

# Annual Expenditure Report

## Fiscal Year 2016

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Texas Fair Defense Act





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The Honorable Nathan Hecht	Austin, Chief Justice, Supreme Court
The Honorable Sherry Radack	Houston, Chief Justice, First Court of Appeals
The Honorable Linda Rodriguez	Hays County
The Honorable Brandon Creighton	Conroe, State Senator
The Honorable John Whitmire	Houston, State Senator
The Honorable Andrew Murr	Junction, State Representative
The Honorable Abel Herrero	Robstown, State Representative

**MEMBERS APPOINTED BY GOVERNOR:**

The Honorable Missy Medary	Corpus Christi, Presiding Judge, 5th Administrative Judicial Region of Texas
The Honorable Jon Burrows	Temple, Bell County Judge
The Honorable Richard Evans	Bandera, Bandera County Judge
Mr. Don Hase	Arlington, Attorney, Ball & Hase
Mr. Alex Bunin	Houston, Chief Public Defender, Harris County Public Defender Office

**STAFF:**

James D. Bethke	Executive Director
Brandon Bellows	Policy Analyst
Edwin Colfax	Grant Program Manager
Jamie Dickson	Special Counsel/Policy Analyst
Scott Ehlers	Policy Analyst
Marissa Kubinski	Executive Assistant
Joel Lieurance	Senior Policy Analyst
Wesley Shackelford	Deputy Director
Debra Stewart	Fiscal Monitor
Joan Thomas	Publications Manager/Grants Specialist
Sharon Whitfield	Budget Analyst
Morgan Shell	Law Clerk

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<i>Published January 26, 2017</i>	

# FY 2016 Annual Expenditure Report

## Commission Mission and Duties

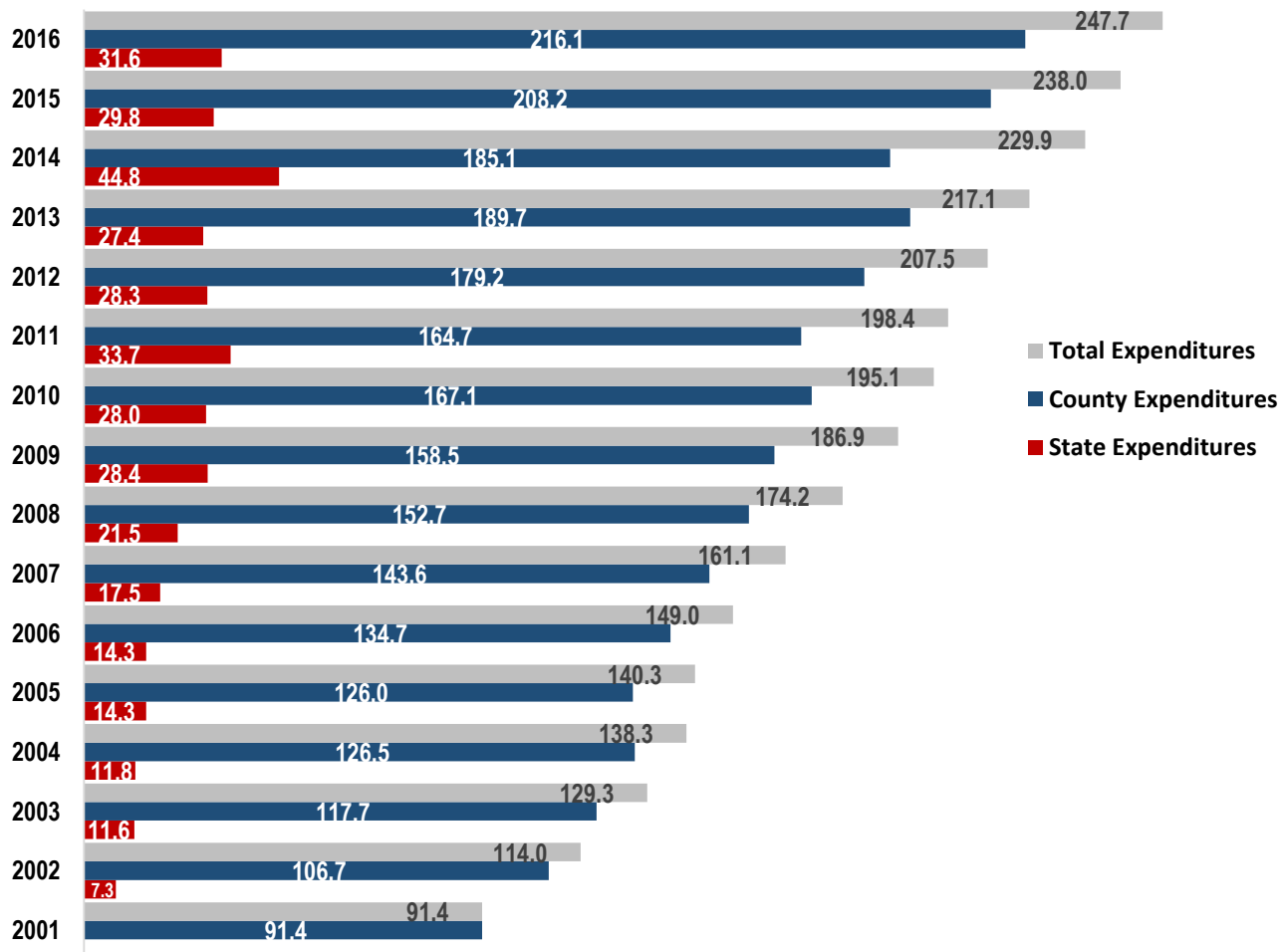
The Texas Indigent Defense Commission (Commission) provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law.

The Commission operates under the authority of a thirteen-member governing board and is administratively attached to the Office of Court Administration (OCA). Texas Government Code 79.037 identifies some of the Commission’s key duties:

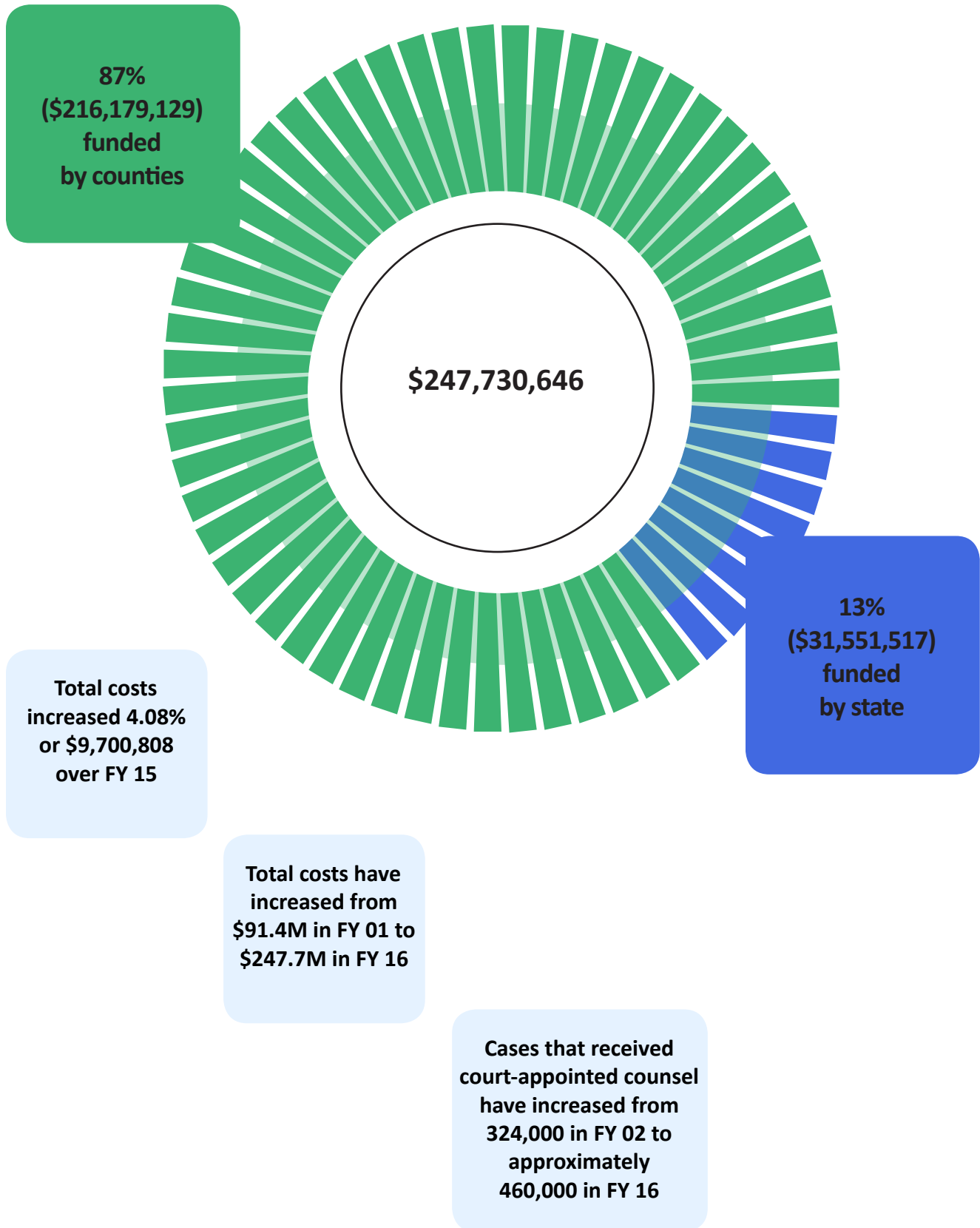
- **Assist** counties in improving indigent defense systems;
- **Promote** compliance by counties with requirements of state law relating to indigent defense;
- **Distribute** grants; and
- **Monitor** each county that receives a grant and enforce compliance with the conditions of the grant.

Information on indigent defense programs and activities is detailed in the Commission’s FY 2016 Annual Report, published separately and available on the [website](#).

**Historical State and County Indigent Defense Expenditures (in millions) by Fiscal Year**



## FY 2016 State and County Spending on Indigent Defense



## FY 2016 Commission Operating Budget

This fiscal year the Commission expended \$938,843 for administrative costs from the Fair Defense Account. Administrative costs represent 2.9 percent of the total amount expended. These expenses included salaries for eleven full-time staff, travel for board members and staff, an on-line data system that provides public access to county indigent defense plans and expenditures, and other administrative functions as shown in the chart below.

Budget Category	FY 2016 Total Expended	FY 2015 Comparative Total
Salaries & Wages	\$836,940	\$729,955
Other Personnel Costs	\$29,744	\$24,563
Benefit Replacement Pay	\$2,054	\$2,054
Professional Fees and Services	\$411	\$461
Consumables	\$1,639	\$1,528
Utilities	\$2,881	\$3,978
Travel	\$34,627	\$35,082
Rent-Building	\$1,361	\$120
Rent-Machine and Other	\$2,296	\$2,372
Other Operating Expenses	\$150,962	\$133,454
Innocence Project	\$318,236	\$367,819
Formula Grant	\$25,056,873	\$23,931,689
Discretionary Grant	\$5,850,861	\$4,074,692
Extraordinary Disbursement Grant	\$369,926	\$393,684
Technical Assistance/Targeted Specific Grant	\$273,857	\$185,504
<b>Total Expended</b>	<b>\$32,932,668</b>	<b>\$29,886,955</b>
Method of Finance Category	FY 2016 Method of Finance	FY 2015 Method of Finance
Fund 5073, Fair Defense Account, Court Costs	\$21,021,684	\$21,395,820
Surety Bond Fee	\$2,039,946	\$2,027,169
State Bar Fee	\$2,300,958	\$2,339,688
Juror Pay Fee	\$6,474,112	\$6,697,267
General Revenue	\$3,750,000	\$0
State Grant	\$94,467	\$0
<b>Total Revenue</b>	<b>\$35,681,167</b>	<b>\$32,459,944</b>
FY 2015/FY 2016 Employee Benefits	(\$232,161)	(\$181,640)
FY 2014 Carryforward *		\$5,141,481
FY 2015 Carryforward *	\$4,939,345	(\$7,532,830)
FY 2016 Carryforward *	(\$7,455,683)	
<b>Total Method of Finance</b>	<b>\$32,932,668</b>	<b>\$29,886,955</b>

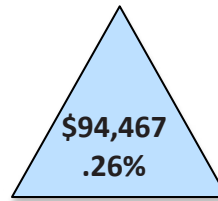
\* Fund 5073 is also shared with the Office of Capital and Forensic Writs

# Commission Revenue Sources

**\$35,681,167**

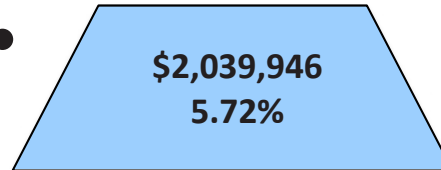
## State Grant

In FY 2015 the Commission was awarded a grant from the Governor's Criminal Justice Division (CJD) to develop a model mentoring program for court-appointed attorneys. However, grant-related expenses were not incurred until FY 2016.



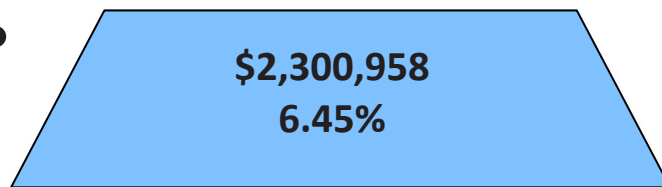
## Surety Bond Fees

A \$15.00 fee is assessed when posting a surety bond and 1/3 of the fee goes to the Fair Defense Account.



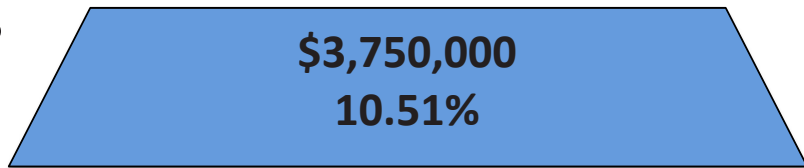
## State Bar Fees

A \$65.00 fee is assessed by the State Bar of Texas as part of each attorney's bar dues and 1/2 of the fee is allocated to the Fair Defense Account.



## General Revenue

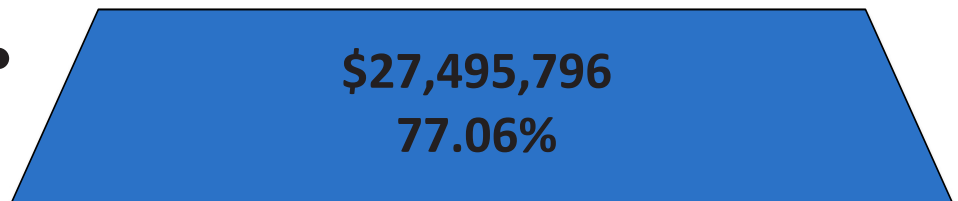
The 84th Legislature provided \$7.5 M new general revenue for indigent defense for the 2016-2017 biennium.



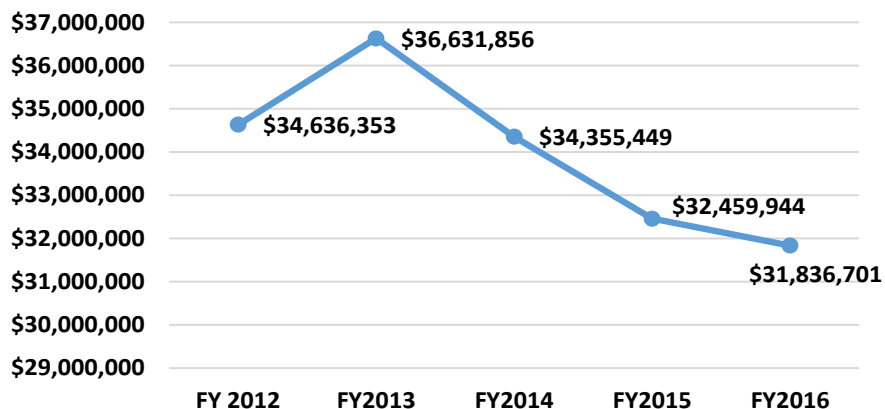
## Court Costs

Court costs are paid by a defendant upon conviction for a range of offenses from fine only misdemeanors to felonies.

Court costs consist of two different types of costs that have been implemented since the passage of the Fair Defense Act: original court costs and juror pay court costs.



**GR-Dedicated Fair Defense Account Revenue**



## Grant Disbursements

From FY 2016 funds the Commission disbursed \$25,056,873 in formula grants and \$6,494,644 in discretionary grants for a total statewide distribution of \$31,551,517.

**Formula Grants** are calculated based on a combination of population and county indigent defense expenditures. The amount is based upon a county's percentage of state population and percentage of state indigent defense expenses multiplied by the Commission's budgeted amount for formula grants. In FY 2016, all counties qualified and received disbursements totaling \$25,056,873, which represents 79.42 percent of total grants disbursed. This amount includes \$1.1 million supplemental funding disbursed to thirteen counties for capital defense -- Bexar, Cameron, Collin, Dallas, Denton, El Paso, Fort Bend, Harris, Montgomery, Nueces, Tarrant, Travis, and Williamson. The Commission also disbursed \$48,886 from the FY 2014 budget year and \$32,691 from the FY 2015 budget year to Maverick County.

**Discretionary Grants** include these four types of grants:

**Competitive Discretionary Grants.**

In 2016, the Commission disbursed \$5,850,861 in competitive discretionary grants, which represents 18.54 percent of total grants disbursed. A summary of these disbursements is shown in Table 1.

**Table 1: Competitive Discretionary Grant Disbursements**

County	Program	Amount
<b>Statewide/Regional Program</b>		
Lubbock	Regional Public Defender Office for Capital Cases	\$3,530,400
<b>Programs Serving Rural Areas</b>		
Bee	Regional Public Defender (Bee, Live Oak, McMullen, and Willacy Counties)	\$ 406,654
Texas Tech	Caprock Regional Public Defender Office	\$ 185,366
<b>Mental Health Programs</b>		
Bexar	Early Representation of Defendants with Mental Illness	\$ 188,674
Collin	Mental Health Managed Assigned Counsel Program	\$ 53,193
Coryell	Mental Health Contract Defender	\$ 38,475
Kaufman	Mental Health Attorney/Advocate Team	\$ 14,020
Wichita	Mental Health Social Worker for Public Defender Office	\$ 12,181
<b>Managed Assigned Counsel Programs (MAC)</b>		
Travis	Capital Area Private Defender Service	\$ 503,945
<b>Specialized Defender Programs</b>		
Dallas	Immigration/Criminal Law Program	\$ 41,596
El Paso	Problem Solving Court Attorney	\$ 18,530
Fort Bend	Veterans Court Contract Defender Program	\$ 6,000
<b>Public Defender Programs</b>		
Fort Bend	Public Defender Office	\$ 664,835
<b>Technology and Process Improvement Programs</b>		
Bell	Implement Upgraded Indigent Defense Software System	\$ 58,547
Lubbock	Pre-Trial Indigence Screening Program	\$ 28,445
Tarrant	Multi-County Implementation of Indigent Defense Management Software	\$ 100,000
<b>TOTAL</b>		<b>\$5,850,861</b>



**Extraordinary Grants.** In 2016, the Commission disbursed \$369,926 in extraordinary grants, as shown in Table 2, which represents 1.17 percent of total grants disbursed.

**Table 2: Extraordinary Grant Disbursements**

County	Amount Disbursed
Kaufman	\$ 319,926
Willacy	\$ 50,000
<b>TOTAL</b>	<b>\$ 369,926</b>

**Technical Support Grants.** The Commission disbursed \$237,302 for Technical Support Grants, as shown in Table 3, which represents .75 percent of total grants disbursed.

**Table 3: Technical Support Grant Disbursements**

County	Amount Disbursed
Harris	\$ 187,749
Travis	\$ 49,553
<b>TOTAL</b>	<b>\$ 237,302</b>

**Targeted Specific Grants.** The Commission disbursed \$36,555 to El Paso County for a targeted specific grant, which represents .12 percent of total grants disbursed.

**Discretionary Grant Disbursements for Prior Budget Year Award Obligations.** The Commission also disbursed \$609,499 in obligations from the FY 2014 budget year and \$1,220,401 from the FY 2015 budget year, as shown in Table 4.

**Table 4: Discretionary Grant Disbursements for Prior Budget Year Award Obligations**

County	Fiscal Year	Amount Disbursed
Tarrant	<b>2014</b>	\$ 304,630
Harris	<b>2014</b>	\$ 304,869
<b>TOTAL</b>		<b>\$ 609,499</b>
Bell	<b>2015</b>	\$ 346,481
Collin	<b>2015</b>	\$ 60,250
El Paso	<b>2015</b>	\$ 788,165
Comal	<b>2015</b>	\$ 25,505
<b>TOTAL</b>		<b>\$1,220,401</b>

### Innocence Projects Disbursements

In addition to its core mission of supporting county indigent defense systems, the Commission also administers legislatively directed funds to Texas public law schools to operate innocence projects. For the FY 2016-17 biennium the Texas Legislature appropriated \$1,200,000, or \$200,000 per law school per biennium.

Law School	Amount Disbursed
University of Houston Law Center	\$ 78,555
The University of Texas School of Law	\$ 0
Thurgood Marshall School of Law at Texas Southern University	\$ 75,000
Texas Tech University School of Law	\$ 64,681
University of North Texas Dallas College of Law	\$ 0
Texas A&M University School of Law in Fort Worth	\$ 100,000
<b>TOTAL</b>	<b>\$ 318,236</b>

**Formula Grant Disbursements**

County	Amount	County	Amount	County	Amount	County	Amount	County	Amount
Anderson	\$55,562	Crosby	\$9,143	Henderson	\$75,218	McCulloch	\$12,556	Somervell	\$9,952
Andrews	\$18,791	Culberson	\$5,191	Hidalgo	\$659,127	McLennan	\$273,512	Starr	\$42,849
Angelina	\$72,117	Dallam	\$10,930	Hill	\$40,202	McMullen	\$5,847	Stephens	\$15,735
Aransas	\$28,547	Dallas	\$2,642,199	Hockley	\$23,139	Medina	\$37,277	Sterling	\$6,198
Archer	\$10,573	Dawson	\$14,701	Hood	\$49,299	Menard	\$7,047	Stonewall	\$6,037
Armstrong	\$6,199	Deaf Smith	\$21,852	Hopkins	\$31,789	Midland	\$143,342	Sutton	\$9,108
Atascosa	\$44,951	Delta	\$7,969	Houston	\$26,625	Milam	\$27,014	Swisher	\$9,911
Austin	\$23,436	Denton	\$512,234	Howard	\$31,061	Mills	\$9,026	Tarrant	\$1,764,666
Bailey	\$10,360	DeWitt	\$24,873	Hudspeth	\$7,049	Mitchell	\$12,337	Taylor	\$134,571
Bandera	\$21,154	Dickens	\$8,203	Hunt	\$129,466	Montague	\$21,761	Terrell	\$5,778
Bastrop	\$64,542	Dimmit	\$8,819	Hutchinson	\$20,024	Montgomery	\$533,512	Terry	\$19,460
Baylor	\$9,530	Donley	\$7,527	Irion	\$5,871	Moore	\$30,485	Throckmorton	\$6,239
Bee	\$30,611	Duval	\$15,623	Jack	\$11,854	Morris	\$15,460	Titus	\$27,383
Bell	\$272,182	Eastland	\$24,691	Jackson	\$19,611	Motley	\$4,110	Tom Green	\$117,804
Bexar	\$1,406,510	Ector	\$118,406	Jasper	\$37,511	Nacogdoches	\$51,400	Travis	\$1,033,314
Blanco	\$12,107	Edwards	\$6,855	Jeff Davis	\$6,717	Navarro	\$50,430	Trinity	\$15,893
Borden	\$2,200	El Paso	\$947,871	Jefferson	\$211,034	Newton	\$16,113	Tyler	\$21,602
Bosque	\$16,064	Ellis	\$145,992	Jim Hogg	\$8,498	Nolan	\$19,733	Upshur	\$35,528
Bowie	\$78,200	Erath	\$46,445	Jim Wells	\$35,941	Nueces	\$357,167	Upton	\$8,649
Brazoria	\$255,222	Falls	\$24,746	Johnson	\$123,429	Ochiltree	\$14,560	Uvalde	\$21,162
Brazos	\$223,642	Fannin	\$29,310	Jones	\$18,856	Oldham	\$8,041	Val Verde	\$41,644
Brewster	\$12,237	Fayette	\$23,074	Karnes	\$14,854	Orange	\$56,941	Van Zandt	\$49,887
Briscoe	\$3,344	Fisher	\$6,981	Kaufman	\$107,533	Palo Pinto	\$25,993	Victoria	\$78,481
Brooks	\$9,748	Floyd	\$8,727	Kendall	\$27,584	Panola	\$27,232	Walker	\$56,833
Brown	\$46,798	Foard	\$4,650	Kenedy	\$5,753	Parker	\$129,565	Waller	\$49,439
Burleson	\$27,557	Fort Bend	\$600,303	Kent	\$3,950	Parmer	\$8,435	Ward	\$16,101
Burnet	\$51,305	Franklin	\$14,727	Kerr	\$54,604	Pecos	\$19,921	Washington	\$42,929
Caldwell	\$39,990	Freestone	\$20,815	Kimble	\$8,612	Polk	\$62,212	Webb	\$304,990
Callhoun	\$24,865	Frio	\$16,939	King	\$1,000	Potter	\$136,848	Wharton	\$31,512
Callahan	\$13,179	Gaines	\$18,328	Kinney	\$7,469	Presidio	\$9,943	Wheeler	\$12,918
Cameron	\$331,894	Galveston	\$262,802	Kleberg	\$31,846	Rains	\$11,322	Wichita	\$172,860
Camp	\$15,349	Garza	\$12,893	Knox	\$7,095	Randall	\$104,967	Wilbarger	\$14,450
Carson	\$12,234	Gillespie	\$21,410	La Salle	\$11,211	Reagan	\$7,895	Willacy	\$36,292
Cass	\$32,310	Glasscock	\$2,300	Lamar	\$52,004	Real	\$7,209	Williamson	\$334,610
Castro	\$10,595	Goliad	\$12,061	Lamb	\$16,333	Red River	\$17,525	Wilson	\$36,236
Chambers	\$35,019	Gonzales	\$27,971	Lampasas	\$19,688	Reeves	\$16,791	Winkler	\$11,264
Cherokee	\$40,057	Gray	\$27,368	Lavaca	\$17,437	Refugio	\$11,745	Wise	\$54,451
Childress	\$12,844	Grayson	\$109,192	Lee	\$20,726	Roberts	\$2,750	Wood	\$37,924
Clay	\$11,683	Gregg	\$126,901	Leon	\$15,265	Robertson	\$22,532	Yoakum	\$10,650
Cochran	\$6,958	Grimes	\$30,194	Liberty	\$70,096	Rockwall	\$61,023	Young	\$63,886
Coke	\$7,162	Guadalupe	\$99,658	Limestone	\$27,212	Runnels	\$12,739	Zapata	\$4,153
Coleman	\$12,008	Hale	\$33,906	Lipscomb	\$6,937	Rusk	\$36,842	Zavala	\$12,204
Collin	\$738,480	Hall	\$10,141	Live Oak	\$14,548	Sabine	\$12,005	<b>TOTAL</b>	<b>\$25,056,873</b>
Collingsworth	\$7,347	Hamilton	\$10,398	Llano	\$20,138	San Augustine	\$10,201		
Colorado	\$23,016	Hansford	\$8,847	Loving	\$5,355	San Jacinto	\$23,230		
Comal	\$96,272	Hardeman	\$8,302	Lubbock	\$329,021	San Patricio	\$55,217		
Comanche	\$14,589	Hardin	\$54,170	Lynn	\$8,340	San Saba	\$9,184		
Concho	\$7,856	Harris	\$4,033,657	Madison	\$16,079	Schleicher	\$8,071		
Cooke	\$41,098	Harrison	\$68,615	Marion	\$14,295	Scurry	\$17,250		
Coryell	\$57,593	Hartley	\$10,364	Martin	\$7,808	Shackelford	\$7,013		
Cottle	\$6,022	Haskell	\$10,665	Mason	\$7,572	Shelby	\$25,880		
Crane	\$8,590	Hays	\$120,871	Matagorda	\$28,943	Sherman	\$7,608		
Crockett	\$10,811	Hemphill	\$8,328	Maverick	\$31,864	Smith	\$180,560		





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