



## **BEXAR COUNTY PUBLIC DEFENDER'S OFFICE**

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### **Grant will provide public defender to indigent mentally ill**

The Texas Indigent Defense Commission unanimously approved a grant request from the Bexar County Public Defender's Office during a meeting in Austin on June 4. This multi-year grant will provide approximately \$600,000 over four years to provide an attorney during the magistration process to indigent people suffering from mental illness who have been arrested in Bexar County.

No county in Texas currently provides indigent clients with counsel at the initial magistration hearing.

"By having Assistant Public Defenders from our office represent indigent defendants at magistration, Bexar County will be leading the state and the nation on this critical issue," said Bexar County Chief Public Defender Michael Young. "The need to provide an attorney to persons suffering from mental illness is especially critical for this vulnerable population."

Texas law requires that every person arrested be taken before a magistrate judge within 48 hours of their arrest to be informed of the charges against them and their rights, and to determine if the person qualifies for a court-appointed attorney. The judge then sets the bond amount. If the person arrested qualifies for a court-appointed lawyer, the process still takes several days before this person will ever meet with their attorney. The magistration process also is when arrestees are screened for participation in jail diversion programs.

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“I’d like to commend Bexar County for being the first jurisdiction in the state to provide access to defense counsel at a person’s first appearance before a magistrate when critical mental health diversion decisions are made,” said Jim Bethke, executive director of the Texas Indigent Defense Commission.

Advocates and conservative groups alike have identified the need for Texas counties to provide representation of indigent arrestees during the magistration process. The Texas Public Policy Foundation, a conservative think tank, pointed out this need in an article published in April. In March, the Constitution Project issued a national report with similar findings.

“This is one more positive step toward properly caring for the mentally ill population who all too often end up in the criminal justice system,” County Judge Nelson Wolff said. “We’ve been working since the early 2000s to establish programs that will help keep the mentally ill out of our jail and provide them with the treatment they need.”

The Texas Indigent Defense Commission has distributed funds to Texas counties since 2002 to support effective programs that protect the rights of accused persons who cannot afford to hire a lawyer. In addition to competitive discretionary grants to fund new, innovative programs, the Commission provides formula grant funding to counties in compliance with the requirements of the Fair Defense Act of 2001 based on population and indigent defense expenditures. More information is available at <http://www.txcourts.gov/tidc/>.

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