

**Criminal Justice Coordinating Commission  
Minutes  
October 24, 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  
Amanda Erwin, Hays County Bar Association  
Michael Hartman, Chief, Adult Probation  
Samantha Jones, Criminal Justice Analyst  
Dallari Landry, San Marcos Municipal Court  
Wes Mau, J.D., Hays County District Attorney (HCDA)  
Lisa Pacheco, Adult Probation  
Jim Strakos, Hill Country MHDD Center  
Alex Villalobos, Chief of Staff, County Judge  
Tacie Zelhart, J.D., Judge, County Court at Law #3

***Others Present***

Stacy Brown, Travis County CSCD  
Jordan Buckley, Mano Amiga  
Daniel Burns, Wimberley Municipal Court  
Andrew W. Cable, Justice of the Peace, Precinct 3  
Heather Caspers, PPRI, Texas A & M University  
Renee Danser, J.D., Access to Justice Lab, Harvard Law School  
Leslie Dvorak, Intern, Hays County General Counsel's Office  
Randolph Goodman, Central Texas Dispute Resolution Center (CTDRC)  
Anita Gupta, Immigrant Legal Resource Center (ILRC)  
Oscar Mejia, Hays County Clerk's Office  
Daniel McCoy-Bae, Travis County Pretrial Services  
Eric Martinez, Mano Amiga  
George Naufal, Ph.D., PPRI, Texas A & M  
Jordan Powell, Hays County General Counsel's Office  
Lisa Prewitt, San Marcos City Council  
Jesse Saavedra, San Marcos Police Officers Association  
Wesley Shackelford, Texas Indigent Defense Commission (TIDC)  
Gary Steal, J.D., District Court  
Steve Thomas, District Court  
Julissa Villalpando, Hays County Sheriff's Office (HCSD)  
Brandon Winkenwerder, SMPD

## ***Summary of Proceedings***

1. **Discussion Regarding the Operation of Pretrial Services in Travis County** (Please see the attached PowerPoint presentation.)

### *Presenters:*

Rodolfo Perez, Jr, Director, Travis County Pretrial Services Department  
Daniel McCoy-Bae, Assistant Director, Travis County Pretrial Services Department  
Stacy Brown, Travis County Pretrial Services Department

### *Summary:*

The Travis team reviewed their organizational structure. The Department has more than 80 staff members filling positions in Central Booking, Case Management, Drug Court and Management/Support Services. They have a budget in the millions.

They describe three parts to their Bond Process:

1. Pretrial Services Interview, which includes indigenous defense screening;
2. Pretrial Services Investigation, which entails the use of three tools to assess the risk the subject will commit a crime or fail to appear: ORAS-PAT, ODARA, TCUDS
3. Pretrial Services Recommendation, including Conditions of Release

In addition to use of the risk assessment tools, Pretrial Services also collects four references indicating family support, confirms an address in the community, and checks criminal history related to violent crimes. The Pretrial Investigations staff recommends conditions of release, but the magistrate sometimes adds conditions.

Individuals are booked, but do not go into jail. Since the program began a few years ago, there has been a dramatic decrease in the number jailed.

About half are monitored by case management after being released on bond. Case managers:

- Ensure court appearance
- Help the person get a job
- Help with stability
- Determine supervision levels (1, 2, 3)
- Determine how often the person must report to the office
- Ensure compliance with mental health treatment, if there's a mental health diagnosis
- Link with community resources to support stabilization, compliance

Mental Health Jail Diversion is new and unique to Pretrial Services. It applies to individuals who otherwise would have remained in custody and who need a higher level of support. Case managers can meet with the person in the community where he/she lives, instead of requiring them to come into the office. Some are homeless. The county is just finishing a 3-year pilot. Results look promising.

The county uses several types of electronic monitoring:

1. House arrest—the person is given a curfew; activities are limited; there's a weekly schedule. The county pays for all house arrest electronic monitoring.
2. GPS—typically applied in cases involving family violence. If the device is tampered with or the person enters an excluded zone, law enforcement immediately checks on the people who may be in danger. Funding comes from Scram Systems (Continuous Alcohol Monitoring), self-pay, or sometimes indigenous defense.
3. Alcohol monitoring—ignition interlock devices (IID) such as Patient Activity Monitoring (PAM) device

Questions were raised about how frequently case managers are called to testify and the extent to which the testimony helps the defense.

If brought in overnight (e.g., 3 AM), on the list at 7 AM if interviewable. By the time the officer leaves, there will be a recommendation and the person will see a magistrate or judge by 3 or 4 PM, with all paperwork uploaded.

## 2. **Update from the Pretrial Services Subcommittee**

The Subcommittee met once on October 7. They are going slowly on hiring a pretrial services coordinator, but have made progress on the hiring of an Indigent Defense Coordinator (IDC) and a magistrate and on obtaining Padilla services. The plan is to interview candidates for both positions in December and January. March 1 has been targeted as the start date for the new magistrate. The team is also working on expanding the jurisdiction of the assistant judge to augment the services of the magistrate. The Texas Indigent Defense Commission has awarded a grant to Hays County for a regional Padilla program that will serve 13 counties in Region 3. Padilla services will be available free to all indigent defense attorneys and for \$250 minimum to other attorneys.

3. **Discussion Regarding Proposed Policies for a Cite and Release Diversion Program**
4. **Update from the Cite and Release Subcommittee**

Wes Mau and Jordan Powell summarized the proposed policies:

When apprehended for an eligible offence, person would be given a brochure describing the program with a date on the back when the person would be required to show up at the District Attorney's office. One day every two weeks would be set aside for this purpose during which a prosecutor would be available. If the person's eligibility were confirmed, the prosecutor would offer a choice between being charged or going into the Diversion program. Conditions of diversion would be stated, along with the necessity of providing proof of successful completion such as attending class, performing a task. If a person failed to appear, the DA might drop the case or file the case and issue a warrant.

Questions were raised about:

- Whether a defense attorney would be present during the meeting at the DA's office or whether one was required since no one would be seeking a confession, taking a plea, etc.;
- How records would be generated and handled;
- Whether the process would reduce opportunities for officers to exercise discretion when apprehending someone;
- What happens if person fails to show up for treatment or to follow through on plan; and
- Who would handle screenings

Because of the many issues yet to be resolved, the Cite and Release team asked to slow the process down.

#### **5. Discussion Regarding a Possible Counsel at Magistration Study (See attached handout.)**

George Naufal, Ph.D., and Heather Caspers of the Public Policy Research Institute (PPRI), Texas A&M University, and Renee Danser, JD, Access to Justice Lab, Harvard University, described the "Counsel at First Appearance" study they are conducting and invited Hays County to be one of the test sites for the randomized control study. Arnold Ventures is funding the research and the Texas Indigent Defense Commission (TIDC) has provided a grant to cover the cost of counsel at magistration. The study will evaluate the effect of Counsel at Magistration on three outcomes of interest:

- Type of bail and amount
- Failure to appear and recidivism
- Disposition type and sentence

The study will also include a cost-benefit component.

Data will be collected from January 1, 2020 through December 31, 2020, with follow-up an additional year. Days when counsel will be provided will be assigned randomly; all defendants magistrated on those days (treatment days) will receive counsel. The National Association of Criminal Defense Lawyers (NACDL) will provide training in December of 2019. In addition, the data collection pilot test will occur in December.

To participate in the study, Hays County must:

- Provide a letter of support to the research team and Arnold Ventures;
- Appoint a study site team leader to work with the research team and to meet with them weekly; and
- Cooperate with NACDL on the development of training materials.

TIDC awarded a grant of \$127,000 to Lubbock County to pay for counsel. Harris, Bexar and several other TX counties are also considering participating in the research project, which is the first of its kind in the US. Although anecdotal data suggest benefits of counsel at magistration, there is not yet any research evidence documenting its effectiveness. This is pioneering research in the field.

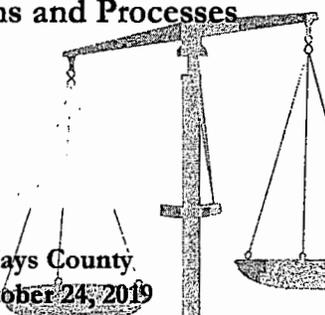
#### **6. Discussion regarding a Central Magistrate's Office**

As discussed under topic #2, plans are already under way to hire or establish a Central Magistrate's Office. There is a question of where the office will be housed. May is the goal for having everything in place. JPs will be kept informed. Commissioner Shell committed to "making it happen."

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

No date was set for the next meeting. More discussion of Cite and Release is anticipated.

## Overview of Travis County Pretrial Services Operations and Processes



Hays County  
October 24, 2019

1

---

---

---

---

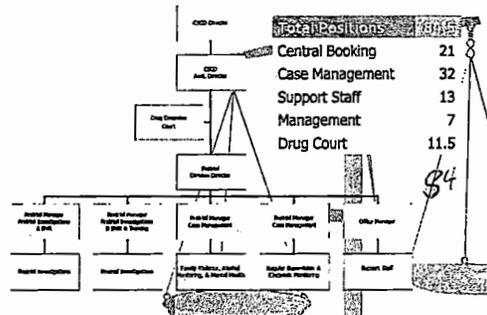
---

---

---

---

## Overview of Department



Position	FTE
Central Booking	21
Case Management	32
Support Staff	13
Management	7
Drug Court	11.5

\$4

2

---

---

---

---

---

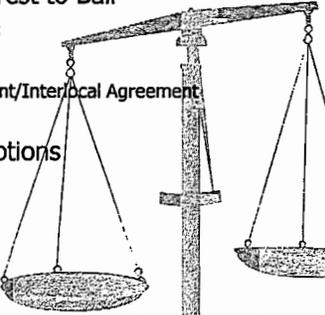
---

---

---

## Bail in Travis County

- Process from Arrest to Bail
  - General Process
  - Local Nuances
    - Law Enforcement/Interlocal Agreement
    - Judiciary
- Bail Outcome Options
  - Cash Bond
  - Personal Bond
  - Surety Bond
  - Detention



3

---

---

---

---

---

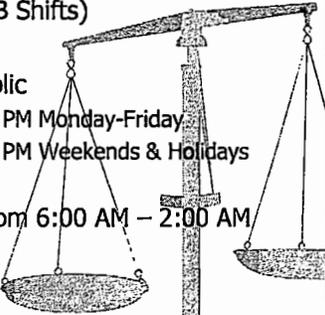
---

---

---

### Pretrial Investigations Unit

- 2 Shifts (A and B Shifts)
- Open to the public
  - 7:30 AM – 8:30 PM Monday-Friday
  - 8:00 AM – 8:30 PM Weekends & Holidays
- Staff in office from 6:00 AM – 2:00 AM




---

---

---

---

---

---

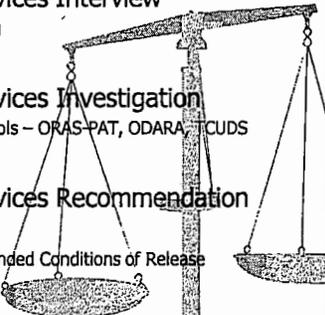
---

---

4

### Overview of Bond Process

- The Pretrial Services Interview
  - Indigence Screening
- The Pretrial Services Investigation
  - Risk Assessment Tools – ORAS-PAT, ODARA, TCUDS
- The Pretrial Services Recommendation Process
  - Including Recommended Conditions of Release




---

---

---

---

---

---

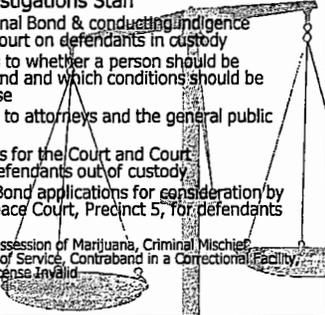
---

---

5

### Pretrial Investigations Unit

- Role of Pretrial Investigations Staff
  - Interviews for Personal Bond & conducting indigence screenings for the Court on defendants in custody
  - Recommendation as to whether a person should be granted Personal Bond and which conditions should be required upon release
  - Providing assistance to attorneys and the general public (Duty Officer)
  - Indigence screenings for the Court and Court Administration for defendants out of custody
  - Preparing Personal Bond applications for consideration by the Justice of the Peace Court, Precinct 5, for defendants issued a citation
    - Eligible offenses: Possession of Marijuana, Criminal Mischief, Graffiti, Theft, Theft of Service, Contraband in a Correctional Facility and Driving While License Invalid




---

---

---

---

---

---

---

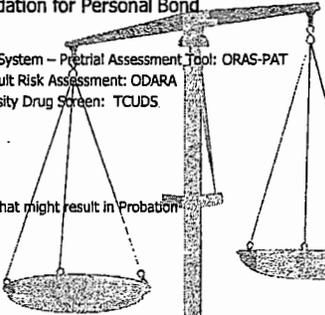
---

6

## Pretrial Investigations Unit

### Factors that Influence the Recommendation for Personal Bond

- **Screening tools:**
  - Ohio Risk Assessment System – Pretrial Assessment Tool: ORAS-PAT
  - Ontario Domestic Assault Risk Assessment: ODARA
  - Texas Christian University Drug Screen: TCUDS
- **Factors:**
  - Employment
  - Family Support
  - Stability In Community
  - Charged with offense that might result in Probation
  - Prior Criminal History
  - History of Violence
  - Seriousness of offense



7

---

---

---

---

---

---

---

---

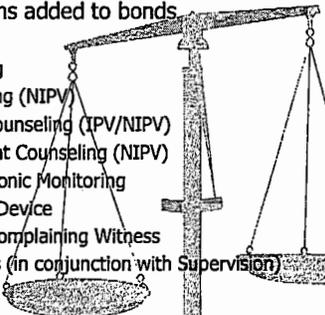
---

---

## Pretrial Investigations Unit

### Common Conditions added to bonds

- Drug Counseling
- Alcohol Counseling
- Violence Counseling (NIPV)
- Family Violence Counseling (IPV/NIPV)
- Anger Management Counseling (NIPV)
- Supervision/Electronic Monitoring
- Ignition Interlock Device
- No Contact with Complaining Witness
- Random Urinalysis (in conjunction with Supervision)



8

---

---

---

---

---

---

---

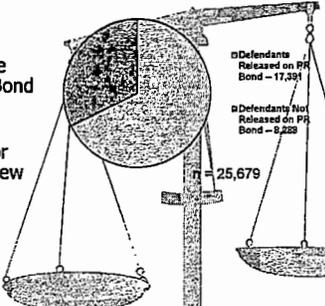
---

---

---

## Pretrial Investigations Statistics

- FY 2018: 38,546 defendants were screened by Pretrial Services, 25,679 were eligible for Personal Bond interview.
- FY 2018: 68 % of defendants eligible for Personal Bond interview were released on Personal Bond.



9

---

---

---

---

---

---

---

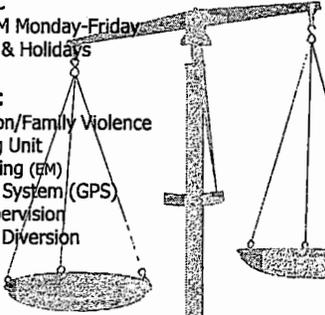
---

---

---

### Case Management Unit

- Open to the public
  - 7:30 AM – 5:30 PM Monday-Friday
  - Closed Weekends & Holidays
- Caseloads include:
  - Regular Supervision/Family Violence
  - Alcohol Monitoring Unit
  - Electronic Monitoring (EM)
  - Global Positioning System (GPS)
  - Mental Health Supervision
  - Mental Health Jail Diversion




---

---

---

---

---

---

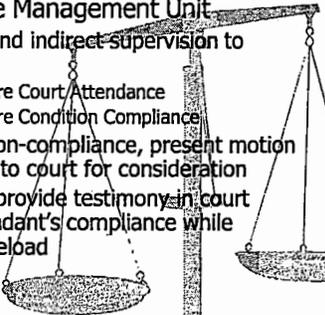
---

---

10

### Case Management Unit

- Role of the Case Management Unit
  - Provide direct and indirect supervision to defendants
    - Purpose: Assure Court Attendance
    - Purpose: Assure Condition Compliance
  - As a result of non-compliance, present motion to revoke bond to court for consideration
  - When needed, provide testimony in court related to defendant's compliance while assigned to caseload




---

---

---

---

---

---

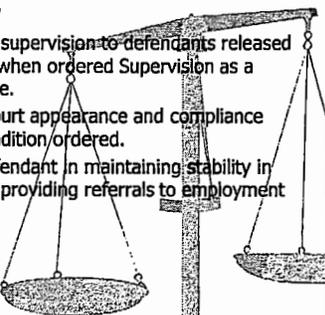
---

---

11

### Case Management: *Regular Supervision Caseload*

- Program Overview
  - Provides intensive supervision to defendants released on Personal Bond when ordered Supervision as a condition of release.
  - Seeks to assure court appearance and compliance with any other condition ordered.
  - Can also assist defendant in maintaining stability in the community by providing referrals to employment resources.




---

---

---

---

---

---

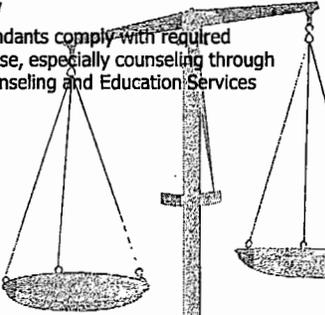
---

---

12

### Case Management: *Family Violence Caseload*

- Program Overview
  - Ensures that defendants comply with required conditions of release, especially counseling through Travis County Counseling and Education Services (TCCES)



13

---

---

---

---

---

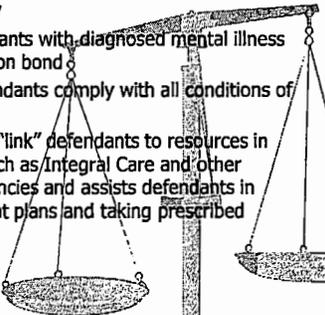
---

---

---

### Case Management: *Mental Health Caseload*

- Program Overview
  - Supervises defendants with diagnosed mental illness who are released on bond
  - Ensures that defendants comply with all conditions of release
  - Program seeks to "link" defendants to resources in the community such as Integral Care and other mental health agencies and assists defendants in following treatment plans and taking prescribed medications.



14

---

---

---

---

---

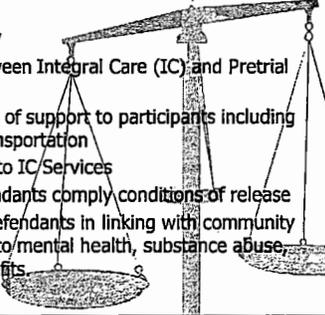
---

---

---

### Case Management: *Mental Health Jail Diversion*

- Program Overview
  - Collaboration between Integral Care (IC) and Pretrial Services
  - Offers higher level of support to participants including field visits and transportation
  - Expedites linkage to IC Services
  - Assures that defendants comply conditions of release
  - Program assists defendants in linking with community resources related to mental health, substance abuse, housing, and benefits.



15

---

---

---

---

---

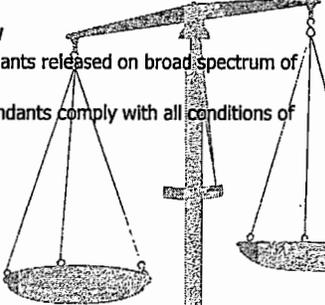
---

---

---

## Case Management: Electronic Monitoring Caseload

- Program Overview
  - Supervises defendants released on broad spectrum of charges
  - Ensures that defendants comply with all conditions of release



16

---

---

---

---

---

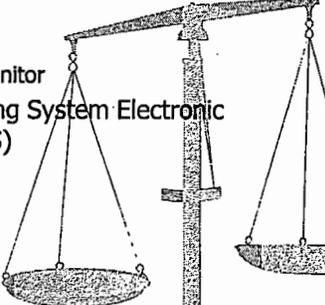
---

---

---

## Location Electronic Monitoring Devices

- House Arrest
  - curfew-type monitor
- Global Positioning System Electronic Monitoring (GPS)



17

---

---

---

---

---

---

---

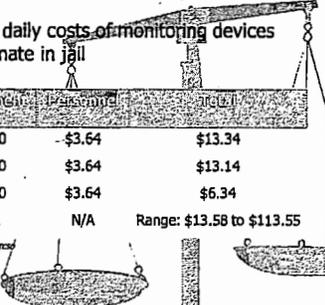
---

## Cost of Monitoring Devices Vs. Jail

- Comparison of actual daily costs of monitoring devices versus housing an inmate in jail

Monitoring Program	Equipment	Personnel	Jail
GPS	\$9.70	-\$3.64	\$13.34
SCRAM	\$9.50	\$3.64	\$13.14
EM	\$2.70	\$3.64	\$6.34
Incarceration*	N/A	N/A	Range: \$13.58 to \$113.55

\*Estimated Average Daily Population (ADP) Cost Model - FY0 & FY05



18

---

---

---

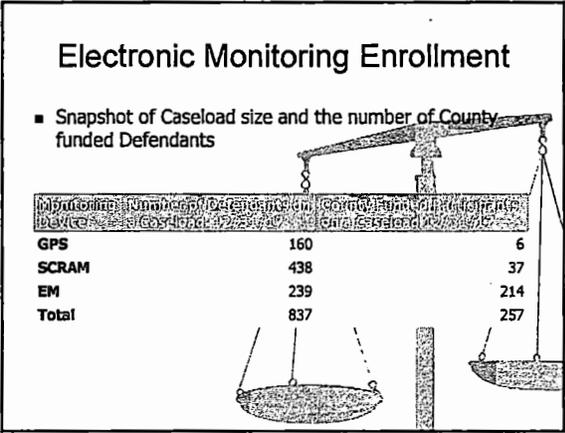
---

---

---

---

---



19

---

---

---

---

---

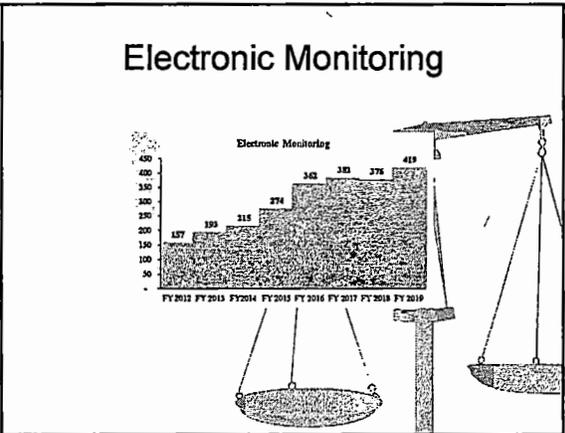
---

---

---

---

---



20

---

---

---

---

---

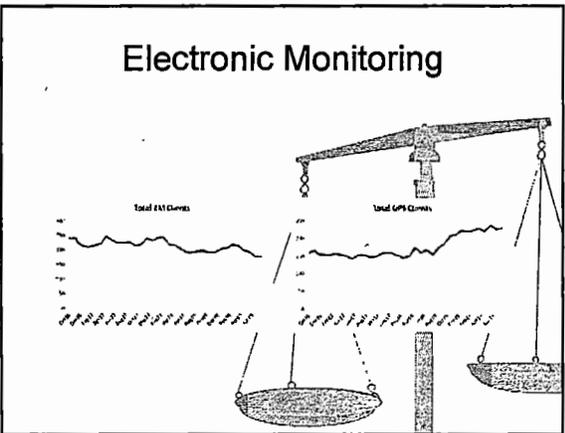
---

---

---

---

---



21

---

---

---

---

---

---

---

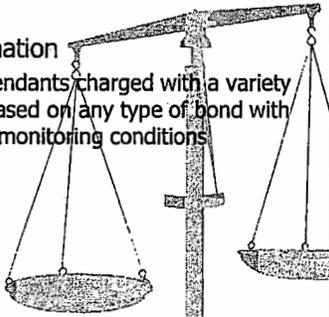
---

---

---

## Case Management: Alcohol Monitoring Unit

- Program Information
  - Supervises defendants charged with a variety of charges released on any type of bond with certain alcohol monitoring conditions



22

---

---

---

---

---

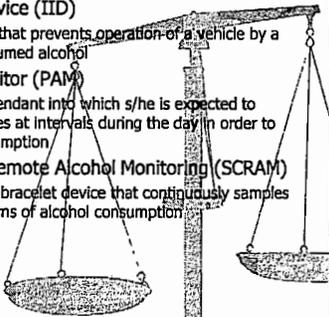
---

---

---

## Alcohol Monitoring Devices

- Ignition Interlock Device (IID)
  - Vehicle-based device that prevents operation of a vehicle by a person who has consumed alcohol
- Portable Alcohol Monitor (PAM)
  - Device carried by defendant into which s/he is expected to provide breath samples at intervals during the day in order to prevent alcohol consumption
- Secure Continuous Remote Alcohol Monitoring (SCRAM)
  - Non-removable ankle bracelet device that continuously samples perspiration for patterns of alcohol consumption



23

---

---

---

---

---

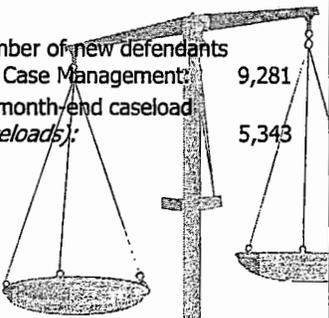
---

---

---

## Case Management Statistics

- Caseload Size:
  - FY 18 Total number of new defendants assigned to the Case Management: 9,281
  - FY 18 Average month-end caseload balance (*all caseloads*): 5,343



24

---

---

---

---

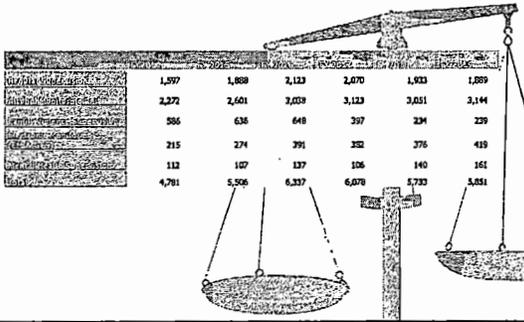
---

---

---

---

## Case Management Caseloads



25

---

---

---

---

---

---

---

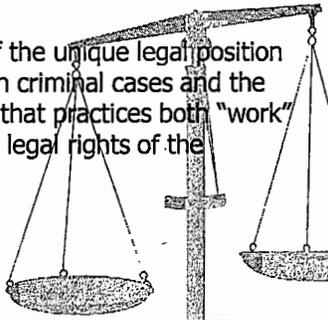
---

---

---

## What is "Legal and Evidence Based Practices?"

- A recognition of the unique legal position of Defendants in criminal cases and the need to ensure that practices both "work" and respect the legal rights of the accused.



26

---

---

---

---

---

---

---

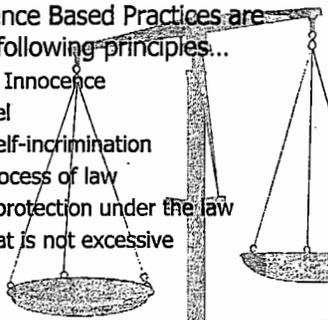
---

---

---

## Legal Foundations

- Legal and Evidence Based Practices are founded in the following principles...
  - Presumption of Innocence
  - Right to Counsel
  - Right against self-incrimination
  - Right to due process of law
  - Right to equal protection under the law
  - Right to bail that is not excessive



27

---

---

---

---

---

---

---

---

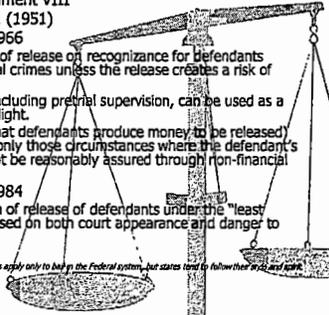
---

---

## Legal Foundations: Excessive Bail and Bail Reform

- U.S. Constitution, Amendment VIII
- *Stack v. Boyle* 342 U.S. 1 (1951)
- The Bail Reform Act of 1966
  - There is a presumption of release or recognizance for defendants charged with non-capital crimes unless the release creates a risk of flight.
  - Conditions of release, including pretrial supervision, can be used as a tool to mitigate risk of flight.
  - Money Bail (requiring that defendants produce money to be released) should be restricted to only those circumstances where the defendant's presence in court cannot be reasonably assured through non-financial conditions of release.
- The Bail Reform Act of 1984
  - Affirms the presumption of release of defendants under the "least restrictive conditions based on both court appearance and danger to the community."

Note: The Bail Reform Acts apply only to bail in the Federal system, but states tend to follow their spirit and spirit.



28

---

---

---

---

---

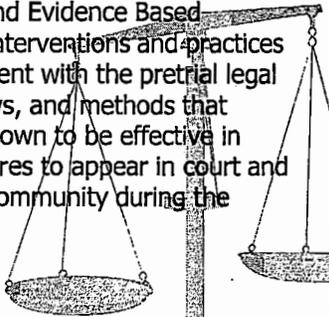
---

---

---

## Pretrial LEBP in a Nutshell

- Pretrial Legal and Evidence Based Practices are "interventions and practices that are consistent with the pretrial legal foundation...laws, and methods that research has shown to be effective in decreasing failures to appear in court and danger to the community during the pretrial stage."



29

---

---

---

---

---

---

---

---

## Time for Questions



30

---

---

---

---

---

---

---

---



**TRAVIS COUNTY  
COMMUNITY JUSTICE SERVICES**

Pretrial Services & Adult Probation

Pretrial Services  
PO Box 1718, Austin, TX 78703  
512-854-9381 Phone; 512-854-9028 Fax  
www.traviscourty.gov/TCCJS  
Stacy Brown, Division Director  
Roshelle Pérez, J., Director  
Daniel McGowan, Assistant Director

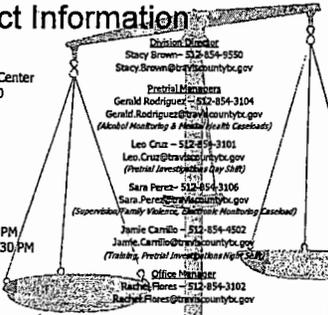
**Contact Information**

**Location**  
Pretrial Investigations Unit  
Blackwell Thurman Criminal Justice Center  
509 W 11<sup>th</sup> Street, Room 1.100  
Austin, TX 78701

**Case Management Unit**  
Executive Office Building  
411 W. 13<sup>th</sup> Street, 5<sup>th</sup> Floor  
Austin, TX 78701

**Public Hours**  
Monday – Friday 7:30 AM – 8:30 PM  
Sat., Sun. & Holidays: 8:00 AM – 8:30 PM

**Public Telephone**  
512-854-9381



**Division Director**  
Stacy Brown – 512-854-9330  
Stacy.Brown@traviscourtybc.gov

**Pretrial Managers**  
Gerald Rodriguez – 512-854-3104  
Gerald.Rodriguez@traviscourtybc.gov  
(Alcohol Monitoring & Medical Health Caseloads)

Leo Cruz – 512-854-3101  
Leo.Cruz@traviscourtybc.gov  
(Pretrial Investigations Day Shift)

Sara Perez – 512-854-3106  
Sara.Perez@traviscourtybc.gov  
(Supervision Family Violence, Domestic Monitoring Caseload)

Jamie Camilo – 512-854-4502  
Jamie.Camilo@traviscourtybc.gov  
(Tracking, Pretrial Investigations Night Shift)

**Office Manager**  
Roshelle Pérez – 512-854-3102  
Roshelle.Perez@traviscourtybc.gov

---



---



---



---



---



---



---

October 24, 2019

## Counsel at First Appearance

Study Question	<p>Examine the effects of counsel at first appearance. Focus on the following potential case outcomes:</p> <ol style="list-style-type: none"> <li>1. Bail type and bail amount</li> <li>2. Failure to appear and recidivism</li> <li>3. Disposition type and sentence</li> </ol> <p>Study will also include a cost benefit analysis of counsel at first appearance:</p> <ol style="list-style-type: none"> <li>1. Cost of counsel</li> <li>2. Cost changes (decrease) due number of jail days reduction, recidivism, re-arrest, etc.</li> </ol>
Study Design	<p>Randomized control trial</p> <ol style="list-style-type: none"> <li>1. Data collection from January 1<sup>st</sup>, 2020 to December 31<sup>st</sup>, 2020</li> <li>2. Track data for a year past December 2020</li> <li>3. Randomize days of which counsel at first appearance will be present</li> <li>4. All defendants magistrated on treatment days will get counsel</li> </ol>
Cost to County	<ol style="list-style-type: none"> <li>1. Research team funded by Arnold Ventures</li> <li>2. Cost of counsel needed at first appearance funded by grant from the Texas Indigent Defense Commission (TIDC)</li> <li>3. No available funds for DA to be present at magistration</li> </ol>
Timeline	<p>Important dates</p> <ol style="list-style-type: none"> <li>1. December 3<sup>rd</sup> and 4<sup>th</sup>, 2019 - training for attorneys who will be at first appearance; training to occur in Austin</li> <li>2. Training provided by the National Association of Criminal Defense Lawyers (NACDL)</li> <li>3. December 2019 - pilot data collection</li> <li>4. January 2020 - start of data collection</li> </ol>
Support from County	<ol style="list-style-type: none"> <li>1. Letter of support to be shared with Arnold Ventures</li> <li>2. Appoint a point person or point people who will immediately begin working with research team through weekly meetings to             <ol style="list-style-type: none"> <li>a. Map out magistration process at Hays</li> <li>b. Identify attorneys to be part of the study</li> <li>c. Identify IT needs to generate necessary data</li> </ol> </li> <li>3. Provide input to NACDL for training material creation</li> </ol>

If you have any questions please contact George Naufal: [gnaufal@tamu.edu](mailto:gnaufal@tamu.edu) or 979.845.1025