



**Dallas County Criminal Justice Advisory Board  
General Membership Minutes for Monday, December 19, 2022**

**Welcome & Introductions**, Commissioner Dr. Garcia, called the meeting to order at 2:30 PM. All in attendance made customary introductions.

**Membership & Infrastructure:**

Assistant Chief Jesse Reyes was introduced as a member of CJAB and representative for the Dallas Police Department. Marta Kang, Dallas County's Community Supervision and Corrections (Adult Probation) deputy director was also recognized as a member of CJAB.

**Meeting Minutes:**

The minutes from the CJAB General Membership meeting held on September 19, 2022, were made a part of the packet. A motion was made to approve minutes by Jeff Segura; the motion was seconded by Chief Jesse Reyes and approved.

**Presentations: Dallas County Mental Health Division–** Kendall McKimmey and Raymond Pierson

Commissioner Dr. Garcia introduced the speakers, Raymond Pierson and Kendall McKimmey.

Mr. Raymond Pierson shared the vision for the Dallas County Mental Health Division, which aims to put an end to recidivism and engage individuals in services. Since Mr. Pierson joined in January 2013, the division has grown from two attorneys to six attorneys and one administrative assistant.

Mr. Raymond Pierson handles the intake for all felony cases, the insanity docket, and administrative duties. Mrs. Kendall McKimmey handles administrative duties and the felony competency docket, specifically for individuals who are found incompetent that can be either inpatient or outpatient, those in the hospital being asked to readmit or those that can no longer be restored to competency. Three of their attorneys handle the district courts and the Pre-Trial Intervention agreements. Another attorney manages the misdemeanor intake and docket, and the sixth attorney also oversees the felony courts and felony competency docket. The administrative assistant handles the front counter and provides assistance to

defendants with inquiries, as well as entering case information into the Tyler case management system.

Mr. Pierson shared that Judge Creuzot collaborated with North Texas Behavioral Health Authority and Metrocare to establish the Mental Health Division care coordinators. These care coordinators have been instrumental in assisting with the development of defendant's PTI's and obtaining vital diagnosis information. Their addition to the division has proven to be a valuable asset.

Mr. Pierson explained that the Mental Health division receives cases through a collaborative effort. Defense attorneys are the primary source of referrals. The referrals include information on the case, the number of times it has been set, and why the client is a good candidate. The division receives referrals from prosecutors and requests from judges. The DA Intake division also help identify cases that are suitable for the Mental Health division. More recently, police departments with care teams or crisis intervention teams will send referrals to Mr. Pierson. The trained specialist will provide information on the client and the case being filed.

Mr. Pierson stated there are three distinct types of mental health cases: competency cases, insanity cases, and cases that do not involve competency or insanity but the person has a mental health issue or a substance abuse issue. Mr. Pierson also explained the difference between competency and insanity cases. Competency is a fluid concept that can change multiple times during a case. Competency restoration is not treatment but rather the restoration of competency to proceed with a trial. In contrast, insanity is determined solely based on the defendant's mental state at the time of the offense. Mental health and illness are related to the impairment of thought processes, which can range from mild to severe.

Mr. Pierson's presentation outlined the intake process. It begins with a referral, after which all cases are initially accepted. Next, the division considers a range of factors to determine if the person can successfully complete the program while keeping the community safe. These factors include the individual's criminal history, prior treatment experiences, and success on probation. The person's diagnosis or diagnoses are also taken into account to determine if they are a good fit for the program. However, individuals with anti-social personality disorder are excluded from the program. The Mental Health division reviews mental health records, treatment assessments, probation assessments, and any other relevant documents. In cases involving violent offenses, the defense attorney may request a psychological evaluation. All of these factors are considered in determining whether a person should be accepted into the Mental Health division's program.

If the Mental Health division declines to take on a case, all records related to that case are destroyed to maintain confidentiality and protect the privacy of the individual involved. No files are kept, and the case stops at the Mental Health

division to ensure that defense attorneys and providers feel comfortable sharing information. On the other hand, if the case is accepted, it is entered into the Tyler case management system, which is exclusively available for Restorative Justice.

Commissioner Garcia's inquired about the number of cases that the division takes, Mr. Pierson reported that the division has an acceptance of approximately 60%. The cases that are accepted into the diversion programs fall under two categories: Misdemeanors-MHJD and Felony-SET. These cases are handled by specialized public defenders, prosecutors, and treatment teams that work with individuals in the programs. Misdemeanor cases typically last six months, and if the individual successfully completes the program, their case is dismissed. Felony cases usually run for twelve months, and if the person completes the program successfully, their case is also dismissed, and they receive partial expungement. The division's primary focus is on Pre-Trial Intervention agreements, which are tailored to each individual's specific needs. The average time for a PTI agreement is twelve months, and the division can make adjustments to the agreement as needed to help the person achieve their goals.

Mrs. Kendall McKimmey provided further details about competency, specifically the difference between Inpatient Competency Restoration (ICR) and Outpatient Competency Restoration (OCR). When the defense attorney believes that their client is incompetent to stand trial, they can refer them to a doctor who will conduct an assessment. If the individual is found to be incompetent, the doctor will recommend either inpatient treatment at a state hospital or an outpatient program through the court. If the court approves the outpatient program, a treatment plan must be established for the individual. In cases where the individual is recommended for inpatient treatment, they will be placed on a hospital waitlist. Dallas County is the pilot program for Jail-Based Competency Restoration (JBCR), which offers 18 spots for females and 24 spots for males. Anyone on the hospital waitlist can be referred to JBCR, and they will remain on the hospital waitlist in the meantime. All competency hearings in Dallas County are handled by the Mental Health Division.

Ms. McKimmey provided an overview of insanity cases during the meeting. In Dallas County, insanity cases are brought to the Mental Health Division. The defense attorney and the prosecutor will then approach the judge together and agree on a quick trial by court instead of going through the usual trial process. The individual will start in a hospital, and a recommendation will be made for either inpatient or outpatient treatment. The Mental Health Division monitors these cases for as long as the individual would have served in prison if they were found guilty without paragraphs. Each case has a different timeline, which the courts can monitor.

Mr. Pierson shared the results of a recidivism study conducted on these programs, which showed that they are effective. The preliminary report indicates a 20% recidivism rate for the first year and a 15% recidivism rate for the second year. In contrast, traditional criminal justice methods have a recidivism rate of 50-

70%. Mr. Pierson presented the latest statistics on the Mental Health caseload during the meeting. He highlighted that the felony intake has surged by 86%, while misdemeanor cases have increased by 33%. Additionally, there has been a 50% rise in competency hearings from 2017-2021. Based on these trends, Mr. Pierson anticipates that the numbers will continue to grow in the future.

Commissioner Garcia inquired about whether the budget request included in the presentation is the one that were previously asked and approved for 16.22. Mr. Pierson clarified that this budget request was separate from 16.22. Judge Autry mentioned that the Magistrate Judge could declare a defendant incompetent, but the district judge would have to restore their competency. Unfortunately, Vernon State Hospital is the only maximum security hospital available, which has resulted in a long waitlist. Commissioner Garcia urged anyone with ideas to share them and make efforts to address the competency issue in our jail.

### **Committee Project Updates:**

#### **Criminal Justice Administration & Jail Population Management Update:**

Deborah Hill gave the update in LaShonda Jefferson's absence. The Jail Population committee meeting for December 2022 was cancelled, however, the Jail Population packet was distributed. Excerpts from that packet can be found on pages 24 through 31 of the CJAB packet. The jail population for today is 6,162, which is 85.5% of our total jail capacity. The average jail population for November 2022 was 6,092 and our yearly average for 2022, so far, is 5,917. The Criminal Justice Department continues to collaborate with stakeholders to manage our jail population.

#### **Fair Defense Committee:**

Paul Blocker attended in Lynn Richardson's absence. No updates to report.

#### **Justice of the Peace:**

Judge Steve Seider was unable to attend, however, he provided a report to the committee. In his report, Judge Seider expressed his frustration and exhaustion with the court management system transition, which has been ongoing. While there has been some progress recently, some critical issues were not addressed before going live. Judge Seider worries that these unresolved issues will cause delays and place the courts outside of the compliance timelines mandated by county policies and acceptable timeframes. Ms. Melissa Kraft reported that Tyler will be providing additional on-site training to the courts based on their specific needs, and IT will also be offering on-site support. Judge Seider sends well wishes for the holidays and New Year.

#### **Law Enforcement/Jurisprudence:**

Ellyce Lindberg gave the update. Ms. Lindberg reported there was not a formal meeting held by the subcommittee in the last quarter. However, they continue to work within Dallas County to help address issues such as jail population and budgetary issues. Ms. Lindberg opened the floor for any questions.

**Pretrial:**

Jeff Segura gave the update. Pretrial Services has a contract renewal for their case management system that will be going before Commissioner's Court. Also, an update to the court order for the low-cost county bond will be going before Commissioner's Court. Pretrial Services numbers were as follows: Alcohol monitoring at 1607, Electronic Monitoring at 720, Mental Health at 293 and General Pretrial at 141, totaling 2,761 for the department. All positions have been identified and filled, they are in the training and assigning cases phase. Commissioner Garcia about the need for additional staff following the update to the court order for the low-cost county bond. Jeff Segura reports he does not anticipate needing additional staff for General Pretrial. Commissioner Garcia asked about the projected number of individuals who will be released on this bond, and Mr. Segura replied that he does not have a precise estimate at the moment but will provide the committee with this information at a future meeting.

**Reentry:**

Dr. Christina Crain was unable to attend today's meeting, however, she provided an update for the committee. She is meeting with several key groups in January to coordinate a "housing" workgroup to assist with housing options for those returning to the community - housing has become the number one issue for returning citizens since little resources are now available. Dr. Crain continues to work with Lynn Richardson and the Public Defender's Office on getting clients the services they need. She is also coordinating a meeting in early 2023 with the Dallas Criminal Judges to coordinate services for individuals on both regular and specialty court caseloads. Dr. Crain continues to work with the Dallas County DA's Office and the Garland Police Department in the FAIRE Program - a focused deterrent initiative for violent offenders. Finally, she has a meeting with DPD Chief Eddie Garcia at the end of December to discuss coordinating efforts on the City's efforts including the VIPER Program.

**Program Update:**

Link2Care: Dr. Jennifer Gonzalez was not able to attend, for that reason no update was provided.

**Public Comments:**

None.

**Announcements:**

The next CJAB meeting will be held on March 27, 2023, at 2:30pm.

**Adjournment:**

A motion was made to adjourn the meeting; it was seconded and approved at 3:50PM.