



TEXAS INDIGENT DEFENSE COMMISSION

Fiscal Monitoring Report

Tom Green County, Texas

FY2019 Indigent Defense Expenses

Final Report

January 14, 2022

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
APPENDICES	6
APPENDIX A – INDIGENT DEFENSE EXPENDITURE REPORT.....	7
APPENDIX B – CRITERIA.....	9
APPENDIX C – DISTRIBUTION LIST.....	10

EXECUTIVE SUMMARY

The Texas Indigent Defense Commission (TIDC) conducted a fiscal monitoring desk review of Tom Green County beginning on January 5, 2021. Email exchanges continued until May 21, 2021. 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, 2018 through September 30, 2019 (FY2019).

SUMMARY OF FINDINGS

- No findings noted

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 FY2019. The records reviewed were provided by the Tom Green 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 coordinated emails with the county auditor.

The fiscal monitor reviewed

- Random samples of paid attorney fees;
- General ledger transactions provided by the Tom Green 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

Tom Green County was established by the Texas Legislature on March 13, 1874, from the Bexar Land District. The County was named after Confederate Brigadier General Thomas Green.

When Tom Green County was first established, the northern boundary was omitted from the legislation, so the originally formed county was over 60,000 square miles. On August 21, 1876, the northern boundary was drawn from the northwest corner of Runnels County west to the New Mexico line. Between 1880 and 1903, various new counties were carved out from Tom Green County. When Irion and Sterling Counties were created, a strip of land remained part of Tom Green County to grant access to the courthouse for other areas of Tom Green County. In 1903, the residents of the western section voted to form Reagan County, while in the same vote the connecting strip was decided to remain as part of Tom Green. This strip of land creates the panhandle shape.

The county organization election was held on January 5, 1875, when the voters elected officials and chose the town of Ben Ficklin as the location for the county seat. In 1882, flood waters of the Concho River destroyed the town of Ben Ficklin and drowned 65 people. At that time, the county seat was moved to San(ta) Angela. In 1883, the town's name was changed to San Angelo by the United States Post Office.

Tom Green County serves an estimated population of 117,791 and occupies an area of 1,541 square miles, of which 19 square miles is water. Tom Green County is bordered by Coke, Concho, Irion, Menard, Reagan, Runnels, Schleicher, and Sterling counties.

Tom Green County is served by four district courts and two county courts-at-law.

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's mission is to protect the right to counsel and improve indigent defense.

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 FY2019 indigent defense online grant application to assist in the provision of indigent defense services. Tom Green County met the formula grant eligibility requirements and was awarded \$143,391 in formula grant award.

DETAILED FINDINGS AND RECOMMENDATIONS

REVIEW RESULTS

There were no issues uncovered during this fiscal review.

APPENDICES

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APPENDIX A – INDIGENT DEFENSE EXPENDITURE REPORT

TOM GREEN COUNTY INDIGENT DEFENSE EXPENDITURES			
Expenditures	2018	2019	2020
Population Estimate	117,848	117,278	117,791
Juvenile Assigned Counsel	\$84,823	\$142,506	\$80,784
Capital Murder	\$31,913	\$106,329	\$190,655
Adult Non-Capital Felony Assigned Counsel	\$1,353,939	\$1,286,812	\$970,272
Adult Misdemeanor Assigned Counsel	\$269,515	\$244,954	\$204,262
Juvenile Appeals	\$0	\$0	\$0
Adult Felony Appeals	\$69,087.09	\$123,815	\$38,803
Adult Misdemeanor Appeals	\$0	\$0	\$0
Licensed Investigation	\$58,701	\$65,813	\$117,692
Expert Witness	\$435,981	\$198,166	\$278,075
Other Direct Litigation	\$75,161	\$57,330	\$10,208
Total Court Expenditures	\$2,379,119	\$2,225,724	\$1,890,752
Administrative Expenditures	\$0	\$0	\$0
Funds Paid by Participating County to Regional Program	\$32,293	\$32,293	\$25,688
Total Public Defender Expenditures	N/A	N/A	N/A
Total Court and Administrative Expenditures	\$2,411,412	\$2,258,017	\$1,916,440
Formula Grant Disbursement	\$133,207	\$143,391	\$141,845
Reimbursement of Attorney Fees	\$61,944	\$141,172	\$153,000
Reimbursement by State Comptroller for Writs of Habeas Corpus	\$0	\$0	\$0
Total Public Defender Cases	N/A	N/A	N/A
Total Assigned Counsel Cases	2,263	2,161	1,648

Indigent Defense Expenditure Reporting

Source: Texas Indigent Defense Commission records

Tom Green County				
Year	2018	2019	2020	Texas 2020
Population (Non-Census years are estimates)	117,848	117,278	117,791	29,149,480
Felony Charges Disposed (from OCA report)	1,546	1,434	1,036	207,142
Felony Cases Paid	1,369	1,279	969	183,123
% Felony Charges Defended with Appointed Counsel	89%	89%	94%	88%
Felony Trial Court-Attorney Fees	\$1,385,141	\$1,393,141	\$1,160,927	\$122,376,695
Total Felony Court Expenditures	\$1,880,533	\$1,677,143	\$1,552,195	\$136,468,400
Misdemeanor Charges Disposed (from OCA report)	2,949	2,686	2,266	304,810
Misdemeanor Cases Paid	803	767	589	149,070
% Misdemeanor Charges Defended with Appointed Counsel	27%	29%	26%	49%
Misdemeanor Trial Court Attorney Fees	\$269,515	\$244,954	\$204,262	\$35,988,801
Total Misdemeanor Court Expenditures	\$269,515	\$245,974	\$204,262	\$36,626,732
Juvenile Charges Added (from OCA report)	67	66	45	18,689
Juvenile Cases Paid	72	103	85	30,149
Juvenile Attorney Fees	\$84,823	\$142,506	\$80,784	\$8,561,322
Total Juvenile Expenditures	\$84,823	\$142,506	\$80,784	\$8,753,040
Total Attorney Fees	\$1,809,277	\$1,904,415	\$1,484,776	\$171,807,987
Total ID Expenditures	\$2,411,412	\$2,258,017	\$1,916,440	\$271,232,154
Increase in Total Expenditures over 2001 Baseline	204%	184%	141%	205%
Total ID Expenditures per Population	\$20.46	\$19.25	\$16.27	\$9.30
Commission Formula Grant Disbursement	\$133,207	\$143,391	\$141,845	\$25,955,677
Cost Recouped from Defendants	\$61,944	\$141,172	\$153,006	\$8,682,864

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
- FY2019 Indigent Defense Expenditure Report Manual found at:
- <http://www.tidc.texas.gov/documents/posts/2019/october/fy2019-indigent-defense-expenditure-report-manual/>

APPENDIX C – DISTRIBUTION LIST

The Honorable Stephen C. Floyd
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