

**TARRANT COUNTY COMMENTS  
REGARDING  
FORMULA GRANT PROCEDURES  
02/04/05**

**CONTACT:**

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**ENTITY/COUNTY REPRESENTED:**

Tarrant County

**POSITION ON CHANGING FORMULA:**

For

**REASON FOR CHANGE:**

The development of a formula based upon a single variable does not adequately address the complexities involved in compliance with the requirements of the Indigent Defense Act. Additionally the base amount of \$5,000 results in some counties receiving more than they actually expend. Therefore, the base should be eliminated or reduced and annually reviewed for revision based upon expenditures.

**RECOMMENDED CHANGE:**

Numerous factors should be taken into consideration:

1. Poverty rates should not be included as individuals not considered below the poverty level in the free world may immediately become indigent upon incarceration due to loss of employment.
2. Costs per case should not be a sole consideration. If costs per case were to be used in the formula, all cases within the county (not just those assigned to the indigent defense program) should be included as well as all court costs, administrative costs, etc. Additionally, reporting of costs by counties that use a public defenders system and those that use private attorneys should be reconciled to ensure comparability.
3. Increases in costs evidenced by counties since the inception of the Act should be considered.
4. Total annual increases in case filings should be considered as well as indigent cases.

5. Overall expenditures should not be considered, as presently reported, due to inconsistent reporting of administrative and indirect costs.
6. County population should be considered in the formula.
7. Baseline reporting should separate capital murder cases and related costs as fluctuations may vastly impact annual expenditures.

**IMPACT OF CHANGE UPON TARRANT COUNTY**

A change in the funding formula to incorporate any or all of the above factors should result in a more equitable distribution of funds.

**SOURCE OF DATA**

Review of Expenditure Reports from the Task Force and additional local expenditure data.