

Criminal Justice Coordinating Commission

**Minutes
May 23, 2019**

Voting Members Present

Debbie Ingalsbe, Commissioner, Precinct 1
Lon Shell, Commissioner, Precinct 3
Alex Villalobos, Chief of Staff, County Judge
Maggie Moreno, Justice of the Peace
Gary Steel, District Judge
Tacie Zelhart, County Court at Law Judge, CCAL #3
Dallari Landry, Municipal Judge
Wes Mau, District Attorney
Gary Cutler, Hays County Sheriff
Julie Villalpando, Corrections, Sheriff's Office
Laurie Clouse, Texas State University Police Chief
Elaine Cardenas, Hays County Clerk
Beverly Crumley, Hays County District Clerk
Michael Hartman, Adult Probation
Shelly Williams, Juvenile Probation
Jeff McGill, IT
Samantha Jones, Criminal Justice Analyst
Amanda Erwin, Hays County Bar Association
Marla Johnson, Hays Caldwell Women's Center
Jim Strakos, Hill Country MHDD Center
Martha Joyce, Central Texas Dispute Resolution Center

Others Present

Ruben Becerra, County Judge
Mike Davenport, Law Enforcement, Sheriff's Office, *Designee*
Lisa Pacheco, Adult Probation, *Designee*
Chris Johnson, Judge CCAL#2
Bill Henry, District Judge
Eric Martinez, Intern, County Judge
Anita Gupta, Immigration Legal Resource Center, County Judge, *Invitee*

1. Welcoming Comments – Judge Ruben Becerra

Judge Becerra welcomed guests and thanked them for their participation. He explained that the Commission was conceived at the recent Criminal Justice Summit, and started as a Judge's Task Force, but has been elevated to the level of a Commissioners Court Commission. In part, it draws on and continues work discussed by a previous criminal justice commission that convened in 2010 and 2016. He called for change. Specifically, he encouraged work to develop practical strategies that will save money, but also ensure the human treatment of inmates—e.g., enhancements to pretrial services, cite and release, ankle monitoring. He also suggested that the Commission explore the matter of a Public Defenders Office and where to go from here. He suggested the commission consider pros and cons,

which aspects of a Public Defenders Office would be good for Hays County, and whether the county could implement a Public Defenders Office before submitting a grant application for one in 2020.

2. Call to Order – Commissioner Lon Shell

Commissioner Ingalsbe joined the group after Judge Becerra left. Lon Shell continued, thanking Judge Becerra for establishing the commission. He encouraged everyone present to read the bylaws, especially the mission statement. He gave an overview of the meeting, saying there would be an election of a chair and vice chair, followed by designation of four or five sub-committees. Commissioner Ingalsbe expressed her support of the goals of the Commission and thanked all of those present for their willingness to participate. She mentioned her desire that the Commission analyze the benefits that a Public Defender's office might provide.

3. Election of Chair and Vice Chair

Lon Shell and Alex Villalobos volunteered to chair the Commission. Wes Mau argued that the chair and vice chair should be members of the Commissioners Court, because that would facilitate action on recommendations of the commission. Mau made a motion to appoint Lon Shell Chair of the commission and Debbie Ingalsbe Vice Chair; Maggie Moreno seconded the motion. It was approved, with one dissenting vote (Alex Villalobos).

4. Committees

Commissioner Shell called for development of several committees with goal of streamlining the process and reducing time in jail. He introduced Samantha Jones, who is providing administrative support to the Commission, noting that she has performed an analysis of Hays County data on incarceration, which all participants would benefit from reviewing.

A. Indigent Defense/Pretrial Services.

Shell suggested a committee on Indigent Defense. Judge Zelhart responded that indigent defense fits within the broader category of pretrial services.

Pretrial Service Case Workers. Judge Steel made a proposal that could be put into place immediately:

1. Hire one more pretrial services case worker. (There is currently one located in Adult Probation.)
2. Follow through with an interlocal agreement General Counsel Mark Kennedy has drafted, which magistrates would sign deferring decision about release to district judges along with supervision of bonds.
3. Keep people long enough (48 – 72 hours) to assess whether they could/should be released—e.g., no prior offenses, nonviolent, etc.

JP Maggie Moreno acknowledged that she would sign the interlocal agreement.

Judge Zelhart and others commented that more than two pretrial case workers are needed—possibly as many as 5—because they should be available all the time.

Commissioner Shell proposed the creation of a position that would track the status of inmates from the time they are magistrated to ensure they receive a court appointed attorney when requested, to

determine applicable programs which may be utilized for their specific situation and to monitor their status within the system.

Mental Health. It was suggested that a mental health assessment should be made immediately and cases flagged where a mental health problem is identified.

Personal Recognizance (PR), Bonds. In lieu of PR, it was suggested to set low bonds (e.g., \$2,000) with conditions.

Court Appointed Attorneys. Several participants commented that there are gaps in the process of managing court appointed attorneys. For one thing, the accused sometimes reject a court appointed attorney in the beginning, then request one after they have been relocated. Those cases sometimes fall through the cracks. In addition, some court appointed attorneys do not follow through on the requirement to meet in person with their clients when they are located in distant counties. Participants agreed a system should be in place to provide oversight of court appointed attorneys to make sure the meetings are occurring and people who have requested have them. Participants agreed Pretrial Services should oversee the process.

Court Appearances. District Attorney Mau pointed out that time in jail could be reduced if the accused showed up for their court dates. When they fail to appear, they are arrested and re-jailed, which leads to more time in jail. Participants agreed the pretrial services case worker (or someone else) should be assigned responsibility for making sure people know when and where they are expected to appear and reminding them when the date is near.

Padilla Attorney. Immigration law was mentioned as another factor to be considered. Anita Gupta said she can make participants aware of a local Padilla expert who has a grant to provide support locally. Defense attorneys can contact her online at the plea bargain stage to assess potential consequences of a plea bargain.

Committee Leadership and Next Steps. Michael Hartman was selected to Co-Chair the sub-committee alongside Lisa Pacheco, with Judge Tacie Zelhart as Vice Chair. **The committee will meet Tuesday, June 4th, 3 pm, Conference Rooms 1003 and 1004 of the Government Center.** Recommendations of the committee will be presented to the Commissioners Court at a later time. Members of the committee will be:

Voting Members

Michael Hartman, Co-Chair, Adult Probation
Lisa Pacheco, Co-Chair, Adult Probation
Tacie Zelhart, Vice Chair, Judge, CCAL #3
Elaine Cardenas, County Clerk
Gary Steel, District Judge
Maggie Moreno, Justice of the Peace
Julie Villalpando, Corrections
Alex Villalobos, Chief of Staff, County Judge
Wes Mau, District Attorney
Amanda Erwin, Hays County Bar Association
Jim Strakos, Hill Country MHDD Center
Marla Johnson, Hays Caldwell Women's Center

Martha Joyce, Central Texas Dispute Resolution Center

Resource Representatives

Shari Miller, Human Resources

Vicki Dorsett, Auditor's Office

Anita Gupta, Immigration Legal Resource Center

B. Other Committees

Commissioner Shell urged participants to think about other committees that should be set up at the next meeting of the commission, and reminded participants that the commission should define goals for the committees.

Specialty Courts. Shell suggested Specialty Courts might be one topic—Veterans Courts, Mental Health Courts, etc. Judge Zelhart has been taking the lead on a mental health court. She is currently constructing a mental health docket a couple of times a month and has established a relationship with Hill Country MHDD (Jim Strakos) to help with mental health cases. Participants noted mental health is an issue with felony cases, too. Several commented that substance abuse is a factor in many mental health cases, as well as others. Judge Johnson is running the Veterans Court. It was suggested he might be a good chair for a committee on special courts.

Cite and Release. Cite and Release was suggested as another potential committee. Alex Villalobos expressed interest in chairing it.