



TEXAS INDIGENT DEFENSE COMMISSION

Fiscal Monitoring Report

Goliad County, Texas

FY 2018 Indigent Defense Expenses

Final Report

December 6, 2019

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EXECUTIVE SUMMARY

The Texas Indigent Defense Commission (TIDC) conducted an on-site fiscal monitoring review of Goliad County on February 19-20, 2019. 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 (FY 2018).

SUMMARY OF FINDINGS

The FY 2018 Indigent Defense Expenditure Report (IDER) submitted in accordance with Texas Government Code Section §79.036(e) was not prepared in the manner required.

- Civil case expenditures were included with the criminal indigent defense expenses;
- Case counts were not reported properly; and
- Investigation costs, expert witness costs, and reimbursement of other eligible expenditures were all reported under the attorney fee category.

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 FY2018. The records reviewed were provided by the Goliad 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 met with an assistant county auditor and the District Clerk. The fiscal monitor reviewed

- Random samples of paid attorney fees;
- General ledger transactions provided by the Goliad County auditor's office;
- IDER;
- Attorney fee schedule;
- Any applicable contracts; and
- The County's local indigent defense plan filed with TIDC.

DETAILED REPORT

BACKGROUND INFORMATION

County Background

The first declaration of independence for the Republic of Texas was signed in Goliad on December 20, 1835, although the formal declaration was made by the Convention of 1836 at Washington-on-the-Brazos. Goliad County was the site of two battles in the Texas Revolution, the Battle of Goliad, and the Battle of Coleto. On the second day of the Battle of Coleto, March 20, 1836, Colonel James Fannin surrendered to the Mexican troops. One week later, on March 27, 1836, Colonel Fannin and his Texian soldiers were executed by Santa Anna in what became known as the Goliad Massacre. The event led to the battle cry “Remember the Alamo! Remember Goliad!”

Goliad County was created in 1836 and organized the following year. The County is named after Father Miguel Hidalgo, with “Goliad” an anagram of Hidalgo (a hero of the Mexican Revolution) minus the silent “H.” Goliad County serves an estimated population of 7,542 and occupies an area of 859 square miles, of which 7.4 square miles is water. The neighboring counties are Bee, DeWitt, Karnes, Refugio, and Victoria Counties.

Goliad County is served by the 24th, 135th and the 267th District Courts and one 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 (TIDC) effective September 1, 2011. TIDC 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 FY 2018 indigent defense on-line grant application to assist in the provision of indigent defense services. Goliad County met the formula grant eligibility requirements and was awarded \$10,204 for FY 2018. In FY 2019 Goliad County was awarded a new Indigent Defense Improvement Grant for the public defender program. Expenditures regarding that grant were outside of the scope of this review.

DETAILED FINDINGS AND RECOMMENDATIONS

Finding One

The amounts the County reported on the FY 2018 Indigent Defense Expenditure Report were not supported by the financial data provided by the County. Under Section §79.036(e) of the Texas Government Code, the county auditor or designated person shall prepare and send to the Commission in the form and manner prescribed by the Commission an analysis of the amount expended by the county for indigent defense in each court and in each case in which appointed counsel are paid. Goliad County prepared and submitted the FY 2018 IDER in accordance with Texas Government Code Section §79.036(e).

However, Goliad County included civil case attorney fees with the criminal indigent defense expenses. Thirty-six attorney fee vouchers were reviewed for this monitoring report. Of these vouchers, five were for civil case matters. These civil case expenses are not eligible indigent defense expenditures and should not be included in the IDER.

Additionally, the auditor's method for tracking case counts for juvenile cases appears to count the number of payment records. This method does not consider multiple payments made for a single case.

Furthermore, investigation costs and reimbursement for out of pocket expenditures paid by the attorney were not separated and listed under appropriate categories on the IDER.

- Because the amounts reported on the IDER are part of the basis for Formula Grant awards, the FY 2018 formula grant for Goliad County may have been greater than would have been authorized due to the inclusion of the ineligible civil case matters. Please refer to the Indigent Defense Expenditure Report Procedure Manual: <http://www.tidc.texas.gov/media/58006/fy18-ider-manual.pdf>.

Recommendation:

The County must identify and report to TIDC the dollar amount of the civil cases included in the FY 2018 IDER.

The County must not include the case types identified as civil in future reports.

Goliad County should develop procedures to identify any expenses listed on attorney fee vouchers that are for categories other than attorney fees. The County should then record these expenses in a manner that would identify them for their appropriate category at the time of IDER preparation.

County Response

Fiscal: inclusion of civil case attorney fees with criminal indigent defense expenses and confusing case tracking in juvenile cases:

The County has a new County Auditor who has been made aware of these issues and is developing and following appropriate procedures to correct this. In addition, Goliad County is now contracting with Texas Rio Grande Legal Aid, who acts as the public defender for the County, which will eliminate most opportunities for confusion.

Contact person: *New County Auditor: Mr. Rusty Friedrichs*

TIDC additional response: A follow-up review will be conducted after the new auditor has had the opportunity to prepare the next IDER and determine the procedures he will need to implement.

APPENDICES

APPENDIX A – INDIGENT DEFENSE EXPENDITURE REPORT

GOLIAD COUNTY INDIGENT DEFENSE EXPENDITURES			
Expenditures	2016	2017	2018
Population Estimate	7,741	7,730	7,542
Juvenile Assigned Counsel	\$1,000	\$1,600	\$2,860
Capital Murder	\$0	\$0	\$0
Adult Non-Capital Felony Assigned Counsel	\$70,888	\$38,611	\$61,932
Adult Misdemeanor Assigned Counsel	\$4,035	\$11,483	\$10,937
Juvenile Appeals	\$0	\$0	
Adult Felony Appeals	\$0	\$0	\$1,740
Adult Misdemeanor Appeals	\$0	\$0	\$0
Licensed Investigation	\$0	\$0	\$0
Expert Witness	\$0	\$0	\$0
Other Direct Litigation	\$0	\$0	\$0
Total Court Expenditures	\$75,923	\$51,694	\$77,469
Administrative Expenditures	\$0	\$0	\$0
Funds Paid by Participating County to Regional Program	\$2,438	\$2,438	\$3,722
Total Public Defender Expenditures	NA	NA	NA
Total Court and Administrative Expenditures	\$78,361	\$54,133	\$81,191
Formula Grant Disbursement	\$12,061	\$14,001	\$10,204
Reimbursement of Attorney Fees	\$1,784	\$860	\$4,933
Reimbursement by State Comptroller for Writs of Habeas Corpus	\$0	\$0	\$0
Total Public Defender Cases	NA	NA	NA
Total Assigned Counsel Cases	129	103	160

Indigent Defense Expenditure Reporting

Source: Texas Indigent Defense Commission records

Goliad County

Year	2016	2017	2018	Texas 2018
Population (Non-Census years are estimates)	7,741	7,730	7,542	28,525,596
Felony Charges Added (from OCA report)	86	57	91	288,260
Felony Cases Paid	105	51	85	215,240
% Felony Charges Defended with Appointed Counsel	122%	89%	93%	75%
Felony Trial Court-Attorney Fees	\$70,888	\$38,611	\$61,932	\$127,990,245
Total Felony Court Expenditures	\$70,888	38,611	\$61,932	\$144,671,726
Misdemeanor Charges Added (from OCA report)	178	168	125	467,851
Misdemeanor Cases Paid	19	47	53	214,494
% Misdemeanor Charges Defended with Appointed Counsel	11%	28%	42%	46%
Misdemeanor Trial Court Attorney Fees	\$4,035	\$11,483	\$10,937	\$43,911,167
Total Misdemeanor Court Expenditures	\$4,035	\$11,483	\$10,937	\$44,786,546
Juvenile Charges Added (from OCA report)	6	5	3	28,970
Juvenile Cases Paid	5	5	15	41,578
Juvenile Attorney Fees	\$1,000	\$1,600	\$2,860	\$11,805,587
Total Juvenile Expenditures	\$1,000	\$1,600	\$2,860	\$12,312,690
Total Attorney Fees	\$75,923	\$51,694	\$77,469	\$189,152,540
Total ID Expenditures	\$78,361	\$54,133	\$81,191	\$276,229,545
Increase in Total Expenditures over Baseline	556%	353%	580%	211%
Total ID Expenditures per Population	\$10.12	\$7.00	\$10.77	\$9.68
Commission Formula Grant Disbursement	\$12,061	\$14,001	\$10,204	\$23,320,001
Cost Recouped from Defendants	\$1,784	\$860	\$4,933	\$10,281,678

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 Mike Bennett
Goliad County Judge
P.O. Box 677
Goliad, TX 77963
mbennett@goliadcountytexas.gov

The Hon. Kemper Stephen Williams,
Local Administrative District Judge
District Court
115 N. Bridge 3rd FL
Victoria, TX 77901-6588
kwilliams@cscd.net

Mr. Rusty Friedrichs
County Auditor
P.O. Box 526
Goliad, TX 77963
rfriedrichs@goliadcountytexas.gov

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

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

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