

RESPONSES TO FINDINGS IN POLICY MONITORING REPORT - APRIL 2022

Finding One: At the Article 15.17 hearing, a magistrate must ensure the arrested person has reasonable assistance in completing the necessary forms for requesting counsel. The County must provide a method to ensure reasonable assistance in completing affidavits of indigence is provided at the time of the Article 15.17 hearing.

Response to Finding One:

Prior to the review by TIDC, it was the practice of the staff at the Taylor County Jail to provide the form to the inmate and instruct the inmate to complete the form once back in his or her cell. This practice resulted in many such forms being misplaced or lost by inmates. The practice also did not ensure that inmates who needed reasonable assistance in completing the form could obtain it.

Since the review, Taylor County has adopted a new procedure. The form is given to the inmate prior to the 15.17 hearing by jail staff. At the time of the 15.17 hearing, the inmate has already had an opportunity to fill out the form. At the 15.17 hearing, the magistrate will ask the inmate if he or she is requesting a court-appointed lawyer. If so, then the magistrate will inquire as to whether the inmate needs reasonable assistance to complete the form. If the inmate indicates that he or she needs reasonable assistance, then the magistrate will direct jail staff to assist the inmate.

Finding Two: Article 15.17(a) requires requests for counsel and associated paperwork to be sent to the appointing authority within 24 hours of the request being made. The County must provide a method to ensure requests are sent to the appointing authority within 24 hours of the request.

Response to Finding Two: The procedures described in the response to finding one, above, have greatly improved the consistency of the timely sending of such requests to the appointing authority. The main contributing factor to the failure to send forms in the past was the fact that inmates were given forms and told to fill them out in their cells without adequate followup. The followup procedures now in place help to ensure that indigent defendants do not fall through the cracks. The jail staff now emails the completed indigent defense form to the appointing authority - the Taylor County Indigent Defense Coordinator. This is now happening within 24 hours of the request. The Courts can review compliance by comparing the date on the form to the date and time of the email in which the form was sent.

Finding Three: Taylor County's felony appointment process did not meet TIDC's threshold for timely appointment of counsel (90% timely). Under Article 1.051(c)(2), district courts must rule on all requests for counsel within three working days. The County must implement practices that satisfy Article 1.051(c)(1)'s timeline.

Response to Finding Three: The TIDC report accurately predicted that, if the appointing authority were to consistently receive the requests within the 24-hour time period, then she would have no trouble acting within the timeline in Article 1.051(c)(1). The appointing authority has a system whereby she acts on the requests well within the timeline as long as she receives the requests

timely. Now that she is receiving the requests timely, the timeline in 1.051(c)(1) is being met consistently.


Finding Four: Taylor County's misdemeanor appointment process did not meet TIDC's threshold for timely appointment of counsel (90% timely). Under Article 1.051(c)(2), statutory county courts must rule on all requests for counsel within three working days. The County must implement practices that satisfy Article 1.051(c)(1)'s timeline.

Response to Finding Four: The TIDC report accurately predicted that, if the appointing authority were to consistently receive the requests within the 24-hour time period, then she would have no trouble acting within the timeline in Article 1.051(c)(1). The appointing authority has a system whereby she acts on the requests well within the timeline as long as she receives the requests timely. Now that she is receiving the requests timely, the timeline in 1.051(c)(1) is being met consistently.

Finding Five: The misdemeanor courts did not always document dates that counsel was appointed. The courts must ensure they can document whether counsel appointments are timely.

Response to Finding Five: Prior to the TIDC review, the misdemeanor courts did not always create documentation upon the appointment of an attorney. Now, such documentation is being created in every case, either by the indigent defense coordinator or the court administrator for the misdemeanor court.

All of the above changes were completed by August 10, 2022. If you have any questions or concerns, please contact Jeff Propst, Local Administrative Judge, at 325-674-1313.



JEFFREY PROPST, Local Administrative Judge