



TEXAS INDIGENT DEFENSE COMMISSION

Fiscal Monitoring Report

Madison County, Texas

FY 2014 Indigent Defense Expenses

Final Report

January 5, 2016

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EXECUTIVE SUMMARY

Madison County's fiscal monitoring desk review began on April 27, 2015. The fiscal monitor reviewed financial records to determine whether grant funds were spent in accordance with the terms and conditions of the Texas Indigent Defense Commission grants.

The expenditure period of October 1, 2013 to September 30, 2014 (FY2014) was reviewed as part of the fiscal monitoring desk review process.

Summary of Findings

- No findings noted

Objective

The objectives of this review were to:

- 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 services;
- provide recommendations pertaining to operational efficiency; and
- assist with any questions or concerns on the indigent defense program requirements.

Scope

The county's indigent defense expenditures were monitored to ensure compliance with applicable laws, regulations, and the provisions of the grants during FY2014. Records provided by the Madison County Auditor's Office were reviewed.

Methodology

To accomplish the objectives, the fiscal monitor met with the county auditor, the county judge, and the county judge administrator. The fiscal monitor reviewed:

- random samples of paid attorney fees;
- general ledger transactions provided by the Madison County Auditor's Office;
- IDER and attorney fee schedule;
- public attorney appointment list, attorney applications, attorney criminal and juvenile continuing legal education training documentation, any applicable contracts; and
- the county's local indigent defense plan.

DETAILED REPORT

BACKGROUND INFORMATION

County Background

Madison County is located in Central Texas. The County occupies an area of 472 square miles, and serves an estimated population of 14,233. The County is a political subdivision of the State of Texas. Neighboring counties are Leon, Houston, Walker, Grimes and Brazos Counties.

Commission Background

In January 2002, the 77th Texas Legislature established the Texas Task Force on Indigent Defense. In May 2011, the 82nd Texas Legislature changed the name of the Texas Task Force on Indigent Defense to the Texas Indigent Defense Commission (Commission) effective September 1, 2011. The Commission remains a permanent standing committee of the Texas Judicial Council, and is administratively attached to the Office of Court Administration (OCA).

The Commission 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.

The purpose of the Commission is to promote justice and fairness to all indigent persons accused of criminal conduct, including juvenile respondents, as provided by the laws and constitutions of the United States and the State of Texas. The Commission 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 FY 2014 indigent defense on-line grant application to assist in the provision of indigent defense services. Madison County met the formula grant eligibility requirements and was awarded \$25,955 for FY 2014.

Discretionary Grant

Madison County did not apply for a discretionary grant for FY 2014; therefore no discretionary grant funds were reviewed.

Other Related Issues

New attorney caseload and payments reporting requirements were established with HB 1318 by the 83rd Texas Legislature. The initial report was due by November 3, 2014 with the Indigent Defense Expenditure Report. After six months of requesting the information, the report had not been completed. Therefore this review and a technical assistance visit were initiated. The result of the technical assistance visit was that the required report was submitted.

REVIEW RESULTS

There were no findings or issues uncovered during this fiscal review.

APPENDIXES

APPENDIX A – INDIGENT DEFENSE EXPENDITURE REPORT

MADISON COUNTY INDIGENT DEFENSE EXPENDITURES			
Expenditures	2012	2013	2014
Population Estimate	13,758	13,822	14,233
Juvenile Assigned Counsel	\$0.00	\$200.00	\$400.00
Capital Murder	\$0.00	\$0.00	\$0.00
Adult Non-Capital Felony Assigned Counsel	\$92,732.73	\$104,745.69	\$97,285.73
Adult Misdemeanor Assigned Counsel	\$25,050.00	\$21,372.00	\$24,800.00
Juvenile Appeals	\$0.00	\$0.00	\$0.00
Adult Felony Appeals	\$0.00	\$0.00	\$0.00
Adult Misdemeanor Appeals	\$0.00	\$0.00	\$0.00
Licensed Investigation	\$0.00	\$0.00	\$0.00
Expert Witness	\$0.00	\$0.00	\$0.00
Other Direct Litigation	\$0.00	\$0.00	\$0.00
Total Court Expenditures	\$117,782.73	\$126,317.69	\$122,485.73
Administrative Expenditures	\$0.00	\$0.00	\$0.00
Funds Paid by Participating County to Regional Program	\$0.00	\$6,808.00	\$9,078.00
Total Court and Administrative Expenditures	\$117,782.73	\$133,125.69	\$131,563.73
Formula Grant Disbursement	\$16,747.85	\$15,859.00	\$25,955.00
Equalization Disbursement	\$0.00	\$0.00	\$0.00
Discretionary Disbursement	\$0.00	\$0.00	\$0.00
Reimbursement of Attorney Fees	\$11,119.00	\$20,055.02	\$16,247.60
Reimbursement by State Comptroller for Writs of Habeas Corpus	\$0.00	\$0.00	\$0.00
Total Assigned Counsel Cases	308	303	332

Indigent Defense Expenditure Reporting

Source: Texas Indigent Defense Commission records

Madison County				
Year	2012	2013	2014	Texas 2014
Population (Non-Census years are estimates)	13,758	13,822	14,233	26,642,612
Felony Charges Added (from OCA report)	180	124	149	270,401
Felony Cases Paid	128	151	148	192,735
% Felony Charges Defended with Appointed Counsel	71.11%	121.77%	99.33%	71.28%
Felony Trial Court-Attorney Fees	\$92,732.73	\$104,7545.69	\$97,285.73	\$104,577,627.50
Total Felony Court Expenditures	\$92,732.73	\$104,7545.69	\$97,285.73	\$121,013,238.56
Misdemeanor Charges Added (from OCA report)	423	411	406	530,335
Misdemeanor Cases Paid	180	151	183	223,045
% Misdemeanor Charges Defended with Appointed Counsel	42.55%	36.74%	45.07%	42.06%
Misdemeanor Trial Court Attorney Fees	\$25,050.00	\$21,372.00	\$24,800.00	\$38,286,859.48
Total Misdemeanor Court Expenditures	\$25,050.00	\$21,372.00	\$24,800.00	\$39,406,492.35
Juvenile Charges Added (from OCA report)	3	3	2	31,996
Juvenile Cases Paid	0	1	1	45,340
Juvenile Attorney Fees	\$0.00	\$200.00	\$400.00	\$10,901,190.88
Total Juvenile Expenditures	\$0.00	\$200.00	\$400.00	\$11,597,789.07
Total Attorney Fees	\$117,782.73	\$126,317.69	\$122,485.73	\$159,310,349.08
Total ID Expenditures	\$117,782.73	\$133,125.69	\$131,563.73	\$229,943,368.55
Increase In Total Expenditures over Baseline	188.13%	225.67%	221.85%	159.20%
Total ID Expenditures per Population	\$8.56	\$9.63	\$9.24	\$8.63
Commission Formula Grant Disbursement	\$11,119.00	\$15,859.00	\$25,955.00	\$36,739,158.25

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
- FY2014 Indigent Defense Expenditure Report Manual found at:
<http://www.tidc.texas.gov/media/25884/FY2014IDERManualFinalRevised0912.pdf>

APPENDIX C – DISTRIBUTION LIST

The Honorable C. E. McDaniel
Constitutional County Judge
103 W. Trinity St. Ste. 113
Madisonville, TX 77864

The Honorable Donald Kraemer
12th District Court Judge
1100 University Ave. Room 302
Huntsville, TX 77340

The Honorable Hal Ridley
278th District Court Judge
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