



TEXAS INDIGENT DEFENSE COMMISSION

Fiscal Monitoring Report

Camp County, Texas

FY 2018 Indigent Defense Expenses

Final Report

June 1, 2020

Table of Contents

EXECUTIVE SUMMARY	3
DETAILED REPORT	4
BACKGROUND INFORMATION	4
County Background	4
Commission Background.....	4
Formula Grant.....	4
DETAILED FINDINGS AND RECOMMENDATIONS	5
APPENDIX A – INDIGENT DEFENSE EXPENDITURE REPORT.....	6
APPENDIX B – CRITERIA.....	8
APPENDIX C – DISTRIBUTION LIST	9

EXECUTIVE SUMMARY

The Texas Indigent Defense Commission (TIDC) conducted a fiscal desk monitoring review of Camp County. The review began on September 24, 2019 and follow-up email exchanges continued thru October 17, 2019 to complete the record review. The fiscal monitor reviewed financial records to determine whether grant funds were spent in accordance with the terms and conditions of TIDC grants.

TIDC reviewed the expenditure period of October 1, 2017 through September 30, 2018 (FY2018).

SUMMARY OF FINDINGS

- A written explanation from the judge for the variance in amounts requested and amounts approved on an attorney fee voucher was not present as required by Article 26.05(c) of the Texas Code of Criminal Procedure.

OBJECTIVE

The objectives of this review were to

- Determine the accuracy of the Indigent Defense Expenditure Report;
- Determine whether grant funds were used for authorized purposes in compliance with laws, regulations, and the provisions of the grant;
- Validate policies and procedures relating to indigent defense payments;
- Provide recommendations pertaining to operational efficiency; and
- Assist with any questions or concerns on the indigent defense program requirements.

SCOPE

TIDC reviewed the County's indigent defense expenditures to ensure compliance with applicable laws, regulations, and the provisions of the grants for FY2017 and FY2018. The records reviewed were provided by the Camp County auditor's office. Compliance with other statutory indigent defense program requirements was not included in this review.

METHODOLOGY

To accomplish the objectives, the fiscal monitor requested information from the County Auditor. The fiscal monitor reviewed

- Random samples of paid attorney fee vouchers;
- General ledger transactions provided by the Camp County auditor's office;
- IDER;
- Attorney fee schedule;
- Attorney appointment list;
- Attorney applications;
- Attorney criminal and juvenile continuing legal education documentation;
- Any applicable contracts; and
- The County's indigent defense plan filed with TIDC.

DETAILED REPORT

BACKGROUND INFORMATION

County Background

Camp County was founded in 1874. The County is named for John Lafayette Camp, a politician who introduced the bill in the state senate that created the county.

The County seat is Pittsburg. Camp County serves an estimated population of 12,896 and occupies an area of 203 square miles, of which 7.4 square miles is water. The neighboring counties are Franklin, Morris, Titus, Upshur, and Wood Counties.

Camp County is served by the 76th and 276th District Courts and a County Court.

Commission Background

In January 2002, the Texas Legislature established the Texas Task Force on Indigent Defense. In May 2011, the Legislature changed the agency's name to the Texas Indigent Defense Commission effective September 1, 2011. The Commission is a permanent standing committee of the Texas Judicial Council and is administratively attached to the Office of Court Administration (OCA).

TIDC provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the constitution and state law.

TIDC's purpose is to promote justice and fairness for all indigent persons accused of crimes, including juvenile respondents, as provided by the laws and constitutions of the United States and the State of Texas. TIDC conducts these reviews based on the directive in Section 79.037(c) Texas Government Code, to "monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant...", as well as Section 173.401(a), Texas Administrative Code, which provides that "the Commission or its designees will monitor the activities of grantees as necessary to ensure that grant funds are used for authorized purposes in compliance with laws, regulations, and the provisions of the grant."

Formula Grant

The County submitted the FY2018 indigent defense online grant application to assist in the provision of indigent defense services. Camp County met the formula grant eligibility requirements and was awarded \$14,509 for FY2018.

DETAILED FINDINGS AND RECOMMENDATIONS

Finding One

A written explanation from the judge for the variance in amounts requested and amounts approved on an attorney fee voucher was not present as required by Article 26.05(c) of the Texas Code of Criminal Procedure.

Article 26.05(c) of the Code of Criminal Procedure (CCP) reads in part, “If the judge or director disapproves the requested amount of payment, the judge or director shall make written findings stating the amount of payment that the judge or director approves and each reason for approving an amount different from the requested amount.”

Camp County uses a contract system for most attorney appointments. However, the judge may appoint an attorney if necessary. For the review period, there were four attorney fee vouchers submitted by appointed attorneys and all four vouchers were reviewed. On the appeal case, the attorney submitted an itemized invoice detailing both time and expenses incurred by the attorney as an attachment to the attorney fee voucher. The judge approved a lesser amount than requested by the attorney. No written explanation was provided by the judge.

In addition, the entire amount paid was reported as attorney fees on the IDER and no allocation for the other litigation expense was recorded. As there was not an explanation for the reduction in amount requested, it is not clear whether approved amounts included reimbursement for expenses that should be reported separately from attorney fees. No finding is issued regarding incorrect categorization of expenses, but the County is reminded that reimbursement of other litigation expenses should be reported in the correct category separate from attorney fees when included on an approved voucher.

Recommendation:

Judges must provide a written explanation for any variance in the amount approved and the amount requested by the attorney to comply with CCP 26.05 (c).

Camp County Action Plan

To address this issue, in the future, all bill adjustments shall include a written finding stating the amount of payment that is approved and each reason for approving an amount different from the requested amount.

Contact person(s): 276th Judicial District Judge, Robert Rolston

Completion date: April 24, 2020

APPENDIX A – INDIGENT DEFENSE EXPENDITURE REPORT

CAMP COUNTY INDIGENT DEFENSE EXPENDITURES			
Expenditures	2016	2017	2018
Population Estimate	12,692	12,820	12,896
Juvenile Counsel	\$336	\$0	\$0
Capital Murder	\$0	\$0	\$0
Adult Non-Capital Felony Counsel	\$41,759	\$30,437	\$37,188
Adult Misdemeanor Counsel	\$58,406	\$72,369	\$63,967
Juvenile Appeals	\$0	\$0	\$0
Adult Felony Appeals	\$0	\$0	\$0
Adult Misdemeanor Appeals	\$0	\$0	\$0
Licensed Investigation	\$0	\$1,394	\$0
Expert Witness	\$1,063	\$1,450	\$0
Other Direct Litigation	\$0	\$4,368	\$0
Total Court Expenditures	\$101,564	\$110,018	\$101,155
Administrative Expenditures	\$0	\$0	\$0
Funds Paid by Participating County to Regional Program	\$2,159	\$2,159	\$3,216
Total Public Defender Expenditures	\$0	\$0	\$0
Total Court and Administrative Expenditures	\$103,723	\$112,177	\$104,371
Formula Grant Disbursement	\$15,349	\$18,213	\$14,509
Reimbursement of Attorney Fees	\$17,571	\$14,852	\$13,189
Reimbursement by State Comptroller for Writs of Habeas Corpus	\$0	\$0	\$0
Total Public Defender Cases	NA	NA	NA
Total Assigned Counsel Cases	290	263	230

Indigent Defense Expenditure Reporting

Source: Texas Indigent Defense Commission records

Camp County				
Year	2016	2017	2018	Texas 2018
Population (Non-Census years are estimates)	12,692	12,820	12,896	28,525,596
Felony Charges Added (from OCA report)	127	106	127	288,260
Felony Cases Paid	115	67	79	215,240
% Felony Charges Defended with Appointed Counsel	91%	63%	62%	75%
Felony Trial Court-Attorney Fees	\$41,759	\$30,437	\$37,188	\$127,990,245
Total Felony Court Expenditures	\$42,822	\$37,649	\$37,188	\$144,671,726
Misdemeanor Charges Added (from OCA report)	303	268	218	467,851
Misdemeanor Cases Paid	174	196	151	214,494
% Misdemeanor Charges Defended with Appointed Counsel	57%	73%	69%	46%
Misdemeanor Trial Court Attorney Fees	\$58,406	\$72,369	\$63,967	\$43,911,167
Total Misdemeanor Court Expenditures	\$58,406	\$72,369	\$63,967	\$44,786,546
Juvenile Charges Added (from OCA report)	2	3	3	28,970
Juvenile Cases Paid	1	0	0	41,578
Juvenile Attorney Fees	\$336	\$0	\$0	\$11,805,587
Total Juvenile Expenditures	\$336	\$0	\$0	\$12,312,690
Total Attorney Fees	\$100,501	\$102,806	\$101,155	\$189,152,540
Total ID Expenditures	\$103,723	\$112,177	\$104,371	\$276,229,545
Increase in Total Expenditures over Baseline	353%	390%	356%	211%
Total ID Expenditures per Population	\$8.17	\$8.75	\$8.09	\$9.68
Commission Formula Grant Disbursement	\$15,349	\$18,213	\$14,509	\$23,320,001
Cost Recouped from Defendants	\$17,571	\$14,852	\$13,189	\$10,281,678

Indigent Defense Expenditure Reporting

Source: Texas Indigent Defense Commission records

APPENDIX B – CRITERIA

Criteria

- Uniform Grant Management Standards
- Texas Government Code, Section 79.036. Indigent Defense Information
- Texas Government Code, Section 79.037. Technical Support; Grants
- Code of Criminal Procedures Art 26.04 Procedures for Appointing Counsel
- Code of Criminal Procedures Art 26.05 Compensation of Counsel Appointed to Defend
- Texas Administrative Code - Title 1, Part 8, Chapter 174 Subchapter A Rule 174.1
- Texas Administrative Code - Title 1, Part 8, Chapter 174 Subchapter A Rule 174.2
- Texas Administrative Code - Title 1, Part 8, Chapter 174 Subchapter B Definitions
- FY2018 Indigent Defense Expenditure Report Manual found at:
- <http://www.tidc.texas.gov/media/58006/fy18-ider-manual.pdf>

APPENDIX C – DISTRIBUTION LIST

The Honorable A J Mason
Constitutional County Judge
Camp County
126 Church, Suite 303
Pittsburg, TX 75686
aj.mason@co.camp.tx.us

Honorable Robert M. Rolston
Local Administrative District Judge
276th District Court
P.O. Box 1306
Mt. Pleasant, TX 75456-1306
rmrolston@gmail.com

Ms. Christie Davis
County Auditor
115 ML King Ave, Suite G
Pittsburg, TX 75686
christie.davis@co.camp.tx.us

Mr. Geoffrey Burkhart
Executive Director, Texas Indigent Defense Commission
209 W. 14th Street, Room 202
Austin, TX 78701
GBurkhart@tidc.texas.gov

Mr. Wesley Shackelford
Deputy Director, Texas Indigent Defense Commission
209 W. 14th Street, Room 202
Austin, TX 78701
WShackelford@tidc.texas.gov

Mr. Edwin Colfax
Grants Program Manager, Texas Indigent Defense Commission
209 W. 14th Street, Room 202
Austin, TX 78701
EColfax@tidc.texas.gov