



**Dallas County Criminal Justice Advisory Board
General Membership Minutes for Monday, July 18, 2011**

Welcome & Introductions, Commissioner Garcia called the meeting to order at 1:34 PM. The Commissioner asked that everyone in attendance introduce themselves.

Presentation: Video Conferencing Update, presented by **Judge Boyd Patterson**; **Pretrial Release Research**, presented by **Dr. Robert G. Morris (UTD)** Dr. Michael Noyes introduced former Chief Magistrate Judge Boyd Patterson. Judge Patterson held the position of Chief Magistrate for some thirty (30) years before retiring in July of 2011.

Judge Patterson began by giving a brief background of the inception of Video Conferencing in Dallas County. Approximately five years ago, Judge saw the need grow out of the overcrowding in the jail's intake area. He stated this was largely due to the need to re-magistrate inmates for various reasons. Judge felt by adding video conferencing, it would dramatically reduce the need for transporting the inmates back to intake for Magistrate Court, and filling the holding cells. At this point Judge Patterson began Phase 1 of the project to address this issue. At a cost of about 50,000.00 the base system was put in place so the Magistrates could perform the magistration via video conferencing. After some additional research Judge decided to go with the Tandberg Company, and bought extra infrastructure for expansion. The next Phase was to make the system available to attorneys who were appointed, to meet the 48 hour after arraignment attorney/client contact requirement as outlined in the Fair Defense Act. The equipment is plug-and-play making it very easy to move. Judge Patterson reported that a proposal was made to the City of Dallas to bring them on board. He stated that they initially showed some interest, but later decided not to move forward. The City of Dallas has equipment that is compatible, but it would require security protocols such as a firewall being put in place. Judge stated he believes having the City of Dallas on board would be advantageous and should continue to be pursued. In 2009 Judge Patterson suggested that the Justice of the Peace (JP) be included, but the project was delayed. At the last CJAB Executive meeting Judge Seider expressed an interest in getting the JP courts back on board with video conferencing. The final components needed to complete the setup will be completed on this date July 18, 2011. The implementation of video conferencing will assist the JP courts with the Class C cases that are in jail, and allow conferencing between the judges to name a few advantages. The system has also expanded to the CSCD for the Comprehensive Assessment Treatment Services (CATS). The cost to set this up was about

\$6,000 to \$8,000 and is expected to generate a cost saving of \$168,000 the first year. Judge indicated that he attempted expand to the suburban areas, but this has not gone well despite those jurisdictions sometimes being out of compliance with State Law, and/or U.S Supreme Court case (Rothgery v. Gillespie County TX), for attorney appointment within 48 hours of arraignment, the later being more stringent. The program has successfully been expanded to Criminal District Court Manager, County Criminal Court Manager, Public Defenders Office, Family Civil Section, Pretrial Release, and the Juvenile District Courts. Prior to Judge Patterson's retirement he was exploring other areas to expand this technological resource.

Dr. Noyes asked that the pending projects be forwarded to CJAB. Judge Patterson responded that Judge Terry McVea has the project notes, and all original documentation. David Alex (ADA) asked if pleas have been taken via video. Judge Patterson stated that it can, but the protocols have not been put in place. Paul Blocker asked how many municipalities are using video magistration. Judge stated about nine (9) including Rowlett, Hutchins, and Wilmer.

Commissioner Garcia thanked Judge Patterson for all that he has done regarding this project. Dr. Noyes proceeded to present Judge Patterson with a plaque expressing CJAB's appreciation for his dedication and leadership to the criminal justice community. Pictures and handshakes followed.

Ron Stretcher introduced Dr. Robert Morris for University of Texas at Dallas (UTD) to present a research project relating to Pretrial Release.

Dr. Morris used a power point presentation along with handouts. He began by introducing his team, and pointing out the cost of doing business in criminal justice. Dr. Morris spoke on justice spending by giving an outline of their research;

- Crime is expensive
- How can we reduce the cost of crime
- Prevention
- Maximizing Justice efforts by what works not what doesn't

Dr. Morris gave his basis for choosing pretrial release. He stated the cost for pretrial release via bonds is extensive due to the individuals who have violated their conditions of release by failing to return to court forfeiting their bond. Dr. Morris stated that statistics indicate about 25 to 28% a month of those released on bond fail to return to court in Dallas County alone. What is the cost associated with this percentage of those individuals bonded out? Dr. Morris suggests performing research on this population to determine how they are effecting to cost of justice in Dallas County.

Judge Angela King asked, of the number released, how many were released for finding of fact. Jill Reese and Ron Stretcher responded that the bond was the final action that caused them to get released. Heath Harris (ADA) asked, what level of offense is Dr. Morris talking about? Ron responded that the cases Dr.

Morris is referring to are Class B and above. Dr. Morris continued to explain that this type of research is needed to determine how this is affecting cost for Dallas County. The research will look at data of everyone who was booked-in in 2008, released on bond, and track them through 2011 to see if they returned for court, were re-arrested, etc. to evaluate what the cost effect has been to the County. Another area of focus will be on what pretrial release mechanisms work the best. The outcome measures should;

- estimate the probability of failure to appear
- estimate probability of recidivism
- estimate actual fiscal cost of re-administering justice
- estimate the cost of new crimes committed by this population
- estimate the hidden administrative cost
- estimate if these cost vary over the various bond release types

The potential benefits would be public safety, reduced victimization, and more cost effect spending. The research will be based on scientific data from Dallas County. Dr. Morris is asking for written endorsement from CJAB, as well as feedback, and help in providing the information.

Gary Fitzsimons (District Clerk) asked where the information is going to come from, and what will Dr. Morris need from his office. Gary also pointed out that the information requested as he understood, was in a format that the county does not produce. Dr. Morris stated that he has already started coordinating with Jill Reese and has made some changes to the data requirements to make it work. Dr. Noyes asked if there was any direct cost to the county for this research. Dr. Morris stated there is not. Ron added that if CJAB decides to endorse this research, it would add a level of government/nongovernment partnership which could create a nice blend of ideas.

Dr. Noyes reported that County Judge Clay Jenkins has requested CJAB create a subcommittee to begin developing a bond practice, and asked Ron Stretcher to give more background on the charge to this committee. Ron stated that the request grew out of a news report indicating that Dallas County was not collecting funds for bond forfeitures. Ron reported that it was not quite as bad as reported in the news, but that it did bring to light the need to look at processes, and develop a better procedural and tracking mechanism to monitor the bonds granted. Ron stated that there was a meeting earlier today to look at who all is involved in the process, what practices are already in place, and how can it be improved to accurately track and report this. He stated this is why Dr. Morris and UTD's request to start researching the pretrial/bond process is so timely.

Dr. Garcia requested a motion to create a subcommittee in which she will chair to work on Dallas County's bail bond processes and procedures. The motion should also include approval of a letter of endorsement for UTD Research Team to begin their research. Ron Stretcher made the motion, Judge Seider seconded and the motion passed.

Meeting Minutes:

A motion was made to approve the minutes from the March 21, 2011 General CJAB meeting and May 16, 2011 Executive Committee meeting. The motion was seconded and approved.

Subcommittee Reports:

Public Policy, Delia Jasso

In Councilwoman Jasso's absence Lt. Gary Tittle presented the legislation update. Lt. Tittle reported on May 30, 2011, the 82nd Legislature for the State of Texas concluded their 140 day regularly scheduled session. A total of 5,796 bills were filed this session compared to last session's 7,424 bills, reflecting a 22% decrease in bills filed. Last session we tracked 754 bills with law enforcement related concerns compared to 820 tracked bills this session. Last session, 151 of the bills tracked passed into law, compared to 204 tracked bills passing into law this session. This difference reveals an increase of 26% in the number of bills passed that relate to law enforcement during the 82nd Legislature. CJAB had five (5) items which were priority:

- **ATM Thefts – Passed**

SB887 by Carona/Riddle

The bill makes the theft of an ATM machine or its contents or components a Felony of the Second Degree. ATMs are the primary targets in several Penal Code violations such as burglary, robbery, theft, and criminal mischief. The variety of offense options based on the elements involved in the taking of an ATM often lead to the crimes being prosecuted in an inconsistent manner. SB887 will remedy the problem and provide consistent means of prosecution.

- **Metal Thefts – Passed**

SB694 by West/Smith, Wayne

The bill works in concert with Dallas city ordinance and includes changes such as:

- 1) Requires a digital photo or video of the seller's face and regulated material.
- 2) Allows a municipality to require a seller's thumbprint.
- 3) Requires proof of rightful possession to sell any coil or condenser parts from a central heat and air condition system.
- 4) Prohibits the sale/purchase of burned wiring.
- 5) Requires electronic reporting of transactions to DPS for state database.
- 6) Classifies catalytic converters as regulated metal.
- 7) Creates a criminal offense of Class B Misdemeanor to operate w/out state registration.

SB694 creates an even playing field for recycling yards while protecting cities which have a current ordinance in place to restrict cash transactions.

- **Sobriety Checkpoints – Did not pass**

HB439 by Smith, Todd/Davis, Wendy

This bill would have enabled large municipal police departments to conduct sobriety checkpoints. HB439 contained many safeguards to prevent abuse or profiling. Texas is one of only 11 states in the country that does not allow sobriety checkpoints.

- **Burglary of Motor Vehicles – Did not pass**

HB305 by Harless

HB20 by Riddle

HB221 by Fletcher

SB305 by Huffman SB203 by Huffman

All of the bills would have increased the penalty for Burglary of a Motor Vehicle to State Jail Felony on either the first or second offense with a variety of other stipulations related to deferred adjudication for first time offenders. Current law requires two prior convictions before the third offense can be punished as a State Jail Felony. Some of the bills would have caused the second conviction to be a State Jail Felony and other bills would have caused the first conviction to do so. In Dallas, our BMV offenses make up approximately 25% of our Part One crimes. This percentage is consistent with other large cities across the state.

Lt. Tittle added a couple of updates on budgetary issue:

- **Law Enforcement Officer Standards & Education (LEOSE) Funds –**

The State normally appropriates \$12 million each biennium to be distributed to every law enforcement agency based on the number of officers. Last year, the Dallas Police Department received \$233,000. This money is used for training seminars, conferences, and specialized schools along with related cost of travel and lodging. The LEOSE funds were not appropriated in the budget.

- **Auto Burglary & Theft Prevention Authority –**

Dallas PD has routinely received this annual grant to assist funding of our auto theft task force. Last year we received over \$607,000 which is the lowest amount in several years. The funding source is a \$1.00 fee to auto insurance premiums. The fee is sent to the State, but placed into the general fund. This session the State will use the \$1.00 fee for other purposes. HB1541, which was sent to the Governor, includes an amendment to collect an additional \$1.00 for a total of \$2.00, and for 50% (\$1.00) of the collected fees be appropriated only for the cause of the grant.

Ron Stretcher presented the update on the following item:

- **Blue Warrants – Passed**

HB 2735 by Madden

This bill will allow a parolee who has been incarcerated for a parole violation to post bond after being issued a “blue warrant” and await their revocation hearing trial at home instead of in the county jail. This will free up both jail space and revenue for the county to the point that it could even create a positive fiscal impact. This could also help in avoiding additional difficulty with family or

employment situations as the parolee can continue working while awaiting that hearing.

Commissioner Garcia thanked Councilwomen Jasso, Lt. Tittle, and all of the municipalities who were instrumental in carrying CJAB's legislative agenda. She encouraged the board to begin looking at the issue and concerns that may need to be addressed in the next session in 2013.

Gary Fitzsimons added that there have been three changes to the expungement law in the state of Texas. The most important being the one that removes the prohibition granting expungements to persons within five years of the crime. He expects a huge influx of filings, and is concerned about a lack of staffing to process these filing.

Law Enforcement, Chief Mitch Bates, Garland PD

Chief Bates reported on the cost sharing MOU for transportation of inmates. He stated that 18 of the 22 agencies have agreed to the MOU. The cost has also been agreed on. The only remaining issue is most of the agencies have to wait on their city councils to pass and approve the funding that will be allocated towards this effort.

Justice of Peace, Judge Steve Seider

Judge Seider stated that the last piece of video equipment should be installed once a conference room is assigned. Judge Seider reported that there are a number of bills that will affect JP courts. Judge stated that the JP Judges have been working with the District Attorney's office on their Bail Bond forfeiture protocol. A bill of concern is SB469 that is related North Texas Tollway Authority collections, which places 100% responsibility on the court to collect the toll fine prior to assessing any court cost or court fines. Judge Seider's concern is whether or not it is constitutional. Judge also addressed Office of Court Administration (OCA) reporting requirements changed as of September 1st which he believes will be helpful for the JP courts to be in compliance.

Pre-Trial/Diversion, Ron Stretcher

Ron reported that the stats are in the packet. Dr. Noyes asked about jail population, and Ron stated that the population has remained around 6500. Ron also reported that the State Jail Felony Unit project is starting to show positive results after only six weeks.

Announcements

Jill Reese wanted to acknowledge the changes in the DA's office and congratulated Heath Harris and David Alex who were both in attendance.

Adjournment

A motion was made to adjourned the meeting; it was seconded and passed at 2:51 PM.