



Dallas County Criminal Justice Advisory Board General Membership Minutes for Monday, January 27, 2014

Welcome & Introductions, Commissioner Elba Garcia called the meeting to order at 2:32 PM. She acknowledged Commissioner Dr. Theresa Daniel, and welcomed her to the meeting. Customary introductions were made by all in attendance.

Membership & Infrastructure:

Dr. Michael Noyes acknowledged the members who would not be in attendance on this date. Dr. Noyes directed the board's attention to page 5 of the packet to the resume of City of Dallas Council Member Adam Medrano. Council Member Medrano has accepted the appointment to fill the vacant chair of the CJAB Public Policy Committee. Dr. Noyes welcomed Council Member Medrano to CJAB. Council Member Medrano thanked the board for the appointment to chair the Public Policy Committee and stated that he is looking forward to working with everyone in preparation for the next legislative session.

Meeting Minutes:

The minutes from the CJAB General Membership meeting held on November 18, 2013 were made a part of the packet. There was a motion made to accept the minutes as printed. The motion was seconded and approved.

Presentation- Sgt. Ruthie McCain, (Dallas County Sheriff's Department):

Sgt. Ruthie McCain presented an overview of the Prison Rape Elimination Act (PREA). The Power Point presentation was included in the packet for this meeting on pages 12 through 44. Sgt. McCain stated that the objective of this presentation is to educate on the importance of PREA, its effects on the County Jail, and to identify appropriate responses to be taken by staff when there is an allegation of sexual abuse. The Act was signed into law by President George W. Bush on September 4, 2003. PREA was enacted by Congress to address the problem of sexual abuse of persons in custody. The Act applies to all public and private institutions that house adult or juvenile offenders and is also relevant to community-based agencies. It addresses both inmate-on-inmate sexual abuse and staff-on-inmate sexual misconduct. A video was shown outlining the shocking results of studies done on this subject matter. Insufficient research has been conducted and insufficient data reported on the extent of prison rape. However, experts have conservatively estimated that at least 20% of the inmates in the United States have been sexually assaulted in prison. Under this estimate, nearly 200,000 inmates now incarcerated have been or will be the victims of prison rape. Sgt. McCain added that inmates with mental illness are at increased risk of sexual victimization.

Another video was shown which displayed male inmates talking about sexual victimization. Sgt. McCain stated that this is a vicious cycle. The inmate depicted in the video refused to report his victimization to authorities and/or his family. When released from prison, he returned to a heterosexual lifestyle placing his partner at risk of infection, and more than likely suffered severe physical and psychological effects that will hinder his ability to integrate into the community and maintain stable employment. Sexual victimization could lead to committing new offenses that will cause him to be incarcerated again; returning to the sexual victimization. Two related epidemics are incarceration and HIV.

The third video depicted a 17 year old young man imprisoned for starting a dumpster fire. While in prison he was repeatedly sexual victimized and his cries for help and relief continuously went unanswered and ignored. The young man eventually committed suicide as a result of the abuse. Sgt. McCain stated that the Dallas County Sheriff's Department and other law enforcement organizations take extraordinary measures each day to protect the public, arrestees and their own employees from harm. The Dallas County Jail has a zero tolerance for sexual victimization of any kind. Ron Stretcher asked what impact PREA has had on the County Jail. Sgt. McCain replied that firstly upon intake, a questionnaire is administered to determine an inmate's risk of being victimized, secondly the institution of classifications to separate certain inmates, and thirdly a hotline setup through Parkland Hospital staff to report victimization. Sheriff Lupe Valdez stated that the federal government considers a 17 year old a child however, in Texas they are considered as an adult. The federal standard requires the 17 year olds to be separated from the adults which do create challenges for the Sheriff's Department. For assistance or additional information, contact the PREA Team:

PREA Coordinator – Sgt. R. McCain
Office (214)653-6093; Cell (214)533-1369

PREA Assistant – DSO M. Chavez
Office (214)653-6109

Committee Project Updates:

Courts:

Judge Robert Burns reported that the Criminal District Courts have continued to review how jury trials are assigned and reassigned. Judge Burns stated that the District and Drug Court Judges have been very helpful in making this happen. He stated that on any given Monday if both sides are ready to go to trial, there is a designated court available to hear that case. Judge Burns will work on gathering some stats to illustrate the effectiveness of this effort.

Fair Defense Committee:

Lynn Richardson reported that the notes from the meeting held on January 25, 2014 have been made a part of the packet for this meeting and can be found on pages 45 through 47. One of the topics of discussion was Senate Bill (SB) 1611 (The Michael Morton Act/Art. 39.14, TX CCP) passed in the last Legislative Session which is related to discovery in a criminal case. Ms. Richardson stated that members of the Public Defender's, District Attorney's, Dallas Criminal Defense Lawyers Association (DCDLA), and Staff Attorney's Offices have been working together to develop two standardized forms. The first form is a Defendant's Waiver of Discovery rights Under Art. 39.14, TX Code of Criminal Procedure. The second form is a C.C.P. Art. 39.14 Compliance Form. This form will be used to document all evidence for a particular case that has been released to the defendant and by what method (ie: electronic, copies, or reviewed). The forms have been drafted and distributed.

Another topic of discussion was the status of the Dallas County Public Defender's Office participating in the weighted case study being conducted by the Texas Indigent Defense Commission. She stated that a decision has been made not to participate in the study. Lynn Richardson reported that the decision was made after discussions with Dallas County Administration.

The last item of discussion was regarding the Election of Counsel (EOC) forms being received from the municipalities that are not participating in the video arraignment process. The processing of the EOCs is still an issue. There are a number of un-researched EOCs that need to be triaged to determine if they are assigned to a court or not. There was a determination that at least a 30 day sample is needed to capture some critical data to support the request for additional resources. Dr. Noyes has offered the use of a staff member from his office to assist in the 30 day sample. Ms. Richardson emphasized the importance of resolving this issue ASAP so that Dallas County remains in compliance with the Fair Defense Act. Commissioner Garcia asked when the committee will be ready to brief Commissioner's Court. Ms. Richardson stated that as soon as the sample is done and CJAB is briefed the committee will be ready to brief Commissioner's Court. Judge Burns stated that it would be helpful to have an Indigent Defense Screening Unit that would also use an automated wheel. He stated that he would be willing to assist in this effort anyway he can. Commissioner Theresa Daniel added that she may have an intern to assist in gathering the data and working through the EOC forms. Ryan Brown, Dallas County Budget Officer stated that this discussion is also being addressed through the Law Enforcement Committee as well. There is the hope that when the Adult Case Management System (ACMS) and the Dallas County Instant Module (DCIM) come on line, that this will help in automating this system.

Law Enforcement:

Chief Jimmy Spivey reported that an Ad-Hoc committee meeting was held on January 17, 2014. The minutes from that meeting were made a part of the packet for this meeting beginning on page 47. Chief Spivey stated that it is amazing how much the various committee's issues connect. He stated that although the primary topic for the LEA committee is regarding inmate

transportation, some of the solutions to the topic intertwine with the issue of the Department of Public Safety (DPS) reporting, video arraignment, and electronic filing. With regard to DPS reporting, he stated that the County suggested Auto Closing a case that remains open for a year without being filed by the arresting agency. The LEAs were in agreement with that. With regard to video arraignment, some of the obstacles that keep the LEAs from participating are the schedule of the local magistrates being in conflict, and some concerns about allowing someone else to manage their jail schedule. Another concern was the County's ability to handle the volume. However, Chief Spivey stated that when some of these areas of concern are resolved he would be happy to volunteer as the first large municipality to participate in the video arraignment process. Finally, the committee discussed electronic filing through DCIM. He stated that the LEAs are ready and patiently waiting for the system to go on line. The LEA meeting concluded with a consensus that a MOU will be drafted to outline the agreements discussed in the meeting.

Public Policy:

Commissioner Garcia again welcomed Council Member Medrano to the Board and stated that the committee is free to meet at its convenience. Maj. Gary Tittle with Dallas Police Department (DPD) stated that the planning for the next session needs to start now as the next session begins in approximately 50 weeks. He will be sending out a request for suggestions within the next couple of weeks. He suggested that the subcommittees of CJAB begin submission of their individual legislative request to the CJAB Public Policy Committee ASAP so that those request can be compiled by that committee and presented to CJAB for approval. He stated that the interim charges from the Senate have been released and he anticipates the House releasing their interim charge sometime in March 2014. Maj. Tittle shared some of the interim charges. The State of Affairs committee is talking about governmental and commercial surveillance (cameras in public spaces). They are also talking about DNA collection and the governmental and commercial entities involved with that. They would like to prohibit the creation of DNA data bases except for felons and sex offenders. This topic is of great concern for DPD. The Agricultural and Rural Affairs and Homeland Security Committee are looking at the roles of State and local government in operations across the State in the event of disasters. In addition, the committee is looking at current practices in reporting crime statistics, specifically regarding illegal border activities. The Criminal Justice Committee is reviewing cases in which probation was granted as opposed to prison time or commitment for adults and juveniles committing intoxication manslaughter. Maj. Tittle stated that these are just a few of the interim charges out. Dr. Noyes added that a couple of additional items that are gaining traction is regarding raising the age of accountability of a juvenile to 18 years of age. The other is "good time credit". He stated that the interpretation is that good time credit could be withheld for anyone with an assaultive background in their past history. He stated that this could have a traumatic effect on the system as it currently exists.

Jail Population Update:

Etho Pugh reported on the Jail Population meeting held on January 10, 2014 and that excerpts from that meeting could be found on pages 51 through 58 of the packet. The current jail population for this date is 6,358. He stated that the residual effect of the closing of some of the State Jail facilities is being felt. Inmates convicted to State Jail are taking up to 34 days to be released to a State Jail facility. This effect is especially being felt with regard to the woman inmates. Mr. Pugh continued with a brief overview of the information contained in the documents attached.

Justice of the Peace:

Judge Valencia Nash reported in Judge Steve Seider's absence that the JP courts are still working on addressing contract issues with their case management system and will give an update at the next CJAB meeting.

Jurisprudence:

Ellyce Lindberg reported that the committee has not met but has been working offline with the Public Defender's Office on the forms for the Michael Morton Act, and that the long awaited copier for the private attorney workroom has been activated. She thanked Duane Steele for his efforts in facilitating the copier's installation and activation.

Juvenile Justice:

Dr. Michael Noyes reported in Dr. Terry Smith's absence that the committee is currently working on developing some policies and procedures to address a growing population of juvenile offenders entering the adult system at younger ages. Juvenile, CSCD, Sheriff and Criminal Justice Departments will be meeting to work through some of the issues concerning these youth. Ron Stretcher reported that the Juvenile Department currently has about 6 youth that have been certified as adults that are awaiting trial. He stated that the committee will be meeting in the next week to start looking at best practices.

Reentry:

Duane Steele reported in Christina Crain's absence. He stated that the committee is working on setting the annual schedule for the year and will circulate it to all in case anyone is interested in getting involved.

- DOORS is hosting a training on the LSCMI assessment tool Feb 4-7, 2014 free of charge. DOORS is asking for an optional donation in lieu of a fee. CEUs are being offered. Contact Jean Enzian at jenzian@dallasdoors.org with questions.
- The Family & Leadership Empowerment Network is holding a seminar entitled "Mending the Broken Helper", on Thursday, April 3, 2014, from 8:30 am to 3:30 pm at the Rosewood Center for Family Arts (aka Dallas Children's Theater). CEUs will be offered. Cost is \$55 early bird by March 7; \$65 regular until Mar 3. Vendor booths are available for a price. Contact Todae Charles at Todae.charles@flenonline.com.

- On January 23, 2014, the Prison Fellowship Ministries hosted an interactive panel at the Dallas Movement Day Conference held at the Dallas Convention Center. Panelists included Dr. Timothy Bray, UTD, Roger Holler, Mercy Heart, James Reed, The Life Foundation, Mike Doyle, Cornerstone Network, and Christina Melton Crain, DOORS.

Over 100 attended and interacted with the panel about what is going on in Reentry today and what they learned from the discussion.

Crisis Services Project (SIP):

Mr. Stretcher reported that the Crisis Services Project (CSP) is going well and ready to fold the Serial Inebriate Program (SIP) into the project. An MOU is being drafted with the City Detention Center (CDC) about incorporating two case managers at the CDC to triage the serial inebriates to see if they are ready to participate in SIP. Updates are forthcoming.

Action Item:

Commissioner Garcia proposed an amendment to the 2014 CJAB meeting schedule. She suggested that the meetings be quarterly and proposed the following dates:

- March 17, 2014
- June 16, 2014
- Sept 15, 2014
- Dec 15, 2014

The Dallas County Criminal Justice Advisory Board (CJAB) will continue to meet on the third Monday, but now quarterly at 2:30 PM. The location will remain in room 627A of the Dallas County Health & Human Services Building, 2377 Stemmons Freeway, Dallas, TX 75207.

There was a motion to accept the proposed amendment to the CJAB meeting schedule. The motion was seconded and approved.

Announcements:

The next CJAB meeting will be March 17, 2014.

Adjournment:

A motion was made to adjourn the meeting; it was seconded and approved at 3:45 PM.