



MINUTES

JUNE 17, 2024

PUBLIC DEFENDER'S OVERSIGHT BOARD MEETING

1. Call to Order

A meeting of the Brazos County Public Defender's Oversight Board was held on Monday, June 17, 2024 at 2:00 p.m. in suite 332 of the Brazos County Administration Building, 200 South Texas Avenue, Bryan, Texas. The following members of the Board were present:

Judge Duane Peters;
Judge Travis Bryan, III (Retired), Presiding;
Judge Willie Blackmon (Retired), Absent;
Commissioner Irma Cauley (Retired), Absent;
Michele Esparza

The attached sheet contains the names of the citizens and officials that were in attendance.

The minutes were taken by Cheryl Coffman.

2. Approval of Minutes from the March 22, 2024 Public Defender's Office Oversight Board Meeting.

The Board voted unanimously to approve the minutes for the meeting held on March 22, 2024.

Motion: Approve, Moved by Judge Duane Peters, Seconded by Michele Esparaza. Passed. 3-0. Ayes: Bryan, III, Esparaza, Peters. Absent: Blackmon, Cauley.

3. Review and discuss the 2024 First Quarter Progress Report.

Chief Public Defender Nathan Wood presented his quarterly report to the Board. Judge Bryan stated that the reported numbers look good. Mr. Wood commented that he believes they are doing even better in the 2nd Quarter and their numbers are going up

due to becoming a fully staffed office in May. He then stated that with the addition of Lane Thibodeaux, the Public Defender's Office has begun taking on appeals. Judge Bryan asked that they number the items on the Quarterly Reports to allow the Board to better follow along. Mr. Wood stated that they would do that for future meetings.

Mr. Wood then reported that the Public Defender's Office started trying cases. He shared an example of a recent case that was tried by Defender Sarah Petrus. The case is currently being appealed.

A copy is attached.

4. Review and discuss the current attorney caseloads and dispositions.

Mr. Wood stated that the total cases from March 2023 to June 2024 is 637 and 367 have been disposed. He provided the total case load for each Defender and explained that new Defenders, Lane Thibodeaux and Robbie McClung's case loads will increase over time. Mr. Wood then shared that one of their Defenders is leaving and they will need to fill that position.

A copy of the caseloads and dispositions report is attached.

5. Introduction of new hires within the Public Defender's Office.

Mr. Wood introduced the newest Defenders, Lane Thibodeaux and Robbie McClung. Upon Judge Bryan's request, Ms. McClung shared her professional experience with the Board.

6. Review and discussion on submitted 2025 Brazos County Improvement Grant Application along with Budget Narrative.

Mr. Wood stated that he received unwelcome news in a meeting with TIDC representatives last week. TIDC is projecting that while funding will cover all current programs with the Fair Defense Act funding, it is unlikely to include any program expansions. He was still encouraged by TIDC to seek pay parity with the District Attorney's Office and stated that he would need support from the Board in that regard. Auditor Katie Conner questioned whether the County needs to budget for an 80/20 split based on the grant funding. Mr. Wood confirmed that would be necessary. Ms. Conner suggested that the Public Defender's Office include in their County Budget anything that they need the Commissioners Court to fund, such as the Juvenile Defender expansion. Mr. Wood stated that it is his recommendation that if TIDC does allow the Juvenile expansion, the County keep the current Juvenile Defender system in place while the Public Defender's Office works to build the new Juvenile Defender system. The Board agreed that would be the best course of action.

7. Convene into Executive Session pursuant to the following:

- Texas Government Code §551.074(a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Chief Public Defender.

At 2:40 p.m. Judge Bryan announced the meeting closed, so that the Board members could convene into Executive Session as stated above. He asked the following individuals to attend the meeting:

Cheryl Coffman, Executive Assistant

Aubrey Leggett, Administrative Assistant

Nathan Wood, Chief Public Defender

8. Consider and possible action on Executive Session.

Judge Bryan opened the meeting back up at 2:46 p.m. and announced there would be no action taken on the closed session.

9. Announcement of interest items and possible future agenda topics.

Mr. Wood announced that the next meeting would likely include an agenda item to discuss a grant modification for salary adjustments. The Board suggested that Mr. Wood include his own salary as part of that discussion.

10. Adjourn



**BRAZOS COUNTY
BRYAN, TEXAS**

FILED FOR RECORD

DATE

6-13-2024

AT

1:58 O'CLOCK P.

M

By

KAREN MCQUEEN
BRAZOS COUNTY CLERK

Karen McQueen

No.

NOTICE OF MEETING AND AGENDA

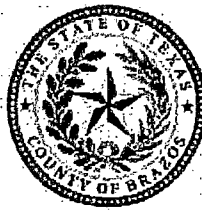
PUBLIC DEFENDER'S OVERSIGHT BOARD MEETING

THIS NOTICE IS POSTED PURSUANT TO THE TEXAS OPEN MEETINGS
ACT (TEXAS GOVERNMENT CODE SECTION 551)

MEETING DATE: June 17, 2024
MEETING TIME: 2:00 PM
MEETING PLACE: Brazos County Administration Building, 200 South Texas
Avenue, Suite 332, Bryan, TX 77803

-
1. Call to Order
 2. Approval of Minutes from the March 22, 2024 Public Defender's Office Oversight Board Meeting.
 3. Review and discuss the 2024 First Quarter Progress Report.
 4. Review and discuss the current attorney caseloads and dispositions.
 5. Introduction of new hires within the Public Defender's Office.
 6. Review and discussion on submitted 2025 Brazos County Improvement Grant Application along with Budget Narrative.
 7. Convene into Executive Session pursuant to the following:
 - Texas Government Code §551.074(a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Chief Public Defender.
 8. Consider and possible action on Executive Session.
 9. Announcement of interest items and possible future agenda topics.
 10. Adjourn

The Brazos County Administration Building, 200 South Texas Avenue, Suite 332, Bryan, TX 77803 is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive services must be made two working days before the meeting. To make arrangements, please call (979) 361-4102.



PUBLIC DEFENDER'S OFFICE OVERSIGHT BOARD MEETING

June 17, 2024 - 2:00pm

Name

Organization

Katie Conner

Auditor

Cheryl Coffman

Comm. Court

Aubrey Leggett

Comm. Court

Nathan Wood

PDO

Robin McCleary

PDO

Yasmeen Abdullhasan

PDO

Chelsea Brewer

PDO

Kane Hibodeaux

PDO

Maritza Siverter Chavama

PDO

Natalie Hays

PDO

MESSA BOWTS

Co. JUDGE



**BRAZOS COUNTY
BRYAN, TEXAS**

DEPARTMENT:

NUMBER:

DATE OF COURT MEETING: 6/17/2024

ITEM: Approval of Minutes from the March 22, 2024 Public Defender's Office Oversight Board Meeting.

TO: Commissioners Court

DATE: 06/12/2024

FISCAL IMPACT: False

BUDGETED: False

DOLLAR AMOUNT: \$0.00

ATTACHMENTS:

File Name

Description

Type

[2024-03-22 Public Defender s Oversight Board Meeting.pdf](#) March 22, 2024 PDO Oversight Board Meeting Minutes Backup Material



MINUTES

MARCH 22, 2024

PUBLIC DEFENDER'S OVERSIGHT BOARD MEETING

1. Call to Order

A meeting of the Brazos County Public Defender's Oversight Board was held on Friday, March 22, 2024 at 1:30 p.m. in suite 332 of the Brazos County Administration Building, 200 South Texas Avenue, Bryan, Texas. The following members of the Board were present:

Judge Duane Peters;
Judge Travis Bryan, III (Retired), Presiding;
Judge Willie Blackmon (Retired);
Commissioner Irma Cauley (Retired);
Michele Esparza

The attached sheet contains the names of the citizens and officials that were in attendance.

The minutes were taken by Cheryl Coffman.

2. Approval of Minutes from the December 11, 2023 Public Defender's Office Oversight Board Meeting.

Motion: Approve, Moved by Commissioner Irma Cauley, Seconded by Michele Esparaza. Passed. 5-0. Ayes: Blackmon, Bryan, III, Cauley, Esparaza, Peters.

3. Review and discuss the First (1st) Quarterly Report of the calendar year, along with the updated case numbers for the Public Defender's Office.

Chief Public Defender Nathan Wood handed out the Texas Indigent Defense Commission (TIDC) Grant Progress Report for the 4th Quarter of 2023 to the Board and reviewed the numbers recorded. Commissioner Cauley asked what the average time is before a client in the jail is seen by an attorney. Mr. Wood answered that his

office attempts to meet with the client as soon as they are appointed to the case but it is no longer than ten days. Judge Bryan asked how their statistics compare to other Public Defender offices across the state. Mr. Wood explained that he is not able to make the comparison since there is not another office the same size or with the same budget as their office. Ms. Esparza questioned the amount of felony cases per attorney, noting that twenty seemed low. Mr. Wood said he has three felony attorneys but they also handle misdemeanor cases. Mr. Wood stated that once the office is fully staffed they will be able to take on more felony cases. Mr. Wood then introduced the Public Defender's office staff members in attendance.

4. Discussion with Judge Dana Zachary concerning progress made by the PDO.

Associate Court Judge Dana Zachary commended the Public Defender's office saying they are doing a thorough job and providing good representation to their clients. Judge Zachary also explained that some homeless clients would rather stay in jail than dispose of their case since they have nowhere else to go. She said that is a seasonal issue that seems to be increasing. Discussion then ensued over the increasing jail population, homelessness, and mental health issues in Brazos County.

5. Discussion of upcoming staffing changes within the Public Defender's Office.

Mr. Wood announced that attorney Lane Thibodeaux will join the office on April 18, 2024 and will take on misdemeanor cases and appeals. Robbie McClung, from Collin County will also join the office on May 1, 2024 and she will be an additional felony attorney. Mr. Wood stated they are both great additions and bring many years of experience to the office.

6. Discussion of the PDO office space.

Mr. Wood stated TIDC has requested an update on their office space. He said they have almost outgrown the space they are in and some staff may need to work remotely until they have a new building. Mr. Wood said he has been in contact with Broaddus & Associates to assess their needs for the new building. He asked Judge Peters if there is a timeline on the construction project. Judge Peters answered his hope is that the building will be completed in three to five years.

7. Approval for PDO to begin taking court appointments for adult misdemeanor and felony appeals in Brazos County and in regional counties.

Mr. Wood explained he is requesting the approval of appellate appointments from the Board and then it will be placed on an agenda for Commissioners Court approval. Ms. Esparza questioned the funding for these cases. Auditor Katie Conner explained that the grant funding will allow for the appellate caseload. Ms. Esparza stated she believes this an important addition to the Public Defender's office.

Motion: Approve, Moved by Michele Esparza, Seconded by Commissioner Irma Cauley. Passed. 5-0. Ayes: Blackmon, Bryan, III, Cauley, Esparza, Peters.

8. Approval of the designation of Program Director, Financial Officer and Authorized Official for grant purposes.

Mr. Wood said this is required by TIDC for the grant application. The authorized designees are Nathan Wood, Katie Conner and Judge Duane Peters.

Motion: Approve, Moved by Commissioner Irma Cauley, Seconded by Judge Travis Bryan, III. Passed. 5-0. Ayes: Blackmon, Bryan, III, Cauley, Esparaza, Peters.

9. Approval for a grant request including Appellate, Juvenile & Mental Health Divisions.

Mr. Wood said he is requesting to apply for the Multi-Year Improvement Grant to include Mental Health, Juvenile and Appellate divisions and additional support staff. Ms. Esparza suggested requesting an increase in salary for a Chief Juvenile Defender.

Motion: Approve, Moved by Commissioner Irma Cauley, Seconded by Judge Willie Blackmon. Passed. 5-0. Ayes: Blackmon, Bryan, III, Cauley, Esparaza, Peters.

10. Discussion and approval of the FY 2025 Budget Request.

Motion: Approve, Moved by Commissioner Irma Cauley, Seconded by Michele Esparaza. Passed. 5-0. Ayes: Blackmon, Bryan, III, Cauley, Esparaza, Peters.

11. Announcement of interest items and possible future agenda topics.

Judge Peters said as part of the Board's duties a review of the director should be included on the next agenda.

12. Adjourn



**BRAZOS COUNTY
BRYAN, TEXAS**

DEPARTMENT:

NUMBER:

DATE OF COURT MEETING: 6/17/2024

ITEM: Review and discuss the 2024 First Quarter Progress Report.

TO: Commissioners Court

DATE: 06/12/2024

FISCAL IMPACT: False

BUDGETED: False

DOLLAR AMOUNT: \$0.00

ATTACHMENTS:

File Name

Description

Type

[2024 Q1 Progress Report.pdf](#)

2024 Q1 Progress Report

Backup Material

Progress Report for Grant PB-22-021: 2023 Brazos County Public Defenders Office

Brazos County

January 1 - March 31, 2024 (Year 3)

Submitted by Nathaniel T. Wood at 4/5/2024 5:10:09 PM

Read-Only Access

Change Reporting Period ▼

Question	January 2024	February 2024	March 2024
Public Defender Office			
Caseflow Measures			
Report the average number of business days between appointment of Public Defender and the initial attorney interview.	14	8	11
Report the average number of days clients are in jail prior to resolution of the case for Felonies for the cases disposed each month.	23	48	86
Report the average number of days clients are in jail prior to resolution of the case for Misdemeanors for the cases disposed each month.	31	31	25
Use			
Report the number of new Juvenile appointments.	0	0	0
Workload/Caseload Measures			
Report the number of new Misdemeanor appointments.	39	43	30
Report the number of new Felony appointments.	8	16	8
Report the number of new Appeals filed.	0	0	0
Report the number of Felony cases disposed.	3	10	3
Report the number of Misdemeanor cases disposed.	14	33	21
Report the number of Juvenile cases disposed.	0	0	0
Report the average number of active Felony cases per attorney on the last day of the quarter.		36	
Report the average number of active Misdemeanor		46	

cases per attorney on the last day of the quarter.

Report the average number of active **Juvenile** cases per attorney on the last day of the quarter.

0

Program Activities

Report the date the Oversight Board is setup

08/02/2022

Report the date the Chief Defender is hired.

12/28/2022

Report the date the office begins accepting appointments.

03/17/2023

Report the date the case management system goes live.

03/17/2023

Report the date the County indigent Defense Plans have been updated to reflect the use of the Public Defender

12/02/2022

Report the number of **Felony** cases where charges were reduced or dismissed. 2

4

2

Report the number of **Misdemeanor** cases where charges were reduced or dismissed. 7

8

4

Report the number of **Juvenile** cases where charges were reduced or dismissed. 0

0

0

Report the number of bench or jury trials (jury empaneled) for **Felonies**. 0

1

0

Report the number of bench or jury trials (jury empaneled) for **Misdemeanors**. 0

0

1

Report the number of bench or jury trials (jury empaneled) for **Juveniles**. 0

0

0

Report the number of **Misdemeanor** trials that resulted in a not guilty verdict. 0

0

0

Report the number of **Felony** trials that resulted in a not guilty verdict. 0

0

0

Report the number of **Juvenile** trials that resulted in a not guilty verdict. 0

0

0

Report the number of **Misdemeanor** cases where an investigator assisted the 6

11

6

attorney with investigation of the case for the cases disposed each month.

Report the number of **Felony** cases where an investigator assisted the attorney with investigation of the case for the cases disposed each month.

0 3 1

Report the number of **Juvenile** cases where an investigator assisted the attorney with investigation of the case for the cases disposed each month.

0 0 0

Report the number of dispositive motions filed for **Misdemeanor** cases.

0 1 2

Report the number of dispositive motions filed for **Felony** cases.

0 0 0

Report the number of bond reduction motions/hearings for **Misdemeanor** defendants.

0 1 2

Report the number of bond reduction motions/hearing for **Felony** defendants.

2 2 1

Report the number of detention and review hearings.

0 0 0

Report the number of Juveniles released at detention hearings.

0 0 0

Report the number of writs of habeas corpus filed for **Misdemeanors**.

0 0 1

Report the number of writs of habeas corpus filed for **Felonies**.

2 4 1

Report the number of post-conviction writs filed.

0 0 0

Describe any additional services provided to defendants (mental health attorneys, immigration consultations, social services, etc.)

Used translators with 8 clients this quarter. Seven myPadilla immigration consultations. We compiled numbers for our FIRST YEAR of taking cases. 9 clients referred to housing services. 21 clients referred to substance abuse services. 16 clients referred to mental health services. 11 clients referred to counseling services. 3 clients referred to domestic violence services. 2 referrals to SARC. 1 client connected to Unbound (human trafficking advocates). 3 clients referred to medical services. 6 clients referred to pregnancy services. 2 pairs of eyeglasses through St Vincent DePaul. caseworker also assisted 18 clients with drivers license issues and suspensions. 5 clients assisted with occupational drivers licenses.

Provide any additional details you feel are important about the trials this quarter.

Our first jury trial was an Agg Assault w/ Deadly Weapon. Mid-trial, the state was forced to plead client to deferred on tampering with a 12.45 on agg assault. Very good outcome for the client. Second jury trial on a misdemeanor criminal trespass. Client was found guilty, but sentenced to time-served.

Report the date of the last Board meeting.

03/22/2024

Report the number of cases disposed each month by the public defender in which program social workers and/or caseworkers consulted with attorneys.

8

20

9

Summary

Explain any official allegations of misconduct.

No allegations of misconduct.

Provide any program highlights for the quarter.

We came very close to hitting our misdemeanor case caps for the month of Feb 2024. Our goal for the first year was to take 25% of new misdemeanor appointments. We achieved that goal. We will also be fully staffed on May 1, 2024. Two attorneys will start between now and then. We expect to significantly increase our appointments on felony cases.

Describe any challenges and the corrective actions taken or being taken.

Our office space is inadequate for our needs, and the more we grow, the harder it will be to use. We are in meetings with the county and architects for the PDO to be included in a new building being constructed for county offices. Construction will begin in FY'25.

Describe the activities planned for next quarter.

Increase our slots on felony appointment wheel. Apply for grant funding and expand the office to add additional defenders and staff for adult cases. We also hope to create juvenile and mental health divisions in FY'25.

Describe any staffing changes which occurred during the quarter or that are anticipated in the next quarter.

We will add two new attorneys next quarter. They have a combined 70-years experience in criminal law.

If you wish to submit supporting documentation other than text notes entered above, click [here](#). If you have internet mail configured on your computer, a new message window should open up with the To: field filled in. Attach any desired documents and then send the message.

Submitted by Nathaniel T. Wood at 4/5/2024 5:10:09 PM

[Home](#)



**BRAZOS COUNTY
BRYAN, TEXAS**

DEPARTMENT:

NUMBER:

DATE OF COURT MEETING:

6/17/2024

ITEM:

Review and discuss the current attorney caseloads and dispositions.

TO:

Commissioners Court

DATE:

06/12/2024

FISCAL IMPACT:

False

BUDGETED:

False

DOLLAR AMOUNT:

\$0.00

ATTACHMENTS:

File Name

Description

Type

No Attachments Available

Defender Initials	Defender Name	Active Matters	Active Misdemeanor	Active Felonies	Appeals
NW	Nathan Wood	35	26	38	0
MS	Maritza Sifuentez-Chavarria	69	58	32	0
YA	Yasmeen Aboellhasan	2	2	2	0
SP	Sarah Petrus	51	59	0	0
LT	Lane Thibodeaux	23	22	3	0
RM	Robbie McClung	23	13	21	4
Totals		203	180	96	4

	# Fel Appt	# Misd Ap	Total Cases Appt		Fel Disp	Misd Disp	Total Disp
Mar-23	4	12	16		0	1	1
Apr-23	15	32	47		2	3	5
May-23	8	31	39		0	14	14
Jun-23	12	31	43		3	17	20
Jul-23	7	21	28		9	18	27
Aug-23	15	39	54		7	32	39
Sep-23	7	14	21		10	23	33
Oct-23	9	29	38		4	19	23
Nov-23	7	25	32		4	19	23
Dec-23	10	22	32		3	14	17
Jan-24	9	38	47		3	14	17
Feb-24	17	45	62		10	33	43
Mar-24	9	31	40		3	25	28
Apr-24	10	46	56		7	38	45
May-24	26	56	82		12	20	32
Jun-24	8	10	18		5	11	16
	165	472	637		77	290	367



**BRAZOS COUNTY
BRYAN, TEXAS**

DEPARTMENT:

NUMBER:

DATE OF COURT MEETING: 6/17/2024

ITEM: Review and discussion on submitted 2025 Brazos County Improvement Grant Application along with Budget Narrative.

TO: Commissioners Court

DATE: 06/12/2024

FISCAL IMPACT: False

BUDGETED: False

DOLLAR AMOUNT: \$0.00

ATTACHMENTS:

<u>File Name</u>	<u>Description</u>	<u>Type</u>
2025 Brazos County Improvement Grant Application.pdf	2025 Brazos County Improvement Grant Application	Backup Material
FY 2025 Grant Narrative.pdf	FY 2025 Grant Narrative	Backup Material

**2025 Brazos County Improvement Grant Application Narrative
Juvenile, Mental Health, and Appellate Division Expansion
Multi-year**

a. Application Form

Counties Represented: **Brazos**

Fiscal Year: **2025**

State Payee Identification Number: **17460004330038**

Division To Administer Grant: **Brazos County Public Defenders Office**

Program Title: **Juvenile, Mental Health, and Appellate Division Expansion**

Requested Grant Amount: **\$3,366,974.01**

Authorized Official: **Duane Peters**

Financial Officer: **Katie Conner**

Program Director: **Nathan Wood**

Mailing Address: **200 South Texas Avenue; Suite 126; Bryan, TX 77803**

b. Introduction (Executive Summary)

Following the COVID-19 pandemic and the backlog of criminal cases it created for the criminal courts of Brazos County, TIDC provided grant funds for FY2023 and FY2024 that created and implemented the Brazos County Public Defender's Office. Since establishing the BCPDO, the criminal defense bar has not significantly increased in numbers, and the courts continue to struggle appointing qualified attorneys to aggravated cases. These initial grant funds were approved as part of a funding plan to transition the BCPDO to a standard 4-year Improvement Grant after the first two years of grant funding. (See FY2022 Improvement Grant Statement of Award Attachment A, No. 1). Brazos County now seeks additional grant funds to expand the small public defender's office it established in 2022. The grant funds requested in this application will be used to continue the BCPDO's current operations and to establish new programs with eye toward future expansion into regional counties in the Brazos Valley.

c. Problem Statement

Continuing and Expanding Our Representation of Indigent Adults Charged with Felony and/or Misdemeanor Offenses in Brazos County

Brazos County continues to face a critical shortage of qualified public defenders amidst a significant increase in adult criminal cases, leading to prolonged detention times, overloaded court dockets, and compromised legal representation for indigent defendants.

Despite criminal case numbers trending upward in Brazos County, the number of attorneys taking appointments has declined overall since 2019. As of April 5, 2024, not counting public defenders, there are 12 attorneys taking "3g" appointments (down from 21 in 2019 and 13 at the time of the County's original 2022 grant application), 22 attorneys taking felony appointments (down from 36 in 2019 but up from 18 at the time of the County's '22 grant application), 17 attorneys taking misdemeanor appointments (down from 36 in 2019 and 19 at the time of the County's '22 grant application), and two attorneys taking appellate appointments.

The number of adult criminal cases filed into Brazos County courts is rising while the criminal courts continue to experience difficulties in appointing qualified attorneys on aggravated and non -aggravated cases. According to data from the Second Administrative Judicial Region, Brazos County added 3,000 criminal cases to the district courts' dockets in 2023. That is a sharp increase from 2,103 in 2021 and 2,317 in 2022.

The number of case dispositions also continues to increase despite the decline in the number of attorneys available to take appointments on criminal cases. This situation implies that indigent defense is inadequately funded and staffed in Brazos County.

Fewer attorneys handling more cases can lead to each attorney having a higher caseload. This often results in less time available per case, which can affect the quality of representation each defendant receives. Overworked attorneys may struggle to provide thorough, diligent defense services, which is crucial for fair legal proceedings.

With higher caseloads and fewer attorneys, there's an increased risk that legal defenses may not be as robust or well-prepared, potentially compromising defendants' rights to effective counsel as guaranteed by law. This can lead to suboptimal outcomes for defendants, including possible wrongful convictions or harsher sentences than might be warranted if more thorough defenses were possible.

A lack of available and qualified attorneys can lead to longer jail stays for defendants awaiting trial or final case dispositions. This not only has significant human and social costs but also financial implications for Brazos County in terms of higher jail staffing and operational costs.

Consistently high caseloads, coupled with a perception of rushed or inadequate legal representation, erodes public confidence in the justice system's ability to administer justice fairly and effectively.

Creating a New Mental Health Division

In Brazos County, along with the rest of Texas, the intersection of mental health and criminal justice presents a critical challenge. The state's largest mental health facilities are notably its jails, with Harris and Dallas County jails at the forefront, underscoring a systemic issue: a significant portion of the incarcerated population suffers from serious mental illnesses. These individuals often cycle through a costly loop of jails, emergency rooms, and homeless services. This recurring pattern not only highlights the inadequacy of current mental health interventions within the criminal justice system but also emphasizes the urgent need for dedicated legal and support services tailored to this vulnerable population.

The Brazos County Public Defender's Office, recognizing these issues, proposes the establishment of a Mental Health Division. This division will focus on improving outcomes for clients with SMI by integrating specialized legal representation with comprehensive case management. This approach is not only more humane but also cost-effective, as it aims to reduce the frequency of jail admissions and the length of stay for this demographic, thus alleviating the financial strain on local systems.

Formal and informal data collections, including studies by the Texas Commission on Jail Standards and the Meadows Mental Health Policy Institute, highlight that a significant portion of the jail population with mental health needs could benefit immensely from targeted legal and support services. This initiative will address the gap in services at the crucial intersection of mental health and criminal justice, aiming to transform the current punitive cycle into one of recovery and rehabilitation, ultimately fostering a safer and more just community.

Creating a New Juvenile Division

In 2020-21, Brazos County added 260 and 236 juvenile cases to its court dockets respectively. Then, in 2022, 401 juvenile cases were added. That number increased to 553 in 2023. Historically, Brazos County has contracted with a private law firm to provide representation in indigent juvenile cases. But, the contract has remained static while the number of juvenile cases filed has sharply increased since the Covid-19 pandemic.

Representing juveniles charged with felony and misdemeanor offenses in Brazos County is specialized work that cannot be effectively handled by public defenders otherwise representing adult offenders. The juvenile docket in Brazos County routinely holds detention hearings four days each week, and those hearings frequently last through lunch due to the quantity of cases being filed. The Brazos County District Attorney's Office, which is responsible for juvenile prosecution, has devoted three prosecutors, an investigator, an administrative support staff, and a shared victim assistance coordinator to the juvenile docket.

d. Objectives

1. The BCPDO is dedicated to enhancing its team by drawing fresh talent to the work of indigent defense in Brazos County, thus broadening the pool of qualified attorneys available for appointments within the area. Initially, the BCPDO was granted funded for six attorney positions, all of which have been successfully filled. Notably, five of the attorneys now serving PDO clients had not been previously involved in representing indigent defendants in Brazos County before joining the PDO. This expansion through the establishment of the BCPDO effectively

increased the total count of attorneys engaged in indigent defense work by five. By increasing the number of attorneys in our office, we seek to further increase the number of attorneys engaged in indigent defense work within Brazos County.

2. The BCPDO is committed to securing appointments in a sufficient quantity of cases to ensure that defenders maintain caseloads aligned with, yet not exceeding, the TIDC's recommended guidelines. We understand that these guidelines represent a maximum, rather than a minimum, threshold. Our aim is to achieve an optimal equilibrium among caseloads, workloads, and the caliber of representation provided, continually striving for the highest standard of legal defense.
3. The BCPDO began accepting cases on March 17, 2023, and achieved its goal of representing 25% of new misdemeanor appointed cases within the first year of accepting cases. While the County does not track the total number of appointments made, the BCPDO fills up 25% of the slots on the misdemeanor appointments wheel. The BCPDO's goal for the second year is to increase our caseloads on felony and "3g" cases so that we are receiving at least 10% of the new appointments on those case types.
4. Continuing Current Operations: If the BCPDO receives funding sufficient to continue its current operations, BCPDO would seek to set its overall adult criminal caseload at no more than approximately 478 misdemeanor cases per year (between 3 defenders, one of whom splits her caseload between misdemeanors and felonies and another attorney with a split caseload of appeals), 242 felonies (between 3 defenders, two of whom split their caseload with 3g felonies), 158 3g felonies (between 3 defenders with split caseloads) and 16 appeals (with one defender splitting his caseload between misdemeanors and appeals).
5. New Program Funding: A fully staffed BCPDO funded at the proposed levels would strive to set its adult criminal caseloads at no more than 956 misdemeanors per year (between 4 defenders), 483 felonies per year (between 3 defenders and the Chief Public Defender) and 31 appeals (for 1 defender). This does not include mental health or juvenile cases being handled by those other proposed expansions of the BCPDO.
6. New Program Funding (Juvenile): The BCPDO will begin taking juvenile appointments as soon as qualified juvenile defenders are hired. The proposed juvenile division consists of two juvenile defenders and an investigator exclusively dedicated to juvenile cases. An additional caseworker and legal support staff member are also requested - both of whom would split their time between juvenile cases and adult cases, with priority being given to juvenile cases. Operating within TIDC caseload guidelines, the BCPDO would strive to set juvenile caseloads at no more than the recommended caseload guidelines for juvenile cases with investigator support.
7. New Program Funding (Mental Health): The BCPDO will collaborate with the Commissioner's Court (pursuant to Art. 26.044(b) of the Code of Criminal Procedure) and the Indigent Defense Coordinator as necessary to establish a specialized division to take most mental health cases in Brazos County. This specialized division will consist of one mental health case worker and one attorney specializing in the intersection of mental health law and the criminal justice system. The goals of the Mental Health Division will include:
 - a. Collaborating with prosecutors, judges, the Brazos County Jail, the local mental health authority, and local law enforcement to resolve cases to the benefit of clients as well as the community;
 - b. Reducing jail populations by rapidly meeting with clients in jail to improve medical compliance and reduce decompensation, and advocate for earlier pretrial release under mental health personal bonds or bond reductions;
 - c. Avoid unnecessary competency evaluations and the lengthy periods of incarceration that accompany them;
 - d. Reduce recidivism by connecting clients with mental health and social services;
 - e. When necessary, engage in zealous and expert advocacy in Brazos County courts to achieve the best possible outcomes for clients with mental illness.
8. All new clients will be contacted within 72 hours upon receipt of the Order Appointing.
9. The BCPDO will strive to interview all new clients within 10 business days following appointment.
10. The BCPDO will attempt to reduce the duration of pretrial incarceration for all clients. We will achieve this by seeking bond reductions unless there is a clear strategic reason for not doing so.
11. Once appointed, public defenders will continue representing clients at all phases of prosecution, and caseworkers will continue working with clients even after cases are disposed.
12. In-house staff including investigators and caseworkers will be utilized to ensure efficient and thorough plans of action for clients.

13. As the BCPDO reaches full staffing and is efficiently achieving its goals within the County, the BCPDO will seek to expand into a regional office.

14. TIDC caseload guidelines and procedures will be followed.

e. Activities

Brazos County intends to use TIDC grant funding to expand the Public Defender's Office to meet the ever-increasing demands placed on the County's criminal court dockets.

The Brazos County Public Defender's Office ("BCPDO") will use these funds to increase its staff, thereby increasing the number of cases it is able to receive by appointment, while also maintaining ethical caseloads. The BCPDO will increase the number of public defenders taking appointments on adult felonies and misdemeanors from six to nine.

The BCPDO will also create a Juvenile Division and a Mental Health Division to help meet the County's growing needs in these areas as well. Alongside new attorney positions, the BCPDO will hire non-attorney support staff at a level consistent with TIDC recommendations based on national standards and local need. Attorney caseloads are calculated based on the assumption of investigator support.

Once given grant approval, the Chief Public Defender will prepare and present a FY 2025 budget to the Commissioner's Court. Once this budget is approved, the BCPDO Operating Plan will be revised as necessary to provide for Juvenile and Mental Health caseloads, and the revised Operating Plan will be presented to the Advisory Board for Approval. New job descriptions will be created to delineate job responsibilities and set competitive salaries. Then the vacant positions will be listed and advertised. Interviews will be conducted and the best candidates will be hired for each position. Once new staff are hired, any required training will take place and additional cases will be requested to meet the BCPDO's increased capacity for representation.

The BCPDO will continue working with the Indigent Defense Coordinator and Courts to revise the Indigent Defense Plan as necessary. The BCPDO will continue to work closely with the Indigent Defense Coordinator to ensure that all jailed defendants who qualify for services are accounted for and receiving services. The Advisory Board will meet quarterly to monitor progress, discuss issues as they arise, and take action as needed.

The Chief Public Defender will have weekly meetings with staff attorneys to discuss caseloads and other matters related to exceptional representation of clients. Opportunities will be provided for training and education for attorneys and non-attorney staff so that all employees may be up to date with best practices for their positions. All positions will receive annual performance evaluations conducted by the Chief Public Defender and the Office Manager to provide valuable feedback to employees.

The BCPDO will accommodate an increased staff size by using its current office space (which accommodates 10 full time employees), available conference rooms throughout the County Admin Building, and by using a Telecommuting Policy outlined in the BCPDO Operating Plan. Computer equipment, software and other office supplies are also provided for in the grant proposal. These funds will be used to provide equipment and supplies as new staff is hired.

The BCPDO plans on expanding to 101 N. Texas Avenue in Bryan. The County acquired an office building at that location (formerly, the Bryan ISD Building). After conducting a feasibility study and consulting with architects, the County plans on demolishing the existing building and building new county offices there. The County intends to relocate the BCPDO into that building once complete. Current plans will accommodate significant growth even beyond the expansion proposed in the current grant application.

As new staff are hired and trained, the Chief Public Defender will coordinate an increased number of appointed cases for the BCPDO with the Indigent Defense Coordinator. Cases will be assigned based on considerations of caseload and workload as well as attorney qualifications. Attorneys will initiate contact with clients as soon as possible, and certainly within 72 hours of the case being appointed to the PDO. Attorneys will work cases diligently by interviewing clients within 10 business days of receiving the case, maintaining effective communication with all

clients through the entire representation, representing the client in court during all court appearances, collaborating with other BCPDO team members as necessary, and generally complying with the State Bar Performance Guidelines for Non-Capital Criminal Defense Representation.

f. Evaluation

The Advisory Board in conjunction with the Chief Public Defender will monitor the program's progress and efficiency. This will include monitoring and adjusting the balance between attorney caseloads, workloads, and annual dispositions. Specific, quantitative goals based on case complexity (stated above) are to be clearly communicated to all attorneys and monitored and discussed at weekly meetings. In addition to tracking caseload and disposition, the Chief Public Defender, with the assistance of the Office Manager, will also evaluate progress and efficiency based on other quantifiable metrics such as: days to contact new clients, days to the initial interview of new clients, days from appointment till disposition, number of bond reductions sought and achieved, number of days PDO clients spend in jail pending disposition, reductions and dismissals, as well as number of jury trials and verdicts.

Quantifiable metrics only give part of the full picture, however, when it comes to the quality of the representation being provided by criminal defense attorneys. The Chief Public Defender will continue to use the State Bar Performance Guidelines for Non-Capital Criminal Defense Representation as a measure of the quality of representation being provided. Additionally, the Chief Public Defender will establish procedures for measuring client satisfaction and case outcomes. Finally, the Chief Public Defender will set goals for training, mentorship and skill development for attorneys and staff members.

The Chief Public Defender will handle required grant status reporting to TIDC and the Brazos County Auditor will handle all financial reporting as required by statute. The Chief Public Defender will provide information requested by the County Auditor to achieve timely completion of required expenditure reports.

Migration to New Case Management System: The BCPDO currently combines the use of Clio as well as Microsoft Excel to track case details. The BCPDO plans to migrate to Public Defender Case Management Software provided by Legal Server. This would allow the BCPDO to implement a more robust case management system that would allow more efficient and accurate tracking of case details and outcomes as well as provide real-time data on caseload distribution and attorney workload.

The BCPDO will also conduct regular meetings to review caseloads, case progress, discuss challenges, and make adjustments to caseloads when necessary. The Chief Public Defender and the Office Manager will also establish feedback mechanisms where attorneys and staff can report back on their workloads, issues they may encounter, and suggestions for improvement. This feedback will incorporate peer review as well, and - ideally - will also include an option for client feedback as well.

The BCPDO will monitor data and work with the administrative staff for the jail to monitor inmate populations, compliance with internal guidelines regarding timeliness of case processing, and to provide data on cost effectiveness.

Annually the BCPDO will submit a report, approved by the oversight board, to Commissioners Court that documents the activities of the office to include costs, case dispositions, and statistical information that the Chief would include for the Court to be informed of successes and failures, benchmarks achieved, and future goals.

g. Future Funding

Brazos County takes the responsibility of indigent defense seriously and the Brazos County Public Defender's Office is a critical piece of the county's long-term indigent defense strategy. The County is committed to providing high-quality representation to indigent defendants. TIDC has helped the County to establish a small Public Defender's Office, and with continued help, the County would see that office expand to cover juvenile and mental health caseloads as well as increased coverage of adult misdemeanor and felony cases - all within TIDC caseload guidelines.

The County's future commitment includes an understanding that this improvement grant includes a requirement of matching funds as the County's program moves forward. Specifically, this entails 4 years of funding with step-down reimbursement.

Brazos County is committed to continuing the program after the grant period as well. Plans are currently underway for the County to build new county offices at 101 N. Texas Avenue in Bryan. This facility will include office space that will allow for significant growth and future regional expansion for the Brazos County Public Defender's Office.

By expanding the program, Brazos County hopes that the PDO will grow to handle as much as 70 percent of the County's indigent defense caseload.

h. Budget Narrative and Budget Form

Improvement Grant Budget Narrative and Justification:

A. Proposed New Positions:

1. Juvenile Defender: There are two (2) Juvenile Defender positions being requested. One position will be budgeted at \$130,000.00 per year for a Chief Juvenile Defender, preferably Board Certified in Juvenile Criminal Law and at least ten (10) years' experience in criminal law; and the other position will be budgeted for \$105,000.00 per year for an attorney with five (5) years or less experience in criminal law/juvenile law.
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2. Mental Health Defender: One (1) position is being requested for a Mental Health Defender. This position is budgeted at \$120,000.00 per year with the expectation that they will have a minimum of ten (10) years' experience in criminal law, with at least five (5) years of that experience specialized in mental health caseloads.
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3. Appellate Defender: One (1) Appellate Defender position is being requested. This person will handle only court appointed Appeals and provide legal support for public defenders and private attorneys representing indigent clients. The position will pay \$110,000.00 per year. It is preferred that the individual is Board Certified in Appeals or Criminal Law, however, a minimum of five (5) years' experience in criminal law is required.
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4. Public Defender: Two (2) public defender positions are being requested. One position will be for a Felony Defender with at least five (5) years' experience in criminal law at \$105,000.00 per year. Primary caseloads will be felony offenses ranging from State Jail to First Degree felonies. The second position is for a Misdemeanor Defender at \$87,500. This position does not require experience but does require an individual to be a licensed attorney with the State Bar of Texas. Primary caseloads will be Class A and B misdemeanors.
-
5. Case Worker: Two (2) caseworkers are being requested at \$60,000 per year. This salary will fit the educational and professional requirements necessary to fill the position with effective holistic case assistance. One case worker will focus on juvenile clients, while the other will focus on assisting the mental health defender with client caseloads and obtaining resources that best suit client needs.
6. Investigator: Two (2) investigators are being requested at \$72,000 per year. Investigators are necessary to assist defenders with representation through the piecing together of mitigating and outside

information regarding clients that may not have been available otherwise. Investigators utilize search engines, investigative questioning, and resources to gather information for the attorneys to use in defense of client's case. Technological advances will require specialized training and continuing education of the investigator. Their salary will need to be closely on par with investigators of the District Attorney, County Attorney, and various Law Enforcement Agency's Investigative Units.

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7. Legal Assistant: Two (2) legal assistants are being requested to manage attorneys and their caseloads. One position is being requested at \$46,000.00 per year and the other position is being requested for \$42,000 per year. The minimum educational level required is a high school diploma, however, a college degree (or some college) is preferred. What the individual is paid will be based on experience and ability to communicate expertise effectively.

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8. Receptionist: One (1) receptionist position is requested. The proposed salary is \$35,000.00 per year.

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B. Continued Funding for Current Positions:

9. Chief Public Defender: The Chief Public Defender position request is \$145,000.00 per year. The Chief is currently salaried at \$130,000.00. The original salary proposed for the position was \$140,000.00 to start FY 2022. The County salaried the position at \$130,000.00 and it was the only position that did not receive a COLA increase in FY 2024. The growth of the Public Defenders' Office will mean that the administrative and caseload responsibilities of the Chief will continue to grow as well. The salary for this position should follow suit.

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10. Public Defenders: Five (5) attorney positions are currently funded under the current grant. It is requested that funding resume under the Multi-Year Improvement Grant. This includes two (2) Felony Defender positions and three (3) misdemeanor positions. One Felony Defender position request is \$120,650.00. The second Felony Defender position request is for \$132,500.00. There will be an attorney position requesting \$90,500.00, an attorney position proposed at \$100,500.00, and one proposed at \$112,500.00 .

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11. Investigator: The salary request for the Investigator for the current Formula Grant under the new Multi-Year Grant Application is \$81,500.00.

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12. Case Worker: The requested salary for the Case Worker position is \$66,340.00. This is the current rate of yearly pay for this position under the Formula Grant. It is requested that this rate remain the same for the Multi-Year Grant.

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13. Administrative Clerk: The requested salary for the Administrative Clerk position is \$54, 225.00. This is the current rate of yearly pay for this position under the Formula Grant. It is requested that this rate remain the same for the Multi-Year Grant.

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14. Office Manager: The requested salary for the Office Manager position is \$71,136.00. This is the current rate of yearly pay for this position under the Formula Grant. It is requested that this rate remain the same for the Multi-Year Grant.

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C. Fringe Benefits:

FICA benefits are calculated at a rate of 7.65%. Retirement benefits are calculated at a rate of 17%. The table below is a figure of their calculations by year. Insurance is \$16,992.00 per year per employee. Workers Compensation is calculated at a rate of .115% for attorneys and clerical staff and a rate of .1332% for investigators. The table below is a figure of their calculations by year.

D. Operational Expenses:

1. **TRAVEL:** Travel expenses are estimated to cost the Public Defenders Office \$57,000.00. This will include estimated costs to attend conferences and seminars as well as the cost of hotel, mileage, per diem, and parking/tolls during the conference.
2. **SUPPLIES:** Supplies are estimated to cost the Public Defenders Office \$23,000.00. This amount covers office supplies, including copier/printer/fax machine supplies and gas for the Public Defender Office vehicle.
3. **EQUIPMENT:** The Equipment expense is estimated to cost the Public Defenders Office \$175,000.00. This amount covers day-to-day operational expenses for the functioning of the office.
4. **CONTRACTS:** The Contract expense for the Public Defenders Office will be \$182,000.00. This amount will cover that cost of cell phones for each attorney and staff member, court costs involving the use of interpreters, experts, and witness testimony, printing for business cards, Lexis Nexis legal research, subscriptions and publications necessary for updates in legislation and trial and specialized case information, and the maintenance contract for the copier/printer/fax machine. It will also include funding for Legal Server. The cost for Legal Server in its first year will be approximately \$85,000 due to implementation and onboarding costs.

Operational Expense Cost

Brazos County Cash Match Responsibility

When applying for a Multi-Year Improvement Grant, TIDC requires that counties commit to matching funds with reimbursements at 80% the first year, 60% for year two, 40% for year three, and 20% for year four. FY 2025 is broken down in the following figures:

SB 22:

Senate Bill 22 (SB 22) established a grant program to provide financial assistance for salaries to law enforcement and prosecutors' offices. Brazos County was eligible for SB 22 funds and applied for and received SB 22 funds to supplement existing salaries and create new positions.

This increase in law enforcement funding threatens to increase the pay and resource disparity between prosecutors' offices and public defenders' offices in a way that threatens justice. Pay and resource parity between prosecutors' offices and public defenders' offices is crucial for several reasons, primarily revolving around fairness, effectiveness of the justice system, and public confidence.

The principle of fairness in the legal system is foundational. If public defenders are under-resourced and underpaid compared to prosecutors, this creates an imbalance in the ability of defendants to receive competent legal representation. This is especially critical since public defenders typically represent individuals who cannot afford private counsel, often the most vulnerable in society.

With parity in resources and pay, public defenders can attract and retain more skilled and experienced attorneys. Underfunding and lower salaries lead to high turnover rates, larger caseloads, and less time per case among public defenders. This can result in poorer outcomes for defendants, including higher chances of wrongful convictions or unnecessarily harsh sentences.

A well-resourced public defender's office can help ensure more equitable outcomes in the legal process. This includes having the capacity to engage in thorough investigations, expert witness consultations, and better trial preparations, which are essential for robust defense strategies.

Public trust in the fairness and effectiveness of the criminal justice system is higher when both sides of the legal process are equally resourced. This balance helps to uphold the principle that everyone is innocent until proven guilty and that every defendant has a right to a fair trial. Better-resourced public defenders can handle cases more efficiently and effectively, reducing delays in the court system. This helps to alleviate backlogs and speeds up the legal process, benefiting the entire community.

To offset the anticipated disparity created by SB 22, the BCPDO requests an additional \$275,000.00. This will allow the Public Defenders Office to provide competitive pay for more experienced attorneys with diverse expertise in criminal law. Additionally, the Public Defenders Office will be able to add funding to case worker positions allowing it to hire licensed social workers and pay them a fair salary for their education and licensing. The investigators will also be given an income increase for membership and licensing fees. This funding will also be allocated to the attorney positions to assist with payment of bar and licensing dues. The District Attorney's Office currently pays the licensing dues for its prosecutors with funds from its asset forfeiture division- money that is not a part of the yearly budget for their department. Brazos County policies and procedures prohibit the use of budgetary department funds for the payment of these dues, leaving the defenders to pay these fees out of pocket.

Personnel Costs		\$2,929,974.01
FTE's	22.00	
Salary	\$2,040,650.00	
Fringe Benefits	\$889,324.01	
Travel and Training		\$57,000.00
Equipment		\$175,000.00
Supplies		\$23,000.00
Contract Services		\$182,000.00
Indirect		\$0.00
Total		\$3,366,974.01
Required County Match		\$673,394.80
Total less County Match		\$2,693,579.21

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BRAZOS COUNTY PUBLIC DEFENDER'S OFFICE

BUDGET NARRATIVE

MULTI-YEAR IMPROVEMENT GRANT FY 2025

Natalie Hays| Office Manager
5-23-2024

INTRODUCTION

THE FOLLOWING IS THE PROPOSED BUDGET FOR FISCAL YEAR 2025. THIS NARRATIVE IS FORMATTED TO ADDRESS THE FUNDING FOR THE PROPOSED JUVENILE, MENTAL HEALTH, AND APPELLATE JOB POSITIONS. IT ALSO ADDRESSES THE ADDITIONAL OPERATIONAL FUNDING NECESSARY FOR ATTORNEYS AND STAFF TO PERFORM EFFECTIVE LEGAL REPRESENTATION AND HOLISTIC ADVOCACY FOR ITS CLIENTS.

I. PROPOSED NEW POSITIONS

1. Juvenile Defender: There are two (2) Juvenile Defender positions being requested. One position will be budgeted at \$130,000.00 per year for a Chief Juvenile Defender, preferably Board Certified in Juvenile Criminal Law and at least ten (10) years' experience in criminal law; and the other position will be budgeted for \$105,000.00 per year for an attorney with five (5) years or less experience in criminal law/juvenile law.
2. Mental Health Defender: One (1) position is being requested for a Mental Health Defender. This position is budgeted at \$120,000.00 per year with the expectation that they will have a minimum of ten (10) years' experience in criminal law, with at least five (5) years of that experience specialized in mental health caseloads.
3. Appellate Defender: One (1) Appellate Defender position is being requested. This person will handle only court appointed Appeals and provide legal support for public defenders and private attorneys representing indigent clients. The position will pay \$110,000.00 per year. It is preferred that the individual is Board Certified in Appeals or Criminal Law, however, a minimum of five (5) years' experience in criminal law is required.
4. Public Defender: Two (2) public defender positions are being requested. One position will be for a Felony Defender with at least five (5) years' experience in criminal law at \$105,000.00 per year. Primary caseloads will be felony offenses ranging from State Jail to First Degree felonies. The second position is for a Misdemeanor Defender at \$87,500. This position does not require experience but does require an individual to be a licensed attorney with the State Bar of Texas. Primary caseloads will be Class A and B misdemeanors.
5. Case Worker: Two (2) caseworkers are being requested at \$60,000 per year. This salary will fit the educational and professional requirements necessary to fill the position with effective holistic case assistance. One case worker will focus on juvenile clients, while the other will

focus on assisting the mental health defender with client caseloads and obtaining resources that best suit client needs.

6. Investigator: Two (2) investigators are being requested at \$72,000 per year. Investigators are necessary to assist defenders with representation through the piecing together of mitigating and outside information regarding clients that may not have been available otherwise. Investigators utilize search engines, investigative questioning, and resources to gather information for the attorneys to use in defense of client's case. Technological advances will require specialized training and continuing education of the investigator. Their salary will need to be closely on par with investigators of the District Attorney, County Attorney, and various Law Enforcement Agency's Investigative Units.
7. Legal Assistant: Two (2) legal assistants are being requested to manage attorneys and their caseloads. One position is being requested at \$46,000.00 per year and the other position is being requested for \$42,000 per year. The minimum educational level required is a high school diploma, however, a college degree (or some college) is preferred. What the individual is paid will be based on experience and ability to communicate expertise effectively.
8. Receptionist: One (1) receptionist position is requested. The proposed salary is \$35,000.00 per year.

II. PROPOSED FRINGE BENEFITS

1. FICA: FICA for the proposed new salaries will increase the budget \$80,669.25. It is calculated at a rate of 7.65% of the individual's gross pay.
2. Retirement: Retirement for the proposed new salaries will increase the budget \$179,265.00. It is calculated at a rate of 17% of the individual's gross pay.
3. Health Insurance: Health insurance for the proposed new salaries will increase the budget \$220,896.00. It is currently \$16,992.00 per year per employee.
4. Worker's Compensation: Worker's Compensation for the proposed new salaries will increase the budget \$1,238.88. It is calculated at a rate of .115 for all attorneys and staff except investigators which is calculated at a rate of .1332.

III. PROPOSED OPERATIONAL EXPENSES

1. Conference & Seminar: An additional \$20,000 will be added to the budget for conference and seminar spending. This will account for the cost of the increase in staff positions as well as the increase in cost of their specialties. Conferences with training for mental health, juvenile, and board-certified staff and attorneys will require more funding. This training is essential to their ability to stay up to date on legislative amendments, the latest in investigative techniques, and holistic service delivery innovations.
2. Travel: An additional \$21,127.00 will be added to the budget for travel expenses related to expenses for trainings, conferences, and seminars. This will include spending on mileage, hotels, per diem, parking and tolls during conferences and seminars.
3. Office Supplies: An additional \$9,056.00 will be added to the budget for office supplies. Growing the number of attorneys and staff will require additional supplies needed for these employees.
4. Copier/Printer/Fax Supplies: It will be necessary for this budget to increase by \$2,000.00 due to the increase in staff and attorneys.
5. Gas: The Ford Escape was purchased by Brazos County for the Public Defenders Office to use for general purposes. Its primary uses include transportation to conferences, client meetings, and investigations. It will be necessary to increase this budget by \$4,000 to compensate for the increase in the attorneys and staff.
6. Furniture: The proposed increase to the furniture budget will be an additional \$23,000.00. This cost will be to provide the new attorneys and staff with desks and chairs. It will also cover the cost of any desks and chairs necessary for the current attorneys and staff. It will also include book shelves and conference room tables.
7. Telephone: The proposed cost for spending on a phone system is \$2,500.00. This is anticipated to be a necessary system to provide easy of access in transferring phone calls to the appropriate individual over the computer instead of manually through the phone.
8. Technology: The cost to provide technological equipment for the additional attorneys and staff is \$40,000.00. The addition to the current budget is \$35,736.00.
9. Scanners: Scanners cost \$1,000.00 each. Each case worker, legal assistant, and the receptionist will receive one for a total of \$5,000.00 for the budget.

10. Cellphones: The proposed increase to the cellphone budget will add \$10,800.00 to the current budget to account for the new attorneys and staff.
11. Court Costs: The proposed increase to the court cost is only an additional \$2,000.00 to the current budget. The current court cost budget has been utilized for interpreters for Spanish speaking clients. It is our expectation that the cost for interpreters will decrease when new staff are hired due to hiring bilingual staff. However, the budget for this fund will need to remain significant to afford clients the ability to ascertain expert witness testimony necessary to their defense.
12. Printing: The printing budget is proposed to increase by \$4,500.00. In part this funding will go toward business cards for attorneys and staff. The administrative team would also like to provide printed information to clients and their families regarding services provided by the PDO. This information can be disseminated in the office, at the jail, and various outreaches around the community.
13. Long Distance: The addition of \$1,000.00 for long distance funding will ensure there is a budget to make phone calls necessary to witnesses, experts, and various long-distance resources valuable to client defense development.
14. Subscriptions & Publications: The additional funding for the budget is \$12,000.00 for subscriptions and publications. This will provide the PDO with the necessary budget to provide attorneys and staff with law books, supplemental research material, and case specific trial material necessary to building effective defenses for clients.
15. Copier/Printer/Fax Maintenance: There is a \$700.00 increase to this budget being requested. With the increase in usage from the increase in staff, it is likely there will be additional maintenance costs associated with this increase in use.
16. Lexis Nexis: The contract for FY 2025 will increase to \$20,000.00 for the entire year for Lexis Nexis which will be a \$13,376.00 increase to the current budget. The cost will be billed monthly. This legal software is used for legal/case law research and is the investigative background check tool used by our investigator.
17. Legal Server: The contract proposal for Legal Server is estimated to cost around \$85,000.00 to implement along with the one year of service. Legal Server is a case management software for managing data, client information, and case information.

IV. TABLE: SALARIES & FRINGE BENEFITS

NEW POSITIONS		FRINGE BENEFITS				
POSITION	SALARY	FICA	RETIREMENT	HEALTH	W/C	
Juvenile Defender	\$ 130,000.00	\$9,945.00	\$22,100.00	\$ 16,992.00	\$149.50	
Juvenile Defender	\$ 105,000.00	\$8,032.50	\$17,850.00	\$ 16,992.00	\$120.75	
Mental Health Defender	\$ 120,000.00	\$9,180.00	\$20,400.00	\$ 16,992.00	\$138.00	
Appellate Defender	\$ 120,000.00	\$9,180.00	\$20,400.00	\$ 16,992.00	\$138.00	
Public Defender	\$ 105,000.00	\$8,032.50	\$17,850.00	\$ 16,992.00	\$120.75	
Public Defender	\$ 87,500.00	\$6,693.75	\$14,875.00	\$ 16,992.00	\$100.63	
Caseworker	\$ 60,000.00	\$4,590.00	\$10,200.00	\$ 16,992.00	\$69.00	
Caseworker	\$ 60,000.00	\$4,590.00	\$10,200.00	\$ 16,992.00	\$69.00	
Investigator	\$ 72,000.00	\$5,508.00	\$12,240.00	\$ 16,992.00	\$95.90	
Investigator	\$ 72,000.00	\$5,508.00	\$12,240.00	\$ 16,992.00	\$95.90	
Legal Assistant	\$ 46,000.00	\$3,519.00	\$7,820.00	\$ 16,992.00	\$52.90	
Legal Assistant	\$ 42,000.00	\$3,213.00	\$7,140.00	\$ 16,992.00	\$48.30	
Receptionist	\$ 35,000.00	\$2,677.50	\$5,950.00	\$ 16,992.00	\$40.25	
TOTALS	\$ 1,054,500.00	\$80,669.25	\$179,265.00	\$ 220,896.00	\$1,238.88	

The total cost of new positions is \$1,536,569.13.

V. TABLE: OPERATIONAL EXPENDITURES

Expense	Budget Increase
Conference & Seminar	\$ 20,000.00
Travel	\$ 21,127.00
Office Supplies	\$ 9,056.00
Copier/Printer/Fax Supplies	\$ 2,000.00
Gas	\$ 4,000.00
Furniture	\$ 23,000.00
Telephone	\$ 2,500.00
Technology	\$ 35,736.00
Scanners	\$ 5,000.00
Cell Phones	\$ 10,800.00
Court Costs	\$ 2,000.00
Printing	\$ 4,500.00
Long Distance	\$ 1,000.00
Subscriptions/Publications	\$ 12,000.00
Copier/Printer/Fax Maint.	\$ 700.00
Lexis Nexis	\$ 13,376.00
Legal Server	\$ 85,000.00
TOTAL	\$ 251,795.00

The total cost of increased operational expenses is \$251,795.00.

INTRODUCTION

THE BRAZOS COUNTY PUBLIC DEFENDERS OFFICE IS CURRENTLY FUNDED THROUGH A TWO-YEAR IMPROVEMENT GRANT. THIS SECTION OF THE BUDGET NARRATIVE PROPOSES CONTINUED FUNDING FOR THE CURRENT POSITIONS WITH INCREASE IN SALARIES AND PAY FOR THOSE POSITIONS FOLLOWED BY CONTINUED FUNDING FOR THE CURRENT OPERATIONAL EXPENSES.

VI. CONTINUED FUNDING FOR CURRENT POSITIONS WITH PROPOSED PAY INCREASES:

1. Chief Public Defender: The Chief Public Defender position request is \$145,000.00 per year. The Chief is currently salaried at \$130,000.00. The original salary proposed for the position was \$140,000.00 to start FY 2022. The County salaried the position at \$130,000.00 and it was the only position that did not receive a COLA increase in FY 2024. The growth of the Public Defenders' Office will mean that the administrative and caseload responsibilities of the Chief will continue to grow as well. The salary for this position should increase in accordance with the growth in administrative responsibilities, staffing, improvement divisions and case load as well as pay parity with county/district attorneys and/or their first assistants. (First Assistant-County Attorney- \$148,428.80; First Assistant-District Attorney-\$165,000.16)
2. Public Defenders: Five (5) attorney positions are currently funded under the current grant. It is requested that funding resume under the Multi-Year Improvement Grant. This includes two (2) Felony Defender positions and three (3) misdemeanor positions. One Felony Defender position, currently funded at \$108,153.00, is requested to increase to \$120,650.00 based on attorney experience and board certification. The second Felony Defender position is budgeted at \$119,9989.98 and is requested to increase to \$132,500.00 based on the attorney's years of experience and qualification to represent clients on capital cases. There is an attorney position budgeted for \$83,000.00 with a request to increase the salary to \$90,500.00, an attorney position budgeted for \$93,001.00 proposed with a proposal to increase to \$100,500.00, and finally a position budgeted for \$105,000.00 with a proposal to increase to \$112,500.00. Each of these final three increases is based on years of experience and expertise for misdemeanor and felony case loads.
3. Investigator: The current salary for the investigator is \$74,000.00. It is proposed that this position's salary is increased to \$81,500.00 due to increase in felony caseloads and the increase in enhanced and 3g cases.
4. Case Worker: The current salary for the case worker position is \$66,340.00. The requested salary for the Case Worker position is \$70,000.00. This request is based on the number of cases and attorneys the case worker is collaborating with in order to connect with clients and understand which resources would best meet their current and future needs. The case worker

also collaborates with organizations in the community to network and stay informed and connected, maintaining a relationship that cultivates the mission and vision of the PDO.

5. Administrative Clerk: The requested salary for the Administrative Clerk position is \$54,225.00. The current yearly pay for this position is \$54,225.00. It is requested that this amount position be raised to \$58,000.00 due to years of experience, training and experience with the legal system in Brazos County, and the increase in caseload- in particular at the intake and disposition phase of cases.
6. Office Manager: The current salary for the Office Manager position is \$71,136.00. The position is requested to be funded at \$75,000.00 for fiscal year 2025. This takes into account the management of additional office staff, assistance with planning the phase in of the proposed improvement divisions, hiring the additional staff for those divisions and collaborating with the necessary departments within the county to acquire and prepare space for the new divisions.

VII. CURRENT FRINGE BENEFITS WITH PROPOSED PAY INCREASE BENEFITS:

1. FICA: FICA for the current budget is \$68,838.79. With the proposed salary and pay increases, it is \$75,429.00. It is calculated at a rate of 7.65% of the individual's gross pay.
2. Retirement: Retirement for the current budget is \$152,975.08. With the proposed salary and pay increases, it is \$167,620.00.
3. Healthcare: Healthcare is calculated at a rate of \$16,992.00 per person for the year. This amount does not change unless the cost of insurance changes. For the current positions, healthcare will cost \$169,920.00.
4. Worker's Compensation: Worker's Compensation for the current salaries is \$1,054.06. With the proposed pay increases, the budget for Worker's Compensation is \$1,148.73. It is calculated at a rate of .115 for all attorneys and staff except investigators which is calculated at a rate of .1332.

VIII. CURRENT OPERATIONAL EXPENSES

1. Conference & Seminar: Conference and Seminar expenses are currently budgeted at \$5,000.00.
2. Travel: Travel expenses are currently budgeted at \$10,873.00.
3. Office Supplies: Office supplies are currently budgeted at \$5,944.00.

4. Copier/Printer/Fax Supplies: Copier/Printer/Fax Supplies are currently budgeted at \$1,000.00.
5. Gas: Gas is currently budgeted at \$1,000.00
6. Furniture: Furniture is currently budgeted at \$2,000.00
7. Telephone: There is not currently a budget for a telephone system to support a large office.
8. Technology: The current technology budget is \$4,264.00.
9. Scanners: There is not currently a budget for scanners this fiscal year.
10. Cellphones: The cellphone budget is currently \$4,200.00.
11. Court Costs: Court Costs are currently budgeted at \$38,000.00.
12. Printing: The current Printing budget is \$500.00
13. Long Distance: There is not currently a budget for long-distance calling.
14. Subscriptions & Publications: Subscriptions and Publications are currently budgeted at \$3,000.00.
15. Copier/Printer/Fax Maintenance: The maintenance costs are currently budgeted at \$300.00.
16. Lexis Nexis: Lexis Nexis is currently budgeted at \$6,624.00.
17. Legal Server: Legal Server is not currently in the budget.

**IX. CURRENT SALARIES/FRINGE BENEFITS &
PROPOSED SALARY INCREASES/FRINGE BENEFITS**

Current Positions		Current Fringe Benefits			
Position	Current Salaries	FICA	Retirement	Health	Comp
Chief Public Defender	\$ 130,000.00	\$ 7,114.57	\$ 15,810.16	\$ 16,992.00	\$ 149.50
Public Defender	\$ 108,153.00	\$ 4,692.51	\$ 10,427.80	\$ 16,992.00	\$ 124.38
Public Defender	\$ 119,999.98	\$ 4,148.29	\$ 9,218.42	\$ 16,992.00	\$ 138.00
Public Defender	\$ 83,000.00	\$ 5,441.90	\$ 12,093.12	\$ 16,992.00	\$ 95.45
Public Defender	\$ 93,001.00	\$ 9,179.99	\$ 20,399.98	\$ 16,992.00	\$ 106.95
Public Defender	\$ 105,000.00	\$ 6,349.50	\$ 14,110.01	\$ 16,992.00	\$ 120.75
Investigator	\$ 74,000.16	\$ 5,661.01	\$ 12,580.03	\$ 16,992.00	\$ 98.57
Administrative Clerk	\$ 66,340.00	\$ 8,273.48	\$ 18,385.52	\$ 16,992.00	\$ 76.29
Case Worker	\$ 54,225.00	\$ 8,032.52	\$ 17,850.04	\$ 16,992.00	\$ 62.36
Office Manager	\$ 71,143.00	\$ 9,945.00	\$ 22,100.00	\$ 16,992.00	\$ 81.81
Total	\$ 904,862.14	\$68,838.79	\$ 152,975.08	\$ 169,920.00	\$ 1,054.06
Salaries		\$ 904,862.14			
Fringe Benefits		\$ 392,787.92			
Total		\$ 1,297,650.06			

Proposed Salaries Current Positions		Proposed Fringe Benefits			
Position	Proposed Salaries	FICA	Retirement	Health	Comp
Chief Public Defender	\$ 145,000.00	\$ 11,092.50	\$ 24,650.00	\$ 16,992.00	\$ 166.75
Public Defender	\$ 120,500.00	\$ 9,218.25	\$ 20,485.00	\$ 16,992.00	\$ 138.58
Public Defender	\$ 132,500.00	\$ 10,136.25	\$ 22,525.00	\$ 16,992.00	\$ 152.38
Public Defender	\$ 90,500.00	\$ 6,923.25	\$ 15,385.00	\$ 16,992.00	\$ 104.08
Public Defender	\$ 100,500.00	\$ 7,688.25	\$ 17,085.00	\$ 16,992.00	\$ 115.58
Public Defender	\$ 112,500.00	\$ 8,606.25	\$ 19,125.00	\$ 16,992.00	\$ 129.38
Investigator	\$ 81,500.00	\$ 6,234.75	\$ 13,855.00	\$ 16,992.00	\$ 108.56
Administrative Clerk	\$ 70,000.00	\$ 5,355.00	\$ 11,900.00	\$ 16,992.00	\$ 80.50
Case Worker	\$ 58,000.00	\$ 4,437.00	\$ 9,860.00	\$ 16,992.00	\$ 66.70
Office Manager	\$ 75,000.00	\$ 5,737.50	\$ 12,750.00	\$ 16,992.00	\$ 86.25
Total	\$ 986,000.00	\$75,429.00	\$ 167,620.00	\$ 169,920.00	\$ 1,148.73
Salaries		\$ 986,000.00			
Fringe Benefits		\$ 414,117.73			
Total		\$ 1,400,117.73			

X. CURRENT OPERATIONAL EXPENSES

Current Operational Expenses	
Conference & Seminar	\$ 5,000.00
Travel	\$ 10,873.00
Office Supplies	\$ 5,944.00
Copier/Printer/Fax Supplies	\$ 1,000.00
Gas	\$ 1,000.00
Furniture	\$ 2,000.00
Telephone	\$ -
Technology	\$ 4,264.00
Scanners	\$ -
Cell Phones	\$ 4,200.00
Court Costs	\$ 38,000.00
Printing	\$ 500.00
Long Distance	\$ -
Subscriptions/Publications	\$ 3,000.00
Copier/Printer/Fax Maint.	\$ 300.00
Lexis Nexis	\$ 6,624.00
Legal Server	\$ -
Total	\$ 82,705.00

The current operational expenses for the 2025 fiscal year is \$82,705.

XI. TOTAL AMOUNT

The total amount requested for FY 2025 is \$3,271,186.86. The amount requested for salaries, including fringe benefits, for twenty-three (23) full time employees is \$2,936,686.86. The amount requested for operational expenses is \$334,000.00. This amount includes a one-time implementation cost for Legal Server case management software.

GRANT TOTALS	
New Position Cost	\$ 1,536,569.13
Expense Increase	\$ 251,795.00
Current Position W/Increase	\$ 1,400,117.73
Current Expenses	\$ 82,705.00
Total	\$ 3,271,186.86

The Multi-Year Improvement Grant requires a 20% cash match by Brazos County. That portion of this budget is \$654,237.37.

XII. SENATE BILL 22:

Senate Bill 22 (SB 22) established a grant program to provide financial assistance for salaries to law enforcement and prosecutors' offices. Brazos County was eligible for SB 22 funds and applied for and received SB 22 funds to supplement existing salaries and create new positions.

This increase in law enforcement funding threatens to increase the pay and resource disparity between prosecutors' offices and public defenders' offices in a way that threatens justice. Pay and resource parity between prosecutors' offices and public defenders' offices is crucial for several reasons, primarily revolving around fairness, effectiveness of the justice system, and public confidence.

The principle of fairness in the legal system is foundational. If public defenders are under-resourced and underpaid compared to prosecutors, this creates an imbalance in the ability of defendants to receive competent legal representation. This is especially critical since public defenders typically represent individuals who cannot afford private counsel, often the most vulnerable in society.

With parity in resources and pay, public defenders can attract and retain more skilled and experienced attorneys. Underfunding and lower salaries lead to high turnover rates, larger caseloads, and less time per case among public defenders. This can result in poorer outcomes for defendants, including higher chances of wrongful convictions or unnecessarily harsh sentences.

A well-resourced public defender's office can help ensure more equitable outcomes in the legal process. This includes having the capacity to engage in thorough investigations, expert witness consultations, and better trial preparations, which are essential for robust defense strategies.

Public trust in the fairness and effectiveness of the criminal justice system is higher when both sides of the legal process are equally resourced. This balance helps to uphold the principle that everyone is innocent until proven guilty and that every defendant has a right to a fair trial. Better-resourced public defenders can handle cases more efficiently and effectively, reducing delays in the court system. This helps to alleviate backlogs and speeds up the legal process, benefiting the entire community.

To offset the anticipated disparity created by SB 22, the BCPDO requests an additional \$275,000.00. This will allow the Public Defenders Office to provide competitive pay for more experienced attorneys with diverse expertise in criminal law. Additionally, the Public Defenders Office will be able to add funding to case worker positions allowing it to hire licensed social workers and pay them a fair salary for their education and licensing. The investigators will also be given an income increase for membership and licensing fees. This funding will also be allocated to the attorney positions to assist with payment of bar and licensing dues. The District Attorney's Office currently pays the licensing dues for its prosecutors with funds from its asset forfeiture division- money that is not a part of the yearly budget for their department. Brazos County policies and procedures prohibit the use of budgetary department funds for the payment of these dues, leaving the defenders to pay these fees out of pocket.