

**Criminal Justice Coordinating Commission
Minutes
June 25, 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
Gary Cutler, Hays County Sheriff
Michael Davenport, Sheriff's Office *Designee*
John Ellen, Constable, Precinct 5
Amanda Erwin, Hays County Bar Association
Ralph Guerrero, District Attorney *Designee*
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
Maggie Moreno, Justice of the Peace, Precinct 1
Lisa Pacheco, Adult Probation, Beth Smith, Justice of the Peace *Designee*
Chase Stapp, San Marcos Chief of Police
Jim Strakos, Hill Country MHDD Center
Steve Thomas, District Court *Designee*
Alex Villalobos, Chief of Staff, County Judge
Shelly Williams, Director, Juvenile Probation
Tacie Zelhart, Judge, County Court at Law #3

Others Present

Geoff Burkhart, Texas Indigent Defense Commission
Anita Gupta, Immigration Legal Resource Center
Mark Kennedy, General Counsel, Hays County
Julie Wimmer, Padilla Attorney

Summary of Proceedings

1. Discussion and possible action regarding the Vice Chair position of the Criminal Justice Coordinating Commission

Commissioner Ingalsbe suggested in the form of a motion that the bylaws be amended to create a position for a Co-Chair, to be filled by Alex Villalobos. Participants argued that it would be confusing and that the current structure with Commissioner Lon Shell as Chair and Commissioner Debbie Ingalsbe as Vice Chair is appropriate and working well. No second was made. Commissioner Ingalsbe

then recommended in the form of a motion that Alex Villalobos be appointed to take her position as Vice Chair. No second was made and no action was taken.

2. Discussion and possible action regarding *Padilla* assistance services

Texas Indigent Defense Commission (TDIC) representative Geoff Burkhart and Padilla attorney Julie Wimmer proposed that TDIC fund Hays County to set up a pilot Padilla program that would provide consultation to attorneys on the potential immigration consequences of plea bargains. Because Hays County does not have a population large enough to keep a Padilla attorney busy full time, Burkhart suggested the program could serve multiple counties—possibly Comal, Caldwell and several other nearby counties, as well as Hays. TDIC would fund the program 100 percent using a Memorandum of Understanding (MOU). Wes Mau pointed out that such a program would have the advantage of protecting the county from liability by giving proof that arrestees were advised of the consequences of accepting plea bargains. The service would be available only to court-appointed attorneys. However, arrangements could be made so that other defense attorneys could pay for services. It was concluded that Julie Wimmer and TIDC will be working on an agreement to submit to Hays County for consideration.

3. Discussion and possible action regarding Assisted Outpatient Treatment (AOT) programs and Mental Health Courts

Participants discussed the possibility of establishing an AOT program in Hays County to divert people at pretrial to mental health services for assessment and possibly treatment. Although an AOT could possibly result in fewer days in jail and cost savings, all agreed that much more information is needed about how it would work—specifically:

- How it would be funded,
- Who would make the decision,
- Who could access the files

Alex Villalobos agreed to gather more information about what has been done in other states and to schedule a presentation. Judge Zelhart informed the group that the establishment of a Mental Health Court, which she is planning, would not interfere with accepting a grant for an AOT.

4. Update from the Pretrial Services Subcommittee including discussion and possible action

Lisa Pacheco, Co-Chair of the Pretrial Services Subcommittee, said the subcommittee members recommend hiring an additional pretrial bond officer as well as an Indigent Defense Attorney to help streamline the process and assure that court-appointed attorneys contact clients quickly. Job descriptions are being drafted for both positions for submission to the Commissioners Court. TIDC could fund the Indigent Defense Assistant Coordinator position on an 80-60-40 basis over four years, starting Fall of 2020. The TIDC would not fund a position that had already been filled, but could fund a second position. Judge Zelhart, who is working on an Indigent Defense Plan to be ready in November, recommended holding off until other judges have been engaged. Grant applications would be due in the Spring of 2020. The commission voted to approve submitting a request to the Commissioners Court for funding a Pretrial Bond Officer in FY20.

Mark Kennedy, General Counsel, provided an update on the interjudicial agreement between the judges and magistrates, which would allow the judges to establish bond. He said he is working out some of the details with the judges.

5. Update from the Cite and Release Subcommittee including discussion and possible action

Alex Villalobos reported that the Cite and Release Subcommittee is examining how to implement Cite and Release so that it works efficiently within Hays County constraints. One issue is how the technology of the Ticket Writer can be adjusted to allow completion of all necessary paperwork—e.g., affidavit—at point of arrest. Jeff McGill has been talking with Brazos (the technology vendor) about what they can do. One of the technology issues is how the Ticket Writer would interact with Odyssey. Another has to do with how to set up a reminder system to ensure people appear in court. Jeff is exploring the use of a QR code, among other things. Other issues have to do with how expungements would be handled, if at all. Alex is also exploring Law Enforcement Assisted Diversion (LEAD), a program pioneered in Oregon that entails diversion to treatment at point of arrest, as well as a Bexar County variation where the diversion occurs at pretrial, before booking.

6. Discussion and possible action regarding meeting times, locations and future topics for discussion

The next meeting will be held July 30, 2019, 3:00 PM.