

Texas Indigent Defense Commission  
FY 2014 Discretionary Grant

Program Title: e-Management System for Indigent Defense

Estimated Program Cost: \$437,000

County Cash Match: \$0

## Introduction

The Collin County indigent defense process includes several manual and time consuming steps that may result in indigent defendants moving through the system slower than necessary. Furthermore, these manual processes make it difficult to accurately assess and evaluate compliance with the Fair Defense Act (FDA). Implementation of a web-based e-Management system, interfaced with the county's criminal justice case management system, will 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. FDA compliance data is stored in various departments, and there is 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
- Obtain web-based indigent defense/FDA management software/platform by February 1, 2014
- Contract professional technical services to interface/integrate 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 within 24 hours of 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 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 a 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 consultant is invaluable for the ability to cross departmental boundaries and evaluate system deficiencies from a neutral perspective. Following assessment, 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 review for implementation in Collin County. This step has already been initiated for the TIDC-funded FIDO platform; however, the workgroup will continue systems assessments in tandem with the findings and recommendations of the process consultant. 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, indigence determination, attorney appointment, 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, wheel eligibility, and payment voucher submission. Attorneys should be able to update their contact and schedule information, maintain CLE hours completed, and submit payment vouchers via the online portal.

The indigent defense/FDA platform will need to support mobile access. 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. Judges equipped with mobile devices can review and approve 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 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 interface the systems for cohesive data processing. Based on findings from the business process consultant, along with the chosen indigent defense software, Collin County IT will coordinate the technical aspects of system configuration, data conversion and transfer, interface direction(s) and connections, 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.

As these activities are dependent upon one another and based on existing technology, changes may arise in process and scope due to unforeseen circumstances. For example, software programming modifications may have to be made for Collin County-specific processes, such as voucher coding, fulfillment of partial payment, and ability to attach support documentation. 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, consultants will work with the workgroup to perform the appropriate scope of work.

### 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 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 obtain indigent defense/FDA software platform	Date of acquisition
Configure system for county, including programming modifications	Date of completion
Contract professional technical services for interface/integration	Date RFP issued, awarded
	Date beta-testing begins
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

- Date and time of arrest/detention,
- Date and time of arraignment/provision of magistrate warnings,
- 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 attorney appointment,
- Date and time of attorney first contact,
- Date and time of jail release, and
- Date and time of case disposition.

Data will be available, based on permissions, to Judges, Commissioners Court, Indigent Defense staff, and other parties monitoring the process. Collected data will 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,
- 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.

### Future Funding

This proposal for business process analysis and implementation of an e-Management system includes one-time and start-up costs for consultant hours and minimal hardware technology equipment. If successfully implemented and proven effective, Collin County will make a good faith effort to provide funding for the 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 a professional management consulting firm to analyze current indigent defense business processes, reduce redundancies, and improve efficiency through policy and process changes. Professional technical services will also be necessary to configure and/or program changes to indigent defense software for Collin County specific processes, convert data, and interface/integrate with the county’s existing criminal justice management system. Additionally, contractual monies will fund any necessary first-year hosting, maintenance, support, and training costs associated with implementation of the indigent defense e-Management system.

Technology hardware equipment is anticipated as being necessary to improve efficiency and maximize the potential of the e-Management system.

Category	Item Description	Cost
Personnel	---	\$ -
Travel	---	\$ -
Equipment	Technology hardware to support implementation of e-Management system	\$ 40,000.00
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
	Data conversion	\$ 25,000.00
	Annual hosting, maintenance, and software	\$ 72,000.00
	System training for attorneys and staff	\$ 20,000.00
Indirect Costs	---	\$ -
<b>Total Proposed Costs</b>		<b>\$ 437,000.00</b>