benefits \$39,215
- Attorney Pay Sheet Automation \$15,000

Equipment \$30,213

- Computers Laptops, 4 @ \$2,100 = \$8,400
- Computer Software Necessary software, 4 @ \$816 = \$3,264
- Computer Software Defender Data 2,400 + \$150/month @ 9 \$3,759
- Computer Peripherals Monitor 4 @ \$150, \$600
- Printer County standard, 2 @ \$900 = \$1,800
- Scanner County standard, 2 @ \$1000 = \$2,000
- Copier County standard, 1 @ \$1,500 = \$1,500
- Fax to Email conversion Wireless phone (wiring not available for traditional fax) \$1,526
- Desk, L shape County standard, 1 @ \$1,700 \$1,700
- Desk Chairs County standard, 2 @ \$335 \$670
- Client Chairs County standard, 2 @ \$167 = \$334
- Panel (divider) County standard, 1 @ \$988 for case workers' office \$988
- Office Phones, Ciseo model 7962 County standard, 4 @ \$485 = \$1,940
- Shredder, waste baskets x4; dry erase boards x3; One-time Office Supplies desktop organizer, 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 qualified and experienced attorney will be contracted to administer the Collin County Mental Health Managed Counsel program. The contracted attorney shall advise the County with regard to the necessity for subcontract work to be performed. The County will follow all purchasing guidelines to hire or contract with a vendor to provide support staff. The vendor will hire or contract personnel to support the program and administration and report to the Attorney Director. Monies are requested for two Caseworkers and one Administrative support staff position. Additionally, monies have been included for staff training and to travel to/from the jail, social service organizations, hearings, etc. 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 and equipment will be provided for all program staff at the Collin County Courthouse. County surplus desks, chairs, and filing cabinets will be used whenever possible. The requested quantity reflects only the Commission funds purchases. A traditional fax cannot be used. No phone lines are available for fax connection. The alternative approach for fax to email conversion using wireless phone system is requested.

All equipment purchased by the County will be labeled, maintained, and inventoried in accordance with County's equipment policies and procedures.

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	Report Due Date	Fund Distribution Date
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	Expenditure Report Progress Report	July 15, 2017	August 2017
July 2017 through September 2017	FINAL Expenditure Report Final Progress Report and Conclusion. Delivery of Final Product and Demonstration	November 15, 2017	December 2017