



CHAIR:
The Honorable Sharon Keller
Presiding Judge
Court of Criminal Appeals

August 26, 2021

EX OFFICIO MEMBERS:
Honorable Sharon Keller
Honorable Nathan Hecht
Honorable John Whitmire
Honorable Brandon Creighton
Honorable Nicole Collier
Honorable Reggie Smith
Honorable Sherry Radack
Honorable Vivian Torres

The Honorable Cayetano Tijerina
Webb County Judge
Via E-mail: webbcountyjudge@webbcountytx.gov

RE: FY2022 Statement of Grant Award – Grant Number 212-22-D12

MEMBERS APPOINTED BY GOVERNOR:
Mr. Alex Bunin
Honorable Richard Evans
Mr. Gonzalo Rios
Honorable Missy Medary
Honorable Valerie Covey

Dear Judge Tijerina:

EXECUTIVE DIRECTOR:
Geoffrey Burkhart

I am pleased to inform you that the Texas Indigent Defense Commission has awarded Webb County a **FY2022 Continued Multi-Year Improvement Grant** in the amount of **\$39,350** for the **Webb County Integrated Defense Project**. Your Statement of Grant Award for fiscal year 2022 is attached. Please sign, scan, and return via e-mail the Statement of Grant Award to **Edwin Colfax** at ecolfax@tidc.texas.gov on or before **September 30, 2021**. You do not need to mail a copy.

Congratulations to Webb County on taking the lead in Texas by developing and continuing this new indigent defense program. If you have any questions or need clarification of the information contained in this letter or the attached Statement of Grant Award, please contact Edwin Colfax, the Commission Director of Grant Funding at (512) 228-8807.

Sincerely,

Sharon Keller
Chair, Texas Indigent Defense Commission
Presiding Judge, Court of Criminal Appeals

Copy: Rafael Perez, County Auditor, rafaelperez@webbcountytx.gov
Virginia Aranda, Chief Public Defender, varanda@webbcountytx.gov

Texas Indigent Defense Commission
209 West 14th Street, Room 202 · Austin, Texas 78701
www.tidc.texas.gov
Phone: 512.936.6994



**Statement of Grant Award
FY2022 Improvement Grant**

Grant Number: 212-22-D12
 Grantee Name: Webb County
 Program Title: **Integrated Defense Project**
 Grant Period: 10/1/2021-9/30/2022
 Grant Award: **\$39,350**

The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Webb County (herein, the County) for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Commission by **September 30, 2021**. The grantee will not receive any grant funds until this notice is executed and returned to the Commission. Funding is provided as listed in the categories in the table below:

| | |
|---|-----------------|
| Direct Costs: | |
| 1) Personnel (Total Number of FTEs: 2) | \$137,530 |
| 2) Fringe Benefits | \$50,973 |
| 3) Travel and Training | \$3,945 |
| 4) Equipment | \$0 |
| 5) Supplies | \$4,300 |
| 6) Contract Services | \$0 |
| 7) Indirect Costs | \$0 |
| Total Approved Budget | \$196,748 |
| Less Cash from Other Sources- County Match | \$157,398 |
| Total Amount Funded by Commission | \$39,350 |

Standard Grant Conditions:

- The authorized official for the grantee accepts the grant award.
- The authorized official, financial officer, and program director, referred to below as grant officials, must comply with the terms of the grant as written in the Request for Applications issued in January 2021, including the rules and documents adopted by reference in the Commission’s Grant Rules in Title 1, Part 8, Chapter 173, Texas Administrative Code.
- The grant officials understand that a violation of any term of the grant may result in the Commission placing a temporary hold on grant funds, permanently de-obligating all or part of the grant funds, requiring reimbursement for funds already spent, or barring the organization from receiving future grants.
- Disbursement of funds is always subject to the availability of funds.
- The grant officials agree to follow the grant terms contained in the “Terms and Conditions” contained in Attachment A which includes the final grant application.
- Any indigent defense plan documents submitted to the Commission must continue to meet all grant eligibility requirements.
- The judges hearing criminal and juvenile matters must amend the Indigent Defense Plan for their respective courts to include the program funded under this award as necessary and submit it to the Commission by November 1, 2021.

The authorized official for this grant program has read the preceding and indicates agreement by signing the Statement of Grant Award included below.

Signature of Authorized Official

Name & Title (must print or type)

Date

Attachment A

Terms and Conditions

In addition to the program requirements stated in the Request for Applications (RFA) these specific program requirements apply to this funded program.

- This grant requires quarterly progress reports to provide information on the operation of the program. The Commission grant manager will create an online progress report to document the work performed in this program. The County may request modifications to the online report when the report items do not accurately reflect the work performed. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
- The County will submit quarterly expenditure reports to obtain reimbursement of the scheduled percentage of expended funds based on actual expenditures. The reimbursements will be proportional to the county's required match. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
- Requests to revise the scope, target, or focus of the project, or substantively alter project activities require advance written approval from TIDC.
- Budget adjustments consisting of reallocations of funds among or within budget categories in excess of \$10,000 or ten percent of the original approved budget, whichever is less, are considered budget adjustments, and are allowable only with prior approval of the executive director of the Commission.
- Equipment costs listed in the first-year start-up budget will not be carried forward into subsequent years of funding.
- The County will develop written policies and procedures for the new programs that address intake processes and how the program services will be provided to defendants and program attorneys. The program policies and procedures document must be provided to TIDC within 1 month of the program start date.
- The program policies and procedures document must address how the program will coordinate with, and not duplicate the work of, existing mental health systems. The plan must demonstrate how the County will identify and incorporate available mental health screening, assessment, treatment, and community services available to the defendants served by the grant program. The plan must also address how the positions funded under this grant will fit into the County's methods of operation for the identification of mentally ill arrestees and for providing assessment, treatment and bonding options to these arrestees under Article 16.22 and Article 17.032 of the Texas Code of Criminal Procedure.
- The program policies and procedures document must contain provisions to ensure that immigration consultation advice provided through the program is documented in the defense attorney's case file.

**2019 Webb County Improvement Grant Application Narrative
(Multi-Year Grant)**

a. Application Form

Counties Represented: **Webb**

Fiscal Year: **2019**

State Payee Identification Number: **74-6001587**

Division To Administer Grant: **Webb County Public Defender's Office**

Program Title: **Webb County Integrated Defense Project**

Requested Grant Amount: **\$155,524.81**

Financial Officer: **Rafael Perez**

Program Director: **Virginia Aranda**

Mailing Address: **1000 Houston St.; Laredo, TX 78040**

b. Introduction (Executive Summary)

The Webb County Public Defender's Office is seeking to establish a dual in-house program that will enhance services provided by Assistant Public Defenders to noncitizen clients and clients with mental health issues. The program will provide a holistic approach with the addition of an immigration attorney and mental health social worker. This will enable our office to advocate and represent noncitizen clients with complex immigration issues, and provide early intervention for clients with mental health issues. Further, defenders will receive additional training in immigration law, and clients with mental health issues will receive referrals to appropriate services within the community.

c. Problem Statement

The Webb County Public Defender's office is in need of an integrated defense system to provide a holistic approach in the representation of our clients, and to address the concerns of noncitizen indigent clients as well as clients with mental health issues. A lack of resources prevents the office from hiring an immigration attorney and a social worker to provide these services.

Webb County is geographically located on the border of Texas and Mexico. According to the U.S. Census Bureau American Community Survey 2012-2016, Webb County had a total population of 266,006 of which 95.48% was Hispanic or Latino. The total Non-Hispanic population was 4.52%. Given our location and demographics, there is a need for an immigration attorney to help provide services and effectively represent our noncitizen clients, and to remain compliant with federal law. As of February 2018 through April 2018, 86 noncitizen clients have been appointed to our office. Noncitizen clients who are incarcerated at the Webb County Jail are receiving limited services regarding their immigration status.

As of February 2018 through April 2018, 98 individuals with mental health issues have been appointed to our office. Oftentimes, these clients remain in custody for longer periods of time than necessary. These clients are not being referred to the appropriate services.

Currently, an Assistant Public Defender trains new Assistant Public Defenders in basic immigration law and consequences in criminal cases, and meets with Assistant Public Defenders as needed to discuss collateral immigration consequences as a result of a plea agreement. The Webb County Public Defender's Office does not provide mental health social worker services at this time.

d. Objectives

The desired outcome is to enhance the delivery of services to appointed indigent clients by adding an immigration attorney and a mental health social worker. The objective of the Public Defender's Office is to provide an integrated approach to services with the dual goals of providing professional consultations in complex immigration matters for both attorneys and indigent clients, and to identify clients with mental health issues, and refer these clients to the appropriate services. The Public Defender's Office will set up an in-house model for the immigration attorney and social worker with a formal procedure that both will follow to better advise and assess clients and their needs on mental health and immigration consequences in criminal cases. To meet this main objective the following are our proposed targets and goals for the program:

Public Defender's Office will hire an immigration attorney within 60-90 days of the implementation of the program.

Public Defender's Office will hire a social worker within 60-90 days of the implementation of the program.

Immigration attorney will provide services to a minimum of 100-150 noncitizen clients within the first year.

Immigration attorney will attend arraignment court settings with Assistant Public Defenders as scheduled by the courts to provide on-site immigration advice.

Immigration attorney will provide monthly trainings for Assistant Public Defenders to provide updates on immigration law and intensive trainings as needed. The main objective is to have an immigration expert physically present who can routinely provide targeted immigration trainings and update Assistant Public Defenders on relevant developments in immigration law, and provide essential advice to noncitizen clients and Assistant Public Defenders.

Social worker will provide services to a minimum of 100-150 clients with mental health issues.

Social worker will visit and assess all appointed clients in custody with mental health issues with the objective of providing early intervention to this population.

Social worker will assist in the mitigation and advocacy aspect of client's criminal case.

Social worker will attend court and testify as needed.

e. Activities

To enhance the overall representation and quality of services provided to our indigent clients with mental health needs and complex immigration issues, the following activities need to be implemented:

1. Hiring process for immigration attorney and mental health social worker:

-Job descriptions for both the immigration attorney and social worker (previously provided) have been approved by the Webb County Human Resources Department.

-Webb County hiring policies will be followed.

-Employment advertisements will be posted on Webb County's website and also several university job placement offices.

2. The Implementation Plan consisting of both in-house immigration and mental health service plans shall commence upon the hiring of the immigration attorney and social worker. Resources from Webb County such as Assistant Public Defenders, investigators, and legal assistants will work as a team to support our Integrated Defense Project.

In-house Service Plan for Immigration Attorney:

1. Magstration attorney will provide a list of noncitizen clients that are incarcerated to immigration attorney. Currently, this Assistant Public Defender identifies and flags the noncitizen clients visited at the jail. A legal assistant then compiles a report with the number of noncitizen clients visited.
2. Immigration attorney will visit noncitizen clients who are incarcerated.
3. Assistant Public Defenders will provide a list of noncitizen clients that are not in custody to the immigration attorney.
4. Immigration attorney will interview all noncitizen clients and complete intake forms.
5. Immigration attorney will provide advisal memo to client and Assistant Public Defenders regarding immigration consequences of client's criminal case(s).
6. Immigration attorney will meet with clients/Assistant Public Defenders to discuss advisal memo and any other immigration issues.
 - a. The advisal component will be comprised of the advisals during plea negotiations, advice during court as needed, and post-plea advisals at conclusion of representation.
 - b. Advice during plea negotiations should include advice about immigration consequences if client pleads, possible plea to a lesser offense, possible deportation, and possible relief and waivers if available to client.
7. Advice will be provided at conclusion of the case, and should include the following:
 - a. Advice about future international travel including immigration risks if any upon re-entry into the U.S.
 - b. Advice about future domestic contact with immigration including the possibility of becoming a Legal Permanent Resident or U.S. citizen.
 - c. Written advisal letter to the client regarding immigration consequences.
8. Immigration Attorney will advise clients not only about immigration consequences of current plea negotiations but also alternative dispositions to minimize immigration consequences. An advisal memo will be drafted and an interview/appointment will be set up with client to discuss issues.
9. Immigration attorney will attend court focusing on misdemeanor arraignments to provide on-site advice to Assistant Public Defenders and clients, and to the court if needed.
10. Immigration attorney will review intake forms and update as necessary.
11. Immigration attorney will provide training to Assistant Public Defenders regarding immigration law and consequences in criminal cases; including monthly updates and at least two intensive training sessions per year.

In-house Service Plan for Mental Health Social Worker

A. Early intervention to identify client with mental health issues

1. Magstration attorney will provide list of clients with mental health issues that are incarcerated to social worker.
2. Social worker will work closely with medical team at Webb County Jail to be made aware of any clients that have mental issues that are assigned to our office shortly after their arrest.

3. Social worker will visit clients that are in custody, complete intake forms, and begin assessment of clients.
 4. Social worker will identify client's mental health needs.
 5. Social worker will provide referrals to appropriate service providers, and discuss options with Assistant Public Defenders.
 6. Social worker will testify at bond hearings if necessary.
- B. Identifying and assessing clients with mental health issues at the office
1. Assistant Public Defenders will provide list of clients with mental health issues to social worker.
 2. Social worker will set up appointments, and meet with clients at the office to assess mental health needs.
 3. Social worker, with the assistance of public defender investigator, will obtain, review, and audit clients' medical records and mental health records. School records, developmental growth records, and employment records will be obtained if available and as needed for mitigation and advocacy purposes.
 4. Social worker will prepare memo regarding clients' mental health assessment, review of clients' records, and referrals if any.
 5. Social worker will consult with Assistant Public Defender and assist the attorney with a mitigation and advocacy plan as needed.
 6. Social worker will testify for mitigation purposes as needed.

f. Evaluation

The program's success will be determined by the following reporting methods:

Immigration attorney:

Documentation of when immigration attorney was hired, and date when service plan began.

A monthly report will be generated. This report will document the number of clients visited at the jail, the number of clients who receive services, and the number of advisal memos written.

The monthly narrative report will include the results of plea negotiations for noncitizen clients, and narrative of cases.

Intake forms will be filled out for every client and kept in client's file.

The immigration attorney, with the help of a legal assistant, will record data listed above and compile the monthly report.

An annual report will be compiled detailing the data collected by the immigration attorney.

Program director will oversee performance and evaluate and review case management files to ensure that immigration service plan is being implemented correctly.

Social worker:

Documentation of when social worker was hired, and date service plan began.

A monthly report will be generated. This report will document the number of clients visited while in custody, the number of clients who are receiving services, the number of referrals to service providers, and weekly staffings to discuss client cases with Assistant Public Defenders.

The monthly narrative report will include documentation of the recommendations made to Assistant Public Defenders, and narrative of case outcome for each client.

Intake forms and any referrals, if issued, will be kept for every client in the client's file.

The social worker will record data, and provide a yearly report from the data collected.

Program director will oversee performance and evaluate and review case management files to ensure that the social worker service plan is being implemented correctly.

g. Future Funding

The Public Defender's Office was the previous recipient of a multi-year grant awarded by the Texas Indigent Defense Commission, formerly, the Texas Task Force on Indigent Defense, for FY 2009 establishing a Juvenile Public Defender Unit. Webb County has since absorbed the entire cost of this program. Our county is committed to the continued support of our indigent defense program. After submitting a separate letter of intent to the Webb County Commissioner's Court for their consideration, the court voted to allow our office to apply for the T.I.D.C. FY 2019 Discretionary Grant. If awarded this grant, the Commissioner's Court will evaluate the program, and if deemed a success, the County Commissioners will determine the feasibility of continuing to fund this project through the county's general fund.

h. Budget Narrative and Budget Form

Operating and maintenance cost of the Webb County Integrated Defense Project:

1. Personnel costs including salary and fringe benefits for year one are \$178,981.01. Costs of years two, three, and four are outlined in the charts below.
2. Cost of travel and training is \$3,945.00.
3. A one-time equipment cost (including furniture) for year one is \$7,180.00.
4. Costs for supplies is \$1,300.00 for the first year. The amounts needed for years two, three, and four are also included in the charts below.
5. Cost of contract services (rental space) for year one is \$3,000.00 for one employee. Office rental space monies are not needed for the second employee because we have an extra office available

Year 4 - Adjusted

| <u>Immigration Attorney</u> | |
|------------------------------------|------------------|
| Salary | \$91,290.04/yr. |
| Fringe | \$30,555.95/yr. |
| Continuing Education & Dues | \$1,245.00/yr. |
| Travel | \$1,000.00/yr. |
| Supplies | \$800.00/yr. |
| Total: | \$124,890.99/yr. |

| <u>Social Worker</u> | |
|-----------------------------|-------------------|
| Salary | \$46,240.29/yr. |
| Fringe | \$20,416.53/yr. |
| Continuing Education & Dues | \$700.00/yr. |
| Travel | \$1,000.00/yr. |
| Supplies | \$500.00/yr. |
| Office Space | \$3,000.00/yr. |
| Total: | \$71,856.82 / yr. |

Grand Total: \$196,747.81

Timeline for Reporting and Fund Distribution

Reports will be submitted via the TIDC Grant and Plan Management website at <https://tidc.tamu.edu>.

| Reporting Period | Type Report Due | Date Report Due | Fund Distribution Date |
|------------------------------------|---|------------------|------------------------|
| October 2021 through December 2021 | Grant Expenditure Report Progress report | January 15, 2022 | February 2022 |
| January 2022 through March 2022 | Grant Expenditure Report Progress report | April 15, 2022 | May 2022 |
| April 2022 through June 2022 | Grant Expenditure Report Progress report | July 15, 2022 | August 2022 |
| July 2022 through September 2022 | Grant Expenditure Report Progress Report | October 15, 2022 | December 2022 |