



Criminal Justice Coordinating Commission

Agenda for July 22, 2020

3:00 PM

Zoom Online Information

Meeting ID: 910 803 2857

Zoom Link: <https://zoom.us/j/9108032857>

Zoom Call-in Number for participation by phone 346-248-7799

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1. Presentation by Amanda Erwin regarding the current Court Appointed Counsel System and Indigent Defense.
 2. Presentation by the Pre-Trial Services Subcommittee.
 3. Update on any recent Commissioners Court actions related to the Criminal Justice Coordinating Commission.
 4. Update regarding the Cite and Divert Program.
 5. Discussion and possible action regarding meetings times, locations and future topics for discussion.

Pretrial Services Subcommittee Update

The Pretrial Services/Indigent Defense and Cite/Divert Subcommittees were formed as subsidiaries of the Hays County Criminal Justice Commission. Since the formation of the Commission and the Subcommittees, there have been many initiatives implemented for the defendant population. The design of all of the implementations are equitable, place a priority on community safety, and are humanitarian in nature. Implementations are as follows:

1. Initiation of a Pre-file system where District Court and County Court at Law Case assignments are made at the time arrest. This mechanism causes a more rapid resolution to pending cases. This system has been in place since August 2019.
2. Participation in the Regional Padilla Compliance Pilot Project. Commissioners Court accepted a Texas Indigent Defense Commission grant award 9/24/2019. This pilot program provides online consultation to defense attorneys on the potential immigration consequences of plea bargains.
3. Support for an Indigent Defense rate increase among other considerations aimed at improving the Hays County court appointed attorney system. Rate increases were implemented during October 2019.
4. Funding for an additional Pretrial Bond Officer position was approved by Commissioners Court, which increased the number of bond officers to two positions. A primary duty of the Bond Officers is to supervise defendants who have been deemed appropriate for release from custody. Since the additional officer has been put in place, the average caseload has increased from 169 as on 10/31/2019 to 536 defendants as of 6/30/2020.
5. Support for the creation of specialty courts specifically, a Mental Health Court under presiding CCAL Judge Zelhart. A resolution establishing said Court was approved by Commissioners Court on 12/10/2019.
6. Establishment of a new centralized Office of Magistration was approved by Commissioners Court on 1/21/2020, ensuring continuity with the management of the jail population, and that reasonable and/or consistent bonds are set. The full time Associate Judge position was filled 3/3/2020 and 2 part time magistrates were recently added.
7. Ongoing participation in the "Counsel at First Appearance" study. The study will evaluate the effect of Counsel at Magistration among other outcomes of interest to the Commission. The study was formally approved by Commissioners Court on 2/25/2020.
8. Creation of a new Indigent Defense Coordinator position. The Coordinator position was filled 3/3/20. The Coordinator tracks the status of inmates and assignment of representation beginning at magistration; ensures that court appointed attorneys are timely and effectively communicating with their clients; and confirms the attorneys on the court appointed list maintain the professional standards necessary to be on the list.
9. Ongoing development of a Cite/Divert Program with collaboration between the Hays County District Attorney's Office, the Hays County Sheriff's Office, and the Police Departments of San Marcos, Kyle, Buda, and Texas State University. Once implemented, this program would divert certain eligible, low level offenses from incarceration and conviction with successful program completion.
10. A Memorandum of Understanding was reached with the Vera Institute of Justice on 6/23/2020 for the purpose of data collection and analysis of the Hays County Jail Population for public information and social science research.

Moving forward, the Subcommittee will monitor how the implementations are evolving, while placing emphasis on indigent defense. As the implementations take form and develop, the Subcommittee will be able to identify any gaps in service. Through consideration of identified needs, the Subcommittee will recommend incremental and deliberate improvements for the Commission to consider.

The Subcommittee will also focus on the formation of a Pretrial Services Office. A vision for the Office includes a holistic approach that benefits 100% of those defendants who have been deemed indigent. Foundational goals for the Office will include how to meet the unmet needs of the defendant including mental, emotional, and behavioral development; and the use of sentencing options designed to eliminate adverse impacts on a defendant's future development, such as loss of employment and separation from family.

Presently the County provides funding to the Community Supervision and Corrections Department (CSCD) to provide the service of supervising the pretrial bond defendant with an Order on Conditions of Bond. The Subcommittee's recommendation is to continue to review transitioning this service away from the CSCD to a standalone office, while allowing for the planning for a Pretrial Services Office to take further shape.