

**Criminal Justice Coordinating Commission
Minutes
July 30, 2019**

Commission Members Present

Lon Shell, Chair, Commissioner, Precinct 3
Debbie Ingalsbe, Vice Chair, Commissioner, Precinct 1
Elaine Cardenas, Hays County Clerk
Beverly Crumley, Hays County District Clerk
John Ellen, Constable, Precinct 5
Amanda Erwin, Hays County Bar Association
Michael Hartman, Chief, Adult Probation
Marla Johnson, Hays Caldwell Women's Center
Samantha Jones, Criminal Justice Analyst
Martha Joyce, Central Texas Dispute Resolution Center
Dallari Landry, Municipal Judge
Jeff McGill, Director, IT
Wes Mau, District Attorney
Chase Stapp, San Marcos Chief of Police
Gary Steel, District Court Administrative Judge
Jim Strakos, Hill Country MHDD Center
Alex Villalobos, Chief of Staff, County Judge
Julie Villalpando, Corrections
Tacie Zelhart, Judge, County Court at Law #3

Others Present

Jarvis Anderson, Bexar County Community Supervision and Corrections Department
Jordan Buckley, Mano Amiga
Astrid Echegoyan, MOVE Texas
Anita Gupta, Immigration Legal Resource Center
Faylita Hicks, Community Member
Eric Martinez, County Judge Volunteer
Jordan Powell, Assistant General Counsel
Allison Franklin, Texas Criminal Justice Coalition

Summary of Proceedings

1. **“Effective Criminal Justice Diversion Models”--Presentation by Douglas Smith and Allison Franklin, Texas Criminal Justice Coalition** (See Attachment.)

Smith and Franklin disclosed their own personal histories of recovery from mental health and substance abuse issues and their interactions with the criminal justice system. They advocated early intervention, at the pre-arrest stage for people with mental health illnesses and substance abuse. Smith said the Sequential Intercept Model (SIM), developed by Policy Research Associates, Inc., is useful in identifying the intersection between mental health and criminal justice system and identifying where an

intervention can be made with the greatest effect. Possible points of intersection range from pre-arrest through initial detention, specialty courts or jail, reentry and return to the community. The model identifies evidence-based best practices for each potential point of intervention. The model is used by communities to plan collaboration among agencies.¹

Options for diversion at the pre-arrest stage include Law Enforcement Assisted Diversion (LEAD), headquartered in Seattle, WA. Bexar, Travis and Harris counties, among others have begun exploring LEAD, which has been widely adopted elsewhere in the US, especially in New England. LEAD has many advantages for those who go through the program, including:

- Reduced recidivism
- Greater ease in finding housing and employment
- Improved quality of life
- Less likelihood of felony charge

It also reduces the number of jail bookings, days in jail and incidents of imprisonment.

Alternatives to LEAD include programs such as the Lone Star Justice Alliance for youths 17-21, which is a pre-charge diversion program in which youths are immediately referred to a multi-disciplinary team for wrap-around services.

Alex Villalobos recommended that the Commission consider ways in which LEAD or other diversion models could be adapted to fit the unique needs of Hays County. Among other things, eligibility criteria for diversion must be developed.

2. Update on Hays County and TIDC Efforts Regarding *Padilla* Assistance Services

Lon Shell announced that there would be an item on an upcoming Commissioners Court agenda to seek approval to submit a grant application to TIDC for *Padilla* services.

3. Update from Pretrial Services Subcommittee and discussion regarding the TIDC

Tacie Zelhart said the job description for an Indigent Defense Assistant Coordinator was almost ready to submit to the Commissioners Court, and would be discussed in Commissioners Court in August.

4. Update from Cite and Release Subcommittee and Discussion of Possible Program Design Options

Jordan Powell from the General Counsel's office has joined the subcommittee and is working with Wes Mau and the courts to create a process chart delineating steps from point at which someone is pulled over. The team will be meeting with IT to discuss the TicketWriter adaptations and other IT considerations, such as integration with Odyssey. The team is considering which types of offenses would be suitable for Cite and Release—e.g., possession of marijuana, driving with an invalid license. One important issue concerns how to define residency, particularly for college students who are pulled over. An important step will be to send reminders by phone, text or email to encourage participants to appear when required.

¹ *The Sequential Intercept Model*. <https://www.prainc.com/sim>. Accessed 8/19/2019.

Three caveats were suggested for Cite and Release:

1. Establish a written policy for police to follow;
2. Give police wide discretion; and
3. Don't get hung up on "residency."

With respect to combining diversion with Cite and Release, an important consideration is at which point the diversion decision is made, by whom, and based on what criteria. Anita Gupta argued that diversion should be available to offenders with previous offenses, since substance abuse is well known to be a chronically relapsing disease, and limiting Cite and Release to first-time offenders would limit the impact of the program overall. It was clarified that those specific cases would be better suited for a different type of diversion program, such as LEAD.

Alex Villalobos recommended an in-depth analysis of the social services available in the county to incorporate into a diversion program.

Judge Zelhart pointed out that the committee is considering two different options:

1. Cite and Release for Class A and B Misdemeanors; and
2. Cite and Release incorporating a diversion option.

5. Meeting times, locations and future topics

Future meetings were scheduled as follows:

- Cite and Release Subcommittee—August 5, 3:00 PM, San Marcos Police Department
- Pretrial Services Subcommittee--August 22, 3:00 PM, Government Center, Conference Rooms 1003 and 1004
- Criminal Justice Coordinating Commission—September 10, 3:00 PM, Government Center, Conference Rooms 1003 and 1004