



**Dallas County Criminal Justice Advisory Board  
General Membership Minutes for Monday, June 15, 2020  
Via Microsoft TEAMS**

**Welcome & Introductions**, Commissioner Dr. Garcia, called the meeting to order at 2:30 PM. All in attendance recorded via Microsoft TEAMS.

**Membership & Infrastructure:**

There were no changes to membership or infrastructure at this time.

**Meeting Minutes:**

The minutes from the CJAB General Membership meeting held on December 16, 2019, were made a part of the packet. There was a motion made to accept the minutes as printed.

**Presentations:**

**Pretrial Bond Hearings and Processes– Kim Nesbitt**

Commissioner Garcia introduced the speaker Kim Nesbitt and read short bio.

Kim Nesbitt began by giving a brief history of when Pretrial Bond Hearing Division was created in Dallas County and reasons why this division was created. Ms. Nesbitt reported this began through a lawsuit in which plaintiffs alleged that the county's system in setting bail for indigent arrestees was based solely upon their ability to pay, which was a violation of the Due Process and the Equal Protection Clause. As a result, § 1983 action against Dallas County's misdemeanor and felony Judges, and other County Departments and Officials. A federal judge issued an injunction for Dallas County, setting out guidelines for the initial hearing (CCP 15.17) as well as the subsequent bail review hearing. This is the initial hearing that happens at the jail once the person is booked-in.

Since the lawsuit Dallas County is proactively working to implement the Fifth Circuit's recent guidance on bail hearings since O'Donnell (2018). New Procedures Setting Bail in the Lew Sterrett Jail at the Individualized Hearing (CCP 15.17) are as follows: (1) Financial Affidavit, (2) Risk Assessment, (3) Probable Cause Affidavit, and (4) Criminal History Summary. The Dallas County District Attorney's Office created the Pretrial Bond Division which consists of four

prosecutors: Kim Nesbitt – Chief, Kristen O’Brien, Kimalon Campbell, and Jamie Cole. Some of the responsibilities of the Pretrial Bond Division consist of meeting with newly arrested defendants who are only Pre-Information, Pre-Indictment, or no File-date on Forvus. In addition, they periodically audit the jail list to identify individuals potentially eligible for release. They also assist in felony (17) and misdemeanor (13) court hearings, conduct mental health bond hearings (CCP 17.032), and post pandemic hearings are now conducted remotely with all parties. Refer to page 14 of the CJAB packet for flow chart of Arrest to Bond Review Hearing flowchart. Once a person is arrested, they start going through a post arrest book-in process. They first go through a shakedown, then they see a nurse and finally get booked-in by Sheriff’s Office. During the book-in process, DPD prepares warrants on-site, while other municipalities need to have the warrant on hand. Afterwards the Magistrate reviews & signs PC affidavit/warrant, then the arrestee is sent to Pre-Trial Services.

Kim Nesbitt stated that while at Pretrial Services, the arrestee will receive a risk assessment (PSA), a financial affidavit and then the arrestee is assigned to the magistration group. At this point during the process, the arrestee will receive an individualized hearing with a magistrate. The magistrate will consider probable cause affidavit / risk assessment / financial affidavit, then set a bond and provide arrestee with bond conditions. If the arrestee is released on bond, it will post in the system and it will be one of the following personal, surety or cash bond. If a misdemeanor arrestee is still in the Lew Sterrett Jail after approximately two business days (post CCP 15.17 hearing), a bail review hearing is conducted.

During the bond review hearing DA provides the defense counsel with a probable cause affidavit, risk assessment, financial affidavit, and informs the defense attorney of the arrestee’s criminal history. The arrestee can choose to waive the bond review hearing. The DA and defense counsel can agree (with Judicial Approval) to: a personal bond, or a lower bond amount, and/or, a change in bond conditions. If the parties cannot come to an agreement, the judge conducts an adversarial bail review hearing. During this hearing, the judge will review the Probable Cause Affidavit, the Risk Assessment (PSA), the Criminal History Information, and the Financial Affidavit. The judge may also hear testimony regarding the arrestee’s financial condition, ability and likelihood to return to court, and whether their release poses a danger to a victim and/or the community. Kim Nesbitt reported that the DA’s Office has revised and updated bond condition orders. At minimum, standard conditions requested in any criminal case include: to not commit any new offense; report to court for each and every court date as directed; and random drug testing by pretrial services.

Kim Nesbitt stated, prior to the pandemic, the jail population began to increase. This was due to a policy change involving the felony “dry writ” process. Prior to Fall 2019, defendants charged with felony offenses who were in Lew Sterrett for more than 5, 10, or 30 days (depending on the type of offense) were automatically released when cases were not accepted by the District Attorney’s Office. This policy is no longer in effect. This caused a dramatic increase in the

jail population at Lew Sterrett. However, the Misdemeanor “Dry Writ” Policy is still in effect. A person will be released from jail without having to post any type of bond, if their misdemeanor case is not filed with the County Clerk’s Office in 4 business days. The DA’s Office has taken some steps in response to discontinuation of felony “Dry Writ” Process. For state jail and third degree drug possession cases awaiting lab results, the Pretrial Bond Division identifies defendants who are in jail for more than 5 days on drug possession charges (state jail and third degree) and presents to a judge a motion to dismiss the complaint pending a laboratory analysis report. Once this motion is granted, the person is released from jail. Upon receipt of a completed laboratory analysis report and a submitted case from the LEA, the case may once again proceed towards prosecution.

During questions and answers, Commissioner Daniel asked if remote mental health hearings have been working well. Kim Nesbitt stated that they have, for these hearings the arrestee is not brought to the court room and they get the report from Pretrial Services and ADAPT, this information is then sent over to the Public Defender’s Office.

**Dallas Police Department Use of Force Policy Update:**

Mayor Pro Tem Adam Medrano gave the update, he reported that effective August 4, 2004, the lateral vascular neck restraint (LVNR), or any other force that is intended to restrict a person’s airway or blood flow to the brain, is no longer a part of the department’s use of force continuum and is not authorized. An exception to the use of the LVNR or any other means of defense is a deadly force situation. Implemented on June 4, 2020, is the Duty to Intervene policy. Members of the Dallas Police Department (both sworn and non-sworn) have an obligation to protect the public and other employees. It shall be the duty of every employee present at any scene where physical force is being applied to either stop, or attempt to stop, another employee when force is being inappropriately applied or is no longer required. Changed Roll Call Training Bulletin banning chokeholds, which has been in place since 2004, to a General Order issued on June 3, 2020. These are the significant changes that Chief Hall has put into place.

**Committee Project Updates:**

**Fair Defense Committee:**

Lynn Richardson gave the update. She reported that today the County went live on the indigent defense portal, which relates to the appointment and assignment of attorneys, and how indigent defense operates in Dallas County. They are currently working through some issues, but today was the first day they are able to use the portal. The portal will require attorneys to register in order to be able to get client assignments. Commissioner Daniel added that she would like to commend every Department involved in order to get this project completed.

**Jail Population Update:**

LaShonda Jefferson reported on the Jail Population meeting held on June 12, 2020. Excerpts from that meeting can be found on pages 26 through 31 of the packet. Mrs. Jefferson stated that the jail population for this date is 5,071. The May average jail population is 4,869 and the yearly average is 5,353.

**Justice of the Peace:**

Judge Steve Seider gave the update. He reported today is the first day everyone is back in office for all the Justice of the Peace. Currently right now the focus is on evictions hearings, and trying to come up with a strategy to approach them due to job loss because of COVID-19. Currently at this time they are conducting business remotely thanks to the help from IT. Judge Seider reported another change coming is the civil jurisdiction in the JP courts. It is going from \$10,000 to \$20,000 on September 1, 2020 and most likely cases will double. It was further stated that the JP courts could conduct emergency mental health warrant hearings. These hearings are done in person. Lastly, the JP court management system still has no movement, however due to the current circumstances it is expected.

**Law Enforcement/Jurisprudence:**

Chief Jim Spivey was not present, and Ellyce Lindberg gave the update. There was no meeting scheduled this past quarter. Currently working on different projects as we work through the pandemic. As things are starting to settle down, we will be looking at scheduling a meeting sometime soon.

**Pretrial:**

Jeff Segura gave the update. Pretrial Services would first like to thank CJAB Committee for their continued support over the past few years as we have grown and expanded our duties. We have added three supervisors to aid in Electronic Monitoring, Smart Justice/General Pretrial, and Intake. As with many other departments when Covid hit we have been allowed to have some officers telecommute and rotate office days as we maintain our essential services. Our Jail Intake Unit has been operating 24/7 uninterrupted despite the fact that we have had up to four of our fifteen out for various Covid related issues. Smart Justice Unit, which helps release defendants with mental health challenges, has hit a bump in the road. Currently we are working with our partners to clear some technical challenges and continue with working with towards our mission.

**Reentry:**

Christina Crain gave the update. Unlocking DOORS is now seeing clients virtually as many of their partners are as well. One of the things they are seeing, is many of the nonprofit entities are shutting down and closing their doors. They are currently seeing an increase in clients, and this is partly because many of the resources/services are not open. Things are going great at the moment. We will be hosting the annual Symposium sometime in September or October. This year it will be free of charge for the public and it will be virtual.

**Research:**

Dr. Jennifer Gonzalez was not able to attend, therefore Miguel Canales gave the update. Currently working with AIM and CSCD on developing a MOU to conduct a cost-benefit analysis and examine effectiveness of the AIM Court on recidivism. We are hoping to get started in July, although I'll defer to Julie on the timeline.

**Program Update:****Local Data Advisory Board:**

Miguel Canales gave the update. A committee was formed in order to work towards reaching disposition reporting compliance goal of 90%. As of Monday June 8, 2020 Dallas County has achieved that goal. This was due to a great effort between Dallas County Departments and County administration.

**Public Comments:**

None

**Announcements:**

The next CJAB meeting will be held on September 14, 2020, at 2:30pm.

**Adjournment:**

A motion was made to adjourn the meeting; it was seconded and approved at 3:30PM.